

LRB-2024-23

**23/00371/FLL – Erection of a holiday accommodation unit,
ancillary shed and associated works, land at A'phairc
Loisgte, Rannoch**

REPRESENTATIONS

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 23/00371/FLL

Our ref ALS

Date 01/06/2023

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

Erection of a holiday accommodation unit, ancillary shed and associated works Land At A'phairc Loisgte Rannoch

I refer to your letter dated 18/05/2023 in connection with the above application and have the following comments to make.

Water (assessment date – 01/06/2023)

Recommendation

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

Comments

The development is for holiday accommodation in a rural area with private water supplies believed to serve properties in the vicinity. 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 will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor 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 dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. 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.



NatureScot

Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Planning
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

13 June 2023

Our ref: SIT/SAC/River Tay/ASS
Your ref: 23/00371/FLL

Dear Sir

The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006

Consultation on an application

Erection of a holiday accommodation unit, ancillary shed and associated works, Land at A'phairc Loisgte, Rannoch

Thank-you for the opportunity to comment on this planning application.

Background

This proposal is to build holiday accommodation on land to the north of the River Gaur.

NatureScot Position

There are natural heritage interests of international importance close to the site, however, our advice is that these will not be adversely affected by the proposal.

Appraisal of the Impacts of the Proposal and Advice

The River Gaur is part of the River Tay SAC, designated for its populations of Atlantic salmon, otter and lamprey species and clearwater lochs habitat. Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of our website:

https://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8366

The status of the SAC means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Perth and Kinross Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has a summary of the legislative requirements: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

Our advice is that this proposal is likely to have a significant effect on Atlantic salmon, otter and possibly lamprey, therefore, Perth and Kinross Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying

Battleby, Redgorton, Perth PH1 3EW
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01738 444177 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

interests. To help you do this we advise that based on the supporting information, and in particular that relating to the drainage strategy and otter survey, our conclusion is that the proposal will not adversely affect the integrity of the site.

I would be grateful if you could let us know of your Council's decision in due course or of any changes to the proposal which would be relevant to our interests.

Yours sincerely,

Via email

Nicki McIntyre

Operations Officer – Central Highland

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00371/FLL

Our ref OLW
Tel No 01738 476958

Date 14 June 2023

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission
PKC 23/00371/FLL RE: Erection of a holiday accommodation unit,
ancillary shed and associated works, Land At A'phairc Loisgte, Rannoch for Mr
Edward Mustin And Louise Patterson**

I refer to your letter dated 25 May 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application.

Comments

This application is for the erection of a holiday accommodation unit which will include the provision of a single woodburning stove.

Air Quality

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. Though the application does not include any information on the stove, it is likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Odour

Another matter pertaining to the stove which could cause an issue has the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that there are no neighbouring dwellinghouses which could be adversely affected by smoke/odour.

I would therefore have no objections to this development.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00371/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a holiday accommodation unit, ancillary shed and associated works		
Address of site	Land At A'phairc Loisgte Rannoch		
Comments on the proposal	<p>The applicant is proposing to erect a three bedroomed holiday accommodation unit on rough grazed grassland adjacent to the B846 west of Loch Rannoch. This is a resubmission following Ref: 22/00660/FLL. At the property site entrance, the B846 is single track tarmacked road. The site has an existing gate for access to the B846. The proposed upgraded vehicle access to the site will be at this same location.</p> <p>Three car parking spaces are proposed, which meets the requirements of the National Roads Development Guide. The applicant is also proposing to provide a combined wheelie bin and bike storage facility.</p> <p>From the tree survey, there are a number of trees adjacent to the public road network and it is likely that pruning will be required to provide a suitable visibility splay. From the vehicle access proposed, the visibility splay will be limited by the road topography, as such a minimum of 90 metres shall be provided and condition is recommended to secure this.</p> <p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its upgrade. This will allow the applicants contractor to apply for the necessary consents to work within the public road network. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		

<p>Recommended planning condition(s)</p>	<p>Prior to the commencement of the development hereby approved, full visibility splays of 90 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue into the vehicle access for a minimum distance of 3 metres from the end of the carriageway.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water is discharged to the public road.</p> <p>Reason - In the interests of road safety.</p>
<p>Recommended informative(s) for applicant</p>	<p>The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>
<p>Date comments returned</p>	<p>15 June 2023</p>

Andy Baxter
Planning Department
Perth & Kinross Council

Our Ref: 9875
Your Ref: 23/00371/FLL

By email only to: DevelopmentManagement@pkc.gov.uk

SEPA Email Contact:
planning.south@sepa.org.uk

09 August 2023

Dear Andy

**Town and Country Planning (Scotland) Acts
Erection of a holiday accommodation unit, ancillary shed and associated works
Land At A'phairc Loisgte, Rannoch**

Thank you for consulting SEPA for flooding advice on 19 July 2023 about the above application.

Advice for the planning authority

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

Due to a lack of information in relation to flood risk we submit a **holding objection** and request that determination is deferred until the information outlined below has been provided for our assessment.

1. Flood risk

- 1.1 In line with NPF4 (Policy 22) a precautionary approach to flood risk should be taken by avoiding development in flood risk areas defined as '*land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change*'.
- 1.2 The site is shown to be at risk of flooding based on the [SEPA Future Flood Maps](#). This indicates that there is a risk of flooding from the River Gaur.
- 1.3 We have reviewed the Flood Risk Assessment (FRA) (dated July 2023) with the application and note this does not accurately define the flood risk area in line with NPF4. A level of 211.1mAOD has been taken from the SEPA Flood Maps. These are too high level and uncertain to be used in this way. Additionally, as per our [Explanatory note on the difference between our planning guidance and the Future Flood Maps](#), our future flood outlines underestimate flood risk as they are based on previous climate change uplifts rather than our current [Climate change allowances for FRA in land use planning](#).



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Bob Downes

CEO
Nicole Paterson

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- 1.4 Therefore, we require that a more detailed hydraulic modelling study be undertaken to determine the 200 year plus climate change flood level at this site to allow us to determine the potential impacts. This should be used to demonstrate that development can avoid the flood risk area and also include an appropriate allowance for freeboard. We refer the applicant to our [Technical guidance for Stakeholders on FRA](#) which provides generic requirements for undertaking FRAs.
- 1.5 Please note the policy intent of NPF4 is to strengthen resilience to flood risk by promoting avoidance as a first principle. New development should therefore be located outside of flood risk areas without the need for flood mitigation measures, such as land raising or the use of a micro-pile foundation system. It is our view that the use of elevated structures is not appropriate at this location to develop in the flood risk area. It is at the applicants own risk should the detailed hydraulic modelling confirm the site is in the flood risk area therefore not compliant with NPF4 and subject to further objection from SEPA.
- 1.6 We also recommend that all references to Scottish Planning Policy (SPP) are removed from any subsequent FRA, as it is only now NPF4 that is relevant. All references to 'Functional Floodplain' should also be removed, as it is now only the flood risk area that is relevant under NPF4.

2. Other planning matters

- 2.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: FASP@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: ABaxter@pkc.gov.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).