

TCP/11/16(230)
Planning Application 12/02131/FLL – Erection of a
dwellinghouse on land 30 metres north east of 4 Blairfordel
Steading, Kelty

**PAPERS SUBMITTED
BY THE
APPLICANT**

Notice of Review

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)Name **JAMES WATTERS**Address **50 UNION STREET
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FIFE**Postcode **KY4 0EF**

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Fax No

E-mail*

Agent (if any)Name **R T HUTTON**Address **2 FACTORS BRAG
LIMEKENS
FIFE**Postcode **KY11 3H9**Contact Telephone 1 **01383 872000**

Contact Telephone 2

Fax No **N/A**E-mail* **hutton874@btinternet.com**

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH + KINROSS COUNCIL

Planning authority's application reference number

12/02131/FLL

Site address

**LAND 30 METRES NORTH EAST OF 4
BLAIRFORD STEADING, KELTY**Description of proposed
development**ERECTION OF A DWELLINGHOUSE**

Date of application

11.12.12

Date of decision (if any)

08.02.13

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application**Notice of Review**

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

Notice of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE SEPARATE STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence**Notice of Review**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. PLAN OF THE BUILDINGS AT BARBERNEC
2. PHOTOGRAPHS OF BUILDINGS
3. PROPOSED ELECTIONS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

28.02.13

STATEMENT IN SUPPORT OF THE APPLICATION FOR REVIEW
OF THE DECISION TO REFUSE PLANNING PERMISSION FOR
THE ERECTION OF A DWELLINGHOUSE ON LAND NORTH EAST
OF 4 BLAIRFORDEL STEADING, KELTY.

PERTH AND KINROSS COUNCIL REFERENCE: 12/02131/FLL.

R T HUTTON PLANNING CONSULTANT
FEBRUARY 2013.

1.0 Background to the application for review.

1.1 In September last year Mr J Waters submitted a planning application for the erection of a single house on land adjacent to the small residential development which is Blairfordel Steading, located approximately one kilometre north of Kelty. Whilst the principle of a new house being built on the site was not questioned, the application was refused with three reasons being given for that decision. These related to concerns over the design and scale of the proposed house, and uncertainty over the suitability of the site in relation to former coal mine workings in the area.

1.2 The applicant accepted the views expressed in these reasons for refusal and sought to address them in a revised proposal. This was submitted to the Council on 11th December last year, and the applicant was surprised and disappointed when he received a refusal notice dated 8th February 2013 because he felt that he had fully addressed the concerns that were raised by his first submission. Whilst the site of both applications is the same, the second proposal was for a significantly smaller house, to address the concern that had been expressed previously about the plot development ratio proposed. The house design had also been changed in order to take account of the design features that are evident on the houses at Blairfordel Steading.

1.3 Mr Watters believes that the reasons given for refusal are a highly subjective judgement by the planning case officer which does not fully consider the character of the area. For this reason he is now seeking a review of this decision by the Local Review Body and asks that the information detailed below is taken into account in coming to its decision.

2.0 The proposals contained in the planning application.

2.1 In December 2005 planning permission was granted for the conversion of the buildings which comprised the former steading for Blairfordel Farm to form 6 houses, with a further single house immediately adjacent permitted as part of the permission. A substantial part of the approved works have been carried out, and this has resulted in an area being left undeveloped between the approved development and the road which provides access to it. The remaining area is well defined by a mature hedge which encloses the site to the north. As such this area represents an opportunity to extend the existing group of houses which form Blairfordel Steading in a manner which is in line with the Council's policy on new housing in the countryside.

2.2 The proposals contained in the application which is the subject of this review comprise one single storey house on a site which extends to 660 square metres. The land between the site and the steading development is the one remaining the house plot which has yet to be developed under the 2005 permission. To the front of the site the boundary is formed by the road which provides access from the B996 road to the steading development. The boundary with the public road contains a well established high hedge which will be protected during building works, and thereafter retained to provide a good boundary between the new house and this road. The building line behind the hedge proposed for the new house respects that of the listed building to the south, though it should be noted that the house which remains to be built will be located on this building line between the proposed house and this listed building.

2.3 The proposed house is single storey and provides modest accommodation of 3 bedrooms and an integral garage. Space in front of the house is sufficient to allow vehicle turning and parking, thus avoiding any reversing manoeuvres onto the road. The house has been designed to take account of design features found in the buildings adjacent, most notably the roof pitch, straight gables, fenestration with a vertical emphasis and external finishing materials (walls rendered and roofs tiled to match adjacent property).

2.4 The servicing of the site presents no difficulties, with mains drainage and water supply available. The proposed access arrangements are acceptable to the Council's Transport Service.

3.0 Comments on the reasons for refusal.

3.1 Three reasons were given for the refusal of the application, and these are:

1. The proposed development is contrary to Policy 64 of the Kinross Area Local Plan and the adopted, revised Housing in the Countryside Guide 2012 as the proposals do not respect the character, layout and building pattern of the group.
2. The proposed development in contrary to Policy 31 of the Kinross Area Local Plan as the location, scale and design of the proposals do not appropriately respect the character or setting of the adjacent listed buildings.
3. The proposed development is contrary to Policy RD3, PM1 and HE2 of the Proposed Local Development Plan 2012 in failing to contribute successfully to the existing built and natural environment of appropriately respect the setting and character of existing development, including a resultant adverse impact on the setting of a listed building.

3.2 Whilst these three reasons are stated on the decision notice, in effect they are all concerned with the same issue, that being the appropriateness of the proposed house in this setting. However, this is clearly a subjective assessment made by the planning officer, and unfortunately there is no clue given as to why he takes this view. The delegated report refers to a “generic design”, and this suggests that the concern is based upon the belief that the house was not designed specifically for this site, and as such is unacceptable.

3.3 In support of the applicant’s case for review we now propose to examine the policies quoted in the reasons for refusal, and to define those elements which are important in defining the character of the area, and bring the two together to show how the proposed house is entirely appropriate for the site. However, it should be noted that the policies mentioned in the third reason for refusal are taken from a draft of the Proposed Local Development Plan which has not reached an advanced stage of preparation, has not yet been subject to examination, and as such cannot be given the weight that can be given to policies of an adopted plan.

3.4 Kinross Area Local Plan Policy 64.

This is the general policy relating to housing in the countryside which has in effect been superseded by the Council adopted 2012 guide on the same topic. Part 1 of the Local Plan policy contains a section relating to the extension of established building groups into definable sites, and this is acceptable where the new development does not detract from “the amenity of the group of houses”. The 2012 guide contains a similar section relating to extension of building groups, and requires that these must respect the character, layout and building pattern of the group, and show that a high standard of residential amenity can be achieved.

3.5 Kinross Area Local Plan Policy 31.

This is a policy concerned with listed buildings, and states a presumption against works which would be “detrimental to their essential character”. It also notes that the setting of listed buildings will be safeguarded.

3.6 Proposed Local Development Plan.

Policy RD3.

Like Policy 64 above, this is a general policy relating to new housing in the countryside, and refers the reader to the appropriate supplementary guidance for further details of what is regarded as acceptable.

Policy PM1

This is a general policy relating to placemaking which applies to all proposals. Specifically within the context of this review it requires that “the design and siting of development should respect the character and amenity of the place”.

Policy HE2.

This is a policy concerned with listed buildings, and states that “the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building’s character, appearance and setting”.

3.7 Clearly the policies contained in the new plan reflect some of the content of the existing plan in their aim to achieve a quality of development which respects the character of the area within which it is to be built, and especially so where listed buildings are in the locality. In order to make an assessment of whether a proposed development is

appropriate it is necessary to first consider the character of the area within which it is proposed, and that is what is now considered.

3.8 In seeking to define the character of the local area a first step is to consider how the buildings are arranged on the ground, and the density this creates. The plan submitted as Document 1 shows in simple form the buildings which exist; the house which has planning permission but is yet to be built, and the house which is the subject of this review. From this it can be appreciated that the house types present are detached, semi-detached and terraced, and these are laid out in a way which has no formal pattern. It is also obvious that the density is fairly high, with limited amenity space around the houses.

3.9 From this plan it can also be seen that the house under review has been placed on site to respect the building line formed along the main road frontage by the listed farmhouse and the as yet to be built new house. It is also clear that the position of the proposed house cannot be regarded as in any way out of character with the established pattern of the buildings. The somewhat more generous amenity space around the proposed house results from the insistence by planning officers that the plot ratio (the size of house footprint to total plot size) had to be reduced from that shown in the earlier application. The delegated report on the planning application advises that 2 modest semi-detached cottages on land to the east of the application site would be acceptable. However, such a development would not be in keeping with the current character by further reducing density and having no relationship to the existing form of development,

3.10 Having looked at the plan form of the development it is then necessary to address the design details of the houses which comprise the group of buildings at and around Blairfordel Steading. The buildings are a mix of styles which include;

1. The conversion of the listed former steadings to form 4 houses (completed).
2. A single storey extension to the main steading building to form 1 house. (Only the foundations have been laid for this).
3. The listed farmhouse which has permission for alteration and extension to form 1 house. (Work yet to start).
4. 2 new build detached houses (Work complete).
5. A block of new build garages. (Completed).
6. Immediately adjacent to the site and completing the grouping are a pair of traditional semi-detached cottages.

The applicant's Document 1 identifies these elements on a plan of the site,

with the listed buildings shown coloured black and the new build elements shown in yellow.

3.11 Whilst the steading conversion works have used a palate of traditional materials of stone and wet dash render for walls and slates on the roofs, for the new build elements concrete roof tiles have been approved, and walls are finished with a wet dash render and reconstituted stone. This includes the single storey extension to the listed steading which is yet to be built. **This is the same materials as is proposed for the house which is the subject of this review.** What is also particularly relevant to this review are the positions of the detached new houses relative to the listed buildings. From the plan which is Document 1 it can be readily appreciated that the new build houses have a closer position to the listed building than would be the case of the proposed house under review.

