

Agenda Item	6.2
Report No	PLS-021-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 10 March 2020
Report Title: 19/05322/FUL: Tim Sims
Achaderry Steading, Roy Bridge, PH31 4AN
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use from agricultural land to clay pigeon shooting range (revised application)
Ward: 11 – Caol And Mallaig
Development category: Local
Reason referred to Committee: 8 or more representations

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a clay pigeon shooting enterprise on land at Achaderry, just outside of Roy Bridge. This application follows a previous application which affected a path, and the proposed shooting area has now been moved approx. 300m to the NE. The enterprise has commenced operating on the previous site however, and the shed from which customers would shoot is currently sited in the position that was proposed in the previous application.
- 1.2 The open sided timber shed measures 6.2m by 2.3m, by 2.59m high, with wing walls extending 3.584m from either side. The site extends to just over 5 ha with a shooting arc extending 275m to the east of the shed. The land at the proposed site would be within open birch woodland approx. 100m to the east of a Core path, and it would utilise a more open area within the woodland, with land rising to the east. The shooting is directed from west to east. A new section of path/quad track would be required to be built through the woodland from the Core path to the proposed site of the shed. There is a rough quad track at present. The 275m shooting arc includes some land beyond a fence at the top of the woodland, which is more open, containing some 20+ year old woodland regeneration which is now fairly well established.
- 1.3 Portable target throwers (traps), which are battery powered, are mounted on pallets/sleds either side of the shed. These each hold 50-75 clays, and they throw over an area from which access would be restricted. The proposal is for clay target shooting only and whilst the applicant may shoot with rifles in a personal capacity, they have clarified that the planning application is not to include this element. All equipment, clays and ammunition will be stored in a secure storage area. Two parking spaces would be provided for “action track chairs” next to the shed for ambulant disabled persons. Existing buildings at Achaderry Steading would provide a reception area and toilets, together with 10 parking spaces, including one for disabled persons, plus 2 spaces for the “action track chairs”. The proposed number of participants will be an average of 4 persons, up to a max of 10 persons, who will generally shoot for an hour and then return to the reception building at the Steading. The enterprise is intended to attract tourists and locals – it is not intended to offer any other activities or catering to customers.
- 1.4 The site has been operating sporadically over the past year, for 60 – 80 days (according to local residents), which is well in excess of any “permitted development rights”. The site will be managed by Mr Charles Cran Crombie who is BASC (British Association for Shooting and Conservation) and SCTA (Scottish Clay Target Association) affiliated, also a SCTA Coach and BASC Safety Officer, with over 15 years of teaching experience. The applicant is seeking to operate from the proposed new site Monday to Saturday between the hours of 10am to 5pm and not at all on a Sunday. All persons attending would be either shotgun certificate holders or hosted under a police permit which will be applied for by the applicant or his qualified supervisors. A sign-in system would operate for all non-shotgun certificate holders. The business would have a safety policy statement, and this would require any event of more than 5 persons to have a written risk assessment which will include a First Aid assessment and to address risks

associated with young persons' participation. The shoot would be operated in accordance with the requirements of a Police licence, which is required for such an operation. All shooters and other persons within 20m of the shooting position would be required to wear eye and ear protection. Trap operators would be equipped with suitable Personal Protective Equipment. The landowner is prepared to mark out the perimeter of the shooting arc and to provide warning signs to the public as part of any planning permission.

- 1.5 A new section of path/track, approximately 100m in length, would be required to the site of the proposed shooting area.
- 1.6 The development does not constitute EIA development as it does not fall within Schedule 2 of the EIA Regulations.
- 1.7 Pre-application Consultation: None.
- 1.8 Supporting Information: Design Access and Supporting statement, photo/visual information of access junction.
- 1.9 Variations: None (previous application 19/04049/FUL withdrawn and this application submitted – because it is on a different site).

2. SITE DESCRIPTION

- 2.1 The site forms part of an agricultural holding. The site itself lies within birch woodland above the farm steading which is on the north side of Roy Bridge and east of Glen Roy. The land rises to the east.
- 2.2 The site is accessed via the minor road to Bohenie from the centre of Roy Bridge. This is a single track road which also serves a number of houses in Roy Bridge and continues up the east side of Glen Roy to the township at Bohenie, as well as providing access to an area of commercial forestry. The existing drive to Achaderry serves both the House and steading, before continuing along to provide a secondary access to Kinchellie Croft (which is also within the applicant's control).
- 2.2 The nearest houses are at the Steading itself and Achaderry House (which are approx. 294m and 325m away from the proposed site respectively); these are within the applicant's ownership/control. Achaderry House is let out as self-catering tourist accommodation. The end house along Braeroy (No.9 - Tigh nam Beithe) is approx. 590m away to the WNW, the new house to the south of this plot, next to the river, is nearer at approx. 514m away, but lower down in relation to the site. Aonach View, on Kinchellie Croft is just over 500m away to the south, and the Stronlossit Hotel in Roy Bridge would be just over 700m away to the SW.
- 2.3 The site is within the Parallel Roads of Lochaber SSSI, within Ancient Woodland (LEPO 1860), and there is a core path nearby. There is a track which continues to the north beyond the Core Path and makes a loop around a lochan, which is a popular walk with local residents.

3. PLANNING HISTORY

- 3.1 19/04049/F UL Similar to current application sited approx. 300m to the SW Withdrawn

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Oban Times

Date Advertised: 19 Dec 2019

Representation deadline: 6 Jan 2020 (four days added for public holidays)

Timeous representations: Objections from 26 households, 1 neutral comment & 1 in support

Late representations: 6

- 4.2 Material considerations raised are summarised as follows:

- a) Noise: the site is within 500m of the nearest residential properties, which is half the minimum recommended distance set out in the Chartered Institute of Environmental Health's 2003 report which recommends a buffer of at least 1500m in front of a shooting range, and over 100m to the rear
- b) The site could be moved a further 600m to the ENE and still all be on the applicant's land
- c) Much of the village is within this range – the shooting affects people's ability to enjoy their gardens and the tranquillity of the area
- d) The elevated site and topography exacerbates the noise which is reflected off the hills
- e) The noise causes distress to the elderly and young, affects mental health in causing anxiety to humans as well as to pets – causes dogs to bark and disturbs people who work from home
- f) Disturbance to the primary school (which is currently mothballed but could re-open) and during church services, which start at 10am three mornings a week
- g) The methodology and assumptions used in the noise assessment are questioned – the house at Braeroy which is next to the river would experience significant noise as it is on much the same level and it is not in a dip – the river is in a gorge well below the level of the house
- h) The fig of 40DB in Charles Cran Crombie's letter is challenged as there is no detail how this figure is arrived at; 40DB is stated as equivalent to a "babbling brook" which this is not
- i) The applicant's website offers shooting with rifles up to .308 calibre in addition to the clay pigeon shooting – this is not addressed in the application
- j) The proposed attenuation is insufficient – the wing walls to the shed should be higher and the corrugated metal roof requires more insulation
- k) The site has operated for well in excess of the 28 day limit over the past year – probably in the order of 60-80 days - there was no shooting before 2019 contrary to the submitted claim it has been operating for 5 years

