

Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
(Report No. 22/219)

PROPOSAL: Erection of shelter building and acoustic fence, formation of clay pigeon shooting range and earth bunds (in part retrospect)

LOCATION: Crieff Hydro Hotel, Ferntower Road, Crieff PH7 3LQ

Ref. No: [22/00334/FLL](#)

Ward No: P6 – Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning permission is sought (in part retrospect) for the use of a site located to the north of the Crieff Hydro Hotel complex as a clay pigeon shooting range, including associated formation of earth bunds, acoustic fence and erection of a shelter building.
2. The site lies c.1.3km north of the main hotel buildings, within a rural upland area characterised by ancillary hotel leisure uses such as: golf, crazy golf, zip line and rope courses, etc.
3. A previous similar application (Ref: 19/01181/FLL) was withdrawn not long after submission on 30 August 2019, following PKC Environmental Health requests for further information. The current application is now supported by an updated Noise Report and enhanced mitigation proposals.
4. The bund and shelter building already exist, whilst a 1.5m absorptive acoustic barrier is to be added to the top of the bund, on all three sides and acoustic tiles added to the internal side walls and internal roof of the existing shelter building.
5. The shooting activity will operate around 200 days a year at the following times: Monday to Saturday – typically one or two, one hour sessions per day between 10am – 5pm and a Sunday – typically three to four, one hour sessions between 11am – 5pm. No shooting is to take place after 5pm.

Pre-Application Consultation

6. The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

National Policy and Guidance

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

National Planning Framework 2014

8. NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

9. The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
10. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment: paragraphs 193 – 218

Planning Advice Notes

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40: Development Management
 - PAN 51: Planning, Environmental Protection and Regulation

Development Plan

12. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

13. TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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.”

14. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
15. Policy 3A First Choice for Investment

Perth and Kinross Local Development Plan 2

16. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
17. The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 8: Rural Business and Diversification
 - Policy 40: Biodiversity
 - Policy 56: Noise Pollution

Other Policies

18. No other policies.

Site History

19. 19/01181/FLL A detailed planning application which proposed the erection of a shelter building, formation of clay pigeon shooting range and earth bunds (in retrospect) was withdrawn on 30 August 2019.

CONSULTATIONS

20. As part of the planning application process the following bodies were consulted:

External

21. No external consultations required.

Internal

22. **Structures And Flooding:** No objection. No comments in terms of flood risk.
23. **Environmental Health (Noise Odour):** No objection. Comments made regarding noise/operation and conditions recommended.
24. **Development Contributions Officer:** Advise no developer contributions required.

Representations

25. 73 objections were received, with the main issues raised summarised as follows:
- Noise pollution
 - Out of character with the area
 - Inappropriate land use
 - Impact on birds/disturbance to habitat and protected species
 - Lack of consultation/neighbour notification
 - Excessive operating hours
 - Adverse impact on tourism
26. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal - AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none">• Supporting Statement• Information on Noise Impacts/Mitigation

APPRAISAL

27. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the

policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

28. The proposal is related to the existing leisure operation at Crieff Hydro Hotel and the principle of development is considered under Policy 8 Rural Business and Development
29. Policy 8 favourably considers the expansion of existing businesses and the creation of new ones in rural areas. There is generally a preference that this will be within or adjacent to existing settlements. Sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. The proposal is for a clay pigeon shooting range that is related to a well-established existing hotel operation. The proposal therefore clearly associated to a site-specific resource, as required by Policy 8.
30. There are several criteria outlined within Policy 8 applicable, which require that development contributes to the local economy, will not result in suburbanisation nor encourage unsustainable travel patterns, be compatible with surrounding land uses, can be accommodated within the landscape and environmental capacity, meets a need by virtue of the location in relation to existing business/tourist facilities, and that the road network can accommodate the development.
31. The principle of the development is considered acceptable in terms of Policy 8. The detail of the proposal and its impact on residential amenity, landscape and other matters is considered below.

Design and Layout

32. The application is in part retrospective, as the range has been formed with a bund on three sides to the north of the site, and a rough track to the south and shooting hut sited at the east boundary. The proposal retains the site as laid out, with the addition of the recommendations in respect of noise require the bund to be increased in height by 1.5m and absorptive acoustic tiles added to the internal side walls and internal roof of the existing shooting hut.
33. The design and layout are considered appropriate in scale and design and conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2.

Residential Amenity

34. Previous application 19/01181/FLL was withdrawn by the applicant as the noise assessment submitted did not meet the requirements of EH to determine the noise impact on noise sensitive receptors (NSR).

