

Core Path SCON/7 and Right of Way

Murrayshall House Hotel, Perth

Stopping Up and Diversion Order Request – Justification Statement

This note sets out the background and justification to the request for the stopping up and diversion of Core Path SCON/7 and Right of Way 39/7.

Approved Development 21/01673/FLL

Planning permission 21/01673/FLL was granted on 6th of July 2022 for the relocation of the existing driving range to the west of the main hotel building and close to the first tee of the golf course, the erection of a golf academy building and shop, formation of a parking area, a re-routing/ diversion of a core path and associated landscaping within the grounds associated to the Murrayshall House Hotel.

Permission was sought to relocate the driving range from its current location (to the south-east) for the following reasons:

- to provide an improved customer experience;
- to have these associated and complementary facilities closer to the existing golf course, more easily allowing players to practice before starting a round; and
- the topography of the current range facility slopes downhill, consequently players struggle to see where balls land, whereas the permitted location slopes gradually up and would allow improved visibility of ball flight.

Approved Development 23/01798/FLL

Subsequent to approval of planning permission 21/01673/FLL, a Section 208 Stopping Up and Diversion Path Order was submitted to Perth and Kinross Council. The Section 208 application was the withdrawn by the applicant owing to matters arising relating to the paths historic use as a Bridleway, and the consequent impact on the acceptability of the approved path diversion for its intended use.

A revised application, 23/01798/FLL was approved on 7th of February 2024 for the amended location of the path, to ensure that the required standards are achieved. The new driving range building and associated car park remain unchanged and did not form part of this application.

The design and location of the path has been informed by relevant advice and guidance to ensure that it is suitable for a range of users, including horses and their riders owing to the paths historic use as a Bridleway. The applicants Landscape Architect considered relevant documentation and Guidance in order to provide three options which met with guidance and particulars of the required path. Primarily, guidance was taken from the British Horse Society Equestrian Access Factsheet (2015) which was co-authored by the British Horse Society Scotland, Scottish Natural Heritage (NatureScot), and The Paths for All Partnership. It is noted that the British Horse Society have since updated advice published on their webpage. The current advice contained within 'Advice on Diverting a public bridleway or byway' (2024) refers to more than 3 metres width, and where cyclists are at speed to a width greater than 4 metres. The British Horse Society requirements therefore appear to have been revised downwards from the 2015 factsheet which recommended a width of 5-6m. A width of 6m has been retained within the proposed path therefore exceeding recommendations by the British Horse Society.

A number of options for the route diversion were considered and consultation was carried out with numerous stakeholders including the Council and the Access Forum. A full review of these options can be seen in Chapter 4 of the Planning Statement submitted in support of Planning Application 23/01798/FLL¹. The options for the proposed path and the benefits and opportunities of each were explored extensively, with the proposed diversion being considered, on balance, to be the favourable option when taking into account all planning considerations. A key consideration in the proposed path route and finishes is that the acceptability of the proposed path diversion is multifaceted including allowing equestrian users to continue using the path in a safe manner.

Requirement for Stopping Up and Diversion Order

The permitted driving range extends across Core Path SCON/7 and Right of Way 39/7 which travels east-west across the outfield area of the driving range. Therefore, the stopping up and diversion of the path is necessary due to the driving range, including outfield, for which planning permission was granted.

The diversion is necessary to implement planning permissions 21/01673/FLL and 23/01798/FLL and for health and safety reasons to avoid conflict between users of the new facility and path users, i.e. to avoid path users being hit by

¹ [23/01798/FLL | Alterations and extension to core path, installation of signage and associated works | Murrayshall House Hotel Murrayshall Perth PH2 7PH](#)

golf balls. The distance from the golf driving range bays to the path is 80 yards/ circa 75m. This is a very short distance, which therefore requires the diversion of the path to provide an alternative and safer route for path users.