under permitted development rights – the applicant only bought the site in 2016

- l) The proposed hours – 7 hours a day between 10am – 5pm, 6 days a week = 42 hours a week is too much
- m) The traps can throw 40 clays in 60 seconds – this is too much considering the number of people that could be shooting in a session
- n) There has been no prior communication with local residents or neighbours about the proposals
- o) No neighbour notification by the Council
- p) It would adversely impact on wildlife – the river provides a wildlife corridor for red squirrel, Scottish Crossbill, Pine Marten, Golden Eagle, Cuckoo and Ring Ouzel – as well as stress to lambing sheep
- q) Contamination of the land by lead shot and the clays
- r) Adverse impact on tourism – visitors come to experience the tranquillity of Glen Roy National Nature Reserve and SSSI
- s) Traffic hazard to people walking up the Bohenie road
- t) Risks to walkers in the area from stray shots – tracks on the croft are popular with locals and dog walkers – yet there are no warning signs (there was a sign on a gate last year for a time)
- u) The risks associated with people bringing their own guns, and ammunition – how would it be kept secure if left in cars overnight outside local accommodation
- v) Impact on property prices
- w) The timing of the application over Christmas would have resulted in fewer objections, as people are otherwise busy or away
- x) No need for the enterprise as there are at least 3 such shoots nearby – at HighBridge, on Ardtornish Estate and Ardnamurchan Estate
- y) There would be little economic advantage to the area other than to the applicant
- z) Request for a public meeting
- aa) There should be an Environmental Impact Assessment of the proposals
- bb) How would any planning controls be enforced? – hours of operation and numbers of shooters?
- cc) Permission 19/01320/FUL Change of use from unused farm steading building to internet Point of Sales area for specialised whisky bottles, at Achaderry Steading – granted May 2019: the proposed use would be an inappropriate mix with this enterprise
- dd) A similar proposal on the other side of the village was rejected 30 years ago following a site meeting
- ee) The noise could trigger avalanches
- ff) The applicant claims this would not be a professional scale of enterprise, yet Charles Cran Crombie – who is associated with the enterprise operates a commercial business and there are several websites promoting this and other sites operated by him
- gg) No response by the Community Council [it is not quorate at present]

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Environmental Health Officer advises:

“The site is on an elevated woodland site. The closest noise sensitive properties are at Braeroy; No.9 Braeroy - Tigh nam Beithe is approx. 680m to the rear/WNW of the proposed shooting site, and another house (8A Braeroy), is some 550m from the shooting site, below 9 Braeroy, and it is sited at a lower elevation next to the river. There are trees along the river corridor, however these would offer little noise attenuation.

The Chartered Institute of Environmental Health Guidance on the control of noise – clay target shooting, published January 2003, recommends a noise buffer zone of not less than 1km in the rearward arc of shooting and 1.5km in front in the direction of shooting. The site does not meet this recommendation for the rear arc and the topography offers no protection for the vast majority of houses in Roy Bridge. Most of Roy Bridge including the school and railway station is within the 1km recommended buffer zone.

The Council's Environmental Health Officer carried out noise measurements on the morning of 7 January at 9 Braeroy with the shooting taking place from the proposed shooting site – though without the shooting shed being in place there. The average of the loudest 25 of 41 test shots, corrected for background ambient noise levels, produced a result of 61.3dB(A) shooting noise level. The background ambient noise level was 45.9dB(A), which was higher than would be expected on a day with no discernible wind and low water flow in the river. All shots exceeded the background level by more than 10dB(A). The CIEH guidance suggests annoyance is less likely to occur at a mean shooting noise level below 55dB(A) and very likely to occur above 65dB(A). The measured noise level shows there is clear potential for noise nuisance from the proposed site.

The shooting enclosure is not however currently in the proposed position – this will act as a noise barrier once in position. By measuring shots from within and outside the enclosure it was possible to deduce that it would provide attenuation of 12.2 at the side and 19 at the rear.

To prevent public nuisance and amenity loss it is recommended that all shooting must take place from within the shed, and that additional new cladding is added to the back, roof and sides of the inner frame of the enclosure and sound absorbing insulation is placed between the existing and additional new cladding.

This should be designed to absorb, screen and re-direct as much shooting noise energy as possible, using all best practicable means, to achieve the maximum attenuation possible to the rear (west) and south side to ensure an average shooting noise level of less than 55dB at any noise sensitive premises. A competent noise consultant should be employed to ensure this is achieved. Earth banks and baffles could also be used.

It is further recommended that the number of shooters is limited to 1 person shooting at any one time, unless it can be demonstrated that a noise level less than 55dB can be achieved at the nearest noise sensitive premises.

The following time restrictions are also suggested:

Mon – Fri : 09:00 – 18:00 with a max cumulative duration of 4 hours

Sat: 10:00 – 18:00 with a max cumulative duration of 3 hours

Sun: 10:00 – 14:00 with a max cumulative duration of 3 hours

With the incorporation of a suitable enclosure the proposal is likely to meet the standard set out in the CIEH guidance, but even so it should be recognised that the noise is likely to be audible at noise sensitive receptors. This may be considered by residents to amount to amenity loss, even when attenuated to below 55dB. Local residents experience of the noise will also vary depending on the frequency of the activity, time of day, weather, the residents use of outdoor space, etc.”

5.2 **Access Officer** advises:

“The “blue” track on the location plan is a Core path – and this will be crossed by construction and operational traffic. A condition is therefore recommended that requires the path to remain open and free from obstruction or encroachment before, during and after completion of the development.”

5.3 **Forestry Officer:** No objections. No adverse impact on trees/woodland.

5.4 **Transport Planning Team:** No objections.

5.5 **Flood Risk Management:** No comment.

5.6 **SEPA:** No comment.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design
29 - Design Quality & Place-making
31 - Developer Contributions
36 - Development in the Wider Countryside
43 - Tourism
51 - Trees and Development
52 - Principle of Development in Woodland
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
61 - Landscape
62 - Geodiversity
72 - Pollution
77 - Public Access

6.2 **West Highland and Islands Local Development Plan 2019**

Placemaking Priorities for Roy Bridge include:

- Safeguard through appropriate siting and design, areas protected or otherwise important for nature conservation or landscape qualities
- Allow the option of employment therefore reducing commuting by retaining business components within the mixed use sites
- Ensure that all development sites contribute to internal village connectivity in terms of active travel connections to facilities, and retention and enhancement of green networks.

6.3 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

SPP para 105. Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

Para 108. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity and make a positive contribution towards placemaking.