3.12. Also important in respect of the review is the yet to be built extension to the steading, as it will form a physical barrier between the listed buildings and the proposed new house, further reducing the impact the new house could have on the listed buildings.

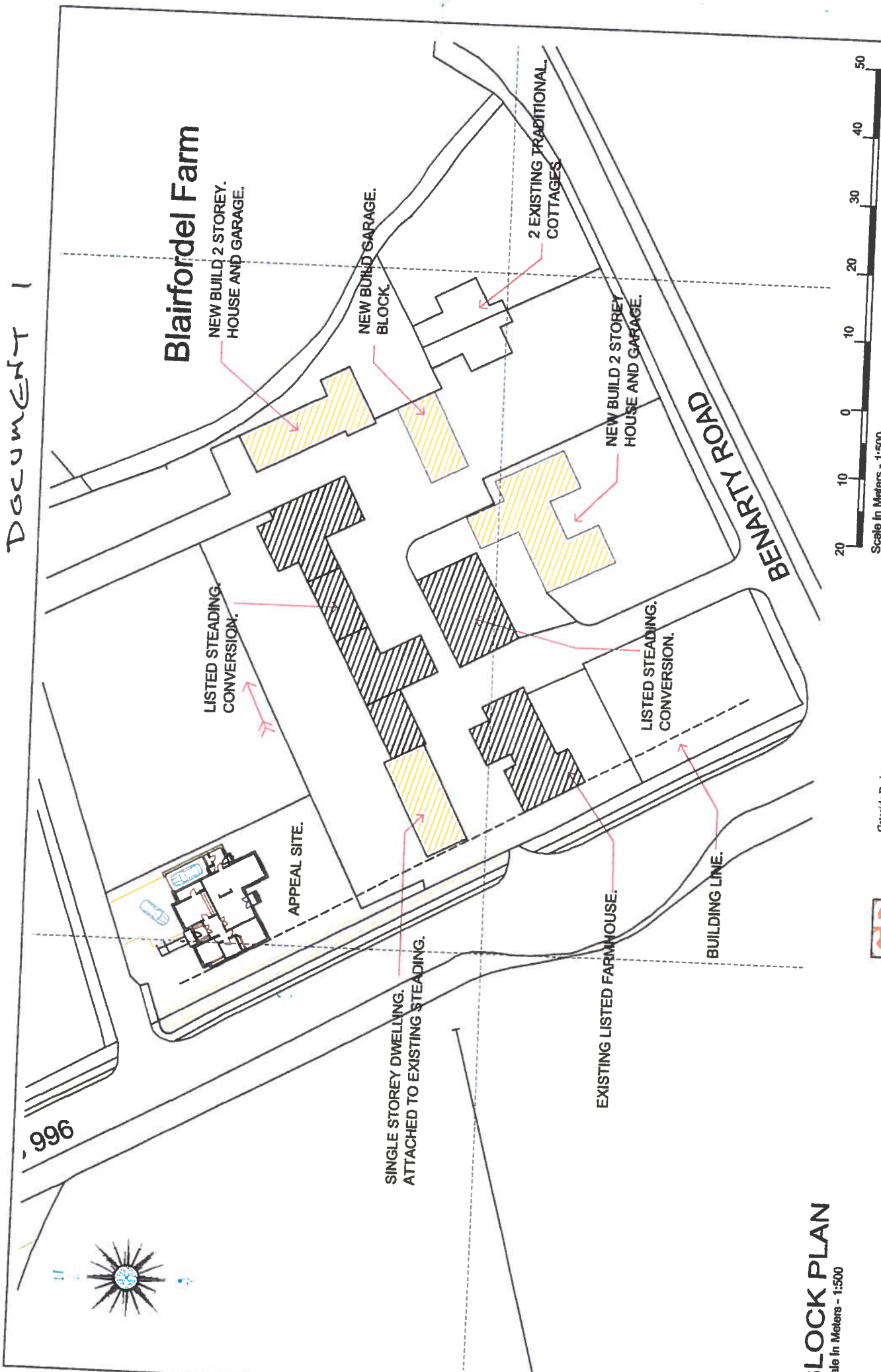
3.13 As the type of houses and their external finishes vary across the site, so does their architectural style. However, there are a number of features which can be seen as common to most of the buildings. These include the roof pitches, windows with a vertical emphasis and feature gable walls. The photographs which form Document 2 show these, and they can be compared to the elevation of the proposed house which is shown in Document 3. Comparison between the two reveals similar roof pitches and fenestration, and the two small gables proposed above the bay window features reflect some of the gable detail found in the completed development. The delegated report criticises the proposed house design, describing it as a “generic bungalow”. However, we have shown that the design picks up on a number of local design features, is entirely appropriate for the site, and has external finishes that match those used on the other new buildings in the area.

4.0 Conclusions.

4.1 This planning application was refused for 3 reasons, but all relate to the appropriateness of the design in a location adjacent to listed buildings. Reference is made to the character of the area, though no effort is made to explain what this actually is. When this is done it can be seen that the proposed new house would not be at odds with that character in terms of density, architectural style or external finishing materials.

4.2 It has also been shown that the planning permission granted at this site has allowed the construction of 2 new detached house in closer proximity to listed buildings than would be the case of the proposed new house. In addition, the house approved and yet to be built would represent an additional visual barrier between the listed buildings and the new house. The building line established along the main road by this new house and the listed farmhouse would be respected by the proposed new house under review, and the established hedge along the road frontage would be retained.

4.3 The delegated report relies on generalities in reference to character, and also generalises when referring to the proposed house design as generic. We have shown in the information above that the proposed house would respect the local character and would not be out of place. When this is considered against the new houses previously approved at this site it is clear that there has been a change in the views of the planning officers, as the decision under review is inconsistent with these previous decisions.



BLOCK PLAN
Scale In Meters - 1:500



GATESIDE DESIGN

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tel 01392 535599
email
Gatesidedesign@btinternet.com

**ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORD FARM,
BY KELTY.**

CLIENT
JAMES G WATTERS.

DATE
NOV 2012

SCALE
1/500

DESIGN NO.
ED/JGW/02

REVISION NO.
A3

DESIGNED BY
J G Watters

DATE
NOV 2012

SCALE
1/500

DESIGN NO.
ED/JGW/02

REVISION NO.
A3



VIEW OF THE LISTED FARMHOUSE AND STEADING FROM THE APPLICATION SITE. THE FOUNDATIONS WHICH CAN BE SEEN ARE THOSE FOR THE EXTENSION TO THE STEADING WHERE A NEW SINGLE STOREY HOUSE WILL BE BUILT BETWEEN THE LISTED BUILDINGS AND THE PROPOSED NEW HOUSE.



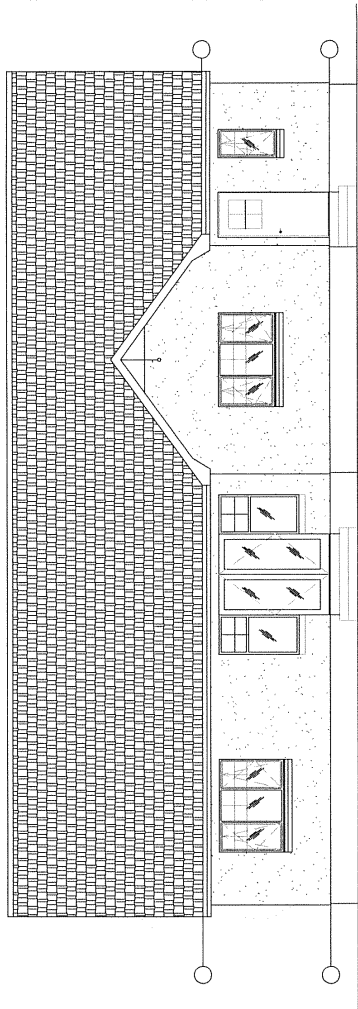
ONE OF THE NEW TWO STOREY HOUSES APPROVED AS PART OF THE STEADING DEVELOPMENT. ATTENTION IS DRAWN TO THE USE OF CONCRETE ROOF TILES, uPVC WINDOWS AND RECONSTITUTED STONE. THE LISTED FARMHOUSE CAN BE SEEN ON THE LEFT SIDE OF THE PICTURE.



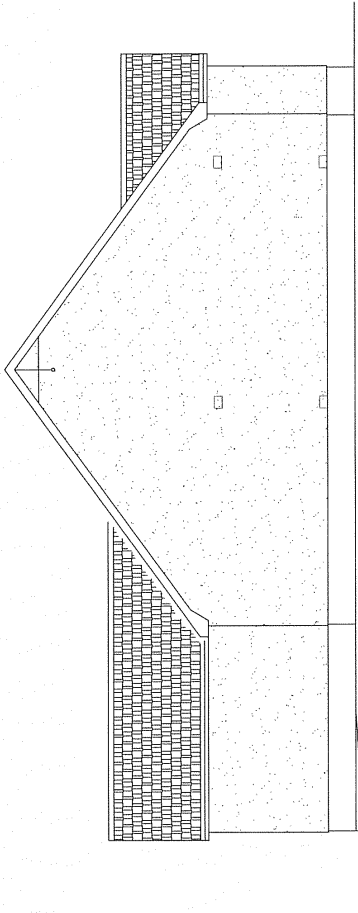
PART OF THE CONVERTED STEADING VIEWED FTROM THE SOUTH



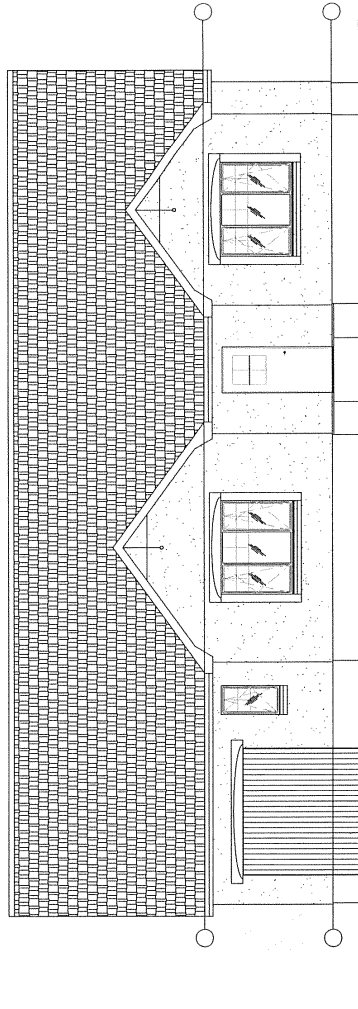
ONE OF THE NEW TWO STOREY HOUSES APPROVED AS PART OF THE STEADING DEVELOPMENT. ATTENTION IS DRAWN TO THE USE OF CONCRETE ROOF TILES, uPVC WINDOWS AND RECONSTITUTED STONE



