



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 18<sup>th</sup> May 2015**

<b>SUBMITTED BY:</b>	<b>Head of Planning &amp; Rural Development</b>
<b>APPLICATION NUMBER:</b>	<b>2015/0069/DET</b>
<b>APPLICANT:</b>	<b>Mr. Craig Johnston</b>
<b>LOCATION:</b>	<b>Land at Windygate, Aberfoyle</b>
<b>PROPOSAL:</b>	<b>Erection of 2 No. sheds and formation of internal access track</b>

<b>NATIONAL PARK WARD:</b>	Ward 4
<b>COMMUNITY COUNCIL AREA:</b>	Gartmore Community Council
<b>CASE OFFICER:</b>	Name: Bob Cook Tel: 01389 722631 E-mail: <a href="mailto:bob.cook@lochlomond-trossachs.org">bob.cook@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This is an application for the erection of 1No. primary shed, 1No. small electrical equipment store and construction of an internal access track to provide facilities for a developing agricultural business on approx. 14 hectares of existing agricultural land located approx. 1.5 kilometres south-east of Aberfoyle. A biodisc treatment plant is also proposed to service the w/c and wash facilities within the primary shed.
- 1.2 In accordance with the agreed Scheme of Delegation, this application is being presented to the Committee due to an objection submitted by the Gartmore Community Council.

**2 RECOMMENDATION**

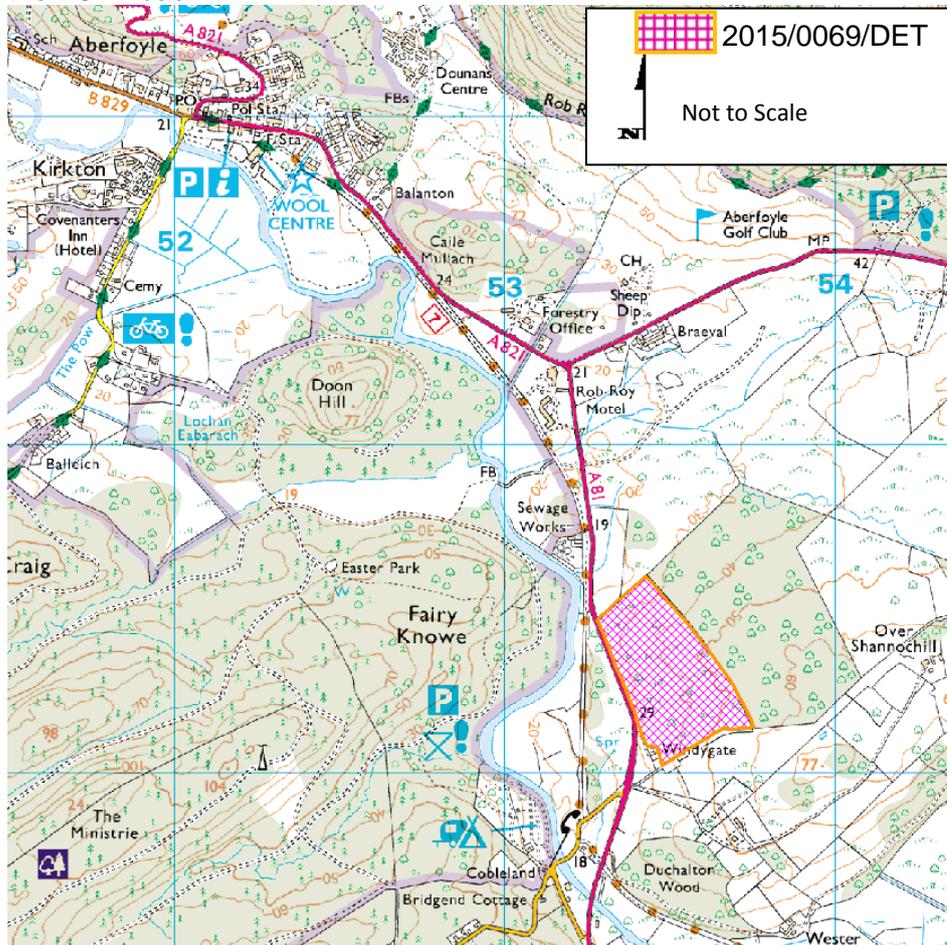
**That Members:**

**APPROVE** the application, subject to the imposition of the conditions set out in Appendix 1 of the report.

### 3 BACKGROUND

#### **Site Description:**

- 3.1 The site is situated 1 kilometre south of the Aberfoyle roundabout, on the east side of the A81 Road.

