

Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
(Report No. 23/110)

PROPOSAL: Formation of forestry track

LOCATION: Auchingarrich Forest, Comrie

Ref. No: [23/00115/FLL](#)
Ward No: P6 – Strathearn

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Auchingarrich Forest is situated 3.5 kilometres to the southeast of Comrie. This application is seeking detailed planning permission for the formation of a realigned section of a previously approved forestry track. The area subject to this application is the upper section of the track, which passes through agricultural land and then into the forest area itself. The track is required to facilitate timber harvesting and longer-term maintenance and restocking of the forest.
- 2 As mentioned, planning permission (ref: 22/00894/FLL) was previously granted for the formation of a longer length of forestry track and associated junction with the public road, rising upwards in a southerly direction from the U198 public road (known as the 'Glascorrie Road'), through the agricultural land and into the forest. The previously approved access junction onto the Glascorrie Road and the section of track running south from it, have already been formed as approved by that earlier planning permission.
- 3 The final section of the previously approved track has however not been constructed, although there is no planning barrier to doing so. However, it has emerged that the route of that section could have a negative impact on a private water supply intake. In addition, archaeological investigations have found a bracken covered mound of possible historic interest on the approved route. Given these issues, the applicant seeks to revise the routing of the final part of the previously approved track, to mitigate the potential impact on the private water supply and avoid disturbance of an archaeological asset.

- 4 This application proposes to reroute the southern end of the previously approved track, such that it passes 50 metres downslope of the private water supply intake and avoids the mound. The design includes culverts and side drains to mitigate surface water impacts; whilst a passing place is also included, with other passing places on the previously approved and now constructed track to the north.
- 5 The southern end of the proposed track would link with forestry tracks within the forest. There have been two recent prior notifications for the formation of forestry tracks (refs: 22/00895/PNF and 23/00138/PNF) which determined that those tracks are permitted development.
- 6 Vehicle gates will be installed where the track crosses existing fence lines; these gates do not form part of the application and appear to also be permitted development.

Pre-Application Consultation

- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake any formal pre-application consultation with the local community. However, it is understood that there has been informal engagement between the applicant and interested parties.

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 4: Natural Places
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 22: Flood Risk and Water Management
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Perth and Kinross Local Development Plan 2

- 12 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 15: Public Access
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 53A: Water Environment
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

NATIONAL POLICY AND GUIDANCE

- 14 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

SITE HISTORY

- 16 [22/00894/FLL](#) Detailed planning permission was approved on 28 July 2022 for the formation of a forestry track and associated access junction onto the Glascorrie Road.
- 17 [22/00895/PNF](#) A prior notification submission saw Perth and Kinross Council confirm on 20 June 2022 that prior approval was not required and that the proposed alterations and formation of forestry tracks, alongside other associated works were permitted development.
- 18 [23/00138/PNF](#) A further prior notification submission also saw PKC confirm on 2 March 2023 that prior approval for the formation of a forestry track was not required and that the proposed works were permitted development.

CONSULTATIONS

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

External

Comrie Community Council

- 20 The following concerns were raised about this application:

- Impacts of forestry vehicles on public roads
- Inadequate passing places on the U198 Glascorrie Road
- Impacts on private water supplies

These issues are addressed in the Appraisal section of the report.

- 21 The following matters were also set out in Comrie Community Council's response, but are not material considerations in the assessment of this planning application:

- Local residents and the wider community were not notified about the previous planning application (ref: 22/00894/FLL). In response: the notification process for the previous application was followed correctly. As there were no properties within 20 metres of the boundary of the application site, neighbour notification letters did not need to be sent; an advert was placed in a local newspaper; and the application was included on the weekly list of applications, which is sent to Community Councils.
- Hours of working within the forest. In response: as this application relates to the formation of a section of forestry track on land outwith the forest, it is not possible to restrict the hours of timber felling or any other timber operations via this application.
- The days and times that forestry vehicles will use the public road. In response: it is not possible to restrict the times of vehicle movements on public roads that are outwith the boundary of the application site.

