

**FALKIRK COUNCIL**

**Subject:** ERECTION OF NEW DEER FENCING AND GATES AT  
BURNHOUSE FARM, BONNYBRIDGE FK4 2HH FOR MRS  
VIRGINIA LUCEY – P/11/0651/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 7 March 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock  
Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

**Community Council:** Bonnybridge

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally assessed at the meeting of the Planning Committee on 1 February 2012 (copy of previous report appended), when it was agreed to continue consideration of the application and undertake a site visit. The site visit took place on 20 February 2012.
2. At the site meeting, the case officer summarised his report, the applicant spoke in support of the application and objectors and local ward members were heard.
3. The case officer highlighted that the use of the land for deer farming is agriculture and not subject to planning control and that the application is solely concerned with the proposed fences and gates. It was also confirmed that only the deer fencing proposed within 20 metres of a public road or footway requires planning permission.
4. The objectors present reiterated and expanded on the concerns raised in their representations. They highlighted concerns with an increase in traffic, visual impact of the proposed fencing, the welfare and security of the deer and impact of the fencing on the 'right to roam'.
5. The applicant advised that the change in agricultural use to deer farming would actually reduce the number of traffic movements. She advised that no public paths or rights of way would be affected by the proposed fencing.
6. The applicant's deer adviser responded to concerns raised by objectors. He advised that commercially bred deer are 'fence trained' and can be effectively contained by fencing. He advised that there has never been a better time to invest in deer farming in the UK. He advised that experience has shown that deer can get used to the noise of shoots and people using paths in close proximity.

7. At the time of writing this report, it had not been possible to contact an organisation representative of the deer industry. Any update regarding this matter will be provided at the meeting.
8. It was advised that Councillor Coleman, whilst unable to attend the site meeting, supported the application.
9. It is considered that no matters were raised at the site meeting that would alter the original recommendation to grant planning permission. Accordingly, the original recommendation is reiterated as follows:-

## **10. RECOMMENDATION**

### **10.1 It is therefore recommended that Committee grant planning permission subject to the following condition:-**

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

#### **Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

#### **Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02B.

**Pp**

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**Director of Development Services**

**Date:** 28 February 2012

## **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.

3. Letter of Objection from Mr William Dunsmore, South Woodend Farm, Bonnybridge FK4 2HH on 01 November 2011.
4. Letter of Objection from Owner/Occupier, 19 Dunure Street, Bonnybridge FK4 1EF on 03 November 2011.
5. Letter of Objection from Melville Blacky, West Woodend Cottage, Bonnybridge FK4 2HH on 02 November 2011.
6. Letter of Representation from Mr and Mr H Black, North Woodend Farm, Bonnybridge FK4 2HH on 04 November 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

## **APPENDIX 1**

### **FALKIRK COUNCIL**

**Subject:** **ERECTION OF NEW DEER FENCING AND GATES AT  
BURNHOUSE FARM, BONNYBRIDGE FK4 2HH FOR MRS  
VIRGINIA LUCEY – P/11/0651/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **1 February 2012**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Denny and Banknock  
Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell**

**Community Council:** **Bonnybridge**

**Case Officer:** **Brent Vivian (Senior Planning Officer), Ext. 4935**

#### **1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application is for the erection of 1.9 metre high deer fencing and gates to enclose new deer fields. The applicant has advised that the land has been used for horse and sheep grazing for the past 30 years and diversification into breeding commercial red deer for meat is proposed due to a change in business direction. The applicant has advised that there would be no arrangements for slaughter on the farm.
- 1.2 Part of the application site lies within a designated Wildlife Site. However, the deer fields and fencing are not proposed within this area. In addition, a Pipeline Consultation Zone crosses the application site. However, the use of the land would remain agriculture, with no known increase in the number of people exposed to the risk.

