

Perth and Kinross Council
Development Management Committee – 21 April 2014
Report of Handling by Development Quality Manager

Erection of rafting base including car parking at Land 100 Metres North West of Tigh Na Rathaid, Grandtully

Ref. No: 13/02130/FLL
Ward No: 4– Highland

Summary

This report recommends approval of the application for the erection of a rafting base including car parking as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the erection of a rafting base with associated car parking on an area of land to the north of the A827 public road between Grandtully and Aberfeldy. The application site, which is currently open grassland is situated between the River Tay to the north and a former railway line to the south which now forms part of the Core Path network. It is proposed to access the site from the A827 utilising an access which has yet to be constructed but was granted consent in 2011 (10/02174/FLL) and remains valid today.
- 2 The site is well screened from the public road by the former railway embankment and is relatively well contained by established mature trees, particularly on the north and east sides.
- 3 The built development includes the siting of two steel containers which are to be clad in timber with the space between the containers being utilised as a raft and equipment store. A grey profiled metal sheet roof is proposed over both containers and the store area to give the proposal the appearance of single timber clad building. For the purposes of this report I intend to refer to the steel containers and raft storage area as “the building”.
- 4 The building is proposed in the south east corner of the site where an area of fencing is also proposed to provide an further open storage area at the rear (east) of the building. The car parking would occupy the remainder of the site with a small area of proposed landscaping and a septic tank with secondary treatment for drainage located adjacent to the access into the site. Further planting is also proposed on the western boundary of the site.

- 5 This application has been submitted following the erection of a similar structure on the opposite side of the River Tay which was considered unauthorised development and a breach of planning control for which an enforcement notice has been served seeking the removal of the unauthorised structures. The applicant intends to remove this unauthorised structure and erect it on the application site whilst improving its visual appearance.
- 6 The applicant plans to operate a rafting business in the area, which will be considered in more detail below, and therefore seeks a base to operate the business.
- 7 As background, the applicant currently operates the Highland Fling Bungee Platform at Garry Bridge near Killiecrankie and he seeks to extend and combine the adventure sports packages which he offers to his customers. The supporting statement submitted with the application highlights the applicant's existing successful operation at the bungee platform which was considered by this Committee in 2010 (09/01556/FLL). It goes on to argue that combining a rafting experience with the bungee jumping will offer a package of adventure tourism activities which will benefit from joint marketing and extend the stay and spend of tourists in the Highland Perthshire area.
- 8 It should be noted that this proposal is for a building for raft and equipment storage which will also act as a meeting area for customers. No launching of rafts into the river is proposed at this location.
- 9 This report will fully consider the supporting statements submitted by the applicant together with the letters of representation which have objected to the proposal and consider the proposal against the most relevant Development Plan policies which are outlined in detail below.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 10 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

The most relevant paragraphs are as follows:

- Paragraphs 45-48, 52-61 Economic Growth.

- Paragraphs 110-117,123-124 Historic Environment.
- Paragraphs 142-145 Protected Species.

DEVELOPMENT PLAN

- 11 The Development Plan for the area consist of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

Tayplan: Strategic Development Plan 2012-2032

- 12 The principal relevant policy is in summary: -

Policy 3: Managing Tayplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

LOCAL DEVELOPMENT PLAN 2014

- 13 The application site is located close to the settlement of Little Ballinluig but out with the designated settlement boundary. Therefore the policies in relation to countryside locations are relevant to this proposal. The River Tay Special Area of Conservation sits to the north of the site and the opposite bank of the river (to the north) forms the boundary of the Grandtully/Strathtay Conservation Area.
- 14 The principal relevant policies are in summary: -

PM1A: Placemaking

- 15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

PM4: Settlement Boundaries

- 16 Where a settlement has a defined settlement boundary, development will not be permitted outside of that boundary.