Perth and Kinross Heritage Trust

- 22 No objection, though advise that archaeological investigations were undertaken in relation to permission 22/00894/FLL and no further investigation or mitigation is required.

Internal

Environmental Health (Private Water)

- 23 No objection subject to a condition relating to the safeguarding and continued operation of the private water supply. An informative note relating to wayleaves for maintenance and repair of the existing private water supply is recommended.

Transportation And Development

- 24 No objection subject to a condition requiring a Construction Traffic Management Scheme (CTMS) to be submitted, approved and implemented.

REPRESENTATIONS

- 25 One representation was received, raising the following main issues:

- Inadequate passing places on the public road
- Impact on private water supplies

These issues are addressed in the Appraisal section of the report.

- 26 The following matters were also set out in the representation, but are not material considerations in the assessment of this planning application:

- Concerns relating to a Timber Transport Management Plan (TTMP). This TTMP is an agreement between timber hauliers and local authority roads departments, including Perth & Kinross, and relates to the use of the public road network by timber haulage vehicles. It is not a material consideration in the assessment of this planning application. Importantly this application only relates to the realignment of a section of a previously approved track, with the access onto the public road already having seen planning permission approved and been constructed.
- Within the concerns raised about the TTMP, it is suggested that there should be a restriction on the working hours of all operations and not just on haulage. As this application relates to the formation of a section of forestry track on land outwith the forest, it is not possible to restrict the hours of timber felling or any other timber operations via this application.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appropriate Assessment - Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not Required

APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 29 The formation of a track to allow forest management and timber extraction is considered to be acceptable in principle, indeed a larger section of track and associated junction has previously been granted planning permission with this application only seeking an alternative routing for a section of that approved track. However, consideration must be given to the design and layout of the alternative routing of the track and whether it would have any impacts on the wider area.
- 30 Assessment of the proposal against the relevant policies is provided below.

Design, Layout and Visual Amenity

- 31 The proposed section of rerouted track is to be formed to Forestry and Land Scotland standards for forest roads. A 'cut and fill' technique will be used and topsoil spread to the sides, which is expected to revegetate, with turfs placed on cuttings where possible. The track will be surfaced with materials sourced on site. Overall, the rerouted section of track will be 268 metres in length, with a running width of 4m, with a maximum width of up to 10 metres when including side drains and a passing place.
- 32 The design of the track and the materials to be used are in line with expected standards, and appropriate for and respectful of, the character of this rural area. As such, the proposal is considered to accord with Policies 1A and 1B of LDP2.

Landscape

- 33 The site is within the Upper Strathearn Local Landscape Area. In this regard given the design and layout of the proposed track; the area of land to be developed; and the revegetation along its sides, the works are not unusual features nor would have an unacceptable or significant adverse impact on the Local Landscape Area and, as such, the proposal is considered to accord with Policy 4(d) of NPF4 and Policy 39 of LDP2.

Archaeology

- 34 As the wider area is of known archaeological interest, an archaeological survey was undertaken via the previous planning permission (ref: 22/00894/FLL). This has seen the track proposed is routed to avoid a mound which is of possible archaeological interest. In their consultation response, Perth and Kinross Heritage Trust has advised that the rerouted track in itself does not raise any significant issues and no archaeological mitigation is required.
- 35 Given the above, the proposal is considered to be in accordance with Policy 7(o) of NPF4 and Policy 26B of LDP2.

Forestry

- 36 The proposed track will facilitate the management of the forest, including allowing timber to be harvested and future restocking. As such, the proposal complies with Policy 6(a) of NPF4 and Policy 40A of LDP2.