#### **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor Buchanan.

#### **3. SITE HISTORY**

- 3.1 There is no planning history for the application site relevant to the current application.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that there are no roads related conditions to be incorporated into any grant of permission.
- 4.2 Scottish Natural Heritage have advised that the proposal is unlikely to have a significant effect on the qualifying interest of the nearby Slamannan Plateau SPA (wintering bean geese). They therefore consider that an appropriate assessment is not required. They are content for Falkirk Council to identify any other natural heritage impacts.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council has not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 A total of 4 representations have been received to the application. Three of these are objections. The concerns raised in all the representations can be summarised as follows:-
- The acreage is wrong on the plan;
  - Woodend Road is single track and narrow with very few passing places;
  - The road is over-congested with vans, lorries and cars;
  - Increase in traffic on the road;
  - Walking on the road is dangerous;
  - Alterations have been undertaken to the road without consent;
  - Where are the deer going to be brought from and what type of deer?;
  - Fears of the animals spreading disease;
  - Concerns of native deer coming in contact with farmed deer;
  - Risk of animals being spooked/escaping when pheasant and duck shooting takes place;
  - The fences will affect the right to roam;
  - What are the views of Department of Rural Affairs and SSPCA?
  - RSPB are opposed to deer fencing.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

#### *Approved Falkirk Council Structure Plan*

- 7a.1 The proposed development does not have any strategic implications therefore the policies of the approved Falkirk Council Structure Plan are not relevant.

#### *Adopted Falkirk Council Local Plan*

- 7a.2 Policy EQ19 - 'Countryside' states:

*“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

*(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

- 7a.3 This policy provides for development proposals where it can be demonstrated that the use requires a countryside location. Where this is demonstrated, the scale, siting and design of the development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside.

- 7a.4 In this instance, the proposed use does not require planning permission as deer farming is agriculture. In any case, it is evident that a countryside location is required for deer farming.

7a.5 The proposed deer fencing is necessarily functional in order to contain the deer. Whilst deer fencing to a height of 1.9 metres may have a greater visual impact than the existing fencing, field enclosures to contain animals are integral to the character of the countryside. The proposed deer farming is new to the area but, over time, and with familiarity, the deer fencing would be absorbed into the setting, and its open, mesh appearance helps to mitigate the visual impact.

7a.6 The proposed development is therefore considered to accord with this policy.

7a.7 Policy EQ29 ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
- opportunities specified on the Proposals Map*
  - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
  - other areas of proven demand as identified through community consultation; and*
  - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
- (3) When considering planning applications, the Council will*
- Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
  - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
  - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.8 This policy requires the safeguarding of existing access routes in new developments. There is a public right of way heading north from Forrester Quarter Farm towards a railway line, which adjoins the proposed deer fencing. The applicant has advised that the existing ROW will be maintained. The proposed development therefore accords with this policy.

7a.9 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are the consultation responses and the representations received.

### ***Consultation Responses***

7b.2 The consultation responses are summarised in section 4 of this report. No issues have been raised in these responses.

## ***Representations Received***

7b.3 The public representations to the application are summarised in Section 6 this report. In response to the concerns raised in the representations, the following comments are considered to be relevant:-

- The application site boundaries have been amended to correct an error as the original drawings indicated the applicant's syndicate shooting area rather than the farm property boundaries only;
- The use of the land for deer farming is agriculture and is not subject to planning control;
- Impacts on the road network arising from an agricultural use are therefore not a planning consideration;
- The application and assessment of the application are solely concerned with the proposed fencing and gates; and
- The application site would appear to be already generally enclosed by fencing (albeit at a lesser height) therefore the right to roam is affected at present. An existing public right of way adjoining the proposed deer fencing would be maintained.

## **7c Conclusion**

7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. It is therefore recommended for approval. There are not considered to be any material planning considerations to justify a contrary recommendation.

## **8. RECOMMENDATION**

8.1 It is therefore recommended that Committee grant planning permission subject to the following condition:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02B.



