TCP/11/16(555) – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot

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TCP/11/16(555) – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot

PAPERS SUBMITTED BY THE APPLICANT

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		**Agent** *(if any)*	
Name	Tim Newall-Watson	Name	Richard Heggie
Address	[redacted]	Address	Urban Animation 22 Westhall Gardens Edinburgh
Postcode		Postcode	EH104JQ
Contact Telephone 1		Contact Telephone 1	0131 477 0676
Contact Telephone 2		Contact Telephone 2	0775 106 4937
Fax No		Fax No	
E-mail*		E-mail*	richard@urban-animation.com

Mark this box to confirm all contact should be through this representative: [X]

	Yes	No
* Do you agree to correspondence regarding your review being sent by e-mail?	[X]	[ ]

Planning authority	Perth & Kinross Council
Planning authority's application reference number	17/02026/FFL
Site address	Land at Gellybanks Wood, by Bankfoot, Perthshire
Description of proposed development	Erection of 17 no. Huts, Formation of Car Parking and Associated Works
Date of application	18 December 2017
Date of decision (if any)	20 June 2018

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1.	Application for planning permission (including householder application)	X
2.	Application for planning permission in principle	
3.	Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
4.	Application for approval of matters specified in conditions	

Reasons for seeking review

1.	Refusal of application by appointed officer	X
2.	Failure by appointed officer to determine the application within the period allowed for determination of the application	
3.	Conditions imposed on consent by appointed officer	

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1.	Further written submissions	
2.	One or more hearing sessions	
3.	Site inspection	X
4	Assessment of review documents only, with no further procedure	X

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

		Yes	No
1.	Can the site be viewed entirely from public land?		X
2	Is it possible for the site to be accessed safely, and without barriers to entry?		X

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The site access has a locked gate, which can be opened by the Applicant to allow the site visit to take place

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See separate Review Statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
☐	☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Review Statement
Original application documents
Report of Handling
Decision Notice
Consultation Responses from SNH, Roads and Biodiversity Officers

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

[X] Full completion of all parts of this form

[X] Statement of your reasons for requiring a review

[X] All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [redacted] Date 18 September 2018

Local Review Body Statement

Erection of 17no. huts, formation of car parking and associated works
Land At Gellybanks, Bankfoot
Ref 17/02026/FFL

1. Introduction

This short statement reviews the key points relating to the delegated Application decision and the Reasons for Refusal set out by the case Planning Officer. The Applicant considers the Reasons for Refusal are not valid and accordingly, seeks a review of the decision by the Local Review Body.

2. The Hutting Story

A new wave of hutting is emerging in Scotland, supported by National Planning Policy and recent relaxations to the Building Regulations. The Gellybanks hutting project offers a woodland recreation opportunity for the urban population in Perthshire and further afield.

The 1000 Huts Campaign was launched by Reforesting Scotland in 2011, in response to growing demand to revitalise the culture of hutting in Scotland - the building, inhabiting and enjoyment of simple woodland shelters for recreation and pleasure. The Campaign seeks to make hutting accessible and affordable, enabling people to get back to nature for health and wellbeing.

Hutting is well established in many European countries. Urban people spend leisure time in their rural hytte or dacha. By contrast, Scotland has a modest tradition of hutting, predominantly associated with an early 20th century movement that created small holiday huts on land close to urban centres. Norway's population is similar to Scotland's. It is served by almost 500,000 huts. In contrast, there are little more than 600 huts in Scotland.

The Scottish Parliament approved supportive policy on huts in the 2014 Scottish Planning Policy document, which defines a hut as:

> *"A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m2; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of it life. Huts may be built singly or in groups.'"*

In 2017, the Scottish Parliament agreed revisions to the Building Regulations designed to enable hutters to build their structures without the need for a building warrant.

Also in 2017, Urban Animation (agents and authors of this LRB Review Statement) gained planning permission for a similar pilot hutting project at Saline in Fife, on behalf of Reforesting Scotland and Forestry Commission Scotland. The project provides 12 huts for private use and another for use as a field centre by local schools. Urban Animation gained planning permission for a second site for 15 huts near Falkland in Fife, on 17 September 2018.

3. The Proposal

Gellybanks Wood extends to 53.9 hectares. It is located approximately 2 miles north west of Luncarty and 4 miles north of Perth. Bankfoot lies 2 miles to the north. The location is ideal for hutting, providing a quiet rural setting within easy reach of main population centres and convenient for national rail, bus and cycle routes, as well as the A9 trunk road.

Seventeen huts are proposed, positioned informally around the site. Locations have been selected to make best use of orientation, views, surrounding trees and vegetation, privacy and accessibility.

The huts will be built and owned by the hutters and they will pay a ground rent to the landowner. All hutters will be required to join a Members Association covering the hutting site. The Association will be responsible for management of the hutting activity and the use of the site by its members, forming a single point of contact for the landowner and any relevant statutory bodies, such as the Council.

The existing hardstanding at the end of the gated woodland track will be extended slightly to accommodate up to 17 vehicles, one for each hut. However, this provision of parking is intended only to meet Council transportation department standards - it is expected that the huts would be occupied intermittently and very rarely would all of them be in use simultaneously. Access to the huts from the parking area will be by foot - no vehicles will be permitted beyond the access track and car parking area. Paths will be informal but designed for ease of use by all. Bicycles can be parked/secured at the huts.

The huts will be used exclusively by families or individuals and their friends for private use, meeting the terms of the SPP definition. They will not be rented out commercially and no loss of amenity for neighbouring farm or residential properties would be expected through noise, odours, nuisance or other impacts.

A route for an informal woodland path connection to a local Core Path is provided.

4. Reasons for Refusal

Six Reasons for Refusal are stated. These are set out below, along with responses and discussion of the issues.

Reason for Refusal 1 : *"The proposal is contrary to Policy ED4C of the Perth and Kinross Local Development Plan 2014, Caravan Sites, Chalets and Timeshare Developments as the development does not meet a specific need by virtue of its quality or location in relation to existing tourism facilities."*

Response : In assessing policy ED4C, the Report of Handling concludes that "the proposal would meet a specific need given that there are very few hut developments in Perth & Kinross. In this respect the proposal would be in line with the spirit of policy ED4." The Reason for Refusal is inconsistent with this conclusion.

Discussion : The Report of Handling notes that the Council does not have an LDP policy or Supplementary Guidance covering hutting development. The adoption of the current LDP in February 2014 pre-dated the Scottish Government's changes to Scottish Planning Policy in June 2014, which introduced a definition for huts and required planning authorities to make appropriate provision for hutting in their statutory development plans.

The Report of Handling notes that Policy ED4 does not specifically apply to hutting, which is by definition a different type of visitor accommodation to caravan sites, chalet parks and timeshare developments. However, it notes that the policy is the most relevant reference point for assessing the application. The requirement at ED4C to illustrate a "specific need" is, in the context of hutting, different to mainstream tourism accommodation - and the Report of Handling acknowledges this. For hutting, the "specific need" is for an attractive woodland of sufficient size within reasonable distance (up to 25 miles) of larger population centres. The **woodland** is the visitor attraction in this case.

Having concluded that hutting use is **consistent** with the spirit of policy ED4, the Report of Handling then inexplicably uses the policy as a reason for refusing planning permission. Accordingly, this Reason for Refusal is not valid.

Reason for Refusal 2 : *"The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as it will not contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings."*

Response : Having already classified the Application proposal as visitor accommodation for the purposes of Policy ED4 (as above), this Reason for Refusal now states that the proposal "will not contribute to the local economy through the provision of….visitor accommodation…". The contribution to the local economy has not been quantified, but it seems entirely reasonable to expect some level of benefit, for example to local shops.

Discussion : The Report of Handling is clear that the Application is for leisure or visitor accommodation. Scottish Government Planning Policy confirms hutting is a type of "leisure accommodation" (para. 79). As set out above, the Report of Handling uses policy ED4, which specifically relates to visitor accommodation, as a basis for assessment.

There are a number of ways the local economy may benefit from the development. Hutters will require foodstuffs and other items which may be purchased from local shops in Perth, Luncarty, Bankfoot and other towns. The huts will be constructed from timber which may be sourced locally, with small joinery contractors in the local area providing build services. Local restaurants, leisure and train services would also be likely to benefit from patronage through this development.

The Application provides visitor accommodation with benefit to the local economy. Accordingly, this Reason for Refusal is not valid.

Reason for Refusal 3 : *"The proposal is contrary to criterion (a) of Policy ED3, Rural Business and Diversification and Policy PM1A, Placemaking of the Perth and Kinross Local Development Plan 2014,*

as it has not been shown that there will not be a detrimental impact on neighbouring land uses from the installation of an on-site water supply."

Response : The Planning Application form states that no new on-site water supply is to be provided.

Discussion : The Design Statement accompanying the Application explains in general terms how water supply might be provided for hutting developments :

> *"The SPP definition, states that huts are "generally not connected to mains water, electricity or sewerage". Hutters do require water. This can be brought to the site manually or provided through a communal standpipe."*

The Application form clearly states that for **this** proposed development, no new on-site water supply or standpipe is to be provided. Accordingly, this Reason for Refusal is not valid.

Reason for Refusal 4 : *"The proposal is contrary to criterion (b) of Policy ED3 and Policy PM1A of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as the path layout cannot be satisfactorily accommodated within the local landscape capacity of the location. As well as criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the path layout erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience within the woodland."*

Response : The path routes will be narrow and informal, wide enough for use by a single person - just like the dog walkers's route at the south of the Application site and other routes in Gellybanks Wood. The site boundary provides 4.2 metre wide corridors within which these paths will be located, weaving as required between trees and moving up and down natural slopes. The connection to the Core Path route will be another informal weaving path. A 6 metre wide corridor is provided for this route, recognising the need to avoid damaging larger trees in this part of the site. No loss of significant trees or woodland will occur.

Discussion : The Report of Handling suggests the path routes are rigid, allowing no flexibility to avoid trees. This is not accurate - a scaled measurement from the Application site plan confirms the corridors for the hut paths are 4.2 metres wide and the Core Path connection corridor is 6 metres wide. The paths would be unsurfaced and informal, weaving between existing trees. Many parts of the site have clearings where the path can run as a direct route without the need to weave. Where there is dense vegetation some thinner branches or gorse can easily be trimmed to accommodate the path without the need for removal of trees.

Photo 1 : Existing walkers path at south of site.

Photo 2 : The connecting paths will pass through a number of small clearings.

There are already a number of informal walking routes within the Gellybanks Wood. Over time, other informal walking routes may be formed in the woodland by those using existing routes, or by hutters enjoying the wider Gellybanks Wood area. Again, these routes would avoid existing trees.

The Report of Handling notes that the Council's Biodiversity Officer did not object to the Application proposals and Scottish Natural Heritage "*do not consider that the development will have a detrimental impact on their natural heritage interests*". The Habitat Report submitted with the Application notes that "*the proposed layout of huts does not impact on any of the high quality areas of woodland….the total area lost to plots and associated tracks is not considered significant in the context of the available habitat resource*".

There will be virtually no visual impact or loss of woodland resulting from these informal path routes. Accordingly, this Reason for Refusal is not valid.

Photo 3 : Connecting paths will weave between trees, with a few thinner branches trimmed where necessary.

Reason for Refusal 5 : *"The proposed development is not considered to be easily accessible by all modes of transport in particular walking, cycling and public transport, accordingly it fails to comply with Policy TA1B of the Local Development Plan. This will be further exacerbated if no on-site water supply is provided."*

Response : Policy TA1B requires good access to all modes of transport for developments that involve *"significant travel generation"*. The Application proposals will generate limited and sporadic travel. The consultation response from the Council's Roads Officer confirms the proposal is small scale with minimal travel impact.

Discussion : The requirement for easy access to all modes of transport set out in Policy TA1B is directly related to those developments which create significant travel. In this case, there is no expectation that this will be the case, as noted by the Council's Roads Officer in his consultation response. A follow up phone call and discussion with the Roads Officer in question confirmed this view.

The site is adjacent to National Cycle Route 77.

Whilst there is no path to nearby bus services, provision is made for a direct path connection within the Application site to the existing LUNC/179 Core Path. This path does not yet connect with bus stops or population centres but it is adopted by the Council as part of a growing network of routes. The Council's ambition is for this network to continue developing over time, with the aspiration of creating a fully integrated network.

The Council's Roads Officer does not question the provision of car parking spaces within the site, recognising that car use is typically required to serve existing and proposed rural developments. The Council has granted planning permission for a more remote and intensive development 4 miles further west into Perth's rural hinterland than the Application site, at Burmieston Farm (ref 14/01563/FFL). That development intensifies the use of a former single agricultural unit, providing 9 commercial holiday accommodation units, an events centre and parking for 20 cars. The Report of Handling approving that application makes no mention at all of any need for path access or public transport links.

Hutters will bring water to the site for drinking. Some may travel by bike, using paniers, others may travel by car. Some may sensibly choose to stock the hut with water and replenish the supply from time to time. Low water use is anticipated as there will be no flush toilets, wet drainage, or showers. Hutters may use grey water and may even collect rainwater for filtering or boiling, reflecting the off-grid, low impact nature of the development. No impact on car use is anticipated.

The requirement for good access to all modes of transport relates to developments involving significant traffic generation. This development will generate limited travel. Accordingly, this Reason for Refusal is not valid.

Reason for Refusal 6 : *"The proposal is contrary to Reforesting Scotland's Thousands Huts Guidance note which confirms the acceptability of a multiple hut development will depend on its impact on the environment. In this case the site is not located in a sustainable location which means the development cannot be supported."*

Response : Reforesting Scotland's Guidance Note is a non-statutory document providing advice for hutters and planning authorities. The Guidance notes that access to public transport, walking and cycling is an important consideration but does not suggest this is essential. It is merely one consideration in the selection of appropriate hutting sites.

Discussion : The LRB panel is requested to note that the author of this LRB Review Statement was one of the co-authors of the Reforesting Scotland Guidance. It is not a statutory policy document and does not impose detailed site selection criteria. It promotes hutting as an activity with excellent sustainability credentials: giving people access to the countryside; using natural materials for low-impact construction; supporting local rural economies; achieving low energy, off-grid lifestyle.

Good access to public transport, walking and cycling routes is noted as an important consideration but is just one factor in selecting a site. In order to provide clarification in connection with this LRB Appeal, Reforesting Scotland Director, Donald McPhilimy, was contacted. He stated:

> *"The Reforesting Scotland hutting guidance sets out desirable characteristics for locating hut sites. Access to public transport and walking/cycle routes is encouraged but it will be normal to expect car transport to be required for a hutting site."*

Reforesting Scotland's Guidance is non-statutory and does not suggest the location of the Application site is unacceptable. Accordingly, this Reason for Refusal is not valid.

5. Further Comments on Local Concerns

The Report of Handling summarises representations from a number of local people and the Luncarty, Redgorton and Moneydie Community Council. Some of these relate to planning policy matters, while others are not considered material planning issues. The author of this LRB Review Statement attended a community council meeting on behalf of the applicant to answer questions relating to the proposal.

It is always disappointing to have objections to a proposal, particularly where the development has been specifically designed to fit the site, respect the setting and deliver health and wellbeing benefits. Local people close to the two hutting sites in Fife, mentioned above, did not express any concerns or make objections to those planning applications.

Some concerns relate to matters such as the potential for anti-social behaviour, impact on private water supplies, local road capacity and loss of woodland. The application paperwork addresses these matters and they are also covered above.

It is not surprising that local people wish to protect the amenity they enjoy. However, the application proposals seek to ensure that no loss of amenity will arise through noise, disturbance or other means. The Council's Environmental Health Officer has confirmed that no loss of amenity is anticipated.

There were significant objections to a planning application in 2011 for a very different development on a much larger site at Gellybanks Wood, proposing 10 houses, 30 holiday lodges and a reception centre. The hutting use is on a much smaller scale, is appropriate to the woodland setting, does not include houses and the huts will not be used as commercially-rented tourist accommodation - they will be used intermittently for quiet enjoyment of an attractive woodland.

6. Conclusions

Hutting is not an overtly commercial form of development which might disturb rural life. On the contrary, it offers people an opportunity to spend quiet recreational time outdoors, enjoying natural surroundings. It makes positive use of woodland areas, minimising impact on the environment.

As set out above, the Reasons for Refusal are not considered valid and accordingly, the application should be granted planning permission.

Prepared by
Richard Heggie
Director, Urban Animation
for and on behalf of Tim Newall-Watson

18 September 2018

Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100075641-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of Use from Woodland to Hutting, for 17 Huts, Associated Access Paths and Extended Hardstanding

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Urban Animation		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Heggie	Building Number:	22
Telephone Number: *	0131 477 0676	Address 1 (Street): *	Westhall Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH10 4JQ
Email Address: *	richard@urban-animation.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Urban Animation
First Name: *	Tim	Building Number:	
Last Name: *	Newall-Watson	Address 1 (Street): *	22 Westhall Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH10 4JQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority: Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing 731300 Easting 306727

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-application advice provided in writing.

Title: Mr Other title:

First Name: John Last Name: Russell

Correspondence Reference Number: 17/00414/pre-app Date (dd/mm/yyyy): 06/07/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area: 1.80

Please state the measurement type used: ☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Woodland

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 15

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 17

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * ☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

Not applicable - all organic material to be composted on site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Richard Heggie

On behalf of: Mr Tim Newall-Watson

Date: 17/11/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.
☐ Elevations.
☐ Floor plans.
☐ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☒ Yes	☐ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☒ Yes	☐ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

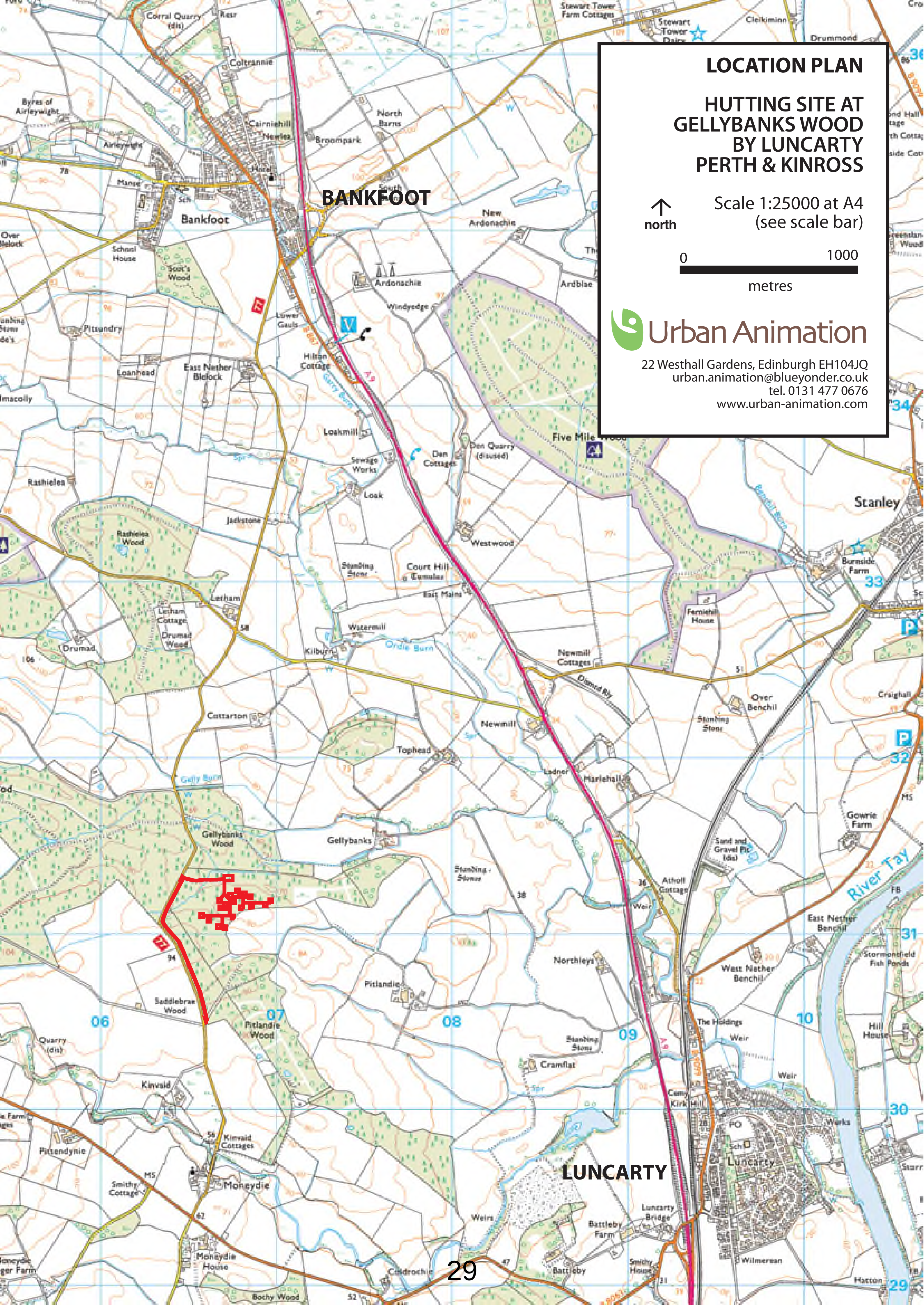
Declaration Name: Mr Richard Heggie

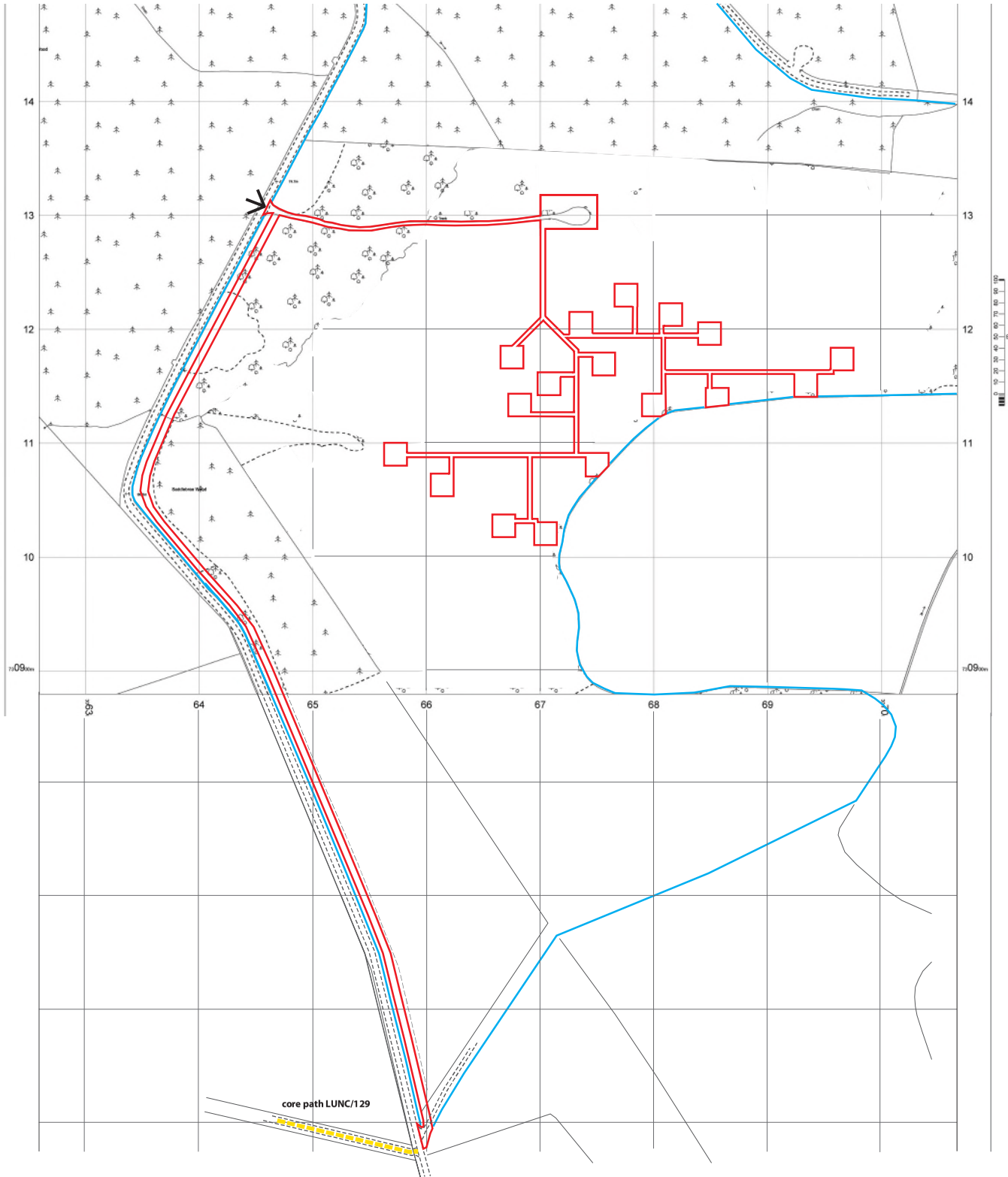
Declaration Date: 17/11/2017

Payment Details

Online payment: 406657
Payment date: 17/11/2017 13:10:00

Created: 17/11/2017 13:11


LOCATION PLAN
HUTTING SITE AT GELLYBANKS WOOD BY LUNCARTY PERTH & KINROSS
north
Scale 1:25000 at A4 (see scale bar)
0
1000
metres
Urban Animation
22 Westhall Gardens, Edinburgh EH104JQ
urban.animation@blueyonder.co.uk
tel. 0131 477 0676
www.urban-animation.com
BANKFOOT
Bankfoot
LUNCARTY
Luncarty
Stanley
Gellybanks Wood
Gellybanks
Five Mile Wood
River Tay
Moneydie
Pitlandie Wood
Saddlebrae Wood
Rashieles Wood
Letham
Ardonachie
Loak
Westwood
Newmill
Tophead
Cottarton
Kinvaid
Pitlandie
Northleys
Cramflat
Battleby



OS MasterMap 1250/2500/10000
scale
11 May 2017, ID:
MNOW-00623216
www.nicolsondigital.com

Centre:
306663 E, 731188 N

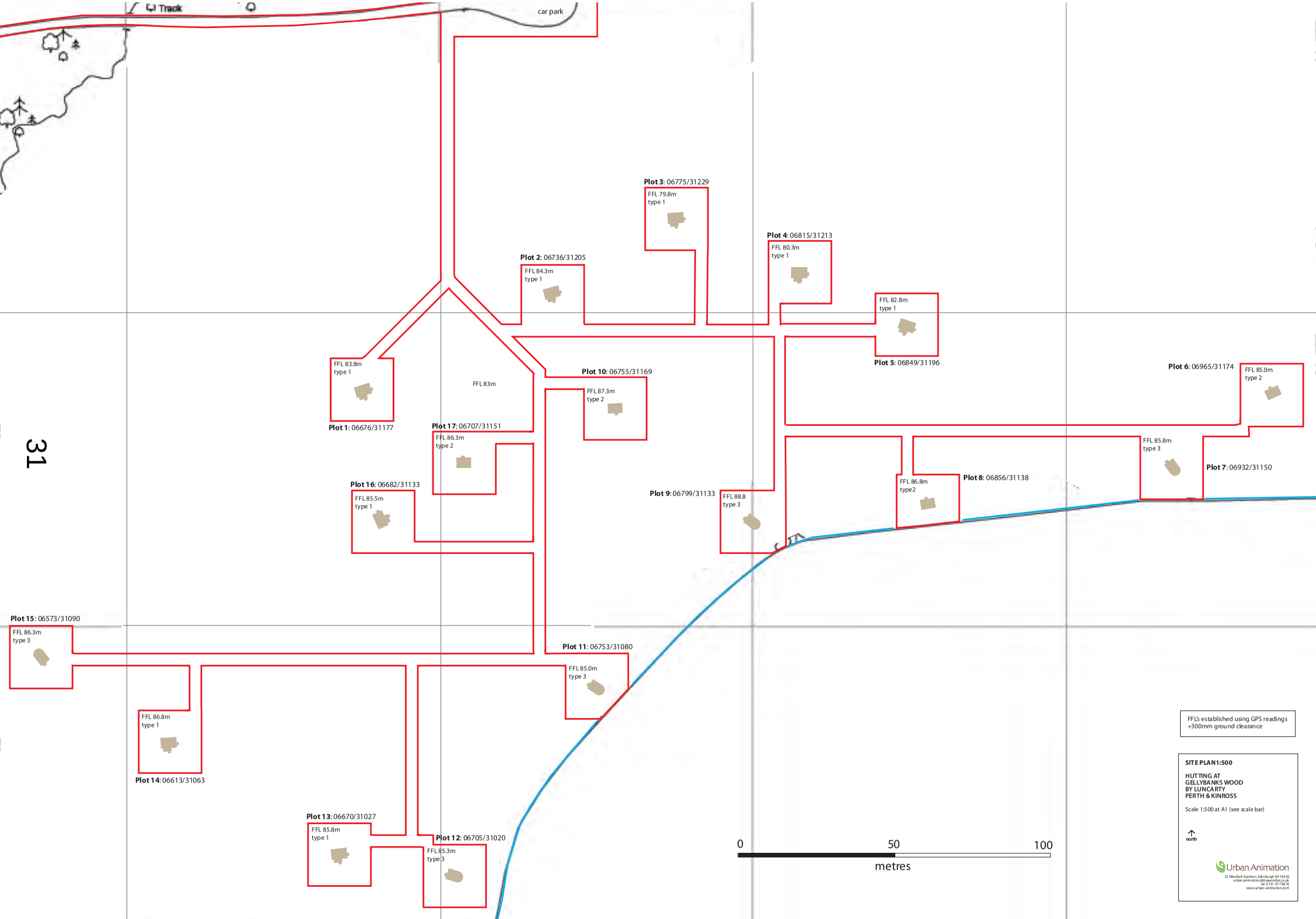
Data

LOCATION PLAN

HUTTING AT GELLYBANKS WOOD BY LUNCARTY PERTH & KINROSS

Scale 1:2500 at A2
(see scale bar)