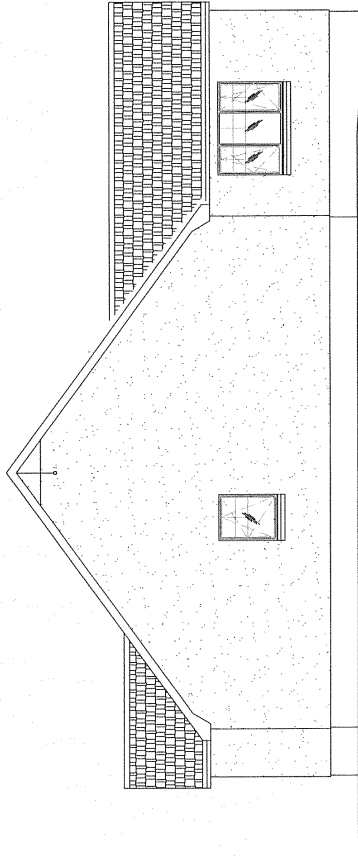
REAR (SOUTH EAST) ELEVATION.



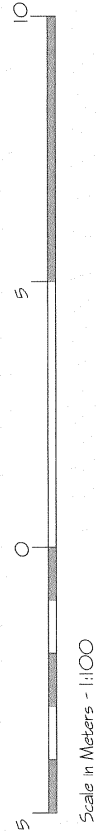
SIDE (north east) ELEVATION.



FRONT (north west) ELEVATION.



SIDE (south west) ELEVATION.



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GATESIDE DESIGN

TITLE
**ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORDELL FARM,
BY KELTY.**

CLIENT
JAMES G WATTERS.
File Location
C:/J/Finished Drawings/

DRAWN BY **JG WATTERS**
DATE **NOVEMBER 2012**
SCALE **1/100**
A3
Revision No.
ED/JGW/05

<p>TCP/11/16(230) Planning Application 12/02131/FLL – Erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty</p>

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 26)*

PERTH AND KINROSS COUNCIL

Mr James Watters
c/o Gateside Design
22 Viewfield Terrace
Dunfermline
KY12 7HZ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8th February 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/02131/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th December 2012 for permission for **Erection of a dwellinghouse Land 30 Metres North East Of 4 Blairfordel Steading Kelty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposed development is contrary to Policy 64 of the Kinross Area Local Plan and the adopted, revised Housing in the Countryside Guide 2012 as the proposals do not respect the character, layout and building pattern of the group.
2. The proposed development is contrary to Policy 31 of the Kinross Area Local Plan as the location, scale and design of the proposals do not appropriately respect the character or setting of the adjacent listed buildings.
3. The proposed development is contrary to Policy RD3, PM1 and HE2 of the Proposed Local Development Plan 2012 in failing to contribute successfully to the existing built and natural environment or appropriately respect the setting and character of existing development, including a resultant adverse impact on the setting of a listed building.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

12/02131/7

12/02131/1

12/02131/2

12/02131/3

12/02131/4

12/02131/5

12/02131/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/02131/FLL
Ward No	N8- Kinross-shire

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 30 Metres North East Of 4 Blairfordel Steading Kelty

APPLICANT: Mr J Watters

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 17 January 2013



OFFICERS REPORT:

Site Description and Background

This application relates to an area of land (approximately 660sqm) immediately adjacent to the residential development of Blairfordel Steading and farmhouse, near Kelty. The site formed part of a former farm unit at Blairfordel Farm until consent was granted for the redevelopment of the wider site for residential development in 2005 (Ref: 05/00909/FUL). Blairfordel Farm and its associated steading are category C listed. The residential development as part of the historic consent has been partially completed but it appears that work has halted with a number of units in the northern range of the traditional stone steading incomplete.

The area of ground subject to this application is a flat open area of rough ground that historically formed part of the farm yard, adjacent to a large steel farm building that has since been removed. The site is bound to the north and east by the access to the residential development, to the west by a mature field hedge and to south by the north extents of the residential development.

An application was recently submitted 12/01663/FLL for a single dwelling, which was recommended for refusal on three separate elements.

Proposals

Full planning permission is being sought for the erection of a dwellinghouse within the site. The proposed dwelling is a three, bedroom single storey bungalow with an integral garage and a driveway access onto the existing access road to the north. The external finish of the proposed house is as previously detailed with rendered walls and roof tiles to match existing house.

Assessment

The main determining issues in this particular case are whether the proposal complies with the Development Plan and whether or not there are material considerations supporting approval contrary to the Development Plan. In this instance the principal policy document is Housing in the Countryside Guide, 2012.

In terms of the Council's revised Housing in the Countryside Policy it is considered that the relevant category to consider this proposal is 1. 'Building Groups'. This category outlines that consent may be granted for houses which extend the group into definable sites formed by existing topography and or well landscaped features which provide a suitable setting. It further states that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house.

In this instance the wider plot of land which the access wraps around is relatively well defined by the existing mature hedge rows and the steading development immediately to the south. It is therefore considered that the wider plot (not this site) may be identifiable as a potentially suitable area of ground for some element of residential development; subject to suitably designed, sensitive proposals, which fundamentally do not conflict with other development plan policies. However it is considered that in this case, the situation, scale and design of the proposed house remains unacceptable and cannot be supported.

The steading development adjacent comprises of a mixture of converted traditional category C listed stone steading buildings and traditionally designed, new build houses. This revised proposal seeks permission to construct a generic bungalow that continues to appear completely at odds with the traditional character, design and setting of the adjacent development. As stated above, the HICG 2012 requires that the proposed development must respect the character, layout and building pattern of the existing group and it is considered that this is particularly important given that the adjacent steading and farm house are category C listed.

I remain unconvinced therefore that this identified individual site of the wider undeveloped plot is appropriate to support in principle for any form of physical development, without adversely affecting the setting of the steading and farmhouse, which should continue to read as the dominant features in this road/street elevation.

The proposed house on this particular plot is considered to adversely impact on the setting of the listed farmhouse and steading, whilst failing to relate to the original building group with any sensitivity or context. Despite being in relatively close proximity to the steading, it does not relate satisfactorily to it in form, siting or orientation, failing to form a meaningful, compact grouping within the landscape.

Notwithstanding the aforementioned, the proposed design, massing, detailing and finishes still appear generic and out of character with the original farmhouse and steading. Although a principal building line has been identified and respected, following through from the original farmhouse, the proposed building on this site will

compete with it through views and setting of the principal elevations, distracting attention from it and reducing its prominence when it should remain the focus of its setting, with the steading as the deferential backdrop of the composition, which is the context within which any associated proposed building element should primarily be understood and sensitively respond to.

In response to the previous refusal, the proposed building footprint now occupies less than 25% of the overall footprint, which is acknowledged as an improvement from the previous 42%.

The site falls within an area known to possibly be at risk to unrecorded historic mining operations. In this regard the Coal Authority has been consulted as per the statutory requirements in areas that fall within the Coal Mining Development Referral Area. They have assessed the proposals and advised that records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application; specifically likely historic unrecorded underground coal mining at shallow depth. A coal mining report has now been submitted; albeit after the planning application was lodged and validated. A follow up response concluded that there is limited evidence to support the conclusion that the site in question poses an overall low level risk of mining related ground instability/gas generation.

The Coal Authority is of the opinion that the potential for unrecorded shallow coal mining workings cannot be entirely discounted on the basis of the information outlined within the submitted Coal Mining Risk Assessment and would therefore only remove their objection following conclusive intrusive site investigation works to confirm shallow coal mining conditions prior to the commencement of development.

Education

Cleish Primary School is currently considered to be at capacity by Education and Children's Services. Therefore the Council's recently approved Planning Guidance Note on Primary Education and New Housing Development will apply. Under the new policy, as it applies to education infrastructure, the developer will be required to make a contribution of £6,395 towards the cost of increasing school capacity which could be either a financial payment upon which the planning consent will be issued or involve a Section 75 legal agreement which upon signing by both parties the planning consent will be issued. The total amount required by the Policy is therefore £6,395.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal continues to fail to comply with the adopted Kinross Area Local Plan, in particular Policy 64 and Policy 31. The proposal also fails to comply with the Council's revised Housing in the Countryside Guide 2012 (Policy RD3 of the Proposed Local Development Plan 2012), Placemaking Policy PM1 and Listed Building Policy HE2 of the Proposed Local Development Plan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

It is therefore considered that whilst there may some limited potential to develop the larger site (not currently part of the red site line submitted), the site as part of this application should remain undeveloped and landscaped to appropriately enhance and provide a suitable sensitive framework and hierarchy for the setting of the listed

buildings. Scope for two modest, semi detached, single storey cottages, situated to the east of the current proposal may be supported if appropriately and sensitively designed with careful consideration given to form, siting and orientation to form a meaningful, compact grouping within the landscape and crucially remaining deferential to the listed buildings when viewed from the principal road aspect.

DEVELOPMENT PLAN

The Development Plan for the area comprises the Approved TAYPlan June 2012 and the Adopted Kinross Area Local Plan 2004.

TAYPlan June 2012

There are no strategic issues of relevance raised by the TAYPlan 2012.

Kinross Area Local Plan 2004

Kinross Area Local Plan 2004

The site lies within the landward area as identified in the Kinross Area Local Plan 2004. The principal relevant policies of the Plan are summarised:

Policy 2 'Development Criteria' provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

Policy 5 'Landscape' – indicates that landscape character should be enhanced through development.