ED3: Rural Business and Diversification

- 17 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

TA1B Transport

- 18 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

HE3A Conservation Areas

- 19 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

NE1A – International Nature Conservation Sites

- 20 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

NE3: Biodiversity

- 21 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

EP2: New Development and Flooding

- 22 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

EP5: Nuisance from Artificial Light and Light Pollution

- 23 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

EP8: Noise Pollution

- 24 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

- 25 None

SITE HISTORY

- 26 No relevant planning history

CONSULTATIONS

27

Mid Atholl and Strathtay Community Council	Objection regarding impact on visual amenity and landscape character, impact on core path, additional traffic generation, size of building, facilities proposed and impact on residential amenity. Comments also made on content of Additional Supporting Statement.
Scottish Water	No objection
SNH	No response within statutory timescale (therefore as per written agreement with SNH – no objection)
Environmental Health	No concerns regarding impact on residential amenity and condition recommended in regard to contaminated land

REPRESENTATIONS

- 28 A total of 12 letters of representation have been received during the first advertisement period all of which object to the application. A second advertisement period was conducted following the submission of amended plans to revise the site layout and include drainage and the submission of a further supporting statement. During this second advertisement period a further 14 letters of representations were received, including four from persons who had objected during the first advertisement period.
- 29 Therefore a total of 26 letters of representation, all objecting to the proposal, have been received. This includes two letters of objection from the Mid Atholl and Strathtay Community Council (one within each period of advertisement)

Summary of Issues raised by Representations

- 30 The representations have raised the following relevant issues: -
- Loss of visual amenity/poor design
 - Traffic impact/access
 - Impact on established legal agreement regarding use of river for fishing and rafting
 - Lack of demand for further rafting use in area/competition
 - Loss of tranquillity in river
 - Impact on core path network/vehicles crossing
 - Lack of permission for unauthorised structure on opposite side of river
 - Flooding
 - Loss of residential amenity/noise impact
 - Drainage/lack of facilities
 - Impact on Conservation Area
 - Impact on River Tay Special Area of Conservation
 - Concerns regarding this proposal being part of a larger project
 - Setting of precedent for further development
 - Impact on Bio Diversity
 - Quality of facilities on offer

- 31 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

APPRAISAL

Policy

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

Policy Context

- 34 Policy ED3 which relates to rural business and diversification sets out the criteria upon which the principle of the proposed use will be assessed. The policy indicates that generally the Council will favour the expansion of existing businesses and the creation of new ones in rural areas. It states that there is a preference for these to be located either within or adjacent to existing settlements. Development's being assessed against this policy are required to contribute to the local economy through the provision of permanent employment and/or additional tourism and recreational facilities. They are also required to demonstrate the proposal improves the quality of new or existing visitor facilities, allows a new market to be exploited or extends the tourism season.

This policy is also subject to a number of criteria in relation to land use compatibility, impact on landscape, the need for the development, the design of buildings and the capacity of the road network.

Principle

- 35 As outlined above Policy ED3 generally seeks to support new rural business. Following discussions with the applicant and consideration of the supporting information it is clear the applicant feels that there is scope to accommodate a further rafting business in this location. It is also clear that establishing a further rafting business in this area will dilute the market share of existing rafting companies in the area and it could be argued that this is perhaps one of the reasons why other rafting companies in the area have raised concerns regarding this proposal. The applicant's supporting statement indicates that white water rafting is a popular activity in Perthshire and that adventure sports enthusiasts generally spend more during their visit to Perthshire than other types of visitors. The statement also includes excerpts from the "Single Outcome Agreement 2013-2023" which is part of the Council's Community Plan which seeks to, amongst other areas, promote a prosperous, inclusive and sustainable economy. It generally indicates that adventure sports is a key element of the tourism economy of Perthshire and includes a high proportion of repeat visitation.

