

Perth and Kinross Council  
Planning and Placemaking Committee – 7 February 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
(Report No. 24/49)

**PROPOSAL:** Alterations and extension to core path, installation of signage and associated works

**LOCATION:** Murrayshall House Hotel, Murrayshall, Perth, PH2 7PH

Ref. No: [23/01798/FLL](#)

Ward No: P2- Strathmore

### Summary

A diverted core path/right of way is proposed in association with the development of a new golf driving range. This would both reduce any conflict between the use of the path and users of the golf facility and upgrade the path construction standard.

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 Full planning permission is sought for the alteration and extension of a core path, installation of signage and associated works at Murrayshall Hotel, Murrayshall, Perth. The existing core path is also a right of way. As a right of way, it is classed as a bridleway for horses. Cyclists and pedestrians can also use the path.
- 2 The application site is to the west of the hotel and adjacent and across the access drive from the first hole of the golf course. It is bounded on its northwestern side by Murrayshall Road, to the northeast by the existing access drive serving the hotel. To the southwest is a small grouping of residential properties, which are beyond an existing tree belt. The southeast boundary is undefined with the existing driving range beyond and driving bays some distance further.
- 3 Planning permission was granted for a new driving range in July 2022 (ref:[21/01673/FLL](#)). The SCON/7 Core Path, which is also Right of Way 39/7, crosses the approved driving range site in an approximate east-west direction and in its current position would pass directly in front of the approved driving range.

- 4 This route links Murrayshall Road to the west with the U85 public road to the east, at a point close to the existing driving range bays. To accommodate the new, approved driving range and avoid conflict between users of the facility and those of the path, the existing core path and right of way was proposed to be diverted to the north, behind the approved driving range building and away from where balls would travel from the bays. This diverted route was approved as part of the 2021 planning permission.
- 5 The approved development sought a new path to be formed to the north of the proposed car park and driving range building, then turning south and running parallel to Murrayshall Road before re-connecting with the existing route.
- 6 Subsequent to planning permission, 21/01673/FLL, a Section 208 Path Diversion Order was submitted to Perth and Kinross Council. The Section 208 application was withdrawn by the applicant owing to matters arising relating to the path's use as a Bridleway and the need to cater for horses and horse riders.
- 7 This application seeks an amended location for the core path/right of way, to ensure that the required standards are achieved to enable a further Section 208 Diversion Order process to be undertaken should planning permission be granted for these changes to the diverted path route. The new driving range building and associated car park remain unchanged and do not form part of the application.
- 8 The path route currently runs along a track to the east of the application site and to the north of the existing driving range. It then continues westwards across an open field which would form the area where balls would land from the new driving range. Ultimately, it links with Murrayshall Road to the west.
- 9 The proposal involves the realignment of the Core Path SC0N/7 and Right of Way 39/7 at the western end of the existing track around the east of the approved but yet to be constructed driving range buildings. This would be in a north westerly direction before wrapping around the back of these buildings (similar to what was previously granted planning permission). The main change proposed in direction is that the path diversion no longer travels along the northern edge of the approved driving range car park. Rather, the eastern section would be a more segregated route south of the approved car park.
- 10 The proposed path is to be 3m wide and surfaced with self-binding gravel path and see a 1.5m mown grass verge to each side, providing a 6m wide route. This surfacing will be continuous along the diverted route and now avoids conflicts with vehicular traffic by not crossing the access to the car park.
- 11 A separate application for planning permission in principle (PPP) setting out a masterplan for the wider tourism focused mixed-use development of the Murrayshall Estate (ref:[23/00833/IPM](#)) was recently approved.
- 12 This application is, however, for the alteration to the path diversion only and requires to be assessed on its own merits.

## **Pre-Application Consultation**

- 13 There have been numerous discussions between the applicant's agent and the Planning Authority regarding the proposal but no formal pre-application enquiry.

## **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 15 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.

- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

- 17 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 6: Forestry, Woodland and Trees
- Policy 8: Green Belts
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 20: Blue and Green Infrastructure

### **Perth and Kinross Local Development Plan 2019**

- 18 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.