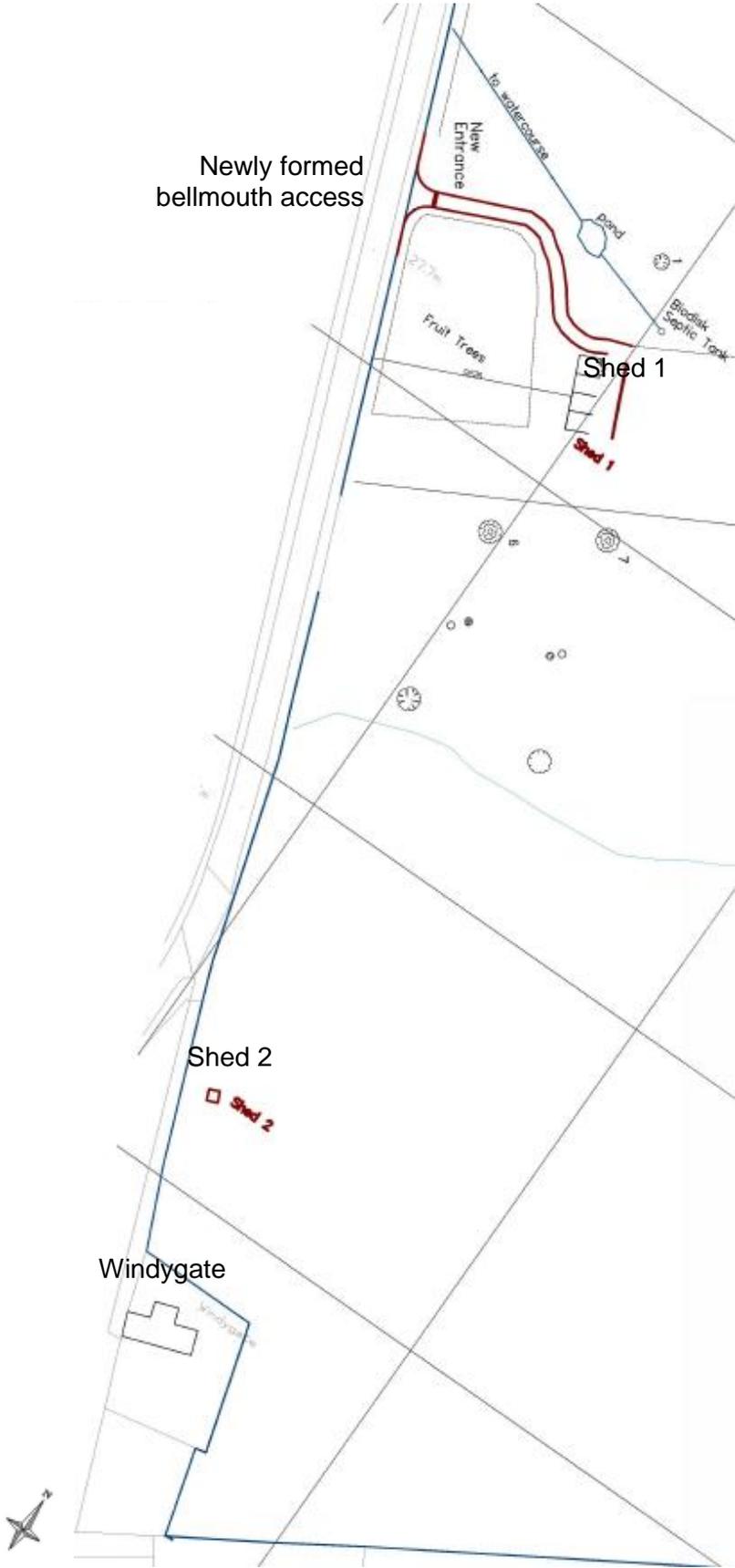


(c) Crown copyright and database rights 2014 Ordnance Survey 100031883

**Fig. 1: Site Location Plan**

- 3.2 The site comprises of approx. 14 hectares, last used as agricultural grazing land and currently contains a mix of grassland, bracken and individual mature trees. It is undulating in character but mainly rises from the road to the south-east corner of the site.
- 3.3 Following previous approval of planning permission ref: 2014/0170/DET (see section 3.13), a 'bellmouth' access from the A81 has been formed to provide a new formalised field access. This replaces the previous substandard access located some 100m south on the A81 adjacent to the access to Windygate Cottage. The applicant owns no other land in the area.
- 3.4 The plan extract in Figure 2 below highlights the application site, the existing replacement access, proposed internal access track and proposed sheds.