Policy 6 'Design and Landscaping'

The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:

- (a) The use of appropriate high quality materials.
- (b) Innovative modern design incorporating

Policy 31: Listed Buildings

There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. The settings of Listed Buildings will also be safeguarded.

Policy 64: Housing in the Countryside

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into an identified category:

1. Building Groups
2. Renovation or Replacement of Houses
3. Conversion or Replacement of Non-Domestic Buildings
4. Operational Need

Perth and Kinross Council Local Development Plan - Proposed Plan January 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's

Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application. The principal relevant policies are in summary:

Policy PM1: Placemaking

Development must contribute successfully to the quality of the surrounding built and natural environment.

Policy RD3: Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside.

Policy HE2: Listed Buildings

Seeks amongst other things to ensure that Listed Buildings are protected from inappropriate developments.

Other Policies:

Housing in the Countryside Guide 2012

A revised Housing in the Countryside Policy was approved by the Council in August 2012. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance On The Siting And Design Of Houses In Rural Areas" contains advice on the siting and design of new housing in rural areas.

Development Contributions 2012

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

SITE HISTORY

04/02157/PPLB Alterations and extension to convert existing steadings and shed buildings to form 6 dwellings, demolition of existing sheds and proposed erection of 4 dwellinghouses with integral garages, also erection of 3 double garages at Blairfordel Farm, Kelty – Approved

05/00910/LBC Alterations and extension to convert existing steadings and shed buildings to form 6 dwellings, demolition of existing sheds and proposed erection of a dwellinghouse and 3 double garages at Blairfordel Farm, Kelty – Approved

05/00909/FUL Alterations and extension to convert existing steadings and shed buildings to form 6 dwellings, demolition of existing sheds and proposed erection of a dwellinghouse and 3 double garages at Blairfordel Farm, Kelty – Approved

12/01663/FLL – Erection of a dwellinghouse - Refused

CONSULTATIONS/COMMENTS

Conservation Team	Considered to have an adverse impact on setting of listed building.
Transport Planning	No objection subject to conditions.
Education And Children's Services	Advise that the local primary school is above capacity – education contribution required if recommended for approval.
Scottish Water	No objection.
The Coal Authority	<p>Original objection to proposals due to lack of Coal Mining Assessment. Following the submission of assessment, the Coal Authority considers that there is limited evidence to support the conclusion that the site in question poses an overall low level risk of mining related ground instability/gas generation.</p> <p>The Coal Authority is therefore of the opinion that the potential for unrecorded shallow coal mining workings cannot be entirely discounted on the basis of the information outlined within the submitted Coal Mining Risk Assessment and would therefore only remove their objection following conclusive intrusive site investigation works to confirm shallow coal mining conditions prior to the commencement of development.</p>
Environmental Health	No comment.

TARGET DATE: 10 February 2013

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors:

n/a

Response to issues raised by objectors:

n/a

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Mining Report supplied – post submission

Legal Agreement Required:

No

Direction by Scottish Ministers

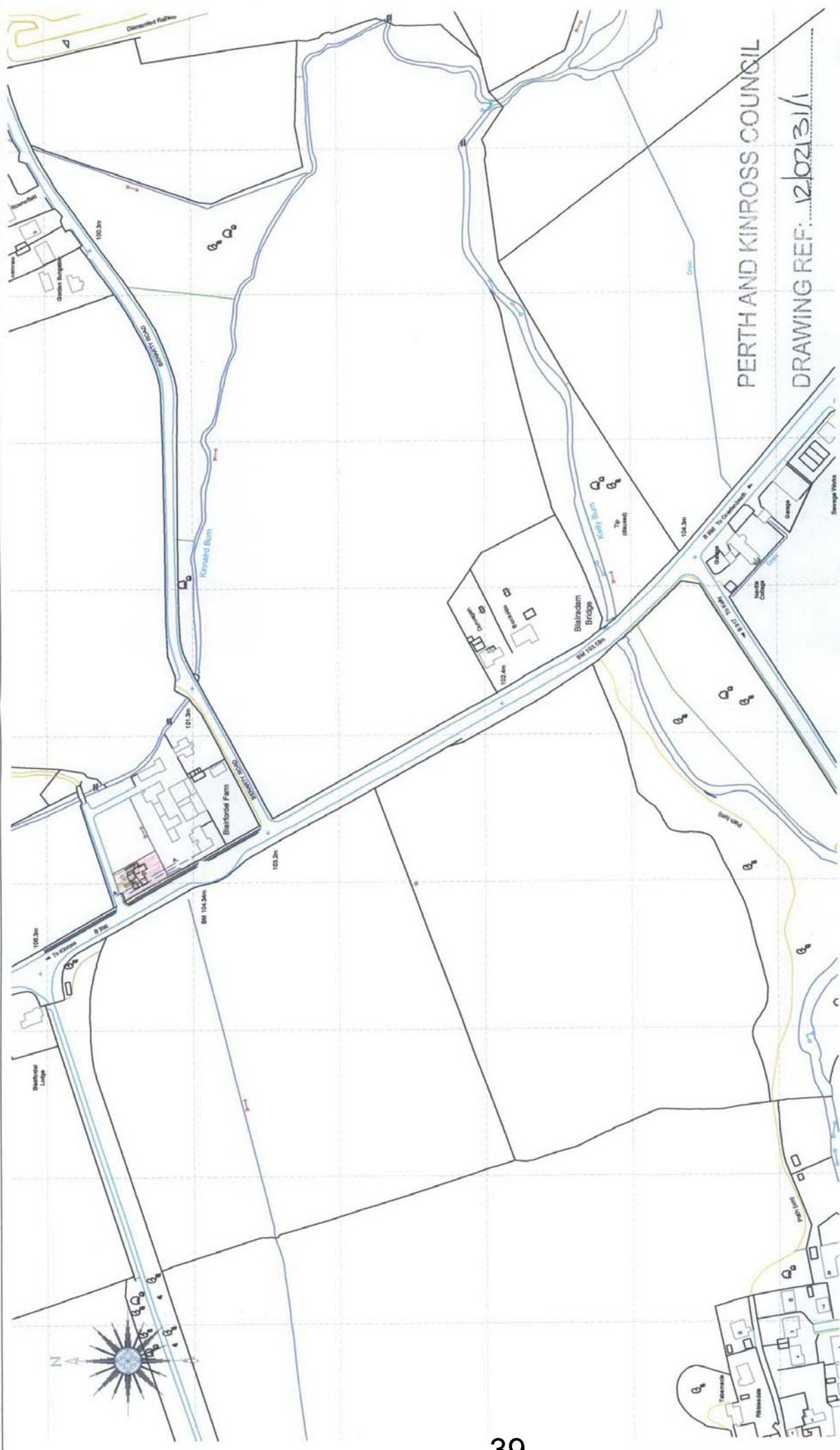
None

Reasons:-

- 1 The proposed development is contrary to Policy 64 of the Kinross Area Local Plan and the adopted, revised Housing in the Countryside Guide 2012 as the proposals do not respect the character, layout and building pattern of the group.
- 2 The proposed development is contrary to Policy 31 of the Kinross Area Local Plan as the location, scale and design of the proposals do not appropriately respect the character or setting of the adjacent listed buildings.
- 3 The proposed development is contrary to Policy RD3, PM1 and HE2 of the Proposed Local Development Plan 2012 in failing to contribute successfully to the existing built and natural environment or appropriately respect the setting and character of existing development, including a resultant adverse impact on the setting of a listed building.

Justification

- 1 The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan



SITE LOCATION PLAN Scale in Meters - 1:2500



GATESIDE DESIGN

Gateside Design
22 Viewfield Terrace
Dunfermline
FIFE
KY12 7HZ
tel. 07745305569
e-mail
Gatesidedesign-510@yahoo.co.uk

TITLE
**ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORDELL FARM,
BY KELTY.**

CLIENT
JAMES G WATTERS.
File Location
C:\JG\Finished Drawings\

DRAWN BY J G Watters
DATE NOVEMBER 2012
SCALE 1/2500
ORIG. No. ED/JGW/01
Revision No. A3



BLOCK PLAN
Scale in Meters - 1:500



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GATESIDE DESIGN

**ERECTION OF A SINGLE
STOREY DWELLING HOUSE
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BY KELTY.**

CLIENT
JAMES G WATTERS.

DRAWN BY	J G Watters
DATE	NOVEMBER 2012
SCALE	1/ 500
DWG. No.	ED/JGW/02
Revision No.	A3

File Location
C:\-Finished Drawings\

PERTH AND KINROSS COUNCIL
DRAWING REF: 12021312



SITE LAYOUT PLAN
Scale in Meters - 1:200

PERTH AND KINROSS COUNCIL
DRAWING REF: 12/02131/3

GATESIDE DESIGN

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e-mail GatesideDesign50@yahoo.co.uk

TITLE

ERECTION OF A SINGLE STOREY DWELLING HOUSE AT BLAIRFORDELL FARM, BY KELTY.

CLIENT

JAMES G WATTERS.