Urban Animation
22 Westhall Gardens, Edinburgh EH10 4JQ
urban.animation@blueyonder.co.uk
tel. 0131 477 0676
www.urban-animation.com


Track
car park
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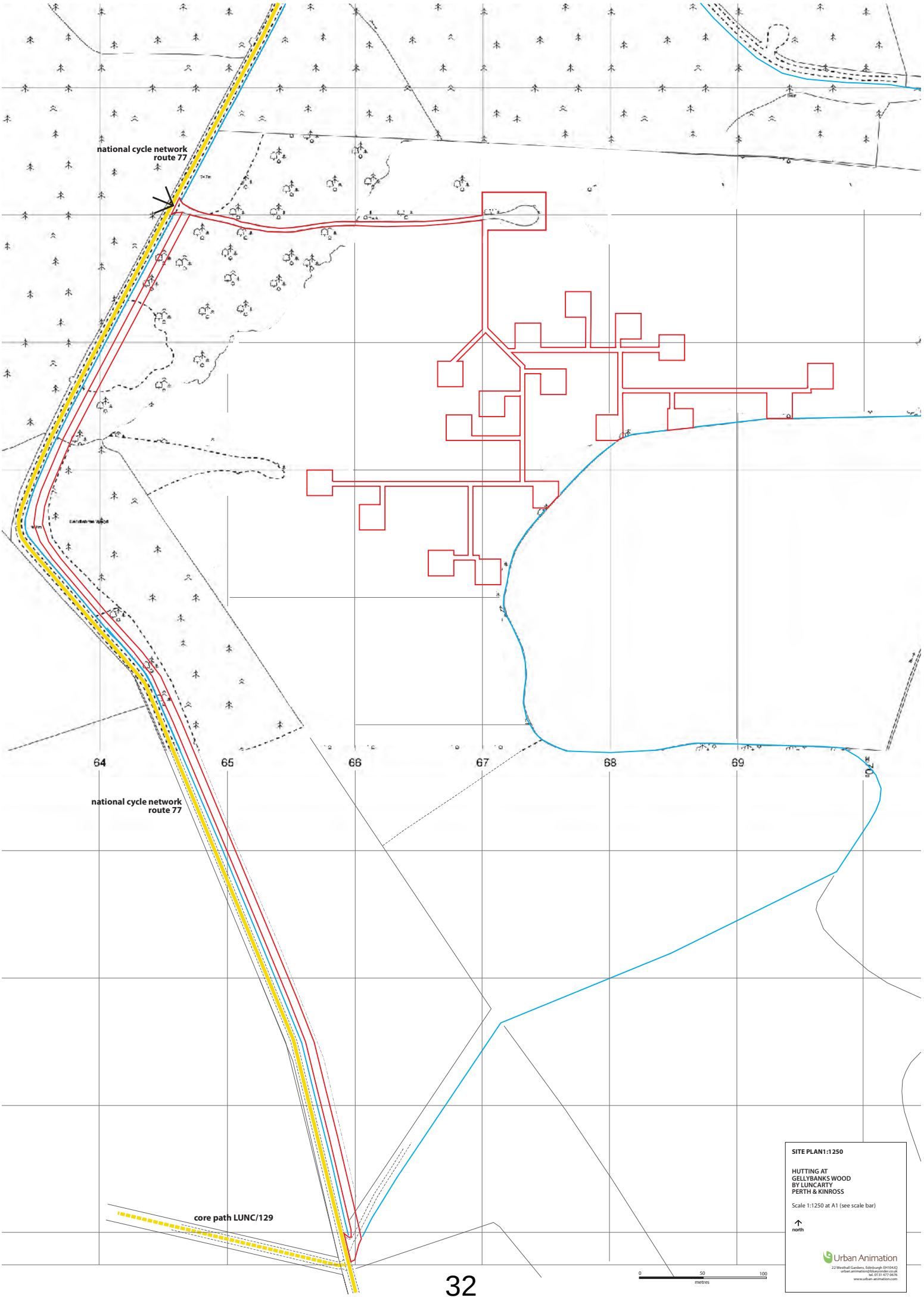
FFL 83.8m
type 1
Plot 2: 06736/31205
FFL 84.3m
type 1
Plot 3: 06775/31229
FFL 79.8m
type 1
Plot 4: 06815/31213
FFL 80.3m
type 1
Plot 5: 06849/31196
FFL 82.8m
type 1
Plot 6: 06965/31174
FFL 85.0m
type 2
Plot 7: 06932/31150
FFL 85.8m
type 3
Plot 8: 06856/31138
FFL 86.8m
type2
Plot 9: 06799/31133
FFL 88.8
type 3
Plot 10: 06755/31169
FFL 87.3m
type 2
FFL 83m
Plot 11: 06753/31080
FFL 85.0m
type 3
Plot 12: 06705/31020
FFL 85.3m
type 3
Plot 13: 06670/31027
FFL 85.8m
type 1
Plot 14: 06613/31063
FFL 86.8m
type 1
Plot 15: 06573/31090
FFL 86.3m
type 3
Plot 16: 06682/31133
FFL 85.5m
type 1
Plot 17: 06707/31151
FFL 86.3m
type 2
31
0
50
100
metres
FFLs established using GPS readings +300mm ground clearance
SITE PLAN 1:500
HUTTING AT
GELLYBANKS WOOD
BY LUNCARTY
PERTH & KINROSS
Scale 1:500 at A1 (see scale bar)
north
Urban Animation
22 Westhall Gardens, Edinburgh EH10 4DJ
urban.animation@tiscali.co.uk
tel. 0131 477 0676
www.urban-animation.com


national cycle network
route 77
64
65
66
67
68
69
national cycle network
route 77
core path LUNC/129
SITE PLAN1:1250
HUTTING AT
GELLYBANKS WOOD
BY LUNCARTY
PERTH & KINROSS
Scale 1:1250 at A1 (see scale bar)
north
0
50
100
metres
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Planning Statement :
Proposed Hutting Site at Gellybanks Wood
by Luncarty, Perthshire

1. Introduction

1.1 The following comments assess planning policy relating to the proposed change of use from woodland to hutting use at Gellybanks Wood.

2. Background

2.1 A previous planning application (ref. 11/00534/IPM) for a significantly larger development of 10 houses and 30 holiday lodges on a much bigger site was previously refused at Gellybanks. An appeal against refusal was unsuccessful.

2.2 The current planning application is unrelated to the previous proposal. No housing or commercial tourism accommodation is proposed and the new use would be at a far smaller scale. Hutting is a low impact use, enabling people to spend recreational time in a woodland setting. By its nature, it requires a rural setting, ideally reasonably close to urban population, for convenience of access. The Design Statement discusses the history of hutting in Scotland and elsewhere across Europe, highlighting the Scottish Government's support for the movement.

2.3 Pre-application advice was sought from Perth & Kinross Council. Due to Council resource constraints, only a limited amount of dialogue was possible. This has helped to identify a number of relevant LDP policies which would be used to assess the application and these are noted below, along with other relevant matters.

3. Planning Policy Considerations

3.1 Scottish Planning Policy

The Scottish Government's commitment to delivering hutting developments was confirmed by inclusion of supportive policy on huts in the 2014 Scottish Planning Policy (SPP). Section 79 of the SPP states:

'[Local Development] Plans should set out a spatial strategy which, […] where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;'

This paragraph contains a link to the glossary of the SPP where the definition of a hut is set out as follows:

'A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m2; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of it life. Huts may be built singly or in groups.'

3.2 The SPP is an important material consideration in the assessment of planning applications for hutting use.

3.3 The following development plan policies have been noted by the Council as relevant to the application. Responses to these policies are provided in blue text below.

3.4 Policy 1: Location Priorities

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.

Response : Hutting by its nature requires a rural site, ideally a wooded or partly wooded location, therefore the sequential approach is not applicable.

3.5 Policy 2: Shaping Better Quality Places

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.

Hutting use aims to bring people back to nature and to appreciate outdoor surroundings. The health and wellbeing benefits of outdoor access and time with nature are widely recognised. The place quality of the wood will be enhanced through the careful siting of huts and individual design to suit site specific considerations such as aspect/solar gain, protection of established trees, topography, landscape setting etc. The site is adjacent to a National Cycle Route and can be connected to a local core path using land in the applicant's ownership. National public transport services are available at Perth and the A9, which also provides excellent access for car borne users. All organic waste will be composted on site, minimising waste. The development will be off grid, using only limited renewable sources of power, with wood fuel available from the adjacent woodland.

3.6 Policy 3: Managing TAYplan's Assets

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

The proposals are of a low impact by their nature, using largely natural materials and integrating small timber buildings into the woodland and landscape. The proposal encourages people in the TAYplan area to make use of the natural assets of the area for appropriate recreational activity.

3.7 Policy PM1A – Placemaking

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 adaption.

As above, the development is intrinsically low impact. It seeks to make best use of the characteristics of the woodland as a place of natural beauty and to enable people to enjoy this place. Hutters will benefit from off-grid experiences, resulting in a low impact on energy use.

3.8 Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

The criteria set out in the policy are more directly applicable to urban development. However, the hutting proposal is fully compliant with this policy, insofar as it is applicable.

3.9 Policy PM2 - Design Statements

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.

Although the development proposed is not listed in this policy, a Design Statement has been provided.

3.10 Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

This policy is not applicable to the proposed hutting development.

3.11 Policy TA1B - Transport Standards and Accessibility Requirements

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.

The proposals will not result in significant travel generation. Hutters can reach the site by using the adjacent national cycle route and a direct connection can be made to LUNC/129 core path. Bus and train services to Perth, Luncarty and Bankfoot enable cyclists to reach the area with ease. Whilst there are no adoptable footpath routes leading to adjacent settlements, this would not typically be expected of a hutting site, due to the requirement for a rural location.

Those arriving by car also have easy access via national and local routes. Hutters will typically arrive at the site and spend significant time there enjoying the surrounding woodland. In contrast, commercial tourism accommodation would be expected to generate significantly more journeys as visitors explore the surrounding attractions of a destination more intensively.

Further comments on sustainability and access are set out in section 4 below.

3.12 Policy HE1A - Scheduled Monuments and Non Designated Archaeology

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

This policy is not applicable as the proposal will not affect any Scheduled Monument.

3.13 Policy HE1B - Scheduled Monuments and Non Designated Archaeology

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.

No archaeological importance is known in relation to this site, which has been in use as woodland for many years.

3.14 Policy NE1 - Environment and Conservation Policies

National, local and European protected species should be considered in development proposals.

A habitat survey has been undertaken and this shows no significant impacts on protected species.

3.15 Policy NE2A - Forestry, Woodland and Trees

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.

The proposal is consistent with this policy, particularly criteria (a) which seeks to "deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment". The quality of this local woodland will be protected and it will be brought into productive use for recreation and environmental use, with spin-off benefits for the local economy.

3.16 Policy NE2B - Forestry, Woodland and Trees

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.

The site forms part of a much larger wood which is managed by Scottish Woodlands Ltd. Forestry Commission Scotland has approved natural regeneration of the woodland, which has previously been felled for commercial purposes. Natural regeneration is proceeding well. There will be no loss of larger or significant trees as a result of the proposal - hut positions have been selected to ensure no tree loss. Some smaller specimens will be cleared around hut plots but this will have no impact on the woodland character, landscape setting or successful regeneration of the woodland through natural means, as confirmed by the habitat survey.

3.17 Policy NE3 – Biodiversity

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.

The habitat survey confirms that the development will not undermine biodiversity.

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

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.

Hutting use is entirely compatible with the aspirations of this policy.

3.19 Policy EP3B - Water, Environment and Drainage

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.

The site is not within or close to a settlement envelope. There will be no foul drainage, as composting toilets will be used, ensuring low impact waste management recycled on site. This will also minimise impact on water courses in the area.

3.20 Policy EP3C - Water, Environment and Drainage

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

Given the low impact of the development, the natural SUDS features of the land will remain in place. There will be no increase in the rate of surface water run off, either at the car parking area or the huts themselves. Rain water is typically put to good use in hut developments, collected in butts, or with local run off to small soak aways or open ground. These will be small buildings with no sealed surfaces, minimising the impact of run-off.

3.21 Policy EP15 - Development within the River Tay Catchment Area

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. The supplementary planning guidance 'River Tay Special Area of Conservation' is referenced.

The habitat survey acknowledges the importance of the River Tay SAC and confirms there will be no significant impacts.

4. Specific Matters Raised at the Pre-Application Stage

4.1 A number of specific issues were also raised at the pre-application stage. These matters largely relate to the previous planning application for the site, as acknowledged by the Planning Dept, but reference to them was requested at the application stage. Responses are set out below.

4.2 (a) Compatibility required with surrounding land uses

The huts require a rural woodland setting and will be located entirely within the existing woodland envelope. The integrity of the woodland will not be compromised and the small timber buildings will be appropriate to the setting.

4.3 (b) Impacts on water quality

As set out above, no wet drainage is proposed and run off from the parking area will be into the ground via permeable surfaces. The habitat survey considers this issue in relation to the River Tay SAC and finds no issue.

4.4 (c) Woodland/felling license arrangements

As set out above, formal agreement has been put in place with FCS for the woodland to regenerate naturally. The woodland is managed by Scottish Woodlands Ltd.

4.5 (d) Biodiversity

As set out above, the habitat survey indicates that biodiversity will not be compromised by the proposals.

4.6 (e) Sustainable access

The proposal is very different in nature to the unsuccessful housing and tourist accommodation application brought forward previously in this location, where the lack of footpath access was deemed a significant issue. Firstly, it is a far smaller development. Secondly, there is no housing. Thirdly, the use is inherently sustainable, delivering off grid recreational accommodation which is likely to be constructed using local timber, by local small businesses. The development will bring people back into contact with nature and the outdoors, delivering health and wellbeing benefits.

The site lies on a national cycle route and is within a few miles of a major station. An informal path connection can be made direct to the existing LUNC/129 core path. Although this path has its own access limitations, it is a statutory route and part of a network which will continue to expand and integrate over

time. The path link within the site has potential to be upgraded to give cyclists an off road option for a stretch of the adjacent route 77 National Cycle Network Path.

Research by Reforesting Scotland indicates that most people using huts will travel relatively short distances from local urban centres - convenient access and short trip time are important considerations in reaching the hut. It is likely that some of the hutters will live and work in Perth, using the hut as a retreat which is easily accessible using teh cycle route. There will be some trips by car but we would expect hut users to arrive by their chosen transport mode and stay within the site, enjoying the peaceful woodland setting, rather than using it as a base for regular or significant trips around the wider area by car - that is a very different type of visitor activity expected of mainstream tourism.

A number of local planning applications which have been recently been granted permission have extremely poor path access, or no path access at all. The 14/00708FLL application at Coldrochie Farm is approved for housing development over 500 metres from a core path. Applicaiton 14/01563/FFL at Burmieston Farm introduces far more intensive public use and vehicular access at a brownfield site which has no core path within several miles, no local bus services and no national cycle route on its doorstep.

5. Other Policy Not Raised In Council's Pre-Application Response

5.1 LDP policy ED3 : Rural Business and Diversification

This policy states that the Council will give favourable consideration to the creation of new businesses in rural areas. There is a preference that this will generally be within or adjacent to existing settlements, but sites out with settlements may also be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities. In this case, the proposal diversifies the use of the woodland and the range of income generating activity it can support. It provides recreational facilities. There are also spin-off economic benefits for the local area which will include patronage of local transport, shops, restaurants, small scale building contractors, timber suppliers etc.

The policy also states that new tourism related development will be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities, allows a new market to be exploited or extends the tourism season. Whilst hutting is not directly a tourism use, it undoubtedly performs a function within the visitor market as a whole. Hutting is an emerging market which will enable users to visit the site at times throughout the year, helping to support and extend the visitor season.

6. Conclusion

The application sits comfortably with established planning policy at national and local level. By it's nature - off-grid, low impact, recreational access to nature and the outdoors - it is an inherently sustainable use. It requires a rural location, ideally on a site such as this: wooded, with good screening in the landscape, yet reasonably close to urban centres and public transport routes.

Richard Heggie
Urban Animation

for and on behalf of Tim Newall-Watson
15 November 2017

Design Statement

Proposed Hutting Site at Gellybanks Wood by Luncarty, Perthshire

December 2017

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www.urban-animation.com

Design Statement :

Proposed Hutting Site at Gellybanks Wood by Luncarty, Perthshire

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Edinburgh
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e. info@urban-animation.com

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COVER : Hut at Falkland Estate, Fife
LEFT : Charred larch glamping pod at Laggan Locks, Caledonian Canal

VISION

A new wave of hutting is emerging in Scotland, supported by National Planning Policy and recent relaxations to the Building Regulations.

The Gellybanks hutting project will provide a woodland recreation opportunity for the urban population in Perth and further afield.

1. Introduction

1.1 This document sets out proposals by the landowner, Tim Newall-Watson for an innovative hutting development at Gellybanks Wood, near Perth. It explains the origins of the new wave of hutting in Scotland and shows how this development can deliver a woodland recreation opportunity for urban dwellers in Perth and beyond. It has been prepared by planning consultants Urban Animation, who have been closely involved in Scotland's new hutting expansion.

2. The Hutting Story

2.1 The Thousand Huts Campaign was launched by Reforesting Scotland in June 2011 in response to a growing demand from a wide range of people to revitalise the culture of hutting in Scotland - the building, inhabiting and enjoyment of simple shelters for recreation and pleasure. The campaign seeks to make hutting accessible and affordable, enabling people to get back to nature for health and wellbeing.

2.2 In many European countries such as Germany, Finland, Norway and France, hutting is well established. It is the norm for urban people to head to the countryside for the weekend to their hytte or dacha. By contrast, Scotland has a very modest historic tradition of hutting, predominantly associated with an early 20th century working class movement that created small holiday huts on land close to Scotland's industrial centres.

2.3 Norway's population is similar to Scotland's. It is served by almost 500,000 huts. In contrast, there are little more than 600 huts in Scotland.

2.4 The Thousand Huts Campaign has gained rapid and widespread support from differing segments of the population. The Scottish Government's commitment to delivering these benefits has been confirmed with inclusion of supportive policy on huts in the 2014 Scottish Planning Policy (SPP). Section 79 of the SPP states:

'[Local Development] Plans should set out a spatial strategy which, […] where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;'

2.5 This paragraph contains a link to the glossary of the SPP where the definition of a hut is set out as follows:

'A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m2; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of it life. Huts may be built singly or in groups.'

2.6 Urban Animation helped Reforesting Scotland set out guidance for planning authorities, hutters and landowners in its "New Hutting Developments" document, published in 2016. The document was subject to rigorous review by the Scottish Government's Planning and Architecture Division and a number of Scottish Planning Authorities.

2.7 In June 2017, the Scottish Government agreed revisions to the Building Regulations which are designed to enable hutters to build their structures without the need for a building warrant. The revised regulations became statute in July 2017, securing the Scottish Government's ongoing commitment and light touch to hutting. Reforesting Scotland will soon publish a further guide explaining how huts can be constructed safely and simply.

2.8 Also in June 2017, Urban Animation gained planning permission for a pilot hutting project at Saline in Fife, on behalf of Reforesting Scotland and Forestry Commission Scotland. The project will provide 12 huts for private use and another for use as a field centre by local schools. Hutting applications are now being promoted by Urban Animation in Moray, the Highlands, Scottish Borders, Cairngorms National Park, Argyll & Bute and Fife. Others are bringing forward applications across Scotland.

3. The Site

3.1 Gellybanks Wood extends to 53.9 hectares. It is located approximately 2 miles north west of Luncarty and 4 miles north of Perth. Bankfoot lies 2 miles to the north. The location is ideal for hutting, providing a quiet rural setting within easy reach of main population centres and convenient for national rail, bus and cycle routes, as well as the A9 trunk road.

3.2 Gellybank Wood combines an old oak wood, a standing of scots pine and an area of sitka spruce. Mature beech trees front the access area and scatter throughout the woodland especially around the edges of the surrounding fields. A felled area (previously sitka spruce) is naturally regenerating with local native species. The huts will be sited within this area. Permission for this natural regeneration has been approved and is supported by Forestry Commission Scotland. The whole woodland is managed by Scottish Woodlands Ltd.

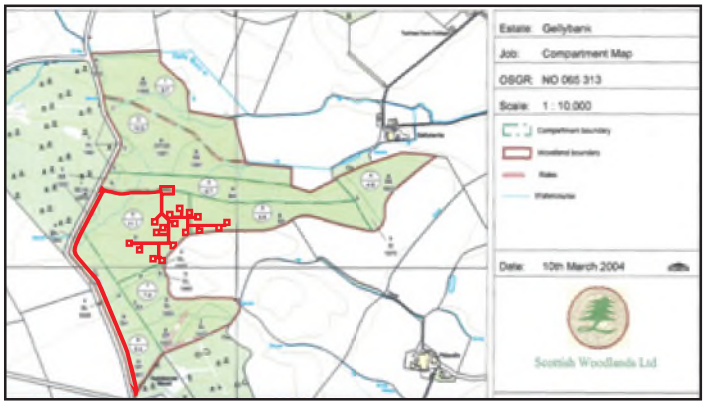
3.3 The hutting site measures 1.8 hectares (see Site Plan). The ground is sloping/undulating, with numerous small clearings. It offers ideal terrain for huts: sited amongst trees and set in the topography, yet well-screened in the landscape and from neighbouring farm properties. No significant trees will be removed to accommodate the huts. Root protection areas will be largely free of impacts, other than from a small number of hand-dug corner foundation posts.

3.4 Access is from the existing woodland track adjoining the Bankfoot-Pitcairngreen road, which is part of Scotland's National Cycle Network (Route 77). Vehicular access at the gated woodland track will only be available to hutters. Regular bus services stop at Luncarty and Bankfoot. Perth is a hub for national and local rail services. Whilst there is no direct footpath connection to the site, cyclists have easy access, and cars have a short trip from the A9 trunk road via junctions at Luncarty and Bankfoot. The LUNC 125 and LUNC 129 Core Paths run close to the site: a direct connection to the LUNC 129 is available using land owned by the applicant. A connection to the LUNC 125 path would require a link of around 100 metres using land owned by another party.

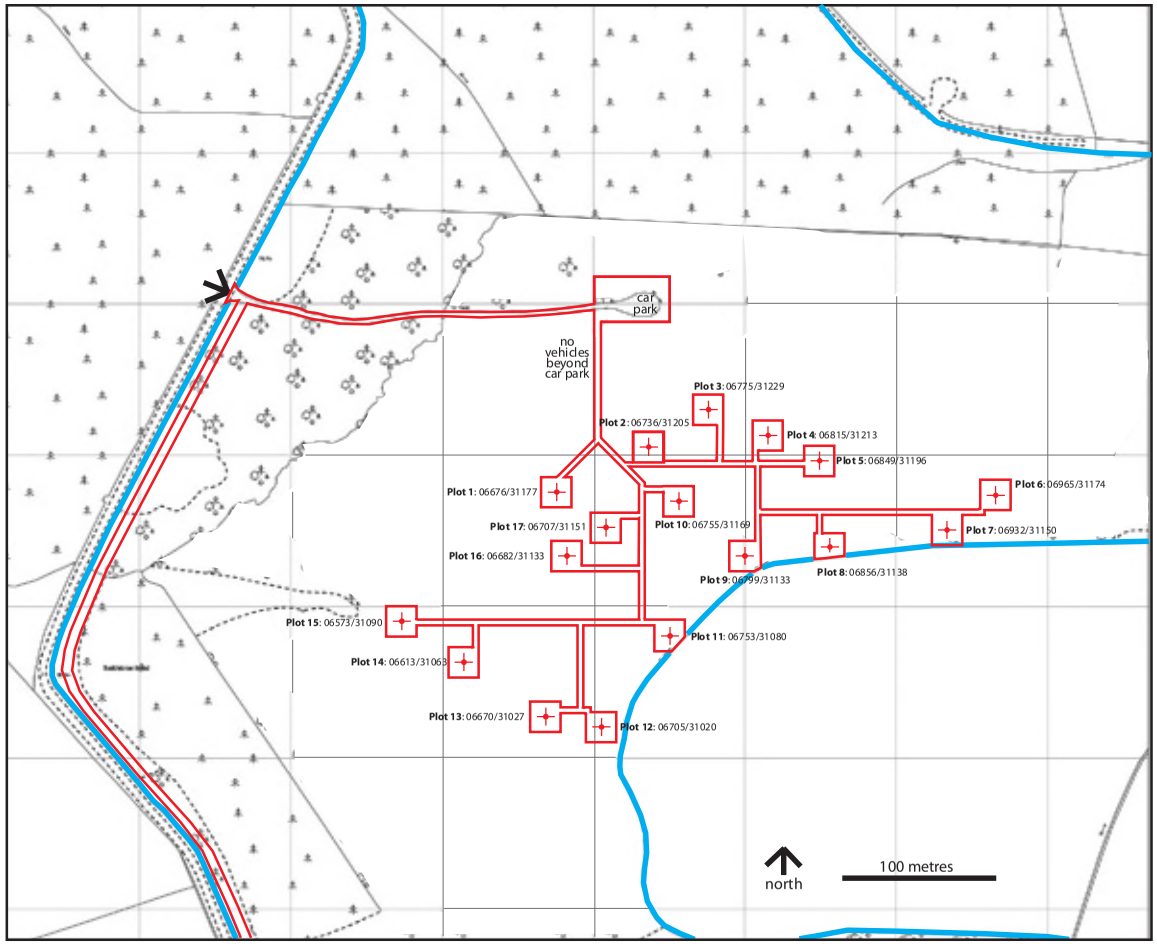
3.5 A full habitat and species study was undertaken at Gellybanks Wood in conjunction with a previous planning application (ref. 11/00534/IPM) for a much larger development of 10 houses and 30 holiday lodges on a bigger site. Subject to mitigation of potential impacts on watercourses leading to the River Tay SAC, SNH did not object to that development. The habitat and species survey has been updated and it indicates that the current hutting proposal has a far lower impact.

3.6 There is no known flood risk at the site and there will be no increased flood risk to adjacent land or properties arising from the development.

location plan



extent of Scottish Woodlands Ltd management



site plan

Urban Animation

4. The Hutting Development

PROPOSALS

4.1 Seventeen huts are proposed, positioned informally around the site. Locations have been selected to make best use of orientation, views, surrounding trees and vegetation, privacy and accessibility. Each hut will be located entirely within the 20 x 20 metres plots shown on the Site Plan (the co-ordinates shown mark the centre of each plot).

4.2 The huts will be built and owned by the hutters and they will pay a ground rent to the landowner. All hutters will be required to join a Members Association covering the hutting site. The Association will be responsible for management of the hutting activity and the use of the site by its members, forming a single point of contact for the landowner and any relevant statutory bodies, such as the Council.

4.3 The existing hardstanding at the end of the gated woodland track will be extended slightly to accommodate up to 17 vehicles, although it is expected that huts would not all be in use simultaneously. The permeable surface enables absorption of surface water. Access to the huts from the parking area will be by foot - no vehicles will be permitted beyond the access track and car parking area. Paths will be informal but designed for ease of use by all. Bicycles can be parked/secured at the huts.

