

Perth and Kinross Council
Development Management Committee – 18 March 2015
Report of Handling by Development Quality Manager

Upgrading of roads infrastructure including the formation of new roads, roundabouts, grade separated junctions, bridges, car parking, landscaping and associated works.

Ref. No: 15/00036/FLL
 Ward No: 9 Almond & Earn

Summary

This report recommends approval of the application for the proposed upgrading of strategic roads infrastructure, which is designed to unlock development land on the Western Edge of Perth, relieve current and forecasted congestion issues and resolve associated conflicts between local and strategic road users. The development is considered to comply with the Development Plan, alongside the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy.

The proposed development consists of new roadways totalling less than 8km in length (5.8km). Therefore, under the terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006 Hierarchy of Developments Regulations, the proposal constitutes a Local Development.

New road schemes require an EIA under the provisions of the Roads (Scotland) Act 1984 1 (specifically Section 20A and 55A) as amended by Part III of the Environmental Impact Assessment (Scotland) Regulations 1999, subsequently superseded by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.

BACKGROUND AND DESCRIPTION

- 1 The site relates to an area of land totalling 63.9 Ha, including the existing A9/A85 Crieff Road junction and incorporating land to the North and West of McDiarmid Park football stadium, the edge of the grounds of Perth Crematorium and additionally land to the north and east of Huntingtower House, across the river Almond and into Berthapark Farm. The site lies to the west of the City of Perth at the junction of the A9 and A85 (NO 085248), which forms part of the Scottish Trunk Road Network.
- 2 Perth & Kinross Council is proposing to undertake improvements to the A9/A85 Crieff Road Junction and construct a new link road to Berthapark in order to support the Local Development Plan (LDP) and improve the management of traffic flows on the local and trunk road networks. This forms Phase 1 of the Perth Transport Futures Project. This report also accounts for the environmental impact assessment (EIA) process, which aims to assess the environmental effects of the Scheme, and identifies mitigation and the possibility for enhancements.

- 3 Junction improvements to the A9/A85 at this location were the subject of a previous planning application and EIA, which received planning consent on 31 May 2012. However, as the design in this location has now been revised and incorporates areas outside the original planning boundary, the current Scheme incorporates both new elements as well as those which currently benefit from planning consent. The previous scheme did not include the link road from the A9 to Berthapark and the bridge over the River Almond.
- 4 A scoping response was issued by Perth & Kinross Council in 2014. The project submitted an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- 5 The site is irregular in shape and form, with a loose red line buffer drawn round the affected elements. To the west of the affected section of the A9, the existing land use is predominantly agricultural with scattered groupings of residential properties. To the east the area can be mainly described as urban fringe, with key landmarks being McDiarmid Park Football Stadium, commercial and residential properties, an area of woodland adjacent to the Crematorium and Perth Crematorium Gardens of Remembrance.
- 6 The site boundaries are characterised by a number of areas, common to the edge of a large settlement, including retail, leisure, residential, and agricultural. The A9 sits several metres below the surrounding landscape at this point, with the landscape generally flat, with a slight undulation, close to the wider Tay and Almond valley floor.
- 7 Parts of the site area are directly identified within the Cross Tay Link Road band of search (see Perth Settlement Map, LDP). Perth & Kinross is subject to significant development pressures, particularly in relation to the supply of residential and employment land around Perth. This demand, coupled with topography constraints and limited investment in the road network, has led to significant congestion problems at various locations during peak travel times.
- 8 The development plan has identified that the future development of Perth & Kinross requires major road infrastructure investment as well as new and improved walking, cycling and public transport routes. A future transport network vision has been developed by Perth & Kinross Council in 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010); its overarching vision is to *"provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment and improve social inclusion and accessibility."*
- 9 The Perth transport strategy was developed in tandem with the Perth Traffic and Transport Appraisal (produced in accordance with Scottish Transport Appraisal Guidance - STAG) and the Strategic Environmental Assessment (October 2010 plus an addendum in 2011). It is significant that each of the alternative strategies outlined in the appraisal included improvements to the A9/A85 junction. The improvements are deemed necessary to address proposed traffic growth, the associated development and to mitigate against the potential deterioration of air quality.

- 10 A route options study (DMRB Stages 1 and 2) was completed in November 2011 for a series of improvements to the A9/A85 junction. This proposal included a new grade separated junction and bridge over the A9 with associated link roads, a new footbridge over the A9 and the diversion of the Perth Lade to avoid the new slip roads. This was followed by a planning application (Ref: 11/01579/FLL), including an Environmental Statement, for proposed improvements to the A9/A85 junction.
- 11 The current consent (11/01579/FLL) makes provision for:
- A new grade separated junction (dumbbell arrangement) between the A9 and A85 located to the north of the existing interchange;
 - A new distributor road providing connections between the A85 Crieff Road and the A9;
 - A new distributor road between the A9 and A85 Crieff Road and routes into Perth City Centre to the east;
 - The incorporation of a new dedicated pedestrian and cycle crossing over the A9;
 - A diversion of the Perth Lade and new culverts under the A9 and associated earthworks; and
 - SUDS provision proportionate to hard surfacing proposal and associated flood mitigation measures.
- 12 A subsequent report to Perth & Kinross Council titled 'Perth Transport Futures Project' on 26 June 2013 (Ref: 13/336) and subsequently updated on 7 May 2014 (Ref: 14/192)) summarises the successive decisions relating to the development of the north-west of Perth and included a package of proposed transport measures: (1) Improvements to the A9/A85 Crieff Road junction; and (2) Cross Tay Link Road (CTLR) which connects the A9 to the A93 and A94 requiring the construction of a new bridge across the River Tay, north of Perth.
- 13 The proposed Scheme still includes the improvement of the A9/A85 junction, but is now extended to include a link road to the west, over the River Almond, to serve Berthapark, where housing and a secondary school campus are proposed. Berthapark will also connect to the later phases of the Perth Transport Futures Project. Therefore, in the interests of completeness and clarity, in addition to the link to the west, the proposals which form this application also includes several elements which currently benefit from planning consent (May 2012 Development Management Committee decision, which was issued in 2012 11/01579/FLL), albeit with revisions.

Project Background Objectives

- 14 Perth & Kinross Council has undertaken an appraisal for the wider Perth area, which addressed traffic and transport issues. The Perth Western Edge Study appraisal followed the STAG and was informed by consultation with key stakeholders; the following main study objective was set:

“To provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment, and improve social inclusion and accessibility”.

- 15 The STAG report went on to set a series of objectives. Whilst these objectives were deemed appropriate for the STAG study, the Development Impact Appraisal that was completed for the Perth Western Edge Developments defined further sub-objectives specific to the proposed Scheme. These sub-objectives included:
- Maintaining or improving the efficiency of the strategic road network within the Perth Western Edge study area by 2018;
 - Maintaining or improving the efficiency of the local road network within the Perth Western Edge study area for all modes by 2018;
 - Enabling more efficient management of incidents and events within the Perth Western Edge study area (including McDiarmid Park and Perth Crematorium);
 - Working towards meeting national air quality standards and prevent further breach / exceedance in the Perth Western Edge study area;
 - Reducing transport emissions which contribute to climate change, in line with national guidance in the Perth Western Edge study area;
 - Maintaining / reducing the accident rate at the existing (2002 – 2007) level and reduce / maintain the severity rate (rate of fatal / serious injury) to slight over the Perth Western Edge study area by 2018;
 - Providing for short trips by more sustainable modes in the Perth Western Edge study area by 2018; and
 - Improving the accessibility of the Perth Western Edge study area when compared to the existing situation, to be measured in terms of public transport.
- 16 The associated proposals lie within the Perth Western Edge study area and form the first phase of the work to implement these objectives. Other phases are not expected to be implemented before 2018, making this proposed scheme a priority.

Description of the Proposed Development

- 17 This new application comprises many of the same primary components as the previous consented Scheme (albeit in amended form), but for clarity the whole Scheme includes the following elements:
- A road from the existing A85 Crieff Road to the A9 (east of the A9);
 - A new A9/A85 grade separated junction including a bridge over the A9 and slip roads;
 - A new connector road from the existing A85 to the A9 (west of the A9);
 - A new cycle/pedestrian path along the whole length of the new road from the A85 to Berthapark;
 - A bridge for cyclists and pedestrians over the A9, connecting to Inveralmond Industrial Estate;
 - A diversion of Perth Lade and new culverts, including earthworks;
 - SUDS provision and flood mitigation measures;
 - A road bridge over the River Almond (with pedestrian/cycling provision);
 - A road from the A9 junction to Berthapark;
 - A roundabout at Ruthvenfield Road;
 - Flood management culverts; and
 - Additional SUDS provision.

- 18 The proposed Scheme will be constructed in a number of phases. These are not fully known at this stage of the process, but it is considered that the following phased approach will be taken:
- Phase 1 – New link road from A9 to Berthapark, the proposed River Almond bridge, slip roads (entry and exit) to northbound side of A9; Phase 2 – New road between the A85 Crieff Road and A9, slip road (exit) from the southbound A9; Phase 3 – New bridge over A9, new slip road to southbound (entry) A9; and
 - Phase 4 – Stopping up of existing slip roads to A9.

Principal Changes from Planning Consent 11/01579/FLL

- 19 The eastern junction with the existing A85 Crieff Road has been relocated slightly farther east to reduce private land take and enhance development opportunities. The extent of this change has been limited by the road safety requirements of the junction and short link to the junction with Tulloch Terrace.
- 20 With respect to Compulsory Purchase legislation, the Council cannot reasonably acquire more private land than is necessary for the Scheme and the proposal therefore now makes use of the existing Crematorium access road as it is already owned by the Council and means that less land needs to be taken from private owners. In light of this, and following discussions with the adjacent landowners, the road has been moved farther east utilising the existing Crematorium access road, and farther north, away from the north stand at McDiarmid Park. The loss of the access road removes the ability for those attending funerals to use this road as overspill parking when the car park is full. New overflow parking arrangements are proposed within the Crematorium grounds as part of this Scheme. Sections of the Crematorium access road will be re-configured to accommodate dedicated provision for cyclists and pedestrians and a new entrance to the Crematorium will be created.
- 21 A junction into an existing public house and residential properties along Crieff Road has been located opposite the entrance to Newton Farm. It is highlighted that a junction may also be proposed at this location by a private developer to serve future development of the site at Newton Farm. A new junction bellmouth is proposed at development site (H71) identified in the Local Development Plan (LDP).
- 22 The proposed roundabout at Ruthvenfield Road has been enlarged to allow for a future connection to be made to a development site (H73) identified within the LDP. This roundabout can be altered to accommodate access to the development site subject to an appropriate financial contribution.
- 23 The alignment into Berthapark has been arranged to suit a number of future scenarios including alternative alignments of the CTRLR identified in previous assessments. The current alignment ends at a roundabout from which the spine road through a future development in Berthapark can connect to. The roundabout location has been agreed with the developer and ties into their draft masterplan.

- 24 Transport Scotland has set out its requirements for structures over or under the A9 and discussions have taken place over the preliminary designs and future road classification. It has been accepted that the bridge over the A9 will have sufficient headroom to satisfy the requirement for a future high load route although this does increase the final height of the embankments that approach the crossing.

ENVIRONMENTAL IMPACT ASSESSMENT

- 25 Directive 2011/92/EU requires the ‘competent authority’ (in this case Perth and Kinross Council) when granting a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before ‘development consent’ can be given.
- 26 The procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 27 In accordance with regulation 6(2) of the EIA (Scotland) Regulations 2011 a scoping exercise has been undertaken by the Planning Authority, this determined that the proposed development is likely to have significant effects on the environment by virtue of factors such as size, nature and location (14/00569/SCOP). An Environmental Statement was therefore prepared to fully assess any environmental issues likely to arise as a result of the proposals and any mitigation measures which need to be considered in this regard.

Scoping

- 28 Key elements recommended to be addressed in the Environmental Statement through the scoping opinion were:
- Route alternatives in relation to proposed route, means of disposal of material to landfill and any associated engineering works in the water environment;
 - Hydrology, Hydrogeology and Ground Conditions;
 - Ecology & Nature Conservation, including River Tay Special Area of Conservation (SAC) (Lade and Almond);
 - Landscape: Landscape Character;
 - Landscape: Visual Impact;
 - Vegetation and Flora;
 - Archaeology and Cultural Heritage;
 - Socio-Economics;
 - Traffic and Transport;
 - Noise and Air Quality;
 - Traffic and Transport;
 - Impact on Human Health.

Proposed Land Use and Physical Elements

Use

- 29 The proposed land-use comprises road infrastructure including roads, bridges, culverts, drainage and landscaping. The link to Berthapark traverses an area that is predominantly in agricultural use but is allocated for future development (the Long Term Strategic Development Areas) in the current Perth & Kinross Council Local Development Plan.

New Roads

- 30 Links between the A85 and Berthapark will comprise 7.3m wide single carriageway roads surfaced with asphalt. The total length of new single carriageway road is 3km and the new slip roads total 1.9km. Amended roads and tie-ins, including roundabouts add a further 0.9km. A combined footway and cycleway is proposed on the westbound side of the link for its full length to connect existing development with new development opened up by the new road. Verges will contain street furniture and be landscaped. T-junctions, signalised junctions and roundabouts are located along the road and pedestrian/cyclist crossing facilities will be provided. The road will be lit up to the River Almond crossing section, although the slip roads will not be illuminated.

A9/A85 Junction

- 31 The proposed junction replaces the current arrangement with a new road bridge over the A9 and new slip roads. The existing slip roads to the east of the A9 will be closed as part of the works, with the exception of a section of the southbound slip road, which will be utilised to facilitate egress from McDiarmid Park under Police Scotland control. Further supporting details for the proposed works are provided on the drawings associated with the planning application.

River Almond Bridge

- 32 The proposed two span bridge crosses the main river flow with a 43m span and then the remainder of the channel with a 32m span to the northern bank (75m in total). The bridge is straight in plan with a shallow vertical curvature in elevation. The width of the deck is 14.3m overall with a single 7.3m carriageway, and the footpath verges are 2m and 4m respectively.
- 33 The bridge deck will be constructed of composite concrete steel construction having three sets of twin steel plate girders supporting and acting compositely with the in-situ deck. Sealed glass reinforced plastic permanent formwork will support the concrete between main girders deck during casting. The bridge parapets will be galvanised steel. On the south abutment an integral 3.3m wide underpass will be used to maintain the path for pedestrians, cyclists and equestrian use.
- 34 The bridge pier is of single leaf design with a conventional pile cap supported on piles. It is likely that the cofferdam used to build the pier will form part of the permanent works and be filled with rock armour to provide scour protection. The pier is located outwith the typical river flow.

Footbridge over the A9

- 35 The new footbridge across the A9 replaces an existing at-grade crossing between Tulloch housing area and Inveralmond Industrial Estate. The footbridge is a single span vierendeel truss bridge with a length of 51.4m with multi-span switch back access ramps inclined at 1 in 20.1, approximately 146m and 100m in length north and south sides respectively. In addition there are multi-flight stairs for direct access to the main span on both sides. The clear walkway width of the footbridge and its approaches is 3m in cross section. Both the main span and the side approach spans are supported on fabricated steel stem piers with piled reinforced concrete foundations.

Road Bridge over the A9

- 36 This bridge provides the link across the A9 to form the interchange. It is a single span integral bridge with a clear span of 49m supported on reinforced concrete piled abutments. The composite bridge deck is 21.6m wide having a 14.6m wide carriageway with footpaths of 2m and 4m wide respectively. An open aspect is maintained through the use of 2.5m high abutments and will have clearance for a future high load route under it.

Ruthvenfield Link Combined Underpass Culvert

- 37 It is proposed to carry the Perth Lade under the new road. The underpass structure will provide a 6m wide channel for the Lade with a raised 3m wide footpath/cycleway within the envelope of an 11.5m span semi-circular concrete arch: the arch springing being approximately 2m above the foundation level. Illumination will be provided for pedestrians using a detection system, which is intended to be more conducive to natural habitat conditions for wildlife.

A9 Perth Lade Culvert

- 38 The proposed culvert is intended to carry the Perth Lade under the A9 and the northern slip roads to the Ruthvenfield Interchange. The box culvert is 135m long, 6.5m wide by 3.85m high of in-situ reinforced concrete construction and of conventional design. A natural bed and mammal ledge will be incorporated.

Perth Crematorium Car Parking

- 39 An identified need for overflow parking to serve large funerals will be provided. Following appraisal of a number of options, the only practical solution is to provide this overflow car parking along the entrance to the Crematorium and within the western, tree lined avenue of the grounds. Approximately 80 standard sized parking bays will be provided on a reinforced permeable surface suitable for occasional use and designed to maintain a natural appearance.

Relocation of Car Parking Area for 192-206 Crieff Road

- 40 Some parking on the verge adjacent to Crieff Road requires to be removed due to the proposed road layout. A new dedicated access will be provided to the properties and additional spaces provided for those who will lose spaces directly outside their properties. This access will make use of the existing Crieff Road alignment and associated drainage.

Ancillary Works

- 41 Ancillary works for the proposed Scheme include drainage (SUDS), lighting, signage, fencing, earthworks and landscaping, including compensatory tree planting.

Design and Access

Layout

- 42 The new layout will provide new links between the western areas of Perth and the new developments proposed in the LDP. Existing links will be maintained by providing junctions onto the new link roads and paths. A combined footway and cycleway is to be created along the length of the Scheme connecting Berthapark to the A85 west of the A9 and to the A85 near Tulloch. Existing footpaths behind Perth Crematorium will be retained and their surfacing improved. Discussions with local access groups have identified preferred routes and connectivity requirements.
- 43 The diversion of Perth Lade will allow walkers to walk along more of its length than is currently possible and the inclusion of the footbridge across the A9 reduces the risk of pedestrian/vehicle conflict by removing the existing at-grade crossing. Ramps and steps up to the new link road will provide further access to Perth Lade and alternative route options to be taken by walkers.

Appearance

- 44 The link roads will be a single carriageway with a combined footway / cycleway on the north side and verge on the south. Asphalt surfacing is being proposed for the roads and footways. Landscaping will be provided to the embankments and around the SUDS ponds with compensatory tree planting. New street lighting will be provided to all links apart from the slip roads and the link from the River Almond northwards. It is anticipated that lighting will be installed on one side of the new roads with 10m high columns at around 35-40m spacing. Luminaires will be high pressure sodium lighting or light-emitting diode.

Landscaping

- 45 Effective Landscape planting is recognised as an integral element of the proposed Scheme design, outlined in the Landscape and Visual Amenity Sections (8 and 9) of the Environmental Statement.
- 46 Earthworks will be required to construct the large embankments proposed. Opportunities will be explored to obtain fill material from the Berthapark site; otherwise the general fill will be imported. One site at Berthapark has been identified

as a possible location, although it is understood this would have to be considered as part of a formal planning application. Ground improvement measures may be required to minimise long term settlement of the major embankments, particularly on the slip roads and link road in the vicinity of Ruthvenfield.

POLICY

National Policy and Guidance

National Planning Framework 3: A Plan for Scotland: Ambition, Opportunity, Place

- 47 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 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

- 48 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.

- 49 Of relevance to this application:

A successful Sustainable Place

- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 109 - 125 Enabling Delivery of New Homes
- Paragraphs 135 – 151 Valuing the Historic Environment

A Low Carbon Place

- Paragraphs 175 – 192 Planning for Zero Waste

A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 242 – 248 Promoting Responsible Extraction of Resources
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

A Connected Place

- Paragraphs 269 – 291 Promoting Sustainable Transport & Active Travel
- Paragraphs 292 – 300 Supporting Digital Connectivity

50 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 3/2010 Community Engagement
- PAN 33 Development of Contaminated Land
- PAN 40 Development Management
- PAN 60 Planning for Natural History
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN66 Best Practice in Handling Planning Applications affecting Trunk Roads
- PAN 75 Planning for Transport
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage

Circulars

- Circular 1/ 2005 Notification of Planning Application Development Affecting Trunk Roads and Special Roads

Scottish Historic Environment Policy (SHEP) (December 2011) Regional Transport Strategy

51 Published in 2008, the TACTRAN Regional Transport Strategy (RTS) sets out how transport can contribute to achieving the Scottish Government's Strategic Objectives and National Outcomes and assist local authorities in the TACTRAN area to achieve Single Outcome Agreements.

52 The overall vision for the RTS is to deliver a transport system, shaped by engagement with its citizens, which helps deliver prosperity and connects communities across the region and beyond, which is socially inclusive and environmentally sustainable and which promotes the health and well-being of all.

53 The six overarching objectives of the RTS include:

- **Economy** – to ensure transport helps deliver regional prosperity.
- **Accessibility, Equity and Social Inclusion** – to improve accessibility for all, particularly for those suffering from social exclusion.
- **Environment** – to ensure that the transport system contributes to safeguarding the environment and promote opportunities for improvement.
- **Health and well-being** – to promote the health and well-being of communities.
- **Safety and security** – to improve the real and perceived safety and security of the transport network.
- **Integration** – to improve integration, both within transport and between transport and other policy areas.

- 54 The RTS identifies a series of issues which the regional transport network must address, these include:
- **Econ 1** – Need to maintain and improve strategic transport links within the region, to the rest of Scotland and beyond. This issue is considered to be very important.
 - **Econ 2** – Connectivity problems between existing and new location of housing, employment and key services in certain parts of the region. This issue is considered to be very important.
 - **Safety 3** – Road accidents at intersections of local and trunk roads. This issue is considered to be quite important.
- 55 The RTS also identifies that the partners will seek to maintain and enhance the economic prosperity of the region by securing improvements to and improving road safety on the Regional Trunk Road network, in particular removing delays and bottlenecks, which hinder the efficient movement of people and goods and undermine the economic performance of the region.

DEVELOPMENT PLAN

- 56 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 57 The overall vision of the Tay Plan states *“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 and visit and where businesses choose to invest and create jobs.”*

- 58 The principal policies are, in summary:

Policy 1: Location Priorities

- 59 Focuses the majority of development in the region's principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2: Shaping Better Quality Places

- 60 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 61 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 4: Strategic Development Areas (SDAs)

- 62 Identifies West and North West Perth as having the potential to provide 4,000 new homes and 50 ha of new employment land. The policy states that local development plans should make specific site allocations to promote the SDAs. To ensure the delivery of TAYplan SDP, a 'Proposed Action Programme' has been published (March 2014).
- 63 This identifies a number of actions which will help to achieve the vision and strategic objectives of the plan. Two projects within the Proposed Action Programme are directly related to the current proposals:
- Project 10 - West/North West Perth - The Action Programme states that this project can deliver up to 4,000 new homes and 50 ha of employment land. Provision of the A9/A94 link road and associated transport infrastructure is identified as key to facilitate this development, specifically stating that the improvements to the A9/A85 junction form a critical step to this development.
 - Project 20 - A9/A94 Link Road - The Action Programme identifies that the A9/A94 link road and associated improvements will enhance accessibility and air quality around Perth, improve connectivity within TAYplan SDP and facilitate future developments for Perth. The Action Programme indicates that the A9/A85 improvements are a key factor, critical to achieving the A9/A94 project.

Perth and Kinross Local Development Plan 2014

- 64 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 65 Strategic Development Areas affected by this proposal include:

E38 – Ruthvenfield Road

- 66 The site lies within an area designated in the Proposals Map for 25 ha of employment land. The policy states "*Developer requirements are needed for the contribution to the A9/A85 junction improvements, which are required at the commencement of development*".

H7 – Berthapark

- 67 178 ha site, capable of providing land for a new community, including over 3,000 houses and in excess of 25 ha of employment land. "*Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided*".

H70 – Perth West

- 68 60 ha site identified for mixed use, including housing, community and employment land. It includes a maximum of 550 houses with employment space and/or primary school. Policy H70 advises that development of this site is not to commence before the A9/A85 junction improvements are complete.

H71 - Newton Farm

- 69 6 ha site for 100 new dwellings. Policy H71 advises that junction improvements are required at A9/A85 as part of the development.

H73 – Almond Valley Village

- 70 150 ha site identified for approximately 1,500 houses as well as community land. Policy H73 requires delivery of a suitable road access through the site from Site E38 into Site H7 across the River Almond (phasing details to be agreed).
- 71 The principal policies are, in summary:

Policy PM1A - Placemaking

- 72 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 73 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 74 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy ED1A – Employment

- 75 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy TA1B - Transport Standards and Accessibility Requirements

- 76 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy RC3 - Commercial Centres

- 77 Proposals for retail units will be promoted in commercial centres depending on restrictions placed on developments through planning permissions and legal agreements. Improvements, including increasing floorspace will be supported provided parking provision and landscaping is not compromised.

Policy CF1A – Open Space Retention and Provision

- 78 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

Policy CF2 - Public Access

- 79 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policies NE1A, NE1B and NE1C – Environment and Conservation

- 80 These policies seek to protect the environment, including important conservation sites and provide criteria that development is required to meet in order to be permitted by the Planning Authority.

Policy NE2A - Forestry, Woodland and Trees

- 81 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 82 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 83 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 84 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy NE6 - Perth Lade Green Corridor

- 85 The Perth Lade Green Corridor will be protected and enhanced. Development that is likely to have an adverse effect on its connectivity, biodiversity or amenity value will not be supported. Development which complies with the Lade Management Plan 2011-2031 will be encouraged.

Policy EP8 - Noise Pollution

- 86 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy HE1B - Scheduled Monuments and Non-Designated Areas

- 87 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy EP2 - New Development and Flooding

- 88 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP15 – Development within the River Tay Catchment Area

- 89 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavourd/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

Policy ER3 - Minerals and Other Extractive Activities – Safeguarding

- 90 Policies ER3A & B seek to protect mineral deposits and set out circumstances when the extract of minerals will be permitted.

Policy ER5 - Prime Agricultural Land

- 91 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 92 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP3B - Water, Environment and Drainage

- 93 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 94 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP10 - Management of Inert and Construction Waste

- 95 Applications for the recycling and processing of inert and construction waste which are environmentally acceptable will be supported where they comply with the criteria set out.

Policy EP11 - Air Quality Management Areas

- 96 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 97 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

OTHER POLICIES

Perth and Kinross Community Plan (2013)

Perth and Kinross Council Corporate Plan 2013 - 2018

Perth and Kinross Local Transport Strategy

- 98 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

SITE HISTORY

- 99 11/00538/PREAPP – original scoping exercise relating to the project (as part of application 11/01579/FLL).
- 100 11/01579/FLL – Upgrading of roads infrastructure including the formation of slip roads, roundabouts, bridges, SUDs ponds, landscaping and culvert diversion – 450 metres North of the A9 and A85 Junction, Perth – Approved May 2012 (relating to part of the site under consideration).
- 101 14/00569/SCOP – set out baseline environmental parameters for consideration to be included in the Environmental Statement.

CONSULTATIONS

EXTERNAL

- 102 **Transport Scotland** - No objection, subject to including a suspensive condition as part of any consent. An initial request for additional time to respond to the consultation was followed up with a meeting between Transport Scotland, the Council's Roads Infrastructure Team and Transport Planning Team to discuss requirements. At this meeting it was agreed that Perth and Kinross Council would arrange for additional modelling to be carried out, including scenarios up to 2024 and the associated EIA from the DMRB Stage 3 Assessment would be provided as soon as it was available.
- 103 **Redgorton, Luncarty, Moneydie Community Council** – Objection received, concerns expressed regarding associated appropriation of open space at Perth Crematorium. Citing possible breaches to Human Rights of those affected by the disturbance and permanent removal of land on which members of the community have scattered ashes of friends and family.
- 104 **East Strathearn Community Council** – Objection received, stating that any potential gain through traffic management from the A85 to the bypass would be outweighed by the disruption caused, especially in respect of adverse impact on the setting of the Crematorium.
- Questioned why link is not carrying on past Berthapark onto the A9.
 - Not considered to alleviate all pollution and traffic congestion problems in the City Centre until Cross Tay Link is completed.
 - Considered insensitive and ill-considered proposal with an unacceptable adverse impact on residential amenity and on the Crematorium site.
- 105 **Methven Community Council** – No comments received.
- 106 **Tulloch Community Council** – No comments received (understood that TCC has been disbanded).
- 107 **Hillyland/Tulloch Tenants Association** – Objection comments received, specific points identified in representation section.

- 108 **Forestry Commission** – No objection, welcoming the intention to minimise loss of trees, as well as the commitment to plant alternative areas with woodland exceeding area required to be deforested. SNH comments regarding the loss of ancient woodland supported. Compensatory conditions recommended for inclusion.
- 109 **Historic Scotland** - No objection. In terms of the new link road from the A9 to Berthapark and its associated bridge over the River Almond HS note the consideration and assessment given to the impact of these new elements on the historic environment, in particular views from Huntingtower Castle to the north. Content to agree that there will be an overall slight adverse impact on the setting of the castle and consider that the level of significance of this impact does not merit an objection. Consistent with the response to the previous planning application for junction improvements to the A9/A85, it was accepted that the adverse impact on the setting of Huntingtower Castle could be mitigated by the screening of the slip road through a planting scheme. HS remain of this view and welcome the commitment to this mitigation through the Environmental Management Plan.
- 110 **National Grid Plant Protection Team** – No comments received.
- 111 **RSPB** – Late comment received; confirming they are content with the survey methods used to assess the breeding bird interest of the site.
- 112 In relation to Ancient Woodland, RSPB Scotland supports the comments of SNH and FCS regarding ancient woodland, welcoming the applicant’s desire to minimise the loss of trees from within the development as well as the commitment to plant alternative areas with woodland exceeding the area that will be deforested (2:1). Welcome the maintenance of woodland connectivity this will benefit several species on site.
- 113 **SNH** – No objection, subject to the full compliance with associated mitigation measures proposed. Based on the information provided in the Habitat Regulations Appraisal (HRA), SNH agreed with the conclusion that the proposals will not have an adverse effect on the site integrity of the River Tay Special Area of Conservation (SAC), subject to the proposal being progressed with the appropriate mitigation, namely an Environmental Management Plan (EMP), as outlined in the HRA.
- 114 **SEPA** – No objection, subject to full compliance with mitigation measures proposed in the Environmental Statement and associated Appendix. In addition, no objection to the proposed development on flood risk grounds but advise that the planning authority might wish to consider attaching a condition to any planning consent to ensure that the various elements contributing to the overall flood mitigation are regularly inspected and maintained.

INTERNAL

- 115 **Environmental Health** – No objection, with appropriate consideration to air and noise receptors/impacts undertaken and documented in the Environmental Statement. Whilst there were some concerns with the specifics of the assessments undertaken, given the overall strategic importance of this development, it is assessed that all associated concerns can be overcome by applying recommended conditions.

- 116 **Community Greenspace** – No objection, but have identified a number of concerns in relation to key sensitive landscape and community/residential features and receptors, which have been highlighted in the appraisal section.
- 117 Fundamentally, this is a key route into Perth and without suitable mitigation and appropriate detailing, the visual effects on identified sensitive areas are likely to be moderate to major adverse and as such mitigation should fully address these impacts through detailed design exercises in consultation with the Community Greenspace team, in particular, in and around the Crematorium & Garden of Remembrance. It is recommended that the aforementioned requirements for additional mitigation and detailing should therefore be worked up and agreed in direct consultation with Community Greenspace team, managed by suspensive condition.
- 118 **Flooding** – No objection, requesting clarification on minor wording points, which has been subsequently taken on board by the appointed consultants, with specific drainage and flooding conditions also recommended.
- 119 **Perth and Kinross Heritage Trust** – No objection, with the methodologies, findings and summaries as set out in the cultural heritage chapter of the ES considered acceptable. Condition recommended.
- 120 **Conservation Planner** – No objection, the setting of several listed properties have been identified to be affected, but the associated mitigation planting proposals are considered to be acceptable in this context.
- 121 **Biodiversity Officer** – No objection, with some elements requiring further assessment, which can be suitably addressed by suspensive conditions.

REPRESENTATIONS

- 122 A total of 22 letters of representation from individual addresses were received during the overall advertisement period for the application, including representation from Redgorton, Luncarty & Moneydie Community Council, East Strathearn Community Council, Tulloch Tenants Association, St Johnstone Football Club and Stewart Milne Housebuilders.

The representations have raised the following issues: -

123 **Transport elements and Traffic**

- Considered to be a perfectly good slip road in place currently, with no direct impact on private residential amenity.
- Congestion on Crieff Road is considered minimal compared to some cities.
- Proposed road will create serious safety issues, with the main entrance to the Crematorium being sited on the bend. The existing entrance gives a safe entrance and egress. The new layout will create a 'pinch-point' at the new junction. Potential for traffic congestion where vehicles have to turn off the road to the entrance and the overflow car park.
- The only considered option with no plan B. Without this road, Perth and Kinross Council's 30 year plan for Perth will have to go back to the drawing board, intent

on rushing through the proposal to build a new secondary school at Berthapark before 2018. If not built by 2018, PKC will lose funding from the government.

- The council has not given due regard to alternatives. If it is based on the need to relieve congestion, then the council should be looking at extending existing Park and Ride schemes or improving public transport.
- The omission of a 5 arm roundabout at Ruthvenfield Road, which could directly serve Almond Valley Village site (H73), has been described as suboptimal and involving a lack of consultation.
- Adding another set of traffic lights at the slip road joining north A9 traffic flow, off the A85 will increase standing traffic in front of a property which is suggested will make it nearly impossible to drive in and out of affected driveway.

124 **Community and Commercial Facilities**

Crematorium & the Gardens of Remembrance

- PKC Crematorium leaflet states a promise to provide a "timeless tribute to a loved one because we care", however PKC plan to disturb the land and remove parts of it where the people of Perthshire have scattered the ashes of their loved ones. It is considered the promise applies to all parts of Crematorium ground which includes lawns, wooded areas and the gardens. In going ahead with this proposed road PKC would be breaking any promises that they have clearly made, suggesting that PKC only deem certain areas within the Crematorium grounds as sacred.
- Impact on the Gardens of Remembrance will cause considerable distress to people who have scattered ashes of their deceased loved ones.
- There will also be ongoing noise pollution for people visiting the Crematorium, which should be an opportunity for quiet, peaceful reflection.

St Johnstone Football Club

- Proximity of the new road to the stadium at McDiarmid Park will have a profoundly detrimental impact during football games through noise disturbance and visual distraction from vehicles.
- The proposed scheme will entail permanent loss of more than 4.5 acres of land from the stadium grounds, resulting in the loss of vehicle parking spaces for customers and spectators, which could impact on revenue raising capabilities. This land take is also considered to impact on the traffic management regime and will create safety problems in terms of spectator movement.
- The significant land-take for the road and associated SUDS pond will render the Club's training pitch (located east of the stadium) unfit for purpose. Rendered unfit for purpose in part due to the amount of land taken and because of the public safety aspects of operating a football training pitch immediately adjacent to what will become a very busy highway. It is suggested that the training pitch is currently in use up to six days a week. The Council has not offered any permanent solution in regard to the loss of the training pitch, which has been described as critical to the long term wellbeing and viability of St Johnstone as a top flight football club.
- In general, it is suggested that the implications for the Club during and after the proposed scheme, both operationally and financially, have not been properly acknowledged by the Council and nor has the Club's importance as a major contributor to the economic, physical and social wellbeing of the community.