File Location
C:\Finished Drawings\

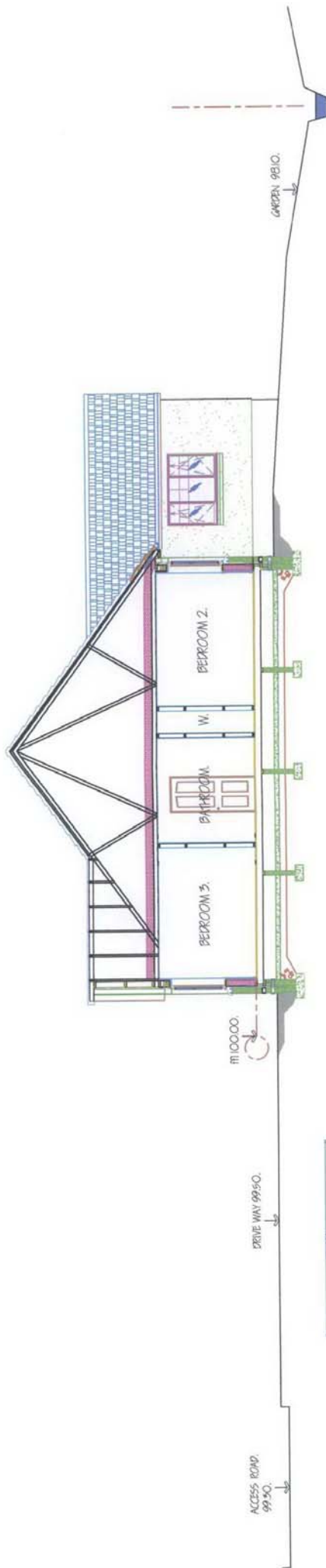
DRAWN BY J G Watters

DATE NOVEMBER 2012

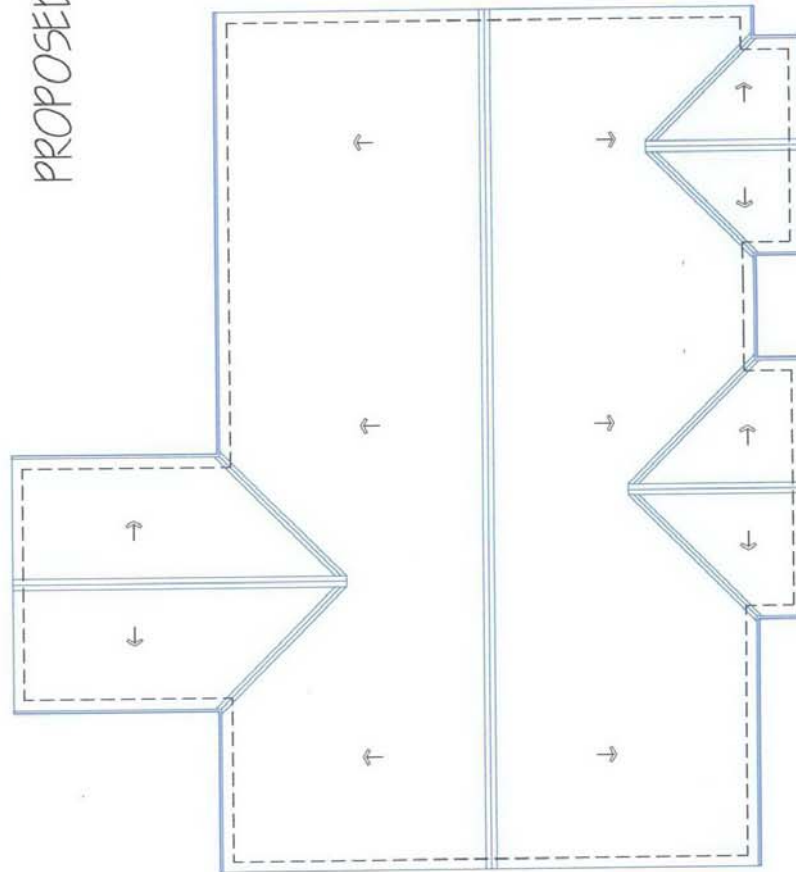
SCALE 1/200

Sheet No ED/JGW/03

Revision No. A3



PROPOSED CROSS SECTION THROUGH SITE.



ROOF PLAN.

PERTH AND KINROSS COUNCIL

DRAWING REF: 12021315



Drawn By	JG WATTERS
Date	NOVEMBER 2012
Scale	1/100
Drawn No	ED/JGW/06
Revision No	A3

Client	JAMES G WATTERS.
File Location	C:\Finished Drawings\

Title	ERECTION OF A SINGLE STOREY DWELLING HOUSE AT BLAIRFORDELL FARM, BY KELTY.
-------	--

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e-mail Gatesidedesign50@yahoo.co.uk



GATESIDE DESIGN

FIGURE 1 CONSTRUCTION

DRAWING REF: 12/02316



TITLE
**ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORDELL FARM,
BY KELTY.**

G.D.

GATESIDE DESIGN



43

**PROPOSED RESIDENTIAL DEVELOPMENT
BLAIRFORDEL FARM, KELTY**

COAL MINING RISK ASSESSMENT REPORT

Prepared For:

Ian Sneddon

c/o Gateside Design
22 Viewfield Terrace
Dunfermline
KY12 7HZ

Prepared By:

McGregor  **McMahon**
& ASSOCIATES
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Issue/revision	Original Issue	Revision A	Revision B	Revision C
Remarks	FINAL			
Date	15 January 2013			
Prepared by	R Wilson			
Signature				
Approved by	K D Simpson			
Signature				
Project number	7262G			
File reference	7262G Coal Mining Risk Assessment			

McGregor  **McMahon**
& ASSOCIATES
CONSULTING ENGINEERS

EXECUTIVE SUMMARY

Project details

Ian Sneddon proposes to develop the Blairfordel site with the construction of a single storey dwelling house.

Desk study summary

The proposed development site comprises a broadly rectangular plot of land located immediately to the north of Blairfordel Farm and to the east of Great North Road, approximately 1km to the north east of the centre of Kelty. Review of historical maps has revealed that the site has remained undeveloped since prior to the publication of the 1856 edition Ordnance Survey map.

Published geological map sheets and historic borehole logs indicate that the site is underlain by Devensian Glacial Till to approximately 5m depth bgl, with underlying Carboniferous Limestone Coal Group bedrock strata. The Glassee Coal seam is reported to outcrop in a north – south orientation through the site, dipping at a shallow angle towards the west.

Coal mining risk assessment summary

Whilst the recorded presence of workings has been identified at between 30m and 90m depth bgl, and the Glassee Coal seam is recorded to outcrop beneath the site, there is no significant evidence of shallow unrecorded mining activity beneath the site. In addition, no mine entries are recorded to be present at the site, or within 20m of the site boundary. Furthermore, the original 19th century buildings located immediately to the south of the site do not exhibit any evidence of structural distress.

Based on the findings from the desk study it is considered that the site poses an overall **low** level of risk of mining related ground instability/ mine gas generation to the proposed development.

However if during the development works evidence of historic mining activity is identified at the site, these factors should be re-evaluated accordingly.

Recommendations

Based on the findings of this investigation, no further investigation measures are considered necessary at this stage.

However, site workers should remain vigilant during site development works, to the possible risk of encountering unrecorded mine entries. Should suspected features be identified, intrusive investigation works may be necessary.

This executive summary forms part of the McGregor McMahon & Associates Coal Mine Risk Assessment Report for Blairfordel Farm (Ref.: 7262G). Under no circumstances is it to be used as an independent document.

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FIGURES

Figure 1	Site location plan
Figure 2	Site layout plan
Figure 3	Proposed development layout plan

APPENDICES

Appendix A	Notes on limitations
Appendix B	Coal Authority Mining Report

1.0 INTRODUCTION

1.1 General

Ian Sneddon (Client) has commissioned McGregor McMahon & Associates to prepare a coal mining risk assessment report for a proposed residential development site at Blairfordel Farm, near Kelty, Fife. Site location and layout plans are presented as Figures 1 and 2 respectively.

1.2 Project details

The site is proposed to undergo residential development, with the construction of a single storey dwelling house within the western section of the plot. Proposed development details are presented as Figure 3.

1.3 Purpose and scope of the study

This coal mining risk assessment report is required to support a planning application to Fife Council, as a statutory requirement for development plots that lie within a Coal Mining Development Referral Area.

The report is designed to provide a summary of the risk posed to the development plot from mining related activity at or within influencing distance of the site.

The findings of the study will be used to provide recommendations for intrusive ground investigation works, where appropriate, as well as a mitigation strategy to minimise the risk of mining related ground instability detrimentally impacting on the proposed development. The purpose of the investigation is to demonstrate to the Local Planning Authority that the risks has been suitably assessed and where relevant, can be appropriately managed.

In preparing the report, the investigation has included detailed research of information obtained from the following sources:-

- Coal Authority Mining Report;
- Coal Mine Abandonment Plans where appropriate;
- Published geological maps and records; and
- Published historic maps.

In addition, where previous site investigation data is available for the site and neighbouring properties, this information has also been utilised.

It should be noted that this report does not incorporate geotechnical or geo-environmental assessment of the site with respect to the proposed development. If a contaminated land assessment is required to be conducted, to meet with the planning requirements, advice should be sought from McGregor McMahon & Associates.

1.4 Report limitations

Limitations of this study are included in Appendix A.

2.0 SITE DETAILS AND HISTORICAL REVIEW

2.1 General

Details of the site are summarised in Table 1.

Table 1 – Site details

Site Address:	Development plot at Blairfordel Farm, Kelty. KY4 0HP
National Grid Reference (NGR):	NS 143 958
Size	Proposed building zone comprises approximately 0.066Hectares.
Site description:	<p>The proposed development site comprises a broadly rectangular plot of land located immediately to the north of Blairfordel Farm and to the east of Great North Road, approximately 1km to the north east of the centre of Kelty.</p> <p>The site is characterized by a currently open undeveloped area of scrub vegetation and is used for general storage of farm/ construction plant, materials and equipment.</p> <p>The western site boundary is formed by a rubble stone wall, adjacent to Great North Road. The northern boundary is formed by an access track leading in a broadly east-west orientation. Open farm land exists to the east, extending to residential properties at Benarty Road at approximately 350m distance.</p> <p>The Kinnaird Burn flows in a southerly direction at the eastern site boundary, with an un-named drainage channel flowing eastwards to the Kinnaird Burn.</p> <p>Access to the site is gained from Great North Road at the north western corner.</p> <p>The site is generally flat, with ground level reported to lie at approximately 105m above Ordnance Datum (AOD).</p>
Description of the surrounding area:	The surrounding area is characterized by arable and grazing farm land on all sides, with the exception of Great North Road to the west and Benarty Road to the south of the Blairfordel Farm.

2.2 Site history

A brief summary of the site history has been prepared from review of available images held by the National Library of Scotland website.