FUNCTION

4.4 The huts will be used exclusively by families or individuals and their friends for private use, meeting the terms of the SPP definition. They will not be rented out as a business or made available as temporary accommodation to all-comers, as is the case with bothies in remote places. There will be no loss of amenity for neighbouring farm or residential properties through noise, odours, nuisance or other impacts.

SITING AND LANDSCAPE

4.5 The site provides good screening for small timber buildings, with regenerating woodland, existing tree cover and ground cover such as gorse providing an attractive natural setting. Most of the huts will be entirely screened from short and mid-distance views. Only plots 7, 8, 9, 11 and 12 will be partly visible from surrounding fields but the huts will be integrated into the woodland edge. Some of the huts have very long distance views to higher ground and therefore would theoretically be visible in views back into the site. However, these views are so distant that extremely strong binoculars would be required even to recognise the existence of a timber building in amongst the trees and ground cover.

4.6 Visual and landscape impact is considered to be negligible, particularly since the largely agricultural landscape contains numerous buildings and structures which are much larger and far more visible.

BUILDING FORM, DESIGN AND EXTERNAL MATERIALS

4.7 The SPP definition allows huts to have a maximum 30m2 internal footprint. However, the three proposed hut types are smaller than this, (8 x type 1 at 20.97m2, 4 x type 2 at 14.65m2 and 5 x type 3 at 14.64m2 - total gross floorspace 299.56m2). All huts will be single storey.

4.8 The huts will be primarily built from and finished with wood (ideally sourced from local suppliers). However, there will be elements of glazing .

4.9 Roofs will be finished in living sedum.

4.10 The aim is to create a high quality sustainable development, which will be recognised as an exemplar of hutting and small timber building design. Sustainable approaches to design will be embedded in the entire project, including the use of natural and locally available materials, low impact foundations (hand dug corner post foundations) and off grid support systems.

SERVICES

4.11 The SPP definition, states that huts are "generally not connected to mains water, electricity or sewerage". Hutters do require water. This can be brought to the site manually or provided through a communal standpipe.

4.12 Heating would normally be from a wood stove and external storage of firewood is proposed for all huts. Where a stove is used, the hut will require a flue, which could have a stainless steel or matt finish to meet the requirements of the planning authority. Some bottled gas may be used for cooking: hut designs will screen any external gas canisters.

4.13 PV cells can be used to generate low voltage electricity for lighting and other uses. Simple portable and removable products are available. It is recognised that fixed renewable energy installations will require planning permission.

4.14 Sanitary waste will be dealt with using composting toilets located in the hut buildings. No mains drainage connections or septic tanks are proposed.

WASTE AND RECYCLING

4.15 All organic waste will be composted on site. Individual hutters will deal with their own recyclable and non-recyclable waste by removing it from site and using their domestic waste collection services.

SITE MANAGEMENT

4.16 The hutting site will be managed by the hutters through a Member Association. All hutters will be members. This management structure has been identified by Reforesting Scotland as the most appropriate for a collective group of hutters. The Member Association will adopt rules and guidance which each hutter will sign up to. The maintenance of each hut will be the responsibility of the hutter who owns it and huts will be kept in good condition under the terms of the management agreement.

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examples of huts which have been built elsewhere - contemporary and organic, rectilinear and free form, predominantly timber construction and finishes, variety of roof form (flat, single, double, free form, geometric).

5. Planning Process

5.1 This Design Statement sets out a clear description of the proposed use of the site. It shows how the site can be accessed safely and conveniently and describes the low impact proposals for servicing. It explains how the buildings can be sensitively sited in the woodland to ensure a good landscape fit. It addresses flood risk, habitat and species, showing no constraints.

5.2 Regrettably, there has been only limited opportunity for pre-application discussion with the planning authority, due to resource constraints at Perth & Kinross Council. However, useful feedback has been provided during the application registration process and this has been reflected in the proposals which have been submitted. The proposal has been designed to satisfy all known and anticipated requirements, reflecting practice established with other recent planning applications in other planning authority areas. The applicant and agent would be happy to discuss any aspect of the planning application with the planning authority, to ensure that we can meet the Scottish Government and Reforesting Scotland aspirations for growth of hutting in Scotland.

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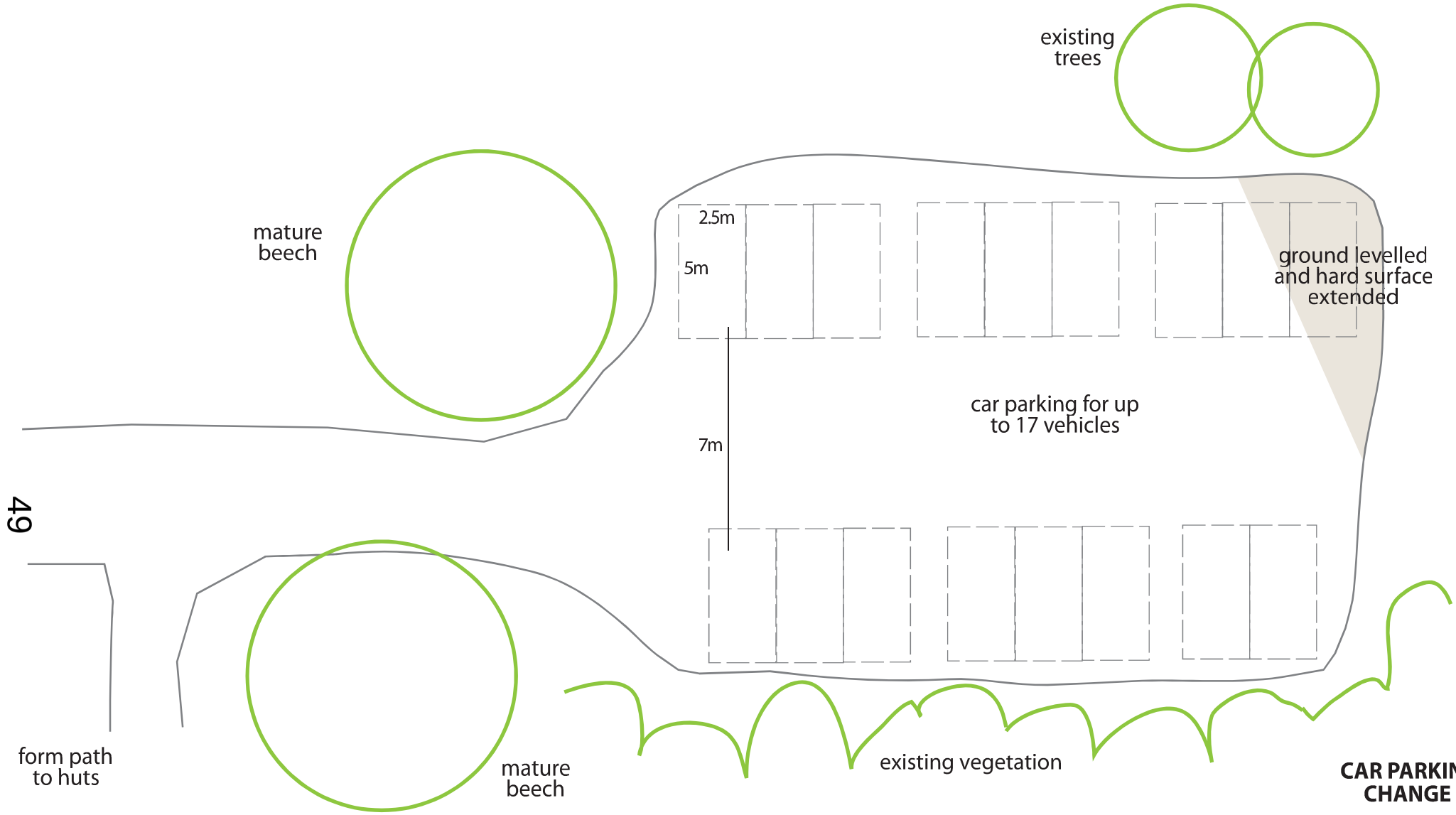

CAR PARKING AREA
CHANGE OF USE :

HUTTING AT
GELLYBANKS WOOD
BY LUNCARTY
PERTH & KINROSS

north

10 metres

scale 1:200 at A4

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Urban Animation/Tim Newall Watson SSIP

Ecology Assessment for proposed hutting site at Gellybanks Wood, near Luncarty, Perth and Kinross

CONFIDENTIAL

October 2017

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TABLE OF CONTENTS

1 Introduction

Cameron Ecology Ltd was commissioned by Tim Newall Watson to undertake an ecological assessment of a proposed hutting site at Gellybanks Wood, near Luncarty in Perthshire.

This work had two main objectives:

1. Identify the ecological constraints and opportunities associated with the proposal; and
2. Provide an assessment of the potential ecological effects of the proposal.

This report sets out the findings of this work.

2 Methods

This section of the report sets out the methods used in the ecological assessment process. The first stage in the ecological assessment process is determining the baseline ecological conditions. Two main methods have been used in this: desk study and field survey. These are described in more detail below.

2.1 *Desk Study*

An environmental statement was available in relation to previous proposals for this area, including ecological survey data from 2009 and 2012. This was reviewed as part of the desk study.

The desk study included a search of the Scottish Natural Heritage (SNH) datasets on designations in the vicinity of the proposed development.

The Native Woodland Survey of Scotland (NWSS)[1] was also consulted as a desk study source, together with a range of other online sources.

2.2 *Field Survey*

Field survey included the following surveys:

- Phase 1 habitat survey[2] and National Vegetation Classification (NVC) [3] survey of semi-natural habitats present. The survey area is shown in Figure 1 and includes a 250m buffer around the proposed hut plot sites;
- A walkover recording bird habitats, together with incidental observations of birds;
- Search for field signs of badger. Field signs of badger are described in the following references: Neal and Cheeseman (1996)[4], Bang and DahlstrØm (2001)[5], SNH (2001)[6] and Sargent and Morris (2003)[7]. The area searched is the same as the habitat survey area and is shown in Figure 1;
- Search for field signs of water vole and otter. Areas surveyed included spot checks on all watercourses within the habitat survey area. Survey methods are described in more detail in Strachan & Moorhouse (2006)[8] and Chanin (2003)[9];
- Assessment of structures and trees present in relation to their potential to support bat roosts; and
- A watching brief for other protected or otherwise notable species.

1 Native Woodland Survey of Scotland – viewed online at http://maps.forestry.gov.uk/imf/imf.jsp?site=fcscotland_ext& on 19 June 2014.

2 Nature Conservancy Council 1990 Handbook for Phase 1 habitat survey – a technique for environmental audit Joint Nature Conservancy Council, Peterborough

3 Rodwell, J.S. (ed), 1991 et seq British Plant Communities Vols 1-5 Cambridge University Press, Cambridge

4 Neal, E. and Cheeseman, C. (1996). Badgers. Christopher Helm, London

5 Bang, P. and DahlstrØm, P. (2001). Animal Tracks and Signs. Oxford University Press, Oxford

6 Scottish Natural Heritage (2001). Scotlands Wildlife: Badgers and Development, Scottish Natural Heritage, Battleby

7 Sargent, G. and Morris, P. (2003). How to find & Identify Mammals. The Mammal Society, London

8 Strachan, R. and Moorhouse, T. (2006). Water vole conservation handbook 2nd ed. Wildlife Conservation Research Unit, University of Oxford, Oxford

9 Chanin P (2003). Monitoring the Otter Lutra lutra. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough

2.2.1 Limitations

Dense vegetation around watercourses can reduce the detectability of otter and water vole evidence. For this reason, search effort was concentrated in more likely spots (for example around the existing culvert and at minor confluences). As with all such surveys there remains a possibility that field signs could be overlooked.

2.3 *Assessment Methods*

Once the baseline has been described (following the methods outlined above) the ecology assessment involves three main stages:

- Evaluation of features of ecological importance;
- Characterisation of potential effects; and
- Determination of significance.

These stages are described in more detail below.

2.4 *Evaluation of Features of Ecological Importance*

This process involves assigning a value to "Features of Ecological Importance" (FEIs). FEIs are the designated sites, habitats and species of highest ecological value present on the site.

Designated receptors are usually straightforward to assign a value to as most designations have an intrinsic value level associated with them. For example, a Site of Special Scientific Interest is a national level designation and so is of "national" value. Non-designated receptors are assigned a value using these same principles, relying on suitable guidance where this exists. The table given below is intended to illustrate the approach to valuing ecological features.

Table 1 Approach to Valuing Ecological Features

Level of Value	Examples
International	An internationally designated site (e.g. SAC), or site meeting criteria for international designations.
	Species present in internationally important numbers (>1% of biogeographic populations).
National	A nationally designated site (Site of Special Scientific Interest, SSSI, or a National Nature Reserve, NNR), or sites meeting the criteria for national designation.
	Species present in nationally important numbers (>1% UK population).
	Large areas of priority habitat listed on Annex I of the EC Habitats Directive and smaller areas of such habitat that are essential to maintain the viability of that ecological resource.
	Species present in regionally important numbers (>1% Eastern Lowlands Natural Heritage Zone population).

Level of Value	Examples
Regional (Natural Heritage Zone or Local Authority Area)	Sites falling slightly below criteria for selection as a SSSI.
	Site of Importance for Nature Conservation, Scottish Wildlife Trust Reserves, Local Nature Reserves, or areas meeting criteria for these designations.
Local	Areas of semi-natural ancient woodland smaller than 0.25 ha.
	Areas of habitat or species considered to appreciably enrich the ecological resource within the local context, e.g. species-rich flushes or hedgerows.
Negligible	Usually widespread and common habitats and species. Receptors falling below local value are not normally considered in detail in the assessment process.

2.4.1 Characterisation of Effects

The assessment seeks to systematically describe potential effects on ecological features in relation to set criteria such as magnitude, extent, duration, frequency, reversibility and probability of occurrence.

2.4.2 Significance Criteria

The primary purpose of the assessment process is to determine whether an effect is ecologically significant. The approach taken in this assessment is to make a judgement as to whether there will be an effect on the integrity of a defined ecological feature.

3 Baseline Survey Results

3.1 *Desk Study Results*

The nearest Special Area for Conservation (SAC) is the River Tay, designated for its important salmon population, together with otter and lamprey species. (This designation also includes aquatic vegetation communities much further upstream in the catchment). The nearest designated part of the River Tay is approximately 1km east of the nearest hut plot. However in common with much/all of the rest of Perthshire, the site is within the Tay catchment.

There are no Specially Protected Areas (SPAs) (designated for bird interests) within 10km of the site.

The nearest Site of Special Scientific Interest (SSSIs) is Thistle Brig, over 3km from the site. This is designated for its lowland species-rich grassland. No connectivity has been identified through this study between the site and this designation, or any other SSSI.

All of the woodland areas within the site are noted on the ancient woodland inventory, indicating that there have been woodland and related habitats in these areas for a very long period of time, certainly over 100 years and possibly very much longer.

Red squirrels are known to be present in this region[10], and evidence of their presence was recorded in both 2009 and 2012 in the wider area.

Otter are known to be present in the wider area from the 2009 and 2012 work. They are likely to make seasonal use of watercourses within the site.

From previous work at this site, bats are also known to be present in the general area and mature trees/standing deadwood are likely to continue to provide roost opportunities for this species group.

The Native Woodland Survey of Scotland surveyed two areas close to the survey area. These were both noted to support a mixture of native woodland vegetation types, including wet woodland and upland birchwood.

3.2 *Phase 1 and NVC vegetation walkover results*

Phase 1 and NVC fieldwork was undertaken on 19 September 2017. Figure 1 shows the results of this survey. Appendix 1 provides a species list and target notes, and some other summary statistics in relation to the vegetation survey results. Twelve habitat types have been recorded. Descriptions of the twelve habitat types recorded are provided below in alphabetical order:

1. **Arable –** 8.26 hectares of land are under arable production. This is entirely in the buffer surrounding the hut plots. At the time of the survey these were stubbles. There is no NVC category for arable habitats.
2. **Broadleaved Plantation Woodland –** most of the site has been coded as broad-leaved plantation woodland, with around 21 hectares of the survey area included in this category. The site has a mix of birch and willow which has a

[10] scottishsquirrels.org.uk

very 'natural' feel to it. Whilst planting rows are in some places discernible from the aerial photography, on the ground this was much less evident. Either the planting scheme has been very successful in creating a native woodland landscape appearance, or the planting has been enhanced by natural regeneration to the point where the distinction between semi-natural and plantation woodland is being blurred. These areas have not been assigned an NVC community, as they are relatively young and the vegetation is generally in transition from more open types to woodland types.

3. **Bracken –** Just one small stand of bracken was recoded at the location of target note 4. This vegetation type is described as the **U20 *Pteridium aquilinum – Galium saxatile* community** in the NVC.
4. **Improved Grassland –** As with arable, this habitat type is only included because of the buffer, none was recorded in the area around the hut plots. These areas are sown with agricultural seed mixes dominated by perennial rye-grass (*Lolium perenne*). These are included within the NVC as **MG6 *Lolium perenne – Cynosurus cristatus* grasslands.**
5. **Marshy Grassland** – Marshy grassland in this survey is limited to one thin strip in a wet area that cuts through the central and western part of the site. In the NVC the vegetation conforms to **M23b *Juncus effusus/acutiflorus – Galium palustre* rush pasture**, ***Juncus effusus* sub-community.** In a few locations very small fragments (not mapped) of the relatively wetter **M23a *Juncus effusus/acutiflorus – Galium palustre* rush pasture, *Juncus acutiflorus* sub-community** also occur**.** Within these (and always associated with surface drainage channels there were occasionally very small fragments of **M6 *Carex echinata – Sphagnum fallax/denticulatum* mire, *J. effusus sub-community*.)**
6. **Mixed Plantation Woodland –** On the west of the main road an area of recently re-planted woodland had the appearance of mixed plantation woodland. This area was not surveyed in detail.
7. **Neutral Grassland –** This category has been used for three relatively more open areas within the woodland. The vegetation in these areas is dominated by tussocks of tufted hair-grass (*Deschampsia cespitosa)* and corresponds to the **MG9 *Holcus lanatus – Deschampsia cespitosa* grassland** community. Generally, this kind of grassland develops in areas where grazing is light or absent. Within these areas there are pockets where a more acidic influence is evident in the vegetation.
8. **Coniferous plantation -** There are four areas of coniferous plantation within the survey area, comprising over 7 hectares. Three of these are fairly standard spruce plantations with almost no vegetation in the understorey as the dense shade cast by the spruce trees prevents the development of a ground flora. In the south there is an area of coniferous planation with mature/semi-mature Scots Pine (*Pinus sylvestris*). Scots Pine has a more open structure and in this area a ground flora analogous to native woodland is present. Ground flora resembling **W11 *Quercus petraea – Betula pubescens – Oxalis acetosella* woodland** and the more acid **W17 *Quercus petraea – Betula pubescens – Dicranum majus* woodland** are present, and some of these latter areas support abundant chickweed wintergreen (*Trientalis europaea*).
9. **Road/Track –** These bare ground habitats are present in the survey area, but only comprise 0.45 hectares.
10. **Scrub –** Around 0.6 hectares of gorse scrub have been mapped. This is the NVC community **W23 *Ulex europaeus – Rubus fruticosus* scrub.** At the time of

the survey these were dense and difficult to walk through areas, but they are likely over time to revert to woodland.

11. **Semi-Natural Broad-leaved Woodland** – 0.77 hectares in the south of the site has been mapped as semi-natural broad-leaved woodland. This area may have started life as a planted fringe of broad-leaved trees on the edge of the pine plantation, but it is now not easily distinguishable from semi-natural woodland, with both a canopy and understorey of vegetation that is a good fit for **W11 *Quercus petraea – Betula pubescens – Oxalis acetosella* woodland.**
12. **Swamp –** Three very small areas have been mapped as swamp, because they were dominated by wood small-reed, *Calamagrostis epigejos.* These areas were not particularly wet at the time of the survey, but this plant (which is not at all common in Scotland) is associated with areas that are periodically inundated (flooded).

Plate 1: *Calamagrostis epigejos* - Wood small-reed

From a habitat point of view, the following features of interest that stand out from the results of the above surveys and general walkover:

- High quality woodland habitats are present. It is interesting to note that neither the phase 1 habitat survey nor the NVC survey do a particularly good job of highlighting the highest quality habitats. The high-quality areas have been highlighted on the constraints and opportunities figure (Figure 2);
- There are a number of stands of wood small-reed *Calamagrostis epigejos.* This is a very uncommon plant in a Scottish context and these are therefore of interest from a botanical point of view.

Plate 2: High Quality Woodland Habitats in the South of the Survey Area

These features combine to create a habitat assemblage of local importance for nature conservation.

3.3 *Birds*

Breeding Bird Habitats and Walkover

A typical range of bird species was recorded during the walkover including blackbird, bullfinch, buzzard, coal tit, goldcrest, great tit, jay, pheasant, robin, stock dove, woodpigeon and wren.

Woodpigeon were noted to be abundant in the survey area.

The mixture of open habitats, young forestry and more mature trees has created an environment that is likely to support a relatively diverse woodland bird community. Standing deadwood and the increased availability of large-diameter standing deadwood as some of the beech trees become over-mature and start to senesce will improve the quality of the habitat for birds over time.

Wintering Bird Habitats

In the wider region, there are important populations of wintering birds including geese that can forage over longer distances. The habitats on site are in general not likely to be of use to wintering geese and swans.

3.4 *Protected species baseline and other species*

On the 19 September 2017, a protected species walkover of the site was also undertaken as described above (simultaneously with habitat work). No evidence of water vole was recorded. Suitable habitat exists for water vole in a number of places.

No evidence of otter was recorded. The watercourses on site are considered to be too small to support regular otter foraging activity.

No field signs of badger were recorded. Badger are likely to be present in the wider area.

No field signs of red squirrel were recorded in the course of this work. Red squirrel are likely to be present at very low density in the spruce plantations, and perhaps slightly higher density in the mature pine plantation in the south of the survey area.

No suitable habitat was noted for great crested newts.

Mature trees and standing deadwood are likely to offer suitable habitat for roosting bats. Woodpecker holes were noted in a number of locations.

A deer species was heard moving but not seen; both roe deer and fallow deer are known to be present in the wider area.

Common lizard was noted in one location.

4 Ecological Constraints and Opportunities

This section of the report makes use of the baseline information to identify constraints and opportunities associated with the woodland creation proposal. Areas discussed in this section are shown on Figure 2.

4.1 *Constraints*

Three constraints are described below:

1. The proximity of the River Tay SAC is not considered to be a constraint *per se.* However, based on previous consultation responses, it would be good practice for track/plot design and construction methods to take into account the existing drainage network. Figure 2 provides a representation of the drainage network on the site. Where tracks/plots or any other infrastructure overlap with this, the existing drains should be diverted and/or piped under the track to ensure there is no disruption to the hydrology of the site. During construction, good practice should be adopted in terms of sediment management to ensure the risk of pollution is low.
2. Based on the layout provided by Urban Animation dated 11 May 2017, no/minimal felling of large trees is anticipated to be required to accommodate the infrastructure proposed. However, should felling of any trees of greater than 25cm diameter at breast height be required, a competent ecologist should check these for squirrel dreys prior to felling.
3. The area is likely to be relatively rich in breeding birds in the spring and summer, due to the quality of the habitat mix. Vegetation clearance should ideally be scheduled to occur outside the core breeding bird season (April – mid-July). If this is not possible, checks for nesting birds should be undertaken by a competent ecologist immediately prior to vegetation clearance.

4.2 *Opportunities*

The following opportunities are identified:

1. Wetland Creation – Blocking the drainage network at strategic points could serve two purposes. It would act as a sediment trap for any sediment released during construction. It would also further diversify the habitats within the site, hopefully adding interest in the longer term. A number of suggested points for wetland creation are noted on Figure 2, the suitability of these would need to be verified on site.
2. Standing deadwood – mature beech trees occur throughout the survey area. These are not native but do provide a number of important ecological niches. The range of habitats provided could be enhanced by "veteranisation" of some of these trees. This is a process that involves deliberate damage to trees to create standing deadwood, which is an important habitat for a range of species including bats, invertebrates and fungi. Options include ring-barking large branches or even whole trees, and creating cavities in main stems or large limbs.

6 Ecological Assessment

6.1 *Important Ecological Features*

On the basis of the baseline identified above, this section identifies and evaluates the ecological features considered to be within the zone of influence of the development.

River Tay SAC

The designated sections of the River Tay are approximately 1km to the east of the nearest hut plot. The River Tay SAC is of international importance for its salmon, lamprey and otter populations. These are potentially sensitive to pollution and sediment. There is a pathway between all areas in the catchment of the River Tay and the SAC. The risk of pollution in the form of sediment or hydrocarbons being transported from the site through a network of drainage channels to the SAC and having an effect on the SAC is considered to be extremely small. Taking into account the scale and low impact of the proposed works, and with the appropriate mitigation of good practice during construction to control pollution and sedimentation, the risk can safely be considered to be negligible.

No effect is predicted on the River Tay SAC.

Woodland Habitat Assemblage

The woodland habitat assemblage is considered to be of local importance for nature conservation. This evaluation includes consideration of the vegetation history of the site as evidenced by inclusion on the ancient woodland inventory, and its more recent history as commercial plantation. The proposed layout of hut plots does not impact on any of the high quality areas of woodland. The total area lost to plots and associated tracks is not considered significant in the context of the available habitat resource.

No significant effect is predicted on the woodland habitat assemblage.

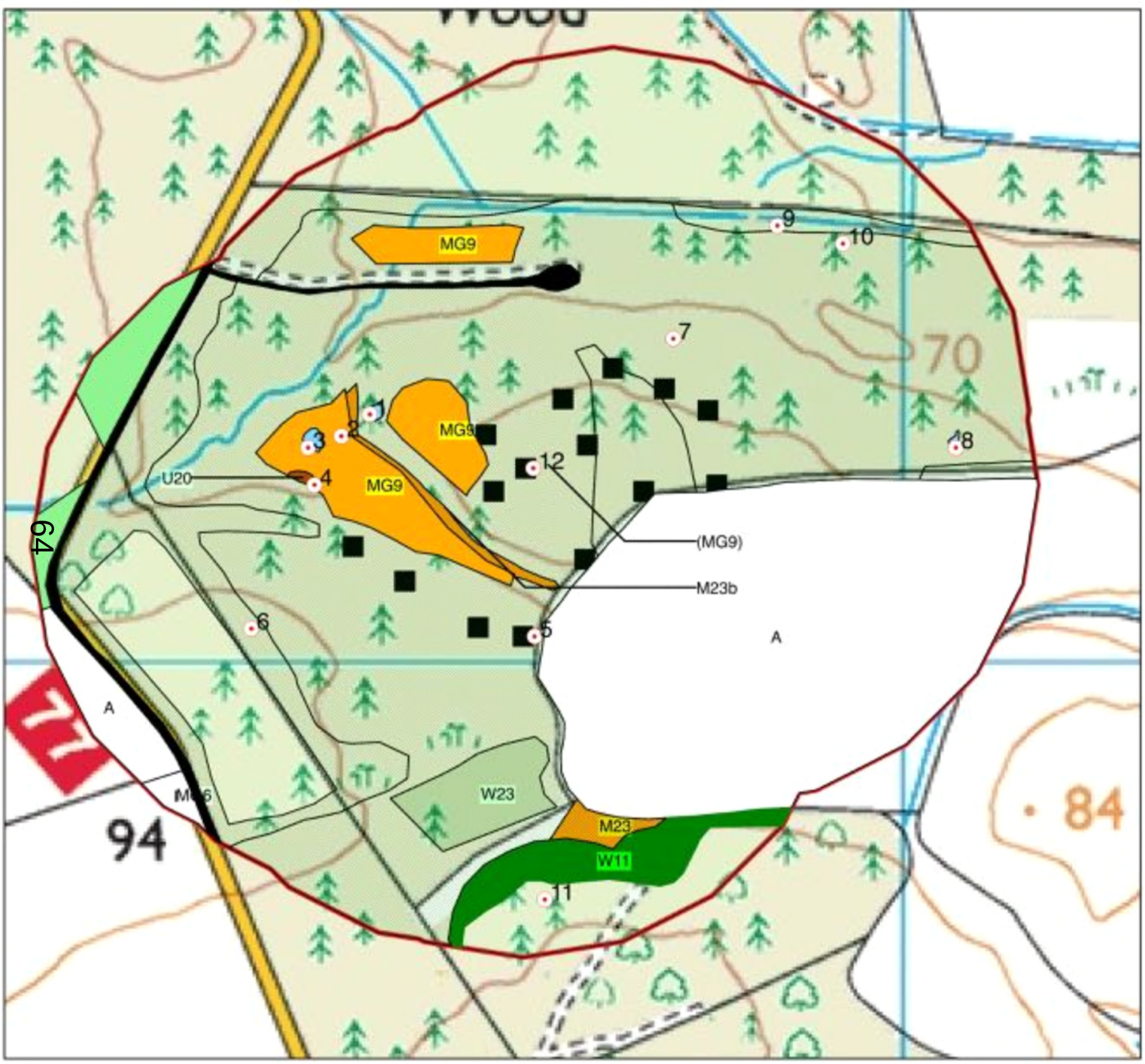
Other ecological receptors

All other ecological receptors are of less than local importance for nature conservation. Otter, red squirrel, bats and badger are all present in the general area. These species are considered unlikely to be affected by the proposals, providing the mitigation measures identified in the constraints section are implemented.