Agenda Item 5



(c) Crown copyright and database rights 2014 Ordnance Survey 100031883

**Fig. 2: Site Plan**

## Agenda Item 5

### ***Environmental Impact Assessment (EIA):***

- 3.5 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 1999 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required as there would be unlikely 'significant' environmental effects as a result of the proposed development.

### ***Description of Proposal:***

- 3.6 A new internal access track is proposed. This will lead from the newly formed 'bellmouth' access (as described in section 3.3 and shown in the photo below) to the proposed main agricultural shed. The applicant has confirmed, in writing, that this will be a 3 metre wide hardcore track.



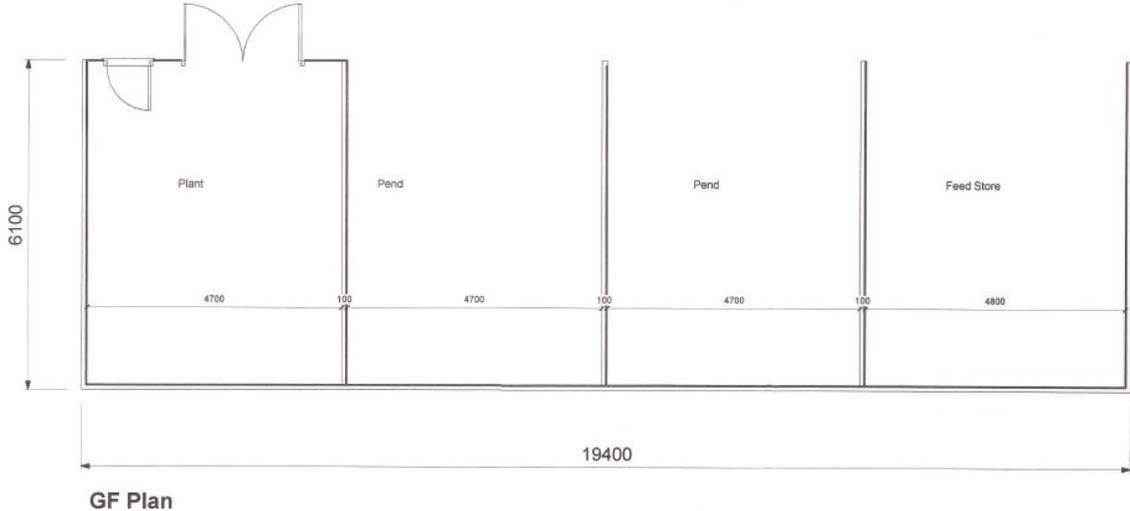
*Plate 1: newly formed 'bellmouth'*

- 3.7 The main agricultural shed (Shed 1, as shown on Figure 2 above) will be located at the termination of the internal track on an area of predominantly level ground. The agricultural shed would measure 19 metres by 6 metres in plan with a 3 metres eaves height and three of the 4 bays would be open bays. It would be of agricultural character in appearance with blockwork lower walls, timber upper walls and profile green metal roofing. Figures 3 & 4 below show the proposed elevations and plan. The applicant has confirmed, in writing, that the shed floor level will be raised just above ground level.

Agenda Item 5



**Fig 3: SHED 1 - Elevations**



**Fig 4: SHED 1 – Plan**

- 3.8 The secondary shed (Shed 2, as shown on the site plan at Figure 2) is proposed to be located towards the south-west corner of the site (approx. 40 metres from the boundary with Windygate Cottage. Shed 2 is much smaller in size measuring only 3 metres by 2.4 metres in plan and with an eaves height of 1.5 metres. It is a small shed intended as an electrical equipment storage shelter This shed would have timber clad walls with profile green metal roof. The intended use of each shed is further detailed in section 3.12 of this report.
- 3.9 The submitted plan indicates, but provides no specific details of, a proposed parking and turning area to serve the agricultural use. The indication is that this would be located adjacent to the proposed Shed 1 at the termination of the internal track.
- 3.10 As there is no public foul drainage system in the vicinity the servicing of the w/c and wash facility within shed 1 would be via a new ‘biodisc’ treatment plant which would discharge to a holding pond.
- 3.11 It will be noted that the original application submission included the provision of a static caravan. This has since been confirmed by the applicant to be deleted from the plans and is not under consideration as part of this application. It is acknowledged that a

## Agenda Item 5

caravan has been positioned on the site since early March 2015. The applicant has agreed to remove it. This matter is discussed further in *Section 6: Principle of Development*.