- 36 A key element of the applicant's proposal is focussing on the expansion of the existing bungee jumping operation at Killiecrankie and the setting up of a rafting business will allow a package of adventure sports (rafting and bungee jumping) to be offered to customers which the applicant states is unique. I have noted, however, through various internet searches, that other companies do appear to offer similar packages. Nevertheless, this proposal could potentially result in visitors staying in the area longer which further supports the economic benefit.
- 37 Although the operator is new to the River Tay they have experience of operating on other rivers in Scotland and they also benefit from local knowledge given their established activity operation at Garry Bridge. An economy of scale in marketing activity will be achieved pooling resources of both businesses.
- 38 The statement outlines that there is an established infrastructure already in place and the applicant indicates that joint marketing for bungee and rafting is already proving a popular package. 25% of vouchers sold online combine both events. The statement argues that this extends the stay of visitors and potentially increases the local spend in the economy. The applicant has the ability to package together rafting, canyoning and bungee jumping and this will potentially differentiate them from competitors.
- 39 As outlined elsewhere there are a number of existing rafting companies in the Aberfeldy/Grandtully area with some being located to the east of the application site in Grandtully and some to the west in Aberfeldy. This application site sits between the two settlements and in general terms would appear a logical location.
- 40 In terms of employment opportunities the submission indicates that the applicant, Ace Tay Ltd currently employ one full time manager, three to four casual season guides and that this is forecast to grow to one full time manager, one full time guide and four to six season guides. Whilst the employment generation of the proposal is fairly limited it will generate job opportunities.
- 41 However, it is difficult to ascertain whether there is a genuine need for a further rafting business at this location on the River Tay. According to the applicant an existing competitor has recently ceased to trade and the statement indicates that this means there is a gap in the market which this proposal could fill. It should be noted, however, that letters of representation have indicated that the existing rafting business referred to in the applicant's submission has not "gone out of business" and the letters also state that some of the statements made by the applicant in their submission regarding other businesses are not wholly accurate. It is, however, evident that rafting in this location is a popular activity given the existing businesses that operate in the area. The applicant clearly feels that there is a market for a further rafting company in the area and evidence of this has been provided within the submission which indicates that there is a demand from those visitors who are utilising the bungee jumping platform but also wish to include other river based activities as part of their visit. This will therefore have a multiplier effect on local suppliers.

- 42 A number of letters of representation have stated that there is no market for a further rafting business in the area given the number of existing operators and it could be argued that the market is potentially saturated in the area. Nevertheless, the presence of competition between businesses in a particular area is not a relevant material planning consideration and therefore is not an issue which has any bearing on this recommendation. If anything the presence of another business in the area may serve to enhance other similar businesses and competition can be considered healthy. Furthermore, Scottish Planning Policy 2010 published by the Scottish Government states in paragraph 45 that Planning Authorities should support development which will provide new employment opportunities and enhance local competitiveness.
- 43 It is clear this proposal is a sensitive issue in the local area, however the overall purpose of Policy ED3 is to support rural businesses. I am therefore satisfied, in general terms, that the supporting information submitted by the applicant is sufficient to justify a rafting business in this location as the information demonstrates that there is some demand within the local area. The criteria in relation to landscape impact, visual amenity, access and other issues will be fully assessed in the paragraphs below.

Landscape Impact/Visual Amenity

- 44 Policy PM1 refers to placemaking and seeks to ensure that development contributes positively to the quality of the natural environment and respects the character of the place. Policy ED3 also requires any rural business to be satisfactorily accommodated within the landscape capacity of a particular area. The application site is well contained by established planting on the east and north sides which means it will be partially screened from the north side of the River Tay and from within the Conservation Area. Further planting is proposed on the west side of the site to provide some containment.
- 45 The existing former railway embankment will provide screening to the site from the public road and the position of the building in the south east corner will ensure it is positioned within the least prominent area of the site.
- 46 It is clear that the site will be visible to users of the core path along the railway embankment and as such I believe the position of the building in the corner of the site with a backdrop of trees will help to minimise the visual impact from this important receptor.
- 47 The presence of vehicles parked within the proposed parking area will also have an impact on the area.
- 48 I note that the steel containers with roofing over a central storage area has a rather “temporary” appearance. This was discussed at some length with the applicant prior to submission as it is clear that this rural location, adjacent to the River Tay has some scenic value, despite not being formally designated. As such the containers and storage area are now proposed to be clad in larch and the roof is to be a profiled metal sheet. I am satisfied that the proposed finishing materials will give the building a simple agricultural appearance similar

to the numerous agricultural buildings which are evident throughout Perth and Kinross. In my view this design is appropriate as it will ensure it blends in within the rural landscape. Any proposal for some form of unique or contemporary design could perhaps result in the building standing out and having a detrimental impact on visual amenity and landscape character. The simple design proposed is therefore considered to relate to established rural character of the area and be appropriate.

Traffic Safety/Access

- 49 As outlined above the proposal is to utilise an access from the A827 which was approved in 2011 for use by the landowner Pitcastle Estate to provide access from the public road to fields within their ownership. Letters of representation have raised concerns regarding the safety of this access and the fact that it is now proposed to be used for commercial traffic associated with rafting rather than for occasional estate access which was what was originally envisaged. Transport Planning have been consulted on the proposal and have offered no objection to the proposed access in terms of road safety and consider that it can accommodate the level of traffic associated with the proposed rafting operation. They have recommended conditions as to the access specification and visibility splays and also sought the construction of a 1.8m wide footway from the access into the site to the existing bus stop. There is a group of trees situated to the east of the access which contribute to the visual amenity of the area and it is noted that the 43m visibility splay proposed will not require the felling of these trees.