125 Residential Amenity, including Air and Noise Pollution

- Noise and vibration from construction traffic and thereafter noise from daily vehicle traffic and in particular, vibration from Heavy Goods Vehicles, affecting residents in the wider Tulloch area and individual properties in and around Huntingtower.
- Impact on residential amenity of individuals who do shift work.
- Impact on health of residents using garden ground within vicinity of the proposed road network and impact on private outdoor amenity space generally.
- Proposed tree removal will result in additional traffic noise impacts. Unclear on measures put in place to address this.
- Proposed overspill car park for Crematorium adjacent to private residential property.
- Impact on property values.

126 All relevant planning issues, which have been raised are covered and addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

127

Environment Statement	Submitted
Screening Opinion	EIA required
Environmental Impact Assessment	Submitted
Appropriate Assessment	TAY SAC – Appropriate Assessment Included
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Various elements addressed through ES, including: flood risk, noise and air pollution, biodiversity and specifically impact on TAY SAC

APPRAISAL

Policy Appraisal

128 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 129 The development plan states that the biggest single constraint facing the Perth City Area is considered to be the capacity of the roads infrastructure in and around Perth to accommodate planned growth. Not only is congestion becoming a problem but the increased pollution levels evident in several areas of the City have required the Council to identify Perth as an Air Quality Management Area.
- 130 TAYplan and the LDP focuses the majority of growth on Perth City and its Core area building upon its key role as a regional hub. The strategy of the Plan focusses particular attention on the delivery of strategic sites to the north-west and north of Perth as the main driver to achieving sustainable economic growth providing a primary source of future employment and housing land during and beyond the Plan period.
- 131 To prevent the increased congestion on the Crieff Road area of Perth, the Development Plan identifies an embargo on further planning consents for further development for sites of 0.5ha or more outwith Perth on the A85 corridor, until such time as the construction of the new A9/A85 junction has commenced.
- 132 The delivery of the A9/A85 Junction improvement is therefore a key component in achieving the aims of the LDP. It removes the embargo on future development on the A85 corridor and provides access to further employment land at Inveralmond and access to strategic housing land at Berthapark meeting the future employment and housing needs of Perth. Approved statutory supplementary guidance is in place on the application of developer contributions to assist in the funding of a package of transport measures required to implement the LDP strategy.

Community Plan / Single Outcome Agreement

- 133 The proposals are considered to support the Community Plan Vision to “create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically, the delivery of the proposals will facilitate opportunities to encourage sustainable economic growth, improve a safer environment and healthier choices for sustainable transport.
- 134 Consistent in working towards the following Outcomes:
- Our area will have a thriving and expanding economy
 - Our area will have improved infrastructure and transport links
 - Our young people will attain, achieve and reach their potential
 - Our communities will be safer
 - Our area will have a sustainable natural and built environment

Corporate Plan

- 135 The Council's Corporate Plan 2013 – 2018 sets out five outcome focussed strategic objectives, which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life.
- ii) Developing educated, responsible and informed citizens.
- iii) Promoting a prosperous, inclusive and sustainable economy.
- iv) Supporting people to lead independent, healthy and active lives.
- v) Creating a safe and sustainable place for future generations.

136 The proposals anticipated benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The proposals will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The proposals also include enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generations – The proposals will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, these proposals can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. Delivery of the proposals will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

Design, Scale, Form and Route

137 Design remains a material consideration, and must be balanced against the considerations of road engineering and functionality requirements. At this stage, it is appropriate to consider the broad principle of the interchange upgrade, its approximate route and the overall form and scale of the permanent physical elements. Considerable study and background work has gone into arriving at the route currently proposed. A summary of the route options is outline in Appendix 1. The move to linked signalised junctions has now been proposed to minimise land take and improve both the flow of traffic and non-motorised vehicle users’ accessibility.

138 The refined engineering details will be worked up prior to the scheme commencement with planning conditions recommended for inclusion to continue a planning monitoring role during that process and detailed elements to be fully addressed in relation to sensitive receptors as identified in this report. Contextually, there is considered to be an opportunity to provide positive outcomes through soft and hard landscaping, in relation to site specific engineering solutions. It is considered that the design, scale and form of the proposals can be managed and

accommodated within the wider site context through appropriate detailing following local consultation.

Street Lighting

- 139 Street lighting proposals will be limited to the parameters of the road itself, in accordance with existing lighting standards within those road sections and shall be suitably detailed and will be additionally controlled through suspensive conditions to ensure no unnecessary light spillage.

Landscape and Visual Impact

- 140 The potential impacts on the wider landscape character, local landscape area and specific landscape features were set out and their significance reviewed in the Environmental Statement. The assessment concluded no significant impacts anticipated to the wider landscape, but during construction there is likely to be some large significant adverse impacts on the localised character of rural section of the route at and around the River Almond, with long term impact on the character of the River Almond anticipated at the proposed crossing point.
- 141 Community Greenspace colleagues have reviewed the findings of the associated landscape, visual, tree and access issues associated with the proposed scheme, including future management, maintenance and operational issues associated with the various elements of the project. A summary of their comments are set out below, which is consistent with the wider appraisal:

Crieff Road & Tulloch Terrace Junction

- 142 A section of mature trees and wide grassed road verge on the south side of Crieff Road and the field boundary hedge and beech hedge at the Crematorium entrance will be experienced, changing the appearance of this area. This will facilitate a realignment of the road to a new signalised crossroads, before tying back into the existing road at Tulloch Terrace. This will also result in the loss of some garden ground, stone walling and beech hedging. These landscape elements currently provide distinctive and attractive features along this road which is a busy approach road route into the city for a wide range of users. This will be replaced by wider carriageway and associated infrastructure in addition to retention of a section of the existing road, an additional access road and length of parallel parking within the existing verge and tree belt. The additional area of hard surfacing, realignment of the road geometry and associated vehicles will change the appearance of this area. To achieve a 'Place' based design within the built environment; particularly where there are residential and local business properties, a balanced approach between vehicle and pedestrian priorities are recommended.
- 143 To offset the loss of existing landscape features, the new area of open space to the north of the proposed parking bays, it is recommended that detailed landscape proposals should consider tree planting, stone walling, hedges and shrub planting. Providing these are of a suitable quality and can be adequately maintained, this could improve the existing frontage of the hotel and adjacent garages. There is very little room for any meaningful or maintainable landscaping to the west of the new parking area and roads. If possible, the area of surfacing extending to about 30

metres in width (kerb to kerb) should ideally be avoided or reduced. The access road and parking arrangements should be the minimum in number, length and width and be utilised for bicycle traffic proceeding along Crieff Road, allowing for optimum retention of existing trees and open space to help screen the small industrial units to the south. Consideration of the north side of the new road and visual interface with possible development of the neighbouring field needs to be given as part of any detailed landscaping elements. Avenue tree planting and hedging with suitable maintenance arrangements would provide a suitable landscape boundary at this location.

Crematorium

- 144 The new road alignment will largely replace the current tree lined drive to the Crematorium. The trees are an important part of the landscape structure in this area and are visible from a wide area. Most of the mature trees will be lost and remaining sections of the existing drive will be linked with new sections of surfaced cycle track.
- 145 The required 3m high noise barrier on the east side of the new road will be a visually prominent feature and will require careful design consideration to ensure it fits with its surroundings as far as possible. This will need to be suitably detailed on both sides. The noise barrier sits behind the cycle track as it approaches the proposed new Crematorium entrance. It will be 3.1m high on top of an embankment approximately 2m high, which will be visually prominent. The quality of the wall design and detailing at the Crematorium entrance, together with any associated landscaping will be important to achieve an appropriate visual appearance.
- 146 The SUDS ponds and features on the west side of the road, together with the embankments appear to currently only serve functional purposes. The detailed layout should aim to maximise the use of landform and shaping in order to create an attractive biodiverse landscape feature. A subtle design approach secured by detailed engineering and landscaping proposals could create a more natural attractive biodiverse feature or a more sculptural dynamic design.
- 147 Between the new entrance and the new road bridge, the line of the proposed road runs between McDiarmid Park and the Crematorium Gardens of Remembrance that are comprised of a mix of formal and informal garden areas. The mature mixed woodland has a less formal natural appearance, which enhances and helps to define the more formal nature of the garden areas themselves. The woodland has been left to establish naturally, with natural growth storeys from high to low level, providing the visual setting.
- 148 The surrounding woods are also used for placing the leaves collected from the grounds, which may have remains on them so that no remains leave the Crematorium. Any ground works that have taken place e.g. refurbishment of the summer gardens, have all the arisings placed in the woods again so nothing leaves the grounds. In addition until recently, all the metal remains such as implants and hip replacements, have been buried under the ground in the woods.
- 149 The line of the proposed road has been chosen to minimise the impact on the Crematorium Grounds whilst also minimising the land take on the private ground in McDiarmid Park which has a relatively low landscape and visual value. The impact of

the road scheme on this ground may create an improvement. It is acknowledged that the proposed road alignment and associated walling, earthworks and construction operations will result in the loss of some trees from the southern boundary of the gardens of remembrance.

- 150 To mitigate this impact, a proposed solution is walling at an approximate height of 2m. This would assist in reducing traffic noise and views of most vehicles at the height proposed, but would not completely obscure high sided vehicles. The quality and design of the walling will need to be carefully considered to make a positive contribution to the character of the gardens. A durable, well detailed wall, supplemented by suitable planting may provide the best solution and could potentially be attractive in its own right, as long as it is of a height which isn't oppressive from within the gardens. It is also recommended that there is an assurance that re-scattering of any excavated surface materials from the Gardens of Remembrance remain within the gardens.
- 151 As the scheme progresses west behind the North Stand of the football ground, the road will require the removal of the front edge of the woodland for the full length (approximately 120m). This will make the remaining trees vulnerable to 'windblow' as set out in the associated tree report. This will require careful consideration to ensure a strategy is developed for the likely tree removal, replacement and suitable mitigation as part of the scheme.
- 152 Within the Gardens of Remembrance, additional parking is proposed along the drive approaching the Crematorium and within the avenue of coniferous trees, with an exit onto the new road. There is additional parking along the drive, which will both visually and physically affect the formal gardens. It is recommended that these areas are subject to further detailed consideration, controlled through suspensive conditions to ensure minimal impact on the gardens, trees and operational requirements for parking.
- 153 The woodland to the north west of the Crematorium is another plantation, which is on steeply sloping ground, running down to the current bypass road. This is considered to provide a valuable visual backdrop and seclusion for the gardens. The new slip road and embankments will remove approximately a third of the depth of this woodland, leaving the remaining internal trees susceptible to 'windblow'. This will require careful consideration, which can be addressed by suspensive condition, to ensure a strategy is developed for the likely tree removal and replacement as part of the scheme.
- 154 The construction phase of the new road will require the Crematorium to be closed for services due to potential access and noise issues. It is understood that it would not be appropriate to have funeral services during construction noise disturbance. Work would need to be undertaken within a defined period, with funeral services suspended and alternative arrangements made during this phase of the scheme. It is hoped that this can be scheduled to tie in with proposals for the Crematorium building refurbishment plans in order to keep disruption of this service to the public to the absolute minimum.

A9 to Bertha Park

- 155 The new bridge structure over the A9 and associated slip roads will require significant earthworks to accommodate the levels changes. Whilst the land take needs to be minimised, the modelling and planting of the banks will be critical to their appearance. The current drawings show a schematic angled fairly steep batter which will look out of character on the more naturally undulating edge of the Lowland River Corridor landscape type, as defined in the Tayside Landscape Character Assessment (1999). A shallower slope with curved profiles and footprints could assist with a softer appearance and may allow larger areas to be returned to productive agricultural use. The extent of the construction operations will also result in a significant loss of woodland. The southbound slip road affects the woodland to the north west of the Crematorium as described at 2.10 of the Environmental Statement. The road connecting the new bridge with the A85 will require the removal of most of the woodland as it approaches from the south. The woodland currently defines the scarp slope, which forms a visually attractive and distinctive edge to the Lowland River Corridor landscape which runs through to Almondbank. It also provides useful screening to the existing road corridor and an attractive established 'green corridor' for the lade with wildlife and biodiversity value. The lade will require to be diverted for about 500 metres and culverted for 90 metres under the embankments being created for the new road and roundabout. The larger earthworks will require structural landscaping to help soften their appearance and this is acknowledged to take a period of time to establish. The new bridge junctions or the roundabout will also become a new gateway into the city and care and consideration is needed to ensure these are all designed to create a positive impression.
- 156 The new northbound slip road onto the bypass will require removal of all the established woodland for 300m along the existing road. This woodland currently assists in visually containing the bypass and provide an attractive edge to the road, limiting views of the industrial estate. The new slip road will be higher than the existing bypass to reach bridge level and will form the new edge to the road corridor. The landscape proposals will need to create an attractive edge on both sides of the new slip road to reduce the impact of the new structures. The new foot/cycle bridge is located at the end of the new north slip road and offers an improved crossing for these users. The bridge design and associated earthworks will be significant new features in the landscape and road corridor views and should be designed accordingly. A purely functional bridge and ramp system should be avoided with a more architectural approach taken to the design of the structure and associated earthworks which would provide an attractive visual element to the scheme.
- 157 The new road to the River Almond Bridge and roundabout will introduce engineering structures into a flat agricultural landscape. The Tayside Landscape Character Assessment advice for development appropriate to a Lowland River Corridor landscape type is to *"Minimise upgrading or improvement of roads particularly where this involves the creation of cuttings and embankments or the introduction of additional signage or features such as concrete kerbing"*. The Tayside Landscape Character Assessment also provides specific guidance on management of changes to the landscape in relation to roads namely *"Local road improvements such as junction improvements and minor realignments can result in the removal of characteristic features such as hedgerows, walls trees and old signs"*.

158 The new road will affect existing field boundary hedges and trees where it crosses the old railway line. This could be partially mitigated through using softer slope profiles and landscape planting including trees and hedgerows. The horizontal alignment together with signage, light columns and traffic will however remain within this landscape type. The new bridge over the Almond and road beyond into Bertha Park will pass through the riverside trees and vegetation and those on the north escarpment forming the distinctive northern edge to the Almond valley. The road will be elevated on embankments as it climbs to reach the top of the escarpment and could be partially mitigated through utilising softer slope profiles and landscape planting including trees and hedgerows.

A85 Crieff Road Approach

159 An attractive and distinctive frontage to the A85 has been created at the current A9 junction through the development of Dobbies and the Glover's Arms. This uses a combination of stone walling, beech hedging and tree planting. The proposals require a new exit to be provided on the existing roundabout which will take traffic north to the new bridge over the bypass. This will involve the loss of the trees which were planted as part of the bypass and the new link road and associated earth works will run across the open field. This could be mitigated in part by careful use of earthworks and landscape planting and components to reflect the attractive elements of this area.

Trees

160 SNH made the following comments in relation to impact of tree-scape:

161 As identified in the supporting information, there are two areas of ancient woodland that will be lost as a result of this proposal, an area north of the River Almond and an area to the west of the A9. Ancient woodland is an extremely rare habitat in the UK. It should be noted that the Scottish Government has developed a policy on the Control of Woodland Removal which supports the Government's Scottish Forestry Strategy and the associated ambition to see Scotland's woodland resource increase by up to 25% of our land area.

162 The tree survey supplied by Donald Rodger Associates is considered to represent an accurate and comprehensive record and description of the trees and woodlands adjacent to and along the route of the proposed new road layout. There are however, no specific recommendations regarding which trees and woodlands can be successfully retained or which have to be removed.

163 Associated with this, Community Greenspace colleagues also make the following comments:

The supporting tree survey makes clear reference to the fact that the woodland groups G14, 16 & 17 at the Crematorium are currently vulnerable to wind blow and their future life expectancy is limited. The plantation groups G14,16 & 17 are approximately 80 years old, receiving no thinning in the first 20 to 50 years, i.e. they were not thinned in the 1950's / 1960's or 1970's. After this stage, it becomes increasingly unviable to thin plantations such as these without opening them up to windblow. Community Greenspace consider the plantations to be well past that stage

now and could not be thinned without a serious risk of extensive windblow. With the removal of the trees required to construct the new road layout as shown on the tree removal drawings, what remains of these plantations will become highly susceptible to windblow. Bearing this in mind, and in line with aforementioned comments within the appraisal, careful consideration will need to be given to an appropriate course of action regarding these plantation groups.

- 164 The tree removal plan forming part of the submission dated January 2015 appears to be indicative in relation to the individual trees and woodland areas that require removal. The drawings only show trees to be directly removed to facilitate the scheme. There is no comment or assessment of the impact this proposed tree removal on the retained trees, specifically in relation to windblow. Further detailed arboricultural input will be required to determine precisely which individual trees and woodland areas can be retained close to the new road and which will have to be removed.
- 165 To determine exactly which trees can be retained will involve using the trunk diameters quoted in Donald Rodger's survey to calculate the root protection area required for each individual tree. There will also need to be a detailed understanding of the extent of any construction, associated working space requirements for construction vehicles and accommodation works, levels (existing and proposed) and any underground services including drainage, which may have a physical impact on the trees. Tree protection as described in BS 5837: 2012 must also be place prior to any on site activity. All of the aforementioned requirements can be sought and controlled by suspensive condition, in consultation with Community Greenspace colleagues.

Access

- 166 The path currently linking from the Crematorium access road to the lade (core path TULL/4) is not included in the plan and it is not clear how it will link to the shared use path on the north/east side of the new road at or near the proposed entrance to the Crematorium. If practically possible, it is recommended to be included as part of the works and upgraded, including links into Tulloch housing estate. It is also however substantiated that this will only be practically possible to achieve where the associated land is within the boundaries of the proposed CPO or already with PKC ownership. This recommendation will require to be investigated further and addressed through associated suspensive condition.
- 167 It has been noted that existing footpaths behind the Crematorium will be retained and their surfacing improved through discussions with local access groups identifying preferred routes and connectivity required. It is recommended that detailed design solutions of these elements should be submitted for further comment and agreement in consultation with Community Greenspace, controlled by a suspensive condition.
- 168 The bulk of cyclists & pedestrians coming from Perth are identified to use the Crieff Road, and from there, the footway / cycleway on the east of the new road. A direct route to the Crematorium for non-motorised users is however required, probably including part of TULL/4. This element shall be suitably addressed through condition.

- 169 It has been identified that there does not appear to be a route linking the shared use path along the north side of Crieff road to the shared use path on the east side of the new road, at the proposed signalised junction. There are a number of existing desire lines between Crieff Road and the Tulloch housing estate. Tesco supermarket is also a popular destination, with site users less likely to cross to the south side of the Crieff road and re-cross at the proposed signalised junction. Whilst it is accepted that this has been engineered in such a way to facilitate road safety, opportunities for additional or improved pedestrian linkages, including (where practical) the use of established desire lines shall be further investigated for inclusion, controlled and managed through suspensive condition.
- 170 For the length (87m) of the lade tunnel, it is noted that the lighting is to be sensor operated. To avoid a real or perceived safety issue for people who would need to use the arch culvert for the path and diverted Lade beneath the new road, it is deemed important that the lighting comes on throughout the whole tunnel on a single sensor trigger, allowing users to determine if there is anyone else within the tunnel. The tunnel lighting should be well maintained, and future proofing of CCTV capabilities may be required (should the tunnel starts be used as a shelter/gathering point). With regard to the 1.8m high 'bridleway parapet', it is recommended that this should not be dense enough to cause the path to be perceived as a long narrow pathway, with users maintaining the ability to see over and through the proposed parapet.
- 171 It is considered extremely helpful that the Right of Way beside the Lade is to become easier to use, no longer crossing the A9 at grade. Also that it includes a 'new footbridge with ramp and steps', a 'proposed new route of path for pedestrians' and the aforementioned culvert.
- 172 Whilst it is understood that management and maintenance of the following elements will not be undertaken by Community Greenspace, it is however recommended that detailed design of all footways, linking paths and path furniture including path construction and the balustrade and lighting within the proposed tunnel are passed to Community Greenspace for comment, addressed through suspensive conditions prior to commencement of development.

General Landscape Comments

- 173 The scheme overview plan shows indicative landscape treatments, which relate to the objectives, set out in the Environmental Statement. Further detailed development of the landscape proposals is required to ensure that these objectives are achieved as far as possible.
- 174 It is recommended that associated SUDS ponds should be designed as attractive, integrated open space areas, which are biodiverse and are a public asset rather than a maintenance liability. Single function solutions in restricted spaces should ideally be avoided.
- 175 The proposed maintenance responsibilities for all areas of the scheme require to be defined. There will be an obligation to be clear on what will require to be maintained publicly and who is responsible for the rest. The proposals will need to be adoptable with associated levels, layout and finishes all important. Establishment of phase proposals will need to ensure the new landscaping areas are properly established prior to handover.

- 176 A careful strategy for advanced structural planting should be considered, particularly in relation to woodland areas which may be lost as part of the scheme.
- 177 In summary, through associated sensitive landscape mitigation and addressing fully the aforementioned, it is considered that the scale and form of the proposals can be accommodated within the existing landscape framework, without any long term adverse landscape and visual impact. Notwithstanding the known risk of wind blow to trees around the boundary of the Crematorium, it is anticipated that after 15 years of the proposed landscaping being implemented, the only significant impact will be in the River Almond area at the point of the proposed bridge crossing.

Traffic and Transport

- 178 It is considered that the construction of the proposed Scheme will result in short term adverse impacts to footpaths, cycleways and roads within the study area. Impacts are likely to occur resulting from temporary changes in journey lengths, and reductions in the amenity of journeys resulting from the presence of construction activities.
- 179 The sensitive design of the proposed scheme and the implementation of appropriate mitigation measures, including traffic management measures, will result in the proposed Scheme having no significant effect upon existing vehicle movements, including serving existing properties and businesses directly from the proposed road network.
- 180 In relation to the roundabout at Ruthvenfield Road being described as suboptimal, it is considered that this element can be practically overcome and addressed through inclusion and design of an extra arm or junction arrangement (whatever the site engineering requirements may be) with the roundabout, fully addressed and included by a future Almond Valley Village planning application and would not impede or delay development into this area.
- 181 Fundamentally, the proposed link, which has gone through an options appraisal (summarised in Appendix 1) is seen as the vital first stage and catalyst in a wider transport strategy for Perth referred to in 'Shaping Perth's Transport Future'. The strategy includes plans for a third crossing of the Tay, the Cross Tay Link Road (CTLR) that will remove through traffic from the major congestion areas of Bridgend and Inveralmond, as well as freeing up the City Centre. The A85/A9 junction upgrade will also provide much needed relief for the Inveralmond area as well as providing a much improved solution to the problems currently faced on the Crieff Road corridor. This will in turn allow for expansion of the Inveralmond industrial area and allow the Council to realise the development aspirations contained within the Development Plan.

Air Quality

- 182 It is accepted that certain construction activities are likely to generate dust which has the potential to cause some disruption to nearby properties if uncontrolled (such as discolouration of surfaces). Perth and Kinross Council Environmental Health Team has a statutory duty towards air quality (including dust) and noise.

- 183 An air quality assessment was included in the Environmental Statement, with new roads having the potential to bring raised levels of nitrogen dioxide (NO₂) and particulates (PM₁₀) to existing receptors. The assessment modelled the cumulative effects of the committed developments and those developments to the west of the city, which are reliant on this road.
- 184 PKC has a statutory duty to review and assess levels of certain pollutants in its area under the Environment Act 1995. Under this Act, the whole of Perth City was declared an Air Quality Management Area (AQMA) in 2006 and an Air Quality Action Plan (AQAP) was developed in 2009, attempting to address concerns about levels of NO₂ and PM₁₀ above to the annual mean standard at certain hot spots within the city. Short term standards also apply but the AQMA is not declared for these. As part of the AQAP, the Environmental Health Team are consulted on those planning applications of a scale which could impact on air quality within and adjacent to the city, and any application whose impacts are deemed unacceptably high would lead to an objection from Environmental Health.
- 185 The air quality assessment for this application predicts significant increases in levels of NO₂ and PM₁₀ throughout the city centre, particularly along Main Street, Bridgend which is predicted to see a rise between 8ugm⁻³ of NO₂ up to 65.5ugm⁻³, at the worst effected site. This level is unacceptably high to the point that the short term 1 hour objective for NO₂ would likely be breached here as well as the annual mean.
- 186 Environmental Health has identified two things to bear in mind in considering the assessment:
- i. A base year of 2010 was used in this assessment and air quality has improved in the city due to national and local measures. The table below summarised some of the differences between the base year 2010 model and the actual measurements taken in 2013.

Base NO2 2010 modelled		Measured 2013		Difference ug/m3
Location	Conc ug/m3	Location	Conc ug/m3	
14 County Place	50.9	10 County Place	46	-4.9
62 Atholl St	54.9	76 Atholl St	47	-7.9
40 Atholl St	58	28 Atholl St	47	-11
33 Main St	53.9	39 Main St	46	-7.9
89 Main St	40.3	93 Main St	31	-9.3

The use of 2010 as the baseline rather than 2013 means that the predicted NO₂ and PM₁₀ levels are starting much higher than they actually are at all receptors, meaning both the *do minimum* and *do something* levels end up higher than would be the case. 2010 was an unusually high year for NO₂ at a number of the diffusion tubes around the city, the trend graph included in the annual air quality reports shows a spike for 2010. As 2010 monitoring data was used to adjust the modelled data, the Environmental Health Officer considers it may have an artificially high output.

- ii. More importantly, this application is purely for a link road and in itself will not raise levels of NO₂ or PM₁₀ in the city centre, the effects are purely localised. It is not immediately obvious from the results of the modelling but the only effects are seen at the Crieff Rd and Tulloch area of the city. The previous iteration of this application (11/01579/FLL) only considered this road and no other developments. The consultant has reproduced this as part of this assessment and this shows an improvement for many receptors on Crieff Rd with a maximum increase of 0.8ugm⁻³ at Greig Place. A 0.8ugm⁻³ increase is assigned a small increase in the Design Manual for Roads and Bridges (DMRB) methodology which has been used here. Due to the fact this means a rise from 25.2ugm⁻³ to 26ugm⁻³, which is well below the 40ugm⁻³ annual mean NO₂ standard, this is of little concern. This view is reinforced by The Environment Protection UK guidance document *Development Control: Planning for Air Quality* who assigns this impact of negligible importance, a similar descriptor is applied to PM₁₀ here.

187 Environmental Health are of the opinion that the modelling has overestimated the PM₁₀ and NO₂ levels and also the increases predicted are not due to this project, with no associated objection on air quality grounds. It has been quantified that other developments, which made up part of this assessment, will be assessed on their own merits in terms of their impacts on the air quality in Perth.

188 The Cross Tay Link Road (CTLR) is briefly mentioned in this assessment but the effect on air quality was not modelled. Other developments in this area will be able to benefit from the CTLR in mitigating their effects on air quality in the city centre in the future. This mitigation may be able to be predicted as part of the application in support of the large scale developments reliant on this link road.

189 The air quality assessment considered dust arising from the construction activities of this project. A number of mitigation measures to prevent nuisance arising were suggested and are subsequently recommended to be addressed by condition.

Noise and Vibration

190 The construction of a new road invariably increases noise levels at existing sensitive receptors. 8,818 residential receptors were considered as were 26 other sensitive receptors, the majority of these receptors saw a negligible increase of less than 1dBA as described by DMRB with some seeing a small decrease in the short term scenario.

191 Most people cannot perceive a change in noise of less than 3 dBA with a 5dBA increase plainly audible. These are the bands of the moderate and large impact descriptors and these are the impacts, which should be avoided if at all possible.

192 18 residential dwellings would see a moderate increase and 13 residential dwellings would see a major increase, the biggest of which is at Double Dykes increasing by 7.4dBA. The most important non-residential receptor is Perth Crematorium and Gardens of Remembrance, which is directly adjacent to a new section of road. The increase in noise levels here on the opening day of the scheme is predicted to be 7.8dBA. This is a major increase and clearly unacceptable, however mitigation for almost every receptor seeing a moderate or major increase has been suggested in

the form of an acoustic barrier running alongside the road. Environmental Health stated in their response they were disappointed to note no quantification had been provided of the residual noise level after mitigation, only that it will be less than a 3dBA increase.

- 193 There are 3 properties for which no mitigation has currently been suggested due to their isolated nature; these are 1 and 2 The Hirsell and 165 Crieff Road. The Environmental Statement recommends that a cost and visual impact assessment should be conducted prior to mitigation at these properties, due to the isolated nature of them. Environmental Health agree this is an appropriate approach and should be undertaken with an agreed form of mitigation in place prior to the use or operation of the scheme, particularly for 165 Crieff Road, which sees a 5.6 dBA increase in noise, making the impact 'major adverse'.

Residential Amenity

- 194 Consideration of the impact on the amenity of affected residential properties has been broadly addressed through the relevant subsections within the appraisal. In particular, the direct impact on residential amenity and the objections received relate primarily to air and noise impact, which have been addressed in the aforementioned sections.
- 195 Impact to neighbouring properties have been specifically assessed technically in relation to noise impact assessment, with appropriate mitigation measures included to ensure a tolerable impact (as set by standards), which will be controlled by condition.
- 196 Properties at Double Dykes will be directly affected and were not considered in relation to the previous consented application as the scheme did not extend this far. Detailed noise attenuation and associated landscaping is considered appropriate measures in this context to manage the impact, with no direct objection received from affected properties at this location.
- 197 In addressing another specific matter of objection, for clarification the impact on property value is not a material planning consideration.
- 198 In conclusion and having considered the associated environmental factors, there will be an unavoidable impact on residential amenity in certain locations, which has been acknowledged in the key outcomes of the Environmental Statement. On balance however, through the assured implementation of appropriate site specific mitigation measures, this is not considered to be an adverse detrimental loss of amenity to the affected residential properties.

Wider Community Impacts

- 199 Communities and community facilities within the area will be potentially affected by disturbance during construction, including increased dust, changes to visual amenity, noise and increased potential risks to public safety during the construction period. Long term, the works will directly improve traffic flow at the A9/A85 junction, leading

to congestion improvement throughout the city of Perth and improved accessibility, safety and improved journey times to community facilities.

Perth Crematorium & Gardens of Remembrance

- 200 As has been acknowledged and discussed in the landscape and visual section of the appraisal, there is considered to be a number of sensitive issues to address in and around the Crematorium, in particular the associated landscape setting and visual impacts and the ongoing operational impacts, including the sensitive nature of the Crematorium and Gardens of Remembrance.
- 201 The areas of open space within the Crematorium grounds are an integral part of Phase 1 of the PTFP Scheme. The new link road is proposed to follow the existing Crematorium access road from Crieff Road for approximately 400 metres before travelling generally westwards between the Crematorium grounds and McDiarmid Park. There are eight Gardens of Remembrance within the Crematorium grounds and the proposed route of the road affects the woodland area to the south of one of these - the Bluebell Garden. More specifically the route encroaches very slightly onto the outermost edge of the Bluebell Garden. The maximum extent of this has been determined and at the very most four memorials will require to be relocated.
- 202 The Crematorium grounds may be regarded as being an area of open space by virtue of the fact that they are open to the public for a variety of uses including recreational use. They are not a designated burial ground. There are obvious sensitivities arising from the proposed use of part of the Crematorium land for the proposed Scheme. It is considered that there is a balance to be struck between maintaining an acceptable level of intrusion into the Crematorium grounds and the impact of the Scheme on third party property interests. The Scheme design has been considered in such a way to minimise the impact on the Crematorium grounds and the proposed layout is deemed to strike a reasonable balance between safeguarding the interests of other landowners, including the owners of the adjacent McDiarmid Park, and minimising the impact on the character and setting of the Crematorium. It has also been designed to achieve a balance of impacts between third party ownership rights and the rights of other parties with an interest in the Crematorium, including parties with an interest in memorials that may require to be moved if the Scheme is implemented.
- 203 A number of alternative routes were considered during the STAG (Scottish Transport Appraisal Guidance) process but were rejected on a number of grounds. The land take for these would be greater than in the case of the route selected and therefore the impact on third party interests would also be greater. The route selected minimises the taking of third party land at this particular location. It also safeguards the future development of adjacent land allocated for residential development within the adopted Perth and Kinross Local Development Plan, 2014 (LDP) (Site H71). A summary of the alternative routes considered, including the reasons for rejection, is given within Appendix 1.
- 204 The impact of the Scheme on the Crematorium, in terms of the overall area that is proposed to be appropriated, when compared to what will remain as accessible open space, is not considered to be adversely significant. With suitable detailed mitigation, the remaining land within the Crematorium will continue to provide adequate space

for quiet reflection. It should also be noted that there has been a further Council commitment (Decision of report to Council 25 February 2015, Perth Transport Futures Project – Phase 1 A9/A85 to Berthapark, Appropriation of Open Space (Perth Crematorium) (15/97)) to carry out public consultation regarding appropriate boundary treatment solutions at this point and also investigate alternatives for the required overflow parking.

McDiarmid Park

- 205 The comments from St Johnstone Football Club have all been reviewed. The impacts of the proposed Scheme are fully accounted for as part of the assessment process.
- 206 The overall impact on the operation of McDiarmid Park is not considered to be adversely significant or unmanageable through the impact of the proposed Scheme. In coming to this conclusion, the following points are made:
- Planning application 11/01579/FLL, which included the wholesale removal of the North Stand of the football ground and a more significant land take overall than the current proposals, received no objection from St Johnstone Football Club.
 - The training area, which has been identified to be compromised through the proposed scheme involves less overall land take than the previous consented scheme, was not witnessed as a training pitch facility when site visits were undertaken in association with planning application 11/01579/FLL and notwithstanding, is considered by the Planning Authority to be unauthorised development.

Flooding and Drainage

- 207 It has been acknowledged and identified that the proposed mitigation measures to address the potential impacts of the Scheme have been designed without taking direct account of the Almondbank Flood Protection Scheme which may be completed in 2017. The measures include a breach of an embankment on the north bank, two compensatory flood storage areas, flood relief culverts, formation of flow pathways and a realignment of the lade. The effectiveness of the new section of lade in terms of ensuring that there is no increase in flood risk to existing properties is dependent on maintaining critical bank levels. All these elements of the proposed flood mitigation scheme will need to be regularly inspected and any necessary maintenance carried out in order to maintain the efficiency of the measures. In addition to the mitigation measures, the river channel should be regularly inspected following the completion of the bridge to identify any erosion and deposition issues that may need to be addressed. It is recommended that necessary inspection and maintenance of the various elements of the mitigation and the channel in the vicinity of the river crossing might be an item, which is conditioned.
- 208 Overall, the proposed Scheme will affect the River Almond, Perth Lade, and Newton Burn. During construction the risk to the water environment will be managed through adherence to best practice methods and guidance. Method statements and appropriate management plans will be produced to document procedures and practices to ensure impacts are minimised. With mitigation the significance of the effect is anticipated to be neutral.

