

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 25th March 2019

SUBMITTED BY:	Director of Rural Development & Planning
APPLICATION NUMBER:	2018/0071/DET
APPLICANT:	Drymen Community Development Trust (DCDT) Enterprise Company
LOCATION:	Path: North verge and footway of B837 Drymen to Balmaha road between the properties 'Shalloch' and 'Fir Tree Cottage' Junction: Opposite the property 'Lomond Bank'
PROPOSAL:	Widening of roadside footpath, formation of junction and installation of associated infrastructure

NATIONAL PARK WARD:	Ward 4 (south east Loch Lomond)
COMMUNITY COUNCIL AREA:	Buchanan CC
CASE OFFICER:	Name: Nicola Arnott Tel: 01389 722661 E-mail: nicola.arnott@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This is an application for the widening of an 875 metre section of roadside footpath; the formation of an associated junction and installation of associated infrastructure. The widened section of footpath is proposed as a 'shared use footway' for walkers and cyclists.
- 1.2 In accordance with section 5.8 of the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as Buchanan Community Council have formally objected and the officer recommendation is to approve.

2 RECOMMENDATION

2.1

That Members:

1. **APPROVE** the application subject to the conditions contained in Appendix 1 of the report;

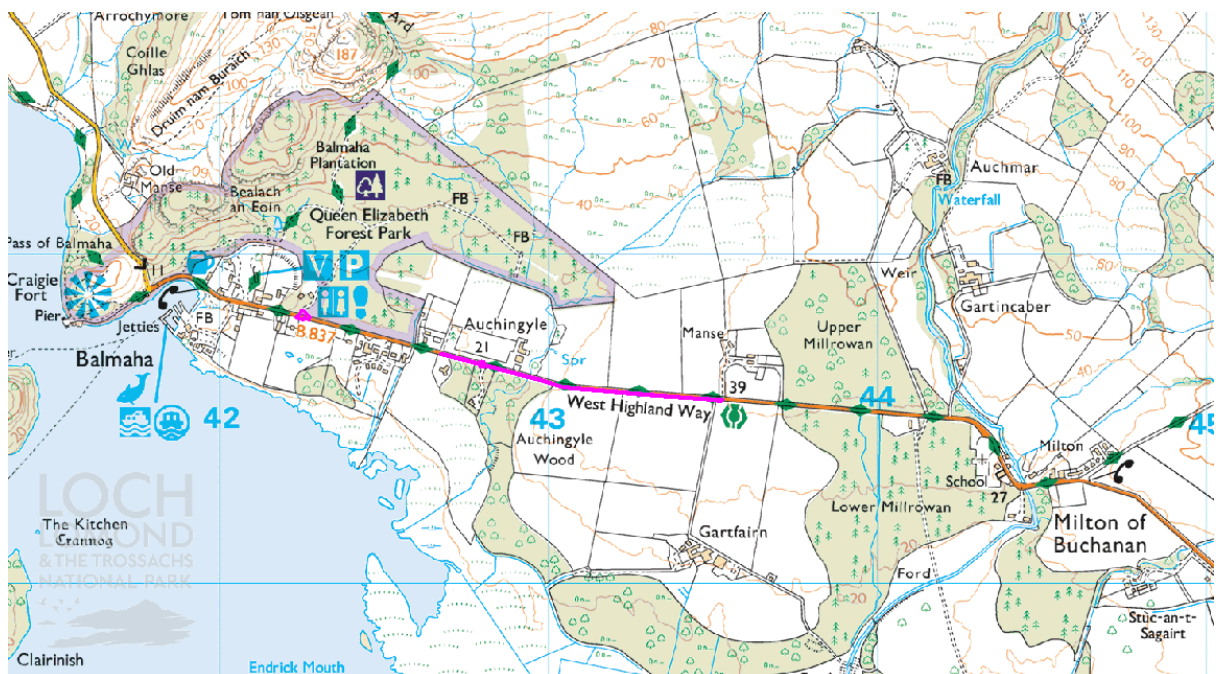
3 BACKGROUND

Site Description:

- 3.1 The application site is located on the B837 (Drymen to Balmaha) between Balmaha and Milton of Buchanan. There are two separate locations where development is proposed:

- The first location is the footpath section at the north verge of the B837
- The second location is the area proposed for the junction; approximately 160 metres to the east of Balmaha car park.