The 1856 edition map indicates the site to comprise undeveloped open land located to the north of the Blairadam Inn and Post Office. No significant change to the site is shown until two rows of trees are indicated on aerial photographs dated 1944. The site is shown to remain undeveloped to the present day.

Similarly, the surrounding area is shown to remain predominantly open undeveloped farm land beyond the Blairadam Inn and Post Office to the immediate south. The buildings of the former Blairadam Inn and Post Office have remained present to the south since the publication of the 1856 map and are recorded to have undergone recent refurbishment.

Kinnaird Colliery was recorded to be present approximately 180m to the north east on published maps dating from the early 20th century. In addition, old shafts are indicated to be present within this area on the 2nd Edition OS map dating from 1894.

3.0 ENVIRONMENTAL SETTING

3.1 General

The environmental setting for the site has been determined by review of published geological map sheets and also review of published data.

3.2 Geology

Published geological plans covering the site have been reviewed to determine the superficial and bedrock geology of the site and surrounding area. Plans reviewed include:

- BGS Sheet 40 1:50,000 scale Solid and Drift Editions; and
- BGS Sheet NT19NW 1:10,560 scale (1964) Solid and Drift Edition;

Made ground

The published plans have recorded no made ground to be present on site.

Natural superficial geology

The natural superficial deposits are reported to comprise Devensian Glacial Till, reportedly extending to approximately 5m depth below ground level (bgl).

Alluvial deposits are also reported to be present adjacent to the east south east of the site boundary, associated with the Kinnaird Burn.

Solid geology

The site is reported to be underlain by Carboniferous Limestone Coal Group deposits beneath the natural superficial deposits. Numerous productive coal seams are reported to be present within the shallow strata.

The Glassee Coal seam outcrops in a north-south orientation through the site, dipping at a shallow angle towards the west, with a corresponding outcrop within a saddle structure also identified approximately 200m to the west.

Additional coal seams within the upper bedrock sequence at the site include the Mynheer, Five Foot and Dunfermline Splint seams.

3.3 Mineral extraction

Coal Authority Mining Report information

The development site lies within an area where a Coal Authority Report is required for new developments, a copy of which is presented in Appendix D. The findings of the report are summarised below.

The Coal Authority reports that the property is within the likely zone of physical influence on the surface from recorded past coal workings in one seam at between 30m and 90m depth bgl. In addition, the property is in an area where the Coal Authority believes there is coal at or close to the surface that may have been worked at some time in the past.

The site is not within the likely zone of influence from any present underground coal workings. In addition, the site is not in an area where the Coal Authority is determining whether to grant a licence to remove coal using underground methods.

No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

There are no known coal mine entries within, or within 20 metres of, the boundary of the property. However, records may be incomplete and consequently, mine entries may exist in the local area of which the Coal Authority have no knowledge.

The Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining.

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods. The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods. The property is not within 800 metres of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods. The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

The Coal Authority has not received a damage or claim for the subject property, or any property within 50 metres, since 31st October 1994.

There is no record of a mine gas emission requiring action by the Coal Authority within the boundary of the property. The property has also not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

The property is not in an area for which a notice of entitlement to withdraw support has been published. The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.

Additional information

No evidence of historic coal mining activity at the site is recorded from review of published historic maps. In addition, the original buildings present immediately to the south of the site do not exhibit any evidence of structural distress, as determined by a detailed structural assessment required for the previous refurbishment works.

Kinnaird Colliery was located approximately 180m to the north east, dating from the early 20th century and is recorded to have worked the Five Feet, Mynheer and Dunfermline Splint coal seams to 1914.

Summary

Based on the information obtained from the Coal Authority and published BGS maps, whilst there is evidence to indicate the presence of recorded workings at between 30m and 90m depth bgl, this is no significant evidence that shallow unrecorded working of the Glassee Coal seam has taken place at the site. In addition, no recorded mine entries are identified at or within influencing distance of the site.

4.0 IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC COAL MINING RISKS

Table 2 summarises the potential risks associated with the coal mining legacy for the proposed development site, identified from the available information.

Coal Mining Issue	Yes/ No	Risk Assessment
Underground coal mining (recorded at shallow depths)	No	Whilst evidence of recorded workings has been identified at between 30m and 90m depth bgl, there is no significant evidence that shallow underground coal mining activity has taken place at the site, based on published historic maps.. Therefore the risk from underground mining at shallow depths is considered to be at a low to medium level.
Underground coal mining (probable at shallow depths)	No	The Coal Authority highlights the presence of coal seams at or close to the ground surface that may have been subject to unrecorded mining at some time in the past. However, from the review of historical maps, mining records and the geological maps covering the site, there is no evidence to suggest that mining has taken place at shallow depth on the site. However, site workers should remain vigilant during site development works to the possible risk of encountering unrecorded mine entries or surface workings. Should suspected features be identified, intrusive investigation works may be necessary.
Mine entries (shafts and adits)	No	The Coal Authority report indicates that there are no known coal mine entries within, or within 20 metres of, the boundary of the site.
Coal mining geology (fissures)	No	The Coal Authority report states that they are not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining. As a result it is considered that a low risk is posed from coal mining geology beneath the site.
Record of past mine gas emissions	No	The Coal Authority report indicates that there has been no record of mine gas emissions on the site. There is therefore considered to be a low risk from mine gas emissions, however if evidence of mining was recorded after intrusive investigations this should be re-evaluated.
Record of coal mining surface hazard	No	The property is reported not to have been subject to remedial works and therefore no surface hazard is considered to be present. Therefore there is considered to be a low surface hazard risk from coal mining.
Surface mining (opencast workings)	No	The site is reported not to be within the boundary of an opencast site from which coal has been removed in the past or is currently being removed. Therefore there is considered to be a low level risk from surface mining hazards.
OVERALL RISK		LOW

5.0 RECOMMENDED MITIGATION STRATEGY

Based on the desk study research carried out as part of this investigation, the risk of damage to the proposed development from mining related ground instability is considered to be at a low level.

Therefore, no further investigation measures are considered necessary at this stage.

However, site workers should remain vigilant during site development works, to the possible risk of encountering unrecorded mine entries or surface workings. Should suspected features be identified, intrusive investigation works may be necessary.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 General

Ian Sneddon proposes to develop the Blairfordel Farm site with the construction of a single storey dwelling house.

6.2 Desk study information

The proposed development site comprises a broadly rectangular plot of land located immediately to the north of Blairfordel Farm and to the east of Great North Road, approximately 1km to the north east of the centre of Kelty. Review of historical maps has revealed that the site has remained undeveloped since prior to the publication of the 1856 edition Ordnance Survey map.

Published geological map sheets and historic borehole logs indicate that the site is underlain by Devensian Glacial Till to approximately 5m depth bgl, with underlying Carboniferous Limestone Coal Group bedrock strata. The Glassee Coal seam is reported to outcrop in a north – south orientation through the site, dipping at a shallow angle towards the west.

No evidence of historic shallow mining activity has been identified from published sources at the site.

6.3 Summary of risk assessment

Whilst the recorded presence of workings has been identified at between 30m and 90m depth bgl, and the Glassee Coal seam is recorded to outcrop beneath the site, there is no significant evidence of shallow unrecorded mining activity beneath the site. In addition, no mine entries are recorded to be present at the site, or within 20m of the site boundary. Furthermore, the original 19th century buildings located immediately to the south of the site do not exhibit any evidence of structural distress.

Based on the findings from the desk study it is considered that the site poses an overall **low** level of risk of mining related ground instability/ mine gas generation to the proposed development.

However if during the development works evidence of historic mining activity is identified at the site, these factors should be re-evaluated accordingly.

6.4 Recommendations

Based on the findings of this investigation, no further investigation measures are considered necessary at this stage.

However, site workers should remain vigilant during site development works, to the possible risk of encountering unrecorded mine entries. Should suspected features be identified, intrusive investigation works may be necessary.