Flooding

- 50 Letters of representation have raised concern regarding the possibility of the site flooding. As such the Council's Flood Prevention team were consulted on the proposal and have offered no objection. Furthermore, having examined SEPA's flood risk map this also confirms that the site is not at risk from flooding.

Bio Diversity/River Tay SAC

- 51 The proposal is not considered to directly impact on the water quality of the SAC. There is potential for sediment to be released into the river during construction operations and as such I recommend a condition on any consent to ensure a Construction Method Statement is submitted which details how sediment from construction operations would be controlled to prevent impact on the SAC.
- 52 Letters of representation have raised the potential impact on protected species. The Council's Bio Diversity Officer has been consulted in the proposal and raised no objection subject to conditions. These conditions involve restricting the hours of construction operations and also a restriction on the lighting of the facilities.

Drainage

- 53 The initial submission included the provision of “portaloo’s” for customers, however, after discussion with Building Standard’s it was established that this would not be an appropriate means of sanitation facility for the site. Amended plans have since been submitted which includes the introduction of a septic tank for toilets with a secondary treatment plant. The use of a secondary treatment plant will ensure that the effluent is suitably treated and therefore will not impact upon the water quality of the River Tay Special Area of Conservation (SAC).

Residential Amenity/Noise

- 54 The formation of a commercial business in this location will inevitably result in some disturbance compared with the existing vacant site. However the proposal is located adjacent to the settlement of Little Ballinluig where there is existing activity taking place. As such I am comfortable that the activity associated with this proposal can be successfully accommodated in this location without significant detriment to residential amenity. The site will act as a meeting place for customers with users being transported to the rafting starting point in Aberfeldy and the main activity taking place on the river. As such it is unlikely that customers will spend a significant amount of time on the site and therefore disturbance should be relatively minimal. Environmental Health have raised no concern in this regard.

Legal Agreement Between Anglers and Existing Rafting Companies

- 55 A number of letters of representation, together with the Council’s Access Officer have indicated that there is a legal agreement now in place between the existing commercial rafting operators and commercial angling interests who utilise the River Tay between Aberfeldy and Grandtully. This agreement was drawn up over the last 4 years as a result of conflict between rafters and fishing on the Tay to ensure that both users could utilise the river without detriment to the other. The Council has also been involved due its role under the Land Reform (Scotland) Act 2003 (upholding responsible access rights). This agreement is legally binding and allocates days when rafting can take place and the Council’s Access Officer has stated that any new rafting company should comply with the terms of the agreement.
- 56 The applicant was made aware of this agreement and has indicated that he would be willing to adhere to the agreement which is in place.
- 57 This is clearly an important issue to ensure that two important users of the river can operate together, however I am not convinced that this is an issue which can be directly addressed through this planning application as the agreement was drawn up outwith the realms of planning legislation. It does provide me with some comfort that the applicant has indicated his willingness to adhere to this agreement, however I do not believe that I can insist upon this within any planning consent granted.

Setting of Precedent for Development Along River/Further Larger Development

- 58 As outlined above the submission is considered to provide sufficient evidence to justify development of this specific proposal on this site. It does not in any way set a precedent for further development along the river or for any larger development. Any applications for development along the river or for an extension to any approved use would be subject to a further planning application and would be considered on their own merits.

Core Path

- 59 The existing railway embankment is occupied by a path which is part of the Core Path network and is utilised by a various users, including walkers and cyclists. The Council's Access Officer has been consulted on the proposal and recommended a condition to ensure this route is not blocked or obstructed during construction or operation of the development, a condition can ensure this.
- 60 The proposed access into the application site was originally consented as part of the estate use of the land. At this time the vehicular access was to cater for estate purposes on the basis that occasional estate vehicles (tractors etc) only would use the access. This current proposal would involve a much greater vehicular use and would therefore have a much greater impact on non motorised path users. As a result it is essential to ensure appropriate safeguards are built in to the proposal, for example: partial barriers at the crossing points on the non motorised route(CP/ROW) to slow bikes; speed bumps on the vehicular route; suitable warning signs regarding the potential of meeting other users at the crossing on both the path & vehicular access. This can be adequately covered by a planning condition to ensure full details of these measures are submitted for the written approval of the Planning Authority and put in place prior to the operation of the site.