**Pp**

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**Director of Development Services**

**Date:** 24 January 2012

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Letter of Objection from Mr William Dunsmore, South Woodend Farm, Bonnybridge FK4 2HH on 01 November 2011.
4. Letter of Objection from Owner/Occupier, 19 Dunure Street, Bonnybridge FK4 1EF on 03 November 2011.
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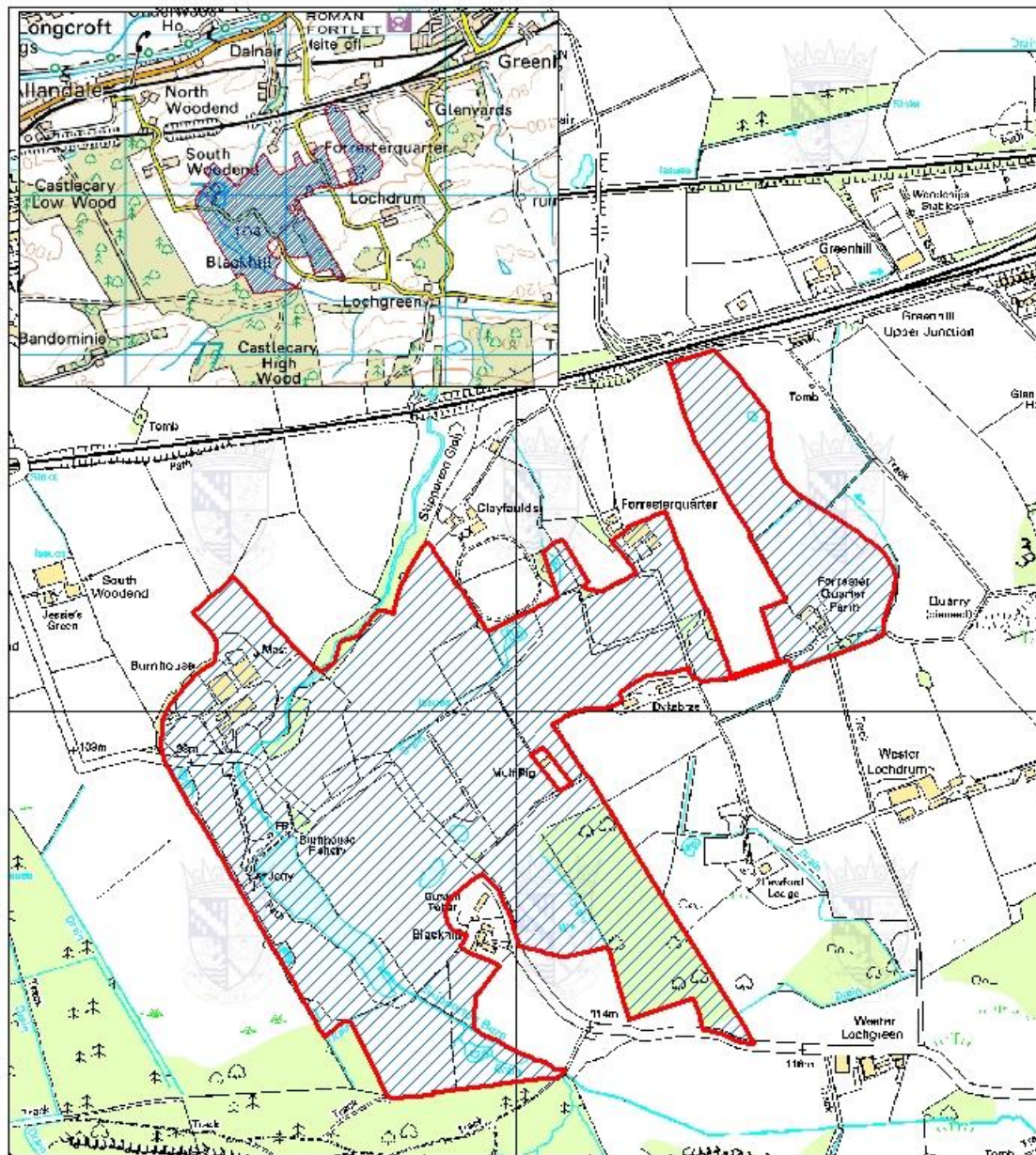
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0651/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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