### **Summary of Supporting Information:**

- 3.12 The applicant's agent has submitted the undernoted documentation in support of the application, which is summarised below:

#### Supporting Statement: prepared by applicant

- 15no. pigs currently on site which are mostly due to be slaughtered in Spring 2015 and have served their purpose of clearing the ground of bracken with a view to future improvement of the grazing on the land;
- 4no. females will then be retained and with the purchase of a boar will start a breeding programme – providing 2 litters of 6-10 piglets each year (equating to 60-80 pigs) to then be sent to slaughter for meat;
- Breeding of pigs outside is subject to high risk of piglets dying during the winter months. The best method to minimise this risk is by keeping them inside and using a heat lamp hence the reason for the shed 1;
- Shed 1 is also required for safe/dry storage of tools, equipment and feed;
- Shed 1 will house welfare facilities and a bio-disc treatment plant is proposed to manage waste water with a holding discharge pond near the entrance of the field;
- Shed 2 will house an electricity meter and cabling which is coming from the opposite side of the road and has been sited and designed to be affordable whilst meet Electricity Regulations. This supply will initially service shed 1 whilst give scope to provide electricity for auto-feeders on future proposed chicken enclosure and both ends of the field if required;

*A justification was provided for the need for the static caravan. The static caravan has since been deleted from the planning application and the applicant has agreed to remove the caravan from the land.*

### **Planning History:**

- 3.13 **2014/0170/DET** – Formation of a replacement field access. Approved on 14/10/14.

## **4 CONSULTATIONS AND REPRESENTATIONS**

### **Responses to Consultations:**

#### 4.1 Stirling Council – Roads

**No objections to the erection of 2no. sheds and the extension of the access track.**

Stirling Council Roads Service responded on 11th March 2015 that they could not support an application which resulted in an intensification of use of the field access. They considered that siting a caravan within the field would likely result in increased vehicle movements to and from the site, however as this element has been removed Stirling Council Roads Service would offer no objection to the erection of the sheds and the extension to the access track.

## Agenda Item 5

### 4.2 Gartmore Community Council

#### **Objects to the application**

##### Road Safety

- The application strongly suggests an increased usage of the new access on to the A81. Locals as well as the roads authority recognise this is a dangerous section of road where slow moving vehicles entering and leaving the field pose a significant hazard to other road users.

Planner response – see report Section 6: Road Safety.

##### Visual Impact

- Concern that the proposed structures will result in a visual impact as they are located in a prominent and attractive landscape setting;
- It is suggested that additional screening could be put in place to mitigate against this negative impact.

Planner response – see report Section 6: Siting, Design & Visual Impact.

##### Static Caravan

- Significant unease about the requirement for a static caravan, its justification and its future planning implications.

Planner response – see report Section 6: Future Use/Development

#### **Representations Received:**

- 4.3 4 letters of concerns/objection have been received from local residents and 1 letter of objection from the adjacent Community Council (Strathard) and are summarised respectively as follows:

#### **Strathard Community Council**

##### Road Safety

- Poor visibility of the access (especially approaching from Aberfoyle (north) on the A81);
- Slow moving vehicles/farm equipment currently using the existing access are already resulting in an increase in vehicle movements and would significantly increase as a result of approval of this application and would contravene existing Roads Authority advice on road safety.

Planner response – see report Section 6: Road Safety.

#### **Local Residents**

##### Road Safety

- The existing access results in road safety problems for other road users - not deep enough to enable tractor & trailers to safely exit the road if the gate is closed;
- The existing and proposed use of the access is not in line with the Roads Authority advice as it currently has high level of usage and is likely to increase (the proposed 8no. car spaces suggests an expected high level of activity);

Planner response – see report Section 6: Road Safety.