35. A further Noise Impact Assessment (NIA) was undertaken in June 2020 and November 2020. With a final survey conducted in January 2022.
36. The NIA assessed the shooting noise at the nearest identified noise sensitive receptors and a sound meter was positioned within the shooting enclosure and additional sound meters at the various receptor locations, with background levels L_{A90} measured at each location. These background levels are listed below:
- Location 1 – Hosh Farmhouse - L_{A90} 40dB
 - Location 2 – Aberturret House - L_{A90} 49.4dB
 - Location 4 – The Old Manse, Monzie - L_{A90} 41.7dB
 - Location 5 – Crieff Hydro Football Pitches - L_{A90} 40.2dB
 - Location 6 – Ardvreck School - L_{A90} 46.6dB
 - Location 7 – Mid-Lodge Ferntower - L_{A90} 43dB
37. One further location (Number 3) was agreed but was excluded from the survey at the resident's request.
38. The NIA determined the noise shooting level in accordance with the Chartered Institute of Environmental Health (CIEH) 2003 *"Clay Target Shooting - Guidance on the Control of Noise"* and the shooting noise level at each location was determined from the 25 highest shots measured at the receptors.
39. Source noise measurements were conducted within the shooting enclosure at approximately 1.5 metres away from the shooter and at a 90° angle. The shooter using a 12-gauge shotgun loaded with low noise 28g cartridges and a 20-gauge shotgun loaded with 14g cartridges, 60 shots were fired for each gun at each location within the enclosure. The arc of fire was approximately 45° horizontally and 40° vertically.
40. All noise measurements were carried out in accordance with BS7445:1991 *"Description and measurement of environmental noise"*.
41. The CIEH guidance states that the Shooting Noise Level should not exceed 55dB where the existing background level is below L_{A90} 45dB
42. The analysis of the sound level data and audio at receptors indicated that shots were audible at Location 1 Hosh Farmhouse – LAFmax 47.8dB (12 gauge) and 47dB (20 gauge); Location 2 Aberturret House – LAFmax 51 dB (12 gauge) & 50.9 dB (20 gauge); and Location 6 Ardvreck School – LAFmax 50.3dB (12 gauge) & 50.2dB (20 gauge).
43. At Locations 3, 4 and 5 there was no clear distinguishable gun shots. Otherwise, although the shots could subjectively be distinguished against the ambient noise environment at Locations 1, 2 and 6, based on the noise survey and local background levels, the shooting noise level was below the CIEH guideline level of 55dB. The levels also comply with the BRE 1997 research which states that *"at shooting noise levels below the mid 50dB(A) there is little evidence of significant levels of annoyance at any site"*.

44. The background level at Location 1 is lower than that at Location 2 and 6 and therefore the shooting noise has the potential to be easily more identifiable against the ambient noise environment and therefore perceived as more intrusive. The maximum noise level of the shots at Locations 2 and 6 is around 2-3 dB above the background levels and therefore likely to be effectively masked by the ambient noise environment.
45. A further site investigation was carried out by the consultant to determine if mitigation measures could be implemented to reduce received levels of shooting noise at the nearest identified noise sensitive receptors.
46. The report dated 6 October 2020 recommended that further reductions in received gunshot noise could be achieved by increasing the effective height of the existing earth bunds. Increasing the height of the bund increases the path difference from the source to the receiver, leading to reductions in noise level at the receptor to the Northwest of the site. The report gave several options on how the bund height could be increased, additional soil, hay bales, noise barrier, etc. The report also recommended further mitigation measures for the shooting enclosures and that predictive noise modelling should be undertaken to determine the reductions in received levels through the proposed mitigation measures.
47. Shooting noise levels were recorded at five locations on 21 September 2020, within the site, and all measurements were in accordance with BS7445:1991. Shots were fired within the shelter building using a 12-gauge shotgun loaded with low noise 28g cartridges and 20-gauge shotgun with 14g cartridges. It is understood that this combination of cartridges and shotguns is to be used. For each shotgun and each location, two shots were fired from within the enclosure.
48. The most recent report states noise levels from the clay pigeon shooting have already been demonstrated to meet regulatory requirements, but levels were audible at some NSR due to low background levels. The consultant states that *"in our professional opinion that further reductions in noise impact at the nearest noise sensitive receivers (NSRs) could be further implemented"*.
49. The report recommends a 1.5-metre-high acoustic barrier on top of the existing bunding, on all three sides, with modelling undertaken in this regard and shooting noise source level taken from the onsite measurements recorded on 21 September 2020. The model predicted an improvement of +5dBA would be subjectively noticeable locally. The report states that the noise travelling to the NSR will be critically reduced/disrupted and improvement of noise levels at the NSR could be greater still. The report also states that the use of 'quieter' shotgun cartridges demonstrates a holistic approach to 'best practicable means' and strongly recommends the introduction of absorptive panels or foam cells to the inside of the shooting enclosure.
50. The applicant submitted a supporting statement which details the number of proposed shooting days per year is two hundred and that the proposed hours of operations for the clay shooting range were set out. Also, that there would be a maximum of six people at a time sharing three guns, with one instructor.