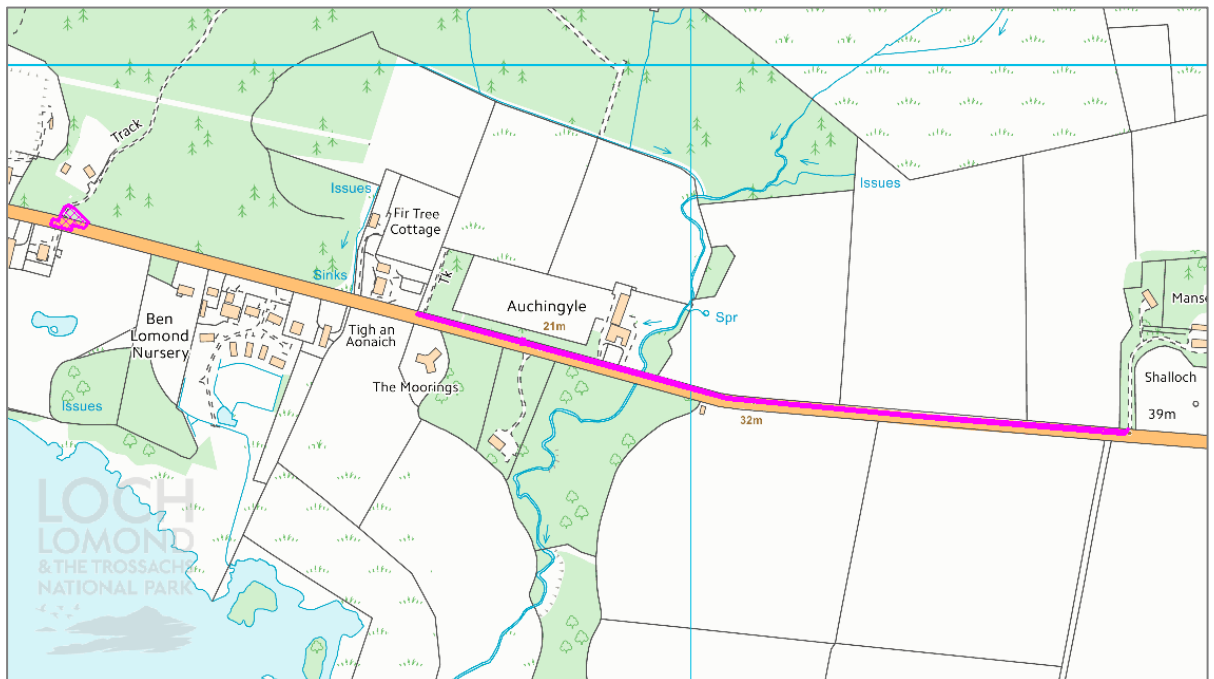
Milton of Buchanan and Balmaha are approximately 2km apart and there is an existing narrow footpath of varying widths. This proposed upgrade to this section commences approximately half way between Milton of Buchanan and Balmaha and continues to Balmaha.



(c) Crown copyright and database rights 2018 Ordnance Survey 100031883

Figure 1 – Location Plan (Site areas highlighted in pink)

- 3.2 The site of the proposed footpath upgrade on the north verge of the B837 is between the properties 'Fir Tree Cottage' and 'Shalloch' as can be seen in Figure 2.



(c) Crown copyright and database rights 2018 Ordnance Survey 100031883

Figure 2 – Location Plan 2: Location of junction and footpath upgrade

- 3.3 The area proposed for the junction is the irregular shaped area hatched in pink and figure 3 shows the proximity to the footpath, the village centre and Balmaha Visitor Centre.