Competition

- 61 Competition between businesses is not a relevant material planning consideration. It is noted that the capacity for a further rafting business on the Tay has been raised in letters of representation and this is assessed above. The presence of competition between businesses in a particular area is not a relevant material planning consideration and therefore is not an issue which has any bearing on this recommendation. If anything the presence of another business in the area may serve to enhance other similar businesses to the benefit of the consumer and competition can be considered healthy.
- 62 Scottish Planning Policy 2010 published by the Scottish Government states in paragraph 45 that Planning Authorities should support development which will provide new employment opportunities and enhance local competitiveness.

Contaminated Land

- 63 The site in question is adjacent to old railway land which formed part of the Aberfeldy Branch of the Highland Railway. The railway was dismantled by 1977 and this section appears only have contained lines and tracks as opposed to junctions or sidings etc. Although the proposed development does not include residential or garden areas there is mention of the possible re-use of material to form raised areas. Since there is a possibility that there may be some residual contamination from the old railway the Contaminated Land Officer has recommended a condition to ensure the Council is notified should any contamination be found and mitigation measures agreed.

Lighting

- 64 The development of a commercial building in a rural area will create light pollution of some degree, however there is scope to control this light pollution in terms of impact on residential properties.
- 65 The detail of the lighting system can be requested through a suitably worded planning condition to ensure they are to recognised light reduction levels. This could ensure low level bollard style lighting and also ensure light spillage does not take place beyond the boundaries of the site. The timing of the operation of lighting can also help to reduce the impact.

LEGAL AGREEMENTS

- 66 None required in relation to planning legislation

DIRECTION BY SCOTTISH MINISTERS

- 67 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

- 68 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Local Development Plan 2014 and Tayplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

- A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior the commencement of any development full details of measures to provide appropriate safeguards between the core path and vehicular access shall be submitted for the written approval of the Planning Authority. This shall include a site plan, to scale, outlining partial barriers at crossing points on the non motorised route to slow bikes, speed bumps on the vehicular route and suitable warning signs regarding the potential to meet other users crossing on both the path and vehicular access. The details, as approved in writing, shall be implemented in full prior to the operation of the site.
- 3 The planting outlined on plan ref: 13/02130/7 shall be planted during the development of the site and shall be completed in its entirety prior to the development being brought into use.
- 4 All existing trees on the site and surrounding the site shall be retained and protected with all protection measures adhering to BS 5837:2012 Trees in Relation to Design, Demolition and Construction all to the satisfaction of the Council as Planning Authority.
- 5 The core path/right of way (MASC/2) which runs along the former railway embankment to the south of the application site must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the work is complete.
- 6 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
- 7 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
- 8 Visibility splays of 2.4m x 43m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A827 prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
- 9 Prior to the occupation or use of the approved development a 1.8m wide footway constructed to the standard and specifications required by the Council

as Roads Authority shall be provided along the site frontage from the vehicular access to the existing bus stop to the east.

- 10 During construction no works shall be undertaken between the hours of 18:00 and 07:00 to the satisfaction of the Council as Planning Authority.
- 11 During both construction and operation of the development no lighting shall be permitted between the hours of 19:00 and 07:00 to the satisfaction of the Council as Planning Authority.
- 12 During construction all excavations shall be covered or an exit ramp provided to allow escape of any mammals
- 13 Prior to the commencement of development, a full detailed construction method statement, giving details of measures to prevent harmful materials entering the River Tay SAC shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include
 - **Pollution prevention safeguards**, including drainage arrangements and the possible use of use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - **Storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods.
 - **Construction site facilities**, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - **Timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.

The details, as approved, shall be strictly adhered to during the development of the site.

