

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/76)

PROPOSAL: Change of use, alterations and extension to agricultural building to form events venue, formation of car parking, landscaping and associated works

LOCATION: Tullochcurran Farm, Kirkmichael, Blairgowrie, PH10 7NB

Ref. No: [21/00224/FLL](#)

Ward No: P3- Blairgowrie And Glens

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 The application site is Tullochcurran Farm, Kirkmichael, by Blairgowrie. The application seeks detailed planning permission for the change of use, alterations and extension to an existing agricultural building to form an events venue, the formation of car parking, landscaping and associated works.
- 2 Tullochcurran Farm is located approximately half a mile north west of the identified settlement of Kirkmichael. The agricultural building in question is a traditional stone-built steading and is located immediately opposite Tullochcurran Farmhouse. Tullochcurran Farm is no longer in active agricultural use and thus the existing steading is redundant and is currently utilised for domestic storage only.
- 3 It is proposed to renovate the steading to provide an events venue capable of accommodating 70 covers. The supporting statement indicates that the applicant intends to offer an 'affordable, rustic and picturesque wedding venue'. The applicant currently resides in the immediately neighbouring Tullochcurran Farmhouse.
- 4 In terms of physical alterations, the footprint and character of the existing steading will be largely retained. A section of the roof which has currently collapsed will be reinstated with a standing seam metal roof, which will accommodate solar panels. New glazing and doors will be incorporated throughout and a small extension will be erected to facilitate toilet facilities. Two new dormer windows will also be formed to enhance the countryside views from the venue.

- 5 Externally, a parking area will be formed in an area which was formerly used for grazing sheep and will be finished in a permeable compacted hardcore surface. A new storage shed will also be erected adjacent to the parking area.

PRE-APPLICATION CONSULTATION

- 6 Pre-application Reference: 19/00437/PREAPP
- 7 A formal pre-application enquiry was submitted where it was identified that the principle of the proposed development is generally acceptable, subject to appropriate detailing and justification.

NATIONAL POLICY AND GUIDANCE

- 8 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

- 9 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) (Revised December 2020)

- 10 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.
- 11 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

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements

Creating Places 2013

- 13 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 14 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 15 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

- 16 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."

- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 – Locational Priorities
- Policy 2 – Shaping Better Quality Places

Perth and Kinross Local Development Plan 2 (LDP2)

- 17 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.

- 18 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Placemaking Supplementary Guidance 2020

- 19 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

- 20 There is no site planning history.

CONSULTATIONS

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

Internal

- 22 **Environmental Health (Private Water):**
No objection to the proposed development, subject to conditional control in relation to private water supplies. The recommended conditional control will ensure that existing private water supplies in the area are protected.
- 23 **Environmental Health (Contaminated Land):**
No objection to the proposed development, subject to conditional control in relation to any potential ground contamination.
- 24 **Environmental Health (Noise Odour):**
No objection to the proposed development, subject to various conditions in relation to noise management including the submission of a noise management plan to ensure control of noise from music, patrons and vehicles.

- 25 **Transport Planning:**
No objection to the proposed development, subject to conditional control regarding vehicular passing places being provided on the long access track.
- 26 **Biodiversity/Tree Officer:**
No objection to the proposed development, subject to conditional control regarding biodiversity measures including the implementation of the submitted ecological survey and the provision of swallow and house martin nest boxes.
- 27 **Development Contributions Officer:**
No contributions required. The site is not located within the identified Transport Infrastructure zone.

External

- 28 **Perth And Kinross Heritage Trust:**
No objection to the proposed development, subject to conditional control regarding the requirement for a standing building survey.

REPRESENTATIONS

- 29 A total of 15 letters of representation have been received in respect of the current application (12 raised objection, 2 were in support, 1 was general comment). The main issues raised within the representations are:

Letters of objection (x12):

- Noise disturbance and loss of amenity
- Unsuitability of existing access track
- Road safety concerns
- Traffic generation
- Impacts upon private water supplies
- Concerns regarding proposed management of facilities
- Concerns regarding potential number of customers and events
- Lighting concerns
- Out of character with the area
- Waste pollution
- Safety of school children
- Anti-social behaviour

Letters of support (x2):

- Increase in facilities in the area
- Employment opportunities
- Complementary to local area
- Indirect economic impacts

General comment (x1):

- Upgrades required to existing access track.