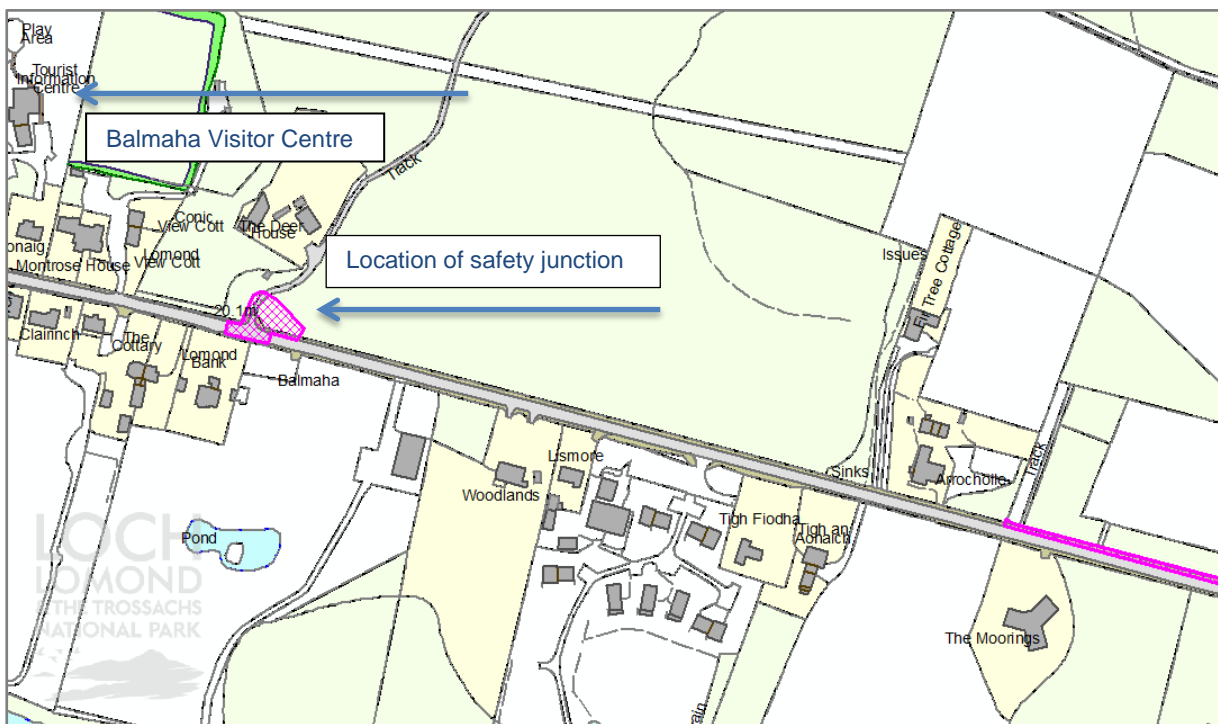


Figure 3 – Location of junction

Agenda Item 5

- 3.4 The B837 is a rural road that is derestricted for the majority of the proposed section (60 mph) and the limit is reduced to 40mph and then 30mph on the approach to Balmaha village. The route is undulating in parts and visibility is restricted on some parts of the road.



Figure 4: Existing footpath (looking eastwards towards Milton of Buchanan)



Figure 5: Existing footpath (looking westwards toward Balmaha)

Description of Proposal:

- 3.5 The proposal is to widen an existing section of footpath to form a shared use path for both walkers and cyclists. It is part of an overall project led by the applicant, Drymen Community Development Trust, to provide a protected active travel route from Drymen to Balmaha that avoids as much as possible the need for walkers and cyclists to use the carriageway of the B837 road and enhance safety.
- 3.6 The path will connect to the existing shared use path which currently terminates at the

Agenda Item 5

property 'Shalloch'. This proposal seeks to join and extend the existing shared use path by widening the existing path and this widened section will continue into Balmaha.

- 3.7 The project will utilise agricultural land to achieve the widened path rather than narrowing the existing road. The additional width will be achieved by preserving the line of trees, removing the hedge and replanting in line with, rather than in front of the trees. The fencing will be re-located to the north of the tree line. In the narrowest part the ground rises quickly to the north of the hedge line and to provide the extended width, ground support in the form of gabion baskets is required.
- 3.8 There are several constraints to the footpath widening project including available land, mature trees at the roadside and a stone bridge where the existing footpath is particularly narrow. These constraints will result in a finished shared surface footpath of varying widths mostly between the range of 1.8m and 2.5m. There is a short 15m section that is narrower with a width of 1.1m – 1.8m. There is also a muddy section of existing footpath with very poor drainage where enhanced drainage is proposed.
- 3.9 A safety junction was latterly proposed following a Road Safety Audit which was carried out at the request of Stirling Council Roads department. This junction will allow cyclists safe access and egress to and from the main carriageway (see section 4 'Consultations' for more information on this element of the proposal).
- 3.10 The programme of works involves two main elements; the widening of the footpath and the formation of the new 'safety junction'. The detailed works comprise the following:
- 3.11 Shared use path
 - Widening of the existing footpath.
 - Re-surfacing the existing footpath and surfacing the newly constructed sections of footpath with a 'sealed surface'.
 - Installation of stone filled gabion baskets.
 - Ground reinforcement to allow for footpath widening.
 - Construction of embankments to support footpath widening.
 - Removal and replacement of hedging and fencing.
 - Installation of new field gates
 - Installation of parapet feature to stone wall

The above works all require planning consent. In addition to the above there are a number of elements included in the project that do not require planning permission and these are noted below for information.