- 209 The design of the proposed Scheme has included features to reduce the impacts of the road on the environment and for water and drainage this has involved the use of SUDS features, including swales, filter drains and ponds. All runoff from the road surface will ultimately flow into one of five (drainage) ponds.
- 210 The ponds will prevent all flows going straight into the watercourses by containing some of the flow within the pond. This will ensure flood risk downstream is not made worse and will also allow some sediment's to settle out of the water which provides water quality improvements. The ponds will also contain any pollutants should an accidental spillage occur. The height of the new road and bridge will be located above the extreme flood level and will not be at risk of flooding from the River Almond or the Perth Lade. With these measures in place the effects are neutral or beneficial.
- 211 The proposed Scheme involves diverting the Perth Lade where it passes under the A9. Although this will increase the length of the watercourse, it will lead to a greater length being placed in a pipe under the A9, which has a slight adverse effect.
- 212 In terms of mitigation measures during the construction phase, it has been confirmed that the appointed contractor would be responsible for ensuring compliance with relevant environmental legislation, Local Authority, Scottish Natural Heritage and SEPA requirements through the implementation of the CEMP and their Method Statements, which will form part of the CEMP. An Environmental Clerk of Works will also be employed and visit the site to ensure that the Contractors are following the CEMP.
- 213 Operational mitigation for both water quality and water quantity impacts as a result of the proposed Scheme will be incorporated into the overall design of the drainage system, which includes the use of SUDS. In terms of planning policy, the proposed Scheme will assist in delivery of the objectives of the NPF3 and SPP as well as LDP Policy EP3 (Water Environment and Drainage).

Geology and Soils

- 214 Available information on geology and soils was obtained, including maps (some historic), borehole logs and ground investigations. No deposits of artificially filled (made) ground were shown within the study area. However, localised areas of made ground may be present associated with existing roads, buildings, embankments, and development in the vicinity as well as from existing flood prevention measures.
- 215 Only isolated areas have been found to be affected by contamination and therefore contaminated soils are unlikely to affect the proposed Scheme. However, there is a low risk from sources of contamination due the surrounding agricultural land use including; sewage sludge (used to improve grassland fertility), inorganic fertilisers, pesticides, herbicides and dredged material from drainage ditches.
- 216 In terms of mitigation during construction, a detailed site specific Construction Environmental Management Plan shall identify measures to reduce impacts on geology and soils, including minimising the risks to humans through the use of dust suppression measures, ensuring that existing monitoring wells along the alignment do not become a potential pathway for contaminants to enter the locally important aquifer and concealed aquifer below the site, each well will need to be first located

and decommissioned, or otherwise protected, and to minimise the loss of soils, the design should consider the reuse of removed soil material elsewhere in the Scheme area. Where temporary land take is required during construction, that land should be fully restored following construction.

- 217 Mitigation measures during the operational phase include the provision of SUDS and a Class 1 interceptor as well as compliance with current drainage standards. These mitigation measures will assist in reducing the potential for contamination of surface water bodies and comply with the objectives of the Water Framework Directive.
- 218 In summary, the assessment and proposed scheme has been designed in line with relevant national and local planning policies, including NPF3, SPP (2014), PAN33 (Development of Contaminated Land), and LDP Policies ER3 (Minerals and Other Extractive Activities – Safeguarding), Policy ER5 (Prime Agricultural Land), and Policy EP12 (Contaminated Land). Impacts on soil and geology will be suitably mitigated wherever possible, and the risk to humans will be minimised throughout the construction process.

Materials

- 219 Generation and disposal of waste; the pollution of air, water or soil during the handling, use, storage and transportation of materials was all considered and addressed within the Environmental Statement.
- 220 Measures have been proposed to reduce these impacts, including the use of sustainable design and construction methods; purchasing responsibly sourced construction materials; preventing, reusing and recycling waste materials; and through employing good site practices that minimise the risk of pollution. The residual environmental impacts after implementing these measures have been assessed as having a minor adverse effect.
- 221 During construction, mitigation measures to reduce potential impacts associated with material resource use / waste arisings include the production of a Site Waste Management Plan; Where practicable the 'Zero Waste Scotland Materials Exchange Tool', and other resources, will be used to identify potential sources of recycled materials for the proposed Scheme; and ensuring that all waste is stored, transported, treated, reprocessed and disposed of safely without harming the environment.
- 222 Measures have been designed to ensure that the proposed Scheme complies and remains consistent with the requirements of the NPF3, SPP, PAN33 (Development of Contaminated Land), and LDP Policies EP10 (Management of Inert and Construction Waste) and EP12 (Contaminated Land) as far as practicable. In this context, it is considered a reasonable and competent approach in respect of how imported and exported materials are addressed as part of the proposals.

Economic Impact

- 223 Short term, there will be job opportunities immediately associated with the construction of the road, SUDS, flood mitigation and wider planting & landscaping for mitigation. The Environmental Statement also proposes that valuable long term

transferrable skills will be experienced through the construction phases. Local business may experience short term adverse impact during the construction phases, but best practice management arrangements will be put in place to accommodate and mitigate for these issues. These are not considered to extend beyond the construction phase.

- 224 The previous identified loss of the North stand of McDiarmid Park Football Ground is no longer being pursued through the current proposals. This will allow for an expansion of current and previous documented gate takings. In line with the Compulsory Purchase Order proposals, the land take at McDiarmid Football Park is substantially less than was originally proposed in the previous planning application.
- 225 The land take includes the permanent loss of approximately 20 Ha of agricultural land within the site boundaries, the majority of which has not been identified as prime agricultural land. This loss of agricultural land has been proposed through consultation with landowners/tenants and closely associated with the Development Plan process and the wider strategic development.
- 226 With significantly improved vehicle, pedestrian and cycle access to the West of Perth, the area will be more attractive for development, providing an attractive infrastructure platform for new business moving into the region and supporting existing business in the longer term.
- 227 Land to the west of the A9 is zoned for development as referred to in TAYplan 2012 and in the approved Development Plan. Extension of the existing Inveralmond industrial estate is reliant on the provision of this junction upgrade to facilitate efficient access onto the strategic road network, resulting in long term economic benefits through new access and improved traffic flows.
- 228 Tourism is also considered to indirectly benefit from improved traffic flow; this is not however considered to have any direct impact on tourism generally.
- 229 A key tangible social benefit of the scheme will be the proposed pedestrian/cycle bridge on the route of the existing ground level crossing of the A9. This new crossing will significantly improve the safety and comfort for users crossing, and improve linkages to Inveralmond Industrial Estate and the wider countryside from Perth City, with the associated long term beneficial impacts to the local population.
- 230 Conversely, the 'do nothing' approach may be supported locally in some cases in the short term; however the reality would be increased congestion and associated detrimental air quality issues, adversely impacting on the quality of life of local residents with tourism and new business opportunities stagnating if not deteriorating as a result of poor access and congested traffic flow. It is difficult to overstate just how important, indeed crucial this major investment in transport infrastructure is to the future economic prosperity of Perth.

Cultural Heritage

- 231 There are a number of listed buildings and a scheduled ancient monument in close vicinity to the road infrastructure scheme. These include Huntingtower Castle, Waterside Cottages, Ruthven House and Ruthven House Garden Wall and Lodge.

Historic Scotland and the Conservation Officer have concluded that the associated mitigation proposals are considered to be acceptable and appropriate in this context.

- 232 Non-designated assets include a section of the Perth Lade, a possible prehistoric henge, elements of ornamental garden and part of Ruthvenfield Print Works. The Environmental Statement does not set out specific recommendations for mitigation of impact upon each non-designated heritage asset but states that proposals to “comprehensively investigate the construction footprint” will inform mitigation measures that will ensure “preservation by record”. Given the character of the heritage assets in this area, preservation by record is considered acceptable.
- 233 The Environmental Statement states a programme of trial trenching, which will inform measures to mitigate direct impact. This evaluation should aim to determine the presence or absence, location and extent, date and character, condition, significance and quality of any surviving archaeological remains within the development area. Survey of extant structures plus consideration of where temporary fencing should be erected to avoid accidental damage of heritage assets should also be considered at this stage. Subsequent mitigation measures are likely to include excavation and / or archaeological monitoring of ground breaking works followed by analysis and, if appropriate, publication of results to achieve preservation by record is considered acceptable. Overall impacts on cultural heritage assets are concluded to be neutral.

Biodiversity & Habitat

- 234 The geographic extent of the study area included the footprint of the proposed physical structures, the anticipated construction footprint, and the upstream and downstream reaches of watercourses that may experience significant ecological effects as a result of the construction and operation of the proposals.

Protected Species

- 235 Otters and all species of bat are European Protected Species (EPS). The Council need to be satisfied, in line with statutory duties under the Habitats Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application. If not, there is a risk that the applicant would be unable to make practical use of the planning permission or commit an offence.
- 236 In relation to the aforementioned, three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. An application will fail unless all of the following three tests contained within the Regulations are satisfied:
- ***“the activities to be carried out under any proposed licence are for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.***
 - ***“there is no satisfactory alternative”.***

- ***“the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”***

237 SNH have stated a general support for the good practice and mitigation measures proposed, which includes production of a habitat management plan, environmental management plans, appropriate timing of the construction phase and post-construction monitoring of sensitive aspects of the proposal, and also the intention to carry out pre-construction surveys. This will allow time to apply for EPS licences, should the results of the otter or bat surveys show that one is now required.

238 SNH clarified the appropriate timing of the in-channel work, with various dates given throughout the supporting information. The dates should be based on avoiding the most sensitive times for all three affected species, i.e. brook and river lampreys spawning between March and July and Atlantic salmon running mid-October, therefore, in-channel work should only take place in the Almond between the end of July and mid-October. Work on the Lade diversion need only take account of the lamprey spawning period, as salmon were not recorded in the vicinity of the diversion.

Deer

239 SNH has confirmed they are broadly content with the measures proposed in the Environment Statement to manage the deer population that will be affected by this proposal. In addition to proposed measures, it was also recommended that consideration should be given to managing deer numbers in this location, particularly given the various development proposals for the land surrounding the River Almond.

General Biodiversity Observations

240 RSPB gave general support for all of the recommendations included in Section 5 of the ES, including the provision of nest boxes which will provide nesting habitat prior to the planted trees maturing. It is recommended that this should include at least one owl box as evidence of tawny owls breeding in the area was recorded.

241 Proposed works were also welcomed; involving removal/disturbance of features which can be used by breeding birds will be undertaken outside the main bird breeding season and that if disturbance to such features has to occur during the season, a survey by an experienced ecologist will be undertaken immediately in advance of the works to check for nesting birds. Should breeding birds be found, works in the area will cease until the young have fledged. The proposed mitigation for skylark and yellowhammer was supported.

242 The Council's Biodiversity Officer made the following observations and recommendations:

- The bat survey submitted only takes account of the trees in the strip north of the River Almond and not the large amount of trees now affected along the A9 and at Perth Crematorium. This can be addressed by pre construction surveys although it should ideally have been considered before determination of the application.

- The proposed parking and access road within the Crematorium will affect the bluebell wood at the Crematorium. Native Bluebells (*Hyacinthoides non-scripta*) are protected in the UK under the Wildlife and Countryside Act making it a criminal offence to remove the bulbs without permission. Consideration should therefore be given to the retention of bluebells on site (where practically possible).
- The proposed SUDS offer opportunities to create wildlife habitats and details of proposed planting around SUDS ponds should be provided.
- In addition to the impact the new road will have on the individual groups and trees, the impact on the habitat network the groups provide as a whole should also be considered as part of finalised detailing and mitigation.

Appropriate Assessment (Impact on Special Area of Conservation)

River Tay Special Area of Conservation (SAC)

- 243 The River Almond is part of the River Tay SAC, which is designated for its populations of Atlantic salmon, otters, clearwater lochs and brook, river and sea lamprey. Atlantic salmon, otters and brook and river lamprey may be affected by this development, sea lamprey and clearwater lochs are not present on this stretch of the River Almond.
- 244 The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Perth and Kinross Council is required to consider the effects of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal (HRA)).
- 245 The Habitats Directive sets out an obligation on Member States in relation to taking appropriate steps to avoid the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated. The Directive requires that any plan or project not directly connected with or necessary to the management of the SPA but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications in view of the site's conservation objectives.
- 246 SNH considers that this proposal is likely to have an adverse effect on the Atlantic salmon and brook and river lamprey qualifying interests of the SAC. These species are vulnerable to changes in water quality caused by the release of sediment and pollutants into the watercourses during construction and the discharge from the outfalls for the SUDS ponds, which will be located downstream of the new bridge over the River Almond. In addition to these elements of the proposal, the road infrastructure at this location and the realignment of the Perth Lade could also have a detrimental impact on the SAC interests, both during construction and operation.
- 247 It is concluded that, based on the conclusions of the HRA, the potential adverse effects can be avoided if the works are done strictly in accordance with the proposed Environmental Management Plans (EMPs). We are content that the proposed scope of the EMPs, as outlined in Section 16 are appropriate and that the contractor, once appointed, will complete the EMPs. SNH are content for Perth and Kinross Council to finalise the details of the EMPs without further recourse.

248 In summary, the three key tests are considered to have been satisfied and addressed appropriately through assessment and compliance with the mitigation measures of the associated Environmental Statement. Accordingly, it is considered that the potential threat and impact to population, distribution or habitat of protected species can be either avoided or minimised through mitigation and shall therefore not impede the granting of consent.

Content and Adequacy of the Environmental Impact Assessment

249 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.

250 Part 4, Schedule 16 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. The contents and the associated background information pertaining to the Environmental Statement and proposals are considered to fully meet the requirements of those regulations through this planning submission.

Human Rights

251 The recommendation in this report for approval of this application has potential implications on Human Rights in terms of a suggested entitlement to peaceful enjoyment of possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the right to peaceful enjoyment of claimed possessions by approval of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such approval constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

LEGAL AGREEMENTS

252 None required.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

253 On occasion, as well as being the decision-maker on a planning application, a Planning Authority will have some other interest in the proposed development, for example as the developer or the owner of the land. While the Council has reached a view to propose this development, the Planning Authority must still carry out its statutory planning functions without interference. In this case the Council's planning officials have carried out a thorough assessment following all necessary procedures,

including Environmental Impact Assessment (Scotland) Regulations 2011 to reach its recommendation on this application.

- 254 Further information on this matter is provided in Scottish Government circular 3/2009: Notification of Planning Applications. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the Authority's own Development Plan. While this recommendation of approval has been identified to potentially conflict with some aspects of the Development Plan, it complies firmly with other sections and is a local, strategic, regional objective for delivery. In this case it is considered the proposal does not constitute a significant departure from the Development Plan, and a notification to the Ministers is therefore not required in this instance.

DIRECTION BY SCOTTISH MINISTERS

- 255 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 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

- 256 In summary, there is an established and ongoing traffic and air quality issue surrounding the A9/A85 junction and existing A85, with the current junction acting as a major constraint not only on the transport network, both regionally and locally, but also as a major constraint to the further development of sustainable economic growth in and around Perth. It is considered that the 'do-nothing' scenario is not a viable long term option and that a major upgrade of this junction with associated infrastructure is essential if Perth is to continue to flourish and its citizens continue to enjoy a high standard quality of life.
- 257 In conclusion, 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 2012 and the adopted Local Development Plan 2014. Material considerations have been taken into account, with the conclusion that none would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2. Storm water drainage from all paved surfaces shall be disposed of by means of suitable SUDS to meet the requirements of best management practices.

Reason – In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.

3. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated landscaping and infrastructure to be agreed in writing with the Council as Planning Authority, in joint consultation with Perth and Kinross Council Flooding Team and Community Greenspace Team. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk and in providing a suitable landscaped facility with appropriate biodiversity opportunities.

4. Prior to the completion of the development, the River Almond for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed bridge) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

5. The design and layout of the raised earth embankment to baffle flow along the exiting flood path to avoid further flood inundation shall be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Flooding Team prior to the commencement of any works on site.

Reason - In the interests of best practise; to avoid undue risks to public safety and flood risk.

6. The design and layout of the Perth Lade diversion (including the culverted section), shall be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Flooding Team prior to the commencement of any works on site.

Reason - In the interests of best practise; to avoid undue risk to public safety and flood risk.

7. Prior to the completion of the development, the Perth Lade for a distance of 300m (or length otherwise agreed with The Planning Authority) upstream and downstream of the proposed bridge) shall be Inspected and cleared of any impediments likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

8. The soffit level of the proposed bridge over the River Almond shall be a minimum of 16.9mAOD.

Reason: In the interests of best practise; to reduce avoidable flood risk.

9. The surface water discharge shall be limited to 50% of the greenfield runoff rates as outlined in Table 1 of the approved Drainage Strategy. Drainage Network 1 will be limited to 4.75l/s, Network 2 will be limited to 8.05l/s and Network 3 will be limited to 5.55l/s.

Reason – To reduce avoidable flood risk to the Perth Lade.

10. No works shall take place within 25m of any flood walls or embankments of the Perth Flood Prevention Scheme (including all works to construct the bridge and raise the footpath upstream of the bridge) without the prior written approval of the Council as Planning Authority, in consultation with the Council's Flooding Team.

Reason – To maintain the integrity of the Perth Flood Prevention Scheme defences.

11. All identified and affected over land flood routes and flood culverts shall be appropriately managed and maintained in perpetuity, unless otherwise agreed in writing with the Planning Authority in consultation with the Council's Flooding team.

Reason – In the interests of best practise; to avoid undue risk to public safety and flood risk.

12. A woodland planting scheme to compensate for the removal of 2.4 hectares of existing woodland ("the Replanting Scheme") shall be submitted to and approved in writing by the Planning Authority, in consultation with Forestry Commission Scotland and the Council's Community Greenspace Team, prior to the commencement of development.

Reason - In the interests of visual amenity and to protect the landscape character of the area.

13. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The Replanting Scheme submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Community Greenspace Team and must include:

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage; and
- g. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme.

Reason - In the interests of visual amenity and to protect the landscape character of the area.

14. The approved Replanting scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein; unless otherwise agreed in writing by the Planning Authority and in consultation with the Council's Community Greenspace Team and Forestry Commission Scotland.

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

15. Prior to the commencement of site clearance; details of all directly affected trees to be retained and the comprehensive approach to their protection in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction" shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Council's Community Greenspace Team.

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 - In order to ensure the protection of all retained trees on the site.

16. In association with condition 1 and for clarification; all trees identified as being affected by the proposals shall be assessed for potential bat roosts and those identified as having potential bat roosts shall be surveyed prior to commencement of development. Bat roosts found that will be destroyed as a result of the development shall require a licence from SNH prior to work commencing and the same number of suitable replacement roosts shall be identified and thereafter provided.

Reason - In the best interests of habitat and wellbeing of protected wildlife.

17. In association with condition 1 and for clarification; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.

Reason - In the best interests of habitat and well-being of protected wildlife.

18. In association with condition 1, all 'sacred' soil (or associated inert material, as deemed by agreement) stripped from the Crematorium grounds shall remain on site and be spread on site in locations agreed by the Planning Authority, in consultation with the Council's Community Greenspace team.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to pay appropriate respect to the sensitive site conditions.

19. Prior to Commencement of Development, an updated 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 statutory consultees) adopting all recommendations of statutory consultees and also include the following recommendations:

- All trees that are required to be felled will be checked for nesting birds, bats and red squirrels prior to felling.
- All excavations are covered at the end of the working day to prevent mammals falling in and being trapped.
- Details of any borrow pits within the red site line area and site compound/s.

Such details shall be submitted not less than two months prior to the agreed scheduled commencement date. Thereafter the Development shall be fully undertaken in accordance with the approved CEMP.

Reason: to control pollution of air, land, water and associated site specific ecology issues and ensure environmental impacts are satisfactorily mitigated.

20. Development shall not commence until an independent and suitably qualified Ecological Clerk of Works (ECoW) or Environmental Manager has been appointed at the developers' expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW or Environmental Manager in representation of the Planning Authority relating to this development shall have responsibility for the following:
- a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
 - b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
 - c) Prior to the commencement of development they shall provide an environmental /ecological tool box talk for construction staff.
 - d) They will have authority to amend working practices where required. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
 - e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
 - f) They are required to submit a detailed monthly report for the review of the Planning Authority in consultation with appropriate statutory consultees for the duration of development.
 - g) They shall notify the Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented to the satisfaction of the Council as Planning Authority until completion of development.

Reason - To ensure a suitably qualified person oversees management of ecological interests on the site.

21. In association with aforementioned condition 1 and for clarification purposes, the following measures shall be fully addressed and adhered to as part of the development:

- Mitigation measures as described in section 5.6.1 of the air quality assessment.

Reason - to minimise dust arising from construction of the scheme.

22. In association with condition 1 and for clarification, the following measures shall be fully addressed and adhered to as part of the development:

- Barriers shall be erected to mitigate noise increases resulting from this scheme as described in section 10.5.5.2 of the noise assessment and Figure 10.5.

Reason – To control noise to within an acceptable level in association with neighbouring amenity.

23. Prior to the completion or operation of the Scheme, an assessment of appropriate noise mitigation solutions should be undertaken, including the associated cost and visual impact to protect all identified isolated properties not protected currently by the proposed barriers, shall be submitted to and approved by the Planning Authority in consultation with the Council's Environmental Health team and Community Greenspace team. The approved mitigation measures as subsequently approved shall be implemented fully as part of the site development programme.

Reason – To control noise to affected isolated properties and in the interests of visual amenity; to ensure a satisfactory standard of environmental quality.

24. 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.

Reason - To ensure sites of archaeological interest are properly protected and recorded as appropriate.

25. In addition to condition 1, prior to the Commencement of Development, matters seeking to address salient matters in the Council's Community Greenspace consultation response (dated February 2015) – including provision of full details in relation to landscaping, visual impact mitigation and access opportunities for the site shall be submitted for the further approval of this Council as Planning Authority, in consultation with Community Greenspace. The approved detailing and associated mitigation measures shall thereafter be respected and fully implemented as part of the site development programme.

Reason - To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.

26. In association with condition 25, a detailed landscaping, boundary treatment and planting scheme for the site shall be submitted for the further approval of this Council as Planning Authority, in consultation with the Council's Community Greenspace team, prior to the commencement of any site works, and construction 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. The scheme as subsequently approved shall be carried out and completed within the first available planting season after the completion of the development hereby approved with any off-site planting scheme being completed within the first available planting season after the commencement of works on site; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

27. Prior to Commencement of Development and in association with aforementioned condition's 25 and 26; specific details shall be submitted to the Council as Planning Authority, in consultation with Community Greenspace (as appropriate) for further approval including:

- SUDS ponds and associated landscaping, identifying habitat creation opportunities;
- Acoustic barriers, walling and associated planting detailing;
- Interface with the Crematorium Gardens of Remembrance;
- Boundary details and landscaping in and around Double Dykes;
- Street lighting details;
- Individual bridge and roundabout design details;
- Embankment design details and calculations;
- Culvert design details and calculations;
- Road drainage design details and calculations.

The details as subsequently approved shall thereafter be implemented as part of the site development programme.

Reason - In the interests of the proper planning of the area and in order to control implementation of the development in compliance with the provisions of the development plan and full compliance with identified mitigation measures of the Environmental Statement, Appropriate Assessment and in cognisance of concerns raised by Community Greenspace.

28. Prior to Commencement of Development, the applicant is advised to contact Transport Scotland to establish and agree the full extent of further work or analysis which may be required and thereafter demonstrate to the Trunk Road Authority that the 'Spatial Strategy' can be accommodated through the associated proposal through development scenarios and traffic modelling .

Reason - To ensure that the standard of the junction upgrade complies with current trunk road standards and that the safety and free flow of traffic on the trunk road is not diminished as a result of any anticipated strategic development.

29. All external lighting to be installed 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 the satisfaction of the Planning Authority.

Reason - To ensure that there will be no adverse impact on neighbouring amenity or associated distraction or dazzle to drivers on the trunk road.

30. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any drainage pipes, 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 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.

Reason - In the interests of not prejudicing existing infrastructure and maintaining environmental quality.

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 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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 applicant is advised to contact Perth and Kinross Heritage Trust Archaeologist as soon as possible to allow for the procedure of works required to be explained to them, allowing a written Terms of Reference to be prepared.
- 6 This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.
- 7 The applicant is advised to look over and incorporate where appropriate, national guidance produced by RSPB and WWT in relation to Sustainable Drainage Systems (SuDS) and maximising opportunities for biodiversity benefits within this development: http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers:

- 22 letters of representation
- Appendix 1 Perth Transport Futures Project – Phase 1 A9/A85 Junction and Link to Bertha Park (options appraisal)
- Report to Council 26 June 2013, Perth Transport Futures Project (13/336) Report to Council 7 May 2014, Perth Transport Futures Project Phase 1 A9/A85 to Berthapark (14/192)
- Report to Council 25 June 2014, Perth Transport Futures Project – Phase 1 A85 to Berthapark, Compulsory Purchase Order (14/303)
- Report to Council 8 October 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Berthapark, Compulsory Purchase Order (Report 2) (14/437)
- Report to Council 25 February 2015, Perth Transport Futures Project – Phase 1 A9/A85 to Berthapark, Appropriation of Open Space (Perth Crematorium) (15/97)

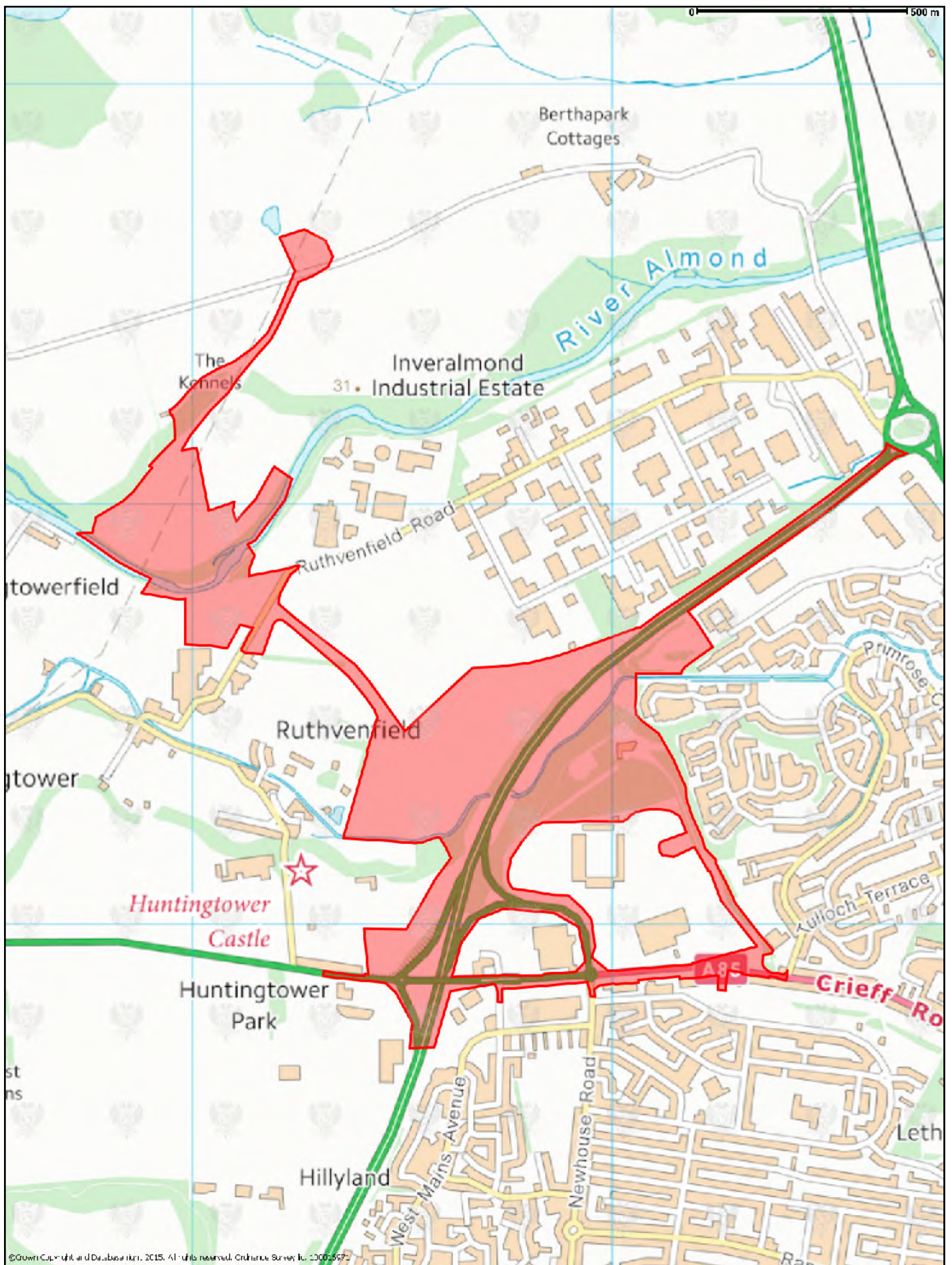
Contact Officer: Callum Petrie – Ext 75353
Date: 4 March 2015

**Nick Brian
Development Quality Manager**

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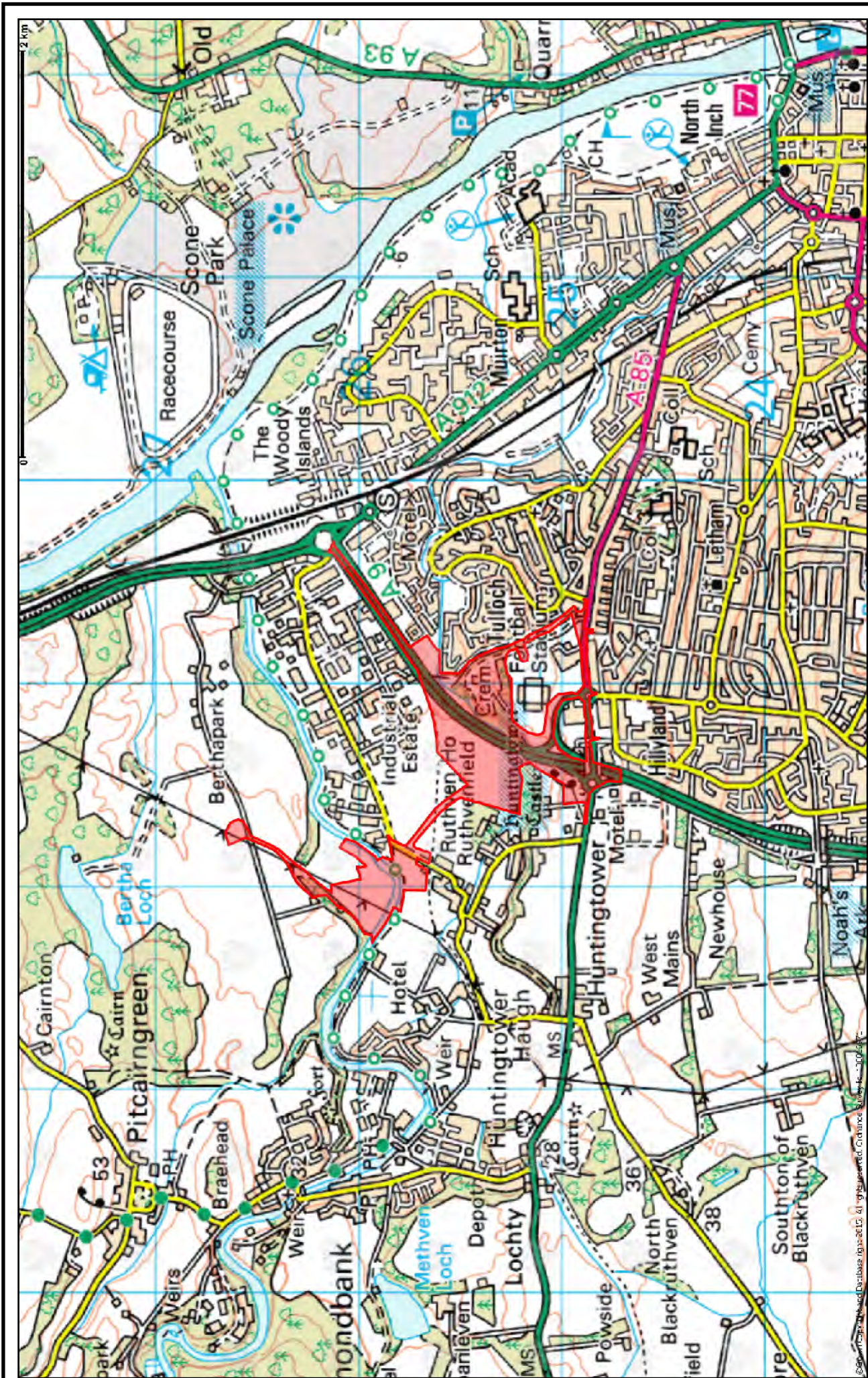


Scale 1:12000

15/00036/FLL

Upgrading of roads infrastructure including the formation of new roads, roundabouts, bridges, car parking, landscaping and associated works land from the A9/A85 Crieff Road Junction, Perth





15/00036/FLL

Upgrading of roads infrastructure including the formation of new roads, roundabouts, bridges, car parking, landscaping and associated works land from the A9/A85 Crieff Road Junction, Perth



Scale 1:25000

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PERTH AND KINROSS COUNCIL

26 June 2013

PERTH TRANSPORT FUTURES PROJECT

Report by the Executive Director (Environment)

PURPOSE OF REPORT

This report details successive decisions by Council to address the issues of congestion and air quality in, and around, Perth. As a result of the work undertaken in addressing these issues, the opportunity to examine sustainable economic growth opportunities for Perth, with benefits to the area as a whole, have also been identified. These have been incorporated in Strategic and Local Development Plans.

The report outlines the key phases of the Perth Transport Futures project, with a particular focus on the A9/A85 junction and the link road to Berthapark. It provides detail in relation to the resource implications to fund Phase 1 of the Perth Transport Futures Project. It also outlines an approach to involving elected members in informing the project as it moves forward.