7 Conclusions and Recommendations

Overall the development is not proposed in a sensitive area from an ecological point of view and the nature of the development is flexible and low-impact. The primary impacts of the development are associated with the formation of tracks and plots for the huts. A number of good practice measures have been identified to ensure these impacts are minimised, and potential constraints associated with breeding birds and protected species are taken into account.

This work has also identified a number of opportunities. Where these are incorporated into the design, there is potential for the project to have a net positive effect on the nature conservation value of the site.



Cameron Ecology Ltd

Urban Animation/ Tim Newall Watson SSIP

Gellybanks Wood - Proposed Hutting Sites

Ecological Assessment

Figure 1 : Phase 1 and NVC Results

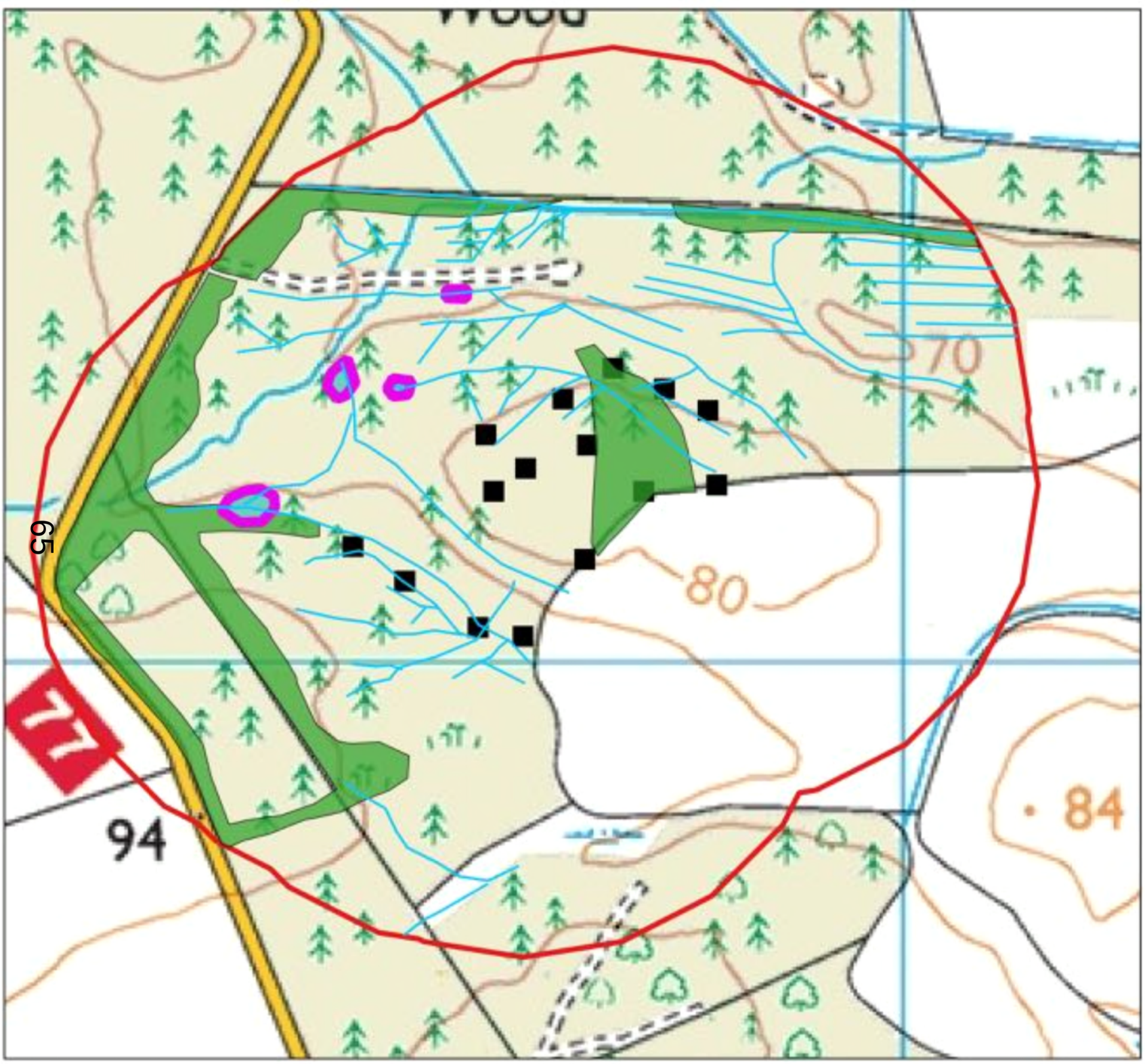
26 September 2017

Legend

- Survey Area
- Plot Locations
- Target notes

Habitat Survey Results

- A — Arable
- Broad-leaved plantation Woodland
- Bracken
- I — Improved Grassland
- Marshy Grassland
- Mixed Plantation Woodland
- Neutral Grassland
- Coniferous Plantation Woodland
- Road/Track
- Scrub
- Semi-natural Broad-leaved Woodland
- Swamp



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Gellybanks Wood - Proposed Hutting Sites

Ecological Assessment

Figure 2: Constraints and Opportunities

26 September 2017

Legend

- Survey Area
- Plot Locations
- drainage network
- Veterenisation opportunities
- Wetland creation opportunities

APPENDIX 1: Species List and Target Notes

Vascular Plants and Bryophytes

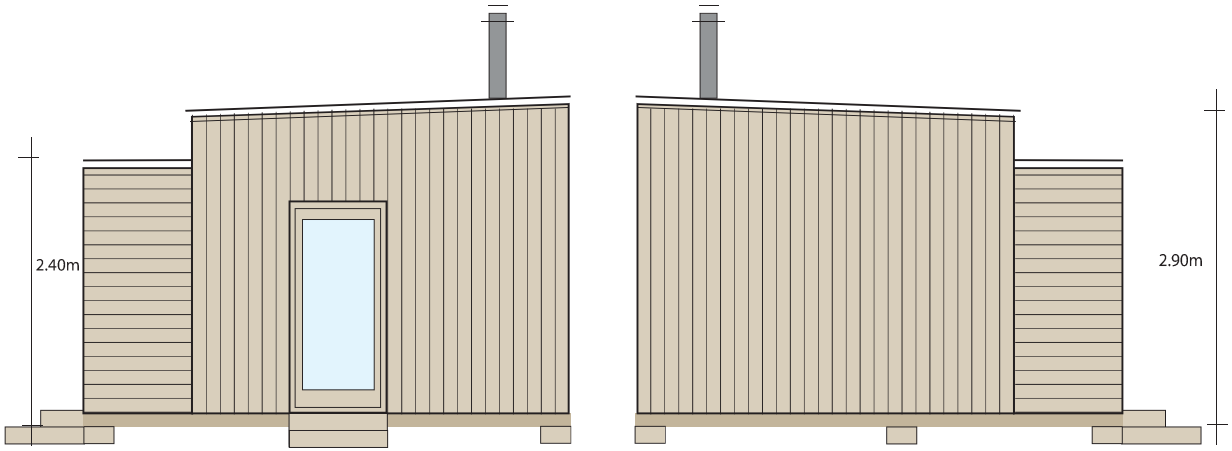
Species	**English name**
Acer platanoides	Norway maple
Agrostis capillaris	Common bent
Agrostis vinealis	Brown bent
Ajuga reptans	Bugle
Alnus glutinosa	Alder
Anthoxanthum odoratum	Sweet vernal-grass
Anthriscus sylvestris	Cow parsley
Arrhenatherum elatius	False oat-grass
Bellis perennis	Daisy
Betula pendula	Silver birch
Betula pubescens	Downy birch
Blechnum spicant	Hard fern
Brachythecium rivulare	A moss
Calamagrostis epigejos	Wood small-reed
Callitriche stagnalis	Common water-starwort
Calluna vulgaris	Heather
Carex curta	White sedge
Carex nigra	Common sedge
Carex sylvatica	Wood sedge
Centaurea nigra	Common knapweed
Ceratocapnos claviculata	Climbing corydalis
Chamerion angustifolium	Rosebay willowherb
Cirsium arvensis	Field thistle
Crataegus monogyna	Hawthorn
Cytisus scoparius	Broom
Dactylis glomerata	Cock's foot
Deschampsia cespitosa	Tufted hair-grass
Deschampsia flexuosa	Wavy hair-grass
Digitalis purpurea	Foxglove
Dryopteris affinis	Scaly male-fern
Dryopteris felix-mas	Male fern
Echium vulgare	Viper's bugloss
Epilobium montana	Broad-leaved willowherb
Epilobium ciliata	American willowherb
Equisetum arvense	Field horsetail
Equisetum fluviatile	Water horsetail
Fagus sylvatica	Beech

Species	English name
Fissidens taxifolius	A moss
Fraxinus excelsior	Ash
Galeopsis tetrahit	Common hemp-nettle
Galium aparine	Cleavers
Galium saxatile	Heath bedstraw
Geranium robertianum	Herb Robert
Holcus lanatus	Yorkshire fog
Holcus mollis	Creeping soft-grass
Hydrocotyle vulgaris	Marsh pennywort
Hypericum pulchrum	Slender St-John's wort
Hypnum andoii	A moss
Hypnum cupressiforme	A moss
Juncus acutiflorus	Sharp-flowered rush
Juncus conglomeratus	Compact rush
Juncus effusus	Soft rush
Juncus squarrosus	Heath rush
Kindbergia prealonga	A moss
Larix decidua	Larch
Lathyrus pratensis	Meadow vetchling
Linum catharticum	Fairy-flax
Lolium perenne	Perennial rye-grass
Lonicera periclymenum	Honeysuckle
Lophocolea bidentata	A liverwort
Lotus corniculatus	Bird's-foot trefoil
Luzula campestris	Field woodrush
Luzula multiflora	Heath woodrush
Luzula sylvatica	Greater woodrush
Medicago lupulina	Black medic
Myosotis arvensis	Field forget-me-not
Odontites verna	Red bartsia
Oxalis acetosella	Wood sorrel
Philonotis fontana	A moss
Picea aibes	Norway Spruce
Picea sitchensis	Sitka spruce
Pinus sylvestris	Scot's pine
Plagiothecium undulatum	A moss
Plantago lanceolata	Ribwort plantain
Poa nemoralis	Wood meadow-grass
Polytrichastrum formosum	A moss
Polytrichum commune	A moss
Potentilla erecta	Tormentil

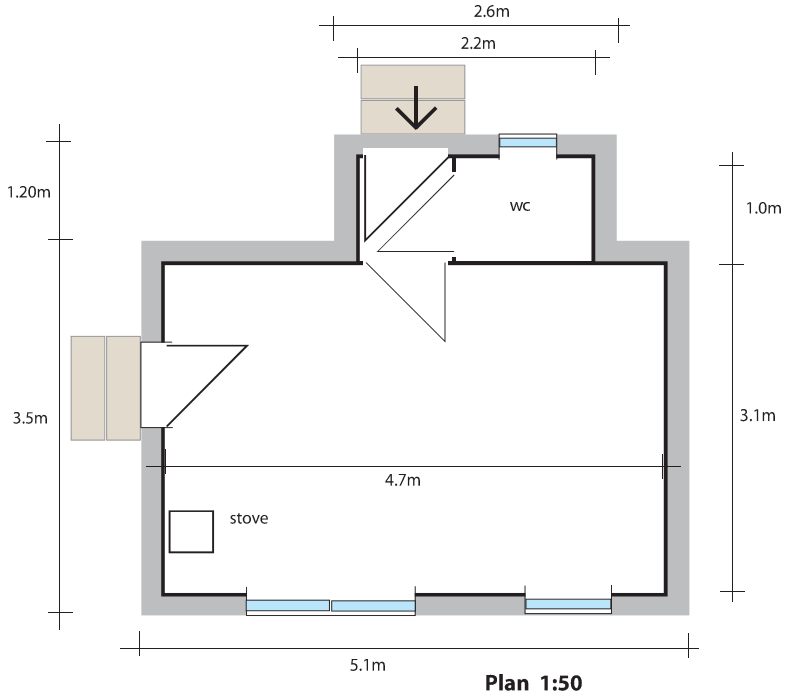
Species	English name
Prunella vulgaris	Self-heal
Pteridium aquilinum	Bracken
Quercus petraea	Pedunculate Oak
Ranunculus repens	Creeping buttercup
Rosa canina	Dog-rose
Rubus fruticosus	Brambles
Rubus idaeus	Raspberry
Rumex acetosa	Sorrel
Rumex sanguinea	A dock species
Salix caprea	Goat willow
Salix cinerea	Grey willow
Sambucus racemosa	Red-berried elder
Scrophularia nodosa	Common figwort
Senecio jacobaea	Ragwort
Sorbus aucuparia	Rowan
Sparganium erectum	Branched burr-reed
Sphagnum capillifolium	A bog-moss
Sphagnum fallax	A bog-moss
Sphagnum palustre	A bog-moss
Stachys sylvatica	Hedge woundwort
Stellaria graminea	Lesser stitchwort
Taraxacum officinale	Dandelion
Thuidium tamariscinum	A moss
Trientalis europaea	Chickweed-wintergreen
Trifolium repens	White clover
Tussilago farfara	Colt's foot
Ulex europaeus	Gorse
Urtica dioica	Stinging nettle
Vaccinium myrtillus	Blaeberry
Veronica persica	Common field-speedwell
Vicia sativa	Common vetch
Viola canina	Dog violet
Viola palustris	Marsh violet

Target Notes

Number	Easting	Northing	Comment
1	306586	731193	*Calamagrostis* stand
2	306564	731176	Wet zone with *Juncus effusus, Corydalis* etc. M23
3	306538	731167	Large stand of *Calamagrostis*
4	306543	731138	Large stand of *Pteridium aquilinum*, U20
5	306714	731020	drier, grassy slope with much *Anthoxanthum*. Still mostly MG9, grading towards U4.
6	306494	731026	*Trientalis europaea* over a heathy understorey with *Calluna* and *Vaccinium*.
7	306822	731252	tiny fragment of M6 type vegetation, but all associated with a slow surface drain.
8	307042	731167	*Calamagrostis* stand - 15m x 3m
9	306903	731340	ditch edge bare at this location due to shading
10	306954	731326	canopy of woodland here a mixture of Salix/Betula. Wet understorey with *Deschampsia cespitosa*. *Urtica dioica* and *Equisetum fluviatile.*
11	306722	730815	*Trientalis europaea* abundant here
12	306713	731151	Small *Calamagrostis* stand



end elevations 1:50



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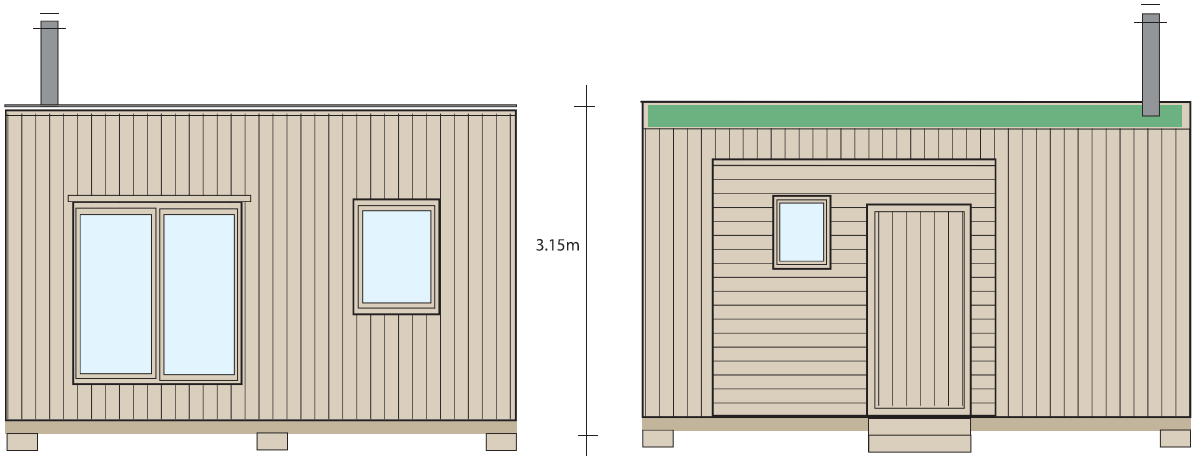
(external floor area 20.97m2)



front elevation 1:50

rear elevation 1:50

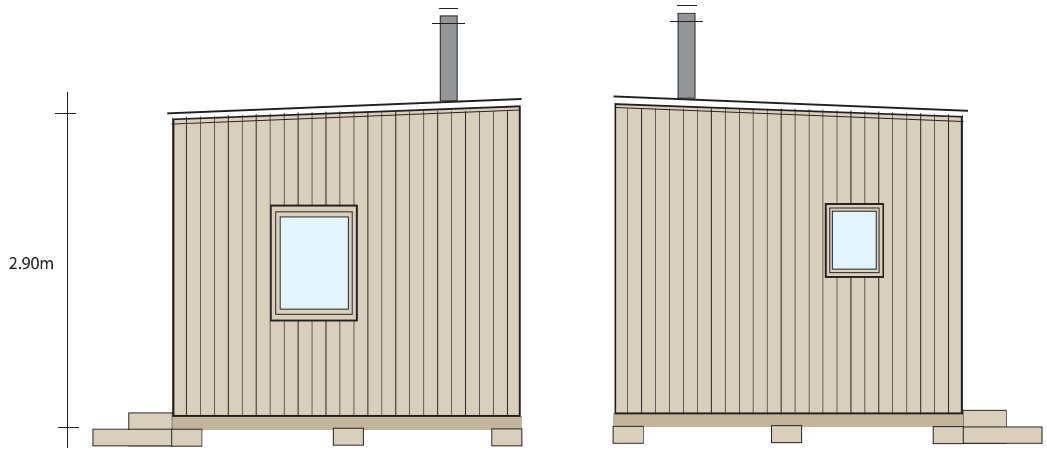
External Materials

Walls - natural timber boarding
Doors - natural timber
Roof - living sedum roof
Windows - timber framed stained or painted grey
Flue - stainless steel

0 5
metres

Hut Type 1

Urban Animation
22 Westhall Gardens, Edinburgh EH104JQ
urban.animation@blueyonder.co.uk
tel. 0131 477 0676
www.urban-animation.com



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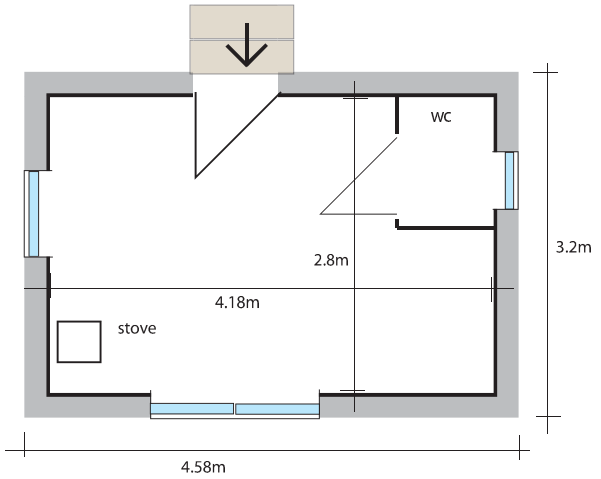

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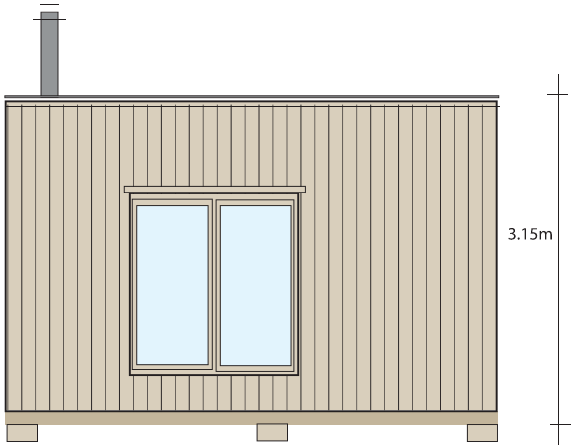
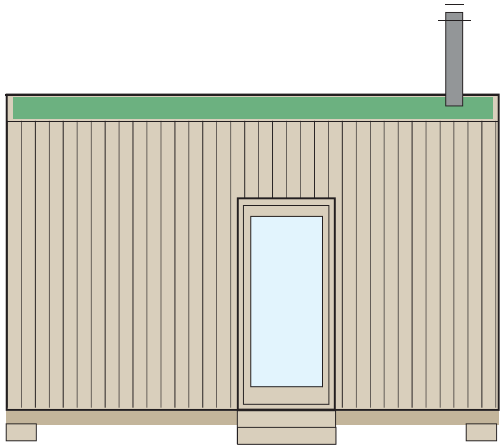
(external floor area 14.65m2)



front elevation 1:50



rear elevation 1:50

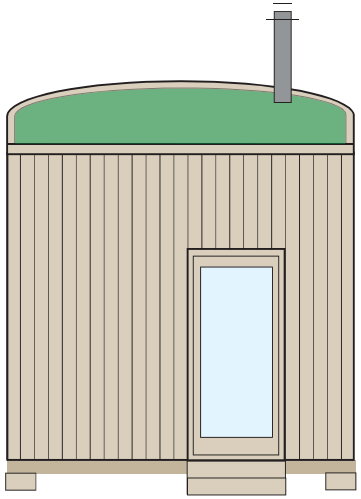
External Materials

Walls - natural timber boarding
Doors - natural timber
Roof - living sedum roof
Windows - timber framed stained or painted grey
Flue - stainless steel

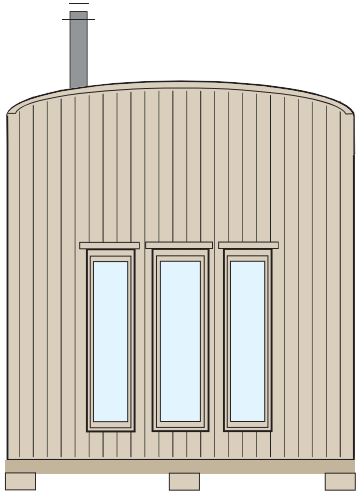
0 5
metres

Hut Type 2

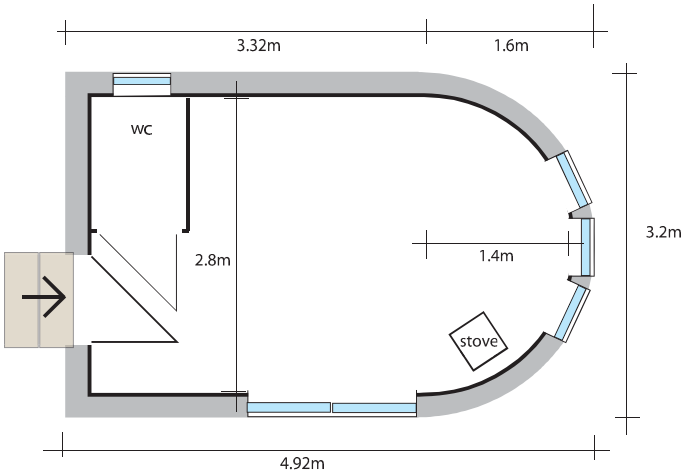
Urban Animation
22 Westhall Gardens, Edinburgh EH104JQ
urban.animation@blueyonder.co.uk
tel. 0131 477 0676
www.urban-animation.com



rear elevation 1:50



front elevation 1:50



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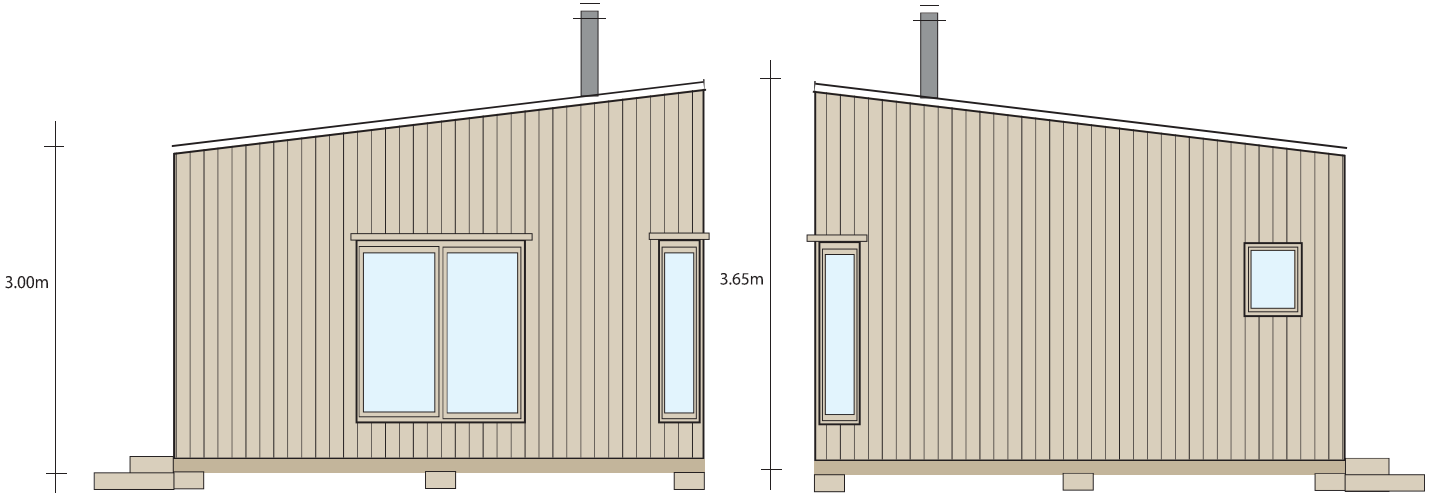
(external floor area 14.64m2)



side elevations 1:50

External Materials

Walls - natural timber boarding
Doors - natural timber
Roof - living sedum roof
Windows - timber framed stained or painted grey
Flue - stainless steel

0 5
metres

Hut Type 3

Urban Animation
22 Westhall Gardens, Edinburgh EH104JQ
urban.animation@blueyonder.co.uk
tel. 0131 477 0676
www.urban-animation.com

The Hobbit stove

The Hobbit with Door Colour Options

The Hobbit small stove is suitable for a wide range of applications and was designed by us especially to fit the small spaces and fireplaces where other stoves just will not fit. Our aim was to design and build a quality small stove with all of the essential features and attributes of top rated efficient large stoves.

If however you live in a smoke control zone and want to burn wood as well as smokeless coal you will need the Hobbit SE, DEFRA APPROVED model. Both the standard and SE versions of our small stove are multi fuel.

The Standard colour for the stove and door is Black, other colours are available. **Available "stove options" can be added when ordering the stove.**

The Hobbit small stove fits neatly in tiny homes, small fireplaces, canal boats, cabins, garden rooms, shepherds huts and other small spaces. A solid small multi fuel compact stove that will give you a lifetime of reliable heat.

Stove Body Colour

We have a full range of small stove body colours for your Salamander Hobbit Stove. Pick a colour from full range available on the Stovebright range. Please note that Black is the standard colour.