- Installation of dropped, heeled and edging kerbs, with retention of existing whin stone kerbs
- Retention of dry stone walls
- Removal of overhanging vegetation
- Removal of non-native species (Himalayan Balsalm)
- Installation of various signage both on the carriage way and at the roadside

3.12 Junction

The second area of the site provides a special junction for safe access and egress of the main carriageway for cyclists. This area is within the 30mph zone. In order to form the junction the following works would be carried out:

- Excavation works to form the area for the junction
- Formation of a new 'spur' from the existing footpath

Agenda Item 5

- Surfacing of the new junction with a 'sealed surface'

The above works all require planning consent. In addition to the above there are a number of elements included in the project that do not require planning permission and these are noted below for information.

- Installation of advance warning signs (for drivers) of approaching junction
- Laying of thermoplastic 'SLOW' road markings adjacent to advance warning signs
- Laying of red thermoplastic area at junction with directional instruction for cyclist to join shared pathway, and other thermoplastic markings for the formation of the junction
- Installation of signs to instruct cyclists to re-join carriageway, and to stay on carriageway (each located where required)

Environmental Impact Assessment (EIA):

- 3.13 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017.

In this instance the proposal falls under Schedule 2 of the regulations within the urban infrastructure category. The proposal was screened and in this instance it was considered that it is not likely that there would be significant environmental effects on the environment and therefore an EIA is not required. The screening opinion is available to view as part of the application file. Members should go to the website –

<https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>

then enter the search criteria as "2018/0071/DET"

Planning History:

- 3.14 No relevant cases.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 4.1 Stirling Council Roads – No objection

Stirling Council Roads made initial comments in May 2018 recommending that a Road Safety Audit (RSA) be carried out before responding formally to the consultation. This was then carried out and the report highlighted a number of safety concerns. Revisions to the plans were subsequently made to address these areas of safety concern and the proposed changes comprise the following:

- Addition of a parapet to the low wall at the bridge crossing to prevent cyclists or walkers falling over the edge of the bridge.
- The point where cyclists re-join the carriageway was re-located as the sightlines were inadequate at the location where this was originally proposed. Two amendments were made to the plans as a result of this.
 - i) Instead of cyclists re-joining the carriageway at the narrow section of the bridge crossing they would remain on the shared surface path but would dismount at the narrowest section. Signage would be installed to inform

Agenda Item 5

cyclists to dismount at this point.

- ii) A safety junction would be formed at a different location to the west of the area originally proposed. This location is nearer the village centre and within the 30mph speed limit zone which is safer than the originally proposed point to re-join the carriageway which was within the 60mph zone.

- The level of the shared surface path will be raised at the sections where the exposed tree roots are a hazard using a combination of raised kerbs and special porous root protection measures.

Stirling Council Roads was re-consulted on the revised plans and they are satisfied that these amendments address their safety concerns. They have maintained their recommendation for conditions regarding signage and road markings, pedestrian/cycle dropped kerbs and consent.

They note in their response that sections of the shared path fall below the recommended minimum width but anticipate that the low numbers of walkers and cyclists are unlikely to result in conflicts between users.

4.2 Buchanan Community Council – Objection

Initial Comments received 9 April 2018:

- Raised health & safety concerns about past and continuing parking issues within Balmaha, and the likelihood that cyclists and walkers would be forced off the 'all abilities path' onto the main road by cars parked half on/off the pavement.
- The response also highlights cars parked half on/off the pavement opposite the property 'the Moorings' and on towards Milton of Buchan following the installation of double yellow lines in 2017.
- Noted that car parking is particularly problematic at weekends and there has been no provision of parking enforcement officers on Sundays.

Main representation received 16 May 2018:

- Requested that the decision is put on hold until the parking and infrastructure issues for the wider Balmaha have been resolved.
- Requested the opportunity to reconsider the proposal once those proposals have been put in place and the Roads Department's consultation response has been received.
- Health and safety concerns, specifically concerning the shared use footway in Detail A (the area where cars park on the path) and Detail E (the area of the safety junction).
- Width of the path is unsafe and insufficient for multiple users – e.g. for cyclists passing walkers with sticks.
- There is no assurance that cars will be prevented from parking on the pavement.
- Lack of detail of improvements to the infrastructure within Balmaha to ensure it can cope with an increase in cyclists including cycle parking facilities.

Agenda Item 5

- Concerns on practical day to day access within this area.