PAN 1/2011 Planning and Noise

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) noise and amenity
- c) public access
- d) impact on SSSI and wildlife
- e) Impact on woodland
- f) vehicular access and parking
- g) any other material considerations

Development plan/other planning policy

- 8.4 The site is outwith the settlement of Roy Bridge, as identified in the development plan, and therefore should be assessed against Policy 36: Development in the Wider Countryside. This requires development to be assessed for the extent to which it is acceptable in terms of siting and design, sympathetic to existing patterns of development, is compatible with landscape character and capacity, and can be adequately serviced, among other criteria.
- 8.5 Policy 43 deals with tourist facilities specifically and requires assessment of the scale of the proposal being proportionate to its location, whether it is within a settlement and whether it will complement existing /allocated tourist facilities, whether it will increase the length of people's stay, increase visitor spending or promote a wider spread of visitors, and whether the proposal will safeguard, promote responsible access, interpretation and effective management or enhancement of natural, built and cultural heritage features.
- 8.6 The clay pigeon enterprise is a form of farm diversification, and the infrastructure would fit into the landscape in this location. The infrastructure required is minimal, comprising a short section (100m) of new path, and a small shed in addition to the use of existing buildings at the steading.
- 8.7 Achaderry and Kinchellie crofts provide holiday accommodation and there is an extant planning permission for the sale of whisky from a building at Achaderry steading – both existing farm diversification and tourists-related uses. (A website search would alert potential occupiers of the holiday lets of the proximity of the shooting enterprise, and the Clay Pigeon Shooting Safety Guide disallows anyone under the influence of alcohol from shooting grounds). The shoot would not compromise any agricultural operations. If successful, the enterprise would bring in more tourists and increase spend in the area.
- 8.8 The use is compatible with existing land uses. Although the site lies outwith the village it is close to nearby residents which gives rise for concerns with regard to noise and the impact on their amenity. Having said that, where this can be appropriately mitigated, the site can be effectively managed in terms of impact the SSSI, woodland and existing infrastructure the proposal would accord with the Development Plan.

Noise and impact on amenity

- 8.9 The existing (unauthorised) operation has given rise to significant local objection mainly from residents in and around Roy Bridge. The noise from the shooting does exceed acceptable limits at present, at 61dB at the nearest noise sensitive property, with 55dB regarded as an acceptable limit in the relevant Code of Practice. However, if the shed is re-located to the revised location, approx. 300m to the NE, and sufficient noise insulating material added to the structure, it is anticipated that this will reduce the noise to an acceptable level. This assessment is based on taking readings at the nearest noise sensitive property (9 Braeroy) with shooting taking place at the proposed site, without the shed, and from the existing site both from within and outside of the shed. The difference in noise levels between shooting taking place from within the shed as compared

with it taking place on open ground indicates that mitigation, in the form of sound insulating material being added to the shed, would be sufficiently effective to reduce the noise to an acceptable level. While the site would still be within the 1km minimum recommended distance to residential properties recommended by the Code, the guidance indicates that this is acceptable if the noise limitations can be met.

- 8.10 The degree to which noise would result in stress and anxiety to humans, their pets, and farm animals is more difficult to assess. The Chartered Institute of Environmental Health (CIEH) guidance is the only objective criteria available for this type of activity.
- 8.11 Although the noise from the development will impact on amenity, this can be mitigated by adding insulation to the re-located shed and to the wing walls. The houses at Braeroy, which are the nearest residential properties, are behind the rear of the shed, where the insulation will be the most effective. Properties in the main part of the village, near to the Stronlossit Hotel would also benefit from improved sound insulation in the wing walls. Subject to conditions, to secure the appropriate mitigation and further noise assessment to ensure the anticipated post-mitigation levels are achieved amenity should not be significantly impacted beyond the thresholds within existing published guidance. To be clear, the noise of shots will still be audible and it will not be possible, nor reasonable, to require that it is eliminated completely.
- 8.12 As the activity would still be within the minimum distances set out in the CIEH guidance, a further control to limit the hours and days of operation further than that suggested by Environmental Health. Any such controls must meet the tests for planning conditions i.e. necessary, enforceable, precise and reasonable as well as relevant to planning and the development in question. It is suggested that 2 hours in the morning and 2 hours in the afternoon, 10am – 12noon, and 2pm – 4pm would not be unreasonable hours and for the enterprise to operate for 5 out of 7 days a week; a midweek day with no shooting to be agreed as part of the condition as well as no shooting on Sundays. This would ensure that local residents can be assured that the disturbance, as mitigated, would only take place for a defined limited duration, and this would provide greater certainty than a longer allowable period with a cumulative limit, and reduce the potential stress of anticipating the noise occurring at any time within a wider window of potential operating hours. It would also be difficult to enforce a planning condition where the shooting could take place over a longer period of time, whilst subject to a cumulative total number of hours within that period. The applicant would have the right to apply to vary the planning condition, or to appeal against it, if they felt this was not reasonable, and if they could demonstrate that longer operating hours would not cause a significant loss of amenity to local residents.

Public Access

- 8.13 A Core Path lies approx. 100m behind the proposed shooting area, outwith the restricted zone. The track to the lochan which continues to the north is approx. 68m away from the edge of the restricted area at its nearest point, but it is beyond the range of the shooting arc and at a significantly lower level. Subject to a

condition to ensure that it is not obstructed at any time, there will be no adverse impact on the Core Path.

- 8.14 The land is otherwise subject to normal access legislation. A further condition is therefore recommended to ensure the shooting arc is clearly marked out on the ground and appropriate signs are provided when shooting is taking place to ensure people are totally excluded from this area. The layout of the site is covered by the police licence. It is a requirement of the Clay Pigeon Shooting Association (CPSA) for there to be a 275m safety zone for all CPSA affiliated grounds. While this criterion would be met, the site would not be affiliated to the CPSA or SCTA, the Scottish equivalent, as this is principally for clubs and competitions; something not proposed here. The restriction to shooting from the shed and the position of the wing walls, together with proper management of the site, would ensure shots and targets are all contained within this area. Operational management is governed by other legislation, relating to firearms licensing.

Impact on SSSI and wildlife

- 8.15 The site is within the Parallel Roads of Lochaber SSSI, which is designated for its geomorphology – glacial landscape features. The proposed development would not impact on these features and it would not adversely affect the integrity of the designation. Glen Roy National Nature Reserve, which is similarly designated for the “Parallel Roads”, is approx. 4km to the north. People may visit such sites because of their tranquillity however this is not a reason for its designation.
- 8.16 SNH no longer provides advice with respect to protected species for planning applications such as this. The SSSI designation does not include any protected species or habitats. There would therefore be no justification to resist the proposed development on the grounds of its SSSI designation. The site is not located within or adjacent to any European designation and therefore would have no direct or indirect impact, i.e. via connectivity, with a Natura site.
- 8.17 Having said that, it is accepted that disturbance of wildlife from shooting is likely to occur, particularly to nesting animals/birds or roosting birds or bats. Particular concern has been raised with regard to the disturbance of breeding birds. Disturbance of Annex 1 breeding birds is an offence under the Wildlife and Countryside Act 1981. That offence would be committed by the licensed person who was responsible for the discharge of the firearm. It is not something that can easily be controlled through planning condition. While it is possible to condition an initial survey for breeding birds and for an action plan to be put in place in the event that breeding species were found, something that is routinely done for major infrastructure projects, in the context of this development such survey and action would need to be continual and dynamic in nature. It is not considered necessary, or indeed proportionate, for the Planning Authority to control this. It is an operational management issue and one for Police Scotland, in the event that wildlife crime had been committed.
- 8.18 The clays are biodegradable, and the shot is lead with biodegradable wadding. Alternative steel shot is becoming available however it has plastic wadding, and

it is therefore not considered to be preferable on environmental grounds, or feasible for use at present.