- 14 Prior to the commencement of any development full details of the night time lighting of the proposed development shall be submitted for the written approval of the Planning Authority. These plans shall be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level and shall ensure that no light spills beyond the application site boundaries. The scheme shall also include details of when the lighting will be used.
- 15 No launching of rafts or similar or egress from the river is permitted from the application site.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To ensure the safe use of the vehicular access and core path.
- 3 To ensure the landscaping is planted within a reasonable timescale

- 4 To ensure the protection of existing trees and the in the interests of visual amenity and landscape character.
- 5 To ensure continued public access along the core path
- 6 To deal with any contamination found on site
- 7-9 In the interests of pedestrian and traffic safety.
- 10-12 In the interests of protection bio-diversity
- 13 In order to protect the River Tay Special Area of Conservation
- 14 In the interests of visual and residential amenity
- 15 To ensure consent is granted for the use sought only

B JUSTIFICATION

- 69 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

- 70 None

D 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.
- 2 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 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.
- 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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 26 letters of representation
Contact Officer: John Williamson – Ext 75360
Date: 24 March 2013

Nick Brian
Development Quality Manager

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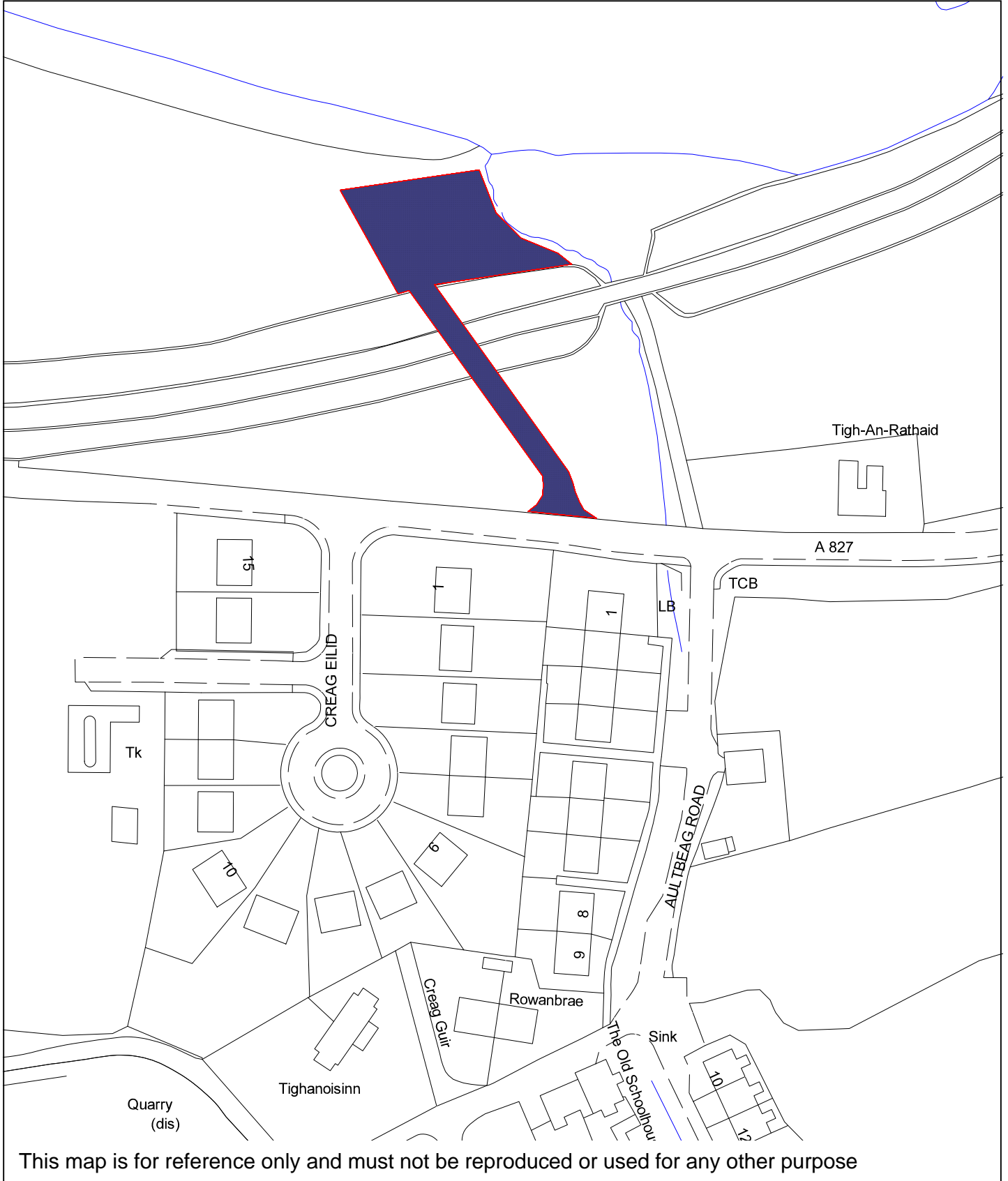
Council Text Phone Number 01738 442573