Officer response:

The traffic and parking issues at busy periods referred to in the representation are acknowledged, however, the resolution of all parking and infrastructure issues for wider Balmaha is not possible within the remit of this planning application. Parking is not a material consideration in the determination of this application as it does not form part of the proposal, nor are there any direct implications from a footpath widening proposal to a requirement for additional car parking.

It is not envisaged that the numbers of cyclists arriving in Balmaha at any one time would result in pressure on existing facilities. There is existing cycle provision within Balmaha and enhanced provision of cycling facilities will be part of the fourth and final stage of the project. The proposal will improve footpath connections between Drymen and Balmaha and will encourage a modal change from cars to walking and cycling thereby reducing car based travel.

Areas of safety concern were addressed following the Road Safety Audit. Revisions were subsequently made to the plans. Following these revisions, some sections of the footpath will still be narrower than the optimum width for cycle paths. Stirling Council Roads accept this and state that the anticipated number of users on the footpath is unlikely to result in conflicts between users.

Buchanan Community Council is currently not operating and therefore no further comments have been provided in light of the amendments stated above in relation to road safety.

4.3 Representations Received:

- 4.4 At the date of the preparation of this report, two representations have been received from 1 no. individual objecting to the proposal. Concerns are summarized below. **You can view the full text of all representations available by searching the public access website:** <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0> then enter the search criteria as “2018/0071/DET”.

4.5 Summary of representation:

- Requested that the decision be put on hold until existing parking issues are resolved
- Cars parking on the pavement was raised as a concern
- Cycle bike parking provision in Balmaha was questioned
- The access to the new development at the allocated site does not appear on the plans
- Questions were asked about where the cyclists would be coming from, whether they would be creating parking issues elsewhere and where they would be travelling to. It was also stated that onward travel toward Rowardenan would require a risk assessment.
- Raised concern around requested amendments that have not been addressed for a previous upgrade on the B837.

4.6 Officer Response

As stated above the parking issues within Balmaha cannot be considered as a material consideration in the process of determining the planning application. Parking provision

Agenda Item 5

within Balmaha does not form part of the proposal, furthermore, Stirling Council Roads do not consider the volume of cyclists to be high. It is not anticipated that the introduction of this footpath improvement would result in a sudden significant increase in the numbers of cyclists using the footpath.

The footpath improvement forms part of East Loch Lomondside Visitor Management Plan and the Outdoor Recreation Plan (ORP) Action 47 linking Drymen to Balmaha.

In terms of where people cycle from, their onward travel and whether they create additional parking problems elsewhere, these matters are outwith the considerations of the planning assessment. The upgrade of this section of footpath is part of a wider project to improve active travel between Drymen and Balmaha. The options for onward travel to Rowardennan remain unchanged by this proposal.

At the time of submission of this planning application the Local Development Plan (LDP) Allocated Site proposal had not been determined. In response to the objection, the housing development will generate a single additional access across the footway that will be subject to the relevant specification requirements so that it will impose a minimal impact on the safety and convenience of footway user.

As stated above there are existing cycle parking facilities in Balmaha and these will be enhanced as part of the final phase of the wider project.

Matters that pertain to a previous phase of the wider project are not a material consideration for the assessment of this application.

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
 - (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.

Local Development Plan:

5.3 Local Development Plan (Adopted 2016)

OP1 – Overarching Policy 1: Strategic Principles

OP2 – Overarching Policy 2: Development Requirements

VEP1 – Visitor Experience Policy 1: Location and Scale of New Development

TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved active Travel Options

TP3 – Transport Policy 3: Impact Assessment and Design Standards of New Development

NEP2 – Natural Environment Policy 2: European Sites – Special Areas of Conservation and Special Protection Areas

Agenda Item 5

NEP3 – Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

NEP4 – Natural Environment Policy 4: Legally Protected Species

NEP5 – Natural Environment Policy 5: Species and Habitats

NEP8 – Natural Environment Policy 8: Development Impacts on Trees and Woodlands

NEP9 – Natural Environment Policy 9: Woodlands on or adjacent to Development Sites

NEP11 – Natural Environment Policy 11: Protecting the water Environment

Other Material Considerations:

5.4 National Park Partnership Plan (2018-2023)

Outcome 1: Natural Capital

Outcome 2: Landscape Qualities

Outcome 5: Recreation Opportunities

Outcome 7: Visitor Economy

5.5 Supplementary Guidance

Design and Placemaking

Buchanan South Rural Development Framework

5.6 Planning Guidance

Visitor Experience

5.7 Other Plans

East Loch Lomondside Visitor Management Plan (2014-2019): which refers to Outdoor Recreation Plan Action 47 – see below:

Outdoor Recreation Plan (ORP) (2013-2017):

“Balmaha

Cycling in Balmaha is dominated by the B832 which is busy at any time of the year in good weather but especially in the summer. Either cycle friendly measures along the road or a traffic free alternative would be valuable but remain a long-term aspiration that would provide a good link to NCN7 in Drymen. The footway linking east to Drymen is a core path and as such can be used for cycles but requires a well designed upgrade.