Impact on trees and woodland

- 8.19 The site is mostly covered by an Ancient Woodland designation (LEPO1860). The development would not involve any significant tree loss. There is a quad bike route up through the woodland, and this could be made up to a constructed path suitable for an argo or quad bike with minimal impact. The shooting would be directed into the sky, in the clearing and above the trees, and no trees would be directly affected by the shooting. A condition is recommended to ensure the construction of the track does not result in significant tree loss. There would be no reason for anyone to access the shooting arc, other than to pick up any unbroken clays (for re-use) after a shooting session.

Vehicular access and parking

- 8.20 The Transport Planning Team is satisfied that the minor road from Roy Bridge can accommodate the additional traffic associated with the development. This will largely be individuals or small groups travelling by private car. The manager of the operation would be the only employee generating additional traffic.
- 8.21 The turning into Achaderry from the public road is reasonable in terms of the junction geometry and visibility. A condition is nevertheless recommended to make a minor improvement to achieve the Council standard. This will not require a significant amount of work; the bellmouth would need to be tarmaced and its geometry altered slightly to create a layby alongside the access.
- 8.22 The proposed parking at the steading would be adequate for the proposal.

Developer contributions

- 8.23 None required. The development will not increase pressure on education or housing supply. The improvement to the access would constitute a specific infrastructure improvement which will be met by the applicant direct.

Other material considerations

- 8.24 There are no other material considerations.

Non-material considerations

- 8.25 The issue of the development negatively impacting on property values is not a material planning consideration.
- 8.26 Whether or not there is a need for the development is not a relevant planning issue either. It is for the developer, and market, to decide if there is sufficient demand for the business.
- 8.27 The Planning Authority is required to consider the proposal on its own merits and cannot consider whether there may be alternative sites available that may be preferable. The land to the east would be further from Roy Bridge, and out of the

Ancient Woodland designation, however it would be within the regenerated woodland, and on more elevated land, and may affect residents in Glen Roy to a greater extent.

- 8.28 The safety aspects of operating a shooting facility, and all aspects of the use, transportation and storage of firearms and ammunition are covered by other legislation, and is outwith the remit of the Planning Authority.
- 8.29 There are “permitted development rights” for such activities, however these are limited in terms of the number of days of an activity per year, there are limitations to the nature of the ground where it is to take place, and there are separate controls where a site is within certain designated areas, such as an SSSI. The existing site has been operating in breach of “permitted development rights”, however this should not be a bearing in the consideration of the application.
- 8.30 The Council has undertaken the publicity requirements as required under planning legislation. There is no obligation on an applicant to undertake public consultation on a ‘local’ scale of development before a planning application is submitted. Only houses within 20m of an application site are required to be notified of a planning application, which is why the residents of e.g. Braeroy were not neighbour notified.
- 8.31 The current application was invited by the Planning Authority, and was necessary because the site required to be moved to avoid the Core Path. It is unfortunate that this meant the application publicity period ran over Christmas and New Year, however additional time was given for representations to be submitted, and the process is now on line which facilitates public participation outwith office opening hours.
- 8.32 The possibility of the shooting triggering an avalanche is unknown and no greater than many other possible triggers, including game shooting which is not controlled by the planning process.

Matters to be secured by Section 75 Agreement

- 8.33 None

9. CONCLUSION

- 9.1 The development would provide a relatively small-scale business enterprise and farm diversification in a rural area, in keeping with the adjacent land uses.
- 9.2 The noise generated by the clay target shooting can be adequately mitigated by moving the shooting enclosure to the proposed site, adding appropriate noise insulating material to the structure, and limiting the days and hours of operation.
- 9.3 Conditions would also ensure the adjacent Core Path is unaffected, that warning signs are posted as appropriate, and the site itself is clearly demarcated. A minor upgrade is also required to the access junction by planning condition.

- 9.4 The operation of the enterprise is subject to other legislation and licensing relating to firearms, which provide controls/guidelines separate to planning.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No clay target shooting is hereby permitted on this site until the shed from which shooting will take place has been moved to the approved location, and the walls, roof and external wing walls of the shed have been be clad with noise insulating material, and the wing walls increased in height, details to be first submitted to and approved in writing by the Planning Authority.

Reason: To reduce the noise of shooting to below 55dB when measured from the nearest noise sensitive property (9 Braeroy), in accordance with policy 28 of the Highland wide Local Development Plan.

2. Within one month of the completion of the shooting shed at the approved location and with the added noise mitigation materials; a Noise Impact Assessment shall be undertaken by a suitably qualified person and the Report submitted to, and approved in writing by, the Planning Authority. The Report shall summarise the findings of the Noise Impact Assessment and make recommendations for further mitigation works if the noise of shooting is found to be over 55dB at the nearest noise sensitive property. Once approved, any required mitigation must be implemented in accordance with the approved details within 30 days, unless otherwise first agreed in writing by the Planning Authority.

Reason: To reduce the noise of shooting to below 55dB when measured from the nearest noise sensitive property (9 Braeroy), in accordance with policy 28 and Policy 72 of the Highland wide Local Development Plan.

3. No clay target shooting shall take place on the site other than between the hours of 10am – 12noon, and 2pm – 4pm on a maximum of five days a week. For the avoidance of doubt there shall be no shooting on Sundays or Scottish Public Holidays.

Reason: To avoid adverse effect on the area, in accordance with policy 28 of the Highland wide Local Development Plan.

4. Public access to any Core Path adjacent to the application site shall at no time be obstructed or deterred by construction-related or operational activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development, in accordance with policy 77 of the Highland wide Local Development Plan.

5. No shooting shall take place unless and until the exclusion zone is clearly marked out on site, and warning signs are erected on the Core Path and access track to the site, details of which shall first be approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the first use of the development and retained in place for the duration of the use of the land for clay target shooting.

Reason: To warn the public using the Core path and exercising other access rights in the area of the proximity of the clay pigeon shoot, in accordance with policy 28 of the Highland wide Local Development Plan.

6. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Standard SDB2 junction; and visibility splays of 2.4m x 40 (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity, in accordance with policy 56 of the Highland wide Local Development Plan.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and

policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning

permission does not remove the liability position of developers or owners in relation to flood risk.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended).

Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

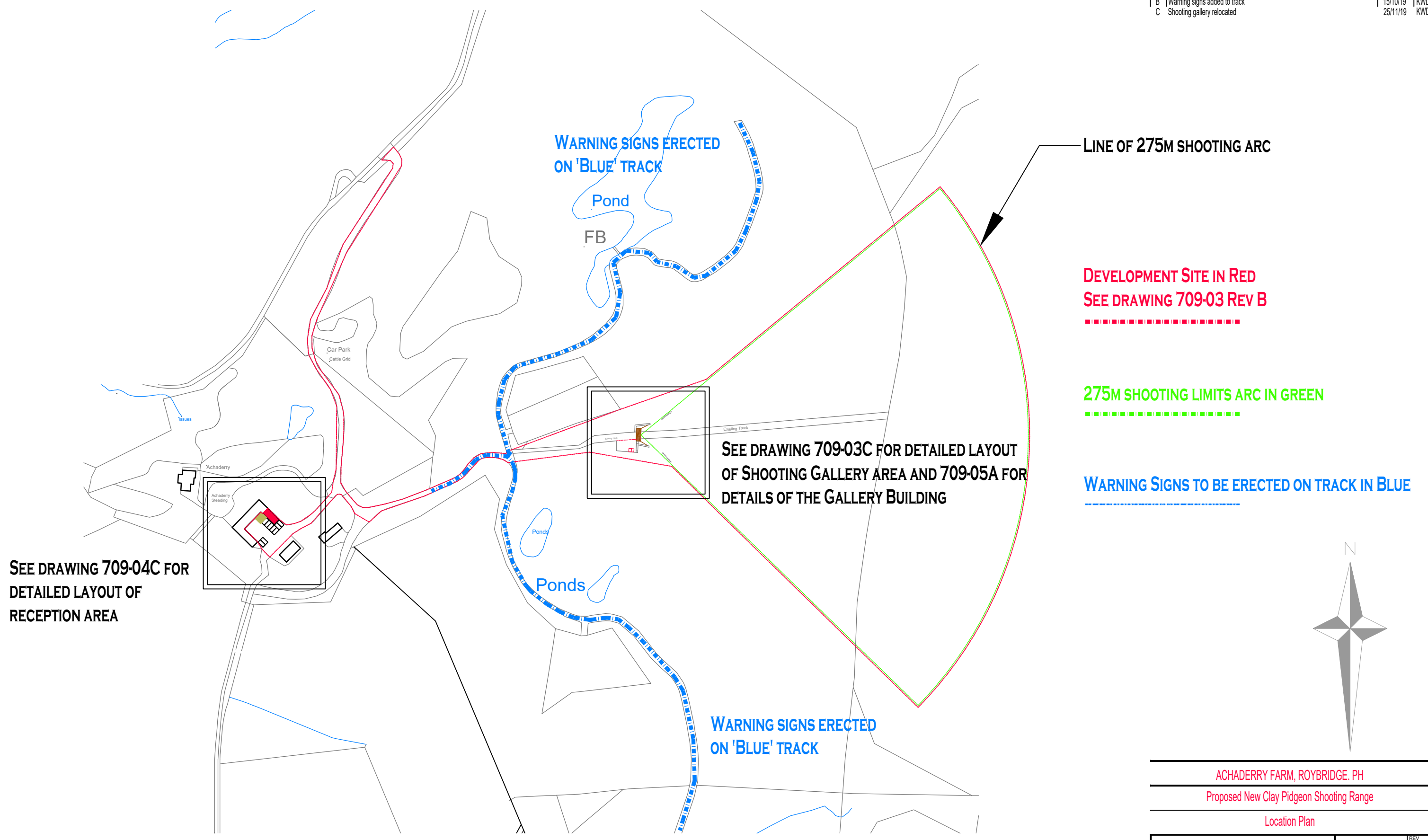
Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Developers should be aware that a valid planning permission does not override the need to comply with the law in relation to species protection. Sufficient safeguards and mitigation must be put in place to ensure that development does not result in an offence being committed under the Wildlife and Countryside Act.

Designation:	Area Planning Manager – South
Author:	Lucy Prins
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan 709-01 Rev C Plan 2 - Estate Boundary Plan 709-02 Rev C Plan 3 - Plan around the shooting gallery 709-03 Rev C Plan 4 - Site Layout Plan – Layout Plan of reception area and car park 709-04 Rev B Plan 5 - Floor /Elevation Plan 709-05 Rev A

Rev	Description	Date	By
A	Boundary extended to public road	12/09/19	KWD
B	Warning signs added to track	15/10/19	KWD
C	Shooting gallery relocated	25/11/19	KWD



SEE DRAWING 709-04C FOR DETAILED LAYOUT OF RECEPTION AREA

WARNING SIGNS ERECTED ON 'BLUE' TRACK

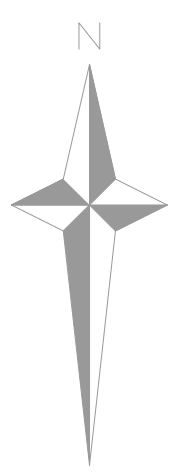
LINE OF 275M SHOOTING ARC

DEVELOPMENT SITE IN RED
SEE DRAWING 709-03 REV B

275M SHOOTING LIMITS ARC IN GREEN

WARNING SIGNS TO BE ERECTED ON TRACK IN BLUE

SEE DRAWING 709-03C FOR DETAILED LAYOUT OF SHOOTING GALLERY AREA AND 709-05A FOR DETAILS OF THE GALLERY BUILDING



ACHADERRY FARM, ROYBRIDGE. PH
Proposed New Clay Pidgeon Shooting Range
Location Plan

Mr T Sims		709-01	REV C
DATE 29 Aug 2019	SCALE 1:2500	DRAWN K. Duncan	SHEET A3
STATUS Planning			