1. BACKGROUND

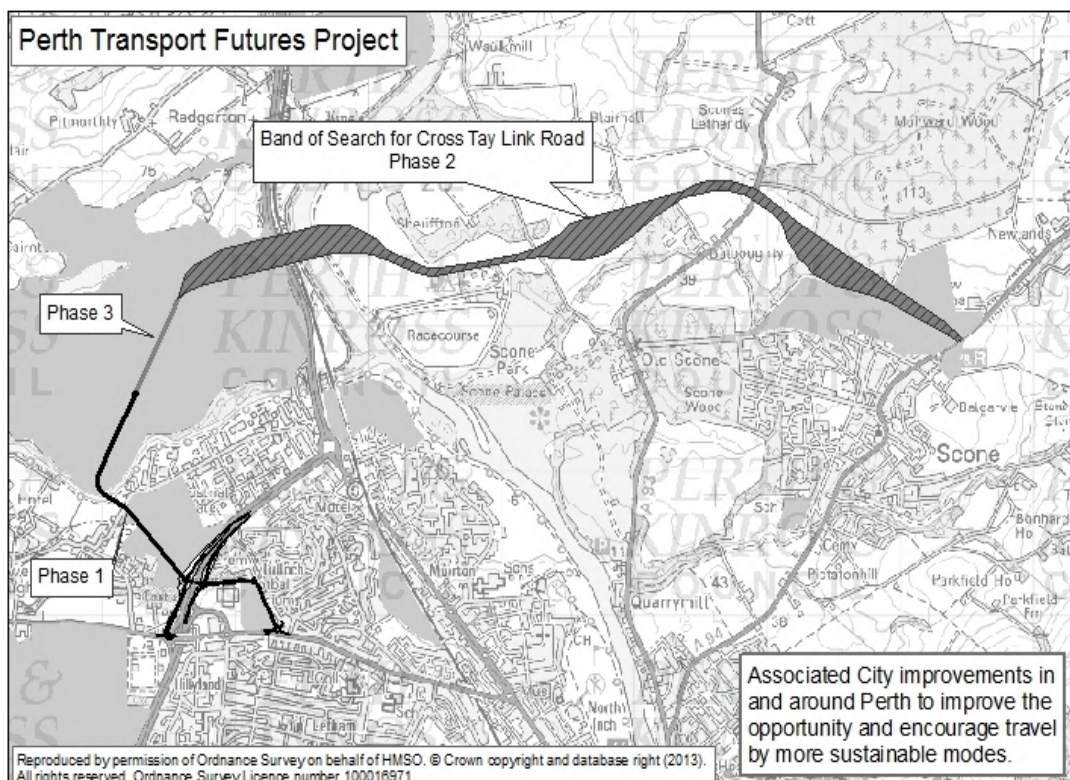
- 1.1 It is widely acknowledged that Perth is a major strategic hub in the Scottish transport network where the principal routes connecting the central belt to North and North East Scotland converge. However, over the past 20 years, as a result of traffic growth nationally, there has been increasing concern over traffic congestion and related air quality issues in, and around, Perth.
- 1.2 As a result of these traffic and air quality issues, it was clear that there were both current, and future, problems which needed to be addressed in order to ensure that serious gridlock conditions could be avoided around the city. Failure to examine this congestion would continue to exacerbate the air quality issues, creating a vicious circle. The need for a solution which relieves this burden has, therefore, been identified as an issue over many years for successive Councils. The full history of this is outlined in Appendix 1.
- 1.3 While exploring the solutions to these problems, it became apparent that they would also support the sustainable economic growth opportunities for Perth, and the Council area as a whole. As such, this has become the basis on which the Strategic and Local Development Plans are now founded.
- 1.4 Appendix 2 provides further details about congestion and air quality.
- 1.5 In addition, the most recent Scottish Government population projections (2010 based) for the area continue to indicate sustained growth over the period to 2035, with Perth & Kinross projected to have the second highest percentage growth rate of all Scottish Authorities but the highest levels of in-migration.

Approximately 50% of this growth is expected to be in the Perth City Housing Market Area. This indicates the continuing need for measures to improve air quality and congestion, while supporting economic growth.

The vision for the future transport network which was developed as part of the Scottish Transport Appraisals Guidance (STAG) process is “to provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment and improve social inclusion and accessibility.”

1.6 Overall, the Perth Transport Futures Project is focussed on road infrastructure required to address key congestion points in the road network and to provide essential linkages to growth areas. The new infrastructure would not serve to support unrestricted growth in traffic. As such, the key elements form an integrated series of measures to address Perth’s long term transportation needs and ensure Perth’s growth does not compromise the national trunk road network. While the individual phases all deliver direct benefits, the ability of the Perth network to accommodate the projected sustainable economic growth, including the opportunity to create thousands of jobs, is only achieved with the delivery of the full package of measures. These would be delivered over a number of years and can be divided into 4 phases:-

1. Enhanced A9 / A85 Junction and link to Berthapark
2. Cross Tay Link Road (CTRL)
3. Berthapark north link to A9
4. Associated City improvements such as traffic management measures and measures to further develop the cycling, walking and public transport networks in and around Perth to improve the opportunity and encourage travel by more sustainable modes.



1.8 There are significant benefits arising from the Perth Transport Futures Project. These can be summarised as:

- An upgraded A9/A85 junction providing for better flow of both local and through traffic and easier connections to Inveralmond.
- A second major access to Inveralmond will relieve pressure on this junction at peak times
- Improved pedestrian and cycle safety over A9.
- Reduction of journey times on the local transport network and increased network capacity.
- A vital first link in potential A9/A94 link road and 3rd Tay Crossing, so further enhancing the transport network in and around Perth.
- Expansion of Perth as envisaged in the Proposed Local Development Plan.
- Improved amenity for residents and businesses in the Crieff Road corridor.
- A positive contribution towards meeting the objectives of the Council's AQMA within both the Crieff Road Corridor and wider Perth
- Potential for the creation of between 3,000 – 5,000 jobs through the opening up of development land

1.9 The detailed cost/value analysis is contained in Appendix 3.

2. DEVELOPING THE SOLUTIONS – PERTH TRANSPORT FUTURES (PTF)

2.1 In 2008, the Council commissioned a study under the framework of Scottish Transport Appraisal Guidance (STAG). This is a crucial stage in any major transport infrastructure project. It seeks clear evidence for any proposals without which Transport Scotland will not support any project that does not meet the criteria laid out within the framework.

2.2 The Regional Transport Strategy produced by TACTRAN covers a 15 year period and was approved by the Scottish Ministers in September 2008. The strategy highlights that a number of key junctions across the region are currently overloaded in peak periods. In the Perth context, these included the Broxden Roundabout, Bridgend and A85 Crieff Road in Perth. The proposed concentration of further housing and employment across the area will exacerbate these problems over time. Reference is also made to Perth being an Air Quality Management Area, with traffic as the main contributor to the local air quality problem.

2.3 Following both these reports, on 26 August 2009, in recognition of the need to examine ways to address key issues in relation to congestion, air quality and economic growth, the Enterprise and Infrastructure Committee approved three papers. These were:

2.4 **The Air Quality Action Plan for Perth** (Report No. 09/404 refers) which was developed to reduce the levels of Nitrogen Dioxide and Particles in order to

meet the statutory standards. Among the actions contained within this Plan were options under six main headings – Cross Tay Link, Freight, Public Transport, Procurement, Planning and Education.

- 2.5 **The Strategic Transport Network Issues** (Report No. 09/405 refers) which detailed the findings of a major review of transport issues in and around Perth city. This report highlighted the requirement for significant improvements in transport infrastructure, including a major new Cross Tay Link, in order to accommodate the future development of the city. It also remitted the Executive Director to complete the Strategic Environmental Assessment (SEA) and associated public consultation process.
- 2.6 **The North West Perth Expansion Area Study** (Report No. 09/406 refers) which outlined the findings of the assessment of the infrastructure requirements and costs for the future development of North West Perth, principally related to the building of a new A9/A85 junction. This report outlined a range of options, and the Committee approved a line to the north of McDiarmid Park. It also remitted the Executive Director to take forward further development work into the detailed infrastructure design for North West Perth.
- 2.7 Following the SEA, the ongoing development of the Perth Transport Futures (PTF) project was integrated into the Strategic and Local Development Plan process. On 29 September 2010, the Council considered and approved for consultation the **Local Development Plan Main Issues Report** (Report No. 10/509 refers). This highlighted the critical nature of the package of transportation improvements required to deliver the growth strategy for the Perth area.
- 2.8 At a special meeting on 10 January 2012, the Council considered and approved a **Proposed Local Development Plan** (Report No. 12/5 refers). This is an expression of the Council's "**settled view in relation to the appropriate use of land within the Council area**". This identified the capacity of the local transportation infrastructure as the key constraint facing the Perth area. As a result, the delivery of the strategy for the sustainable economic growth of the city is reliant upon the phased delivery of the PTF project.
- 2.9 The TAYplan Strategic Development Plan was approved by the Scottish Ministers in June 2012. The adopted Plan promotes improvements to existing transport infrastructure, its network and linkages as well as making better use of existing network. The Proposals Map showed proposed upgrades along the A9 at the western edge of Perth and A9-A94 road link.
- 2.10 At the special meeting of the Council on 23 January 2013, the Council agreed to submit the Proposed Local Development Plan for examination to the Scottish Ministers without modification. **(Report No. 13/18 refers)**. The Reporter has now asked a series of questions and set a date for a possible Hearing in July 2013. A significant focus of the questions is on the Council's commitment to deliver the transportation elements of the Plan.

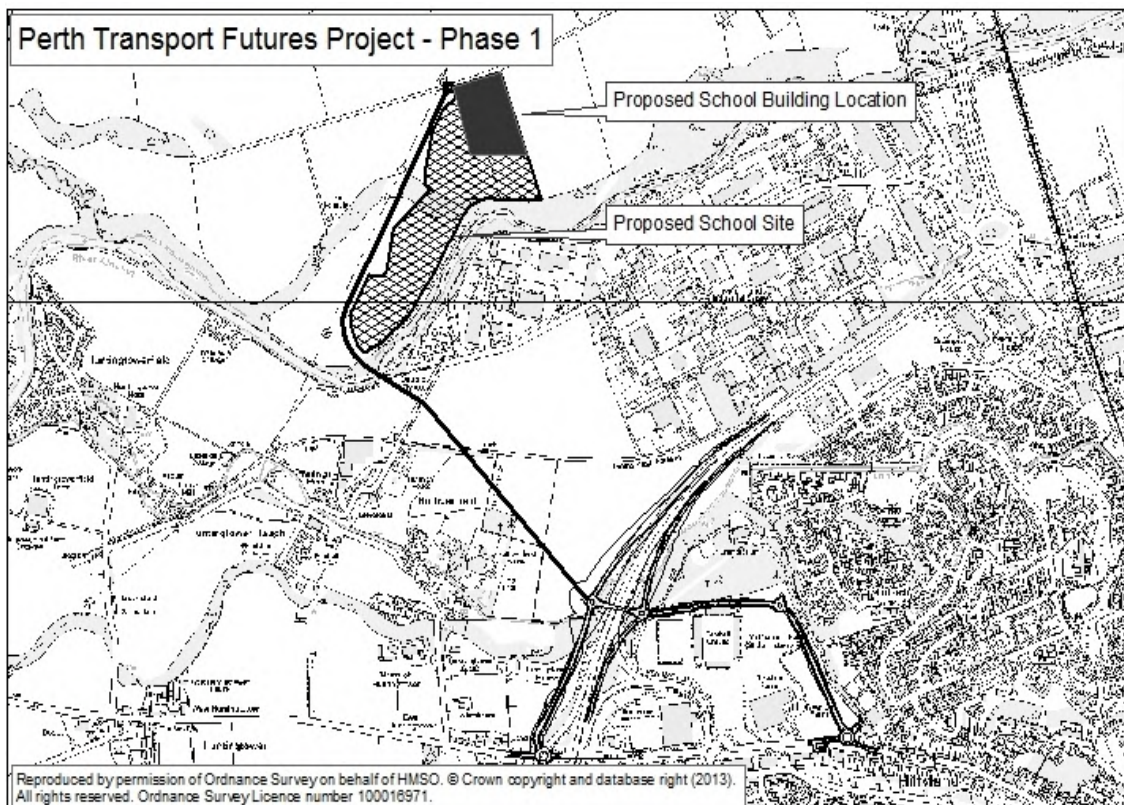
- 2.11 On the basis of the agreed alignment outlined in paragraph 2.6 above for the A9/A85 junction, a planning application was submitted (along with the required Environmental Assessment). This was approved at the Development Management Committee of 30 May 2012 (**Report 11/01579/FLL refers**). It included the formation of slip roads, roundabouts, bridges, SUDS ponds, landscaping and diversion of the Lade, north of the A9 and A85 Junction. It should be noted that the planning application identified no impact on either the crematorium or the Garden of Remembrance.
- 2.12 At its meeting on 19 December 2012 (**report 12/586 refers**), the Council agreed to support the requirement for A9/A85 Road Junction Improvements in principle until the level of funding from the Scottish Government and other developer contributions became known. The Council also instructed the Executive Director (Environment) to continue dialogue with Transport Scotland to secure additional funding towards the Perth Transport Futures project. This dialogue is continuing with a view to developing a full funding strategy for the project for consideration by Council. In addition, Strategic Policy and Resources Committee on 17 April 2013 (**Report No 13/151 refers**) agreed that, in the interim to progress the project, it was necessary to fund approximately £400,000 for ground investigation and other consultancy costs.
- 2.13 The **Perth City Plan** approved by Council in May 2013 (Report No. 13/216 refers) also reflects the requirement to improve roads and transport infrastructure to enhance connectivity between the city centre and the planned western expansion, the wider region, and the rest of Scotland.
- 2.14 Appendix 1 identifies the key stages in the development of the PTF project outlining the Committee decision making process, the Development Plan and other strategic documents. This demonstrates that, while the funding solution is still not finalised, the Council's commitment to the Perth Transport Futures Project is clear.
- 2.15 Phase 1 of the PTF project covering the A9 / A85 Junction and link to Berthapark is explained in outline below.

A9/A85 Junction Upgrade and link to Berthapark

- 2.16 Traffic modelling has identified the Crieff Road corridor, including the A9/A85 and Newhouse Road junctions, as a major issue. These routes also act as major local traffic distributors linking Perth to Crieff and the City with the major employment area of Inveralmond. In particular Newhouse Road acts as a key local distributor road for the large population areas of Letham and Burghmuir. The extent of the current congestion impacts severely on travel times in this locality and has resulted in the withdrawal of some bus services due to the inability to keep to a reliable timetable.
- 2.17 The preferred option in terms of optimising a design layout and minimising disturbance to existing property proposes a new grade separated interchange between the A9 and the A85 located to the north of the existing interchange (Report No. 09/406 refers). A new distributor road will also provide connections between the A9 and Crieff Road and routes to the north. The new

interchange includes a new overbridge crossing of the A9 Western Bypass provided between two roundabouts. The existing slip roads onto the A9 will be stopped up. The full package of measures will also incorporate enhanced pedestrian/cycle crossing over the A9, together with public transport improvements.

- 2.18 After initial planning consent was granted, following landowner consultation, a re-design was sought to accommodate a property. This re-design now allows the North Stand at McDiarmid Park to be retained and there is still no impact on the Crematorium ground and the Garden of Remembrance.
- 2.19 Given the requirements for land for the junction, officers have started a dialogue with affected landowners with the aim of securing the required land voluntarily. If a voluntary arrangement cannot be reached then a report may need to be submitted to Council later in the year seeking consent for a Compulsory Purchase Order (CPO).
- 2.20 The road extends across the Almond and into the Berthapark school site and completes the first phase of the Perth Transport Futures project . This part is currently undergoing detailed design and assessments in accordance with the standard DMRB (Design Manual for Roads and Bridges) process. In addition, appropriate environmental assessments are being undertaken to inform the alignment decision making process and will form part of the subsequent planning application. There is limited scope to look at alignment options due to constraints over the crossing point of the Almond, the escarpment and the line of electricity pylons.



- 2.21 Work is ongoing in relation to site investigations for Phase 1. It is anticipated that construction will take place between financial years 2015/2016 – 2017/2018.
- 2.22 The delivery of the project provides the transport solution to reduce congestion on the existing road network, unlock the development potential in the Inveralmond and Berthapark area and access the all-through school planned in that area.

3. NEXT STEPS

- 3.1 A Project Board has been established to lead on the detailed design, land acquisition, procurement and delivery of Phase 1 of the project. A Project Manager, who will report to the Project Board, will be appointed with responsibility to deliver the project. The Project Board is to investigate and assess potential procurement options for the project with cognisance taken of the risks associated with the various procurement strategies.
- 3.2 The development of Perth Transport Futures will be one of the largest infrastructure projects undertaken by the Council. As such, it is vital that elected members are fully involved in how the project moves forward.
- 3.3 It is therefore recommended that a series of workshops is organised during August 2013 to allow members to input into the development of the whole project.
- 3.4 The content of this report and the decisions of the Council in relation to it will be presented to the Reporter appointed to undertake the Local Development Plan examination.

4. RESOURCE IMPLICATIONS

Capital

- 4.1 The estimated capital cost for Phase 1, including land acquisitions, is £23.5m. This includes an optimism bias in line with roads construction industry standards.
- 4.2 The Composite Capital Budget currently includes £400,000 in 2013/14 and a contribution from Sainsbury's of £2.18m is anticipated under a Section 75 agreement, leaving a net unfunded cost of £20.92m.
- 4.3 Whilst it is anticipated that future developments may lead to further contributions, and negotiations are still progressing with Transport Scotland, the Council will need to plan on the basis of funding the £20.92m in the short to medium term given that there is no certainty over future levels of external funding.
- 4.4 At its meeting on 19 December 2012 (report 12/586 refers), the Council committed to various additional capital infrastructure projects. The report included consideration of the A9/A85 Junction Improvements and

recommended that the Council support the requirement for the project in principle. No funding was approved at that time and the Council instructed the Executive Director (Environment) to continue dialogue with Transport Scotland to secure additional funding. To date, no funding has been secured, but discussions are progressing.

- 4.5 Since 19 December 2012, the proposed scheme has been further developed to include a bridge over the river Almond and an access road to the Berthapark development site. The project is now at the point where funding needs to be identified to allow the scheme to progress.
- 4.6 A variety of funding options were examined in the December 2012 report to Council and the principal option identified was to fund additional capital expenditure through increased borrowing. It was proposed to manage the increased Capital Financing Costs (“loan charges”) in the short to medium term through the Capital Fund. This strategy was advised by a revised Treasury Management Strategy of deferring borrowing in 2012/13 and 2013/14 and utilising cash balances to meet capital expenditure in the short term to give rise to savings in Capital Financing Costs.
- 4.7 Based on the additional capital expenditure approved by the Council in December, excluding the current proposal, it is currently projected that the resources available in the Capital Fund will be exhausted by 2024/25. At this point it is anticipated that it will be necessary to increase the revenue budget for loan charges by £4.355m per annum. This is illustrated at Appendix 4a.
- 4.8 Report 12/586 also illustrated the impact of including the additional borrowing costs for the A9/A85 junction in the event that significant Scottish Government contributions were not forthcoming. Additional borrowing is currently considered to be the most likely means of funding the majority of PTF Phase 1 costs although other potential sources of funding are outlined below. It is, therefore, recommended that the Council base the decision on whether to commit to funding Phase 1 on the premise that it will have to borrow to fund £20.92m and that this borrowing will be managed through the Capital Fund in the manner illustrated at Appendix 4b.
- 4.9 By extending the approved strategy to include the additional £20.92m of unfunded expenditure for the PTF phase 1 project, it is estimated that the Capital Fund could only support additional borrowing costs until 2022/23, before requiring a larger increase in the loan charges budget thereafter. Based on current projections, it would be necessary to increase the loan charges budget by £2.844m in 2022/23. Thereafter, it would be necessary to increase the loan charges budget by around a further £3m per annum. Therefore, approval for funding this scheme through borrowing would bring forward the requirement to increase the loan charges by 2 years and require a further increase in the loan charges budget of around £1m per annum.
- 4.10 This is the biggest civil engineering project to be delivered by the Council since the Perth Flood Prevention Scheme. The impact outlined above details the anticipated level of budget required to deliver the project and the Council’s existing capital commitments, which is a prudent approach. There may,

however, be opportunities to reduce the costs indicated. The level of additional borrowing necessary to fund this project will be reduced through developer contributions, although the level and timing of this is uncertain. In addition, discussions with the Scottish Government are still ongoing in relation to potential funding which would mitigate the cost to the Council. It might also be reduced through other funding sources including:

- Additional capital grant of up to £1,051,000 in the current financial year depending on the exact phasing of the expenditure.
- Reprioritising the existing Capital Plan to remove or delay existing approved projects.
- Reducing the cost of Phase 1 as the optimism bias is tested.

- 4.11 The financial planning required to manage the additional contributions to the loan charges budget will be a significant task for the Council. This will include a comprehensive review of the medium term financial plan with detailed consideration to be undertaken through the detailed revenue and capital budget setting process.
- 4.12 Appendix 4c illustrates the impact on borrowing costs and the Capital Fund if 50% of the expenditure of £20.92m on Phase 1 was met from other funding sources in each year. The effect would be to reduce the requirement to enhance the loan charges by around £0.5m and to delay the timing of the increase by around one year, in comparison with the position outlined above.
- 4.13 The proposed use of the Capital Fund to manage loan charges over the medium term is illustrated at Appendix 4. There is clearly a significant degree of uncertainty about the financial implications of approving PTF Phase 1. It is, therefore, recommended that the decision on whether or not to progress with the Scheme is based on the scenario illustrated at Appendix 4b. In this scenario and taking into account commitments already made by the Council in December, it is currently forecast that £2.844m will be required in 2022/23 and £5.835m in 2023/24 to augment the Loan Charges budget. This compares with £4.355m in 2024/25 if PTF Phase 1 is not progressed. Members will be aware that identifying options to manage projected increases in expenditure of this order of magnitude will present a significant challenge in the current environment. In the event that approval is given to fund the project, it would be prudent to begin the process of identifying additional Revenue and Capital Budget strategies well in advance of 2022/23. The detailed approach to funding PTF Phase 1 will be considered as part of the annual Revenue and Capital Budget processes.
- 4.14 Given that PTF Phase 1 represent the interface between the local road network and the trunk road network the legislative position in relation to borrowing to fund capital expenditure is complicated. Legal advice has been received and it is possible that Ministerial Consent will be required to enable borrowing. It is recommended that the Council instruct the Head of Finance to determine whether such approval is required and to seek such consent.
- 4.15 Subject to the Council committing to identifying an appropriate approach to funding the additional loan charges identified in paragraph 4.13 above, the

additional borrowing associated with this project would be prudent, sustainable and affordable. The Council's prudential indicators will be updated to reflect the inclusion of any additional capital expenditure in a report to the next meeting in October 2013.

- 4.16 The Council currently has no funding strategy in relation to PTF Phase 2, the Cross Tay Link Road. Given the scale of this project and the current fiscal environment, this project can be only be progressed in the short to medium term with significant Scottish Government funding. There is no such commitment at this time.

Revenue

- 4.17 In addition to the additional loan charges budget identified above, there will be maintenance costs for Phase 1. These will be met, as necessary, through prioritisation of the structural maintenance budget.

5. CONCLUSION AND RECOMMENDATIONS

- 5.1 The Perth Transport Futures Project plays a vital part in the reduction of congestion, improvement in air quality and sustainable development and economic growth of Perth, and the area as a whole. The report outlines the extensive background work undertaken to date on developing the project, the links to key strategic documents such as TAYplan, Proposed Local Development Plan and the potential costs associated with the Project. The report also seeks the necessary funding commitment to deliver the Project, with a particular focus on the first two phases of the Project – the A9/A85 junction and link to Berthapark. The Council's commitment to transport infrastructure is of particular interest to the Reporter in relation to the Local Development Plan examination.

- 5.2 The Council is asked to:

1. Endorse the requirement for the Perth Transport Futures project
2. Commit to funding Phase 1 of the project, taking into account the position outlined in Section 4
3. Instruct the Head of Finance to determine whether consent is required from Scottish Ministers for borrowing and to request such consent, if necessary
4. Agree that workshops will be undertaken to allow further elected member input into the development of Phase 1
5. Authorise the Executive Director (Environment) to progress the Compulsory Purchase Order (CPO), if required, and report back to members in due course.
6. Instruct the Executive Director (Environment) to continue discussions with Transport Scotland and Scottish Government officials regarding the Perth Transport Futures project.
7. Request the Executive Director (Environment) to provide further reports in due course on the implementation of Phase 1 of the Perth Transport Futures project.

8. Request the Executive Director (Environment) to provide further reports in due course on the implementation and funding arrangements for the future phases.

Author(s)

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Approved

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Date 19 June 2013		

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	No
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The project supports the Community Plan Vision to ***create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.*** Specifically this projects encourages sustainable economic growth, an improves and safer environment and healthier choices for sustainable transport.
- 1.2 The project supports the following Outcomes:
- Our area will have a thriving and expanding economy
 - Our area will have improved infrastructure and transport links
 - Our young people will attain, achieve and reach their potential
 - Our communities will be safer
 - Our area will have a sustainable natural and built environment

Corporate Plan

- 1.3 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at

a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth
- Supporting people to lead independent, healthy and active lives - The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation - The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the "Shaping Perth's Transport Future" transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

2.1 The body of the report contains the required analysis of the financial implications of the report.

Workforce

2.2 None.

Asset Management (land, property, IT)

- 2.3 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using The Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The proposals have been considered under the Environmental Assessment (Scotland) Act 2005 using The Integrated Appraisal Toolkit and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. This report however seeks to identify the capital funding take forward a proposal which is a key action from the Proposed LDP. There is a statutory duty of the Council to ensure that the LDP contributed towards sustainable development accordingly no further assessment is required.

Legal and Governance

- 3.5 The Perth Transport Futures project has been under development for a number of years. Appendix 1 outlines the full approvals undertaken by the Council, and its committees over that time period.
- 3.6 Future reports will be submitted to Council as the project progresses.
- 3.7 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.

External

- 4.2 TACTRAN have been consulted in the preparation of this report.

5. Communication

- 5.1 This is a significant infrastructure project which will require a detailed communications plan. This will include workshops with elected members in August 2013.

2. BACKGROUND PAPERS

Appendix 1 details the full list of documents relied upon in the formulation of this report

3. APPENDICES

- Appendix 1 – Perth Transport Futures project Background Reports and Studies
- Appendix 2 – Congestion/air quality management
- Appendix 3 – Cost/value analysis
- Appendix 4a – Financial information
- Appendix 4b – Financial information
- Appendix 4c – Financial information

Perth Transport Futures – Key Studies and Reports

This identifies the key stages in the development of the PTF package outlining the Committee decision making process, the Development Plan and other strategic documents.

March 1996 - [Perth Area Local Plan 1995: Written Statement](#) (link)

Policy 39 on page 22 refers to support for Perth Area Transportation & Land Use Study (PATLUS) investigations with a view of relieving congestion at Perth Bridges.

Page 23 under Recommendations, REC 2 refers to a new bridge north of Perth town centre

REC 9 on page 38 refers to a new bridge being required north of Perth town centre. Repeat of REC 2 on page 23)

REC12 on page 39 recommends amending the A9/A85 junction and partial interchange with A9 for Inveralmond Industrial Estate.

June 2003 - Perth & Kinross Structure Plan 2003: Written Statement

This Plan was adopted in June 2003 and covers the entire area of Perth and Kinross and provided broad strategic guidance up until 2020. The Structure Plan indicated what sort of development was required and where it should take place. This included recognition of the need to improve transport links if development is to provide for population, employment and environmental changes. It included recommendations for the A9/A85 and a need for a new bridge across the Tay River. They are as follows;

Para 3.2 on page 17 of Overall Strategy refers to need to improve transport links.

Para 5.7 on page 33 refers to development on A85 corridor as it is close to strategic transport network.

Sustainable Economy Policy 13 on page 42 specifically mentions the need to identify land for a new bridge over the Tay

June 2004 – Enterprise & Infrastructure Committee Report on Perth Area Local Plan Traffic Implications (Report 04/378)

Report discusses the likely outcome of city wide traffic modelling exercise at western edge of Perth and the wider Perth area and makes recommendations (see below) on key infrastructure proposals essential for the delivery of the Plan Strategy.

Report was approved but the Plan did not proceed to adoption.

Paras 4 and 6 on page 2 states that failing to address infrastructure requirements between the Broxden and Inveralmond roundabouts will result in chronic congestion at key junctions at the western edge of Perth including the Crieff Road junction.

Para 12 on page 3 refers to the need for a major new road over the A9 from Inveralmond linking it to a new junction on the A85

Para 13 on page 3 and 4 examine the impacts on the road network of different scenarios.

June 2004 – Enterprise & Infrastructure Committee Report on Review of Perth Area and Central Area Local Plans (Report 04/379)

Report reviews the Council's Draft Perth Area/Central Area Local Plan including development of a Paramics traffic model and addressing the implications for the local transport strategy which was under review at the time.

Para 11 on page 4 recognises the severe traffic problems in the north western area of Perth.

Para 12 on page 4 refers to development on the old Auction Mart would assist with the new junction on the A9 to serve Inveralmond West.

Para 13 on page 4 refers to Almond Valley village and that its development would contribute to the cost of a junction with the A9 but not from the A85 as originally proposed.

Para 14 on page 15 refers to transport modelling used and that radical solutions are required for the A9/A85 area. Recommend a new junction on the A9 with a link to the A85.

August 2004 – Enterprise & Infrastructure Committee Report on Draft Perth Area/Central Area Local Plan (Report 04/437)

Report reviews the Council's decision to omit Almond Valley Village from Draft Perth Area/ Central Area Local including addressing the implications for the local transport strategy.

Para 6 on page 3 and para 17 on page 6 refers to funding issues of A9 junction if Almond Valley is omitted from the Plan. It will pose significant challenges to securing necessary road infrastructure improvements and the development potential of north west Perth.

December 2004 - Draft Perth Area/Central Area Local Plan 2004

The Plan seeks to provide mixed use development in north west Perth to assist the provision of required infrastructure along the A9 between Broxden and Inveralmond roundabouts including a new junction at the A9/A85.

Para 4.1 on page 12 refers to major improvements required to A85/A9 junction and access at Inveralmond Industrial Estate.

Para 4.16 on page 14 refers to issue of Tay Bridge crossing to the north of Perth and has been discussed for decades and how the Local Plan safeguards land for such purpose.

Para 8.4 on page 32 refers to need for new junction at A85/A9.

P7 Inveralmond Industrial Estate (West) on page 57 refers to a new road junction required at Crieff Road or Bypass.

P10 Newton Farm on page 58 refers to need for new distributor road linking to Crieff Road.

June 2006 - Enterprise & Infrastructure Committee Report on comments received to Draft Perth Area/Central Area Local Plan 2004 (Report 06/480)

This report and the accompanying appendices identified the key issues for the Finalised Plan and makes recommendations on key infrastructure proposals essential for the delivery of the Plan Strategy and identifies sites for further investigation prior to the production of a Finalised Plan. It also sets out the procedures required to fulfil the Council's obligations for Strategic Environmental Assessment and Appropriate Assessment.

This report identified the sensitivities associated with works in the vicinity of the crematorium and the gardens of remembrance and it was noted that the road line should not impinge on either.

Report approved but ultimately the Plan did not proceed to adoption.

Para 20 on page 5 refers to need to develop rationale for new Tay Bridge and western edge road improvements.

Para 45 on page 29 refers to improvements required to Inveralmond roundabout, Broxden roundabout, new A9/A85 junction and new Tay Bridge linking it to Scone.

Paras 47 to 53 on pages 30 to 31 refer to works required to Western Bypass

September 2008- [Tayside and Central Scotland Transport Partnership Regional Transport Strategy 2008-2023](#) (link)

TACTRAN produced a RTS that covers a 15year period and is refreshed every four years.

One of the objectives in this RTS is to ensure transport helps to deliver regional prosperity addressing issues of peripherally associated with the TACTRAN area.

The strategy highlights a number of key junctions across the region, in and round the three main cities are currently overloaded in peak periods. A9/M90/A93 Broxden

Roundabout, Bridgend and A85 Crieff Road are principal areas in Perth where congestion is a significant problem. The proposed concentration of further housing and employment across the south of the TACTRAN region will exacerbate these problems over time.

Page 41 refers to Perth having Air Quality Management Areas and in each case traffic is the main contributor to the local air quality problem.

August 2009 – [Enterprise & Infrastructure Committee: Strategic Transport Network Issues \(Report 09/405\)](#) (link)

This report outlined the key findings of the STAG appraisal including the preferred route option for the CTRLR. The report also highlighted other aspects of the STAG appraisal which were:

- New crossing of the Tay
- New grade separated junction on the A9 and Improved A9/A85 Junction
- New Park and Ride sites
- Improved walking and cycling facilities
- Public Transport enhancements
- Friarton Link Road

The recommendations were:

- Note the completion of a comprehensive study into issues relating to the present and future capacity of the transport network in and around Perth
- Give approval for undertaking a full Strategic Environmental Assessment (SEA) of the alternative transport solutions identified in the study and a full and wide ranging consultation exercise into the likely public and key stakeholder acceptability of a potential new Tay crossing and associated package of improved transport measures in and around the city.
- Remit to the Executive Director to report back to a future meeting of the Enterprise and Infrastructure Committee on the results of the SEA and associated public consultation exercise, details of the package of sustainable measures in the central area of the city to complement the optimum alignment of a new Cross Tay Link and a report into potential options for funding and phasing of necessary improvements.

Report approved by committee.

August 2009 – [Enterprise & Infrastructure Committee: North West Perth Expansion Area Study \(Report 09/406\)](#) (link)

This report outlined the key findings of the Development Impact Appraisal for the NWPEA.

The recommendations were:

- Note the completion of a comprehensive Appraisal into transport issues in and around the north western edge of the city;
- Note the completion of a comprehensive study assessing the infrastructure requirements and costs for the future development of North West Perth;
- Remit to the Executive Director (Environment) to take forward further development work into the detailed infrastructure design for North West Perth;
- Remit the Head of Finance and Corporate Resources Group to investigate delivery funding options and report back to a future Committee.

Report approved by committee.

August 2009 – [Air Quality Action Plan \(Report 09/404\)](#) (link)

This report outlined the Air Quality Action Plan which was developed to reduce the levels of Nitrogen Dioxide and Particles in order to meet the statutory standards. Among the actions contained within this Plan were options under six main headings – Cross Tay Link, Freight, Public Transport, Procurement, Planning and Education.

November 2009 – [Perth Western Edge Development Impact Appraisal](#) (link)

This was a STAG appraisal (Part 1 & Part 2) of potential solutions of a Perth Western Edge expansion. This appraised a large number of options including variations of routes and alignments around McDiarmid Park.

It was noted in this report that some of the options would “be unacceptable to local residents given public sensitivity towards the crematorium” and therefore would not be taken forward due to issues with implementability.

The retention of a dedicated crematorium access from Crieff Road in the options appraised minimised the potential risk of public acceptability of the proposals.

The main conclusion of the report was that option 2 & 3 (the junction link to the North and South of McDiarmid Park respectively) both met all objectives with broadly similar construction costs for both alignments.

April 2010 - [TAYplan Strategic Development Plan Main Issues Report](#) (link)

Plan focuses on changes required at a strategic land use level. The provision of infrastructure is considered key to improving accessibility and economic opportunities.

Para 7.14 on page 33 refers to congestion issues in Perth city centre and along the A9 and A90 between Broxden and Inveralmond.

September 2010 - [Perth & Kinross Local Development Plan Main Issues Report \(Report 10/509\)](#) (link)

Plan identifies new and improved physical infrastructure projects to support the projected expansion in population especially within the Perth core area.

Paras 3.6.9 to 3.6.12 on page 31 refer to congestion issues in city centre and at Broxden roundabout, Inveralmond roundabout and A9/A85 junction

Para 4.6.8 on pages 60 and 61 refers to the requirement for significant improvements to Perth's transport infrastructure.

Para 4.6.12 on page 61 refers to the commitment to improving the transport network around Perth and this includes the development of the CTLR north of Inveralmond; an improvement to the A9/A85 junction and a link from the CTLR to the A9/A85 junction.