## Agenda Item 5

### Siting & Visual Impact

- The sheds, access and static caravan will appear large, imposing and utilitarian to all passing on the A81 and from other locations and will not 'Enhance or conserve the natural heritage of the area';
- Questions the reasoning for the siting of shed 2 so far from shed 1.

Planner response – see report Section 3.13 for applicant's response and Section 6: Siting, Design & Visual Impact.

### Future Use/Development

- Concern about the potential future uses or development that might subsequently receive planning permission if this application is approved (in particular any future proposal for a house on the site and how this might have implications for drainage/sewage/power supply of the adjacent existing house).

Planner response – see report Section 6: Future Use/Development.

### Other Matters

- The application site should be entitled 'Aberfoyle Farm' as it was named as such in late 2014;

Planner response – on their application form the applicant has identified the site address as 'Aberfoyle Farm'. However, the planning authority, using address gazetteer naming conventions, has used 'Land adjacent to Windygate' to better identify the location of the site.

- The applicant has not fulfilled the terms of the previous planning permission for the access;

Planner response – Notwithstanding that no evidence was submitted to support this claim the Planning Authority will monitor the implementation of the conditions of planning permission ref: 2014/0170/DET to ensure that these are complied with.

- Unease is expressed at the prospect of a retrospective consent being granted for unauthorised development and activity on the site.

Planner response - . It is acknowledged that a caravan has been positioned on the site since early March 2015. The applicant has agreed to remove it. The options for ensuring this removal takes place are discussed further in Section 6: Future Use/Development.

## 5 POLICY CONTEXT

### **National Park Aims:**

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
  - (b) to promote sustainable use of the natural resources of the area;
  - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and

## Agenda Item 5

- (d) to promote sustainable economic and social development of the area's communities.

5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

### ***Development Plan:***

5.3 National Park Local Plan (adopted Dec 2011)

#### *Relevant Policies:*

ED3 – Economic Development in the Countryside

ENV9 – Development Impacts on Trees and Woodlands

TRAN3 – Impact of New Development on the Road Network

L1 – Conserving and Enhancing the Diversity and Quality of the Park's Landscape

D1 – Design Quality

### ***Other Material Considerations:***

5.4 National Park Partnership Plan (2012-2017)

#### *Relevant Policies:*

Con Policy 1: Conservation (Sandford) Principle

Con Policy 3: Landscapes

RD Policy 3: Rural Economy

5.5 National Park 'Proposed' Local Development Plan

The 'Proposed Local Development Plan' was approved by the National Park Board on 27<sup>th</sup> April 2015. The 'Proposed Plan' will be issued for a six-week period of consultation on Monday the 18<sup>th</sup> May. At this time the 'Proposed Plan' is afforded limited weight as a material consideration in the assessment of planning applications. However, it does provide an indication of likely changes in planning policy. In this respect, the following policies are relevant:

- Strategic Principles
- Development Requirements
- Economic Development in the Countryside and Small Rural Communities
- Transport – Design & Specification and Standards
- National Park Landscapes, seascape and visual impact
- Development Impacts on Trees and Woodlands

The above do not raise any new policy considerations relative to the proposed development.

## **6 PLANNING ASSESSMENT**

6.1 The relevant issues which require to be assessed in the consideration of this application are:

## Agenda Item 5

- Principle of the development
- Future Use/Development
- Road Safety
- Siting, Design and Visual Impact
- Natural Heritage
- Park Aims

### Principle of Development

- 6.2 The development which is being considered under this application is limited to the formation of a track and erection of two sheds. The use of land for agricultural purposes and the economic viability of the agricultural business are not material planning considerations. It falls to Policy ED3 of the National Park Local Plan and RD Policy 3 of the National Park Partnership Plan as being the most relevant policies upon which to assess the principle of this new development for a track and sheds.
- 6.3 The proposal, for an internal field access and two sheds are considered reasonably commensurate with the size of the current and proposed agricultural operation that the applicant has described (see section 3.12 of the report). It is therefore assessed that the principle of development is supported by these policies by virtue that it will enable the continuation of land-based practices and will also enable a new start-up agricultural business. Policy ED3 offers support for this proposal providing there is no adverse impact on the special qualities associated with the particular location and this matter is considered in *Section 6: Siting, Design & Visual Impact*.
- 6.4 The National Park's aspiration would be to work with the applicant to ensure that this farming use of land would result in improved management and enhancement of the land in the long-term with resultant wider environmental and social benefits for the National Park.