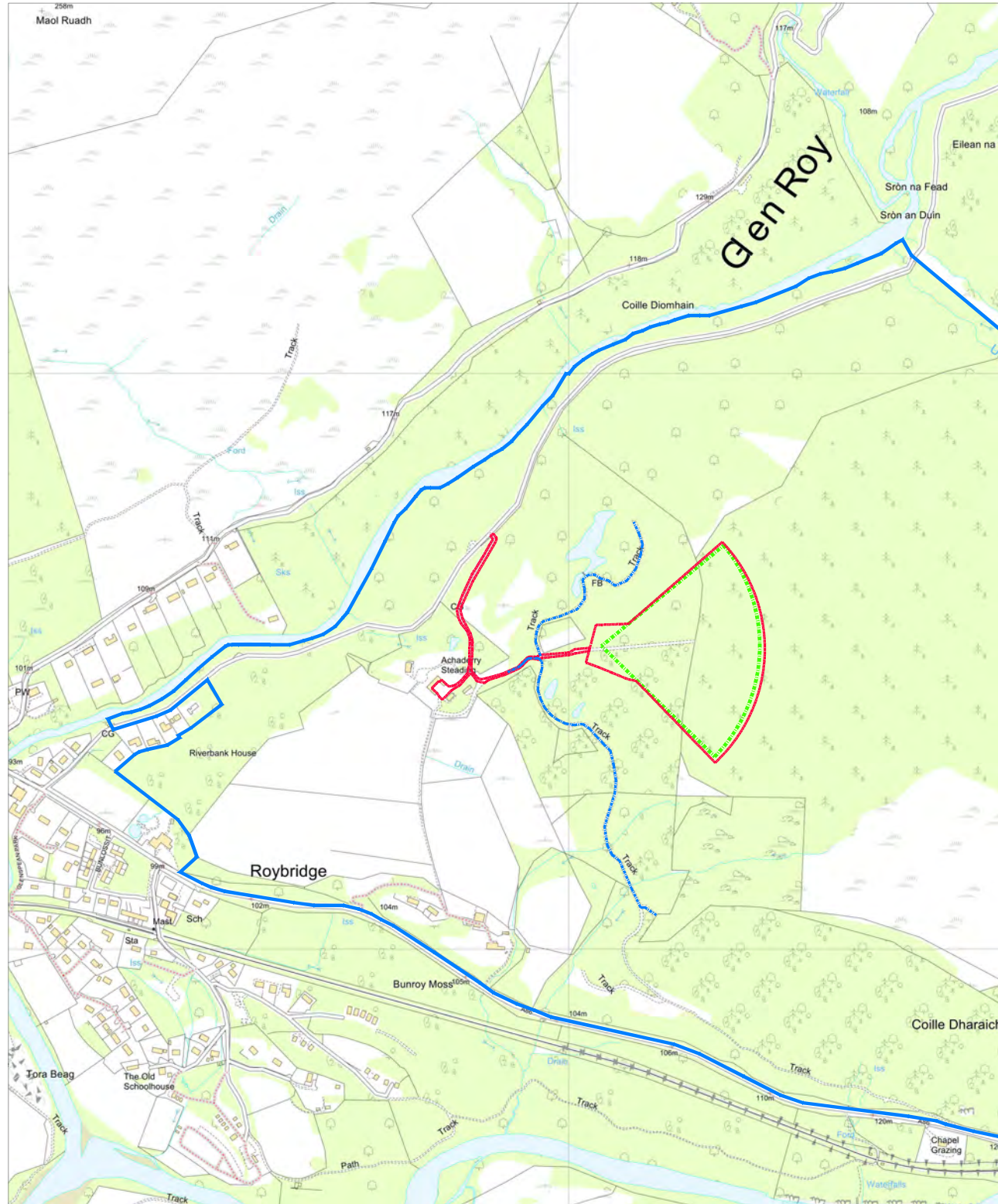
1:2500 LOCATION PLAN

KEN DUNCAN MCIAT
 BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN

Flat 3/1
6 Kaims Terrace
Livingston
West Lothian EH54 7EX

Telephone: 01506 415219
Mobile: 07850 557659
e-mail: kenduncan.mciat@gmail.com
Web: kenduncan.co.uk

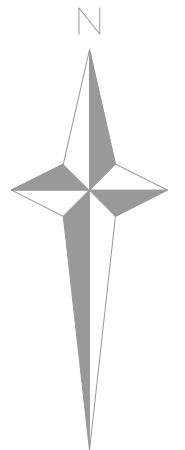
Rev	Description	Date	By
A	Boundary extended to public road	12/09/19	KWD
B	Warning signs note added to track within shooting arc	16/10/19	KWD
C	Shooting Gallery relocated	26/11/19	KWD



**DEVELOPMENT SITE IN RED
SEE DRAWING 709-03 REV B**

275M SHOOTING LIMITS ARC IN GREEN

WARNING SIGNS TO BE ERECTED ON TRACK IN BLUE



ACHADERRY STEADING, ROYBRIDGE. PH31 4AN

Proposed New Clay Pidgeon Shooting Range

Estate Boundary Plan

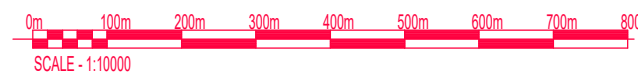
1:10000 ESTATE BOUNDARY LAYOUT PLAN

Mr T Sims		709-02	REV C
DATE 29 Aug 2019	SCALE 1:10000	DRAWN K. Duncan	SHEET A3
STATUS Planning			

KEN DUNCAN MCIAT
BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN

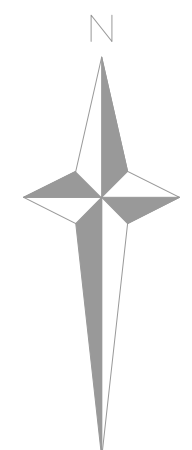
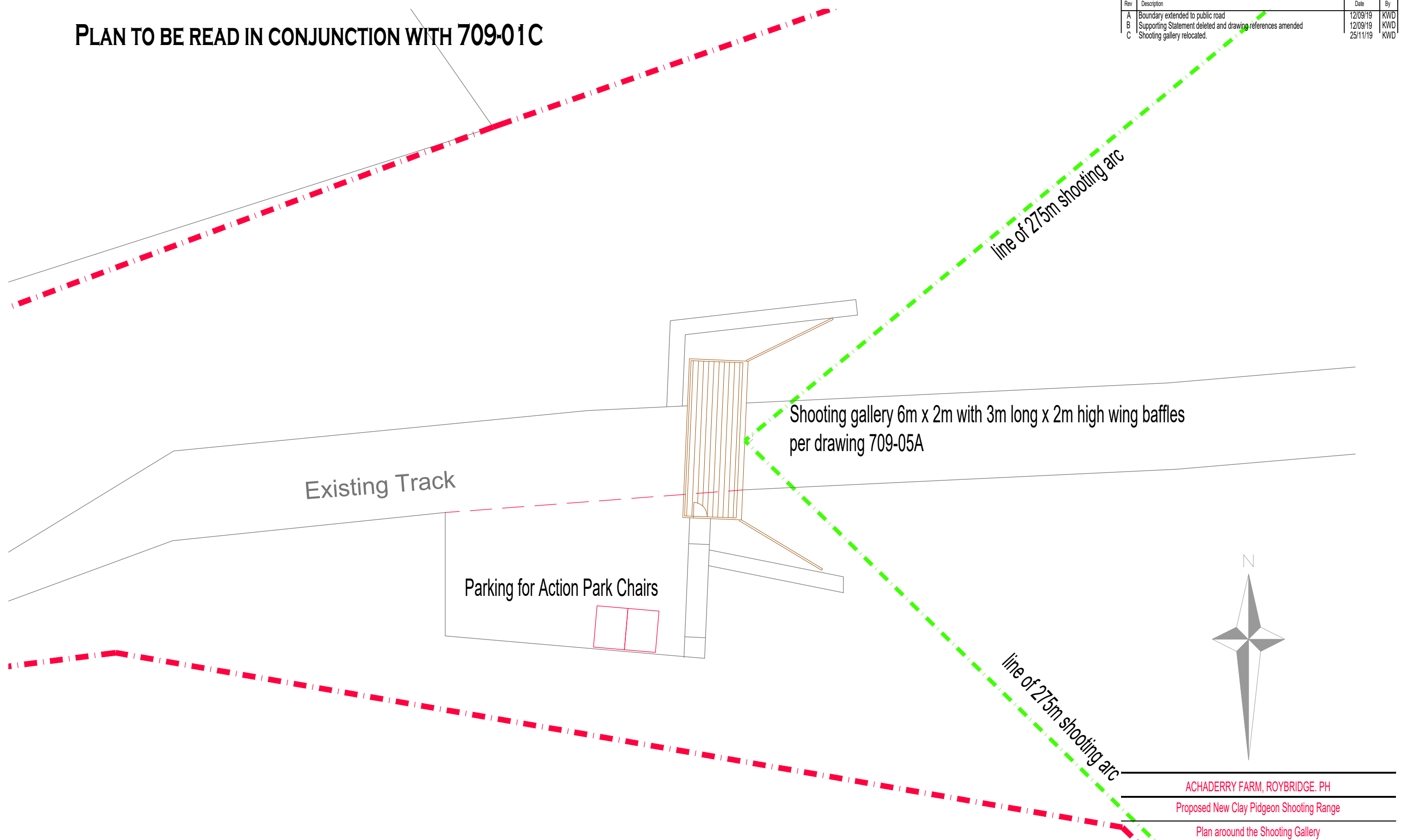
Flat 3/1
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Mobile: 07850 557659
e-mail: kenduncan.mciat@gmail.com
Web: kenduncan.co.uk