Para 4.6.13 on page 62 refers to a variety of options being considered for the CTLR leaving a preferred route corridor and there is a map showing the route.

Para 4.6.14 on page 62 refers to the timescales expected for works on the CTLR, the A9/A85 junction and city centre enhancements.

Paras 4.6.15 to 4.6.17 on page 63 deal with funding of such infrastructure.

Para 5.2.19 on page 80 refers to Almond Valley requiring a new junction at A9/A85.

Para 5.2.21 on page 83 refers to the creation of a CTLR south of Luncarty and providing an improved link to the A9 for Luncarty and Stanley.

Para 5.2.33 on page 97 refers to delivery of key infrastructure projects at CTLR; A9/A85; Inveralmond roundabout and Broxden roundabout.

October 2010 - [Perth Traffic and Transport Issues Transport Appraisal \(Final\)](#) (link)

A STAG (Scottish Transport Appraisal Guidance) appraisal was undertaken of Perth's wider transport issues and potential solutions in October 2010. STAG is an objective led appraisal technique that ensures that eventual transport interventions fully accord with national, regional and local strategic objectives.

This appraised 11 options that would alleviate the identified issues with 6 options taken forward for further appraisal. The conclusions of the appraisal were that a Cross Tay Link Road (CTLR) along with a range of other measures with a suggested phased approach:

- Crieff Road Improvements – to address immediate network issues at a core location for the future development of Perth.

- CTLR– to provide an alternative route across the River Tay thereby removing the need for all east-west movements to travel through the city centre and provide the capacity for cycling; walking and public transport improvements.
- Sustainability package – to provide improvements to the cycling, walking and public transport network.
- Broxden grade-separation – to provide improved journey times and reliability.
- New slip roads at M90 Friarton junction (future work).

October 2010 - [Shaping Perth's Transport Future Strategy Document](#) (link)

This summarised the STAG appraisal and formed it into a Transport Strategy for the Council to take forward including an integrated package of Perth City Centre enhancements.

October 2010 - [Shaping Perth's Transport Future: SEA Environmental Report](#) (link)

This was the SEA for the Shaping Perth's Transport Future Transport Strategy encompassing all projects.

November 2011 - [Shaping Perth's Transport Future: SEA Environmental Report Addendum](#) (link)

This was the addendum to SEA for the Shaping Perth's Transport Future Transport Strategy following extensive consultation work. This firmed up the corridor option for the CTLR.

November 2011 - [DMRB Stage 1 Assessment Report](#) (link)

The DMRB Stage 1 Assessment's purpose is to identify *“the environmental, engineering, economic and traffic advantages, disadvantages and constraints associated with broadly defined improvement strategies”*

The report summarises the options identified as part of the earlier Perth Traffic Transport Issues STAG appraisal and appraised them in greater detail. It notes that consultation with St Johnstone Football Club ruled out the option of the link road passing to the south of the McDiarmid Park. The options taken forward to DMRB Stage 2 Assessment were:

- Option 2: New bridge over the A9 north of McDiarmid Park
- Option 16: New Foot/Cycle Bridge

November 2011 - DMRB Stage 2 Assessment Report

This looked into the options identified in Stage 1 in further detail, identifying key risks and constraints to the options as well as assessing the various route alignments (all to the north of McDiarmid Park).

The key considerations of the options assessed were:

- Alternative Junction Layouts
- Type and buildability of the road bridge
- Impact on the Lade
- Amendments to the existing Crematorium access
- Drainage

Alignment 1 was selected for further assessment as it had key advantages over other alignments considered:

- Provides the second longest weaving length to Inveralmond Roundabout at 710m
- Was Transport Scotland's Standards Branch's preferred option
- Allows the implementation of the Primary Flood Mitigation Area

The DMRB Stage 2 report also outlines the options associated with the Crematorium access (section 4.9) including retaining a separate access and combining the new road with the access. It was recommended that Option B (to retain the separate access road) was taken forward.

May 2012 – Planning Application Approval (Report 11/01579/FLL)

On the basis of the agreed alignment for the A9/A85 junction, a planning application was submitted (along with the required Environmental Assessment). This was approved at the Development Management Committee of 30 May 2012). It included the formation of slip roads, roundabouts, bridges, SUDS ponds, landscaping and diversion of the Lade, north of the A9 and A85 Junction. It should be noted that the planning application identified no impact on either the crematorium or the Garden of Remembrance.

June 2012 - [TAYplan Strategic Development Plan](#) (link)

The approved Plan promotes improvements to existing transport infrastructure, its network and linkages as well as making better use of existing network.

Proposals Map on page 7 shows proposed upgrades along A9 at western edge of Perth and A9-A94 road link.

Policy 3 on page 13 refers to safeguarding land for infrastructure provision including routes identified on the Proposals Map.

January 2012 – [Special Council Meeting Perth & Kinross Proposed Local Development Plan \(Report 12/5\)](#) (link) [Link to Proposed Local Development Plan](#)

The Plan focuses on the growth of Perth City and its core area and that much of the existing infrastructure is at capacity. Therefore essential infrastructure needs to be in place and requires investment as a result.

Para 3.6.3 on page 34 refers to need for significant transport investment required for Perth.

Paras 5.1.14 to 5.1.17 on page 70 refers to the transport infrastructure needs for Perth including the A9/A85 junction and the CTRL.

Site H7 (Berthapark) on page 77 mentions need for CTRL to be in place before development commences.

Site H70 (Perth West) mentions need for multiple access points onto Trunk Road.

Site E38 (Ruthvenfield Road) and Op7 (Newton Farm) on page 80 refers to requirement for A9/A85 junction improvement.

Site H27 (Luncarty South) on page 135 refers to new A9 junction to be required

Site H29 (Scone North) on page 142 refers to need for CTRL to be in place before houses can be occupied.

January 2013 [Special Council Meeting Proposed Local Development Plan Draft Action Programme \(Report 13/26\)](#) (link)

The information contained in this paper demonstrates that the Council has taken account of the infrastructure and other constraints likely to impact upon the effectiveness of the sites identified in the Plan

It further demonstrated that the Council has taken steps to implement plans to address the critical constraints making significant progress in a range projects.

April 2013 – [Composite Capital Budget and Housing Investment Programme 2012/17 – Monitoring Report No 4](#) (link)

The report identified that in the interim of further dialogue with Transport Scotland to secure additional funding towards the A9/A85 as agreed in December 2012, in order to progress the project, £400,000 is required to fund ground investigation and other consultancy costs.

Report approved by committee.

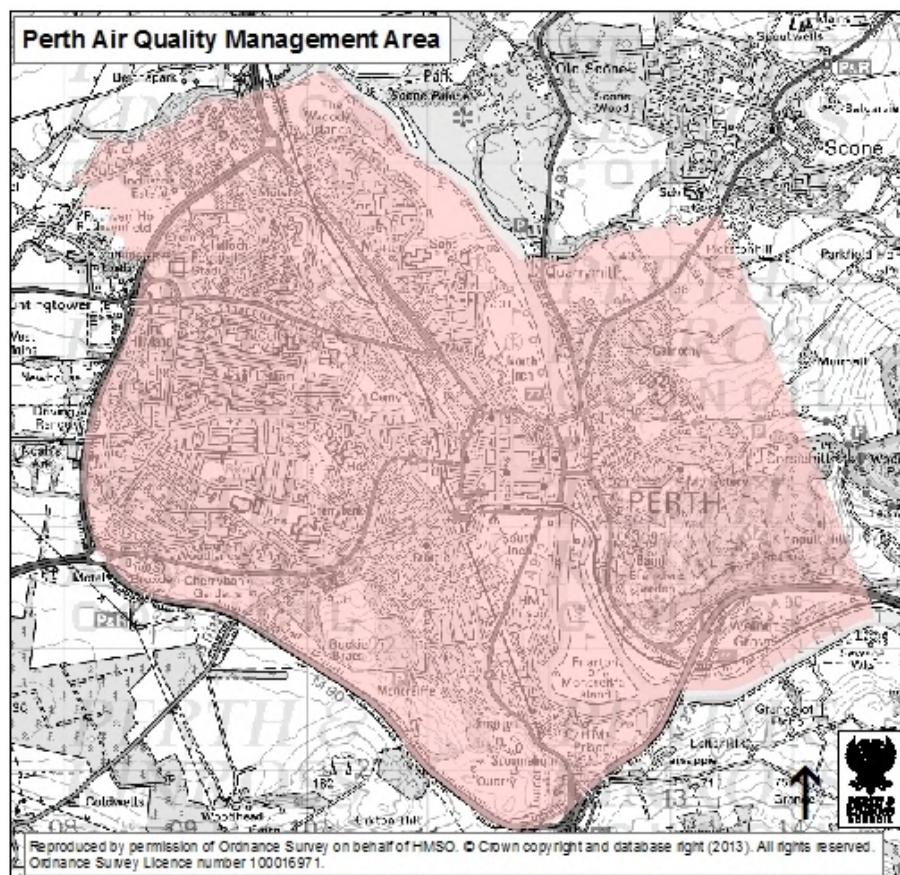
May 2013 – [Perth City Plan](#) (link)

The City Plan reflects the requirement to improve roads and transport infrastructure to enhance connectivity between the city centre and the planned western expansion, the wider region, and the rest of Scotland.

Appendix 2 identifies the key stages in the development of the PTF package demonstrating that the Council's commitment to the Perth Transport Futures Project is clear.

CONGESTION AND AIR QUALITY MANAGEMENT

Whilst increasing traffic levels have long been recognised as an issue by the mid 2000s monitoring revealed that, at a number of points within the city, air quality fell below European standards. The main cause of degraded air quality was clearly identified as traffic pollution which was exacerbated by congestion. In response to this and as required by The Environment Act 1990 the Council declared an Air Quality Management Area (AQMA). This brought with it a statutory duty to bring forward an action plan to address the issues.



The key congestion problem results from the conflict between local traffic and traffic travelling through the city converging in the centre of Perth to use one of the two existing bridges over the River Tay (Perth Bridge and Queen's Bridge). Other key congestion areas include:

- Trunk Road Network - A9, Inveralmond Roundabout, Broxden Roundabout, A85 (Crieff Road).
- Local approach roads - A93, A94, A90 (Dundee Road).
- Town Centre - Perth Bridge, Queen's Bridge, Glasgow Road, Dunkeld Road, Atholl Street etc.

When there are major incidents, such as the closure of Friarton Bridge due to high winds or major road works, traffic has to divert through the city centre due to the lack of an alternative east-west route. This results in increased journey times of over 1.5 hours for traffic attempting to cross the city. Similar problems are also experienced on event days at Perth Racecourse and Scone Palace. Due to physical constraints, namely the location of the rail line, Kinnoull Hill and the River Tay, future development in Perth and the immediate city-region is primarily concentrated to the north-west of the city centre. As a result, cross-city movements can be expected to increase in the future resulting in the need for the development of the transport network to support the planned development of Perth and the wider region.

Forecasts of transport movements in the area predict that if future land-use developments were to occur with no change to the transport network existing problems would become greater and new transport/movement problems would merge. This means the current network would only be able to support limited development and is expected to have severe operational difficulties before 2015 with gridlock becoming common place.

In addition, the adverse impact on the local economy increasing congestion would also be detrimental to air quality within the city's Air Quality Management Area (AQMA). It would restrict opportunities for any further bus priority and cycling and walking enhancements that would encourage sustainable travel. In summary the key transport problems include:-

- Walking and Cycling – unattractive due to heavily trafficked roads in the city centre and on key routes leading to the centre, air quality problems and severance by the A9 to access to future growth areas.
- Bus network - congestion at key junctions impacting on reliability of journey times and compromising the operation of existing bus priority measures.
- Bus congestion at South Street and Mill Street bus stops.
- Local Road Network - congestion in the city centre due to the constraints imposed on the local road network by the Perth and Queen's Bridges and the lack of a suitable alternative east-west route that avoids the centre of Perth.
- Crieff Road /Newhouse Road to the north-west of the city centre also experiences congestion.
- Air Quality – Perth AQMA designated in Perth city centre and wider city region in 2006 as a result of air quality being below the required standards with transport identified as a key contributing factor.

Traffic Modelling

Perth and Kinross Council appointed the transport consultants SIAS to undertake a Perth wide traffic modelling exercise using S-Paramics. S-Paramics is a micro simulation modelling tool that models individual vehicle movements throughout their entire trip across the entire model.

The modelling work undertaken looks at the existing network and applies predicted increases in traffic through both new developments and the background increase in traffic (as determined by the National Road Traffic Forecast) and can assess proposed changes to the road network in terms of journey time and congestion.

The model used by Perth and Kinross Council was developed using a wide range of data sources including OS mapping, public transport data, video surveys, traffic signal timings and traffic survey data and is subject to extensive calibration and validation, in line with industry standards and best practice. In addition, the model was reviewed by JMP Consultants on behalf of Transport Scotland who deemed that the calibration and validation for a model of this size seemed reasonable as suitable for application.

The S-Paramics model was an integral part of the appraisals undertaken and the ongoing design work for the A9/A85 junction improvement project and the overall Cross Tay Link Road (including the Perth City Enhancements package). The visual outputs from the scenarios clearly demonstrate both the scale of the existing and potential traffic issues facing Perth and the positive impact the proposed solutions will provide. In addition, these solutions have been tested by adding traffic likely to be generated by potential land use scenarios and proposed developments to confirm that they can provide a medium to long term solution for Perth.

VALUE/COST ANALYSIS

Roads benefits - These can be summarised as:

- An upgraded A9/A85 junction providing for better flow of both local and through traffic and easier connections to Inveralmond.
- A second major access to Inveralmond will relieve pressure on this junction at peak times
- Improved pedestrian and cycle safety over A9.
- Reduction of journey times on the local transport network and increased network capacity.
- A vital first link in potential A9/A94 link road and 3rd Tay Crossing, so further enhancing the transport network in and around Perth.
- Expansion of Perth as envisaged in the Proposed Local Development Plan.
- Improved amenity for residents and businesses in the Crieff Road corridor.
- A positive contribution towards meeting the objectives of the Council's AQMA within both the Crieff Road Corridor and wider Perth
- Potential for the creation of between 3,000 – 5,000 jobs through the opening up of development land

Value/cost analysis - A detailed analysis of the junction upgrade scheme was carried out and this showed that there would be significant time savings on the network and a consequent reduction in congestion in both the AM and PM peaks.

An economic assessment of the costs and benefits of the scheme was also carried out as part of a detailed DMRB part 2 assessment of the scheme. This showed that the scheme could deliver a Benefit to cost ratio (BCR) of 4.4 over a 30 year period equating to an Net Present Value (NPV) of £33.70m. These figures are as a result of standard methods of economic assessment applied to transport improvement schemes. In simple terms a BCR of 1 means the scheme has benefits that equal its overall costs. The output from this analysis shows a BCR of 4.4 which is indicative of a highly cost effective scheme. This type of detail and analysis is critical in any request for Scottish Government funding.

Clearly it can be seen that the scheme will deliver significant benefits to the area, not only in terms of reduced journey times, but also with regard to air quality and the unlocking of significant development land and can therefore make a major contribution towards the wider aims of the Council and its Corporate Plan.

Other benefits - The proposals for the A9/A85 works will also enable the opening up of land allocated in the Proposed Local Development Plan for employment use and an opportunity site for employment or retail use, both of which are adjacent to the A9 and A85. The economic benefits of these sites being developed for employment use in terms of potential jobs created are as follows:

Table 2

Site	Ref	Area	Developable area – 40% (ha & sqm)	Use Class & Employment levels
Ruthvenfield Road	E38	25ha	10 ha = 40,000 sqm	Class 4 (Light Industry): 851 FTE Class 5 (General Industrial): 1,111 FTE Class 6 (Storage & Distribution): 571 FTE Class 4 (Office - Business Park): 4,000 FTE
Newton Farm	Op7	6ha	2.4ha = 9,600 sqm	Class 4 (Light Industry): 260 FTE Class 6 (Storage & Distribution): 137 FTE Class 4 (Office - Business Park): 960 FTE Class 1 (Retail): 565 FTE

FTE = Full Time Equivalent

Notes:

Development Plans allocate land for employment in hectares and a common development density of 40% is assumed (Business Land Need Study by Oxford Economics 2008) because of the amount of land that will be required for roads, access, parking, deliveries, waste, drainage, landscaping etc.

This figure is then converted to square metres to estimate the amount floorspace that should be created. From this the expected employment levels of such floorspace for different uses can be calculated using the Employment Densities Guide (2010) by the UK Government.

LOANS FUND - Updated Projections

(£'000)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Loans Fund Budget	13,137	12,714	13,405	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996
Estimated General Fund Loan Charges*	12,742	12,692	13,398	14,674	16,246	17,562	18,492	19,585	20,386	20,975	21,785	22,031	21,868	21,849
Transfer To/(From) the Capital Fund	395	22	7	1,322	(250)	(1,566)	(2,496)	(3,589)	(4,390)	(4,979)	(5,789)	(6,035)	(1,517)	(1,265)
Loans Fund Budget Surplus/(Deficit)	0	0	0	0	0	0	0	0	0	0	0	0	(4,355)	(4,588)

* based on applying Statutory Guidance

Estimated CLF Interest Rate	3.32%	3.28%	2.85%	2.81%	2.98%	3.08%	3.21%	3.38%	3.55%	3.64%	3.79%	3.86%	3.88%	3.90%
New Composite Borrowing Included	15,556	36,179	34,943	23,556	22,431	7,407	11,900	11,900	11,900	11,900	11,900	11,900	11,900	11,900

(estimates for HRA and Prudential Borrowing have also been included in overall Loans Fund assumptions in all years)

Notes:

- 1 New borrowing estimates are per latest Capital Monitoring to 2016/17 on the Core General Fund Programme
- 2 A further **£12M** new borrowing had been assumed from 2017/18 on the Core General Fund Programme
- 3 A further £100K of contributions has been assumed each year, which reduces the borrowing on historic expenditure

LOANS FUND - Updated Projections

(£'000)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Loans Fund Budget	13,137	12,714	13,405	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996
Estimated General Fund Loan Charges*	12,742	12,693	13,383	14,831	16,942	18,543	19,486	20,596	21,413	22,013	22,839	23,096	22,943	22,933
Transfer To/(From) the Capital Fund	395	21	22	1,165	(946)	(2,547)	(3,490)	(4,600)	(5,417)	(6,017)	(3,999)	(1,265)	(1,265)	(1,265)
Loans Fund Budget Surplus/(Deficit)	0	0	0	0	0	0	0	0	0	0	(2,844)	(5,835)	(5,682)	(5,672)

* based on applying Statutory Guidance

Estimated CLF Interest Rate	3.32%	3.28%	2.84%	2.83%	3.02%	3.11%	3.23%	3.39%	3.55%	3.63%	3.77%	3.84%	3.86%	3.88%
New Composite Borrowing Included	15,556	36,279	33,763	36,556	31,431	7,407	11,900	11,900	11,900	11,900	11,900	11,900	11,900	11,900

(estimates for HRA and Prudential Borrowing have also been included in overall Loans Fund assumptions in all years)

Notes:

- 1 New borrowing estimates are per latest Capital Monitoring to 2016/17 on the Core General Fund Programme
- 2 A further £12M new borrowing had been assumed from 2017/18 on the Core General Fund Programme
- 3 A further £100K of contributions has been assumed each year, which reduces the borrowing on historic expenditure
- 4 Includes £23.5M for A9/A85 Junction improvements, less £400K already budgeted and £2.18M contribution

LOANS FUND - Updated Projections

(£'000)	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Loans Fund Budget	13,137	12,714	13,405	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996	15,996
Estimated General Fund Loan Charges*	12,742	12,693	13,383	14,729	16,570	18,028	18,964	20,066	20,875	21,468	22,286	22,537	22,379	22,364
Transfer To/(From) the Capital Fund	395	21	22	1,267	(574)	(2,032)	(2,968)	(4,070)	(4,879)	(5,472)	(6,290)	(2,532)	(1,265)	(1,265)
Loans Fund Budget Surplus/(Deficit)	0	0	0	0	0	0	0	0	0	0	0	(4,009)	(5,118)	(5,103)
* based on applying Statutory Guidance														
Estimated CLF Interest Rate	3.32%	3.28%	2.84%	2.82%	3.00%	3.09%	3.22%	3.38%	3.55%	3.63%	3.78%	3.85%	3.87%	3.89%
New Composite Borrowing Included (estimates for HRA and Prudential Borrowing have also been included in overall Loans Fund assumptions in all years)	15,556	36,279	33,763	30,056	26,931	7,407	11,900	11,900	11,900	11,900	11,900	11,900	11,900	11,900

Notes:

- 1 New borrowing estimates are per latest Capital Monitoring to 2016/17 on the Core General Fund Programme
- 2 A further £12M new borrowing had been assumed from 2017/18 on the Core General Fund Programme
- 3 A further £100K of contributions has been assumed each year, which reduces the borrowing on historic expenditure
- 4 Includes £23.5M for A9/A85 Junction improvements, less £400K already budgeted, £2.18M contribution, and 50% funding (£11M) of the balance

PERTH AND KINROSS COUNCIL

COUNCIL MEETING

7 MAY 2014

PERTH TRANSPORT FUTURES PROJECT –
PHASE 1 A9/A85 TO BERTHA PARK

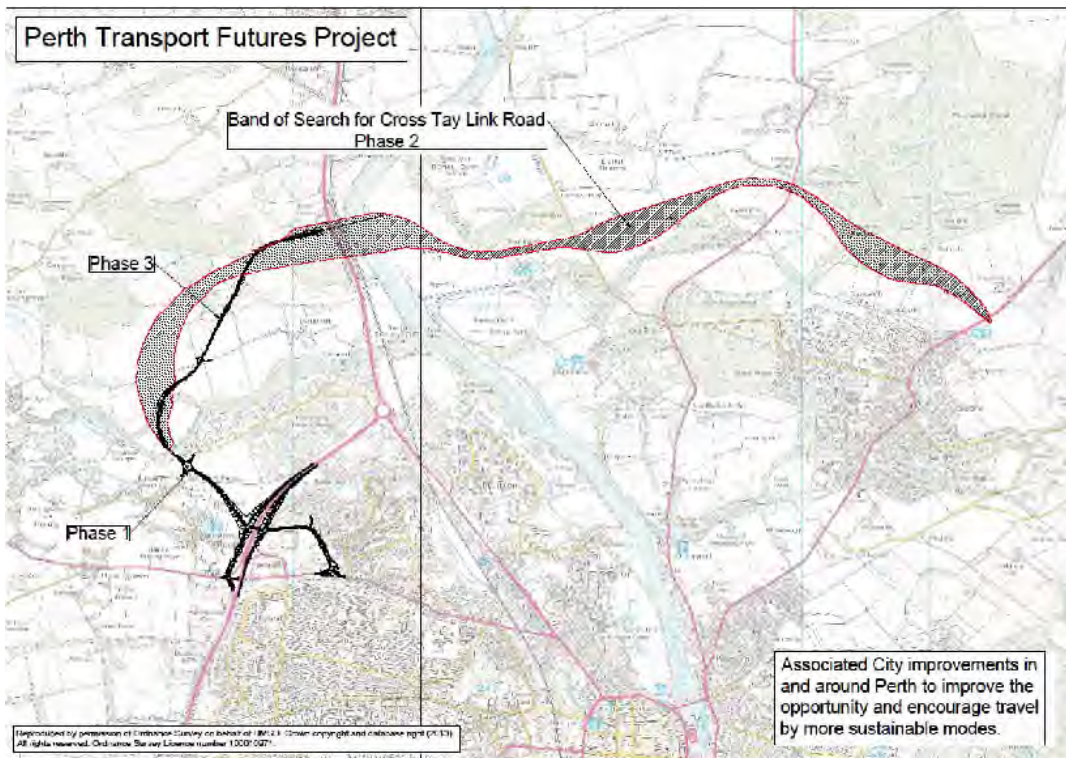
Report by the Executive Director (Environment)

This report outlines previous decisions by Council to address the issues of congestion and air quality in, and around, Perth while supporting the Council's priority for sustainable economic growth. The report focuses on Phase 1 of the Perth Transport Futures Project i.e. the A9/A85 junction and the link road to Bertha Park. It also provides detail in relation to the resource implications and seeks approval for the Council to borrow up to £15.7M subject to confirmation of the final cost of the scheme.

1. BACKGROUND / MAIN ISSUES**History of Project**

- 1.1 Over the past twenty years, as a result of traffic growth nationally, there has been increasing concern over traffic congestion and related air quality issues in, and around, Perth. As a result of these traffic and air quality issues, it was clear that there were both current, and future, problems which needed to be addressed in order to ensure that serious gridlock conditions could be avoided around the city and that the projected economic and population growth could be accommodated. The need for a solution which relieves this burden has, therefore, been identified as an issue over many years for successive Councils and latterly became known as the Perth Transport Futures (PTF) Project. The project can be divided into four phases:
1. Enhanced A9/A85 Junction and link to Bertha Park
 2. Cross Tay Link Road (CTRL)
 3. Bertha Park north link to A9
 4. Associated City improvements
- 1.2 The project is essential to the future growth of the city as it is the means to service the Local Development Plan area, supporting sustainable economic growth, and unlocking essential housing and business land throughout the Perth area by relieving pressure on the City Centre. The A9/A85 is the first stage of the project which acts as a catalyst to opening up the land to the west of Perth.
- 1.3 This will provide access to the sites at Almond Valley and Bertha Park as well as enhancing access to the Inveralmond industrial estate, thereby reducing the traffic flows across Inveralmond roundabout. The link to service the new school at Bertha Park is also the first section of the road linking through the Bertha Park site and on to the planned Cross Tay Link Road (CTRL).

1.4 Phases 1, 2 and 3 are shown on the diagram below.



1.5 The key decision dates are highlighted below:

Perth Area Local Plan 1995: Identifies the need for a new bridge north of Perth town centre and recommends amending the A9/A85 junction.

Perth & Kinross Structure Plan 2003: Included recommendations for the A9/A85 and a need for a new road bridge across the River Tay.

August 2009 – Enterprise & Infrastructure Committee: Strategic Transport Network Issues (Report 09/405): this report outlined the key findings of the STAG appraisal including the preferred corridor for the CTRL. The report also highlighted other aspects of the STAG appraisal including an improved A9/A85 Junction.

August 2009 – Enterprise & Infrastructure Committee: North West Perth Expansion Area Study (Report 09/406): This report outlined the key findings of the Development Impact Appraisal and remitted to the Executive Director (Environment) to take forward further development work into the detailed infrastructure design for North West Perth i.e. the A9/A85 Junction improvements. It also remitted to the Head of Finance and Corporate Resources Group to investigate delivery funding options and report back to a future Committee.

January 2012 – Special Council Meeting Perth & Kinross Proposed Local Development Plan (Report 12/5): The Plan focuses on the growth of Perth City and refers to the transport infrastructure needs for Perth including the A9/A85 junction and the CTRL.

May 2012 – A9/A85 junction Planning Application Approval (Report 11/01579/FLL): the application which was approved included the formation of slip roads, roundabouts, bridge, SUDS ponds, landscaping and the Lade diversion.

June 2012 - TAYplan Strategic Development Plan: The approved Plan promotes improvements to existing transport infrastructure, including the A9/A85 junction and the CTRLR.

December 2012 – Council agrees to fund £15 million net capital cost for A9/A85 junction, **excluding** the Inveralmond/Bertha Park link.

May 2013 – Perth City Plan: The City Plan reflects the requirements to improve roads and transport infrastructure to enhance connectivity between the city centre and the planned western expansion, the wider region, and the rest of Scotland.

June 2013 Council agrees to commit to funding to Phase 1 of the project, taking into account the position outlined in Section 4 of that report.

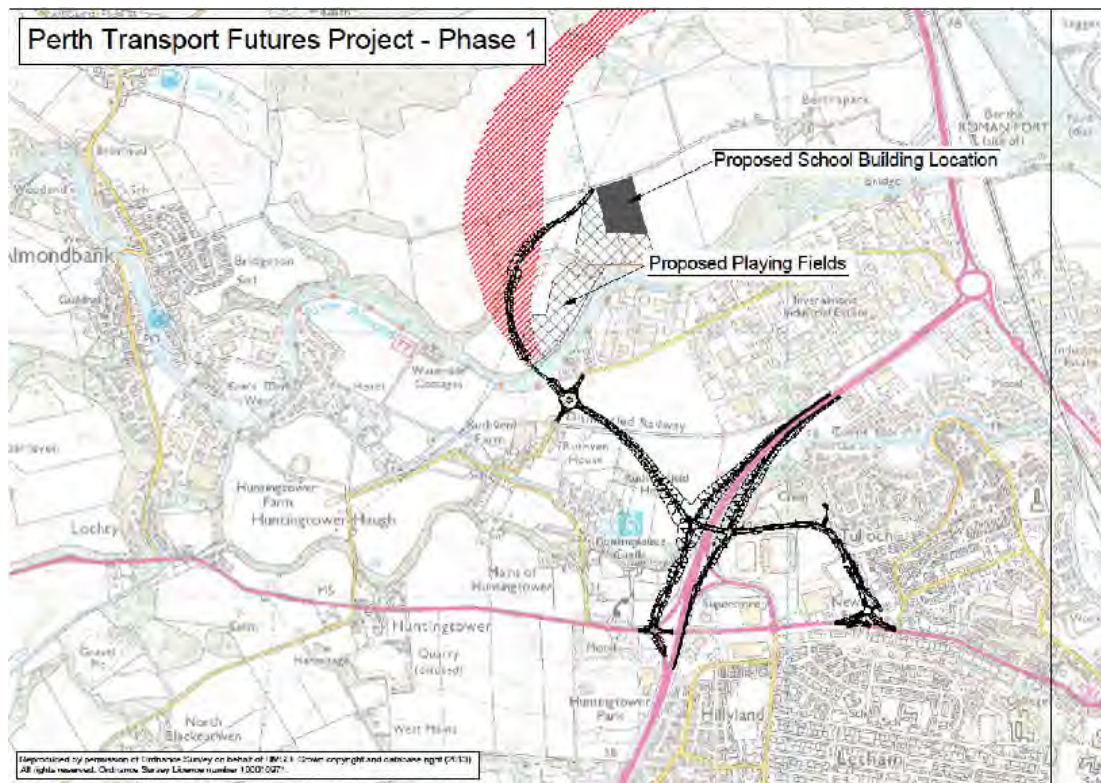
November 2013 – Workshop and site visit with Elected Members.

April 2014 – Transport Infrastructure Developer Contributions

Supplementary Guidance: The report recommends modifications to the Supplementary Guidance in response to the consultations and the adoption of the finalised Supplementary Guidance on Transport Infrastructure Developer Contributions for all applications submitted after 2 April 2014. This will contribute to the funding for the A9/A85 junction.

1.6 To summarise the decision making process over the past eighteen years, the Council has:

- Identified the need for the A9/A85 junction improvements and the CTRLR.
- Incorporated the need for the A9/A85 junction improvements and the CTRLR into the Regional Transport Strategy, along with the Strategic and Local Development Plans.
- Carried out the appropriate options appraisals and selected a preferred route for the A9/A85 Junction Improvements and the CTRLR.
- Developed a design to an appropriate level of detail for Phase 1 - the A9/A85 Junction Improvements and Bertha Park link.
- Agreed to fund the A9/A85 Junction Improvements at an estimated net capital cost of £23.5million, £2.18million of which is a contribution from Sainsburys, through a s75 agreement.



Phase 1 A9/85 Junction and Link to Berth Park - Costs

- 1.7 At June 2013, when the Council confirmed its commitment to progress Phase 1 of the Perth Transport Future Project, the estimated Capital cost was £23.5million. This was based on the Stage 2 design (Route Option Assessment) and included an optimism bias in line with roads construction industry standards (15% for roads elements and 23% for structures). The cost estimate did not include professional fees and land acquisition/compensation costs.
- 1.8 As the project progressed to the delivery stage, the Council's consultants were asked to provide an updated cost estimate based on a projected Stage 3 design for the preferred scheme. This showed a significant cost increase which is attributed to a number of factors, including changing design standards, along with emerging constraints particularly in relation to the river and road crossings.
- 1.9 The revised estimate, which now includes all scheme costs, is estimated at £39.2M. There is, however, still uncertainty over some elements of the scheme and there is the potential for this figure to reduce by as much as £7.6M. These savings mean an indicative scheme cost of £31.6M.
- 1.10 It is highlighted that this current cost estimate is based on a projection of the Stage 3 design. This will require to be revised upon the completion of the preliminary design (anticipated August 2014) and finalised at the pre-construction stage (anticipated May 2015). Optimism bias of 15% and 23% will continue to be included at these stages. It is, however, important to recognise that the final contract price will not be known until the tenders are returned.

- 1.11 A contribution of £2.18 million from Sainsburys has been secured through a s75 agreement. Whilst it is acknowledged that a competing retailer has mounted a legal challenge to the agreement, this is not over the consent for the store but related to the timing of the store opening. It can therefore be assumed with a degree of confidence that this contribution will be forthcoming.
- 1.12 The Transport Infrastructure Developer Contributions Supplementary Guidance was approved by the Enterprise & Infrastructure Committee on 2 April 2014 and will be applied to all new planning applications within the defined boundary. Applying the Supplementary Guidance to future development at Bertha Park and Almond Valley, which are critical to the LDP (and therefore the A9/A85 project) would, in the longer term, net an approximate total of £15million+. It should be noted that, in addition to transport infrastructure contributions, the developers of both sites will require to cover the cost of the primary school provision serving their respective landholdings.
- 1.13 Each of these sites is of significant scale and, as a result, will take many years to be completed and the full contribution level realised. Bertha Park is likely to take 20+ years and Almond Valley 10–15 years. However, this timescale is dependent on the housing market. As a conservative estimate, if each of these sites delivered 100 units per annum by 2018-19, the resultant transport infrastructure contribution the Council could expect to receive would be a combined figure of approximately £650,000 per annum for the next 15+ years.
- 1.14 In addition to transport contributions from Bertha Park and Almond Valley, developers of other sites in the Perth Area will require to make similar contributions under the Council's approved supplementary guidance. By 2018, when the PTF phase 1 is fully operational, a conservative estimate of a likely build rate of 472 houses per annum (25% Affordable housing) in the Perth Area, would mean the Council could, in the longer term, expect to receive approximately £1,465,000 per annum in total.
- 1.15 This figure includes the Bertha Park / Almond Valley contribution of £650,000 referred to above. It is anticipated, however, that for the housing built elsewhere in the Perth Area the income received will take several years to build up. This is due to many of the houses constructed the next few years being from historic consents not liable for a contribution, however, by 2024 the majority of new houses will make a contribution.
- 1.16 To facilitate the early delivery of the LDP Strategy, both Bertha Park and Almond Valley require significant public sector up-front investment to deliver both roads and educational infrastructure. It is therefore appropriate that the Council seek an upfront contribution which would be offset against future contributions. Talks are underway with the promoters of each of these sites to secure a commitment to upfront funding and identify an appropriate level. An exchange of correspondence has indicated support for the principle of significant upfront contributions either in kind or finance. While initial indications suggest the value of such contributions could amount to several million pounds, it is not possible to confirm this as it is likely that negotiations with the developer will take several months to finalise.