Top Door Colour

view colours
Personalise your Hobbit stove by choosing a contrasting colour for the firebox top door. See the full range of colours in the Stove Bright Chart. **NOTE: Standard colour is Black.**

Bottom Door Colour

view colours
We can finish the bottom door colour and air flow wheel of your Hobbit stove in a wide range of Stovebright colours. Please feel free to contact us to discuss your individual requirements or you can choose the colour you want from the 12 options listed when you visit the Hobbit product page. **NOTE: Standard colour is Black.**

Air Flow Wheel Colour (Bottom Door)

We can offer you a different colour for the air flow wheel on the bottom door. Choose from a wide selection of Stovebright colours. Please feel free to contact us to discuss your individual requirements or you can choose the colour you want from the 12 options listed when you visit the Hobbit product page. **NOTE: Standard colour is Black.**

Heat output	4kW
Efficiency	74.7%
Flue outlet	100mm (4″)
Distance from rear of stove to centre of top exit flue	115mm
Distance from floor to centre of rear flue exit	373mm
Height	460mm
Width	302mm
Depth	272mm
Max log size	200mm (8″)
Window Dimensions	180mm x 155mm

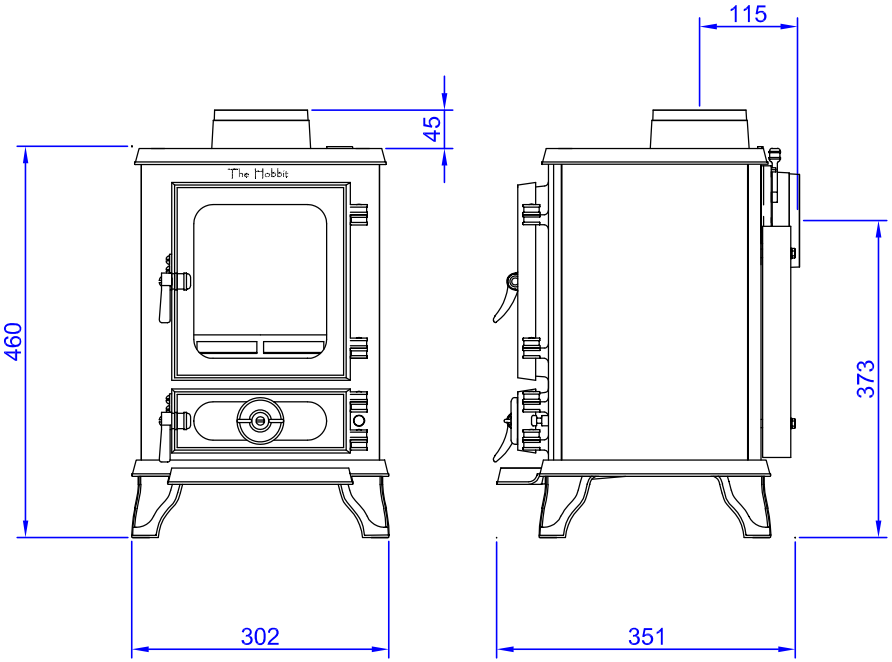
Distance to combustible materials

Side	400mm
Rear	450mm

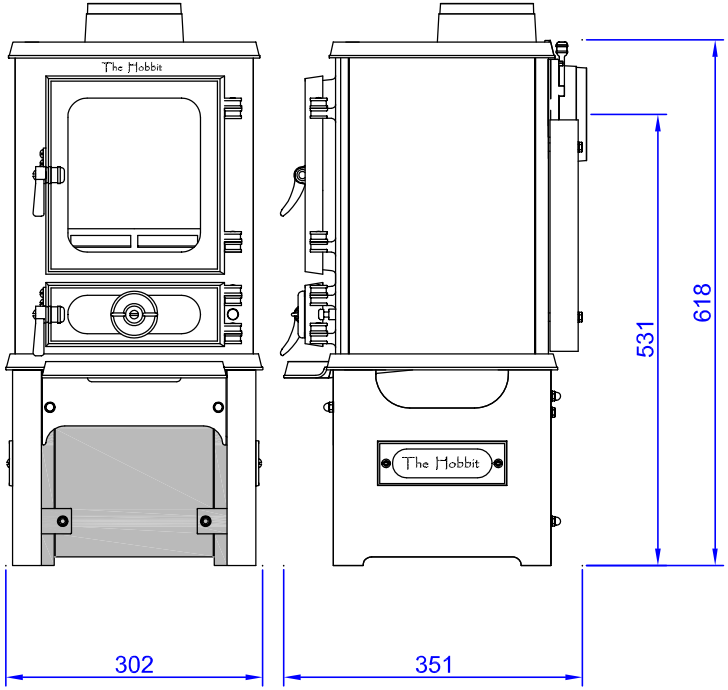
4kW	5yr Warranty	DEFRA APPROVED
Efficiency 75%	Cleanburn & Airwash	Riddling Grate Ashpan Multi Tool
Top or Rear Flue	Options include Back Boiler Stand Galley Rail	Multifuel Wood Smokeless Briquettes

Salamander Stoves

Home of The Hobbit



Standard Hobbit



Hobbit with optional stand

The Hobbit Overall Dimensions (mm)

PERTH AND KINROSS COUNCIL

Mr Tim Newall-Watson
c/o Urban Animation
Richard Heggie
22 Westhall Gardens
Edinburgh
Scotland
EH10 4JQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th June 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02026/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 18th December 2017 for permission for **Erection of 17no. huts, formation of car parking and associated works Land At Gellybanks Farm Bankfoot** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1 The proposal is contrary to Policy ED4C of the Perth and Kinross Local Development Plan 2014, Caravan Sites, Chalets and Timeshare Developments as the development does not meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

2 The proposal is contrary to, Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as it will not contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.

3 The proposal is contrary to criterion (a) of Policy ED3, Rural Business and Diversification and Policy PM1A, Placemaking of the Perth and Kinross Local Development Plan 2014, as it has not been shown that there will not be a detrimental impact on neighbouring land uses from the installation of an on-site water supply.

4 The proposal is contrary to criterion (b) of Policy ED3 and Policy PM1A of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as the path layout cannot be satisfactorily accommodated within the local landscape capacity of the location. As well as criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the path layout erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience within the woodland.

5 The proposed development is not considered to easily accessible by all modes of transport in particular walking, cycling and public transport, accordingly it fails to comply with Policy TA1B of the Local Development Plan. This will be further exacerbated if no on-site water supply is provided.

6 The proposal is contrary to Reforesting Scotland's Thousands Huts Guidance note which confirms the acceptability of a multiple hut development will depend on its impact on the environment. In this case the site is not located in a sustainable location which means the development cannot be supported.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

17/02026/1	17/02026/7
17/02026/2	17/02026/8
17/02026/3	17/02026/9
17/02026/4	17/02026/10
17/02026/5	17/02026/11
17/02026/6	17/02026/12

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**17/02026/FLL**	
Ward No	**P5- Strathtay**	
Due Determination Date	**17.02.2018**	
Case Officer	**John Russell**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Erection of 17no. huts, formation of car parking and associated works

LOCATION: Land At Gellybanks Farm Bankfoot

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 1 February 2018

SITE PHOTOGRAPHS




BACKGROUND AND DESCRIPTION OF PROPOSAL

The site, Gellybanks Wood is approximately 4km south of Bankfoot and 6km north of Perth and is located in the countryside outside of any town or village development boundary. A sparse scattering of farm steadings are evident in the landscape around the site which compromise Cottarton, Tophead, Gellybanks and Pitlandie.

The landscape in this area is made up of broad low ridges and rounded hills. On the lower slopes of the hills agriculture is present with woodland and plantations generally set along the ridges, like Gellybanks Wood. A series of burns and drainage ditches drain the site into the River Tay System.

The proposal is to erect seventeen huts within the woodland. Each hut plot measures 20 x 20 metres plots. The hut plots are positioned informally around the site. The agent confirms that the locations have been selected to make best use of orientation, views, surrounding trees and vegetation, privacy and accessibility. A regimented path network connects hut plots form the central car park and is incorporated within the sites redline boundary.

It should be noted that there is a site history associated with development on the wider site and these applications were refused with a subsequent appeal being dismissed. These earlier applications required the submission of an Environmental Statement, however, due to the nature of this development a report under the EIA Regulations is not required.

In support of the application a Design Statement has been submitted by the agent this sets out the project ethos. It confirms the following:-

The huts will be built and owned by the hutters and they will pay a ground rent to the landowner. All hutters will be required to join a Members Association covering the hutting site. The Association will be responsible for management of the hutting activity and the use of the site by its members, forming a single point of contact for the landowner and any relevant statutory bodies, such as the Council.

The existing hardstanding at the end of the gated woodland track will be extended slightly to accommodate up to 17 vehicles, although it is expected that huts would not all be in use simultaneously. The permeable surface enables absorption of surface water. Access to the huts from the parking area will be by foot - no vehicles will be permitted beyond the access track and car parking area. Paths will be informal but designed for ease of use by all. Bicycles can be parked/secured at the huts.

With regards to function:-

The huts will be used exclusively by families or individuals and their friends for private use, meeting the terms of the SPP definition. They will not be rented out as a business or made available as temporary accommodation to all-comers, as is the case with bothies in remote places. There will be no loss of amenity for neighbouring farm or residential properties through noise, odours, nuisance or other impacts.

With regards to Services:-

The SPP definition, states that huts are "generally not connected to mains water, electricity or sewerage". Hutters do require water. This can be brought to the site manually or provided through a communal standpipe.

Heating would normally be from a wood stove and external storage of firewood is proposed for all huts. Where a stove is used, the hut will require a flue, which could have a stainless steel or matt finish to meet the requirements of the planning authority. Some bottled gas may be used for cooking: hut designs will screen any external gas canisters

PV cells can be used to generate low voltage electricity for lighting and other uses. Simple portable and removable products are available. It is recognised that mixed renewable energy installations will require planning permission.

Sanitary waste will be dealt with using composting toilets located in the hut buildings. No mains drainage connections or septic tanks are proposed.

SITE HISTORY

02/02041/FOR Felling of 25 hectares of trees at 17 January 2003 Application Permitted

08/02241/OUT Erection of a leisure, recreational and housing development including 30 lodges, reception centre, 10 dwellinghouses, walkways and cycle paths (in outline) 8 April 2009 Application Refused

09/00013/PAN Erection of 30 holiday lodges, 10 dwellinghouses, reception building and formation of associated cycle ways, pond and footpaths 26 January 2010

10/00641/IPM Erection of 30 holiday lodges, 10 dwellinghouses, reception building and formation of associated cycle ways, pond and footpaths 18 November 2010 Application Refused

11/00534/IPM Erection of 30 holiday lodges, reception/information centre, erection of 10 dwellinghouses and formation of associated cycle trails and woodlands walkways (in principle) 26 November 2014 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: 17/00414/PREAPP

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking
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 adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements
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 PM4 - Settlement Boundaries
For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy TA1B - Transport Standards and Accessibility Requirements
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 ED3 - Rural Business and Diversification
Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy ED4A - Caravan Sites, Chalets and Timeshare Development
Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy ED4B - Caravan Sites, Chalets and Timeshare Development
Proposals for new or expanded transit and touring caravan and camping sites will be supported where they are compatible with placemaking policies. There shall be no presumption in favour of residential development if any of the

above uses ceases.

Policy ED4C - Caravan Sites, Chalets and Timeshare Development
Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy HE1A - Scheduled Monuments and Non Designated A
There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated A
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 NE1 - Environment and Conservation Policies
National, local and European protected species should be considered in development proposals.

Policy NE2A - Forestry, Woodland and Trees
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
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
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 ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes
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
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
All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP15 - Development within the River Tay Catchment Area
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.

OTHER POLICIES

- Tayside Landscape Character Assessment
- Reforesting Scotland's Thousands Huts Good Practice Guide

CONSULTATION RESPONSES

Environmental Health - No objection in principle to the application subject to conditional control.

Transport Planning – Have read the objections raised by local representation, on the issue of the proposal not being accessible by full multimodal transportation, they are in agreement that the site is not accessible by full multimodal transportation. However, on balance and given the small scale of the proposal any impact on the Network would be minimal, given the off peak nature of leisure activities associated with the proposal. They also note that core path Lunc/125 is in very close proximity, allowing for access to the Luncarty and Stanley area on foot. They also note the site has direct access to National Cycle Network Route 77. No safety concerns were raised by Road Safety. Insofar as roads matters are concerned v do not object to the proposed development subject to conditional control.

Contributions Officer - The site is within the reduced transport contributions area. Contributions are required.

Local Flood Prevention Authority – No objection subject to conditional control.

Biodiversity Officer - The ecological walk over survey provided with the application was undertaken on 19 September 2017. This is outside of the time for breeding bird surveys. Ideally there should be a breeding bird survey,

however due to the small scale of the proposals the likelihood of long term impact is expected to be negligible. The small footprint and restriction of vehicles to the car park area will minimise any disturbance.

Strategy and Policy - The proposal is for a new type of leisure accommodation which does not fit exactly within existing policy within the LDP. Consider it most appropriate to assess the principle of the proposal against policy ED4. There is support for hutting in SPP, and the proposal would meet a specific need. However the main concern with the proposal is the sustainability of the location given that many people will have little choice but to travel to the site by private car.

Community Greenspace - Whilst there is no direct footpath connection to the site, cyclists have easy access, and cars have a short trip from the A9 trunk road via junctions at Luncarty and Bankfoot. The LUNC 125 and LUNC 129 Core Paths run close to the site: a direct connection to the LUNC 129 is available using land owned by the applicant. A connection to the LUNC 125 path would require a link of around 100 metres using land owned by another party. It would seem likely that walkers and cyclists using this hutted development will want to use LUNC/125 so it would be useful to agree, establish and promote a path link as part of this development.

Luncarty, Redgorton and Moneydie Community Council – Object to the application. Note that the previous reasons to reject the earlier tourist related activity is still prevalent. The site is in an unsustainable location with poor access. Concerns with traffic safety and congestion this has increased since the earlier application with the approval of agricultural developments in the area. Concerns with the loss of trees associated with path formation. No benefit to the local community and there will be very little benefit financial benefit to the surrounding area. Impact on private water supply. Concerns with forest fires. No site supervision or management plan and potentially periods of time when no responsible person on site. Concerns with extent of community engagement.

Scottish Natural Heritage - Do not consider that the development will have a detrimental impact on their natural heritage interests. This is due to the reduction in scale of this proposal from previous applications and also the intention to use composting toilets, which removes the potential for foul drainage entering the River Tay Special Area of Conservation and having an adverse effect on the protected interests.

REPRESENTATIONS

A total of 19 representation(s) have been received including the Luncarty, Redgorton and Moneydie Community Council objection that is summarised above. The issues raised by other representations are detailed below:-

- Contrary to Local Plan.
- Adverse environmental impact.
- Pollution risks to water courses and water sources/water supply.

- Nuisance from noise, smell fumes, lighting and increased vehicle movements.
- Increase in road traffic on unsuitable rural roads.
- No suitable pedestrian access.
- No bus route close by and nearest pub/shop several miles away.
- Does not improve the quality of any new or existing tourist facility.
- Impact on wildlife.
- Previous appeal decision highlighted impacts with tourist facility at the site.
- Concern with the operation of the site (supervision and management).
- Loss of trees.
- Impact on landscape.

These matters are covered in the appraisal section of this report.
However the following points of objection are best addressed at this stage.

- Concern with potential site expansion – Any site expansion would be subject to a further application and potential concerns would be taken into account at that point in time.
- Concerns with fire risk - I note that there are concerns about the increase use of the site and potential for fires from but I do not consider this to be a sufficient reason for refusal and the lighting of fires is covered under the Scottish Outdoor Access Code. The fact that a new development would not comply with fire safety requirements is not normally considered a proper planning consideration. Fire safety of buildings is covered by the Building Regulations and I note there is a new building type under which huts will be regulated.
- The application should be treated as a 'major' application. The agent has manufactured the site to be under the major threshold – The Planning Authority has to deal with the application as presented by the agent. In this case the site is under the major application threshold and has to be dealt with as a local application.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The adopted LDP does not specifically mention huts within any policy. SPP does, however, include reference to huts stating that "Plans should set out a spatial strategy which: where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans and huts" (para. 79). A hut is defined in the SPP as: "A simple building using intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than $30m^2$; constructed from low impact materials; generally not connected to main water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups".

Further support is given to hutting in Reforesting Scotland's Thousands Huts who have produced a good practice guide on the planning, development and management of huts and hut sites.

As mentioned above, none of the adopted LDP policies includes reference to huts. However Policy ED4: Caravan Sites, Chalets and Timeshare Developments is considered the most appropriate policy against which to assess the principle of the proposal given that SPP includes huts under the heading 'leisure accommodation'.

ED4B gives support to new caravan and camping sites where the proposals are compatible with policy PM1.

ED4C gives favourable consideration to new developments where it is clear these cannot be used as permanent residences and where the development meets at least one of three criteria. In this case (c) is the most relevant: the development must meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

The site is not located near to existing tourism facilities, indeed, part of the ethos of hutting is allowing people to connect with the natural environment and on that basis many people using huts will have no wish to travel outwith the site. It is accept that the proposal would meet a specific need given that there are very few hut developments in Perth & Kinross. In this respect the proposal would be in line with the spirit of policy ED4.

Policy ED3 also gives favourable consideration to the expansion of existing businesses and the creation of new business associated with a site specific resource or opportunity. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.

The agent considers that the proposal is in line with policy ED3 in that it diversifies the use of the woodland and that it performs a function within the visitor market even though hutting is not directly a tourism use. However, it is stated within the application that the huts will be owned by the hutters and will only be for private use; they will not be rented out as a business or made available as temporary accommodation. Whilst it is acknowledged that the development would generate an income to the landowner, this is not the type of rural business which policy ED3 seeks to support. In addition I do not consider the proposal a tourism-related development under the terms of policy ED3 given that the huts will be in private ownership and will be for the sole use of hutters rather than open to the general public.

The Reforesting Scotland guidance suggests that for groups of huts there will be a general requirement for these to be located near to towns and cities so that they can be easily accessed by owners on a regular basis. Emphasis is also placed in the Guidance on siting huts in locations which are accessible by sustainable transport modes (p.16).

“Huts could be an appropriate form of development in a variety of accessible rural locations around Scotland. Decisions on location will be based on local and national planning policy. Access to public transport and walking and cycling routes is an important consideration for hut location”.

In this case I consider that the following issues are applicable in the assessment of the application for the 17 huts:-

(i) Whether the local road network is able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.

(ii) Whether the proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

(iii) Whether the proposed hut achieves a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.

(iv) Whether the proposal can be satisfactorily accommodated within the landscape capacity of any particular location.

Roads and Access

One of the main issues in the representations received is access arrangements to the site being unsustainable and having a detrimental impact on the local road network due to the traffic generated by the development. The representation focuses on increased traffic on the road associated with other developments within the vicinity of the site as well as the traffic from this proposal and the increase in accidents on this road network.

Consultation has been undertaken with Council's Transport Planning Section and they are of the view given the off peak nature of leisure activities associated with the site there will not be a detrimental impact on the local road network. In light of this advice I do not consider there will be a conflict with criterion (e) of Policy ED3.

Nevertheless, policy TA1B seeks to ensure that development sites are readily accessible by all modes of transport in particular walking, cycling and public transport. The Council's Transport Planning Section agrees with representations that this proposal is not accessible by full multimodal transportation.

While the National Cycle Route does pass the site entrance I do not consider this alone to be sufficient enough to support the application when taking account of the requirements of Policy TA1B.

There are corepaths within the area at present they do not connect into the site. The application seeks to improve connectivity by providing a new path between the sites vehicular access and corepath LUNC 129 to the South. While this will improve permeability into the wider countryside it does not assist in creating permeability or sustainable access from the East towards Luncarty and Stanley or onward journeys to Bankfoot to the North or Perth to the South. This would restrict access to services within settlements and it is reasonable to assume that many people would travel by private car as there is no footpath on the unclassified road.

I consider that the services available on the site will also have a bearing on the method of transport used by hutters. The supporting information notes that water may need to be taken to the site manually if a standpipe is not provided. Under the residential amenity assessment below there is a lack of information on the standpipe to approve its installation. Accordingly the lack of a potable water supply on the site will likely diminish the extent of sustainable methods of transport used to access the site.

Furthermore the site is not served by public transport.

In light of the above there is a conflict with Policy TA1B.

Residential Amenity Drainage and Flooding

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. The proposed development is required to be compatible with surrounding landuses and not detrimentally impact on the amenity of residential properties within or adjacent to the site, See Policy PM1A and ED3 (criterion a). Representation has raised concern on how the hut relates to neighbouring residential amenity and land uses.

From my site visit and review of the plans I do not consider that there will be an adverse impact on residential amenity from overlooking/overshadowing. I also consider there to be sufficient separation between the hut plots to ensure there is no adverse impact between the hut plots.

Environmental Health is of the view that noise and odour between the land uses would not be significant to preclude granting consent.

Concern is expressed in representations that the private water supply for surrounding residential properties and farming activity may be affected as the source originates from within the proposed application site. This matter was of concern under the previous application and the Reporter at that time deliberated on the matter. His conclusion was as follows;-

Concern has also been expressed by the local residents and the council about the impact on the natural water supply to both the development and for the surrounding agricultural activity. There are no insurmountable concerns expressed by Scottish Water and the council's view on a possible lack of mains water connection is conjecture. This matter however, does not appear to be adequately addressed in the accompanying environmental statement. Whilst I agree with the appellant that this matter could be addressed by a planning condition I am mindful that such a condition could prevent implementation at a late stage in the development process. As such the condition could be regarded as unreasonable. I therefore consider that this issue which is of such local concern needs to be resolved prior to the grant of permission in principle. Compatibility with existing land uses has not at this stage been proved. The proposal does not therefore comply in this respect with PKLDP Policy 3 criterion (a).

The agent has confirmed that water will either be taken to site manually or a standpipe formed.

As noted above under the transport heading above taking water to site will likely decrease the sustainable methods of transport used by hutters.

Despite the comments from Environmental Health there is insufficient information to ascertain the acceptability of installing a standpipe as this could have implications on existing private water supplies. The reporter's conclusions confirm the need for this matter to be fully bottomed out prior to the grant of consent. In light of this the precautionary principle should be applied as it has not been shown that the proposal is compatible with

surrounding landuses. It has not been shown that the proposal complies with PM1A and ED3 (criterion a).

Design and Layout

The SPP definition allows huts to have a maximum 30m2 internal footprint.

Three proposed hut types are proposed under this application which are all smaller than this and all huts are single storey in height.

- 8 x type 1 at 20.97m2,
- 4 x type 2 at 14.65m2
- and 5 x type 3 at 14.64m2

The huts will be primarily built from and finished with wood with elements of glazing and a living sedum roof.

I consider that the proposed hut type designs meet the terms of the hut definition within the Scottish Government's SPP. I do not consider the hut to be excessive in height. Accordingly I am content with the approach applied to the design and construction of the hut structures would meet the applicable criterion of Policy PM1A and PM1B of the Local Plan.

The proposed footpath network between the proposed car park and the huts is contrived. The paths are regimented and in straight lines. The path network does not respond to site topography or site constraints. A more spontaneous and meandering path network would be more appropriate given the woodland location. Furtermore given the tight nature of the site there is limited scope for conditional control for micro-siting path away from trees/site constraints or accommodating meandering paths as they would fall outwith the tightly drawn application site boundary. Taking this into account I consider that the path layout fails to comply with Policy PM1A and criterion (b) of Policy ED3.

Landscape

Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded.

Due to the location of the development zones within the site the visibility of the development will be predominantly screened and contained from the public roads and residential properties by the existing forestry. The development plots can be satisfactorily accommodated into the landscape capacity of the woodland site and overall I do not consider the development will have an impact on the wider Lowland Hills landscape character-unit.

I have already raised concerns regarding the proposed path layout. The proposed formation of the path network as proposed would have a localised

detrimental impact on visual and scenic qualities of the landscape contrary tp Policy ER6.

Bio Diversity

The LDP contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. NE1A relates to International Nature Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Bio-diversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

Consultation with SNH confirms that they do not consider there will be an impact associated with the River Tay SAC.

The ecological walk over survey provided with the application was undertaken on 19 September 2017. The Bio-diversity officer confirms that this is outside of the time for breeding bird surveys and ideally there should be a breeding bird survey. However due to the small scale nature of the proposals the likelihood of long term impact is expected to be negligible due to the small footprint and restriction of vehicles to the car park area.

Taking this into account it can be concluded that there is no conflict with policy NE3.

However, I am of the view that impacts could be further reduced if there was scope to micro-site paths as part of the application. However, given the restricted nature of the application boundary this cannot be controlled by condition.

Developer Contributions

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area.

While it is envisaged that the huts may be occupied overnight they are unlikely to be used in a residential capacity. In terms of the Transport Infrastructure Guidance it is clear that this proposal will result in an intensification of the site and therefore will be required to make a suitable contribution. Due to the huts being for recreational; use in the main they are considered to fall under the ‘Other non-residential’ category of the Guidance at £32 per m²and the contribution will be calculated on the total additional floor space of the new huts. The proposal is for the creation of 17 huts for recreational use with at total floorspace of 240m² (rounded). Transport Infrastructure: 7,680 (240m² x £32). Total: £7,680.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

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 not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposal is contrary to Policy ED4C of the Perth and Kinross Local Development Plan 2014, Caravan Sites, Chalets and Timeshare Developments as the development does not meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

2 The proposal is contrary to, Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as it will not contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.

3 The proposal is contrary to criterion (a) of Policy ED3, Rural Business and Diversification and Policy PM1A, Placemaking of the Perth and Kinross Local Development Plan 2014, as it has not been shown that there will not be a detrimental impact on neighbouring land uses from the installation of an on-site water supply.

4 The proposal is contrary to criterion (b) of Policy ED3 and Policy PM1A of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as the path layout cannot be satisfactorily accommodated within the local landscape capacity of the location. As well as criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the path layout erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience within the woodland.

5 The proposed development is not considered to easily accessible by all modes of transport in particular walking, cycling and public transport, accordingly it fails to comply with Policy TA1B of the Local Development Plan. This will be further exacerbated if no on-site water supply is provided.

6 The proposal is contrary to Reforesting Scotland's Thousands Huts Guidance note which confirms the acceptability of a multiple hut development will depend on its impact on the environment. In this case the site is not located in a sustainable location which means the development cannot be supported.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/02026/1

17/02026/2

17/02026/3

17/02026/4

17/02026/5

17/02026/6

17/02026/7

17/02026/8

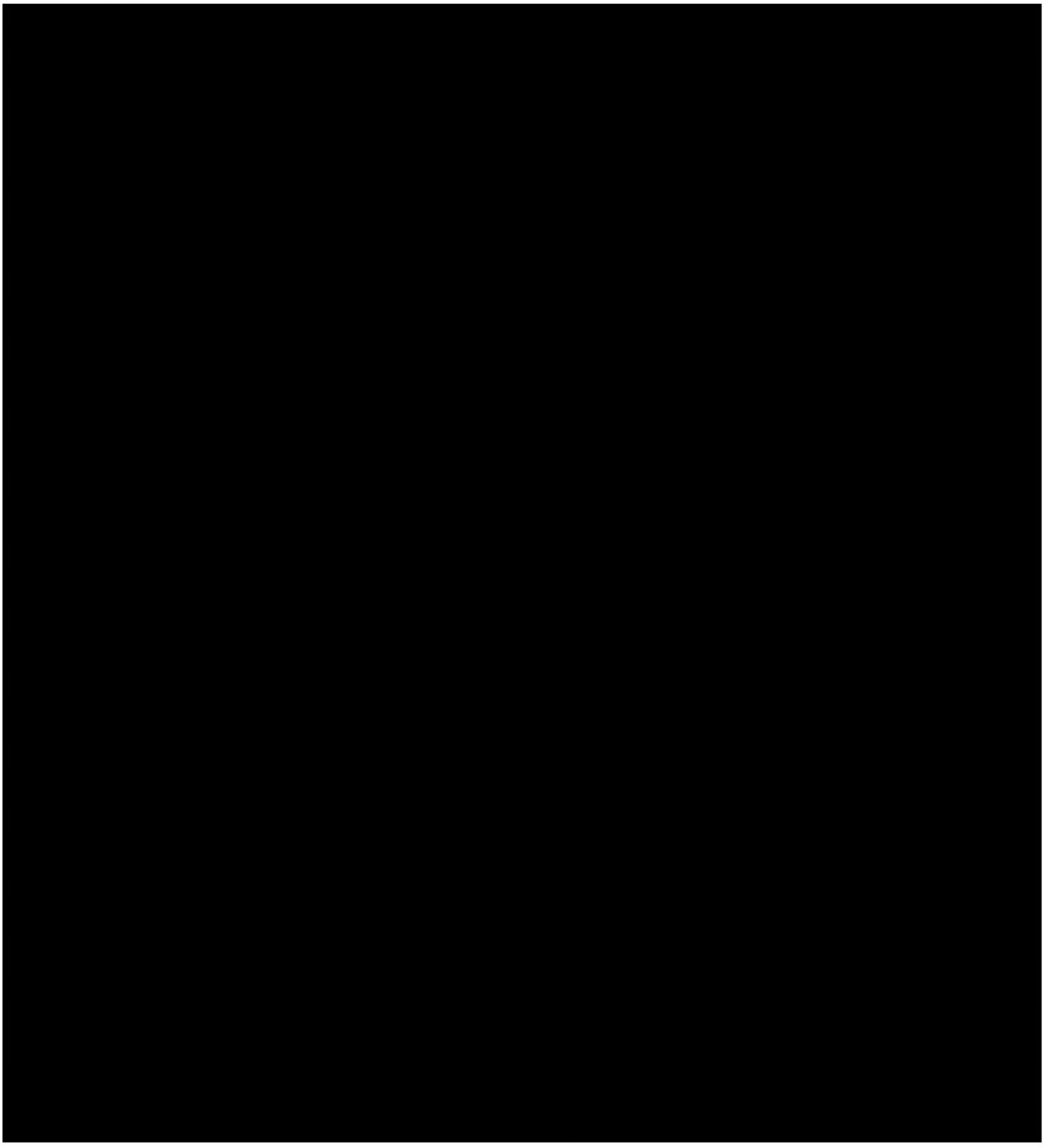
17/02026/9

17/02026/10

17/02026/11

17/02026/12

Date of Report 19.06.2018



From: Nicki McIntyre [mailto:Nicki.McIntyre@snh.gov.uk]
Sent: 06 June 2018 14:42
To: John Russell
Subject: 17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land At Gellybanks Farm Bankfoot

Hi John

Regarding our discussion earlier about the above consultation, I have looked at the supporting information and do not consider that the development will have a detrimental impact on our natural heritage interests. This is due to the reduction in scale of this proposal from previous applications and also the intention to use composting toilets, which removes the potential for foul drainage entering the River Tay Special Area of Conservation and having an adverse affect on the protected interests.