PLAN TO BE READ IN CONJUNCTION WITH 709-01C

Rev	Description	Date	By
A	Boundary extended to public road	12/09/19	KWD
B	Supporting Statement deleted and drawing references amended	12/09/19	KWD
C	Shooting gallery relocated.	25/11/19	KWD



1:500 BLOCK PLAN

ACHADERRY FARM, ROYBRIDGE. PH
Proposed New Clay Pidgeon Shooting Range
Plan around the Shooting Gallery

DATE		SCALE	DRAWN	SHEET	STATUS	REV
29 Aug 2019		1:200	K. Duncan	A3	Planning	C
Mr T Sims					709-03	

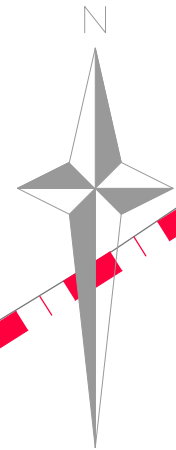
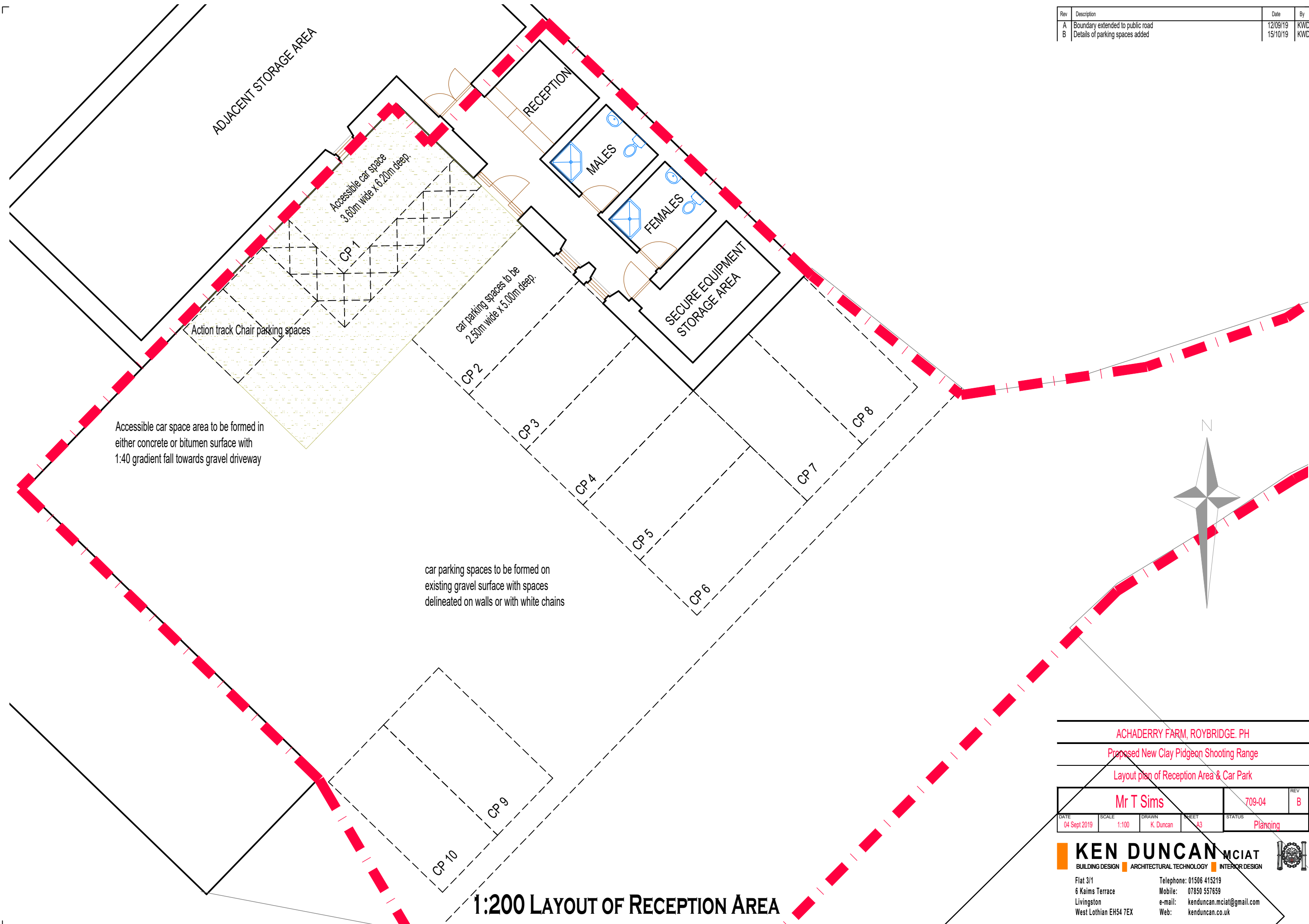
KEN DUNCAN MCIAT

BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN

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Telephone: 01506 415219
Mobile: 07950 557659
e-mail: kenduncan.mciat@gmail.com
Web: kenduncan.co.uk

Rev	Description	Date	By
A	Boundary extended to public road	12/09/19	KWD
B	Details of parking spaces added	15/10/19	KWD



ACHADERRY FARM, ROYBRIDGE. PH			
Proposed New Clay Pidgeon Shooting Range			
Layout plan of Reception Area & Car Park			
Mr T Sims		709-04	REV B
DATE	SCALE	DRAWN	SHEET
04 Sept 2019	1:100	K. Duncan	A3
STATUS		Planning	