Funding

- 1.17 There is an approved budget of £23.5M. The estimated scheme cost is between £31.6M and £39.2M, leaving an estimated budget shortfall between £8.1M and £15.7M based on the revised costs and potential savings identified in this report. This equates to an annual increase in Loan Charges of between £489K and £942K per annum.
- 1.18 Once the final cost of the scheme is established, it is proposed to increase the annual Loan Charges budget from Headroom within the Revenue Budget. As the full increase in Loan Charges will not impact for 2-3 years, there is scope in the meantime to apply some of the increase in Loan Charges within the Revenue Budget to meeting some of the costs of the scheme. Increasing the Capital Budget and approved borrowing will also impact on the Council's Prudential Indicators. As a result, these will be revised and submitted for approval to the next meeting of the Council. The annual increased loan charges would reduce as developer contributions are received. The effects of this cannot be estimated until the terms of the s75 agreements with developers are known.

2. PROPOSALS

- 2.1 It is proposed to progress the detailed design of the project whilst continuing to minimise costs, as well as working with landowners and developer to achieve the necessary savings.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The above report outlines the history of the decision making process with regard to the PTF project and in particular Phase 1, the A9/A85 Junction to Bertha Park.
- 3.2 The report details the current cost estimate of £39.2million for the project which has been constructed to cover all foreseeable risks. However, a range of savings have been identified which could reduce the project cost to £31.6 million. At present there is funding of £23.5million for the project, with £2.18million of this from Sainsbury's. This leaves a potential funding gap of between £8.1M and £15.7M.
- 3.3 It is recommended that the Council note the contents of this report and agrees to fund up to £15.7M, subject to confirmation of the final cost of the scheme.

Author

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Approved

Name	Designation	Date
Jim Valentine	Executive Director (Environment)	28 April 2014

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The project supports the Community Plan Vision to “***create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.***” Specifically this projects encourages sustainable economic growth, an improves and safer environment and healthier choices for sustainable transport.

1.2 The project supports the following Outcomes:

- Our area will have a thriving and expanding economy
- Our area will have improved infrastructure and transport links
- Our young people will attain, achieve and reach their potential
- Our communities will be safer
- Our area will have a sustainable natural and built environment

Corporate Plan

1.3 The Council’s Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

2.1 The body of the report contains the required analysis of the financial implications of the report.

Workforce

2.2 As above.

Asset Management (land, property, IT)

2.3 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using the Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No action is required as the Act does not apply to the matters presented in this report. However, an assessment was undertaken for the plan "Shaping Perth's Transport Future" in February and in an Addendum in November 2011. The proposal was also considered through the environmental assessment of the Local Development Plan.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. The assessment of the proposal was undertaken as part of the Strategic Environmental Assessment where it was demonstrated that it would have both positive and negative environmental effects, for example by improving air quality, would have positive economic effects by reducing congestion and improving journey time and community benefits in terms of removing traffic from the City.

Legal and Governance

- 3.4 The Perth Transport Futures project has been under development for a number of years. This report outlines the approvals undertaken by the Council, and its committees over that time period.
- 3.5 Future reports will be submitted to Council as the project progresses.

Risk

- 3.6 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal Services and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.

External

4.2 None.

5. Communication

5.1 This is a significant infrastructure project which will require a detailed communications plan. This will include workshops with elected members which have been set up for April/May 2014. Discussions with landowners are currently taking place.

PERTH AND KINROSS COUNCIL

COUNCIL MEETING

25 June 2014

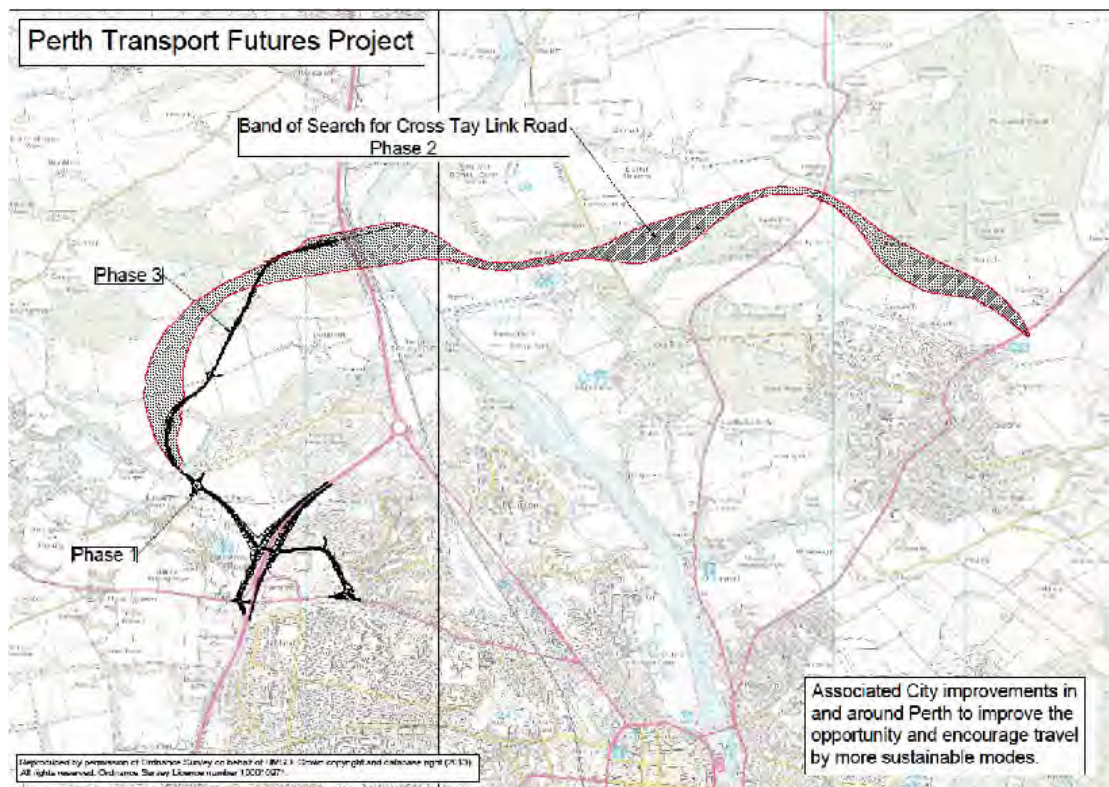
**PERTH TRANSPORT FUTURES PROJECT –
PHASE 1 A9/85 TO BERTHA PARK
COMPULSORY PURCHASE ORDER****Report by the Executive Director (Environment)**

This report seeks authority to acquire land either by negotiation or by Compulsory Purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project. This includes the A9/A85 junction redevelopment and a new link road to Bertha Park.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Perth Transport Futures Project (PTFP) is to be undertaken by the Council to improve air quality in the city centre, to alleviate current and future traffic congestion and to provide essential roads infrastructure that will support economic growth. This is against the backdrop of the Scottish Government population projections (2010 based and confirmed in the recent 2012 projections) which continue to indicate that the Perth and Kinross area will experience sustained population growth over the period to 2035.
- 1.2 The PTFP is part of the vision for the future transport network which was developed as part of the Scottish Transport Appraisals Guidance (STAG) process “to provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment, social inclusion and accessibility.”
- 1.3 The PTFP is focussed on transport infrastructure improvements required to address key congestion points in the road network and to provide essential links to growth areas. The key elements form an integrated series of transportation measures to address air quality issues within the city and ensure Perth’s growth does not compromise the local or national trunk road networks. The PTFP will be delivered over a number of years and can be divided into four phases:
 1. Enhanced A9/A85 Junction and link to Bertha Park
 2. Cross Tay Link Road (CTRL)
 3. Bertha Park north link to A9
 4. Associated city improvements.

1.4 Phases 1, 2 and 3 are shown on the diagram below.



1.5 There are significant benefits arising from the PTFP and these are summarised as follows:

- A positive contribution towards meeting the objectives of the Council's Air Quality Management Area within both the Crieff Road corridor and wider Perth.
- An upgraded A9/A85 junction providing better flow for both local and through traffic and easier connections to the major employment area at Inveralmond.
- A second major access to Inveralmond which will relieve pressure on Inveralmond roundabout at peak times.
- Improved pedestrian and cycle safety over the A9.
- Reduction of journey times on the local transport network and increased network capacity.
- A vital first link in the potential A9/A94 link road and third River Tay crossing, so further enhancing the transport network in and around Perth.
- The facilitation of the sustainable economic growth of Perth as envisaged in the Local Development Plan.
- Improved amenity for residents and businesses in the Crieff Road corridor.
- Potential for the creation of between 3,000 and 5,000 jobs through opening up development land.

- 1.6 The background to the PTFP, and particularly Phase 1, along with the key decision dates, are detailed in previous Council reports. (In particular Report Nos 13/336 and 14/192 refer). This report considers only Phase 1 of the PTFP and is specifically in relation to the land required to facilitate the improvements to the A9/A85 grade separated junction (including a new footbridge) and the new link road to Bertha Park.
- 1.7 As summarised above, the key benefits arising from the PTFP include unlocking the development potential of a number of sites in the north/north west which have been allocated for development in the Local Development Plan (LDP) and which will make a strategic contribution to the future growth of Perth. These include Bertha Park, Almond Valley and employment land at Inveralmond. In the appeal decision issued in respect of the proposed development at Almond Valley (DPEA reference PPA 340- 2065) the Reporter concluded that the A9/A85 interchange improvements are necessary if this part of Perth is to accommodate further development of a strategic scale. However there was no evidence before him which would guarantee that the appeal proposal, if approved, would provide either the finances or land necessary for the road improvements to be delivered within a short timescale. In the absence of any material change in circumstances, it is necessary that the Council assumes responsibility for the delivery of the requisite road infrastructure improvements.
- 1.8 The LDP also provides for an embargo on further planning consents for further developments for sites of 0.5 ha or more outwith Perth on the A85 corridor until such time as the construction of the new A9/A85 junction has commenced. Whilst the embargo is justified, it may act as a barrier to further development that will be removed once Phase 1 of the PTFP is underway.

2. PROPOSALS

Alignment

- 2.1 Phase 1 of the PTFP involves the provision of a new grade separated interchange between the A9 and A85 which will be located to the north of the existing interchange. A new distributor road will be constructed between the new interchange and the Bertha Park site and will include the provision of a new bridge over the River Almond. The works will also include a pedestrian footbridge over the A9, improved pedestrian and cyclist provision, public transport improvements and improved pedestrian provision along the Town Lade (which is to be locally diverted to accommodate the new junction). The most recent version of the design is shown on Drawing 203078-AD-SK-001H at Appendix 1 of this report.
- 2.2 There is limited scope to vary the road alignment due to the location of McDiarmid Park, the crematorium, the crossing point over the River Almond, the escarpment and the line of electricity pylons at Bertha Park.

2.3 However, the current proposed alignment has changed from the alignment which received planning consent on 31 May 2012 (Application Number 11/01579/FLL). The changes are as follows:

- At the request of the landowner, the design has been altered to allow the North Stand at McDiarmid Park to remain.
- The distributor road alignment has been altered to ensure that the amount of Council owned land take is maximised and therefore the amount of private owned land take is minimised.
- The proposed roundabouts have been changed to traffic signal controlled junctions to minimise land take and ensure that the junctions operate to maximum efficiency.

2.4 As a result of these changes a revised planning application is required for Phase 1 of the PTFP and this will be submitted in August 2014.

Land Purchase

2.5 The extent of the land required for Phase 1 of the PTFP has been identified and is shown on Drawing 203078-AD-X-008 Rev B at Appendix 2 of this report.

2.6 Discussions with a view to purchasing the land by agreement have commenced with the landowners. However, given the extent of the scheme and the number of landowners affected it is proposed to promote a Compulsory Purchase Order (CPO) in parallel. Scottish Government Guidance (Circular 6/2011) endorses this approach and negotiations with landowners will continue to ensure that all reasonable endeavours are made to purchase the land by agreement within a reasonable timescale.

2.7 It is considered that it would be reasonable and proportionate to acquire the land by compulsory purchase in the event that negotiations for voluntary sale cannot be concluded with all the landowners within a reasonable timescale. The land which is required is owned by a number of different parties, which potentially reduces the chances of reaching voluntary agreements for the whole site. Acquiring the whole site by means of a CPO will also help ensure that there are no gaps in title affecting the Council's ownership of the land required. Land take will be minimised and, where appropriate, the Council will enter into discussions regarding reasonable accommodation works.

2.8 There are compelling arguments for implementing Phase 1 of the PTFP and it is therefore considered that, on balance, the public interest outweighs that of the individual landowners involved. It is acknowledged that these landowners will be deprived of their land but the preferred option is favoured because, among other reasons, it reduces the land take as far as is possible. The landowners will receive appropriate compensation and, in addition, many will benefit from the new junction and link road providing better access to their land. In some cases the affected land has development potential but development will only be permitted if this project goes ahead.

- 2.9 The District Valuer Service has been instructed by the Council to act as Agent in the negotiation of the land purchase and Brodies Solicitors have been instructed to handle the legal work associated with the project.
- 2.10 The CPO will be promoted under Sections 103 and 104 of the Roads (Scotland) Act 1984 (the 1984 Act) and The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. Once the CPO is made, it will be submitted to the Scottish Ministers for confirmation. It should be noted that, if objections are received from any of the affected landowners and are not withdrawn, the Scottish Ministers will arrange a public inquiry. The likely timescales for confirmation of the CPO are set out at paragraph 2.15 below.

A9 Trunk Road – Transport Scotland

- 2.11 The principal aims and objectives of the PTFP are set out in Part 1 of this report. These indicate that it is appropriate for Phase 1 of the PTFP to be taken forward by the Council as local Roads Authority in discharge of its duties and functions under Section 1 of the 1984 Act, harnessing the powers set out in Section 20 of the 1984 Act. However, as the scheme interfaces with the trunk road network consultation is ongoing with Transport Scotland regarding those elements which will connect into the trunk road, including associated slip roads. Transport Scotland has been involved in the preliminary design to ensure the proposals meet their required standards.
- 2.12 It is also proposed that the Council enters into a legal agreement with Transport Scotland to ensure the protection of the trunk road network and to provide for effective traffic management during construction. The legal agreement will also ensure that, in the event that Transport Scotland decides to promote a Trunk Road Order under Section 5 of the 1984 Act, any parts of the scheme which are to be the subject of that Order will be constructed to the appropriate standard. It is anticipated that the legal agreement will be in place prior to the promotion of the CPO.
- 2.13 As it is not possible to acquire land belonging to the Scottish Ministers by compulsory purchase it is proposed that any areas of land required for Phase 1 of the PTFP which are currently held by the Scottish Ministers will be occupied by agreement.
- 2.14 If the CPO is confirmed, it has been agreed with Transport Scotland that they will promote an Order to stop up the existing slip roads which will become redundant after Phase 1 has been completed.

Programme

- 2.15 Once the CPO is made (July 2014) it will be submitted to the Scottish Ministers for confirmation. If no objections are received, or objections are received and resolved, the Scottish Ministers decide whether to confirm or refuse to confirm the CPO. The timescale from promoting the CPO to vesting of the land in this instance could take around 11 months.

- 2.16 If objections are received and are not withdrawn the Scottish Ministers will arrange to hold an Inquiry. Should this be the case, it could take around 17 months from the making of the CPO for the acquisition of the land to be completed. (i.e. November 2015). Timescales could be shorter or longer depending on circumstances.
- 2.17 The current programme for Phase 1 of the PTFP takes account of the CPO process and is for the contract to be awarded in December 2015 and for construction to start in early 2016. It is anticipated that the construction period will be two years. The contract will specify that the section of road from Ruthvenfield Road to Bertha Park will be constructed first to assist construction traffic accessing the school site with a view to meeting the Council's target of March 2018 for the school opening.
- 2.18 The Council has made provision to fund the project in line with updated cost estimates and in accordance with the proposed programme (Council Report 14/192 refers).

3. ADDITIONAL CONSIDERATIONS

- 3.1 The strong growth in the Perth & Kinross population over the past three decades has placed pressure on the secondary school estate. With this trend set to continue, as evidenced in the National Records Office most recent 2010 and 2012 based population projections, the Council identified the need to increase school capacity in the Perth area. The preferred strategy was to construct a new school to supplement the four secondary schools serving the Perth area.
- 3.2 Potential locations were explored through the Council's Local Development Plan (LDP) and took into consideration the opportunities to improve the distribution of the school estate emerging from the Perth Transport Futures Project. This, combined with the strategic growth of the city being concentrated in north/northwest Perth, as set out in the Strategic Development Plan, led to the preferred option being identified as Bertha Park. A new school is identified as a site specific developer requirement for the Bertha Park Site within the LDP.
- 3.3 Therefore, subject to the outcome of a statutory consultation process required by the Education Acts, the Council proposes to construct a new secondary school at Bertha Park, and on 6 February 2013 the Executive Sub-Committee of the Lifelong Learning Committee noted Bertha Park as the preferred location (Report No. 13/67 refers). This was further confirmed by Council in May 2014 (Report No. 14/193 refers). The statutory consultation proposal will be submitted to Lifelong Learning Committee in June 2014. It is planned that the process will be complete by May 2015.

- 3.4 The Council has been awarded funding for the construction of the new secondary school by the Scottish Futures Trust (SFT). As part of the conditions of funding from the SFT, the new school will require to be completed and operational by the end of March 2018. Construction of Phase 1 of the PTFP in advance of this deadline will therefore assist with access to construct the school and the development at the Bertha Park site. This underlines the benefits of proceeding with the CPO now.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The implementation of Phase 1 of the PTFP is essential to the future growth of the city as it is the means to service the Local Development Plan area. This supports sustainable economic growth and unlocks essential housing and business land throughout the Perth area by relieving pressure on the City Centre. The A9/A85 grade separated junction (including a new footbridge) and the new link road to Bertha Park are the first stage of the project which acts as a catalyst to opening up the land to the west of Perth.
- 4.2 Phase 1 will provide access to the sites at Almond Valley and Bertha Park as well as enhancing access to the Inveralmond industrial estate, thereby reducing the traffic flows across Inveralmond roundabout. The link to service the new school at Bertha Park is also the first section of the road through the Bertha Park site and on to the planned Cross Tay Link Road.
- 4.3 An alignment has been determined and negotiations with the affected landowners are underway. However, for the reasons set out in this report it is proposed to promote a CPO to run in parallel in case some of the land cannot be purchased by agreement.
- 4.4 In order to ensure that the above programme can be met it is recommended that the CPO process is commenced as soon as possible.
- 4.5 The Council is therefore asked to:
1. Agree to the purchase of land required for the project referred to in this Report by negotiation with affected land owners.
 2. Instruct the Head of Legal Services to initiate the statutory procedures to acquire the land by Compulsory Purchase in parallel with the negotiated process.
 3. Authorise the promotion of the A9/A85 Crieff Road Junction and Link Road to Bertha Park Compulsory Purchase Order 2014 to acquire the land shown on the drawing 203078-AD-X-008 Rev B annexed to this report.

Author(s)

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Approved

Name	Designation	Date
Jim Valentine	Executive Director	17 June 2014

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on
01738 475000

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The project supports the Community Plan Vision to “create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically this projects encourages sustainable economic growth, an improves and safer environment and healthier choices for sustainable transport.

1.2 The project supports the following Outcomes:

- Our area will have a thriving and expanding economy
- Our area will have improved infrastructure and transport links
- Our young people will attain, achieve and reach their potential
- Our communities will be safer
- Our area will have a sustainable natural and built environment

Corporate Plan

1.3 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

2.1 Funding of £23.5 million (less £2.18 million contribution from Sainsburys) was committed by the Council on 26 June 2013 (Report 13/336 refers), with up to a further £15.7 million approved through borrowing by Council on 7 May 2014 (Report 14/192 Refers). The funding includes provision for the purchase of the required land.

Workforce

2.2 The CPO process will be undertaken by the Roads Infrastructure Team and Legal Services with support from the District Valuer Service and Brodies, Solicitors.

Asset Management (land, property, IT)

- 2.3 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using The Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The proposals have been considered under the Environmental Assessment (Scotland) Act 2005 using The Integrated Appraisal Toolkit and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. This report however seeks to identify the capital funding take forward a proposal which is a key action from the Proposed LDP. There is a statutory duty of the Council to ensure that the LDP contributed towards sustainable development accordingly no further assessment is required.

Legal and Governance

- 3.5 The Perth Transport Futures Project has been under development for a number of years and is full documented in various reports and plans.
- 3.6 The CPO will be promoted in accordance with the relevant legislation and guidance.

Risk

- 3.7 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.

External

- 4.2 Discussions ongoing with all affected landowners.

5. Communication

- 5.1 This is a significant infrastructure project which will require a detailed communications plan. This has included workshops with Elected Members and will also include consultation as part of the planning process.

2. BACKGROUND PAPERS

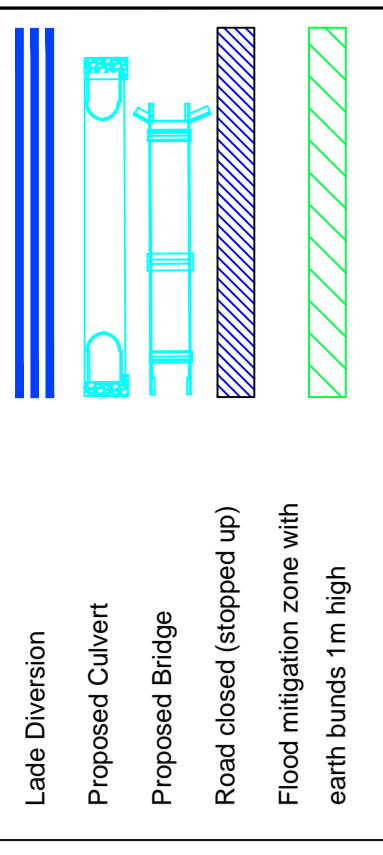
- Report to Executive Sub-Committee of the Lifelong Learning Committee 6 February 2013, Scotland's Schools for the Future – Phase 3 Update (13/67)
- Report to Council 26 June 2013, Perth Transport Futures Project (13/336)
- Report to Council 7 May 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park (14/192)

3. APPENDICES

- Appendix 1 – Alignment (Drawing 203078-AD-SK-001H)
- Appendix 2 – Compulsory Purchase Order Plan (Drawing 203078-AD-X-008 Rev B)

APPENDIX 1

- NOTES:**
1. Do not scale from this drawing.
 2. All levels given in metres above Ordnance Datum (m AOD).
 3. All dimensions in millimetres unless otherwise noted.
- Footway**
- Combined footway / cycleway
 - Optional paths / access
 - Existing Right of Way
 - Revised Right of Way
 - Lade Division
 - Proposed Culvert
 - Proposed Bridge
 - Road closed (stopped up)
 - Flood mitigation zone with earth bunds 1m high



Code	Item	Date	Description	
H	JC	AT	10/10/13	New proposed street alignment
G	RM	AT	10/10/13	Proposed car park layout
F	RM	AT	10/10/13	Proposed car park layout
E	AT	AT	10/10/13	Proposed car park layout
D	CH	AT	10/10/13	Proposed car park layout
C	CH	AT	10/10/13	Proposed car park layout
B	CH	AT	10/10/13	Proposed car park layout
A	CH	AT	10/10/13	Proposed car park layout

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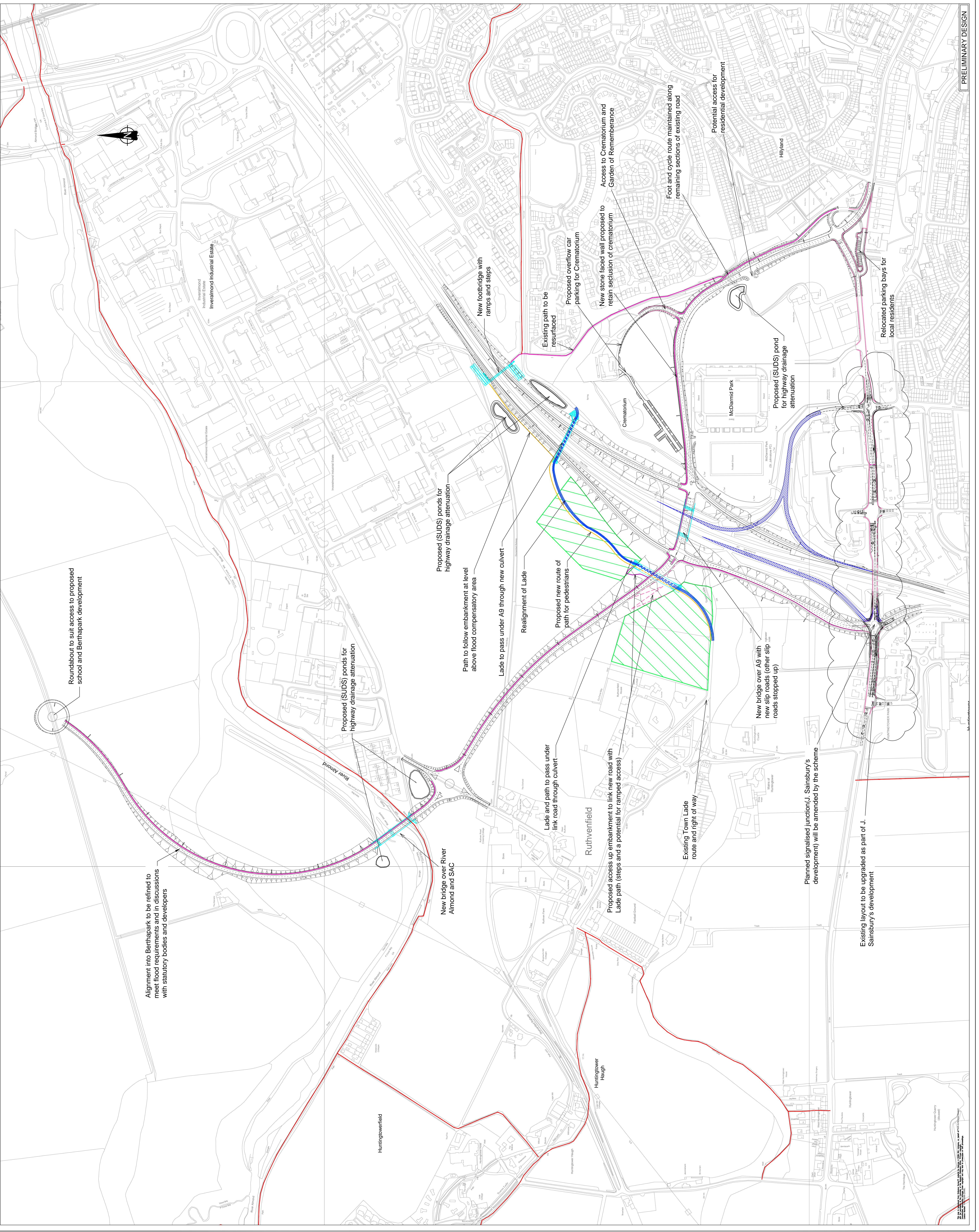
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Project: **A9/A85 CREEFF ROAD JUNCTION REDEVELOPMENT**

Client: **DMRB Stage 3 Alignment Development General Arrangement**

Drawn by: C MacFadden Date: 25-01-2013
Checked by: A Titchell Date: 25-01-2013
Approved by: W Wilson Date: 25-01-2013
Drawing No: 2.200 @ A0
Revision: **H**



PRELIMINARY DESIGN

APPENDIX 2

Key:

- Land to be acquired
- Temporary access rights required

Rev	By	Chkd	Approved	Date	Description
C	JC	AT	WW	20.05.14	Td area added and land ownership amended.
B	JC	AT	WW	17.05.14	Tdles amended and land acquisition finished.
A	JC	AT	WW	13.05.14	Amended areas, colours changed and ownership remains made.

Client



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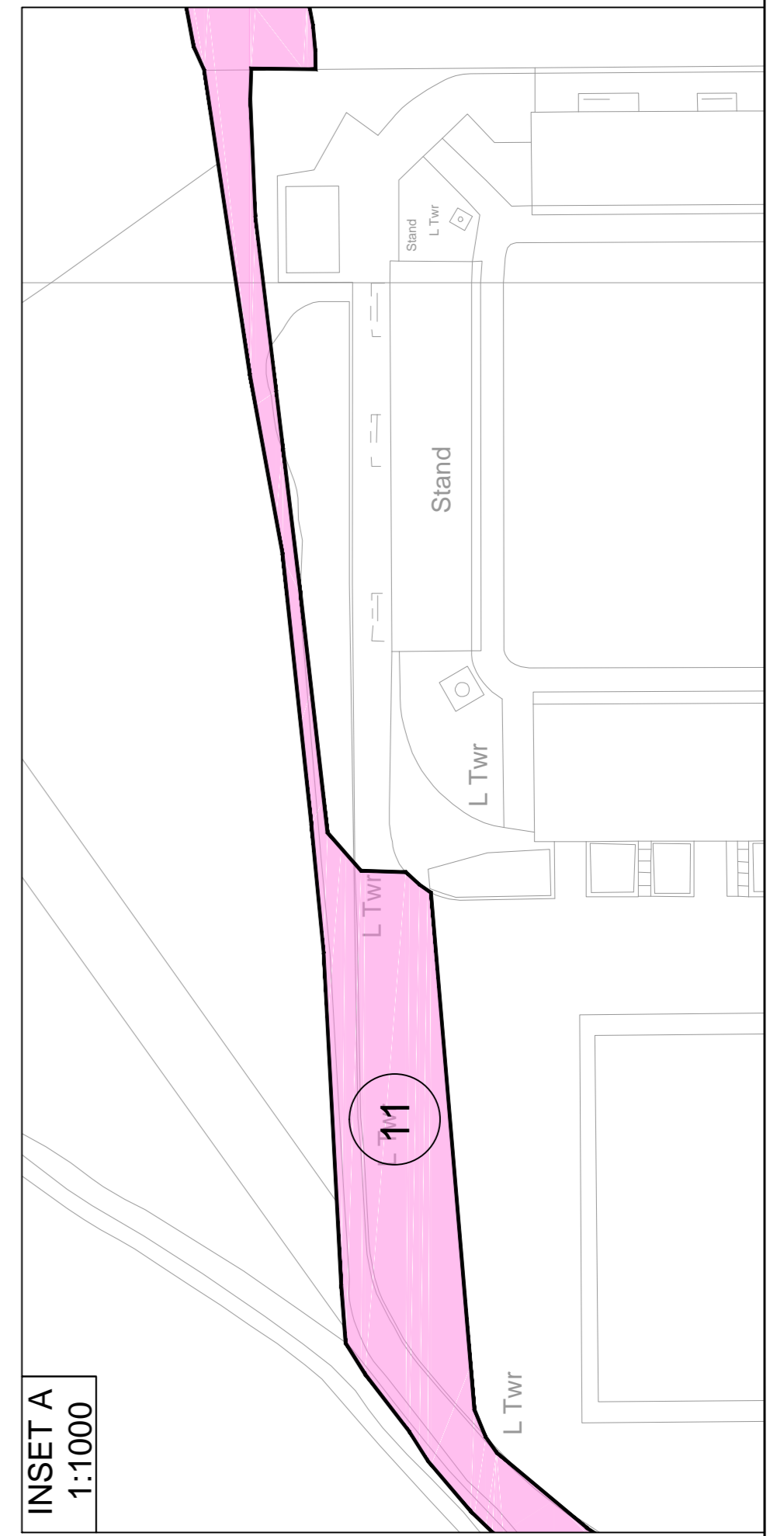
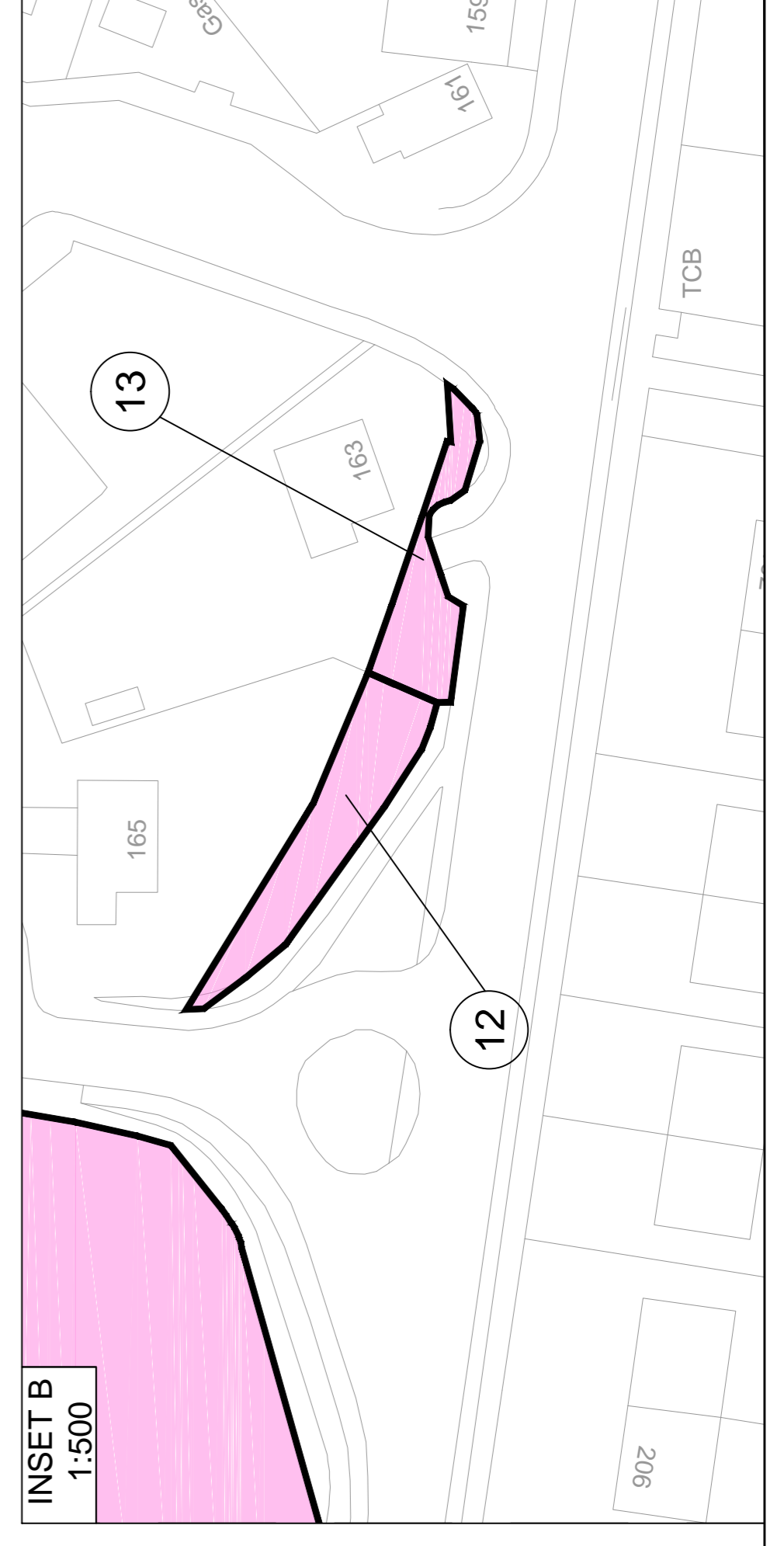
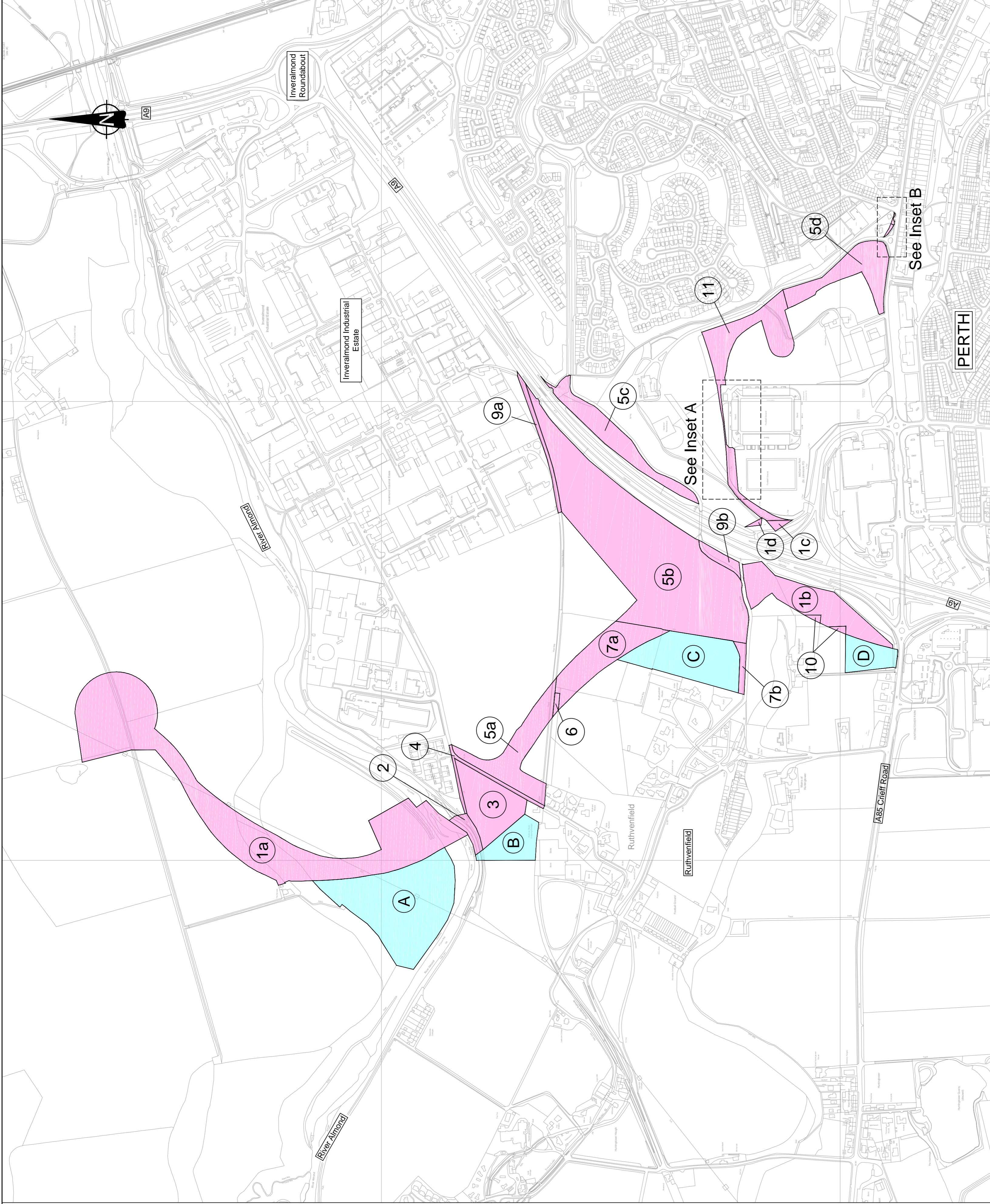
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Project: Perth Transport Futures Project
Phase 1 A9/A85 To Bertha Park
Compulsory Purchase Order

Drawing:

Council Report Plan
Land Acquisition

Drawn by: J Chen	Date: 27 May 2014
Checked by: A Torbet	Date: 27 May 2014
Approved by: W Wilson	Date: 27 May 2014
Drawing Scale: 1:5000 @ A1, 1:1000 @ A1 or as shown	
Drawing No.: 203078-AD-X-008	Revision: C



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PERTH AND KINROSS COUNCIL**8 October 2014****Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park
Compulsory Purchase Order (Report 2)****Report by the Executive Director (Environment)****PURPOSE OF REPORT**

This report seeks authority to acquire additional land and rights either by negotiation or by Compulsory Purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project. The additions are in response to further consultation with affected landowners, discussions with statutory environmental agencies and design development.