Proposals for Diverted Route

Planning permission 23/01798/FLL therefore seeks to relocate and divert Core Path SCON/7 and Right of Way 39/7 to the north, to avoid it crossing the outfield area, and allow the construction of the proposed development as per planning permission 21/01673/FLL. The route for the proposed diversion is as follows:

- On the site's eastern side the diversion will rejoin the existing path beyond the car park and access road to the driving range.
- The diversion will follow an amended route which leads north, avoiding conflicts with the driving range building, parked cars and roads.
- The path will then run largely parallel with the site's northern boundary, beyond the permitted driving range building, ensuring appropriate separation from existing trees.
- The path will then turn south and run parallel to the route of Murrayshall Road before then re-connecting to the existing path on the site's western boundary.
- The length of the path will increase by 103 metres as a result of the diversion.
- The diverted route will be constructed with 3m wide self binding gravel path for all users, with 1.5m mown verge to either side providing for 6m overall width.
- A no dig solution over tree routes (Celweb) to retain same path surface throughout.
- The materiality of the path will be consistent along the proposed route.

The applicant will install a small section of low level planting to the western section of the path. This will be of a height to ensure that users of the path, specifically horses and their riders can see over the landscaping to the driving range beyond. The specific planting to be located here is subject to agreement with the Local Planning Authority as per condition 5 of planning permission 23/01798/FLL.

The path will be set within meadows, with large areas of grassland and existing trees located adjacent to the path.

Low Use of Existing Core Path

The Applicant instructed an independent consultancy, Geddes Consulting, to install two cameras between 8th October 2024 to 10th December 2024 to monitor the frequency that the existing path was being used. The monitors were installed in discrete locations and counted when a user of the path walked by the monitor. The location of the cameras can be seen in Appendix 1 – *Camera Monitoring Locations*.

Over the monitoring period, only 8 people used the path representing a low amount of use.

Safety Mitigation

Seven signs are proposed along the route of the diverted path to direct users. Three signs are proposed along the diverted path’s eastern side, two signs along the north side and two signs along the western side. An information sign post will be positioned on the east and west side at the junction of the diversion from the existing path routes, to inform people about the Core Path and ROW, and to explain the new diversion in place. There will also be way finding markers all along the new core path route.

The signage strategy will navigate people around the back of the driving bays along a newly formed diverted path where golfers will be hitting away from path users, thereby negating any risk to walkers and horses.

The proposals take into account the requirements of horse riders regarding separation from vehicles and provision of suitable surfacing including improved width and gradient, whilst ensuring that cyclists and pedestrians, including those with mobility issues area also considered.

Conclusion

This statement has been provided to support a request to promote an order under Section 208 of the Town and Country Planning (Scotland) Act 1997 for the stopping up and diversion of Core Path SCON/7 and Right of Way 39/7.

The request to divert Core Path SCON/7 and Right of Way 39/7 is necessary to enable planning permissions 21/01673/FLL and 23/01793/FLL to be implemented. Approving the diversion order will provide investment into the local economy and ensure the health and safety of pedestrians. The existing path has a low number of users and does not significantly increase the length of the route. It is considered that the path proposed achieves a balance of suitable design and surfacing to allow access to a range of users, rather than being specifically designed to one user type and precluding access to others.

On this basis, we respectfully request that the Council promotes an order under Section 208 of the Town and Country Planning (Scotland) Act 1997 for the stopping up and diversion of Core Path SCON/7 and Right of Way 39/7.

Yours sincerely



Colin Smith
Senior Director
UK Planning & Development

Appendix 1 - Camera Monitoring Locations



Murrayshall Hotel, Perth



Drawing No. 20005-PLBD-P001
Application Boundary:
Proposed Core Path

Application boundary (2.64 ha)

Cam in place from

08/10/24 - 10/12/24

8th-10th NOV cams on
24hr

10th Nov-10th Dec cams
on 6am-9pm

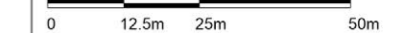
- 8 people
- 4 deer
- 2 birds
- 1 mouse

all pictures and video clips
are time and date stamped

Rev - (26.10.23) Drawn: LM Checked: SB Approved: SB

Status: Planning

scale 1:1,250 @ A2



geddesconsulting

The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com