ORP Action 3: Signed core path network

ORP Action 47: Drymen to Balmaha link”

6 **SUMMARY OF SUPPORTING INFORMATION**

6.1 An Environmental Construction Method Statement (January 2018) was submitted with the application in March 2018.

Officers Comments – A condition has been recommended to ensure that this document is up-to-date requiring the submission of an updated ECMS to reflect the additional mitigation measures. The following sections have been superseded by mitigation put forward in the Protected Species Survey report, Tree Protection Plan and Method Statement and any additional measures identified from the most recent additional bat survey work:

- *Bats*
- *Trees*
- *Ecological Method Statement*

The case officer requested further detail from the agent, and the following were submitted:

Agenda Item 5

- Tree Survey and Arboriculture Constraints (June 2018)
- Stage 1 Road Safety Audit Report (June 2018)
- Preliminary Ecological Assessment Survey and Reporting (August 2018)
- Aerial Bat Habitat survey (Feb 2019)
- Supporting Statement (April 2019)

7 PLANNING ASSESSMENT

Principle of Development

- 7.1 The principle of development is supported by the policy framework set out in the Local Development Plan. Overarching Policy 1, Overarching Policy 2, Visitor Experience Policy 1, Transport Policy 2 and Transport Policy 3 are the key policies that are relevant to the assessment of this application.
- 7.2 The Overarching Policies apply to all development proposals. Overarching Policy 1 requires development to contribute to the National Park being a successful and sustainable place by meeting a criterion or criteria stated in the policy. In this case the proposal contributes to the criterion of the National Park being a more 'connected place' by increasing and improving connections to nearby places, paths, piers and open spaces. Overarching Policy 2 supports 'Active Travel' choices that prioritise walking and cycling over car use. Overarching Policy 2 also supports development that avoids adverse impacts on landscape/visual amenity, amenity/environmental effects, or the historic environment. The proposal will have no detrimental impact upon landscape and visual amenity as it involves the extension of an existing footpath, markings for road safety purposes and signage. The proposal meets the aims of the overarching policies.
- 7.3 Visitor Experience Policy 1 supports improved visitor infrastructure and this includes recreation and access proposals. The proposal will improve visitor infrastructure and recreation opportunities and is supported by this policy.
- 7.4 Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options supports development that encourages safe, sustainable travel and improves active travel options by enabling opportunities for new and improved links to existing and proposed cycling routes. This proposal is part of a wider phased project to provide an active travel route between Drymen and Balmaha and it complies with Transport Policy 2. The sustainable travel element aligns with Transport Policy 2 and promotes walking and cycling which encourages a modal change from cars to walking and cycling.
- 7.5 Transport Policy 3: The proposal complies with Transport Policy 3. This policy requires the design and specification of development proposals to be sensitive to the special qualities of the Park and conform to the design standards required by the Roads Authority. The design and specifications of the footpath and formation of the junction conform to the design standards required by the Roads Authority.

Road Safety

- 7.6 Stirling Council Roads are satisfied that the recommendations from the Road Safety Audit (RSA) have addressed their initial concerns regarding visibility and sightlines. Amendments to the original plans have been made as a result of a Road Safety Audit which has been undertaken in consultation with the Roads Authority.

Agenda Item 5

- 7.7 The RSA made a number of recommendations, including relocation of the proposed point where cyclists were advised to join the carriageway. Revisions to the plans incorporate safety measures for the area of the bridge crossing, areas with prominent tree roots and the safety junction.