### Future Use/Development

- 6.5 Concerns have been raised by Gartmore Community Council and local residents regarding the original proposal for the siting of a static caravan on the land and the planning implications for what this might enable the applicant to gain permission for in the future. As mentioned above, the applicant agreed to amend the application, deleting the proposal to site a caravan, at the request of the Planning Authority, and the applicant has agreed to remove the caravan from the site.
- 6.6 The prospect of potential future uses or further development proposals (i.e. housing); cannot be a material planning consideration in the assessment of this application. Nevertheless, it is considered appropriate to restrict the use of the proposed sheds and track to agricultural use only and also require the sheds to be removed upon cessation of agricultural need to ensure that any future uses of the development are controlled through the planning system (see proposed condition no.1).
- 6.7 Any subsequent planning application for an alternative use or development on the land would be assessed in light of the relevant development plan policies, and on its own particular merits.

### Road Safety

- 6.8 Stirling Council Roads Service has no objections to the current proposal for 2no.

## Agenda Item 5

sheds and use of the access for agricultural purposes. The Roads Service has raised concerns that an intensification of vehicle movements that could be expected from the siting of a caravan would not be supported. The static caravan has since been deleted from the planning application as already explained.

- 6.9 It is acknowledged that prior to the applicant's acquisition and use of the land it experienced little to no traffic and that this has since increased. However, it would be unreasonable to consider the continuation of an agricultural use on this land as being a material intensification of use of the access. The use of the land remains agricultural and, while some increased use of the access is to be expected during the initial establishment of the business, this can be expected to decrease thereafter. As such, it is deemed that this proposal does not run contrary to the Stirling Council Roads Service's advice.
- 6.10 In response to representations received raising concerns relating to the existing access, the conditions of previous permission 2014/0170/DET will be monitored by the National Park planning staff, in consultation with Stirling Council Roads Service, to ensure that these are complied with.
- 6.11 In conclusion, the access location has already been separately agreed and approved, the agricultural use of the access is accepted and the proposed internal access track infrastructure raises no issues. Therefore, the proposal complies with the aims of Policy TRAN3 of the National Park Local Plan. As recommended above, the use of the sheds and track should be restricted (by planning condition) to agricultural use only to ensure that any material change in use is subject to a further planning application.

### Siting, Design and Visual Impact

- 6.12 In terms of the topography of the site, the proposed location for shed 1 is considered to be the best available option as it is predominantly level and will not require extensive landform changes. The scale of the building is modest and the design and appearance is considered acceptable and consistent with similar agricultural sheds. In particular it has a narrow gable format of only 6 metres. It is typical of buildings commonly found within the countryside and it is not considered that it's siting would have an adverse landscape impact. To ensure that the external cladding materials are of a suitable appearance it is recommended that a condition requiring their final approval be attached to any permission granted (see proposed condition no.4).
- 6.13 The smaller shed 2 is proposed to be located toward the south corner of the site. The applicant's has presented a case for this location as being due to technical restrictions and costs in gaining an electricity connection. Due to the small size of this shed and location on the lower lying part of the site, it does not raise any significant landscape or visual impact issues and therefore is considered to be acceptable in this instance.
- 6.14 A sectional plan was requested from the applicant to enable the Planning Authority to further assess the proposed landform surrounding the buildings. This has not been submitted, however it is considered that this matter can be reasonably addressed through a planning condition to enable the Planning Authority to consider the landform works and secure any modifications that may be deemed necessary (see proposed condition no.5).
- 6.15 The National Park's Trees and Woodlands Officer has suggested that the applicant may wish to consider some field tree planting to assist with the landscaping of the

## Agenda Item 5

development. It is considered that this matter should be reviewed 12 months following completion of the works to decide whether or not this additional tree planting, to provide supplementary screening of the shed and track, is indeed necessary. It is therefore recommended that this matter be addressed through planning condition for future review (see proposed condition no.5(e)).