I hope these comments are useful

Regards

Nicki

Scottish Natural Heritage | Battleby | Redgorton | IPerth | PH1 3EW | **t:** 01738 458591

Dualchas Nàdair na h-Alba | Battleby | Ràth a' Ghoirtein | Peairt | PH1 3EW

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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	David Williamson
Service/Section	Strategy and Policy	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	**Part 214 of the Scottish Planning Policy states**: The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland. **The RTPI GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance**: The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species. In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally		

	dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats). **The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance**: The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a ***Protected Species Survey and Assessment*****.** If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must: • Record which species are present and identify their numbers (may be approximate); • Map their distribution and use of the area, site, structure or feature (*e.g.* for feeding, shelter, breeding). The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show: • How alternatives designs or locations have been considered; • How adverse effects will be avoided wherever possible; • How unavoidable impacts will be mitigated or reduced; • How impacts that cannot be avoided or mitigated will be compensated. In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain. The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

	Biodiversity Officers Comments The ecological walk over survey provided with the application was undertaken on 19 September 2017. This is outside of the time for breeding bird surveys. Ideally there should be a breeding bird survey, however due to the small scale of the proposals the likelihood of long term impact is expected to be negligible. The small footprint and restriction of vehicles to the car park area will minimise any disturbance.
Recommended planning condition(s)	If you are minded to approve the application then I recommend the following conditions be included in any approval: **TR10** All trees on site, other than those marked for felling on the approved plans, shall be retained. **RTR01** Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme. • No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. **RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981). **NE01** Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. **RNE02** Reason - In order to prevent animals from being trapped within any open excavations.
Recommended informative(s) for applicant	• The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a

	licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance. • The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
Date comments returned	12 January 2018

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Dean Salman
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	Having read objections raised by local representation, on the issue of the proposal not being assessable by full multimodal transportation, I am in agreement. But on balance and given the small scale of the proposal any impact on the Network would be minimal, given the off peak nature of leisure activities associated with the proposal. I also note that core path Lunc/125 is in very close proximity, allowing for access to the Luncarty and Stanley area on foot. Also the site has direct access to National Cycle Network Route 77. No safety concerns were raised by Road Safety. Insofar as roads matters are concerned I do not object to the proposed development on the following conditions below.		
Recommended planning condition(s)	• Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	23 January 2018		

TCP/11/16(555) – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 79-80)*

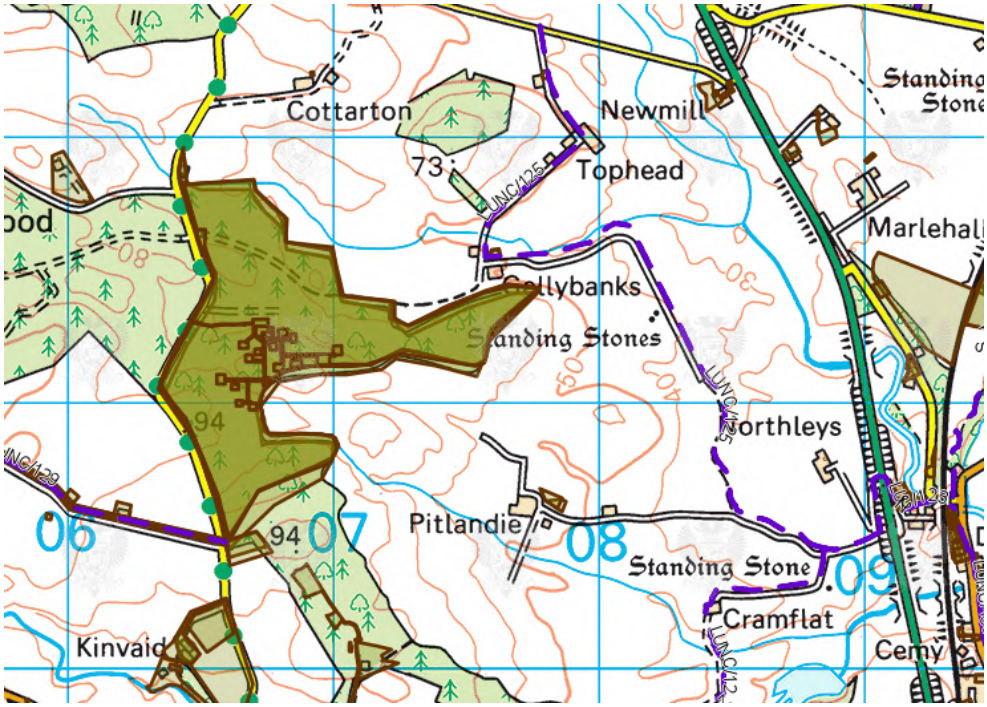
REPORT OF HANDLING *(included in applicant's submission, see pages 81-98)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 29-77)*

TCP/11/16(555) – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Jane Pritchard
Service/Section	Community Greenspace	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm Bankfoot		
Comments on the proposal	We note that in relation to access to core paths the design statement (17/02026/1) includes the statement : Whilst there is no direct footpath connection to the site, cyclists have easy access, and cars have a short trip from the A9 trunk road via junctions at Luncarty and Bankfoot. **The LUNC 125 and LUNC 129 Core Paths run close to the site: a direct connection to the LUNC 129 is available using land owned by the applicant. A connection to the LUNC 125 path would require a link of around 100 metres using land owned by another party.** (see map snip below) It would seem likely that walkers and cyclists using this hutted development will want to use LUNC/125 so it would be useful to agree, establish and promote a path link as part of this development.  		
Recommended planning condition(s)			
Date comments returned	3.1.18		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Gavin Bissett
Service/Section	TES/Flooding	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm Bankfoot		
Comments on the proposal	No objection to this application.		
Recommended planning condition(s)	**DR01** Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	03/01/18		

From: RONALD MACLEOD [redacted]
Sent: 05 January 2018 12:37
To: Development Management - Generic Email Account
Subject: HUTTING AT GELLYBANKWOODS

I object to this development on the following grounds:

1. Transport standards and accessibility requirements under TA1B are not met. The walk from a bus stop is approximately 4km along an unlit narrow road with no footpath. As this is in an area of agricultural activity on an industrial scale there is likely to be an unhealthy mix of vehicular and pedestrian traffic especially at harvest times.

2. The proposals suggest an increased usage of the LUNC 129 Core Path. This core path provides access to farms, forestry and several homes. The path is unlit and in winter can be ice bound. Much of the route has deep drains on either side and the passing places are far apart.

3. The proposal states that there will be no facility for refuse storage and collection provided for the 17 huts.

4. The fire risk associated with the development.

Ronald MacLeod

[redacted]

[redacted]

5th January 2018

Development Management

Perth and Kinross Council

Dear Sir/Madam

COMMENTS ON APPLICATION 17/02026/FLL

PROPOSED HUTTING SITE AT GELLYBANKS WOOD

Our comments on the above proposed development are as follows.

1. As noted in the Planning Statement submitted with the application, this is a much smaller scale development than that applied for and refused in 11/00534/IPM. However, having regard to this applicant's persistence in the 7 year long pursuit of that much larger scale development on this site through his earlier (refused) applications ref. 08/02241/OUT and 10/00641/IPM and his (refused) appeal ref PPA-340-2091 in 2015 it seems unlikely to me that the much more modest development now applied for will satisfy his ambitions for this woodland.

2. Our principal objection to this proposed development is that it threatens to jeopardise our private water supply. The source of this supply is underground close to the boundary of the proposed development. The locations of the actual issues feeding the storage tank are unknown and we fear that contamination of, and/or physical damage to, these sources may result both from the construction phase and from the end use of the development.

The original water supply collection tank and 2" cast iron main were installed in the late 19th century by the Duke of Atholl who then owned Strathord Estate. The supply serves 5 houses and 2 farms, Dairy Cottage being one of the houses. The supply was upgraded by replacing the original pipe with a 65mm high density poly pipe in February 2008 with the help of a grant from Perth & Kinross Council. We do not wish to be forced to change to a public water supply as the cost of connection could be high.

We note the proposal in the Design Statement to equip the huts with composting toilets and we are concerned that the released liquid waste and composting solid waste from these toilets may contaminate our water supply sources.

We are also concerned in this context to note mention in the Design Statement of a communal standpipe to provide water for the hutters but with no mention of how it would be supplied with water.

3. The Planning and Design Statements state that significant traffic generation will not result from the proposals. Given that equipment and supplies for their stay will have to be brought to the huts by the hutters and laundry and waste taken away it seems very likely that most hutters will access the site by car.

With all approaches to the site being by way of single track roads without proper passing place facilities, some of which are part of the designated national cycle route, the local road network is already struggling to cope with large farm vehicles engaged in the agricultural industry which predominates in this area, with vehicular traffic belonging to and servicing the local residents and farmers, and by recreational cyclists on the National Cycle Route. In addition, these roads will soon have to cope with construction traffic for the nearby proposed new potato store and then with considerable HGV traffic servicing it for the foreseeable future as well as with vehicles servicing the recently constructed nearby chicken/egg factory. The roads are narrow, with blind corners and blind crests and an inspection of their current nature and condition could not do other than support our serious concerns for any increase in traffic volumes and for the safety of walkers and cyclists.

We also note that the core footpath LUNC 129, referred to in the Planning Statement and to which a direct connection can be made from the site, leads to nowhere in particular. The LUNC 125 path referred to in the Design Statement does not link to any further path network without requiring the crossing of agricultural land.

4. We are also fearful of the inevitable increase which the development would bring in people from urban backgrounds seeking or demanding access over local farmland. There is no occupancy capacity stated for the site but, assuming the huts proposed can accommodate an average of 3 persons as a reasonable maximum, the total occupancy could be as much as 51 persons. In these times of necessarily strict compliance with bio-security and health and safety requirements in the farming industry, the potential difficulties and conflicts which could arise from such numbers are not welcome. We seriously question the appropriateness of introducing such a development, with little to retain the hutters on site as far as we can see, in this predominantly agricultural area.

Yours faithfully,

T L and CM Marshall

[redacted]

7th January 2018

Development Management

Perth and Kinross Council

Dear Sir/Madam

COMMENTS ON APPLICATION 17/02026/FLL

PROPOSED HUTTING SITE AT GELLYBANKS WOOD

1. Further to our earlier comments on the above proposed development we have now been made aware that a separate application 17/01694/FLL is currently under consideration for a holiday park near Kinvaid Farm. We note that the maximum capacity of this development could be 105 persons and 27 cars and would contend that this significantly increases the potential traffic volumes and safety considerations outlined in our earlier comments.

2. We have also been made aware at a local community meeting that the method of determining the area of the proposed development in Gellybanks Wood, given as 1.8ha which classifies it as a Local development, is to add together the individual plot areas rather than to measure the whole development site. As this would certainly not be acceptable for a multiple house development we do not consider it acceptable for this development. An approximate scaled area from the site maps provided encompassing the block of ground to be developed plus the access road and car park and the road linking to core path LUNC 129 and utilising the bar scale provided totals just over 5Ha which places the development firmly in the Major category.

Yours faithfully,

T L and C M Marshall

Comments for Planning Application 17/02026/FLL

Application Summary

Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details

Name: Mr robert sinclair
Address: [redacted]

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area

Comment:This development will be visible from a large area and is detrimental to the rural aspect of the neighbourhood.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Euan McLaughlin
Service/Section	Strategy & Policy	**Contact Details**	**Development Negotiations Officer:** Euan McLaughlin [redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.** THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. **Transport Infrastructure** With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area. The proposal is for the creation of 17 huts for recreational use. While it is envisaged that the huts may be occupied overnight they are unlikely to be used in a residential capacity. In terms of the Transport Infrastructure Guidance it is clear that this proposal will result in an intensification of the site and therefore will be required to make a suitable contribution. Due to the huts being for recreational; use in the main they are considered to fall under the 'Other non-residential' category of the Guidance at £32 per m²and the contribution will be calculated on the total additional floor space of the new huts. 17 huts are proposed. 8 x Type 1 huts with an internal floorspace of 16.77m² 4 x Type 2 huts with an internal floorspace of 11.70m² 8 x Type 3 huts with an internal floorspace of 11.82m² The total floorspace is 240m² (rounded)		

Recommended planning condition(s)	**Summary of Requirements** Transport Infrastructure: 7,680 (240m² x £32) **<u>Total</u>: £7,680** **Phasing** It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant. The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete. If S.75 entered into the phasing of financial contributions will require to be negotiated.
Recommended informative(s) for applicant	**Payment** **Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.** **Methods of Payment** On no account should cash be remitted. **Scheduled within a legal agreement** This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice. **NB:** The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue. **Other methods of payment** Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

	Remittance by Cheque The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued. Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD **Bank Transfers** All Bank Transfers should use the following account details; **Sort Code:** 834700 **Account Number:** 11571138 Please quote the planning application reference. Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand: a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136 **Indexation** All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index. **Accounting Procedures** Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.
Date comments returned	11 January 2018

Comments for Planning Application 17/02026/FLL

Application Summary
Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details
Name: Dr Colin Hood
Address: [redacted]

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment:Objection to proposed Hut Development at Gellybank Woods 17/02026/FLL

I object to the proposed application on the following grounds: -

We are extremely surprised that a proposal for a recreational facility has once again been proposed for Gellybank Woods. The council rejected the previous application on 3 separate occasions. The Scottish Government Reporter, at the appeal hearing in 2015, supported the decision. In particular the proposal was deemed to breech planning policy ED3 parts a, b, c and e. It also did not meet sustainability and safety requirements of TA1B.

This application is invalid since it should be considered as a Major Application. The site involved is far in excess of the 2Ha limit for a Local application. It would appear that Perth Planning have introduced a novel approach to measure the size of a site by drawing a redline around each hut. This is in contravention of Scottish Government Guidance on this issue. The previous application was treated as a Major Application and this was observed to be correct at the time by the Scottish

Government Reporter. The huts have full access to the rest of the woods and therefore this is the area that should be measured. Other Planning Authorities in these circumstances use an "envelope" approach around the entirety of the proposed development. Fife Council used this approach with the same developer at a recent proposal at Saline 16-03759-FULL. Perth Planning's approach is extremely generous to the developer and is inconsistent with Scottish Government guidance. The proposal should be withdrawn. Failure to do so may result in a Judicial Review of your council's failure to observe Government legislation.

There is no local need for such a development, particularly one on such a large scale. There are no tourist attractions in the area and no other tourist facilities in the neighbourhood. There are no local facilities anywhere nearby.

The developer is proposing holiday accommodation for up to 70 people; this is an excessive amount given the small amount of people that live in the direct vicinity. This site's activities will dominate the surrounding area. There are no direct benefits for anyone in the locality and some substantial adverse effects. This proposal therefore does not meet the council's 'place-making' criteria. A particular concern for the community is the fact that this site will be effectively self-managing with no supervision on site. Any incidents on site will have to be dealt with by the local residents; the police are extremely reluctant to send personnel out to such a remote location. Historically they have only issued a crime number when called to assist to disturbances in our area.

A major reason for the planning department rejecting the last application was that it failed to meet the provisions of TA1b. This sustainable transport procedure requires that any such development should be capable of being serviced by ALL modes of sustainable transport, public transport, cycling and walking. The nearest public transport is a bus stop over 2 miles away; the roads to the site are narrow and have many unsighted bends. There are no pavements or core paths connecting this site with any public transport. While the applicant's talks in vague terms about sustainable transport in the area, the fact remains that he is making provision for one car parking space for each hut. The Scottish Government Reporter in 2015 when considering the last applications appeal came to the conclusion that all journeys to and from the site would be by car and that the site was therefore in an UNSUSTAINABLE LOCATION. Since 2015 there has been no changes to the public transport system and no new core paths or pavements. There has been no new infrastructure that would change the reporter's conclusion. In fact there have been a number of issues, which would reinforce the fact that this site is not only in an unsustainable location, but it is also in a even more dangerous location for cars and pedestrians. Since 2015 the volume of traffic using this minor road has increased dramatically particularly with web based delivery drivers speeding to make drop offs. Tailbacks on the A9 are a frequent occurrence and when this happens locals and holidaymakers with intelligent sat-navs use this road as a short cut. On these occasions the road resembles a convoy. This summer alone there have been 3 serious accidents involving all 3 blue light services (one also required the air ambulance). All of these accidents were within ½ mile of the entrance to the proposed site. This summer a 2.5-acre

agricultural warehouse only some 100m south from the site was given planning permission. It is currently under construction. The owner of this warehouse has confirmed that there will be over 1,000 movements of large agricultural vehicles each year. All of the surrounding woodlands are becoming mature and are expected to be felled within the next 5 years. This will mean many thousands of timber lorries using this road for access.

The council and the reporter judged this site to be an unsustainable location in 2015. It is surely even more unsustainable and dangerous now and is therefore contrary to criteria (e) of ED3 of the local development plan.

The proposed path from the site to the core path will necessitate the felling of hundreds of trees. The woods themselves were already cleared of trees in some areas with no replacements as was required at the time. The developer should not be allowed to fell any more trees until he meets his responsibility for replanting the existing area.

I hope you will refuse this proposal on the grounds that there is no economic need, it is in an unsustainable location, it is a major development, it is contrary to many planning policies and it contravenes the local development plan.

The only person to gain anything from this plan is the "developer". You should at least make the Developer Contribution large as there is no other value to the area.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	David Williamson
Service/Section	Strategy and Policy	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	**Part 214 of the Scottish Planning Policy states**: The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland. **The RTPI GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance**: The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species. In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally		

	dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats). **The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance**: The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a ***Protected Species Survey and Assessment*.** If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must: • Record which species are present and identify their numbers (may be approximate); • Map their distribution and use of the area, site, structure or feature (*e.g.* for feeding, shelter, breeding). The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show: • How alternatives designs or locations have been considered; • How adverse effects will be avoided wherever possible; • How unavoidable impacts will be mitigated or reduced; • How impacts that cannot be avoided or mitigated will be compensated. In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain. The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

	Biodiversity Officers Comments The ecological walk over survey provided with the application was undertaken on 19 September 2017. This is outside of the time for breeding bird surveys. Ideally there should be a breeding bird survey, however due to the small scale of the proposals the likelihood of long term impact is expected to be negligible. The small footprint and restriction of vehicles to the car park area will minimise any disturbance.
Recommended planning condition(s)	If you are minded to approve the application then I recommend the following conditions be included in any approval: **TR10** All trees on site, other than those marked for felling on the approved plans, shall be retained. **RTR01** Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme. • No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. **RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981). **NE01** Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. **RNE02** Reason - In order to prevent animals from being trapped within any open excavations.
Recommended informative(s) for applicant	• The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a

	licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance. • The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
Date comments returned	12 January 2018

M e m o r a n d u m

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	17/02026/FLL	Our ref	MP
Date	12 January 2018	Tel No	[redacted]

The Environment Service **Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

Consultation on an Application for Planning Permission
RE Erection of 17no. huts, formation of car parking and associated works Land At Gellybanks Farm Bankfoot for Mr Tim Newall-Watson

I refer to your letter dated 19 December 2017 in connection with the above application and have the following comments to make.

Recommendation
I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments
This application contains provision for a wood burning stoves and associated flues. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stoves which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition, which I have attached below.

Condition
EH50 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Water (assessment date – 4/1/18)

Recommendation
I have no objections to the application but recommend the undernoted informative be included in any given consent.

Comments

The development is for 17 Huts in a woodland area in a rural area with private water supplies (including Gellybanks and Tophead Supply) believed to serve properties in the vicinity. The applicant has indicated that no water connection will be required but should this prove to be impractical cogniscance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water please note the following informative. It should be noted that once the development is operational this Service may have statutory duties related to monitoring the water quality. No public objections relating to the water supply were noted at the date above.

PWS - Informative 2

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

[redacted]

SCANNED

CUSTOMER SERVICE POINT
19 JAN 2018
RECEIVED

[redacted]

ENTERED IN COMPUTER
22 JAN 2018

16th January 2018

RECEIVED
22 JAN 2018

Perth and Kinross Council Planning,

Perth.

Dear Sirs,

Re: Planning Application No. 17/2026/FLL

I am a resident of the "area", our house being East of Letham Cross Roads on the Tullybelton Road which joins the A9 at Newmill Farm. We have lived here for 19 years.

There are four areas on which II wish to comment.

1. The applicant site enters/exits from the Moneydie – Letham Cross Roads road at a point which is approximately ½ mile South of Letham Cross Roads and about 2 ½ miles from Moneydie Cross Roads. That road is a National Cycle Route. Safety to cyclists should be paramount. Increased vehicle traffic puts cyclists safety at a greater risk.

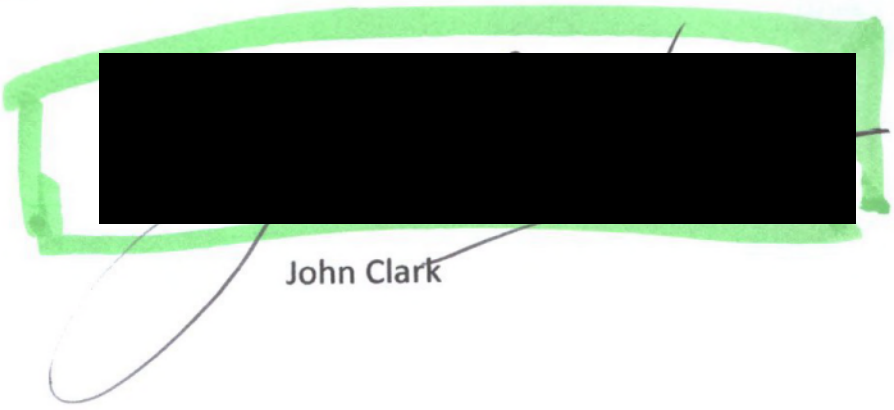
2. The shortest route from the applicant site to the A9 is via Letham Cross Roads and then by the Tullybelton Road to the Newmill Junction on the A9. You will be aware this A9 junction is to be upgraded to encompass a

flyover. These roads are tight for passing traffic but the area from Letham Cross Roads to the A9 is particularly narrow. About 6 months ago the Roads Department did work installing three passing places and "ditch work". The result was a narrowing of the road making passing virtually impossible. The road is totally unable to take additional traffic. The Development traffic will worsen this situation.

3. This planning application is in respect of an area (or site) which has previously been the subject of planning applications. The last application went to appeal and the Scottish Office Reporter refused on the grounds of "road safety". This application is in respect of "properties" which will also be occupied by persons travelliong to/from by car, there being no public transport. The road conditions have deteriorated since that decision of the Reporter.

4. The plan attaching to this application is "abnormal" in that the 17 properties and roads are tightly laid out within red lining. The adjoining amenity areas are not included, or there are none To accept this style of "plan" is totally wrong and would create a precedent which would be dangerous for the Council to accept.

Based on these grouonds I hereby lodge an objection to any approval of this application.



John Clark

Comments for Planning Application 17/02026/FLL

Application Summary

Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details

Name: Mr Iain McCombie
Address: [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Enhances Character of Area
- Lack or loss Of Car parking
- Out of Character with the Area
- Road Safety Concerns
- Traffic Congestion

Comment:I wish to object to this proposal as the developer does not answer the point that there is no possible access along any combination of footpaths or pavements from the nearest public transport to the proposed site. Instead the developer will be adding additional cars to a narrow, undulating and twisty local road network that could endanger locals or those using the national cycle path. The developer also blithely mentions making his development accessible to a core path which in fact it is a private road used for access by heavy farm equipment and is the principal road for seven houses. There are obvious safety concerns not addressed by the proposal. Why should a private developer have his development gain by using the existing road of others without making any contribution to the upkeep of the road? This makes no sense whatsoever.

Comments for Planning Application 17/02026/FLL

Application Summary

Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details

Name: Mr David Fenner
Address: [redacted]

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Road Safety Concerns
- Traffic Congestion

Comment:Gellybanks hutting proposal. Application No. 17/02026/FLL
From Mr D and Mrs A Fenner
We wish to object to this application.
On first reading of the design statement for this proposal, our initial reaction as touring caravan enthusiasts, was that this was something that we should be able to support.
This view was quickly soured by an examination of the site plan. In business we have become used to creative accounting. This application introduces a new concept of creative measurement, considering just the immediate area occupied by each hut and its service path, rather than an overall measurement of the land area affected.
We fully expected the hut design to resemble a Tardis like police box.
The concept of owner occupied huts is certainly laudable, however the total absence of any on site management or supervision leaves it wide open to abuse in terms of uncleared litter and subletting to other than immediate family members.
The access road is narrow with dangerous bends and hollows with restricted sightlines. No doubt, technically, the road conforms to a specified width. This however would not take account of verge encroachment or tarmac edge erosion which would reduce the effective useable width. The road is an accepted cycle route, but tends to be avoided by leisure cyclists, being favoured by club cyclists where there is safety in numbers in a pelaton.

As lay persons we are not conversant with planning policy, but have come across references in other documentation to policy ED3 and its various criteria.
a) The proposed development is not compatible with surrounding land uses and would detrimentally impact on the amenity of residential properties adjacent to the site.
b) It is questionable whether it can be satisfactorily accommodated in the landscape
c) It does not meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility.
d) The scale, quality and design of the buildings are not in keeping with existing buildings as there are none existing.
e) While the local road network may be deemed capable of accommodating the nature and volume of traffic, local experience notes that this will be at the expense of added danger to the visitors.

MESSRS IT BAXTER

[redacted]

Your ref: 17/02026/FLL
Development Management Committee
Perth Council

17 January 2018

Dear Sir

Objection to Planning Application 17/02026/FLL – Gellybanks Wood Hutting Development

I wish to formally object to this planning application, for a number of reasons.

Previous applications for recreational development of this wood were rejected at numerous levels, including the Scottish Government. I do not believe the intervening period has seen any material changes that would now make such a development feasible, indeed in terms of the surrounding road network, matters have worsened. I trust that the previous reasons for turning down development will still stand.

As an immediate neighbour of the wood, which is the source of a private water supply to my farming business and 5 residential properties in the locality, I have serious concerns about the impact of development on this supply. The Scottish Government Reporter acknowledged this in his decision during the last application and I trust this would still stand today. As far as I can see the existence of this supply and the impact on it, which has been in place for nigh on a century, has been completely ignored. My business and the 5 residential properties rely on this system to serve our entire business and personal water requirement – we have no mains supply as an alternative. It is reasonable to suggest a development of this nature could have a detrimental impact on it, which the applicant appears to ignore.

Turning to the impact of development on the wider locality, it is clear that this is a location lacking in sustainable transport links, which policy TA1B appears to require. Public transport is over 2 miles away and no core paths link to it of any use. Again, this was referred to by the Scottish Government reporter during the last application. Nothing has changed here, the links are not there and the site will be accessed almost exclusively by private car.