KEN DUNCAN MCIAT

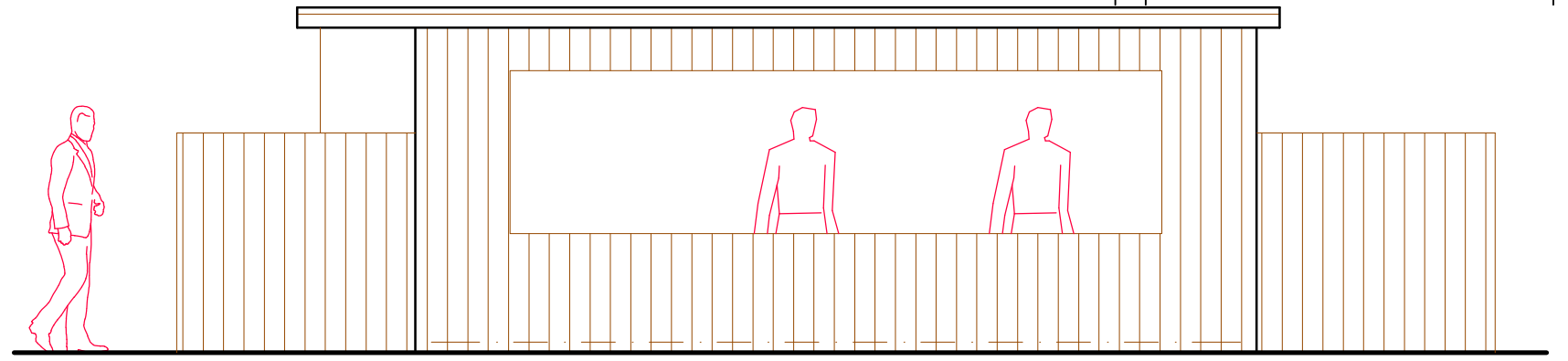
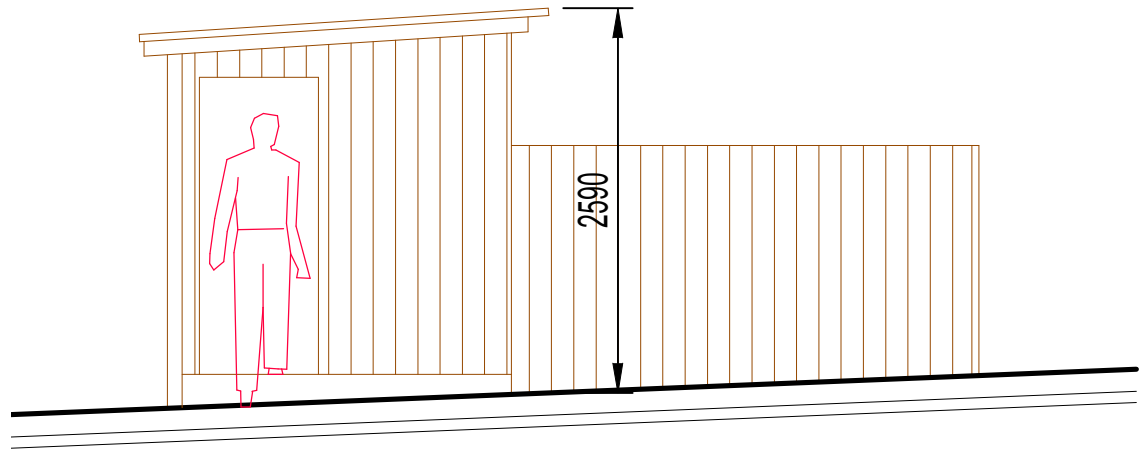
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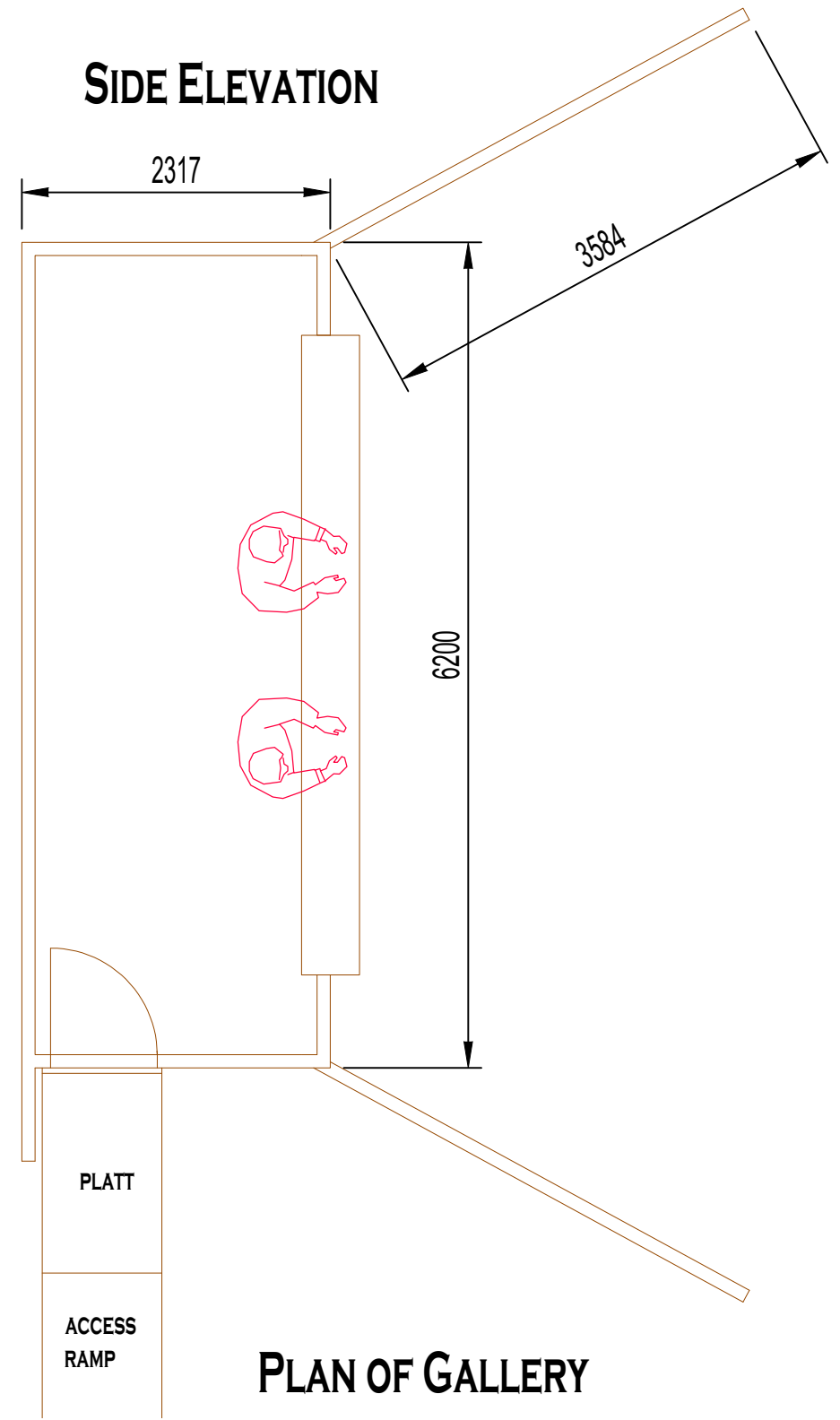


Rev	Description	Date	By
A	Access ramp added to entrance	29/11/19	KWD



SIDE ELEVATION

FRONT ELEVATION



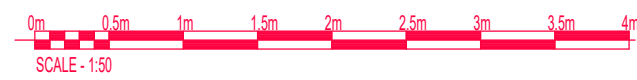
PLAN OF GALLERY



REAR ELEVATION

GENERAL NOTES:-
 ENCLOSED GALLERY TO BE FORMED IN TIMBER STUDS AND TIMBER LININGS
 STAINED DARK BROWN THROUGHOUT INCLUDING WING BAFFLES WITH
 CORRUGATED IRON ROOF COLOURED DARK GREY

ACHADERRY FARM, ROYBRIDGE. PH				
Proposed New Clay Pidgeon Shooting Range				
Plan and Elevations of Shooting Gallery				
Mr T Sims			709-05	REV A
DATE 29 Aug 2019	SCALE 1:50	DRAWN K. Duncan	SHEET A3	STATUS Planning



KEN DUNCAN MCIAT
 BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN

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