- 30 These issues are addressed in the Appraisal section of the report, with the exception of anti-social behaviour, as this is not a planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 31 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 2 (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, namely the Placemaking Supplementary Guidance 2020.

Principle

- 32 Policy 8 'Rural Business and Diversification' gives favourable consideration to the expansion of existing businesses and the creation of new business in rural areas. This policy is directly applicable to this application as the site is located outside the settlement of Kirkmichael and the proposal being brought forward is a new business use.
- 33 Policy 8 sets a preference that new or expanded businesses will generally be within or adjacent to existing settlements. Out-with 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. Existing buildings should also be re-used where possible. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.
- 34 In this instance, the applicant has demonstrated through the supporting statement, that the proposed business model is for rustic and picturesque rural wedding events. A traditional steading in a countryside location would therefore be required for this type of business venture. It is therefore considered that a

site-specific resource is being utilised as the steading under question when converted, will align with the proposal business model.

- 35 Additionally, as the proposal seeks to convert an existing building to a high-quality design in order to facilitate the new business venture, this complies with the remit of Policy 8. The proposal would be compatible with the surrounding land uses, would not result in the suburbanisation of the area, and would contribute to the local economy. It is therefore considered that the principle of the development is acceptable.

Design and Layout

- 36 The proposal is considered to be designed to a high quality which respects the rural environment in which it is located. The proposed conversion of the steading is sympathetic to its traditional character and will not detract from its visual quality. The design will also not significantly increase the footprint of the existing building and will use quality materials which are appropriate for this rural environment. The proposal is therefore considered to comply with the Placemaking Policies 1A and 1B.
- 37 With regards to layout, the site has been designed to ensure that all development is well contained within the existing curtilage of the farm to ensure that there is no adverse impact upon the landscape character of the site. The proposed storage shed will also be satisfactorily accommodated and will not appear out of place.

Conservation Considerations

- 38 The steading is not listed or located within a Conservation Area, however due to its historical significance, Policy 31 'Other Historic Assets' is applicable. This policy seeks the retention of traditional buildings where possible and encourages alternative uses to be found for buildings if they become redundant. Perth & Kinross Heritage Trust (PKHT) welcome the re-use of the building to ensure it does not deteriorate further and remains in a practical use. PKHT did however request a standing building survey to ensure that the building is appropriately recorded (Condition 3). This will ensure compliance with Policy 31.

Landscaping

- 39 Some landscaping has been introduced to the scheme, as encouraged at pre-application stage, to soften the impact of the development. The submitted site plan indicates that the trees to be planted are of a native species. This is welcomed and will also ensure that the visual amenity of the site is enhanced although it is accepted that there is significant woodland to both the north and south west of the site.

Ground Contamination

- 40 Due to the former agricultural uses of the site, Environmental Health recommended conditional control to ensure that any ground contamination is dealt with appropriately in compliance with Policy 58A 'Contaminated and Unstable Land' (Condition 2).

Private Water Supplies

- 41 Concerns were raised within some of the letters of representation regarding the impact of the proposed development upon the private water supplies in the area. Environmental Health have no objection to the proposed development, subject to conditional control to ensure that existing private water supplies are protected. This will also help to ensure that the concerns raised within some of the letters of representation received are addressed and the proposal complies with Policy 53E 'Water Environment and Drainage' (Condition 4).

Residential Amenity

- 42 The site is remote from any residential property with the exception of the applicant's house and as such it is considered that it is appropriate for an events venue. It is noted that a number of the letters of representation highlighted noise and light pollution as concerns. Whilst Environmental Health have no objection to the proposed development, they have recommended conditional control to ensure that a Noise Management Plan is submitted to the Council for approval prior to the commencement of the development (Condition 6). This will ensure that appropriate measures are in place to mitigate noise pollution and will also ensure that the concerns raised within the letters of representation received are addressed. The recommended conditions will also protect the amenity of the nearby holiday lodges located further north up the track.
- 43 Further to the Noise Management Plan condition, Environmental Health also requested a number of other conditions in relation to plant equipment noise, outdoor music, and external lighting. Conditions 9 – 11 have also been recommended to ensure further protection to residential amenity. With the conditional control the proposal is considered to comply with Policy 55, Nuisance from Artificial Light and Light Pollution and Policy 56, Noise Pollution.