- 19 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access

- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 27A: Listed Buildings
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 43: Green Belt
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- Supplementary Guidance - Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- Planning Guidance - Planning & Biodiversity

### **NATIONAL GUIDANCE**

- 20 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

- 21 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
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building Standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## Site History

- 22 [20/01688/SCRN](#) On 24 December 2020 a screening opinion request for a mixed use development at the Murrayshall Estate saw PKC advise that EIA was not required.
- 23 [20/00010/PAN](#) On 9 December 2020 a Proposal of Application Notice was accepted by PKC for: residential development, extension to hotel, erection of hotel accommodation units and staff accommodation units, spa facility, golf training and indoor sports buildings, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works.
- 24 [21/00508/IPM](#) A Planning Permission in Principle application was withdrawn on 4 April 2022, it had proposed: residential development, extension to hotel, erection of hotel accommodation units, café, spa and leisure facilities and groundskeeping buildings, formation of camping grounds, outdoor sports grounds, photovoltaic site, access roads, SUDS ponds, landscaping and associated works (in principle).
- 25 [21/01673/FLL](#) Full Planning Permission was approved on 11 July 2022 for the relocation of a driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works
- 26 [22/00023/PAN](#) On 2 February 2023 a Proposal of Application Notice was accepted by PKC for: residential development, extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites and associated access, drainage, and landscaping works (in principle).
- 27 [22/00024/PAN](#) On 2 February 2023 a Proposal of Application Notice was accepted by PKC for: extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites, associated access, drainage, and landscaping works (phase 1).
- 28 [23/00833/IPM](#) Planning Permission in Principle was approved on 13 December 2023 for: a mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges luxury units and timeshare/ vacation ownership properties extension to hotel central delivery hub for deliveries staff facilities and relocated greenkeeping services outdoor pursuits small-scale residential conversion of existing greenkeepers compound and associated works including photovoltaic array servicing access drainage and landscaping.

## **CONSULTATIONS**

29 As part of this planning application process the following were consulted:

### **External**

#### **Scone and District Community Council**

30 Object. The representation identifies a number of concerns related to traffic flow, surface water run off, residential amenity related to holiday accommodation, noise pollution, light pollution and road safety and of which appear to primarily be related to the PPIP (ref:23/00833/IPM) which was approved in December 2023. No direct or specific concerns are identified in relation to this proposal for a diverted core path.

### **Internal**

#### **Development Contributions Officer**

31 No developer contributions required.

#### **Structures And Flooding**

32 No objection.

#### **Community Greenspace**

33 No objection. Advise the realignment of the path sees significant improvement over the previously proposed realignment by separating core path users from vehicular traffic, increasing width and providing space for multiple path users. The proposal has taken into account the requirements of horse riders regarding separation from vehicles and provision of a suitable surface; including improved path width and gradient. The path improvements will also make the route more accessible to other path users including those using wheelchairs, prams or bikes. It should be noted that a path diversion order is required.

### **Representations**

34 23 representations were received all of which objected to the application. This includes objections from the British Horse Society and Scone Community Council. The main issues raised within the representations are:

- Proximity to driving range and associated noise of golf ball strikes
- Option 3 is the preferred diverted route
- Impact on safety for all users
- Relationship and various concerns related to masterplan application
- Lack of consultation with all stakeholders
- Impact on drainage

- Surfacing of path
- Routing and bends in diverted route and enclosure of route behind hedges and fences, limiting forward visibility for users.
- Potential conflict between path users

35 These issues are addressed in the Appraisal section of the report. However, comments raised in relation to the wider development of Murrayshall Estate are not relevant to this application and are thus not considered significant material planning considerations in the assessment of this proposal. It should also be noted that there is no formal requirement for the applicant to undertake consultation with local stakeholders on this type of application.

### **ADDITIONAL STATEMENTS**

36

Screening Opinion	No EIA required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Ecological Assessment</li> <li>• Planning Statement</li> </ul>

### **APPRAISAL**

37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, which are identified above.

#### **Principle**

38 The planning principle of diverting the path has been established through the extant permission to relocate the driving range and divert the path route. Details of that application are contained within the Committee Report for application 21/01673/FLL.