Perth & Kinross Council

Erection of rafting base including car parking

13/02130/FLL

land 100m North of Tigh Na Rathaid, Grandtully



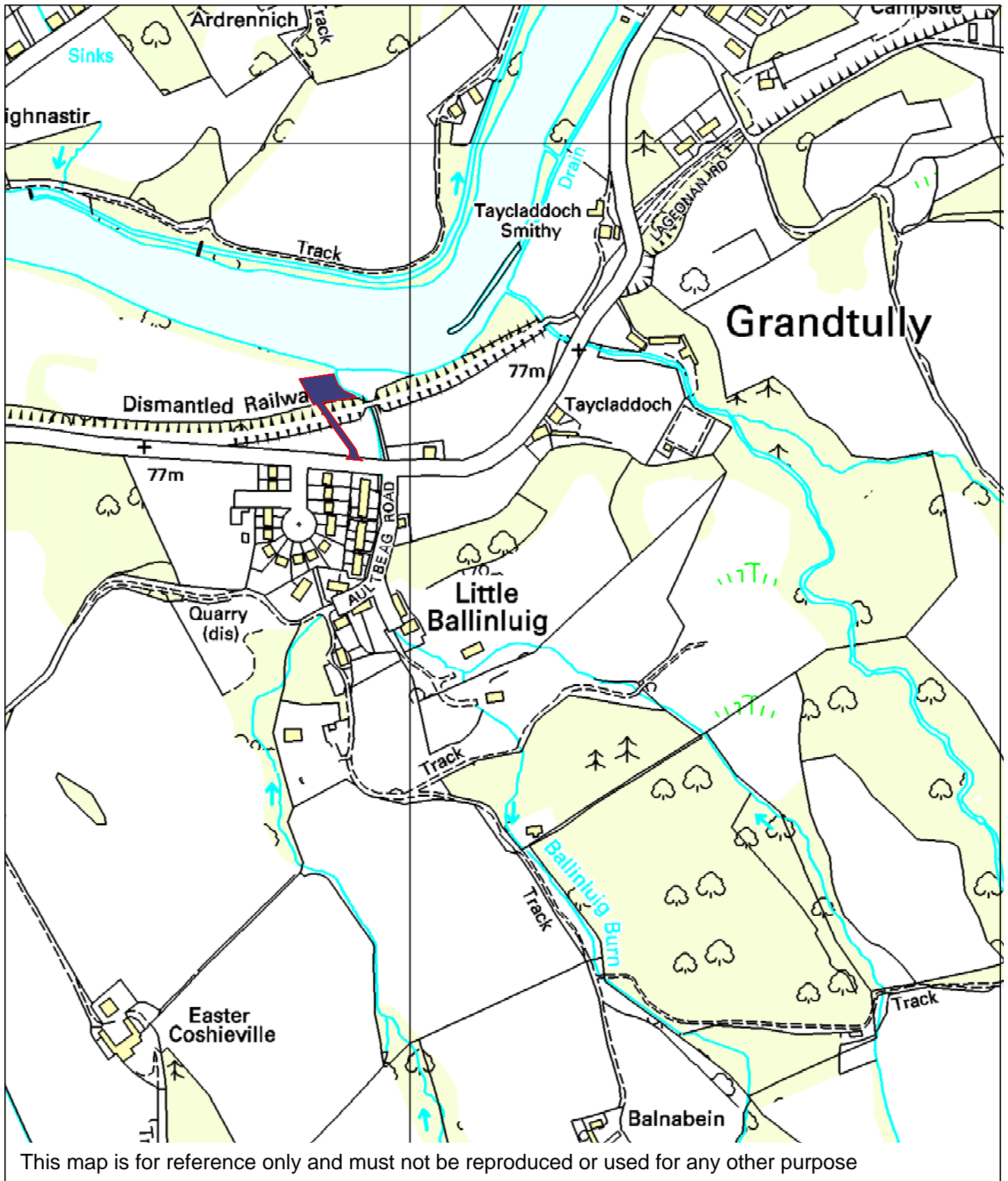
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Perth & Kinross Council

Erection of rafting base including car parking

13/02130/FLL

land 100m North of Tigh Na Rathaid, Grandtully



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Scale
1:15001