Roads and Access

- 37 The Council's Transportation and Development team was consulted and has no objection.
- 38 However, during construction, it is appropriate to have a Construction Traffic Management Scheme (CTMS) in place to mitigate any road safety issues. It is recommended that a condition relating to this be added to any planning permission (condition 3), and which echoes the condition attached to the previous permission granted. This CTMS will of course relate only to the construction vehicle movements associated with the construction of the rerouted track. It cannot cover any wider development or activity beyond the construction of the development under consideration here.
- 39 The proposed section of rerouted track includes a passing place which, along with other passing places, turning areas within the forest and remaining section of previously approved track, will allow for the safe passage of vehicles, including at the junction with the public road. A condition requiring details of the precise location and detailing of the passing place is recommended (condition 6).
- 40 The access from the public road has been formed as part of the previous planning permission (ref: 22/00894/FLL) and passing places have been formed on the Glascorrie Road (public road U198).
- 41 Given the above, the proposal is considered in accordance with Policy 60B of LDP2.

Private Water Supply

- 42 Following the approval of the previous planning application (ref: 22/00894/FLL), the applicant held a meeting with local residents. At this meeting the applicant was advised of the presence of a previously unknown private water supply intake close to a section of the by-then approved track. This intake does not appear on the Council's mapping system. The route of the proposed track has seen the routing chosen such that it is to be 50 metres downslope of the private water supply intake. This will ensure that there are no significant impacts on the quantity or quality of the water feeding the private water supply.
- 43 Although the proposed track will cross a pipe running from the intake to residential properties, the applicant has provided details setting out the protection measures associated to the works to the pipe during the construction of the track and measures to be in place should there be unanticipated/accidental damage.
- 44 Environmental Health (Private Water) colleagues were consulted on the application and raised no objection to the proposal. Initially, a condition was recommended relating to the safeguarding and continued operation of the private water supply. Following the consultation response, which was made available to the public on the Council's website, the applicant provided a risk assessment and method statement in this regard (drawings 09 and 10). Environmental Health (Private Water) subsequently advised that the risk assessment and method statement is sufficient to satisfy the first part of the condition as originally proposed. As such, a revised condition is recommended to ensure that the proposed measures to protect the private water supply are put in place, to ensure water quality and supply is maintained in the interests of residential amenity (condition 4). An informative note relating to wayleaves for maintenance and repair of the existing private water supply is also recommended. Given the above, the proposal is considered to be in accordance with Policy 53A of LDP2.

Drainage and Flooding

- 45 The proposal includes the installation of side drains and culverts to deal with surface water. These will be installed to Forestry and Land Scotland's standard specification and are considered to be appropriate for the scale and type of development proposed. As such, the proposal is considered to be in accordance with Policy 22(c) of NPF4.

Core Path

- 46 The southern end of the proposed track crosses a core path (ref: CMRI/104). Given the limited scale and nature of the proposed works, it is considered that the proposal will not have an unreasonable impact on the core path, provided temporary diversion of the core path during the construction of the track is provided. A condition to require a management plan to be place for the duration of construction works is recommended (condition 5). Accordingly, the proposal is considered to be in accordance with Policy 15 of LDP2.

Developer Contributions

- 47 The Developer Contributions Guidance is not applicable to this type of development and therefore no contributions are required.

Economic Impact

- 48 There are expected to be some economic benefits during the construction phase of the development and after the track is brought into use for forest management and timber extraction.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 49 None required.

DIRECTION BY SCOTTISH MINISTERS

- 50 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 52 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

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

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

Reason - In the interests of pedestrian and traffic safety.

4. The measures contained in approved drawings 09 and 10 for the proposed safeguarding and continued operation, or replacement, of the private water sources, private water supply storage facilities and private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be put in place prior to the commencement of the development and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure existing water and drainage infrastructures are not compromised.

5. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

6. Prior to the commencement of the development hereby approved, details of the passing place to be formed on the track, including its width and precise location, shall be submitted for the written agreement of the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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 INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

4. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Background Papers: 1 letter of representation

Contact Officer: David Rennie

Date: 6 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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