1. BACKGROUND / MAIN ISSUES

- 1.1 At its meeting on 25 June 2014, the Council gave authority to acquire land, either by negotiation or by compulsory purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project (PTFP). Phase 1 includes the A9/A85 junction redevelopment and a new link road to Bertha Park. The areas of land in question are shown on the drawing (No. 203078-AD-X-008 Rev C) at Appendix 1. (Report No. 14/303 refers).
- 1.2 The background to the PTFP, and particularly Phase 1, along with the key decision dates, are detailed in previous Council reports. The significant benefits have also been reported.
- 1.3 In response to further consultation with affected landowners, and the results of further environmental studies and discussions with statutory environmental agencies (SNH and SEPA), the engineering design for the scheme has now been refined. Consequently, additional land and rights are now required for the scheme to proceed, and the Council's approval is sought for this amended land take. It is also highlighted that some land, the acquisition of which the Council previously authorised for the scheme, will now not be required. It is not anticipated that any further additional land will be required in the future.

2. PROPOSALS**Additional Land Required and Purpose of Acquisition**

- 2.1 The additional land (and/or rights over land) required, and the purposes for which they are required, are summarised in this Report and are shown referenced on drawing (No 203078-AD-X-014) at Appendix 2.

Area:	a	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land to form part of revised layout for new road approaching Bertha Park roundabout (and so that new road can avoid electricity transmission pylon).
Area:	d	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land for part of new road section between River Almond and Bertha Park roundabout, and to allow for embankment drainage and ecological mitigation measures as required. This follows discussions with Scottish National Heritage regarding ecological issues along the wooded escarpment.
Area:	e	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land to form part of new road approaching Bertha Park roundabout, embankment drainage and ecological mitigation measures so that new road can be constructed at a higher level, if required, for flood prevention reasons.
Area:	f	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land for part of new road section between River Almond and Bertha Park roundabout, and for flood mitigation (formation of low level flood relief channel between River Almond and new road) and to allow for embankment drainage and ecological mitigation measures as required. Follows discussions with SEPA and SNH regarding ecological issues and mitigation of flood risk (both temporarily during construction and permanently once the new bridge and road have been completed).
Area:	g	Permanent acquisition of area of riverbed and riverbank (River Almond) at Bertha Park.
Purpose:		Required for part of low level flood relief channel (see Area f above) and headwall.
Area:	h	Temporary possession of part of River Almond riverbed and Northern river bank at Bertha Park.
Purpose:		Required for temporary works on the Northern river bank and Northern half of the riverbed to prevent adverse impacts on the river during the construction period.
Area:	i	Permanent acquisition of area of riverbed and river bank (River Almond) at Ruthvenfield.
Purpose:		Required to raise top of river bank (including footpath/cycle path) by 150mm for flood mitigation purposes and works on the Southern river bank and Southern half of the riverbed to prevent adverse impacts on the river during the construction period.
Area:	j	Permanent acquisition of area of riverbed and river bank (River Almond) at Ruthvenfield (was previously to be temporary possession during construction only).
Purpose:		Required to raise top of river bank (including footpath/cycle path) by 150mm for flood mitigation purposes and works on the southern river bank and southern half of the riverbed to prevent adverse impacts on the river (e.g. altered river flows) during the construction period.

Area:	k	Permanent acquisition of area of riverbed at new River Almond bridge crossing location.
Purpose		Land required to ensure that all parts of the new bridge structure fall within the land permanently acquired for the project.
Area:	l	Permanent acquisition of third party rights in river bank and riverbed area owned by Perth & Kinross Council at new River Almond bridge crossing location (NB Council's ownership interest does not need to be acquired).
Purpose		To ensure that whole footprint of road bridge deck, piers and drainage outfall falls within permanent acquisition and common interest rights in the river held by third party landowners can be acquired and extinguished.
Area:	m	Permanent acquisition of area of riverbed and river bank (River Almond) across the river from Double Dykes Travellers Site.
Purpose:		To allow routing of SUDS pond outfall (in consultation with SEPA and SNH - exact route depends on ecological/environmental issues e.g. results of fish surveys and location of wildlife habitats). Follows discussions with SEPA and SNH regarding ecological issues and mitigation of flood risk (both temporarily during construction and permanently once new bridge and road have been completed).
Area:	n	Temporary possession of part of River Almond riverbed and northern river bank at Bertha Park.
Purpose:		Required for temporary works on the Northern river bank and Northern half of the riverbed to prevent adverse impacts on the river during the construction period
Area:	t	Permanent acquisition of area of land to South of new road embankment.
Purpose:		Additional land permanently required so new road verge will remain at 2 metres from Southern edge of road, part of design of new access into McDiarmid Park (St Johnstone Football Club) following consultation with them.
Area:	u	Area of land (embankment) to South of new road.
Purpose		Permanent rights of access for maintenance of road embankment (e.g. remedial works if road and embankment subside or stability threatened) while allowing open aspect for safety/aesthetics reasons and continued access/use of the land by St Johnstone Football Club.
Area:	v	Permanent acquisition of area of land to South of new road.
Purpose:		Additional land permanently required to undertake works to stabilise new road independently of the existing retaining wall at St Johnstone Football Club.

- 2.2 With reference to Area u, the new road will sit at the top of a sloping embankment at McDiarmid Park but the land at, or towards, the bottom (South) of the embankment will still belong to St Johnstone Football Club. It is therefore considered necessary to create permanent rights for maintenance

purposes over the part of the embankment which will lie within Area u. Taking permanent rights allows for continued access/use of the land by St Johnstone Football Club i.e. reduces the impact of acquisition on the Club. This follows recent discussions between the Council and St Johnstone Football Club regarding design and access issues at McDiarmid Park.

- 2.3 The possibility of using powers under other legislation has been considered to minimise the use of compulsory purchase powers, but this would not give sufficient certainty that all necessary elements of the project can be delivered in accordance with project timescales.

Reduction in Land Required / Downgrade to Nature of Rights Required

- 2.4 Some land which was previously authorised by the Council for acquisition for the project will not now be required, following refinement of the engineering design. These are detailed below, along with the reasons, and are shown referenced on drawing (No 203078-AD-X-014) at Appendix 2.

Area:	b	Part of Plot 1a (see plan forming Appendix 1)
Reason:	The area of land permanently required for the new Bertha Park roundabout can now be reduced in size following consultation with the owner of Bertha Park Estate and the promoters of the Springfield Development proposals.	
Area:	c	Part of Plot 1a (see plan forming Appendix 1)
Reason	Due to the realignment of the approach to the relocated roundabout at Bertha Park, the area of land permanently required can now be reduced in size.	
Area:	o	Part of Plot 5b (see plan forming Appendix 1)
Reason	The area of land permanently required within this Plot can be reduced following discussions with SEPA on flood risk management. The area not permanently required will now only be needed for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner (the Trustees of the Robert Reid 1999 Settlement).	
Area	p	Part of Plot 5b (see plan forming Appendix 1)
Reason:	As Area o above.	

Area:	q	Part of Plot 7b (see plan forming Appendix 1).
Reason:		The area of land permanently required within this Plot can be reduced following discussions with SEPA on flood risk management. The area not permanently required will now only be needed for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner.
Area:	r	Part of Plot D (see plan forming Appendix 1).
Reason:		Area of land within plot within Transport Scotland Minute of Agreement.
Area:	s	Part of Plot 11 (see plan forming Appendix 1).
Reason:		This was previously authorised for permanent acquisition but will now only be required for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner (St Johnstone Football Club).

Land Purchase

- 2.5 The extent of the land required for Phase 1 of the PTFP has now been revised and is shown in full on the drawing (No. 203078-AD-X-008 Rev D) at Appendix 3 of this report.
- 2.6 A similar plan, but with the road alignment proposals included, is shown at Appendix 4 (No. 203078-AD-X-010 Rev B).
- 2.7 As reported to Council on 25 June 2014, discussions with a view to purchasing the land by agreement have commenced and continue with landowners. However, given the extent of the scheme and the number of landowners affected, it is proposed to promote a CPO in parallel with these discussions. Scottish Government Guidance (Circular 6/2011) endorses this approach and negotiations with landowners will continue to ensure that all reasonable endeavours are made to purchase the land by agreement within a reasonable timescale. Furthermore, negotiated acquisition of the common interests in the river bed would not be possible due to the numbers of owners involved. Compulsory acquisition of these rights avoids any “gaps” in ownership which might arise if any owners of such rights are not identified.

Impact on Programme and Budget

- 2.8 The current programme for Phase 1 of the PTFP takes account of the CPO process and allows for the contract to be awarded in December 2015, with construction starting in early 2016. The requirement for additional land and rights has delayed the publishing of the CPO and may have an impact on the programme by around three months. However, this will be closely managed through early discussions with landowners and Transport Scotland. Additionally, completion of the compulsory purchase procedure for land acquisition will be kept as close as possible to the original programme by advance preparation of necessary documents and notices at all stages.

- 2.9 The Council has made provision to fund the scheme in line with updated cost estimates and in accordance with the proposed programme (Report No. 14/192 refers).
- 2.10 The amended land take does not alter the current cost estimate, therefore any associated costs will be contained within the existing budget.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 In response to further consultation with affected landowners, and the results of further environmental studies and discussions with statutory environmental agencies (SNH and SEPA), the engineering design for the scheme has now been refined. This means additional land areas and rights in land are now required for the scheme to proceed.
- 3.2. The additional land and rights required, and the purposes for which they are required, together with details of land no longer required are summarised in this report. It is not anticipated that any further additional land will be required in the future.
- 3.3 Council's approval is sought for this amended land take (and/or rights over land). The additional land and rights need to be included in the CPO to ensure that all parts of the scheme are contained within the boundaries of the land acquired and to minimise the risk of objection to the scheme, on the grounds that the scheme cannot be delivered in the absence of these. To avoid such an objection being successful, the Compulsory Purchase Order will "stand alone" and enable the scheme to be wholly delivered within the land and rights included in the CPO.
- 3.4 It is recommended that Council:
1. Agree to the purchase of land and rights required for the scheme referred to in this report by negotiation with affected land owners.
 2. Instruct the Head of Legal Services to initiate the statutory procedures to acquire the land and rights by compulsory purchase in parallel with the negotiated process.
 3. Note the areas of land which are no longer required for the scheme.
 4. Authorise the promotion of the A9/A85 Crieff Road Junction and Link Road to Bertha Park Compulsory Purchase Order 2014 to acquire the land and rights shown on the drawing 203078-AD-X-014 annexed to this report, in addition to the lands and rights the Council gave authorisation to acquire on 25 June 2014.

Author(s)

Name	Designation	Contact Details
Jillian Robinson	Roads Infrastructure Manager	jrobinson@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	26 September 2014

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The project supports the Community Plan Vision to “create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically this projects encourages sustainable economic growth, an improves and safer environment and healthier choices for sustainable transport.

1.2 The project supports the following Outcomes:

- Our area will have a thriving and expanding economy
- Our area will have improved infrastructure and transport links
- Our young people will attain, achieve and reach their potential
- Our communities will be safer
- Our area will have a sustainable natural and built environment

Corporate Plan

1.3 The Council’s Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

- 2.1 Funding of £23.5 million (which included £2.18 million contribution from Sainsbury’s) was committed by the Council on 26 June 2013 (Report 13/336 refers), with up to a further £15.7 million approved through borrowing by Council on 7 May 2014 (Report 14/192 Refers). The funding includes provision for the purchase of the required land.
- 2.2 Sainsbury’s have withdrawn from developing the auction mart site and therefore their contribution of £2.18m will not be made, however the total budget allocated by the Council remains at £39.2m at this stage. Stage 3 Cost Estimates for the Scheme are due to be prepared in late 2014.

- 2.3 The amended land take does not alter the current cost estimate therefore any associated costs will be contained within the existing budget.

Workforce

- 2.4 The CPO process will be undertaken by the Roads Infrastructure Team and Legal Services with support from the District Valuer Service and Brodies, Solicitors.

Asset Management (land, property, IT)

- 2.5 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using The Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The proposals have been considered under the Environmental Assessment (Scotland) Act 2005 using The Integrated Appraisal Toolkit and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. This report however seeks to identify the capital funding take forward a proposal which is a key action from the Proposed LDP. There is a statutory duty of the Council to ensure that the LDP contributed towards sustainable development accordingly no further assessment is required.

Legal and Governance

- 3.5 The Perth Transport Futures Project has been under development for a number of years and is full documented in various reports and plans.

- 3.6 The CPO will be promoted in accordance with the relevant legislation and guidance.

Risk

- 3.7 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.

External

- 4.2 Discussions ongoing with all affected landowners.

5. Communication

- 5.1 This is a significant infrastructure project which will require a detailed communications plan. This has included workshops with Elected Members and will also include consultation as part of the planning process.

2. BACKGROUND PAPERS

- Report to Executive Sub-Committee of the Lifelong Learning Committee 6 February 2013, Scotland's Schools for the Future – Phase 3 Update (13/67)
- Report to Council 26 June 2013, Perth Transport Futures Project (13/336)
- Report to Council 7 May 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park (14/192)
- Report to Council 25 June 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park, Compulsory Purchase Order (14/303)

3. APPENDICES

- Appendix 1 – Drg No. 203078-AD-X-008 Rev C (original land take approved in June 2014)
- Appendix 2 – Drg No. 203078-AD-X-014 (land take changes)
- Appendix 3 – Drg No. 203078-AD-X-008 Rev D (revised land take, October 2014)
- Appendix 4 – Drg No. 203078-AD-X-010 Rev B (revised land take with road proposals included)

APPENDIX 1

- Key:**
- Land to be acquired
 - Temporary access rights required

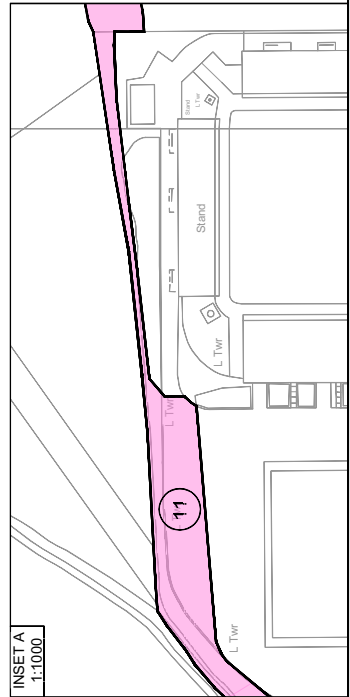
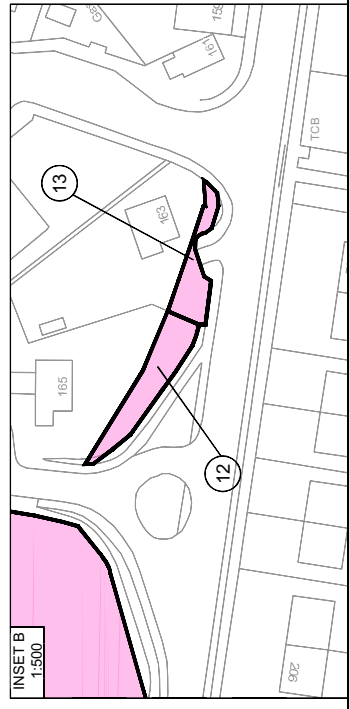
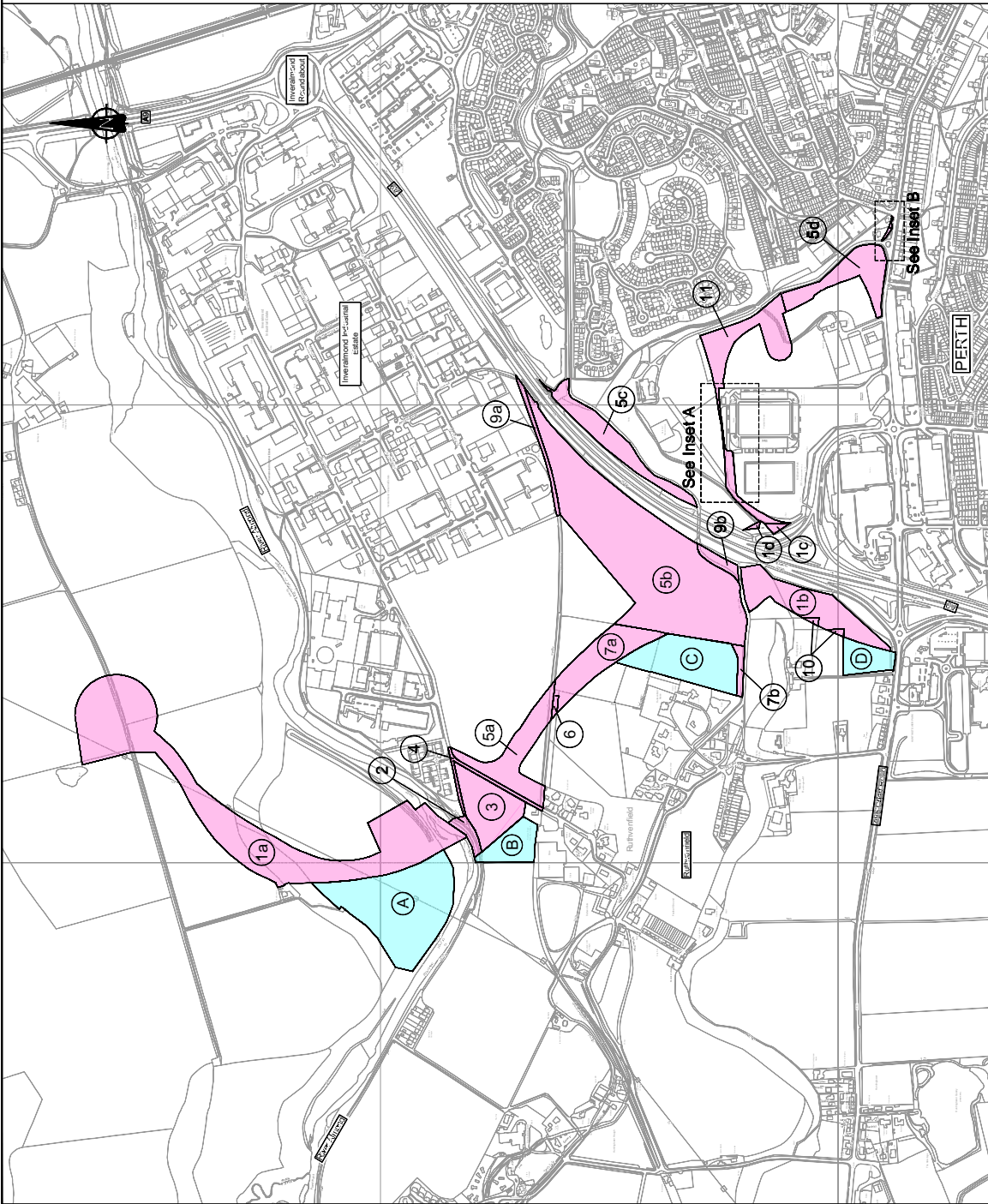
Ref	By	Date	Approved	Date	Description
C	JC	AT	WV	13/05/14	65 mm solar and hot concrete slabs.
B	JC	AT	WV	13/05/14	Thin concrete and brick expansion finished.
A	JC	AT	WV	13/05/14	Thin concrete and brick expansion finished.



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






Project: Perth Transport Futures Project
 Phase 1 A9/A65 To Bertha Park
 Compulsory Purchase Order

Council Report Plan
 Land Acquisition
 (June 2014)
 Drawn by: J Chen Date: 27 May 2014
 Checked by: A Todd Date: 27 May 2014
 Approved by: W Wilson Date: 27 May 2014
 Drawing No: 1500 @ A1, 1:1000 @ A1 or as shown
 Revision: C
 203078-AD-X-008



APPENDIX 2

KEY:

-  Additional land to be acquired
-  Land to be acquired (previously shown as temporary occupation)
-  Additional temporary occupation required
-  Temporary occupation (previously shown as land to be acquired)
-  Additional site/ride right to be acquired
-  Previously identified plots that are no longer to be included in the CPO
-  Previously identified plots for acquisition

Note:

1. This plan shows area required for CPO and highlights amendments identified as a result of design progression and consultation.

Ref	By	Date	Approved	Date	Description

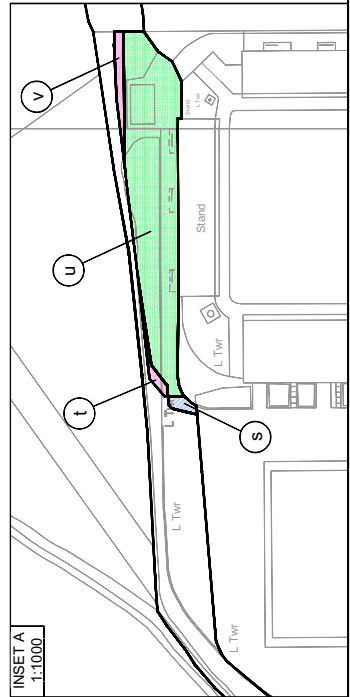
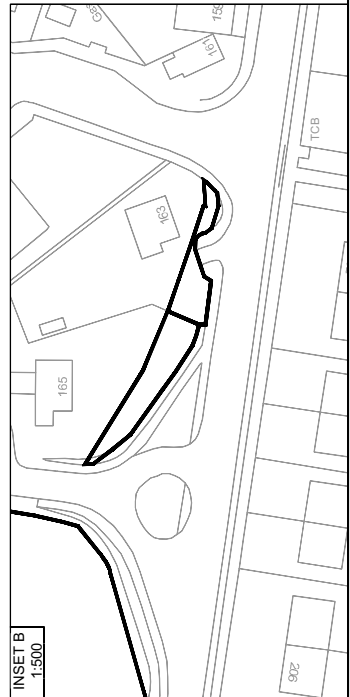
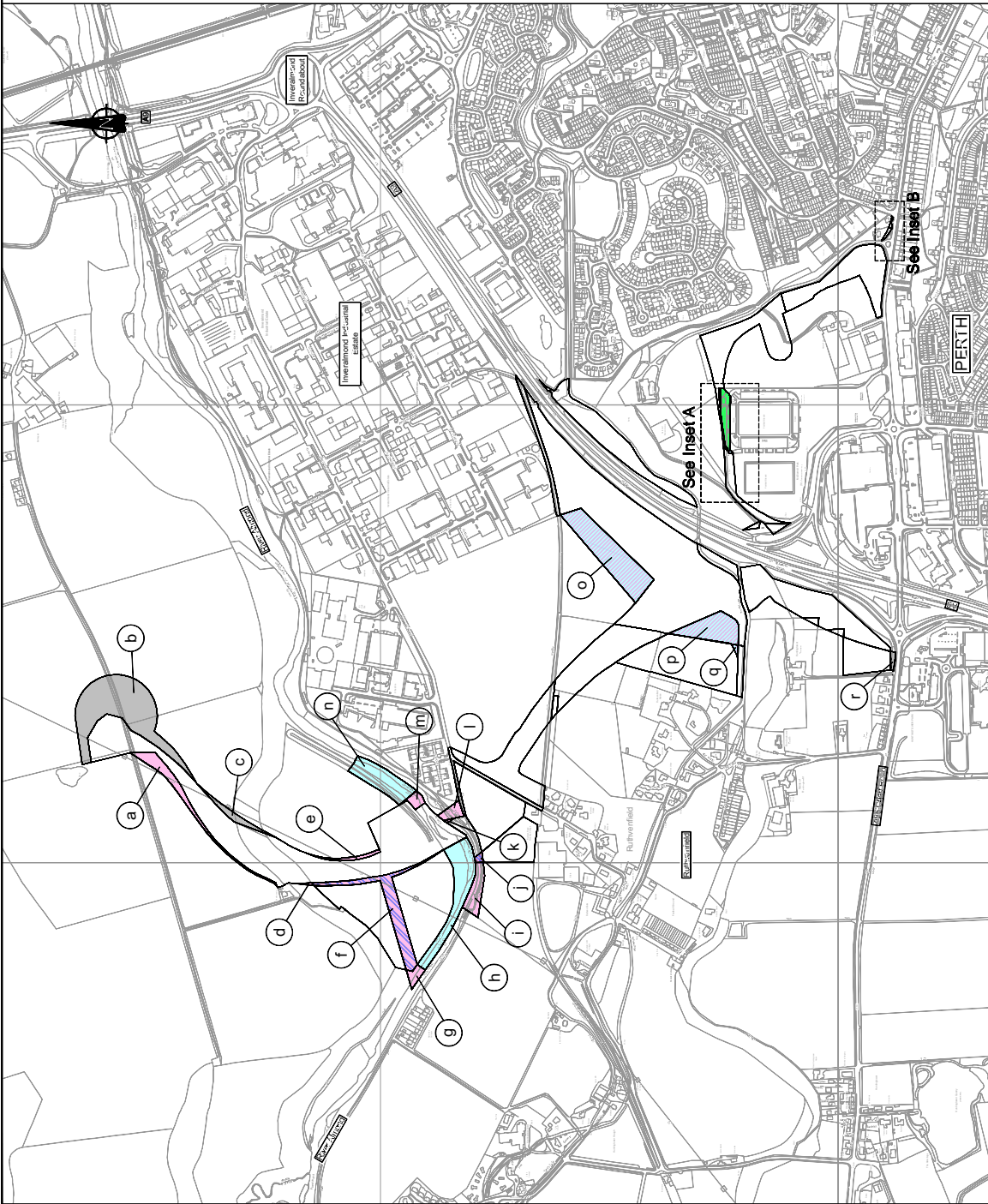


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**Perth Transport Futures Project
 Phase 1 A9/A95 To Bertha Park
 Compulsory Purchase Order**

**Council Report Plan
 Land Acquisition
 Changes
 (October 2014)**

Drawn by: A Todd	Date: 22 Sep 2014
Checked by: A Todd	Date: 22 Sep 2014
Approved by: D McIlroy	Date: 22 Sep 2014
Drawing Date: 15 Oct 2014 @ A1: 1:1000 @ A1 or as shown	
Drawing No: 203078-AD-X-014	Revision: -



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APPENDIX 3

KEY:

- Land to be acquired
- Temporary occupation required
- Servitude right to be acquired

D	AT	Check	DATE	Description
C	JC	AT	17/05/14	Finalised plans for all modified design
B	JC	AT	17/05/14	Finalised plans for all modified design
A	JC	AT	17/05/14	Finalised plans for all modified design

PERTH & KINROSS COUNCIL

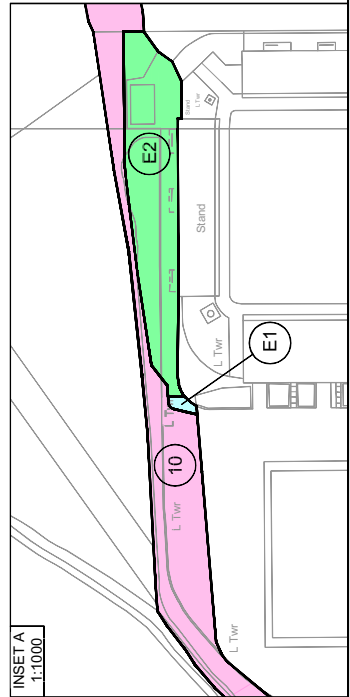
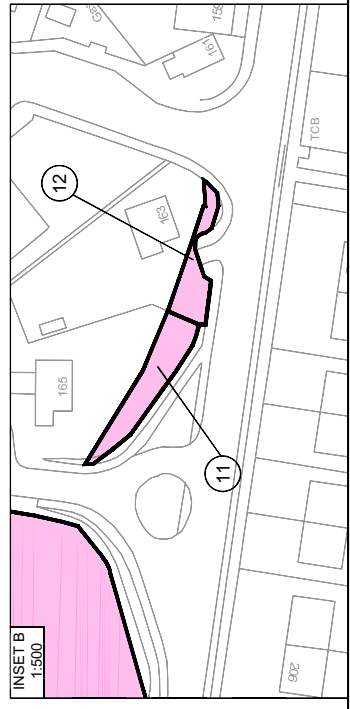
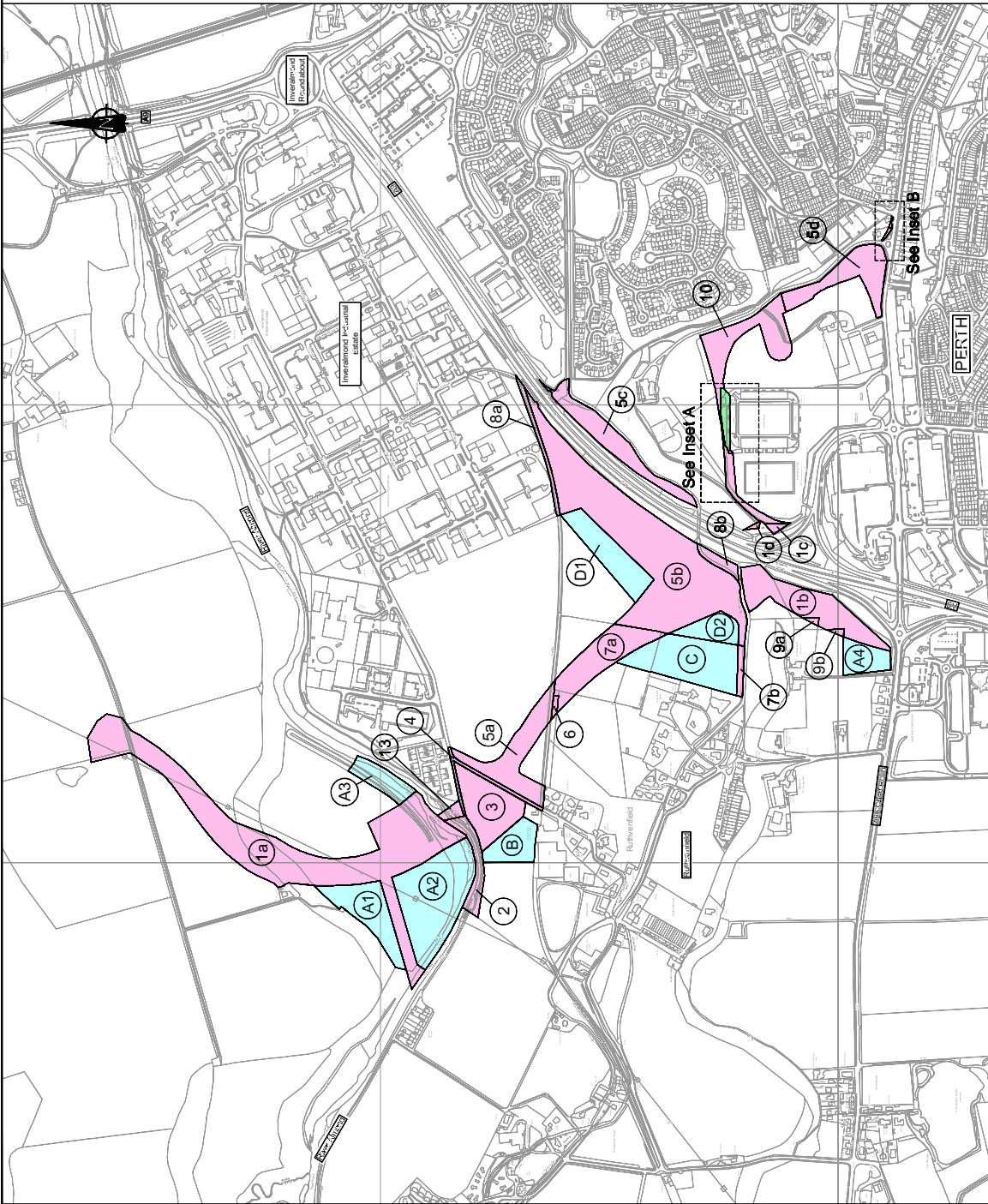
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Perth Transport Futures Project
Phase 1 A9/A65 To Bertha Park
Compulsory Purchase Order