Protected Species and the Environment

- 7.8 The National Park Ecologist has been consulted on the application. They have commented as follows:
- 7.9 Bats:
The *Preliminary Ecological Assessment Survey and Reporting* (FDM Ecology Ltd, August 2018) identified four trees with bat roost potential that will be affected by the proposal (trees - 5883, 5886, 5890, and 5879). These trees were subject to an aerial inspection on the 21 January 2019. Two trees (5886 and 5879) were fully inspected and no evidence of bats was identified. Once it had been confirmed that there was no evidence of bats using these trees, the potential roosting features were blocked or removed. As a result, no further survey work is required for these trees. The report notes it was not possible to climb 5883 as it was structurally unsafe but it was considered to have high potential to support bats due to the presence of a thick cover of ivy. Tree 5890 could only be partially climbed due to the presence of low voltage power cables. Multiple potential roosting features were identified on the north crown of this tree that could not be inspected due to the presence of the power cables. As a consequence, mitigation measures are required to ensure that no offences are committed under protected species legislation with regards to bats. A condition has been recommended.
- 7.10 Otters:
in the Ecological Survey report a number of otter spraints were identified beneath the road crossing of a small un-named burn indicating the use of this feature by commuting or foraging otter. The bridge and burn will not be directly affected by the proposal but mitigation measures are recommended in Section 5 of the Preliminary Ecological Assessment report to minimise the impacts of the development on otters. The implementation of these mitigation measures, and those to minimise impacts on the watercourse detailed in section 5 should be secured by a planning condition.
- 7.11 Breeding birds:
The proposal could have impacts on potential nesting habitat and mitigation measures are required to ensure that no offences are committed under protected species legislation. A condition has been recommended.
- 7.12 Invasive non-native species:
Himalayan balsam has been identified by the applicant within the development site. As a result, mitigation measures are required to ensure that Himalayan balsam is not spread to new areas in the wild as a consequence of the development and a condition is recommended.
- 7.13 Trees:
The *Tree Survey and Arboricultural Constraints* report (Alan Motion Tree Consulting Ltd, June 2018) identifies that there are a total of 25 no. mature trees along the verge where the footpath is to be constructed. Only one tree is proposed to be felled. This was a dead oak which has since fallen over in a recent storm. Three further trees are proposed to have dead wood removed. A Tree Protection Plan and Method Statement is included in this report detailing mitigation measures to ensure that all retained trees are protected from damage during the construction of the footpath. A condition is recommended to ensure that the implementation of the Tree Protection Plan and Method Statement is secured.

Agenda Item 5

7.14 Hedgerow:

Part of the existing roadside hedge will need to be removed to accommodate the new footpath and it is proposed to plant a replacement hedge. The parts to be removed are part of the area shown in detail B and most of the area shown in detail C in the General Arrangement drawing no. 698/10/99/501. No information on the species mix and aftercare arrangements for the replacement hedgerow planting is provided in the application. Further details of the replacement hedge planting are required to confirm that this will adequately compensate for the loss of part of the existing hedgerow. A condition is recommended to ensure that further details of the proposed replacement hedgerow planting are submitted for approval prior to works on the existing hedge commencing.

- 7.15 There would be no impacts on designated sites as there is no connectivity between the development site and the interests of any designated site. The proposal has been screened under EIA regulations (see section 3.13) and raises no significant issues. The proposal would therefore accord with Natural Environment Policies 2, 3, 4, 5, 8, 9, and 11.

8 CONCLUSION

- 8.1 The proposal complies with the Local Development Plan policy framework. In terms of the Overarching Policies, the proposal meets the aims of these policies; the completed shared use path will contribute to the National Park being a more 'connected place' by increasing and improving connections to nearby places, paths, piers and open spaces as one of the criteria in Overarching Policy 1. The proposal also meets the aims of Overarching Policy 2 as this policy supports 'Active Travel' choices that prioritise walking and cycling over car use.
- 8.2 The shared use path will be achieved by widening the existing footpath by way of re-locating the hedgerow and a safety junction will ensure that cyclists have the opportunity to re-join the carriageway at a safe location for the final section within the 30mph zone in Balmaha.
- 8.3 Road safety concerns raised by the Roads Authority have been resolved through a Road Safety Audit, the recommendations made and the revisions to the plans. The Roads Authority are satisfied that the amendments have addressed their initial concerns. The concerns raised in respect of illegal car parking in Balmaha and resultant 'peak day' issues are acknowledged. These are visitor management issues which involve other public bodies in their management / enforcement, which the Park Authority is actively engaging with to support where it can. In determining this application, these are however not material considerations.
- 8.4 Impacts upon legally protected species and the environment have been subject to specialist surveys. The matters raised but not yet addressed in the planning application have been addressed through conditions for protection/mitigation. The proposal would accords with Natural Environment Policies 2, 3, 4, 5, 8, 9, and 11.
- 8.5 The proposal will improve connections between Drymen and Balmaha and will encourage a modal change from cars to walking and cycling. The natural heritage interests are protected by conditions.
- 8.6 It is therefore recommended that Members:
APPROVE the application subject to the conditions contained in Appendix 1.