39 This assessment will consider whether the amendments proposed for the diverted path route are appropriate and acceptable in planning terms.

40 Policy 15 of the Perth and Kinross Local Development Plan 2 states that development proposals which have an adverse impact upon the integrity of a

core path or right of way will not be permitted. Similar policy requirements are outlined within Policy 8 and 20 of National Planning Framework 4 (NPF4), these seek to ensure that core paths within the designated Greenbelt are protected and that access rights to core paths are safeguarded.

41 As outlined above, planning permission for a new driving range has been granted and remains extant, therefore this assessment relates solely to the proposed changes to the amended route of the path. The revised routing is in parts similar to that which was approved, with revisions largely to the routing of the eastern section which move the route away from the approved car park and to ensure a designated route is provided for path users which avoids conflict with vehicular traffic and is better suited to horse riders. The diverted path is also proposed to an improved standard.

42 A supporting Planning Statement outlines that three options for the diverted route were considered. These are as follows:

Option 1:

43 Provide a revised design to the existing approved diverted route as per permission 21/01673/FLL with amendments to allow for appropriate surfacing and widths suitable for use as a bridlepath.

Option 2:

44 To revise the overall route to avoid conflict with vehicle users of the approved development. Including the following provisions:

- Suitable for horses and riders
- Route no longer passes to rear (north) of car park and avoids roads used by vehicles
- Route is of an increased width
- Suitable for cyclists, pedestrians and all other users
- Path surface to be suitable for all users
- No requirements for realigning/culverting ditch to rear of car park

Option 3:

45 To relocate the diverted route to the south of the golf driving range site. This would involve the path turning south immediately off Murrayshall Road and continuing along the boundary of the 2021 application site at the southern edge of the outfield of the driving range. This option would mean that the diverted route would be remote from the driving range and car park but would increase the overall length of the diversion. There are also concerns identified with the topography and safety given its location to the south of the driving range outfield and potentially in range of ball landing areas.



- 46 The applicant and their agent discussed these options with the Local Access Forum during a site visit on 22 August 2023. A further meeting was then held with Perth and Kinross Council on 5 September 2023 to discuss matters raised.
- 47 The Planning Statement indicates that following this process, that on-balance Option 2 was considered to be the most favourable.
- 48 Option 1 was dismissed as it would not remove conflict between core path users and vehicles using the car park, which was identified as a concern during consideration of the earlier Section 208 Order process.
- 49 Option 3 was also dismissed as the proposed delivery hub for Murrayshall Estate, which is indicated to be located to the west of the driving range in the indicative masterplan associated to permission 23/00833/IPM would conflict with users of any diverted path route. This as the path would require to cross the vehicular access into the delivery hub, creating conflicts between delivery vehicles and path users. There were also concerns with the topography of this route and the ability of the diverted route to cater for all users given the likely gradients. This diversion also would result in a considerable addition to the length of the path, in comparison with the existing path and option 2.
- 50 Option 2 was considered to be the most appropriate proposed diversion as it: avoids conflict with vehicles, allows for an appropriate gradient and allows for an appropriate width and surfacing of the path. Option 2 is that which is subject to this application.
- 51 The proposed diversion extends the overall linear distance of path by approximately 100m, which is similar in terms of length to the previously approved diversion. The 3m wide path provides good space for multiple path users and the 1.5m grass verge on either side offers additional useable space for horse riders or others to manoeuvre. It is important to ensure that the path requires to be suitable for all users and not solely horses. Cyclists and pedestrians require to be considered as do those with mobility issues. Although this diversion is longer than the current path route it reduces the gradient. Importantly, the proposed amended diverted route avoids the risk of path users being hit by golf balls from the new, approved driving range. It is clear from representations that different users of the core path/right of way have a preference for differing surface types, as some suit walkers, others cyclists or horse riders. A balance, however, requires to be reached on a surfacing suitable for all users. In this instance the proposed self-binding gravel is hard wearing and has been accepted as a suitable surface for all users by PKC Community Greenspace and will enable access for multiple path users which the current route does not, resulting in an overall improvement in accessibility terms.
- 52 Representations consider that the proposed hedge at the path's western end may increase the likelihood of horses being spooked by the sound of golf balls being hit. The noise of struck golf balls already exists on the core path and right of way where the path runs close to the existing driving range, however, there is no visual barrier between the path and golfers. A condition is therefore

recommended (Condition 5) to remove this hedge feature, removing the proposed visual barrier and to have it replaced with low level shrub planting. Signage will be in place to ensure users are directed appropriately onto the diverted route and details of this are included in the plans.