FIGURE 1
SITE LOCATION PLAN

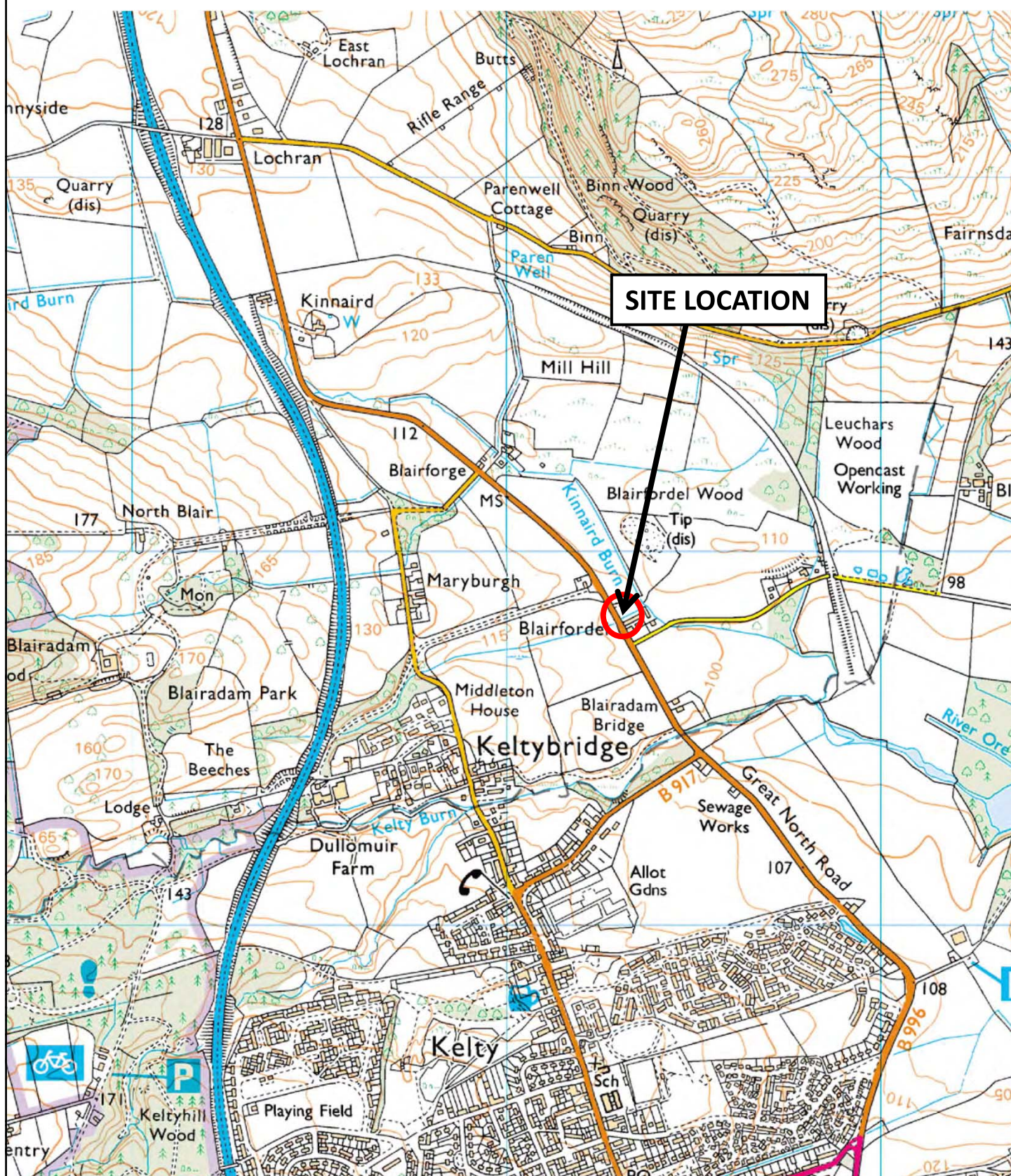
Site: Blairfordel Farm

Ref: 7262G

Title: Site Location Plan

Scale: Originally drawn at 1:25,000 scale

NORTH





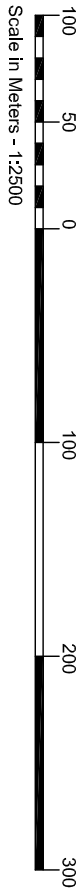
SITE LOCATION PLAN

Scale in Meters - 1:2500



GATESIDE DESIGN

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tel 07745305599
e-mail
gatesidedesign50@yahoo.co.uk



Scale in Meters - 1:2500

TITLE
ERECTION OF A SINGLE
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Revision No. -

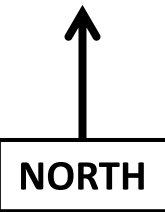
FIGURE 2
SITE LAYOUT PLAN

Site: Blairfordel Farm

Ref: 7262G

Title: Site Layout Plan

Scale: Not to scale



SITE BOUNDARY

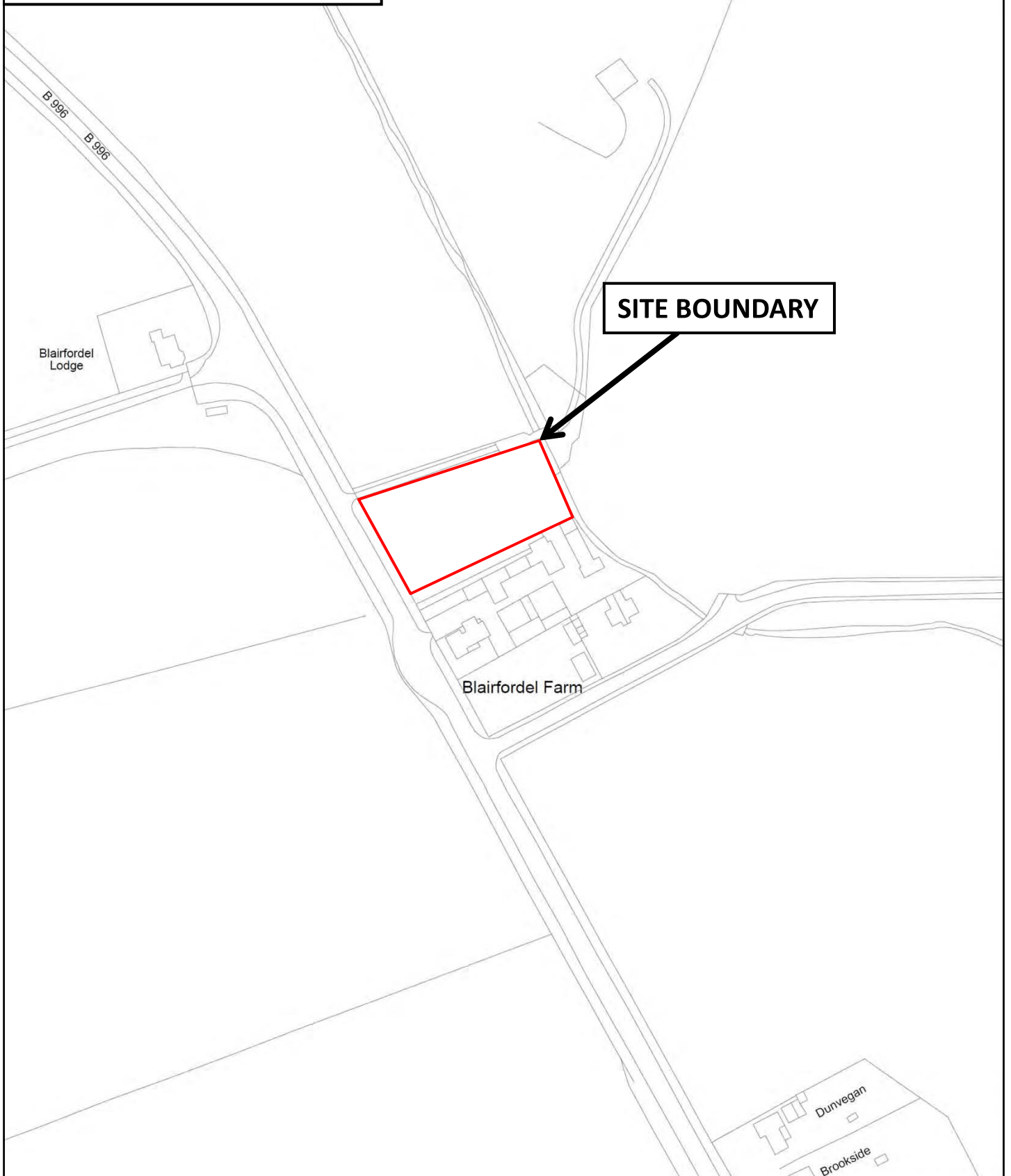
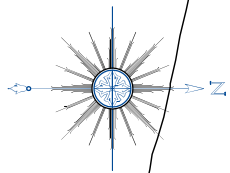


FIGURE 3
PROPOSED DEVELOPMENT LAYOUT PLAN



B 996

BM 104.34m

101.3m

Blairfordel Farm

TV ROAD

BLOCK PLAN

Scale in Meters - 1:500



GATESIDE DESIGN

Gateside Design
22 Viewfield Terrace
Dunfermline
Fife
KY12 7HZ
tel 07745305509
e-mail
Gatesidedesign50@yahoo.co.uk

Scale in Meters - 1:500



TITLE

ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORDELL FARM,
BY KELTY.

CLIENT

JAMES G WATTERS.

File Location
C:\-F\Refined Drawings\

DRAWN BY
J G Watters

DATE
NOVEMBER 2012

SCALE
1/500

DRAWG. No.
ED/JGW/02

Revision No.
-

A3



SITE LAYOUT PLAN Scale in Meters - 1:200



GATESIDE DESIGN

Gateside Design
22 Viewfield Terrace
Dunfermline
KY12 7HZ
tel 07745305599
e-mail
Gatesidedesign50@yahoo.co.uk

TITLE
ERECTION OF A SINGLE
STOREY DWELLING HOUSE
AT BLAIRFORDDELL FARM,
BY KELTY.

CLIENT
JAMES G WATTERS.

DRAWN BY JG Watters
DATE NOVEMBER 2012
SCALE 1/200
DRAWG. No. ED/JGW/03
Revision No. -

APPENDIX A
NOTES ON LIMITATIONS

**Geo Environmental Desk Study and Intrusive Ground Investigation, Assessment and Reporting
Limitations****General**

This report has been prepared by McGregor McMahon and Associates for the sole use of the client (s) as indicated within the text of this report. Should any additional party seek reliance of the contents of this report then approval from McGregor McMahon and Associates must be sought. McGregor McMahon and Associates cannot be held liable / responsible for the contents of this report if either it is used for purposes other than which it was commissioned or any additional parties (s) using the report without the express permission of McGregor McMahon and Associates.

Phase I Desk Studies / Environmental Audits

Information in this report is gathered from a number of sources including published documentation. Any information gathered from external sources has been accepted and reviewed in good faith and taken to provide true reflection of the site conditions. However, McGregor McMahon and Associates cannot be held responsible for any event where such data is inaccurate or does not reflect true site conditions. This would include future changes in site use or additional information that may become available. Should additional information come to light in the future that may change conclusions drawn for the site, McGregor McMahon and Associates reserves the right to review this information and if necessary change any existing opinion drawn accordingly.

The opinions within this report are partially formed at the time of the site walkover and therefore it is possible that any sub surface contamination issues are not visible at that time or the report cannot take into account any future contamination issues that may arise after the site walkover has been completed.

Other opinions developed within this study are formed from interpretation of historical data.

Information is not finite for any site and therefore it is possible that environmental liabilities associated with the site or the ground conditions below the site may not have been realised.

The instructed scope of works within the study may not include consultation with relevant Statutory Authorities or environmental regulators and therefore it is possible that geo-environmental issues affecting the site may have been overlooked.

Intrusive Ground Investigations and Geo-environmental Phase II Reports

The investigation has been carried out to provide appropriate information on the ground conditions below the site. The nature of intrusive ground investigation results in only a small proportion of ground being investigated in relation to the overall size of the site. Therefore, it is possible that unforeseen ground condition exist below the site, including contamination hotspots.