Council Report Plan
Land Acquisition
(October 2014)

Drawn by: J Chen Date: 27 May 2014
 Checked by: A Todd Date: 27 May 2014
 Approved by: W Wilson Date: 27 May 2014
 Drawing Date: 15/05/14 @ A1, 1:1000 @ A1 or as shown
 Drawing No: 203078-AD-X-008
 Revision: D



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APPENDIX 4

Key:

- Land to be acquired
- Temporary occupation required
- Servitude right to be acquired

Ref	By	Date	Approved	Description
B	AT	AT	AT	Final: 100% of proposed route to full roadbed design
A	JC	AT	AT	100% AT: 100% of proposed route to full roadbed design

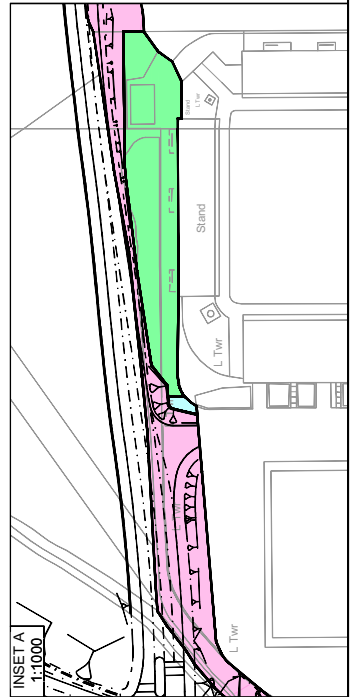
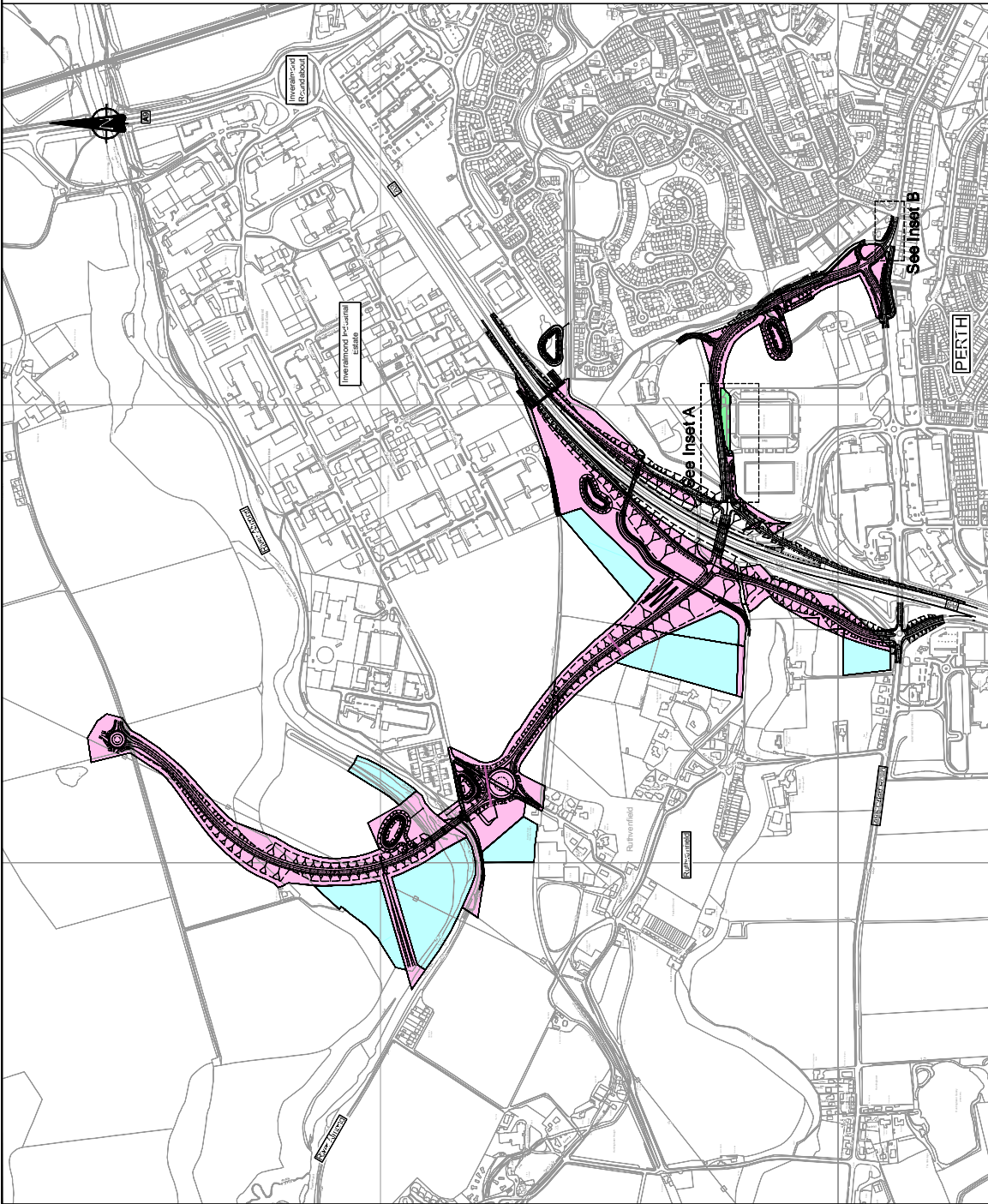


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**Perth Transport Futures Project
 Phase 1 A9/A65 To Bertha Park
 Compulsory Purchase Order**

**Council Report Plan
 Land Acquisition
 Road Proposals Included
 (October 2014)**

Drawn by: J Chen	Date: 17 June 2014
Checked by: A Todd	Date: 17 June 2014
Approved by: W Wilson	Date: 17 June 2014
Drawing No: 1500 @ A1, 1:100 @ A1 or as shown	Revision: B
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PERTH AND KINROSS COUNCIL

25 FEBRUARY 2015

PERTH TRANSPORT FUTURES PROJECT PHASE 1 A9/A85 TO BERTHA PARK APPROPRIATION OF OPEN SPACE (PERTH CREMATORIUM)

Report by Executive Director (Environment)

This report details the objections to the proposal to appropriate areas of open space in the grounds of Perth Crematorium for the purpose of a new link road and overspill parking area associated with Phase 1 of the Perth Transport Futures Project.

The report recommends that the Council considers the objections received and grants approval to appropriate these areas of open space in terms of Section 24(2A) of The Town and Country Planning (Scotland) Act 1959.

1. BACKGROUND / MAIN ISSUES

Perth Transport Futures Project

- 1.1 The Perth Transport Futures Project (PTFP) is to be undertaken by the Council to provide essential roads infrastructure that will support economic growth. It will also improve air quality in the city centre, and alleviate current and future traffic congestion. This is against the backdrop of the National Records of Scotland population projections (2012 base projections) which continue to indicate that the Perth and Kinross area will experience sustained population growth of 24% over the period to 2035.
- 1.2 The PTFP is part of the vision for the future transport network which was developed as part of the Scottish Transport Appraisals Guidance (STAG) process “to provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment, social inclusion and accessibility.”
- 1.3 The key elements form an integrated series of transportation measures to enable Perth’s growth whilst not compromising the local or national trunk road networks. The PTFP will be delivered over a number of years and can be divided into four phases:
 1. Enhanced A9/A85 Junction and link to Bertha Park
 2. Cross Tay Link Road (CTLR)
 3. Bertha Park north link to A9
 4. Associated city improvements.

Phase 1 – A9/A85 Crieff Road Junction and Link Road to Bertha Park

- 1.4 Phase 1 of the PTFP (the Scheme) is currently being progressed and the background to this, and the PTFP, along with the key decision dates, resource implications and significant benefits arising from the PTFP are detailed in previous Council reports (Report Nos 13/336, 14/192, 14/303 and 14/437 refer). In particular, Report 13/336 details the successive decisions by the Council to identify sustainable growth opportunities whilst addressing the issues of congestion and air quality in, and around, Perth. These are now incorporated in the adopted Strategic and Local Development Plans.
- 1.5 The Scheme includes improvements to the junction of the A9/A85, a new link road to Bertha Park located to the northwest of Perth City, including a new crossing over the River Almond, and a new footbridge over the A9.
- 1.6 The Perth and Kinross Council (Perth Transport Futures Project Phase 1 A9/A85 Crieff Road Junction and Link Road to Bertha Park) Compulsory Purchase Order 2014 (CPO) for the acquisition of land required for the Scheme was made by the Council on 24 October 2014 (Council reports 14/303 and 14/437 refer). The CPO has been submitted to the Scottish Ministers, for confirmation and, as objections to the CPO have been submitted to the Scottish Ministers it is likely that a Public Inquiry will be held. The date of the Inquiry will be determined by the Scottish Ministers but it is anticipated that it may take place in April/May 2015.
- 1.7 The full planning application for the Scheme was advertised on 16 January 2015 and is likely to be considered by the Development Management Committee on 18 March 2015. This replaces the previous approved planning application (Application Number 11/01579/FLL refers).
- 1.8 The areas of open space within the Crematorium grounds are an integral part of Phase 1 of the PTFP Scheme. As stated at paragraph 1.6 of this report, the Council made the CPO for the areas of land required for the Scheme, and not within the Council's ownership, on 24 October 2014. If the Council does not approve the appropriation of the areas of open space within the Crematorium grounds, it will not be possible to proceed with the Scheme in its present form and the CPO will require to be withdrawn.

Impact on Crematorium Grounds

- 1.9 The Crematorium grounds may be regarded as being an area of open space by virtue of the fact that they are open to the public for a variety of uses including recreational use. They are not a designated burial ground but this report does address the interests of those who are concerned about the impact of the Perth Transport Futures Project (PTFP) on the Gardens of Remembrance. Where a local authority wishes to appropriate an area of open space for another use, it is obliged, in terms of section 24(2A) of The Town and Country Planning (Scotland) Act 1959, to publish a Notice of its intention to do so and to consider objections. This report explains the proposal to appropriate ground at Perth Crematorium within the context of The Perth and Kinross Council (Perth Transport Futures Project Phase 1 A9/A85 Crieff Road Junction and Link Road to Bertha Park) Compulsory Purchase Order 2014.

- 1.10 The Council is asked to note that the need for this statutory consultation process arises because the land in question is considered to be open space and not because it is otherwise in use as part of the Crematorium grounds. The impact of the PTFP Scheme on available open space is therefore a material consideration in the Council's decision on whether to appropriate the land at the Crematorium for the purposes of the Scheme. The Council ought therefore to consider the scale of the appropriation as regards the overall availability of open space at the Crematorium and in the locality of the Crematorium.
- 1.11 The key issue for the Council is whether, taking account of all relevant material considerations, including third party interests, the requirement to deliver Phase 1 of the PTFP within a reasonable timescale, and the relatively small loss of open space at the Crematorium, it is fair and reasonable to approve the appropriation.
- 1.12 It is a key principle of compulsory purchase that land taken from third parties be minimised since the compulsory taking of land constitutes a major interference with private property rights and so with ECHR (European Convention of Human Rights) Article 1, Protocol 1 rights. The Council may therefore only exercise its powers of compulsory purchase in a fair and proportionate manner. The route selected helps to minimise the taking of third party land by making use of the existing Crematorium access road and woodland at the edge of the Crematorium which are within the Council's ownership. Inclusion of these areas is necessary for the successful delivery of the Scheme and means that less land needs to be taken from private owners.
- 1.13 There are obvious sensitivities arising from the proposed use of part of the Crematorium land for the Scheme but it is submitted that there is a balance to be struck between maintaining an acceptable level of intrusion into the Crematorium grounds and the impact of the Scheme on third party property interests. The Scheme design therefore is intended to minimise the impact on the Crematorium grounds and the proposed layout strikes a reasonable balance between safeguarding the interests of other landowners, including the owners of the adjacent McDiarmid Park, and minimising the impact on the character and setting of the Crematorium. It also strikes a fair balance between third party ownership rights and the rights of other parties with an interest in the Crematorium, including parties with an interest in memorials that may require to be moved if the Scheme is implemented.
- 1.14 A number of alternative routes were considered during the STAG (Scottish Transport Appraisal Guidance) process but were rejected for various reasons. The land take for these would be greater than in the case of the route selected and therefore the impact on third party interests would be greater. The route selected minimises the taking of third party land at this particular location. It also safeguards the future development of adjacent land allocated for residential development within the adopted Perth and Kinross Local Development Plan, 2014 (LDP)(Site H71). A summary of the alternative routes considered, including the reasons they were rejected, is given at Appendix 1.

- 1.15 The impact of the Scheme on the Crematorium, in terms of the overall area that is proposed to be appropriated, when compared to what will remain as accessible open space, is not considered to be significant. The remaining land within the Crematorium will continue to provide adequate space for quiet reflection. In addition there is open space in the locality of the Crematorium that will be unaffected by the Scheme, including areas of open space within the adjacent and proximate housing estates, namely Tulloch and Letham. There are also larger areas of open space closer to the City centre, including the North and South Inches. On balance, therefore, the overall loss of open space that will accrue as a consequence of the implementation of the Scheme is not considered to be so significant that a decision by the Council to appropriate the land required for the Scheme might be considered unreasonable.
- 1.16 The Council has, however, received objections on a number of alternative grounds (i.e. other than loss of open space per se), and having invited interested parties to make known their views, it is appropriate that the Council takes account of those views in so far as they might be considered to be reasonably relevant to the proposed appropriation of open space within the Crematorium. The Council is, however, advised that matters such as the detailed design of the Scheme, and of related issues such as the detailed design of mitigation measures, might more appropriately be considered through the separate planning application process which the present consultation on the loss of open space does not substitute for.

2. PROPOSALS

Appropriation of Open Space

- 2.1 The new link road will follow the existing Crematorium access road from Crieff Road for approximately 400 metres before travelling generally westwards between the Crematorium grounds and McDiarmid Park.
- 2.2 There are eight Gardens of Remembrance within the Crematorium grounds and the proposed route of the road affects the woodland area to the south of one of these - the Bluebell Garden. More specifically the route encroaches very slightly onto the outermost edge of the Bluebell Garden. The maximum extent of this has been determined and at the very most four memorials will require to be relocated.
- 2.3 The Project Team and Crematorium staff have been liaising with families whose memorials will be affected, and reasonable measures will be put in place regarding the relocation of the ashes and memorial plaques. Three of the four families have accepted the proposal to relocate their memorials.

Objections

- 2.4 Section 24(2A) of The Town and Country Planning (Scotland) Act 1959 places a statutory duty on the Council to consider any objections to the appropriation which may be made to them. The formal Notice of Appropriation of Open Space was published in The Courier on 7 and 14 November 2014. Following requests from the Luncarty, Redgorton and Moneydie Community Council the deadline for lodging objections was extended from Friday 28 November 2014 to Friday 5 December 2014. The Notice and associated plan form Appendix 2 of this Report.
- 2.5 The Council received a total of 149 written objections of which 142 were from individuals; one from a local funeral director; one from Perth Civic Trust, one from Tulloch Tenants and Residents Association; one from Luncarty Redgorton and Moneydie Community Council; and three from MSPs on behalf of constituents. A petition containing 37 signatures also formed part of one of the objection letters from an individual.
- 2.6 In addition, letters were received from John Swinney MSP and Gordon Banks MP on behalf of Luncarty Redgorton and Moneydie Community Council following the closing date.
- 2.7 A written petition against the 'masterplan' for the Scheme was submitted to the Council on 28 November 2014 containing 77 signatures.
- 2.8 The road Scheme and how it impacts on the Crematorium has been widely reported in the local newspapers, particularly the Perthshire Advertiser. There are also two live online petitions opposing the proposals. The online petitions have not yet been lodged with the Council but details are as follows:
1. Stop Perth and Kinross from building a road through the Crematorium (www.thepetitionsite.com/884/567/650/stop-perth-and-kinross-building-a-road-threw-the-crematorium/) created on 11 November. As at 14 January 2015 there were 1,303 signatures.
 2. Save Perth Crematorium (you.38degrees.org.uk/petitions/save-perth-crematorium?source=facebook-share-button&time=1415968515), created around 11 November 2014. As at 14 January 2015 there were 2,205 signatures. The invitation to sign this petition suggests that the Scheme will incorporate part of the Winter Garden, which is incorrect. It is not possible to interrogate the site e.g. for the names and location of individual objectors.

Grounds of Objection

- 2.9 A summary of all objections along with the petition are detailed at Appendix 3. Full details of all objections were also made available to Members in advance of the Council meeting. The main grounds of objection are summarised below:

- The proposal will affect relatives / loved ones' ashes scattered in Crematorium grounds.
- There will be increased noise levels as a consequence of the scheme.
- The proposals are insensitive to peace and tranquillity of gardens and disrespectful to bereaved persons.
- Lack of consultation.
- The proposals will impact on formal Gardens of Remembrance.
- The proposals will result in a loss of the driveway and overspill parking.
- The proposals will lead to safety issues and traffic congestion.
- The proposals run counter to the "promise" in Crematorium leaflet of 'Timeless Tribute'.
- The Scheme is not necessary.
- The relevance of road to the proposed school at Bertha Park.

Response to Objections

2.10 Objectors were responded to by letter dated 12 December 2014 with an information pack enclosed. Only one objector acknowledged receipt in writing of the response. The information pack forms Appendix 4 to this report and included:

- A covering letter.
- A Question & Answer leaflet detailing the background to the road Scheme and information to address the points made by the objectors.
- A large plan with an aerial photograph of the Crematorium grounds with an overlay of the proposed link road and overspill car park.
- Artist's impressions of overflow parking area and new entrance to Crematorium.

2.11 Separate detailed responses were issued to the MSPs with the information pack enclosed. The responses are provided at Appendix 5.

Consideration of Objections

2.12 Dealing with each main ground of objection in turn:

Relatives / Loved Ones' Ashes Scattered in Crematorium Grounds

- It is submitted that the proposals will have a limited impact on the Crematorium grounds. The land that is to be appropriated is not extensive and does not intrude significantly into the Gardens of Remembrance. Of the formal Gardens of Remembrance only the Bluebell Garden is affected, and the overall impact is not considered to be significant. Of the memorials currently located within the Crematorium grounds, only four are affected by the proposals. Three of the families concerned are satisfied with the Council's proposals for the relocation of their memorials, however one family has objected to the appropriation and is not satisfied with the Council's proposals for relocating their memorial.

- It is recognised that there may have been scatterings of ashes in the area that is to be appropriated, particularly as there is no requirement for permission to scatter ashes within the grounds of the Crematorium. It is not therefore possible to know precisely where ashes may have been scattered. However, it is undoubtedly the case that ashes may be disturbed by routine activity at the Crematorium, including grounds maintenance activity. It is already the Council's policy that all grass cuttings, soil and fallen leaves from within the Crematorium grounds are collected and retained within the woodland area. That way any ashes that may have been disturbed when the soil etc. has been collected, do not leave the grounds of the Crematorium. A similar approach will be taken for all grass and soil disturbed in the construction of the new roads infrastructure, in order to ensure that any ashes that may have been scattered within the area affected by the Scheme will not leave the Crematorium grounds.
- To the extent that the Scheme may interfere with any rights protected by the ECHR, such interference can be justified. The Scheme is a legitimate aim of the Council. It is being promoted pursuant to the Council's statutory powers as local roads authority and the need for the Scheme has been re-confirmed through the LDP review process. Whilst the Scheme may result in the need to move a small number of memorials and may involve disturbing ashes scattered within the Crematorium grounds, the overall impact of the Scheme on the Crematorium is not considered to be significant and must be considered against the benefits that the Scheme will deliver. Suitable mitigation measures are to be implemented so as to ensure disruption is kept to a minimum. Whilst it is clearly regrettable that the Scheme interferes with a small number of memorials the interference is reasonably necessary in order that the Scheme is delivered. The Council has considered all alternatives. These have been discounted for reasonable and valid reasons. In the circumstances it is concluded that the interference with this small number of memorials is lawful and that it is fair and proportionate.
- Similarly, with regard to ashes that may be scattered in the affected area, the Council has obtained legal advice and Officers conclude that the Scheme is not incompatible with the right to property under the ECHR. It is not clear that ashes that have been scattered are capable of being considered as possessions. Nonetheless, were it to be established in law that rights of ownership might attach to ashes that have been scattered, as opposed to stored, the Council has given careful consideration to minimising the impact of the Scheme on any ashes that may be located on the land that is to be appropriated, including ensuring that the ashes will remain within the grounds of the Crematorium.

- Finally, with regard to any potential interference with private or family life protected by the ECHR, such interference may be justified provided that it is in pursuit of a legitimate aim and that it is proportionate. For the reasons outlined above, the Council may reasonably conclude that, in the present case, such interference is not unlawful.

2.13 Noise

- The assessment of noise impact at the Crematorium has been undertaken and details of the surveys and modelling are contained within the Environmental Statement which forms part of the Planning Application. Increases in noise have been predicted and suitable mitigation measures have been designed. These will be implemented as part of the Scheme at the Crematorium and appropriately sized and situated noise barriers have been incorporated into the noise model. The reduction in noise provided by these has been checked against allowable levels.
- The noise reduction from the barriers will be most beneficial at locations close to the new link road. Further into the Crematorium the noise reduction from the barrier will be reduced. However, noise from the link road will also be reduced, and noise from the A9 will dominate as it does at present.
- With regard to noise levels during construction, the appointed contractor will be subject to noise level restrictions under the contract which will be agreed in advance with the Council's Environmental Health Team. This will be monitored by the Council's site supervision team during construction.
- Discussions are underway between the Project Team and the Crematorium staff with regard to the construction of the works to ensure that disruption is minimised, particularly during times of funerals.
- In conclusion, whilst the Scheme will impact on noise levels at the Crematorium, the increase in noise levels is not considered to be unacceptable and suitable mitigation measures will be put in place. In certain areas of the Crematorium the predominant noise will continue to be attributable to traffic on the A9 representing no change to the status quo.

2.14 Insensitive to peace and tranquillity of gardens and disrespectful to bereaved

- The sensitivity of this particular location has been adequately and properly addressed as has the impact of the Scheme on those with a personal interest in the Crematorium. The remaining land within the Crematorium will continue to provide adequate space for quiet reflection. In addition there is open space in the locality of the Crematorium that will be unaffected by the Scheme.

- Officers are working closely with the Crematorium staff to ensure that the proposals are designed sympathetically and take account of the needs of the Crematorium in terms of boundary treatments, landscaping and measures to mitigate any adverse impacts.

2.15 Lack of Consultation

- The consultation exercise that is the subject of this report is a standalone exercise that requires to be undertaken because the land that is to be appropriated is open space. However, the background to the PTFP has been the subject of a number of Council reports (see section 1.4 above). Families known to be affected were directly contacted in advance of the proposal to appropriate being advertised in order that their concerns might be considered in advance and outwith the statutory consultation. The Council has complied in full with the consultation requirements that are set out in The Town and Country Planning (Scotland) Act 1959. It has also extended the deadline for consultation responses beyond the statutory requirement. All objections have been responded to and where requested to do so, Officers have met with objectors in order to discuss and to clarify the impact of the Scheme on the Crematorium grounds.

2.16 Formal Gardens of Remembrance

- As outlined above, it is submitted that the proposals will have a limited impact on the Crematorium grounds. The Scheme does not intrude significantly into the Gardens of Remembrance. Of the formal Gardens of Remembrance only the Bluebell Garden is affected, and the overall impact is not considered to be significant. Specifically, the Winter Garden is not affected. Of the memorials currently located within the Crematorium grounds, only four are affected by the proposals. Three of the four families concerned are satisfied with the Council's proposals for the relocation of their memorials. Proposals for the sensitive relocation of scattered ashes are described above.

2.17 Loss of Driveway and Overspill Parking

- The new link road will utilise part of the driveway leading up to the Crematorium and will include an adjacent pedestrian and cycle path. Currently, the driveway is used for parking when the existing car park is full. This tends to be at larger funerals which can occur 1-2 times per week.
- It is acknowledged that the long driveway will be lost. To compensate for the loss of parking the Scheme will incorporate an overspill parking area along the existing Spruce Avenue. It is understood that this area has been used in the past to accommodate parked vehicles. To minimise disruption and to mitigate the need to remove trees the parking surface will consist of a reinforced grass system. The overspill parking area will be managed by the Crematorium staff and will only be opened to cater for visitors of large funerals. To assist with the flow of traffic between funerals traffic will be able to exit the overspill car park onto the new link road. This will improve traffic flow and reduce congestion within the Crematorium grounds.

- In summary, whilst the Scheme will involve changes to the existing arrangements for vehicular traffic at the Crematorium, the new arrangements are considered to be acceptable and will not result in problems with traffic flow to and from the Crematorium.

2.18 Safety Issues and Traffic Congestion

- The new link road has been designed in accordance with current road design standards, and the section of road in the vicinity of the Crematorium will be subject to a 30mph speed limit. Part of the existing Crematorium Road will also form a segregated pedestrian and cycle route to and from the Crematorium.
- At present the A85 is often congested and there is no turning lane to cater for right turning vehicles into the Crematorium. As a result it can sometimes be difficult to access and exit the grounds. As part of the Scheme a new walled entrance is proposed and a turning lane will be incorporated within the design to cater for drivers turning right into the Crematorium. As detailed above, two exits will be available for drivers exiting after large funerals which will assist in easing traffic flows within the Crematorium grounds.
- In summary, the Scheme will provide improved access and egress at the Crematorium, both for vehicular traffic and non-motorised users.

2.19 Promise in Crematorium Leaflet of 'Timeless Tribute'

- It is recognised that the Scheme impacts on the Crematorium grounds and may result in the need to move a small number of memorials and may involve disturbing ashes which have been scattered. However, the overall impact of the Scheme on the Crematorium is not considered to be significant and must be considered against the benefits that the Scheme will deliver.
- Suitable mitigation measures are to be implemented so as to ensure disruption is kept to a minimum. Whilst it is regrettable that the Scheme interferes with a small number of memorials the interference is reasonably necessary in order that the Scheme is delivered. The Council has considered alternatives. These have been discounted for reasonable and valid reasons. In the circumstances it is concluded that the interference with this small number of memorials is a fair and proportionate measure.

2.20 The Scheme is not necessary

- Objectors have expressed their disagreement with the need for the Scheme. However, there is strong planning and transport policy support (Regional and Local) for the Scheme. The need for the Scheme is also recognised in the LDP which was adopted in April 2014 and which represents the Council's settled view on this matter.

- In summary the need for the Scheme has been re-confirmed through the Local Development Plan review process. The present consultation exercise is not intended to revisit that process. The alternatives proposed by objectors do not address the problems that it is necessary for the Scheme to address.

2.21 Relevance of road to school

- Objectors have questioned the timing of the Scheme. It has been suggested that the timing of the Scheme is driven by the availability of funding for the proposed new school within the Bertha Park Strategic Long Term Development Area. The current programme for the Scheme takes account of the time that will be necessary in connection with the compulsory purchase of land that is required for the Scheme and provides for the contract to be awarded in December 2015, and for construction to start in early 2016. It is anticipated that the construction period will be two years.
- The contract for the Scheme will specify that the section of road from Ruthvenfield Road to Bertha Park will be constructed first due to the need to construct a bridge over the River Almond. However, the Council's reasons for driving the Scheme forward have been clearly articulated in a number of Council reports (particularly report 14/303) and include the reduction of congestion on the local road network and the enablement of development in the A9/A85 corridor, including at Strategic Long Term Development areas at Bertha Park and Almond Valley in accordance with the LDP.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The decision to use land within the Crematorium grounds for the Scheme (Phase 1 of the Perth Transport Futures Project) has been taken after much analysis and due consideration of impacts. It is emphasised that the implementation of Phase 1 of the PTFP is essential to the future growth of the City as it is the means to service the Local Development Plan area. This supports sustainable economic growth and unlocks essential housing and business land throughout the Perth area in addition to relieving pressure on the City Centre. The road infrastructure comprised in the Scheme is also required to address the problems associated with traffic congestion and related air quality issues in and around the City.
- 3.2 It is recommended that the Council considers the objections received, but that notwithstanding those objections, grants approval to appropriate the areas of open space within the Crematorium grounds under Section 24(2A) of The Town and Country Planning (Scotland) Act 1959 for the purpose of constructing a new road and an overflow car parking area in implementation of The Perth Transport Futures Project Phase 1 A9/A85 to Bertha Park on the basis that:

- a) The benefits of the PTFP Scheme have been explained and the appropriation of these areas will enable the Council to deliver Phase 1 of the Scheme within a reasonable timescale;
- b) Alternative designs for the PTFP Scheme have been considered and have been discounted for reasons including excessive land take from third parties;
- c) The extent of land use within the Crematorium has been kept to a minimum and affects four memorials, with three of the four families affected having agreed to the proposals;
- d) The majority of objectors are not themselves family members of any of those whose memorials are affected;
- e) The Council has made reasonable attempts to address the concerns of, and the impact on the interests of other persons who consider their interests may be affected by the Scheme. The impact on these third party interests has been limited to what is fair and proportionate.
- f) The works will be carried out sensitively giving due regard to the interim impact on the Crematorium during the construction phase of the Scheme, including on families attending for services or to visit memorials and more generally on the amenity and relative tranquility of the Crematorium grounds;
- g) Landscaping works, including noise mitigation measures, will minimise the effect on the Crematorium and Garden of Remembrance;
- h) The concerns of objectors have been reasonably addressed taking account of other issues such as third party land interests and the need for the Scheme.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The project supports the Community Plan Vision to “create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically this projects encourages sustainable economic growth, improves a safer environment and healthier choices for sustainable transport.

1.2 The project supports the following Outcomes:

- Our area will have a thriving and expanding economy
- Our area will have improved infrastructure and transport links
- Our young people will attain, achieve and reach their potential
- Our communities will be safer
- Our area will have a sustainable natural and built environment

Corporate Plan

1.3 The Council’s Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generations – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

- 2.1 Funding of £23.5 million (less £2.18 million contribution from Sainsbury’s) was committed by the Council on 26 June 2013 (Report 13/336 refers), with up to a further £15.7 million approved through borrowing by Council on 7 May 2014 (Report 14/192 Refers). The funding includes provision for the purchase of the required land.
- 2.2 Sainsbury’s have withdrawn from developing the auction mart site and therefore their contribution of £2.18m will not be made. Stage 3 Cost Estimates for the Scheme are due to be prepared in early 2015.

- 2.3 The proposal to appropriate open space does not alter the current cost estimate.

Workforce

- 2.4 The procedure for the appropriation of open space has been undertaken by the Roads Infrastructure Team and Legal Services.

Asset Management (land, property, IT)

- 2.5 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using The Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The proposals have been considered under the Environmental Assessment (Scotland) Act 2005 using The Integrated Appraisal Toolkit and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. There is a statutory duty on the Council to ensure that the LDP contributes towards sustainable development accordingly no further assessment is required as the provenance of the LDP has been tested through the Local Development Plan review process. However the appropriation of the land referred to in this report is in implementation of a number of key proposals that are contained within the LDP.

Legal and Governance

- 3.5 The Perth Transport Futures Project has been under development for a number of years and is fully documented in various reports and plans.

- 3.6 This report provides members with information that indicates that the Council has complied with its obligations in terms of Section 24(2A) of The Town and Country Planning (Scotland) Act 1959 with regard to the proposed appropriation of open space.

Risk

- 3.7 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.
- 4.2 Copies of the objections to the appropriation of open space were made available to all Elected Members in advance of the meeting.

External

- 4.3 Consultation on the preliminary design of the road proposals included:
- Drop-in session for Crieff Road residents was held on 25 June 2014. This was well attended.
 - Public exhibition for Letham and Tulloch residents took place on 26 June 2014. This was well attended.
 - Public exhibition for Ruthvenfield and Huntingtower residents took place on 29 July 2014. This was well attended.
 - Meeting with residents of Double Dykes took place on 6 November 2014. Only one resident attended.
- 4.4 Consultation on the proposal to appropriate areas of open space at the Crematorium included:
- Correspondence and meetings with the four families directly affected by the proposal.
 - Formal Notice of the Appropriation of Open Space was published in The Courier on 7 and 14 November 2014. Following requests from a Community Council the deadline for lodging objections was extended from Friday 28 November 2014 to Friday 5 December 2014.
 - The objection letters are summarised in this report.
 - Response letters and information packs sent to all objectors and MSPs.
 - Drop-in session where all funeral directors were invited took place on 8 January 2015. Representatives of two funeral directors attended.

- Meeting took place with members of Tulloch Tenants and Residents Association and Luncarty Redgorton and Moneydie Community Council on 12 January 2015.

5. Communication

- 5.1 This is a significant infrastructure project which requires a detailed communications plan to be in place for the whole life of the project. To date communications have included exhibitions for the Elected Members, negotiations with landowners as part of the Compulsory Purchase Order process, and consultation as part of the planning process.
- 5.2 With specific reference to the proposal to appropriate areas of open space, since the publication of the Notice, the impact of the road on the Crematorium has been widely reported in local newspapers.

2. BACKGROUND PAPERS

- Report to Council 26 June 2013, Perth Transport Futures Project (13/336)
- Report to Council 7 May 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park (14/192)
- Report to Council 25 June 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park, Compulsory Purchase Order (14/303)
- Report to Council 8 October 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park, Compulsory Purchase Order (Report 2) (14/437)

3. APPENDICES

- Appendix 1 - Summary of Alternative Routes Considered
- Appendix 2 - Notice of Appropriation of Open Space and Drawing No. 203078-AD-SK-063
- Appendix 3 - Summary list of objections
- Appendix 4 - Information Pack sent to objectors
- Appendix 5 - Responses to MSP's