51. The assessments submitted have demonstrated prior to any proposed mitigation that the CIEH value level of <55dB can be achieved at the NSRs and with the incorporation of an acoustic barrier along the top of the existing bund and acoustic insulation to the existing shelter building that shooting noise levels at NSRs could be reduced further. However, it is recognised that noise is likely to be audible at some NSRs, due to lower background levels. Notwithstanding, with further mitigation of noise at source the perception of noise should be further reduced and within acceptable levels.
52. Environmental Health have recommended conditions are applied to any planning permission, to protect the residential amenity of noise sensitive receptors (Conditions 1 -8). From the perspective of site safety, Environmental Health have also sought a condition (Condition 6) which shall necessitate the provision of an exclusion zone and associated warning signage is provided around the facility. Overall, the proposal is considered acceptable in terms of the residential amenity of neighbouring properties in accordance with the placemaking Policies 1A and 1B and Policy 56 Noise.

Roads and Access

53. There is an existing rough track to the site with guests taken to the facility in an off-road type of vehicle.

Drainage and Flooding

54. No drainage or flooding implications are likely from the proposal.

Natural Heritage and Biodiversity

55. It has been noted that the proposal could impact protected species. As the development has taken place the physical site works are not considered to impact on any habitats. However, the noise generated could have an impact, but the wider area is characterised by leisure uses which generate noise and this activity is carried out within rural areas across Perth and Kinross without the requirement for planning permission, all such that the impacts are likely to be negligible.
56. The agent has also confirmed that in the cartridges contain steel shot rather than lead, which removes any potential lead contamination, particularly of the water environment, within the local area.

Developer Contributions

57. The developer contributions guidance is not applicable to this proposal.

Economic Impact

58. The supporting statement details that the proposal will create the equivalent of three full-time jobs. The proposal will also contribute to the leisure offering the hotel providing more choice in the facilities offered.

VARIATION OF APPLICATION UNDER SECTION 32A

59. This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

60. Not applicable.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

62. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
63. Accordingly, the proposal is recommended for approval subject to the following conditions:

A RECOMMENDATION

Conditions and Reasons for Recommendation

1. Noise from operations on site shall not exceed $L_{A90,1 \text{ hour}}$ background noise level plus 5dB (A) when measured at any residential property.

Reason – In order to safeguard the residential amenity of the area.

2. No clay pigeon shooting is hereby permitted on site until a 1.5-metre-high acoustic fence is installed in line with the recommendation of Noise Assessment L-8112C-DJC-RGM dated 20 January 2022 and drawing No 04 and 07.

Reason – In order to safeguard the residential amenity of the area.

3. No clay pigeon shooting is hereby permitted on this site until the enclosure from which shooting will take place has been acoustically insulated in accordance with drawing 05 such that the walls, roof, and external wing walls of the enclosure have been clad with noise insulating material, the details shall be first submitted to and approved in writing by the Planning Authority in consultation with Environmental Health.

Reason – In order to safeguard the residential amenity of the area.

4. Within one month of the completion of the following mitigation measures; acoustic insulation of the shooting enclosure and erection of acoustic fence at the approved locations; a Noise Impact Assessment shall be undertaken by a suitably qualified person and the Report submitted to, and approved in writing by, the Planning Authority. The Report shall summarise the findings of the Noise Impact Assessment and make recommendations for further mitigation works if the noise of shooting is found to be over 55dB at the nearest noise sensitive property. Once approved, any required mitigation must be implemented in accordance with the approved details within 30 days, unless otherwise first agreed in writing by the Planning Authority.

Reason – In order to safeguard the residential amenity of the area.

5. No clay pigeon shooting shall take place on the site other than between the hours of 10:00 to 17:00 hours Monday to Friday and 11:00 hours to 17:00 hours Saturday and Sunday.

Reason – In order to safeguard the residential amenity of the area.

6. No clay pigeon shooting shall take place unless and until the exclusion zone is clearly marked out on site, and warning signs are erected on the access track to the site, details of which shall first be approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the first use of the development and retained in place for the duration of the use of the land for clay target shooting.

Reason – In order to safeguard the general public

7. Only low noise cartridges as referenced in the Noise Impact Assessment (plan ref 09) shall be used for the clay pigeon shooting and all shooting at the site must be within the shooting enclosure at all times.

Reason – In order to safeguard the residential amenity of the area.

8. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to conduct a noise assessment to verify compliance with the CIEH men shooting noise level below 55dB(A) and condition 1 above. The assessment will be conducted to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with CIEH 55dB or condition 1, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason – In order to safeguard the residential amenity of the area.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

Not required

D INFORMATIVES

Background Papers: 73 letters of representation

Contact Officer: Joanne Ferguson

Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--