Agenda Item 5

9 **BACKGROUND DOCUMENTS**

- 9.1 For background information, Members should go to the website – <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0> then enter the search criteria as “2018/0071/DET”

10 **LIST OF APPENDICES**

- 10.1 **Appendix 1 Conditions, List of Plans and Informatives**
- 10.2 **Appendix 2: General Arrangement (drawing no. 698/10/99/501 Rev. C)**

APPENDIX 1

Conditions

1: Bats - Trees 5883 and 5890 must be subject to aerial inspection or dusk/pre-dawn surveys to establish the presence or absence of roosts immediately prior to felling. Survey work should be carried out in accordance with the minimum survey standards outlined in *Hundt, L (2012) Bat Surveys: Good Practice Guidelines, 2nd Edition, Bat Conservation Trust* - <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>.

If it becomes apparent during the construction works that there is a need to undertake work on any additional trees, these should be surveyed in line with the recommendations in Table 2 of the *Preliminary Ecological Assessment Survey and Reporting* (FDM Ecology Ltd, August 2018).

If any roosts are identified, a licence must be obtained from SNH before any works can be undertaken that will affect a roost.

REASON: To ensure that no offences are committed with regards to bats.

2: Otters - All works must be undertaken strictly in accordance with the mitigation measures for otter and the watercourse detailed in Section 5 of the *Preliminary Ecological Assessment Survey and Reporting* (FDM Ecology Ltd, August 2018).

REASON: To minimise the impact of the development on otters.

3: Breeding birds - No vegetation clearance works shall take place between March and August (inclusive) unless a pre-works check for active nests has been carried out immediately prior to the works commencing. Should any active nests be recorded, a suitable buffer must be put in place until the nest is no longer in use.

REASON: To ensure that no offences are committed with regards to breeding birds.

4: Himalayan balsam - The mitigation measures for Himalayan balsam outlined in the Environmental Construction Method Statement (Transport Planning & Engineering, January 2018) shall be implemented in full.

REASON: To prevent the spread of Himalayan balsam in the wild and ensure compliance with the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2012.)

5: Trees – During construction the Tree Protection Plan and Method Statement detailed in the *Tree Survey and Arboricultural Constraints* report (Alan Motion Tree Consulting Ltd, June 2018) shall be implemented in full.

REASON: To protect retained trees from damage during the construction of the footpath.

6: Hedgerow - Prior to the removal of the existing sections of hedgerow hereby approved, details of the proposed species mix for the replacement hedge shall be submitted to, and agreed in writing by, the Planning Authority. The replacement hedge shall then be planted on site in accordance with the approved details, in the first available planting season. Any tree/shrub that within a period of five years after planting, dies or, in the opinion of the Planning Authority, becomes seriously damaged or defective shall be replaced with another

Agenda Item 5

of the same species and size as originally approved in a timetable to be agreed in writing with the Planning Authority.

For the avoidance of doubt, a mixed native hedgerow species mix would be appropriate at this location (e.g. including species such as hawthorn, blackthorn, hazel and excluding non-native species such as beech)

REASON: In the interests of visual amenity and to accord with adopted local development plan Natural Environment Policy 8: Development Impacts on Trees and Woodlands.

Tree root protection systems – sections required as these parts of the footpath are going to be raised.

List of Plans

Title	Reference	Date Received
Plan General Arrangement	698/10/99/501 REV C	12/09/18
Plan Footway Detail A, B, and C	698/10/99/502 REV C	12/09/18
Plan Footway Sections A-A, and B-B	698/10/99/503 REV C	12/09/18
Plan Footway Sections C-C, and D-D	698/10/99/504 REV B	12/09/18
Plan Footway sections E-E and Detail F, G, H	698/10/99/505 REV C	12/09/18
Plan Footway Section F-F and Detail D	698/10/99/506 REV C	12/09/18
Plan Cyclist Access and Egress Provision - Detail E	698/10/99/507 REV C	12/09/18
Plan Tree Root Protection Cellular Confinement, Detail J, Section G-G and Earthworks spec	698/10/99/508 REV B	12/09/18
Plan Footway Detail K	698/10/99/509 REV A	12/09/18
Plan Bridge Parapet Extension	698/10/99/510 REV C	12/09/18

Informatives

1 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.

2 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

Agenda Item 5

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.

3 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.