- 6.16 Whilst it is proposed to form a new track in an undeveloped and visible location, the site and surrounding environment is largely agricultural in nature with examples of similar tracks in the vicinity. The track would be predominantly contained on the 'lower' section of the field and is as short in length as possible to access the most suitable level area for shed 1. It is therefore considered to be the least visually intrusive way of providing access to the shed.
- 6.17 The success of the track will be in the employment of a sensitive construction, design and finished surface. Furthermore, it is recommended that the proposed 3 metre wide track be complimented with a grassed central strip. Further assurances and approval of these matters can be dealt with through planning condition (see proposed condition no.3).
- 6.18 The proposed 'biodisc' treatment plant is located to the north of the access track and shed 1 and would discharge to a pond area. Given the lack of public services in the vicinity, the provision of w/c and wash facilities on site is reasonably required for such an agricultural use. The proposal to discharge to a soakaway complies with SEPA's standing advice and separate SEPA authorisation for the system will be required prior to use (see proposed informative no.5).
- 6.19 Subject to the aforementioned planning conditions, the design and appearance of the proposals accord with the aims of local plan policy D1 and it is considered that the siting and scale of building in this context will not result in a detrimental impact in the special qualities of this location in the National Park or impact on the wider landscape character or visual qualities of the area. It is therefore considered to be consistent with the requirements of policies ED3 and L1 and D1 of the National Park Local Plan.

### Natural Heritage

- 6.20 The National Park's Trees and Woodlands Officer has commented that the site has capacity for the proposed development without a negative impact on the existing tree cover providing it is located outwith the root protection area(s) of the mature trees and these areas are protected during development.
- 6.21 Given the relatively close proximity to the development it is recommended that trees be suitably protected during the course of development (see proposed condition no.2). Subject to compliance with these conditions the proposals would not have a detrimental impact on established trees and therefore would be consistent with the requirements of Policy ENV9 of the National Park Local Plan.
- 6.22 With regards to breeding birds, works should be carried out outwith the bird breeding season or alternatively a walkover survey should be carried out for ground nesting birds prior to ground works commencing. Informative no.6 addresses this matter to advise the applicant of their obligations under the Wildlife and Countryside Act.

### Park Aims

- 6.23 The proposed development is considered to meet the first statutory aim of the

## Agenda Item 5

National Park as, for the reasons explained, there would be no detrimental impact on the natural or cultural heritage of the area. Furthermore, the proposal meets the second aim of the National Park as it is linked to land based rural activity and therefore helps promote (through agricultural use) the natural resources of the area. The proposals do not raise any conflicts with the remaining aims of the National Park.

### 7 CONCLUSION

7.1 In conclusion, it has been assessed that the track and sheds would facilitate and assist the operation of a growing agricultural business and are reasonably requisite for an agricultural purpose.

In response to the key issues raised in representations, the access is considered to be a safe access in association with the intended continued use for agricultural purposes. Representations speculating on future development intentions with the site cannot be taken into account.

The development (subject to planning conditions) would not have a detrimental impact on the landscape character or special qualities of the area as the design, scale and appearance of the sheds and track would be commensurate with similar agricultural developments and would otherwise be acceptable. In addition, planning condition safeguards can be applied to ensure that the development will not have a detrimental impact on the established trees within the vicinity of the development;

Therefore, it has been assessed that the proposal raises no issues with respect of the relevant National Park Local Plan policies, in particular: ED3; L1; D1; ENV9; and TRAN3 and raises no issues with respect to the Park Aims.

It is recommended that planning permission be approved, subject to the conditions contained in Appendix 1.

**Background** <http://www.lochlomond-trossachs.org/planning/>

**Documents:** Click on view applications, accept the terms and conditions then enter the search criteria as 2015/0069/DET.

**List of Appendices:** Appendix 1: Conditions and Informatives

**Appendix 1 Conditions and Informatives**

**Conditions:**

1. **Restriction on Use & Removal of buildings on cessation of need:** The sheds hereby approved shall be used solely in connection with an agricultural use and no permission is given or implied for use of the access other than as an agricultural field access. In the event that the buildings hereby approved are no longer required, they shall, within four months of cessation of use, be demolished or removed and all down-takings removed from the site unless a planning application is submitted to, and the subsequently approved by, the Planning Authority, for an alternative use.

REASON: The proposal has been assessed as an agricultural development and the approval of an alternative use would require to be assessed separately. In the wider landscape interests because the building is approved on the basis of agricultural need, it should be removed if no longer required for agricultural purposes.