- 53 This core path/right of way already passes directly adjacent to and along the full length of the existing driving range at Murrayshall, a short distance to the east. Furthermore, the land to the north is occupied by an 18 hole golf course, with tees in relatively close proximity to the existing route. It would be reasonable to assume that any horse riding undertaken in this area would result in golf shots already being a common sound given these existing well established uses. Therefore, the proximity of the diverted route to the new driving range bays and the resultant noises are not considered to be substantially different from the existing situation.
- 54 The Council's Community Greenspace Service have been consulted and consider the proposals acceptable. They state that the proposal has taken into account the requirements of horse riders, regarding separation from vehicles and provision of suitable path surface; as well as including improved path width and gradient. The path improvements would also make the route more accessible to other path users, including those using wheelchairs, prams or bikes. All in comparison to the existing trodden grass route across the field. Whilst there are some turns in the route and some sections where forward visibility is limited this is not considered to be to any significant degree and the width of the path and grass verge will enable users to manoeuvre around turns appropriately which will aid in forward visibility.
- 55 The revisions to the diverted route are thus considered to be acceptable in planning terms. They will enable continued access and an improved standard of surface along the path network by all users and therefore meet the requirements of Policy 15 of LDP2 and Policies 8 and 20 of NPF4.
- 54 Whilst the proposed amendments to the diversion are considered to be acceptable in planning terms, there are formal processes relating to the stopping up and diversion of core paths and rights of way. These processes are separate from the planning considerations and will require to be addressed if and when planning permission is granted. The applicant is fully aware of these processes, particularly given the recent withdrawal of a diversion order for the original diverted route. It should be noted that the granting of any planning permission does not mean that the core path and right of way can be formally diverted without these separate processes being progressed. The recommendation in this report relates to the land use planning issues associated to the diversion being acceptable and gives no guarantee that the separate process(es) to stop up and divert the path will be approved.
- 55 Separate to the above and similar to the existing permission there is also a requirement to ensure a public access route remains available during construction operations, given that the cut and fill operation for the outfield of the driving range would impact on the existing route. Therefore, a temporary route is required

during the construction phase and before the diverted route opens. Details of this temporary route have been submitted (document 04 relates). These reflect the agreement reached under condition 15 of permission 21/01673/FLL. However, a condition is recommended to ensure this temporary diverted route is implemented during construction (Condition 4).

- 56 Overall, the now proposed path diversion is considered acceptable, allowing for an appropriately surfaced amended route for all path users. It is therefore considered to accord with Policy 15 of the LDP2 and Policies 8 and 20 of NPF4.

### **Design and Layout**

- 57 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2 which relate to placemaking and Policy 14 of NPF4 which seeks to deliver well designed development. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Policy 4(a) of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 58 In these regards the site has a rural character located on the outskirts of Scone but is very much associated and clearly related to the existing golf course and hotel, which form a key part of the visual amenity of the area. The revised diverted route will be seen in this context, with the approved driving range and associated building/car park. The width and materials of the diverted route are considered to reflect the character of this part of the estate and therefore accord with the requirements of the above policies, subject to ongoing maintenance (Condition 6).

### **Green Belt**

- 59 Policy 43 of the LDP2 and Policy 8 of NPF4 states that development within the green belt will only be permitted in certain circumstances. This development is directly associated with the approved development of a driving range and driving range building and a diverted route has previously been approved in this location. The revised route is not considered to impact on the greenbelt any more than the existing approval. The proposal is therefore considered to accord with the above policies.