The local road network is under increasing pressure in the past two years with a greater number of local farms contract farmed by external contractors, moreover, planning has been approved for chicken sheds along the road at Tullybelton and also for a potato cold store immediately next to Gellybanks Wood, all of which put a significant number of heavy duty traffic on narrow, undulating and twisting roads. Any visual inspection of what is happening to these roads will highlight the dangers and damage being done. When you also throw in this road increasingly being used by an increasing number of delivery vans and

as a diversion off the A9 when it is congested, and with dualling works impending, it really would be short sighted and dangerous to put even more non local traffic into this mix, or indeed walkers.

The roads problem has been highlighted in recent months by some serious accidents occurring, one of which required the Air Ambulance to attend. A very quiet rural area is changing as it is, adding to this would be dangerous.

Turning to the development itself, I cannot understand why this is not considered a major application? Government policy does not appear to support the method of how this site has been measured. To ring each individual hut and the track to it, and ignore the surrounding woodlands, or even the area they sit in as a whole, seems incorrect and open to question. It is clearly a site greater than 2 hectares.

In addition to this, I cannot see how the location of this proposal fits in with certain elements of policy ED3. If this is deemed a suitable location when there is no diversification of an existing business or no links to another site, or indeed anything of specific interest in the locale, then this opens up the entire countryside to such developments, which surely is not part of the local development plan?

Another concern is that it appears it would be completely self-managed and not linked to any services, which has clear and obvious implications. Where would the nearest point of contact be in terms of the owner and/or the developer? I understand and appreciate business diversification with friends and neighbours successfully doing so in a considered and responsible manner to fit into their existing business but this proposal does not appear to fit into policy provisions.

I understand that all applications need to be assessed in isolation, however, I trust that the Councillors' decision made today regarding application 17/01694/FLL will be relevant to how this development is viewed. All of the concerns about sustainability of location and how it fits to the local and national development policies stand for this application too – the sites are next door to each other after all!

Whilst I welcome visitors to our beautiful countryside, this has to be in the right locations and in the right developments. Granting permission to spurious developments on green field sites in very rural locations that have no links to any existing facilities or sustainable transport links simply opens up the potential for every field in the County to be eligible for development, which I cannot imagine is any more desirable than it was when previous developments were turned down.

Yours faithfully

Douglas Baxter
Proprietor

[redacted]

17th January 2018

Dear Sir or Madam

Reference: 17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land at Gellybanks Farm Bankfoot

The above application shows an area of land with the proposed hut positions with no evidence of a secure boundary near to the huts which surely opens the whole site to all visitors. Therefore, should this application not be considered a whole of site application, in effect a major application rather than a local application?

We object for the following reasons:

The development does not meet some of the policies of the local development plan.

Regarding policy PM1 placemaking

- The design, density and siting of this development does not respect the character and amenity of the area.
- The majority of visitors will arrive by car and will travel by car on day trips. These extra journeys do nothing to mitigate climate change.
- The site does not create a safe, accessible place. It is not easily navigable on foot, bicycle or public transport.
- The roads can be very busy with lorries, tractors, vans and cars and not all drive with consideration. These days many cars and vans have built in satellite navigation systems which drivers use to avoid A9 congestion, especially during the holiday season. This, along with timber felling, the Tullybelton chicken sheds and the fact that most farming businesses are now being contract farmed or amalgamated means that the volume and nature of traffic makes for an extremely hazardous stretch of road. On top of this, last year planning was passed for a new potato cold store which is situated next to the land of this proposed site. It has been estimated that once this operation is up and running that it will create an additional 1600+ trips per year to and from the store by farming machinery, tractors with trailers and lorries. This will be a significant increase to road use and will need to be taken into consideration.
- The planning statement tells us that Hutters can reach the site by using the adjacent national cycle route and a direct connection can be made to LUNC/129 core path. There is no direct connection to the mentioned core path from the site. Although the road is a cycle way it is really only suitable for experienced cyclist's and walkers. The road is very narrow, with blind bends, hidden dips, along with steep sides giving no areas for refuge. Together with volume and nature of traffic it is an extremely hazardous stretch of road.
- **Regarding policy ED3 Rural Business and Diversification**
- The development is not compatible with surrounding land use and would have a detrimental impact on the amenity of residential properties close to the site.
- The site does not meet a specific need by virtue of its quality or location in relation to existing businesses or tourist facilities. Existing business is agricultural and there are no facilities to allow tourists to integrate safely with agriculture and livestock. There are no tourist facilities in the vicinity.

Regarding policy TA1 Transport Standards and Accessibility Requirements

- The majority of visitors will arrive by car. This development does not comply as it is not reducing travel demand by car and does not offer a realistic choice of access and travel modes. We have serious concerns for the safety and convenience of visitors. There is no access to local bus routes the nearest one being over 4km from the site. When visitors want to use sustainable transport, they have to cycle or alternatively walk with associated risks. This application does not create a shift towards more sustainable modes of transport. **Safety for all when in the area is of extreme importance.** Last summer there were three serious road accidents, two of which involved tourists, on roads leading to the proposed hutting site, one with the air ambulance in attendance. Locals experience near misses regularly which is evident by skid marks regularly seen on the roads with many minor bumps not being reported.

No Streetlights

- There is no street lighting or other outdoor lighting near to the site. At times, it is absolutely pitch black in the area which makes it extremely hazardous for pedestrians and drivers once nightfall's.

Litter and pet fouling

- There are no litter or pet fouling bins close to the proposed area or in the closest hamlet.

The negative impact on wildlife

- It is a fact that on the proposed site, one can regularly see buzzards, owls, pheasants, woodpeckers, many British birds, deer, foxes, hedgehogs, red squirrels and many insects. Should the development go ahead all of these species will be forced to re-locate which in an area that also has managed woodlands over time there will be a negative impact on the survival of some of these species.

We trust that the council will look at our objections in relation to Perth & Kinross Council's planning policy and reject this application.

Kind regards

[redacted]

Mr Mark and Mrs Lorraine Bend

Kath Blackwell & Johnny Shankland
[redacted]

Development and Quality Manager
Planning & Development
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

23rd October 2017

Dear Sir/Madam

We would like to object to the following planning application at:

17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land At Gellybanks Farm Bankfoot

The site does not meet a need by virtue of its quality or location in relation to existing business or tourist facility. Existing business is agriculture and forestry and there are no facilities to allow tourists to safety integrate.

The development does not accommodate the nature of traffic by way of pedestrian and cyclist in connection with safety.

There is little opportunity for visitors to the site to use sustainable modes of transport. Although the road is a cycle way it is really only suitable for experienced cyclists due to it being narrow, blind bends and the volume and nature of traffic which included farm machinery and lorries, also the speed at which vehicles travels makes it hazardous. In all our time here we have never seen any families using the road for cycling.

There are no pathways to surrounding villages. Anyone wanting to walk to local amenities would have to do so along narrow country lanes with hazards as mentioned above. This would be a serious safety issue.

There are no bus routes, the nearest bus stop is in is 2 miles away.

There is real concern for road safety as if visitors want to explore the local area they will have to walk on roads with no pavements or street lights or cycle both with the risks as mentioned above.

Thank you for your consideration of our objection to this planning application.

Yours Sincerely

Kath Blackwell & Johnny Shankland

Comments for Planning Application 17/02026/FLL

Application Summary

Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details

Name: Mr Stewart Carracher
Address: [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Contrary to Development Plan Policy
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment:My main concern is the additional traffic that will be generated from this development - both the volume and the fact that visitors will not be familiar with what are very dangerous roads.
The development is inappropriately located due to the lack of access by sustainable modes of transport - in particular public transport which is over 2 miles away
I also object on the grounds that the proposal is lacking specificity which makes any objective analysis of the application difficult.
The scale of the development is large, particularly in relation to the surrounding community, and well in excess of the 2ha limit for local application.

Tracy McManamon

From: Louise Taylor [redacted]
Sent: 18 January 2018 13:43
To: Development Management - Generic Email Account
Subject: Planning application 17/02026/FLL OBJECTION

Dear Sir/Madam

Proposed hutting site at Gellybanks Woods 17/02026/FLL

Please note we wish to **OBJECT** to the above mentioned development for the following reasons:

1/ there is no local need for a development like this with no tourist attractions or facilities in the neighbourhood

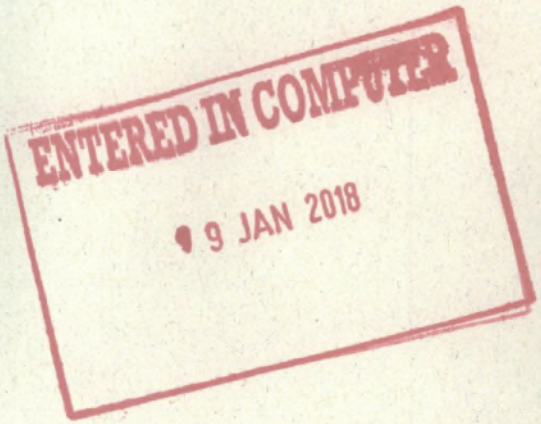
2/ there is no link to public transport with the nearest bus stop being approx 2.5miles along narrow, winding roads with no footpath

3/ this should be classed as a major application

Thank you

Richard & Louise Taylor
[redacted]

Sent from my iPad



[redacted]

19th January 2018

Dear Sir or Madam,

Reference: 17/02026/FLL | Erection of 17no. huts, formation of car park and associated works | Land at Gellybank Farm Bankfoot.

We wish to object to this development on the following grounds:

- Policy PM1A - Placemaking

  We do not feel this proposal contributes positively to the natural environment of the rural woodland in question. There would be an irreversible negative impact on wildlife. The proposed site is currently habitat to a vast variety of wildlife such as red squirrels, foxes and deer, not to mention the indigenous insects and birds that live here. The design, density and setting of this development is not in keeping with the character and amenities of the local agricultural area.

  There is no access to the site by public transport therefore visitors will be travelling to and from the site by personal vehicle adding to the already busy, hazardous section of road.

  The proposal suggests visitors can reach the site by utilizing the adjacent cycle route. Given that the roads are extremely narrow, with blind bends, hidden dips and extremely steep drainage verges it is an extremely perilous stretch of road, totally impractical for families and inexperienced cyclists.

  This leads onto our second ground for objection.

- Regarding Police TA1B Transport Standards and Accessibilyty Requirements.

  In light of the absence of public transport the majority of visitors will arrive by car. Therefore increasing travel demands by car as opposed to the transport standards goal of creating a shift towards sustainable modes of transport. This proposal would in fact increase the carbon footprint from recreational vehicular use in the area. The additional pressure to our roads system from this increased volume of traffic is a great cause of concern. Seasonal variances related to planting, harvesting, storage and transportation of crops in this agricultural area are difficult to quantify as crops and yields vary from year to year. Therefore how can the additional pressure of tourist's vehicular usage be accurately estimated or monitored?

Pedestrians are not catered fro in any way, there are no pavements leading to or from this site. As mentioned previously the steep verges with deep drainage ditches means it really would be perilous for anyone attempting to explore the area by foot along this narrow, fast moving stretch of road. Much of the traffic consists of large agricultural and forestry vehicles. Where the verges have not been steeply built up they have been broken down making passing pedestrians or other vehicles extremely difficult & treacherous in places.

- Regarding Policy ED3 Rural Business Diversification

By virtue of its rural location this site does not enhance any existing local businesses. The surrounding area is agricultural and there are no tourist facilities in the vicinity. In order to reach any of the established tourist facilities or attractions in Perthshire, visitors would have to travel to them in their car, resulting in even more journeys and increased pressure on the roads and safety of its users.

The closest village of Bankfoot is not connected to the site by a footpath. Therefore the only access to it is by car. We feel the site would offer very little benefit to the local shop as most visitors will come with their own provisions knowing that there are not facilities within easy access.

We trust the council will see fit to reject this application for all of the reasons listed above.

Yours faithfully,

Tom & Katie Birkbeck

Comments for Planning Application 17/02026/FLL

Application Summary

Application Number: 17/02026/FLL
Address: Land At Gellybanks Farm Bankfoot
Proposal: Erection of 17no. huts, formation of car parking and associated works
Case Officer: John Russell

Customer Details

Name: Mr Roger Chard
Address: [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Noise Pollution
- Out of Character with the Area
- Road Safety Concerns

Comment:This development will generate a lot of additional traffic, which the existing roads will not cope and will be a source of noise and disruption to our quiet rural life in Moneydie. A development like this should be built closer to tourist facilities and not on the outskirts of a rural community which has no amenities to support such a venture. I therefore object to this application.

Thomas Clark & sons

19/01/2018

Ref- 17/02026/FLL

To whom it may concern,

It is with great concern I am writing this letter and fully object to the proposed development 17/02026/FLL, Erection of 17 no. huts, formation of car parking and associated works, Land at Gellybanks wood, Bankfoot. My reasons are as follows:

- Disregard for neighbours and the local area

I believe there has been great disregard for neighbouring properties by the developers, as no attempt of contact has been made to ourselves. As direct neighbours and with several of the proposed huts overlooking our place of work and sharing the boundary fence, I am shocked no contact has been made. Furthering my belief that the developers are not interested in the effect on the local community. This makes me fearful of how the project will operate, as the developer does not live locally and there is no management on site. With poor access on site there will be a burden on the local fire and police services if any fire was to break out or public disturbance was to happen. I see a great risk of fire from embers in the wood burners and more so from any BBQs or fire pits. These could easily ignite dry grasses that are prevalent throughout the woodland or worst case, igniting any of our straw or dry standing crop in the summer months. This is when people will be most inclined to do these activities. This could lead to substantial damages and crop loss.

Regarding the application I don't know why it is not being considered a major development. A much larger area, than has been applied for will be in use with direct cut throughs to other huts and shortcuts to the car park taken. When the habitat survey was carried out 8.26 hectares of our ground is used as a buffer to the huts on the boundary fence. Thus showing the huts will affect more than the area applied for.

I believe the developer has also tried to rush this through planning by submitting this proposal over the winter holidays. I am apprehensive that all consequences will not be fully considered by the council planning department as they have added pressures at this time.

- Placing of huts to allow for expansion on site?

The overall footprint within the developers land leaves vast areas for the site to double if not triple in the future. The placing of the huts on the plans given easily allows for an additional 7 huts off the existing pathways in the future, further compromising the environmental impact of the site. This would lead to the footprint holding 24 huts and the developers total land taking 48 if not 72 huts if the next commercially forested section is left to revert back to natural woodland and follows suit. Once again disregarding the local community for financial gain.

- Road safety

The access road is no longer suitable for increasing volumes of traffic. As a user of these country roads, I witness the increasing speed of motorists on country roads and this local road is no exception. As I understand there has was a number of incidents on this road in 2017. The narrow Tullybelton road is busy with construction traffic for the new chicken sheds, this will continue when full production starts on the chicken farm and will possibly increase as it expands into the full capacity of the site. With no passing places Letham - Moneydie and extremely soft verges it is a real danger to pass larger vehicles safely on this narrow road.

A quote from a supporting statement, from another local development:

Ref: 17/00776/FLL for a potato shed 400 metres north east of Kinvaid Farm, Moneydie, Perthshire dated 27 Jun 2017.

"It is intended that the shed which will store both seed and main crop Potatoes, Grains and Root crops produced on Kinvaid and Whitehills Farms owned by the applicant, as well as crop's grown on the nearby farms of Pittendynie, Cowford, Moneydie, Cottarton, Lower Letham and Dalcrue. These farms all let fields on an annual basis for the production of root crops, and the new shed at Kinvaid is located centrally to these Farms. This central location will allow easy quick access to and from the above farms with agricultural vehicles to carry out the various agricultural functions in preparing the land, planting the crops, weed control and lifting the final crop"

This statement highlights the added pressure that is already headed for the road in the future with adding 1000s of journeys with heavy machinery, on top of the existing residents, farmers, contractors, fuel and delivery lorry's that use this road. I believe this will cause many more issues on the road and it would be reckless to add further to that problem.

- Water source for livestock

I believe there will be a major impact on our business that has operated on this farm for over 110 years. There are two main water sources that feed directly into our water supply, these both have catchment areas in close proximity to the huts. Drinking water for livestock has always been sourced using natural springs and rain water. Waste water used for bowls, cups or any washing done onsite will be tossed into the forest eventually finding its way into the water ways, as people will want to keep huts clean. Any foul waste "recycled" on site will also over time leach its way into the water ways, both of which causing major problems and biosecurity risks on farm. I would further note that any foul liquid waste will, with out question, require an overflow impacting on sanitary conditions and water quality of our supply. I do hope the use of specialist gels containing micro plastics are not used in the composting toilets, compromising environmental issues on a global scale and voiding any recycling attempts.

This development will impact on water quality and render it un-fit for animal consumption. Highlighted are quotes from the planning statement admitting some level of impact on water quality, not eliminating contamination:

Quote – PlanningStatement

"3.19 Policy EP3B - Water, Environment and Drainage
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.

The site is not within or close to a settlement envelope. There will be no foul drainage, as composting toilets will be used, ensuring low impact waste management recycled on site. This will also minimise impact on water courses in the area."

In 3.20 the collection of water in butts will ultimately be used for a cleaning purpose and need to go somewhere.

"3.20 Policy EP3C - Water, Environment and Drainage
All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures. Given the low impact of the development, the natural SUDS features of the land will remain in place.

There will be no increase in the rate of surface water run off, either at the car parking area or the huts themselves. Rain water is typically put to good use in hut developments, collected in butts, or with local run off to small soak aways or open ground. These will be small buildings with no sealed surfaces, minimising the impact of run-off."

Both of these quotes use the word 'minimise' rather than 'eliminate' in regards to waste water, this therefore implies a degree of water contamination may still be possible. Water contamination would be detrimental to the operation of our business.

Thank you for taking the time to read my objections and I trust you will address these issues.

Regards,

Thomas Clark

On behalf of,

Thomas Clark and sons

[redacted]

Perth & Kinross Council
Planning & Development Dept.
Pullar House
Kinnoull Street
Perth
PH1 5HD

19 January 2018

Dear Sirs,

Re. Planning Application ref. 17/02026/FLL

I wish to **object** to the above planning application for a proposed change of use from woodland to hutting for 17 huts, associated access paths and extended hardstanding.

In summary the proposed development: -

1. Contravenes local planning policies;
2. Will result in environmental impacts from an increased pollution risk into local watercourses.
3. Will cause nuisance from the noise created by a large number of people in what is currently a quiet rural location. There will be smell and fumes buildings, lighting from the site and vehicle movements.
4. Will result in an increase in traffic on roads that are not suitable;
5. There is no suitable pedestrian access to the site;
6. The infrastructure on the site is inadequate.
7. Will lead to unsociable noise levels in a quiet rural location:

All of these matters are defined as material considerations by Planning Aid Scotland and Perth & Kinross Council.

In more detail the application contravenes the following policies of the Perth & Kinross Local Development Plan: -

- Policy PM4. The development is not within an existing settlement boundary.

- Policy ED3: The proposed development doesn't improve the quality of any new or existing tourist facilities, it doesn't open any new markets and as a campsite it won't extend the existing tourist season. In detail it does not meet all the criteria in part a) as it isn't compatible with the surrounding land uses and will have a detrimental impact on the amenity of adjoining residential properties. It contravenes part c) as the development does not meet a specific need, is not part of an existing business and there is no existing tourist facility on the site. Part e) is also contravened as the local road network cannot accommodate the proposed development.

- Policy ED4. The development breaches ED4C as it does not meet any of the criteria set out in clauses a), b) & c).

- Policy RD3. The application does not meet any of the criteria.

- Policy TA1. The proposed development breaches policy TA1B as it is not served by either walking routes or public transport. The application does not make a practical proposal for a sustainable transport solution and merely refers to how alternative means of transport enter into the site. There is a proposed link to the nearest core path however this doesn't provide access to any services or transport links as it goes westwards before ending on the public road in Little Gelnshee some 3 miles to the west, the nearest public transport links are in Bankfoot or Luncarty, some miles distant and there are no pavements alongside the connecting roads or footpaths which link them. The roads are not safe for pedestrian access with a number of blind crests and bends so it will impact on the safety of the road network for all users which include timber and articulated lorries, tractors, combines and other heavy vehicles, something that will increase significantly when the new storage shed to the south becomes operational. In addition, the visibility splays on the site access are limited, particularly to the north where the combination of roadside vegetation, a curve and crest in the road mean that it is unlikely for the Y distance to exceed the SSD at 60mph. The Statement confirms that the visibility splay to the north is insufficient because of vegetation but makes no mention of the slope of the road also reducing the visibility. Although the application refers to nearby core paths, these do not link to any transport hubs or other settlements and offer no meaningful access to the site.

- Policy EP5. The site is currently woodland and the development will result in permanent structures plus roadways and car parking. These structures will all require to be lit as will the access roadway and parts of the site. As such there will be a significant amount of artificial light generated from the site where none exists at present. This is before the impact of vehicle lights is even taken into account.

Kind Regards,

David Clarke

Alistair & Gwen MacKintosh

[redacted]

18th January 2018

Perth & Kinross Planning Dept

Ref: Hutting Development at Gellybanks Farm, Bankfoot: Application No: 17/02026/FLL

We write to object to the proposed planning application as the site is not suitable for this type of project being situated close to a busy narrow road.

What is proposed would have problems with increased holiday traffic in a small rural area, as well as a major increase in pedestrians and cyclists on minor roads which have no pavements. These roads already can get very congested with bicycles, joggers, walkers and of course cars, sharing with large agricultural machinery busy working as this is a farming community.

The fields around the site are farming land and not suitable for walking. There is nothing in this area for recreation and no bus route closeby, the nearest shop and pub are several miles away.

We therefore think this application should be refused.

Regards

[redacted]

Alistair and Gwen MacKintosh

Tracy McManamon

From: Roderick Leslie Melville [redacted]
Sent: 19 January 2018 10:50
To: Development Management - Generic Email Account
Subject: Objection to 17/02026/FLL - Proposed Hutting Development at Gellybanks Wood

ENTERED IN COMPUTER
19 JAN 2018

Date : 19/01/2018

To : The Development Manager

From : Roderick & Sophia Leslie Melville, [redacted]

We write in respect of the above planning application and wish to register our objection to this proposal for the following reasons:

- **Scale** – We feel this application should be treated as a **Major Development** and that most objections raised against the first (2014/15) application associated with this site remain valid. The red line development boundary is clearly designed to be below 2.0 hectares in size to avoid being deemed a Major Development. The red line is supposed to demarcate the extent of the development area impacted by this change of land use and we feel it should extend well beyond immediate environs of each hut/access road/path as there is no question the hutters will occupy and impact a far wider area. Urban Animation's site plan for a similar hutting proposal at Carnock Wood by Saline in Fife is a good example of detailing a wider area and begs the question as to why they have not treated this application in the same way. If Gellybanks received the same treatment it would increase the development area to circa 4.0 hectares in size. A change of land use of this scale warrants more detailed supporting documentation, most especially from an environmental and transport perspective.

- **Title Access Right** – Pitlandie Wood has an access right for all purposes over the access track at the southern end of the development area, starting where the proposed new track joins the end of Core Path LUNC/129. This is a burden on Gellybanks Wood's Title and there is no reference to how these rights will be protected. Any development or modification of this area should take into account future use of this route for timber extraction from Pitlandie Wood and indeed any other non-forestry access use. This route was last used for timber extraction by Pitlandie Wood in 2004 when part of the north end of Pitlandie Wood was clearfelled.

- **Connectivity -** Connection to Core Path LUNC/129 is being used to suggest there is a link to a pedestrian thoroughfare when in fact this route extends between two points in the middle of "nowhere" and would add very little to the Hutting scheme – it extends between the Little Glenshee road and the Moneydie/Bankfoot road and that's all. This route is used by locals that know its limitations as being a narrow agricultural farm track that also leads to numerous houses, it is not a sensible place to direct people unfamiliar with the area. The proposal to construct a path between LUNC/129 and the main access point to Gellybanks Hutting Scheme is also a concern as it would involve the felling of trees and excavations for the path. This is a windfirm boundary and any felling this close to the road has the capacity to weaken the retained trees at a canopy level and any excavations could damage structural roots rendering the roadside trees more vulnerable to windblow or failure during gales making the public road even more dangerous. This is not sensible.

- **Water Pollution** - We are very concerned that water quality will be impacted by this development as neighbouring farms and cottages draw private water supplies from the springs rising within Gellybanks Wood. The basic management of grey water from the 17 huts could have major implications on water quality for these neighbours and the River Tay catchment.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Dean Salman
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	Having read objections raised by local representation, on the issue of the proposal not being assessable by full multimodal transportation, I am in agreement. But on balance and given the small scale of the proposal any impact on the Network would be minimal, given the off peak nature of leisure activities associated with the proposal. I also note that core path Lunc/125 is in very close proximity, allowing for access to the Luncarty and Stanley area on foot. Also the site has direct access to National Cycle Network Route 77. No safety concerns were raised by Road Safety. Insofar as roads matters are concerned I do not object to the proposed development on the following conditions below.		
Recommended planning condition(s)	• Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	23 January 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02026/FLL	**Comments provided by**	Katrina Walker
Service/Section	TES: Development Plans	**Contact Details**	Planning Officer [redacted]
Description of Proposal	Erection of 17no. huts, formation of car parking and associated works		
Address of site	Land At Gellybanks Farm, Bankfoot		
Comments on the proposal	Views have been sought on the policy position re hutting and whether this is considered a sustainable location. The adopted LDP does not specifically mention huts within any policy. SPP does, however, include reference to huts stating that "Plans should set out a spatial strategy which: where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans and huts" (para. 79). A hut is defined in the SPP as: "A simple building using intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m^2; constructed from low impact materials; generally not connected to main water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups". Further support is given to hutting in Reforesting Scotland's Thousands Huts who have produced a good practice guide on the planning, development and management of huts and hut sites. As abovementioned, none of the adopted LDP policies includes reference to huts. However Policy ED4: Caravan Sites, Chalets and Timeshare Developments is considered the most appropriate policy against which to assess the principle of the proposal given that SPP includes huts under the heading 'leisure accommodation'. ED4B gives support to new caravan and camping sites where the proposals are compatible with policy PM1. ED4C gives favourable consideration to new developments where it is clear these cannot be used as permanent residences and where the development meets at least one of three criteria. In this case (c) is the most relevant: the development must meet a specific need by virtue of its quality or location in relation to existing tourism facilities. The site is not located near to existing tourism facilities, indeed, part of the ethos of hutting is allowing people to connect with the natural environment and on that basis many people using huts will have no wish to travel outwith the site. I would, however, accept that the proposal would meet a specific need given that there are likely to be very few, if any, similar such developments in Perth & Kinross. In this respect I would therefore consider the proposal to be in line with the spirit of policy ED4. It is noted that the applicant considers that the proposal is in line with policy ED3 in that it diversifies the use of the woodland and that it performs a function within the visitor market even though hutting is not directly a tourism use. However, it is stated within the application that the huts will be owned by the hutters and will only be for private use; they will not be rented out as a business or made available as		

	temporary accommodation. Whilst it is acknowledged that the development would generate an income to the landowner, this is not the type of rural business which policy ED3 seeks to support. Nor would I consider the proposal a tourism-related development under the terms of policy ED3 given that the huts will be in private ownership and presumably any facilities provided will also be for the sole use of hutters rather than open to the general public. As such I do not consider it relevant to assess the policy under policy ED3. Turning to the appropriateness of the location, the Reforesting Scotland guidance suggests that for groups of huts there will be a general requirement for these to be located near to towns and cities so that they can be easily accessed by owners on a regular basis (p.16). In this regard the site is in fairly close proximity to Luncarty. Emphasis is also placed in the Guidance on siting huts in locations which are accessible by sustainable transport modes. It is noted that the site is adjacent to a National Cycle Route and that it is suggested by the applicant that it can be connected to a local core path using land in the applicant's ownership. However, I think it very unlikely that the site would be served by public transport. As such, although some people may cycle to the site, I think it is reasonable to assume that many people will travel by private car. This does question the sustainability of the location and the extent to which the proposal complies with policy TA1B. Overall, the proposal is for a new type of leisure accommodation which does not fit exactly within existing policy and, for the reasons mentioned above, I consider it most appropriate to assess the principle of the proposal against policy ED4. I accept that there is support for hutting in SPP, and also that the proposal would meet a specific need. My main concern with the proposal is therefore the sustainability of the location given that many people will have little choice but to travel to the site by private car.
Recommended planning condition(s)	None
Recommended informative(s) for applicant	None
Date comments returned	25/1/18

Luncarty, Redgorton & Moneydie Community Council

The Development Quality Manager
Planning & Regeneration
Perth & Kinross council
Pullar House
35 Kinnoull Street
PERTH
PH1 4DG

26 January 2018

Your ref: 17/02026/FLL

Dear Sir

Planning Application: Land At Gellybanks Farm Bankfoot Erection of 17no. huts, formation of car parking and associated works

Reference the above application Luncarty, Redgorton & Moneydie Community Council wish to object to the above planning application. Our comments are noted below.