The scope of works for any ground investigation may be limited by financial and/or time constraints. Exploratory locations across any site can also be limited by services, utilities and physical obstructions. This may be particularly relevant for any given targeted ground investigation.

Guidance on the assessment of contaminated land within the UK is under continuous development. The assessments used within this report have been undertaken in general accordance with current assessment frameworks and industry best practise. However, McGregor McMahon and Associates cannot be held responsible any future changes to contaminated land assessment that may alter the findings of this report.

Outline foundation recommendations have been developed from the ground investigation data. However, specific foundation design for any structure should be undertaken by a qualified structural/civil engineer. In the case of abnormal foundations advice and design should be sought from an appropriately qualified ground works contractor.

Groundwater conditions recorded are based on observations made at the time the site works were carried out. Groundwater levels will vary depending upon seasonal and weather related effects.

APPENDIX B
COAL AUTHORITY MINING REPORT

Issued by:

The Coal Authority, Property Search Services, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG

Website: www.groundstability.com Phone: 0845 762 6848 DX 716176 MANSFIELD 5

**MCGREGOR MCMAHON &
ASSOCIATES
2 CASTLE COURT, CARNEGIE
CAMPUS
DUNFERMLINE
FIFE
KY11 8PB**

Our reference:	51000208166001
Your reference:	7262 - Blairfordel Farm,
Date of your enquiry:	15 January 2013
Date we received your enquiry:	15 January 2013
Date of issue:	15 January 2013

This report is for the property described in the address below and the attached plan.

Non-Residential Coal Authority Mining Report

BLAIRFORDEL FARM, KELTY, FIFE, KY4 0HP

This report is based on and limited to the records held by the Coal Authority, at the time we answer the search.

Coal mining

See comments below

Information from the Coal Authority

Underground coal mining

Past

The property is in the likely zone of influence from workings in 1 seam of coal at 30m to 90m depth, and last worked in 1908.

Any ground movement from these coal workings should have stopped by now.

In addition the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past.

Present

The property is not in the likely zone of influence of any present underground coal workings.

Future

The property is not in an area for which the Coal Authority is determining whether to grant a licence to remove coal using underground methods.

The property is not in an area for which a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area that is likely to be affected at the surface from any planned future workings.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

Mine entries

There are no known coal mine entries within, or within 20 metres of, the boundary of the property.

Records may be incomplete. Consequently, there may exist in the local area mine entries of which the Coal Authority has no knowledge.

Coal mining geology

The Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining.

Opencast coal mining

Past

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

Present

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

Future

The property is not within 800 metres of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31st October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

There is no record of a mine gas emission requiring action by the Coal Authority within the boundary of the property.

Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

Withdrawal of support

The property is not in an area for which a notice of entitlement to withdraw support has been published.

The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.

Working facilities orders

The property is not in an area for which an Order has been made under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

Payments to owners of former copyhold land

The property is not in an area for which a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Comments on Coal Authority information

In view of the mining circumstances a prudent developer would seek appropriate technical advice before any works are undertaken.

Therefore if development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply good engineering practice developed for mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or mines of coal without the permission of the Coal Authority. Developers should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. The need for effective measures to prevent gases entering into public properties either during investigation or after development also needs to be assessed and properly addressed. This is necessary due to the public safety implications of any development in these circumstances.

Additional Remarks

This report is prepared in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Coal Authority Terms and Conditions 2006.

The Coal Authority owns the copyright in this report. The information we have used to write this report is protected by our database right. All rights are reserved and unauthorised use is prohibited. If we provide a report for you, this does not mean that copyright and any other rights will pass to you. However, you can use the report for your own purposes.

Issued by:	The Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG
Tax Point Date:	15 January 2013
Issued to:	MCGREGOR MCMAHON & ASSOCIATES 2 CASTLE COURT, CARNEGIE CAMPUS DUNFERMLINE FIFE KY11 8PB
Property Search for:	BLAIRFORDEL FARM, KELTY, FIFE, KY4 0HP
Reference Number:	51000208166001
Date of Issue:	15 January 2013
Cost:	£59.00
VAT @ 20%:	£11.80
Total Received:	£70.80
VAT Registration	598 5850 68

Location map



Approximate position of property



Enquiry boundary

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Key

Approximate position of enquiry boundary shown



TCP/11/16(230)**Planning Application 12/02131/FLL – Erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty**

REPRESENTATIONS

- Representation from Education and Children's Services, dated 27 November 2012
- Representation from Environmental Health Manager, dated 19 December 2012
- Objection from The Coal Authority, dated 3 January 2013
- Representation from Transport Planning, 16 January 2013
- Objection from Conservation Officer, dated 22 January 2013
- Further representation from The Coal Authority, dated 28 January 2013

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	12/02131/FLL	Our ref	GR/CW
Date	27 November 2012	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 12/02131/FLL

This development falls within the Cleish Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	64
Highest projected 7 year roll	53
Potential additional children from this and previously approved/yet to be determined applications	11.34
Possible roll	64.34
Potential % capacity	100.5%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk

Memorandum

To Development Quality Manager From Environmental Health Manager

Your ref PK/12/02131/FLL

Our ref KIM

Date 19 December 2012

Tel No 01738 476442

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK/ 12/02131/FLL RE: Erection of a dwellinghouse Land 30 Metres North East Of 4 Blairfordel Steading Kelty for Mr James Watters

I refer to your letter dated 13 December 2012 in connection with the above application and have the following comments to make.

Water

As per previous application (12/01663/FLL) this application relates to an erection of a dwellinghouse and states it will be connected to the public mains water supply, it is our understanding that no existing private water supplies will be affected by the proposed activities therefore we have no comment to make.

Contamination

A search of the historical records held by this service has identified that the proposed development area is sited close to an area where mining was previously carried out. Old mine workings can generate significant amounts of methane as well as other gases which may pose a high risk to any developments in the area. In addition the land around the mine may have been used for the disposal of mine spoil or tailings. As such I recommend the following condition be applied to any consent given and any site investigation conducted should include a detailed gas survey.

Condition

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.



UNCLASSIFIED



**The Coal
Authority**



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Planning and Regeneration
Perth & Kinross Council

[By Email: DevelopmentManagement@pkc.gov.uk]

03 January 2012

Dear Sir/Madam

PLANNING APPLICATION: 12/02131/FLL

Proposed erection of a dwellinghouse at land 30 metres North East of 4 Blairfordel Steading, Kelty

Thank you for your consultation letter of the 13 December 2012, received 31 December 2012 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Fundamental Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application; specifically likely historic unrecorded underground coal mining at shallow depth.

The Coal Authority **objects** to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours faithfully

D Roberts

Deb Roberts *M.Sc.*
Technical Support Officer

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. Coal Mining Reports are available from www.groundstability.com or by telephoning 0845 762 6848.

This coal mining information should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at:
<http://coal.decc.gov.uk/en/coal/cms/services/planning/strategy/strategy.aspx>

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.



MEMORANDUM

To	Callum Petrie Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/02131/FLL	Date	16 January 2013

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/02131/FLL for planning consent for:- **Erection of a dwellinghouse Land 30 Metres North East Of 4 Blairfordel Steading Kelty for Mr J Watters**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

Memorandum

To	Callum Petrie	From	Rachel Haworth
Your ref	12/02131/FLL	Our ref	*
Date	22/01/13	Tel No	75357

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Conservation/Design comments

Land 30m north east of 4 Blairfordel Steading, Kelty – erection of a dwellinghouse

Blairfordel Farm and its associated steading are category C listed. The design of this proposal has been amended following a previous refusal.

However, I am not convinced that this site is appropriate in principle for this type of development as, although it is in relatively close proximity to the steading, it does not relate satisfactorily to it in form, siting or orientation and as a result does not form a meaningful, compact grouping within the landscape.

Notwithstanding this, the proposed design, massing, detail and finishes still appear generic, and out of character with their surroundings. Although a front building line has been struck from the adjacent farmhouse, the proposal will compete with it in views of the principal elevation, distracting attention from it and reducing its prominence when it should remain the focus of its setting with the steading as the deferential backdrop to the composition.

I therefore object to the proposal.



**The Coal
Authority**



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

For the Attention of Callum Petrie
Case Officer
Perth & Kinross Council

[By Email: cpetrie@pkc.gov.uk]

28 January 2013

Dear Mr Petrie

PLANNING APPLICATION: 12/02131/FLL

Proposed erection of a dwellinghouse; Land 30 metres north east of Blarifordel Steading, Kelty

Thank you for your further consultation notification of 21 January 2013 seeking the views of The Coal Authority on the Coal Mining Risk Assessment that has now been submitted in support of the above planning application. The Coal Authority would like to make the following observations on this additional information.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

The submitted Coal Mining Risk Assessment, which is dated 15 January 2013, correctly identifies that the application site is located in an area which may have been subject to unrecorded shallow coal mine working. It ultimately concludes that the site poses an overall low level of risk of mining related ground instability/mine gas generation to the proposed development. However, there appears to be limited evidence to support this conclusion. The Coal Authority notes that there are recorded shallow mine workings immediately adjoining the application site, and other records of past mining activity (including mine entries and past surface mining/opencast operations) in the locality.

The Coal Authority is therefore of the opinion that the potential for unrecorded shallow coal mine workings cannot be entirely discounted on the basis of the information outlined within the submitted Coal Mining Risk Assessment. As a consequence, The Coal Authority considers that intrusive site investigation works will be required to confirm shallow coal mining conditions prior to commencement of development.

The Coal Authority Recommendation to the LPA

For the reasons outlined above, The Coal Authority recommends that the LPA impose a planning condition, should planning permission be granted for the proposed development, to require appropriate intrusive site investigation works to be undertaken to confirm shallow coal mining conditions prior to commencement of development.

The condition should also ensure that, in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works should be undertaken prior to commencement of the development.

Subject to the above condition being imposed, The Coal Authority is able to **withdraw its objection** to this planning application.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



David Berry *B.Sc.(Hons), MA, MRTPI*
Planning Liaison Manager

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

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specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