### **Trees**

- 60 The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. This is reflected within Policy 40B of the LDP2 and NPF4 Policy 6(a). In this instance the existing permission included a tree survey which demonstrated that one tree required to be felled due to ash die back and three other trees are to be felled due to health and safety concerns. Compensatory planting was secured via a condition on that permission. An Arboricultural Impact Assessment accompanies the current proposals and includes a detailed method statement for

works close to and within root protection areas of retained trees. These works are considered acceptable. A condition is recommended to ensure the methods outlined are implemented. The revised route does not impact on trees to any further degree than the approved route and is therefore considered to be acceptable and to accord with the above policies.

### **Ecology**

- 61 Policy 41 of the LDP2 and Policy 3 of NPF4 state that all wildlife and habitats should be protected, whether formally designated or not, considering natural processes in the area. Also that planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. The site was surveyed via application 21/01673/FLL and an updated walkover survey was been undertaken on 9 October 2023 by the same ecologist and supports this application. The findings highlight the potential impact on trees, which is addressed above but considers the remainder of the route to have limited ecological value. Thus the revised route is not considered to impact on ecology to any significant degree and measures to protect ecological resources are secured via the existing permission. The proposal is therefore considered to accord with the above policies.

### **Traffic and Transport**

- 62 Policy 60B of LDP2 and Policy 13 of NPF4 seeks safe access, egress and appropriate car parking and to encourage the use of sustainable transport. This revised arrangement avoids conflict between path users and vehicular traffic as mentioned elsewhere in this report. The improved width, separation and material of the diverted route is considered to encourage the use of sustainable means of transport and therefore complies with the above policies.

### **Residential Amenity**

- 63 Policy 1A and B and 56 of LDP2 and Policy 14 (c) and 23 of NPF4 require any development to not detrimentally impact on residential amenity. The amended diverted route is not considered to have any detrimental impact on the residential amenity of the area and therefore accords with the above policies.

### **Drainage**

- 64 Policy 53C of the LDP2 and Policy 22 of NPF4 require surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS) and a SUDS pond has been approved under the previous application to the west of the driving range. Details of the SUDS solution were included within the submitted Drainage Strategy and the SUDS pond is proposed to be of a natural design to limit its impact on the visual amenity and landscape of the area. This was reviewed by PKC Structures and Flooding who consider it be acceptable. This SUDS pond is considered to be capable of accommodating any run off from the amended diverted route and

furthermore the gravel surface of the path will be porous. The proposal therefore accords with Policy 53C of LDP2 and Policy 22 of NPF4.

### **Developer Contributions**

65 There is no requirement for developer contributions.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

66 None.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

67 To conclude, the application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

68 Accordingly the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

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

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

3. The tree protection measures outlined in the approved Arboricultural Method Statement (doc ref:07) shall be fully implemented on site for the duration of construction operations.

Reason: To ensure implementation of the tree protection measures outlined in

the submitted Tree Survey.

4. The temporary diverted route for the core path and right of way to be provided during construction operations, as identified in document ref: 04, shall be strictly adhered to during construction operations and shall remain available for use until the permanent diverted core path route is open and available for use.

Reason: To ensure continued public access along the core path and right of way.

5. The hedge planting which is proposed at western end of the diverted core path/right of way route, running parallel to Murrayshall Road is not approved. An alternative lower level shrub planting boundary should be planted here and details of this alternative planting shall be submitted to and subsequently approved in writing prior to the commencement of any development. This low level planting shall be maintained at this level at all times.

Reason: To ensure line of site between the core path/right of way and the driving range to limit the possibility of horses being spooked by golf balls being hit.

6. Prior to the commencement of any development a maintenance plan and regime for the path shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented for the lifetime of the development.

Reason: To ensure the diverted path remains available for use by all users.

## **JUSTIFICATION**

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

## **PROCEDURAL NOTES**

None.

## **INFORMATIVES**

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

3. The granting of planning permission does not alter the status of the existing core path SCON/7 and right of way 39/7. An order to stop up and divert the affected path under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the core path under the Land Reform (Scotland) Act 2003, may be required.

Background Papers: 23 letters of representation

Date: 26th January 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT & PLANNING**

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