Moneydie is an area of intensive agriculture, where all the land is productively used. The above application has once again created a lot of interest in the Community who appear to be solidly against the proposed development and change of use for the area, as it is contrary to the natural development of the area.

There was previously a proposed tourist facility, by the same owner, for this very same site and it was rejected 3 times by the planning dept. The decision was then upheld by the Reporter for the Scottish Government in 2015. While this development is smaller the reasons for the original refusal are just as pertinent. The reasons for refusal were that there was no need for a tourist facility in this area as there were no attractions for visitors or other facilities to service them. The nearest local bus service is some 3 miles away and there are no core paths or safe walking connecting the bus stop to the site. The development therefore fails policy ED3 criteria c) and e). The site was previously declared as "in an unsustainable location" by the Scottish Government reporter. The development quite clearly does not fulfill the requirements of TA1b as it is not well served by public transport or safe walking.

Since 2015 the surrounding roads have become markedly more dangerous for walkers, drivers, horse-riders and cyclists. Recent approvals for a chicken rearing facility and a very large agricultural warehouse on the

Moneydie/Bankfoot road will generate approximately 1600 long and wide agricultural and heavy goods vehicles on the narrow, 4m wide, unclassified road. The road also acts as a rat run during times when the neighbouring A9 road gets congested. This has caused 3 serious accidents within ½ mile of the site in the summer of 2017.

We object to the hundreds of trees that will have to be removed to construct the proposed path from the site entrance to an old farm track that is also doubling as a registered core path. The path in question is a private road allowing access to a number of properties, fields that are contract farmed and commercial forestry over which has been permitted private shooting. The road is privately maintained with the cost being borne by the owners. The core path is placed between two busy unclassified roads and will take users even further away from public transport, shops, services or any other tourist facilities or attractions. The applicant's "path" will run parallel to the unclassified road and will be 6m wide, according to the applicant's agent. The number of trees being felled to create this path is contrary to Local Plan Policy NE2B.

This application has absolutely no benefit to the local community. In fact, access to the wood has already been restricted by the owner, who has recently constructed fencing and a locked gate across the access road. The hutting development will further dissuade people from making use of the woods. The proposal claims that visitors to the site will spend their time exploring the local woods. There will therefore be no or very little financial benefit to the surrounding area. The proposal fails to meet the council's requirements for placemaking outlined in PM1.

A farm and 5 residential properties have a private water supply that issues from the proposed site of the huts in the woods. The impact this development could have on the supply is of great concern and is something that has to be looked at in full. There is not an option for these properties to be serviced by mains water. The plans suggest that sanitation in the huts will be using compost toilets and waste scattered around trees in the woods. In theory the "compost" should be organism free when carefully and properly managed. However the correct balance between oxygen, moisture, heat and organic material is needed to ensure a rich environment for the aerobic bacteria that transform the waste into fertilising soil. This ensures odour-free operation and complete decomposition of waste. We contend that there will be times when the correct balance is not achieved and thus compost toilets can be smelly, contain organisms harmful to health and which if scattered in the woods can easily infiltrate the water supply.

The site could accommodate up to 70 people, the owner's agent suggested, with some choosing to use cooking facilities powered by gas bottles. The proposals show that each wooden hut will have a wood burning stove, some guests may also have BBQ's – all of this raises grave concerns for safety not only at the huts but also for the woodland itself. The danger and impact of forest fires on wildlife and communities is well documented.

Luncarty, Redgorton & Moneydie Community Council

We question the security and safety on this site both for those using and those living nearby as there is no management plan for site supervision nor has any consideration or consultation been done regarding Fire Safety. The applicant's agent indicated at our Community Council meeting that a Residents Management Group would be responsible for oversight of the huts which we see as unacceptable since there could be periods of no responsible person on site.

The Forestry Commission are allowing huts in their national forest - so there must be some safe practice guidance with them. The application does not show any. While there is a policy aspiration to have landowners allow huts in woods - logic would tell you that communities would be better applying to allow huts on community owned land rather than on land owned by remote individuals. This is "absentee landlordism" as per 19th/20th century landowners coming out to play only very occasionally and putting nothing into the local economy.

The Community Council feel the lack of discussion with the local community, the road safety and the impact the site might have on the wider community does not fit in to the Local Development Plan and therefore should be rejected. We are disappointed that the applicant chose not to speak to the neighbouring community before he applied to the Council. This shows how little respect he has for the people who's lives will be affected by his scheme.

Yours faithfully

Iain Matheson
[redacted]

From: Nicki McIntyre [mailto:Nicki.McIntyre@snh.gov.uk]
Sent: 06 June 2018 14:42
To: John Russell
Subject: 17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land At Gellybanks Farm Bankfoot

Hi John

Regarding our discussion earlier about the above consultation, I have looked at the supporting information and do not consider that the development will have a detrimental impact on our natural heritage interests. This is due to the reduction in scale of this proposal from previous applications and also the intention to use composting toilets, which removes the potential for foul drainage entering the River Tay Special Area of Conservation and having an adverse affect on the protected interests.

I hope these comments are useful

Regards

Nicki

Scottish Natural Heritage | Battleby | Redgorton | IPerth | PH1 3EW | **t:** 01738 458591

Dualchas Nàdair na h-Alba | Battleby | Ràth a' Ghoirtein | Peairt | PH1 3EW

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CHX Planning Local Review Body - Generic Email Account

From: RONALD MACLEOD [redacted]
Sent: 03 October 2018 17:15
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(555)

I refer to the application reference 17/02026/FLL.
The refusal decision is correct and fully justified.
Ronald MacLeod

CHX Planning Local Review Body - Generic Email Account

From: Iain McCombie [redacted]
Sent: 08 October 2018 10:51
To: CHX Planning Local Review Body - Generic Email Account
Subject: RE: TCP/11/16(555)

Dear Sirs

Appeal re Application Ref 17/0206FLL

We wish to reiterate our strong opposition to this proposed development. The local community is united in the in appropriate nature of this development particularly given the inevitable increase in traffic in quiet roads which are narrow, twisty and contain no pedestrian access. This is a clear danger to public safety and the development should therefore not be permitted.

Yours Sincerely

Iain and Fiona McCombie

Colin and Alison Hood
[redacted]

13/10/18

Gellybank Woods – 17/02026/FLL - Appeal

We objected to this application when it was originally submitted earlier this year. We are still very strongly of the opinion that this is an inappropriate development in this area.

The decision arrived at by the planning authority is entirely consistent with PKC Planning Policies, and with the many other decisions taken in the immediate vicinity over the past few years.

The recent decision by the Scottish Government Reporter to reject a very similar type of proposal PPA-340-2120 for an Eco Campsite at Kinvaid Farm (sited some ¼ mile along the same road as Gellybank Woods) reinforces the decision and many of the reasons for rejection of the Hutting Development.

There have now been numerous planning applications for tourist related facilities at both Gellybank Woods and Kinvaid Farm over the last 5-10 years. They have all been rejected by the council and twice been rejected on appeal by the Scottish Government Reporter. The reasons for rejection have been consistent and have in the main to do with the location of these sites, rather than the nature of the application.

1) There are no other tourist facilities or services for these camping sites anywhere near at hand.
2) They are not within a settlement area.
3) They are not a business diversification as no one lives on site.
4) They do not meet a specific need
5) Travellers to site will travel almost exclusivily by car
6) The sites are not well served by public transport or core paths that connect with transport services. The reporter for the appeal at Kinvaid Farm – ECO CAMP, (Richard Hickman, an ex Chief reporter for the Scottish Government) clarified this issue when he stated that the minimum requirement for a sustainable site was to be within 400m of bus services and connecting main core path networks. These sites are both over 2 miles from bus stops and the core paths that would connect them to the sites.
   TA1b not only states that sites should be close to **ALL** means of sustainable transport, but **ALL** developments should contribute to lessening the reliance on cars. This site meets neither of these requirements.
7) The local public access road, C408 is only 4 m wide and is twisty with many blind corners and no footpath and high embankments. The road is

now being used as a rat run by motorists avoiding delays on the A9 and for the first time we are now experiencing the high volumes of tractors and HGV's associated with the new 2.5 acre potato shed located at the southern end of the Gellybank site. This traffic and the hazardous road combine to make it extremely dangerous not only for vehicle traffic but particularly for any pedestrians foolish enough to try and walk. There have been 3 serious accidents, all involving the 3 blue light services and once the air ambulance in the preceding year. All of these have occurred within ½ mile of the Gellybank Wood site.

8) There is very little economic benefit to the local community from either of these proposals. Each are owned by absentee landowners who will financially exploit the area, leaving a negligible benefit, if any, to the local community
9) Gellybank Woods at this location has been clear felled of trees and has a standing obligation to be replanted. This will not happen if huts are erected. The clear felling of the woods has left large stumps throughout the area proposed for hutting. It is extremely difficult if not impossible to walk in this area. The area of woodlands is small. The applicant says that hutters will explore the local woods. The woodland is difficult to walk in and can be explored in an hour or two. Hutters are much more likely to stroll along the access road and put themselves in mortal danger.
10) While the applicant states that the site is conveniently placed for transport. This is patently not true, with the nearest train station 7 miles away and the nearest bus stop over 2 miles away. There are no core paths connecting these transport hubs with the site. Arrivals to the site will be almost exclusivily by car, hence the provision of 17 car parking spaces. The core path mentioned in the appeal starts at Saddlebank Wood and goes to Gourdiehill i.e. from nowhere to nowhere. The access road as previously mentioned is dangerous for pedestrians to walk on.

It is little wonder that both these proposals have been consistently rejected on ED3, ED4, TA1B and PM1. There is **NO** Scottish Government Policy on Hutting and in its absence PKC Planning Authority has quite rightly used its existing policies from the Local Development Plan to judge this proposal.

For the reasons given above, tourist facilities in this intensively farmed agricultural area have been consistently reject by the community, the Community Council, the Planning Dept., the Councillors at the Development Management Committee and twice on appeal by the Scottish Government Reporter. It would be perverse if the long history of consistent decisions were overturned for this development, please support the council officials original decision to reject this application.

Yours sincerely

Colin and Alison Hood

Mark and Lorraine Bend
[redacted]

15th October 2018

Dear sir or madam

Gellybank Woods – 17/02026/FLL - Appeal

We objected to this above mention application when it was originally submitted earlier this year. A copy of our letter is attached as we would like those objections to be considered against the appeal.

We still feel very strongly that this development is not appropriate for this area. Recently a Scottish Government Reporter rejected an appeal for a similar type of application PPA-340-2120 Eco Campsite at Kinvaid Farm, which is very close to the Gellybank Woods application. That decision strengthens the case for further rejection of the Hutting Development as the same reasons for dismissal of the appeal apply to this application.

In addition, there is now a 2.5 acre potato store just over the boundary of the proposed hutting site which causes streams of fast moving tractors and HGV's. This heavy haulage is extremely hazardous to anyone brave enough to take a drive or walk along the narrow twisting road down by the proposed hutting site. There are no footpaths in and around Moneydie.

Both Gellybank Woods and Kinvaid Farm have submitted numerous planning applications for tourist related sites over the last 5-10 years. All rejected by the P & K council and twice on appeal by the Scottish Government Reporter, consistently on planning policies. Those policies still apply (ED3, ED4, TA1B and PM1) and this application still does not meet those policies.

All previous applications have consistently been rejected by the community, the Community Council, the Planning Department, the Councilors and twice on appeal by the Scottish Government. Please support the original decision to reject this application/appeal.

Yours faithfully

[redacted]

Mark and Lorraine Bend

Gellybanks Hutting proposal. Application No. 17/02026/FLL **15TH October 2018**

From Mr D and Mrs A Fenner

We wish to object to the 'hutting proposal as well as the recent application to 'review' the decision by PKC to refuse the applicant's proposal and reiterate the points lodged in an earlier letter.

The road between Bankfoot and Moneydie now has additional traffic on it since the construction of a large potato shed beside the access road; there has been a notable increase in traffic, all large agricultural or heavy good types. Due to its narrow road, its dangerous bends and hollows with restricted sightlines all other traffic requires being vigilant.

No doubt, technically, the road conforms to a specified width. This however would not take account of verge encroachment or tarmac edge erosion which would reduce the effective useable width. The road is an accepted cycle route, but tends to be avoided by leisure cyclists, being favoured by club cyclists where there is safety in numbers in a peloton.

As lay persons we are not conversant with planning policy, but have come across references in other documentation to policy ED3 and its various criteria.

a) The proposed development is not compatible with surrounding land uses and would detrimentally impact on the amenity of residential properties adjacent to the site.

b) It is questionable whether it can be satisfactorily accommodated in the landscape

c) It does not meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility.

d) The scale, quality and design of the buildings are not in keeping with existing buildings as there are none existing.

e) While the local road network may be deemed capable of accommodating the nature and volume of traffic, local experience notes that this will be at the expense of added danger to the visitors.

MESSERS IT BAXTER

[redacted]

Your ref: 17/02026/FLL - Appeal
Review Panel
Perth Council

16 October 2018

Dear Sir

Objection to Planning Application 17/02026/FLL – Gellybanks Wood Hutting Development

For a number of years now both Perth Council and the Scottish Government have consistently turned down various proposals for this site and I have welcomed each decision, having objected to them on each occasion. The grounds and reasoning for this have been clear, and cover a number of key issues, to which I strongly agree on all counts.

I do not believe this site to be suitable for this sort of development. In particular it is very clear from anyone living in the area that the transport links, lack thereof and the condition of the narrow, twisting country roads is simply not suitable to tourist traffic by car, which is what this would involve. We have seen an increased number of accidents and this would surely only worsen. With the new food manufacturing facility now up and running next door to Gellybanks Wood then this is increasingly magnified. There is no local public transport links and you cannot safely walk to the site.

From a personal perspective, as an immediate neighbour and business owner to Gellybanks Wood, I have previously expressed my concerns about both the private water supply to myself and my neighbours that comes from the wood and also the reference made to a core path that runs through my farm. The water issue remains a potential issue regardless of what development takes place in the wood, and that point stands. Meanwhile there is no link from the wood to the core path. Reference was made in the application(s) suggesting of the potential for a link to be created (or almost inferred there was one) but I would strongly resist my productive arable land being turned into a core path so I feel it's misleading in the application to even make reference to this.

From a general perspective I am unsure how a development of this nature truly fits into these particular surroundings. The owner is an absentee landlord, there is no existing diversification and the local economy isn't likely to benefit much. It would seem strange to overturn so many consistent rejections by different bodies.

Yours faithfully

Douglas Baxter
Proprietor

[redacted]

16th October 2018

Gillian A Taylor

Clerk to the Local Review Body

Perth and Kinross Council

Dear Madam

COMMENTS ON REQUEST FOR REVIEW - TCP/11/16(555)

PROPOSED HUTTING SITE AT GELLYBANKS WOOD - 17/02026/FLL

We have read the statement prepared by Richard Heggie of Urban Animation on behalf of the applicant but remain strongly of the view that our objections to the proposal set out in our letters of 5th and 7th January and PKC's decision to reject the application remain valid.

Our further comments on the responses to **para. 4**. Reasons For Refusal are as follows.

1. We are not persuaded that there is a specific need for huts in this area and we consider that to be the relevant specific need. There may not be any huts at this time but neither is there any evidence of a demand for them from our nearest urban centre and it is very unlikely that there is a need from the surrounding rural population.

If it could be shown that there was a demand for huts from the people of Perth surely the way to satisfy that demand in the spirit of easy and sustainable access for urban dwellers to a woodland setting would be to provide the hutting settlement close to the urban centre. For example, in the woodland that surrounds the Jubilee car park at Kinnoull Hill where miles of trails and cycle tracks already exist.

2. The economic benefit to the local community will be small. As the hutters will almost invariably arrive by car it is likely that they will bring most of their supplies with them and if, as the application contends, they will spend most of their time in the woods they are unlikely to contribute much to the Perthshire economy.

The economic benefit, in the form of the ground rents for the huts, will be to the applicant who lives outwith the area.

3. It is surely valid to be concerned about the installation of an on-site water supply when the supporting design statement allows for the option of a communal standpipe and when our private water supply issues from these woods.

4. The connection to the core path LUNC/129 is shown on the application plans as wider than the access road to the car park and as predominantly straight. All other paths shown on the plans are shown as straight. No information to the contrary that we can discern was supplied with the application.

It must be allowed that the development will have a detrimental effect on the natural habitat compared to the situation ruling at present with no development. The impact of the addition of up to 50 or even more hutters within the woodland day and night cannot be said to be insignificant.

5. The implied aspiration that core path LUNC/129 will over time be part of a fully integrated network does not alter the fact that no paths from the development connect with bus stops or population centres or that the surrounding road network is far from ideal for walking or cycling.

6. A multiple hut development imposed on a woodland that is not located in a sustainable location and requires access to be predominantly by car cannot be said to not have a negative impact on the environment.

Para. 5., Further Comments on Local Concerns, claims that concerns relating to anti-social behaviour, impact on private water supplies and local road capacity have been addressed by the application and the paper in support of the request for review. We do not find this to be the case.

With no on-site supervision we do not see how the good behaviour of the hutters or confirming that the occupants of the huts are actually those who are signed up to the Members Association can be ensured. The already expressed local concerns over fire risk (from wood burning stoves, gas bottles and BBQs), agricultural bio security risks and agricultural health and safety risks remain concerns and have not been addressed.

Even if there is to be no communal stand pipe we still have concerns over potential pollution of the issues from which our supply, and that of 4 other dwellings and 2 farms, is drawn. The composting toilets for 17 huts, i.e. potentially 50 peoples' daily outputs, will produce significant quantities of waste and it is by no means certain that this will be properly managed to ensure perfect composting. We fear the risk of polluting seepage into the ground and possibly into our water sources. We would ask you to consider the impact of the body waste from that number of people, all left lying near the huts over the period required for it to decompose.

The local road capacity is barely able to cope at present with the heavy agricultural traffic from the intensive farming businesses all around, the HGV's servicing the new potato store and chicken factory, through-traffic avoiding congestion on the nearby A9 (which will seriously worsen during the forthcoming dualling project) and the normal domestic and service traffic for local residents. Our concerns are not only about the additional cars the hutters will bring with them but about their personal safety on the surrounding roads on which they will inevitably walk and cycle in the absence of very much in the way of paths.

We urge the review panel to support the original decision to reject this application.

Yours faithfully,

T L and CM Marshall

CHX Planning Local Review Body - Generic Email Account

From: Katherine <[redacted]>
Sent: 17 October 2018 15:46
To: CHX Planning Local Review Body - Generic Email Account
Subject: Gellybank Hutting Appeal
Attachments: gellybank objection.docx

Hello

We understand that the developer has asked the council to look again at their decision to refuse the following planning application:

17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land At Gellybanks Farm Bankfoot

We would like to state that our original objections still stand, please see attached.

We would also like to say that agricultural traffic has significantly increased on this narrow country road increasing our concerns over safety.

Many thanks

Kath Blackwell and Johnny Shankland

Kath Blackwell & Johnny Shankland
[redacted]

Development and Quality Manager
Planning & Development
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

23rd October 2017

Dear Sir/Madam

We would like to object to the following planning application at:

17/02026/FLL | Erection of 17no. huts, formation of car parking and associated works | Land At Gellybanks Farm Bankfoot

The site does not meet a need by virtue of its quality or location in relation to existing business or tourist facility. Existing business is agriculture and forestry and there are no facilities to allow tourists to safety integrate.

The development does not accommodate the nature of traffic by way of pedestrian and cyclist in connection with safety.

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There is little opportunity for visitors to the site to use sustainable modes of transport. Although the road is a cycle way it is really only suitable for experienced cyclists due to it being narrow, blind bends and the volume and nature of traffic which included farm machinery and lorries, also the speed at which vehicles travels makes it hazardous. In all our time here we have never seen any families using the road for cycling.

There are no pathways to surrounding villages. Anyone wanting to walk to local amenities would have to do so along narrow country lanes with hazards as mentioned above. This would be a serious safety issue.

There are no bus routes, the nearest bus stop is in is 2 miles away.

There is real concern for road safety as if visitors want to explore the local area they will have to walk on roads with no pavements or street lights or cycle both with the risks as mentioned above.

Thank you for your consideration of our objection to this planning application.

Yours Sincerely

Kath Blackwell & Johnny Shankland

CHX Planning Local Review Body - Generic Email Account

From: John Clark - Home <[redacted]>
Sent: 17 October 2018 20:53
To: CHX Planning Local Review Body - Generic Email Account
Subject: Appeal to previous refusal - application 17/2026/fll

Sirs,

With the applicant having made an appeal to the refusal given by the Council I hearby give my further grounds of objection.

Firstly may I confirm that all the points that I made in my letter dated 16th January 2018 are still very sound and pertinent to the application.

The traffic using the Tullybelton Road up to Letham Cross roads is getting heavier by the day. Since the chicken business, located further up the Tullybelton road, began production there has been increased traffic. Also, the potato business using the large shed at Kinvaid appears to have increased the tractor and trailer traffic noticeably. The Road from Newmill Farm at the A9 to Letham Cross Roads is grossly unfit for further traffic.

I object on the basis that the application will deliver yet more traffic. At least the two businesses I mention above are providers of healthy employment numbers. I cannot see any revenue yield to the local community from the applicant business.

I request that the refusal be maintained.

John Clark,
[redacted]

Sent from my iPad

CHX Planning Local Review Body - Generic Email Account

From: David Clarke <[redacted]>
Sent: 17 October 2018 15:04
To: CHX Planning Local Review Body - Generic Email Account
Subject: Planning Application 17/02026 TCP/11/16(555)
Attachments: PKC 19.01.2018.pdf

Dear Sir/Madam,

Further to recent correspondence I wish to confirm my objection to the planning application which was refused and which is now subject to review by the LRB.

I have attached a copy of my original letter and would ask that the decision made on planning application 17/01694/FLL and subsequent decision ref. PPA-340-2120 by the Scottish Government Reporter be taken into consideration as to why this application be refused consent on review.

Kind Regards,

David Clarke

[redacted]

[redacted]

Perth & Kinross Council
Planning & Development Dept.
Pullar House
Kinnoull Street
Perth
PH1 5HD

19 January 2018

Dear Sirs,

Re. Planning Application ref. 17/02026/FLL

I wish to **object** to the above planning application for a proposed change of use from woodland to hutting for 17 huts, associated access paths and extended hardstanding.

In summary the proposed development: -

1. Contravenes local planning policies;
2. Will result in environmental impacts from an increased pollution risk into local watercourses.
3. Will cause nuisance from the noise created by a large number of people in what is currently a quiet rural location. There will be smell and fumes buildings, lighting from the site and vehicle movements.
4. Will result in an increase in traffic on roads that are not suitable;
5. There is no suitable pedestrian access to the site;
6. The infrastructure on the site is inadequate.
7. Will lead to unsociable noise levels in a quiet rural location:

All of these matters are defined as material considerations by Planning Aid Scotland and Perth & Kinross Council.

In more detail the application contravenes the following policies of the Perth & Kinross Local Development Plan: -

- Policy PM4. The development is not within an existing settlement boundary.

- Policy ED3: The proposed development doesn't improve the quality of any new or existing tourist facilities, it doesn't open any new markets and as a campsite it won't extend the existing tourist season. In detail it does not meet all the criteria in part a) as it isn't compatible with the surrounding land uses and will have a detrimental impact on the amenity of adjoining residential properties. It contravenes part c) as the development does not meet a specific need, is not part of an existing business and there is no existing tourist facility on the site. Part e) is also contravened as the local road network cannot accommodate the proposed development.

- Policy ED4. The development breaches ED4C as it does not meet any of the criteria set out in clauses a), b) & c).

- Policy RD3. The application does not meet any of the criteria.

- Policy TA1. The proposed development breaches policy TA1B as it is not served by either walking routes or public transport. The application does not make a practical proposal for a sustainable transport solution and merely refers to how alternative means of transport enter into the site. There is a proposed link to the nearest core path however this doesn't provide access to any services or transport links as it goes westwards before ending on the public road in Little Gelnshee some 3 miles to the west, the nearest public transport links are in Bankfoot or Luncarty, some miles distant and there are no pavements alongside the connecting roads or footpaths which link them. The roads are not safe for pedestrian access with a number of blind crests and bends so it will impact on the safety of the road network for all users which include timber and articulated lorries, tractors, combines and other heavy vehicles, something that will increase significantly when the new storage shed to the south becomes operational. In addition, the visibility splays on the site access are limited, particularly to the north where the combination of roadside vegetation, a curve and crest in the road mean that it is unlikely for the Y distance to exceed the SSD at 60mph. The Statement confirms that the visibility splay to the north is insufficient because of vegetation but makes no mention of the slope of the road also reducing the visibility. Although the application refers to nearby core paths, these do not link to any transport hubs or other settlements and offer no meaningful access to the site.

- Policy EP5. The site is currently woodland and the development will result in permanent structures plus roadways and car parking. These structures will all require to be lit as will the access roadway and parts of the site. As such there will be a significant amount of artificial light generated from the site where none exists at present. This is before the impact of vehicle lights is even taken into account.

Kind Regards,

David Clarke

CHX Planning Local Review Body - Generic Email Account

From: Louise Taylor [redacted]
Sent: 17 October 2018 13:41
To: CHX Planning Local Review Body - Generic Email Account
Subject: GELLYBANKS WOODS 17/02026/FLL Appeal OBJECTION

We objected to the original application and repeat that we are still strongly against this proposed development.
The Scottish Government Reporter recently rejected a similar application sited about 1/4 mile away from the proposed site.
We object for the following reasons
- no other tourist facilities in the area
- no needs for such a development in the area
- no public transport or core paths serving the site therefore meaning visitors will have to travel by car
- the local C408 country road is not suitable for an increase in traffic
- no local economic benefit to the local community
- this proposal has been rejected on ED3, ED4, TA1B & PM1
- this is an intensively farmed agricultural area

We thank you for considering our **OBJECTION** to this appeal.

Richard and Louise Taylor
[redacted]

Sent from my iPad

CHX Planning Local Review Body - Generic Email Account

From: Richard Heggie <richard@urban-animation.com>
Sent: 05 November 2018 13:24
To: CHX Planning Local Review Body - Generic Email Account
Cc: Tim Newall-Watson
Subject: Re: TCP/11/16(555)

Follow Up Flag: Follow up
Flag Status: Flagged

Audrey

Thank you for forwarding these additional responses. I am writing now to set out brief comments for consideration at the Review.

1. General Response - The letters broadly reiterate previous objections. It is disappointing that clarification provided through our Review Statement and at the Community Council meeting held during the earlier consideration of the planning application has not been recognised in a number of these representations, particularly in relation to matters such as water supply, internal path routes and management of the site. We believe that the Review Statement and application paperwork address the issues raised.

2. Reference is made to a DPEA appeal decision (PPA-340-2120), with a suggestion that the same conclusions should be reached by the LRB. That proposal is for a commercial tourism development, very different in nature to the hutting proposal which is the subject of the Review.

The matter of transport connections is raised in the Appeal, including traffic volume and path connections. Our Review Statement already notes these matters. The Appeal Statement confirms a Transport Assessment was provided for that application, indicating that it was deemed to be a 'significant traffic generator' and therefore subject to the full terms of Policy TA1B. The Review application was not deemed a significant traffic generator and is therefore not subject to the requirement for direct connections to footpaths or bus services. Policy TA1B is clear on this matter.

It is not appropriate to make a like-for-like comparison between the Review and Appeal cases as the proposed uses and scale of activity are quite different and the merits of each individual case are not comparable.

3. The applicant is referred to in some of the representations as an absentee landowner. This is an unnecessarily emotive term and is considered inappropriate and is in any case irrelevant to the Application and the Review. The site is a woodland and the owner would therefore not be expected to live there. He is resident in Edinburgh and regularly visits the site, taking a full role in its management and its contribution to local biodiversity through the natural regeneration strategy which is in place. The owner has a fair right to propose appropriate diversification of the woodland resource, just as local residents have rights to make representations to such proposals.

We have no further comments to add and look forward to hearing from you further.

Regards
Richard

Richard Heggie, Director
Urban Animation 22 Westhall Gardens Edinburgh EH104JQ
0131 477 0676
0775 106 4937