Roads and Access

- 44 The main concerns raised within the letters of representation were in relation to road safety and the unsuitability of the existing access track to serve the proposed development. A Transport Statement was submitted with the application. The Transport Statement indicates that the provided parking area, capable of accommodating 20 parking spaces, will be sufficient for the expected level of traffic generation from the proposed use. It is also proposed to offer a minibus service for guests to get to the venue from Kirkmichael. This would reduce the number of vehicles which would be required to use the access track. The Council's Transport Planning Team have reviewed the

Transport Statement and consider that the proposed development raises no adverse concerns in relation to roads and access and thus have raised no objection to the proposed development, subject to a condition ensuring the requirement for passing places being provided prior to the commencement of works on the steading building (Condition 5). These passing places will ensure that appropriate upgrades are made to the existing access track to service the development safely. The proposal is therefore considered to comply with Policy 60B 'Transport Standards and Accessibility Requirements'. An informative is also recommended to ensure that the core path is not obstructed at any time (Informative 16).

Drainage and Flooding

- 45 The site is not at any known flood risk and the proposals are not considered to increase the risk of flooding. Drainage to the site will be provided by a new septic tank and soakaway which would be normal practice for such a rural location. It is therefore considered that there are no adverse concerns in relation to drainage and flooding.

Waste Collection

- 46 The submitted plans show that a bin store is to be created to the rear of the steading. The bin store is of a sufficient size for the scale of the development. It will be the responsibility of the applicant to ensure that appropriate waste collection is undertaken from the site. Informative 9 has been recommended to ensure that the applicant is aware of the Council's requirement for Waste Provision.

Natural Heritage and Biodiversity

- 47 The Council's Biodiversity/ Tree Officer was consulted as part of this application and reviewed the supporting documentation to ensure compliance with Policy 41 'Biodiversity'. The Biodiversity/ Tree Officer has no objection to the proposed development, subject to conditional control regarding compliance with the supporting ecology information and the installation of nest boxes (Conditions 7 and 8). These conditions have been recommended to ensure best practice is undertaken.

Developer Contributions

- 48 No Developer contributions are required as the site lies outwith the Transport Infrastructure contribution zoning.

Economic Impact

- 49 It is considered that the proposal will result in a positive economic impact upon the Kirkmichael area and will potentially result in employment opportunities. This was echoed within the letters of support received. There will also be some economic gain from the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 50 There was no variation to the plans during the consideration of the proposal.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 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 of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 55 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 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

- 3 Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 4 Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

- 5 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

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

- 5 Prior to the commencement of the development, a detailed design showing the locations of passing places shall be submitted to and approved in writing by the Council as Planning Authority. The passing places shall be designed such that the width of the track is increased to 5.5metres to allow space for vehicles to pass. The scheme as subsequently agreed in writing, shall be implemented prior to any works commencing on the building itself, and thereafter the passing places shall be retained in a reasonable condition for the life of the

development hereby approved, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

- 6 Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written approval of the Council as Planning Authority. The plan shall include all sources of noise associated with the premises, including music, patron noise, vehicle noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development hereby approved, all to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 7 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 18) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 5: Bat Protection Plan in the approved Full Bat Survey Report, Jenny Wallace Ecology, 22 October 2020.

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).

- 8 Prior to the bringing into use of the development hereby approved, three swallow and three house martin nest boxes shall be provided on the building to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

- 9 No music, amplified or otherwise, shall be permitted in any outdoor area including marquees at any time.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 10 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

- 11 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily,

within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in 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

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 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.
- 3 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 6 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from

express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

- 7 Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
- 8 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 9 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 10 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 11 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.
- 12 The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
- 13 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

- 14 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 15 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 16 The granting of planning permission does not stop the continued right of public access along the existing core path MTBL/10. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

Background Papers: 15 letters of representation
Contact Officer: Sean Panton
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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