2. **Tree Protection:** No work shall commence on the development hereby permitted until the proposed Tree Root Protection Areas have been detailed on a plan and submitted to, and subsequently approved in writing by, the Planning Authority. The Tree Root Protection Areas, as may be approved pursuant to this condition, shall be protected using non-moveable (temporary) fencing and this shall be undertaken prior to and complied with at all times during the period of construction in order to protect the established trees to be retained in the vicinity of the development. No storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition. No tree shown on the approved plan shall be topped, lopped or felled without the prior written consent of the Planning Authority.

REASON: To protect established trees against accidental damage during the course of the development and thereafter.

3. **Construction materials and methodology:** No work shall commence on the track hereby permitted until confirmation of the materials to be used to finish the track, confirmation of the details to provide a central grassed strip along the length of the track and the method of constructing the agricultural track and any associated hardstanding/parking area/ramp, shall be submitted for the approval in writing of the Planning Authority. Unless otherwise agreed in writing by the Planning Authority no part of the agricultural track hereby permitted shall exceed 3 metres in width. The track shall be constructed in accordance with the details approved under the terms of this condition.

REASON: To ensure the track is constructed sensitively to minimise visual and landscape impacts in the interests of the special qualities of the National Park.

4. **Agreement of Materials and Specifications:** Prior to their installation, a further detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated shall be submitted to, or inspected on-site, and subsequently agreed in writing by, the Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall be followed in the completion of the project.

## Agenda Item 5

- a) The timber cladding to be utilised on the walls of the shed - in-situ finished stained/coloured sample measuring at least 1 metre by 1 metre and details of methods of fixing;
- b) The roofing material – specification details and colour expressed as an RAL or British Standards colour code;
- e) Any new paving or hard surfacing materials to be installed within the immediate vicinity of the development hereby approved – specification details;
- i) External lighting – specification details, lumens level, number and position of lights, angle of positioning.

REASON: To ensure that the external appearance of the development complements the rural character of the area and the building. To ensure the implementation of the development in accordance with the further details as may be approved in compliance with the conditions attached to this permission.

5. **Landscape Design & Mitigation Measures:** Notwithstanding the approved plans, the applicant shall undertake the following obligations:
- a) Prior to development of the track hereby permitted, the applicant shall peg, or mark out, the proposed track route along its full length for the Planning Authority to be afforded time to inspect, require modification (where deemed necessary) and give final approval in writing of the finalised route;
  - b) a sufficient quantity of topsoil and subsoil (taken from the excavation works to form the track access) shall be stored separately on site and maintained for subsequent re-use in the restoration and landscaping of the areas as detailed in part d of this condition.
  - c) Notify the planning authority when the re-graded banking in the vicinity of the sheds and hardstanding area and the track access batters hereby approved have been formed in-situ of the scale, form and design that is proposed, to enable the planning authority to consider the appearance of the landform within the surrounding context before final dressing and finishing with top soil has been undertaken;
  - d) Upon the planning authority's approval in writing of the finished scale, form and design of the landform, final dressing and finishing with the stored top soil (referred to in part b of this condition) shall be undertaken and implemented within a timescale to be agreed; and
  - e) Furthermore, a review of the landscaping mitigation measures will take place with the planning authority 12 months after completion of landscaping and any additional works, or tree planting measures, deemed necessary shall be undertaken within an agreed timescale. Unless otherwise agreed in writing by the Planning Authority, where deemed necessary, tree planting shall be carried out within the first planting season following the substantial completion of the development hereby permitted and any trees which, within a period of 5 years thereafter, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written consent to any variation.

REASON: Given the proposed development and its rural location, approval of the finalised route, landform and landscape design within the site is required to fully integrate the proposal with its surroundings and preserve the landscape quality of the location.

## Agenda Item 5

### Informatives:

1. **Duration of permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** 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. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
4. **Surface Water**\_ - Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPA's website or from your local SEPA office at: Stirling Office, Strathallan House, Castle Business Park, Stirling FK9 4TZ (tel no. 01786 452595).
5. **CAR Licence** - Contact should be made with SEPA's local regulatory team regarding the registration of new treatment plants as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Details of regulatory requirements and good practice advice can be found on SEPA's website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Stirling Office, Strathallan House, Castle Business Park, Stirling FK9 4TZ (tel no. 01786 452595).
6. **Protected Species in Vicinity** – Bats and breeding birds are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places. It is therefore recommended that the works take place outwith normal bird breeding season (March to July inclusive) unless absence of nests has first been established.