

**TCP/11/16(427)**

**Planning Application – 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth**

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**TCP/11/16(427)**  
**Planning Application – 16/00994/FLL – Erection of a**  
**dwellinghouse (in principle), land 90 metres north east of**  
**Meadows Cottage, Forneth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100020525-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glennear Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Lettar of Ballied Farm"/>
First Name: *	<input type="text" value="Iain"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Menzies"/>	Address 1 (Street): * <input type="text" value="Kinloch"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Blairgowrie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH10 6SL"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="Letter Of Ballied Farm"/>
Address 2:	<input type="text" value="Forneth"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Blairgowrie"/>
Post Code:	<input type="text" value="PH10 6SL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="746075"/>	Easting	<input type="text" value="312563"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of dwellinghouse (in principle) Land 90 metres north east of Meadows Cottage, Forneth

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to separate statement attached along with supporting documents

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Application forms, refused plans, Report of Handling, decision notice, SAC Report (MBM1), Planning statement (MBM2), Quote from Scottish & Southern Energy on re-routing cable from land parcel no.17 (MBM3), email correspondence with planning officer on reasons for proposed siting (MBM4) and Notice of Review appeal statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00994/IPL

What date was the application submitted to the planning authority? \*

02/06/2016

What date was the decision issued by the planning authority? \*

11/07/2016

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To assess the landscape fit of the proposed site and also the relationship to the remaining farm ownership

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark Myles

Declaration Date: 28/07/2016



**Notice of Review Appeal Statement 16/00994/IPL**  
**Against Refusal of Planning Permission in Principle for Erection of House at Land 90 metres north west of Meadows Cottage, Forneth**

We were appointed by the applicants following the council's determination of an earlier planning permission in principle on the same site (15/02052/IPL). We advised the applicants not to appeal against that decision but to provide further information in an updated SAC Report (MBM1) as part of a new application so as to provide clarity on the extent of the farming operations on the site in order that the labour requirement for the farm unit was robust and clearly warranted the erection of an essential workers dwelling on the farm unit.

As can be seen from the Report of Handling on this revised application, the updated SAC information was accepted by the planning officer and therefore the principle of a dwellinghouse on the farm being able to comply with the housing in the countryside policy RD3 and the Lunan Valley Catchment Area Policy EP6 was accepted.

The reasons for refusal of the application therefore relate solely to the proposed siting for the house.

The planning statement (MBM2) submitted in support of the revised application had provided further information on the reasoning and justification for the proposed siting for the house and also the reasons why the planning officers suggested alternative site (land parcel 17) was not considered to be appropriate. Further supporting information (in the form of a quote obtained from SSE) to relocate the overhead line, confirmed the abnormal costs associated with selecting that site (MBM3).

The reasons for refusal of the application suggest that an alternative site closer to the existing farm should be explored. However, such a proposal would be located at a much higher contour line and would therefore be far more visible in the wider Lunan Valley landscape. Indeed, the Report of Handling clearly acknowledges that *'the existing farm house and buildings are located in an elevation position on the Highland Boundary Fault with commanding views of Strathmore.'*

In contrast the proposed house site which is not considered to be 'remote' from the existing farm complex (it is only 500 metres away) would be set at a much lower level but against the rising ground and the woodland to the north and the public road to the south. This site does provide a suitable landscape framework and backdrop that is perfectly capable of absorbing the development.

If the applicants had simply wanted to choose a site with panoramic views in an elevation position with no landscape framework, then they would have sought a site adjacent to the existing farm complex. However, that has never been the applicant's intention as this is an essential workers house where the main focus has been to bring long term benefits to the entire farm unit.

The proposed application site was chosen in preference to a site closer to the existing farm buildings as it is located immediately adjacent to the access road and the entrance to the farm so would provide an obvious and immediate farm security presence, allowing all vehicles movements and general day to day farming activities to be monitored.

Alternative options closer to the existing farm complex were also discounted for the various reasons as set out in the email response dated 11<sup>th</sup> July 2016 (MBM4) that was sent to the planning officer.

Despite sending this information to the planning officer we were given no further opportunity to discuss or correspond on this matter. Indeed, the planning decision notice to refuse the application is actually dated the same day (11<sup>th</sup> July). This therefore suggests that the planning officer's mind was clearly already made up and the request for further information on the reasons for the proposed siting was perhaps slightly disingenuous.

The Report of Handling takes no account of the fact that crops are grown on all of the land parcels (14,18 and 20) located adjacent to the main farm complex and therefore have much higher values and yields than the proposed application site which crucially forms part of one of the smallest fields on the farm (land parcel no.13) and is only ever used for grazing.

The site for the house is located to the south of the rising ground and if required additional landscape enhancement can be provided through the imposition of a planning condition. Being located adjacent to the public road and adjacent to an existing property (Meadows Cottage which also sits at a slightly higher ground level) will therefore help to minimise the visual impact of the development in the landscape in accordance with Policy EP6 and importantly at the same time reduces the servicing costs for the house.

To suggest that the proposal will also somehow set an undesirable precedent is also misleading. All planning applications require to be assessed on their own merits and in cases such as this, not only does the need for an additional essential workers' house have to be proven, but the landscape fit for any proposal will also never be exactly the same for any two sites. Planning permission was previously granted for a farm workers house on the adjacent site at Meadows Cottage in 1992 (92/1147). Whilst the planning policies have changed over the past 25 years, the precedent for development being located adjacent to the public road has been accepted in the past.

In our view the perceived impact on the landscape has been overstated by the planning officer and the information provided in support of the application and the reason for the site selection are sufficiently robust in demonstrating that the proposed essential worker dwelling is sited in the most appropriate location and importantly would also achieve a suitable landscape fit.

We would therefore encourage the LRB to visit the site and view the proposed site in relation to the remaining farm ownership and also to see that the proposed site for the house will not be viewed from any surrounding vantage points and can meet with the relevant siting criteria as set out in the policy.



We also note that there were no objections from any of the consultees and no objections were received from any neighbours to the proposed development.

We therefore respectfully request that the LRB consider the proposal on its merits in accordance with current clearly stated wording of Policy EP6 and approve planning permission in principle to allow the applicants to move forward with their proposed plans for the additional dwelling on the farm.



# PERTH AND KINROSS COUNCIL

Mr Iain Menzies  
c/o MBM Planning And Development  
Mark Myles  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 11.07.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00994/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 2nd June 2016 for permission for **Erection of a dwellinghouse (in principle) Land 90 Metres North East Of Meadows Cottage Forneth** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy EP6 - Lunan Valley Catchment Area of the Adopted Local Development Plan 2014 in that the proposal is not sufficiently robust in demonstrating that the proposed essential worker dwelling position within the farm holding is sited in the most appropriate location or would achieve a suitable landscape fit to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area.
2. If approved contrary to policy the proposal would set an undesirable precedent for similar developments within the Lunan Valley Catchment Area.

### Justification

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

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

**Plan Reference**

**16/00994/1**

**16/00994/2**

**16/00994/3**

**16/00994/4**

**16/00994/5**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	16/00994/IPL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	01.08.2016	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 90 Metres North East Of Meadows Cottage Forneth

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 16 June 2016

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is a re-submission for the formation of an essential workers dwellinghouse on land at Letter of Bailed, Blairgowrie.

The existing farm house and buildings are located in an elevated position on the Highland Boundary Fault with commanding views of Strathmore.

The proposal is to erect a dwelling house in a field which is remote from the existing farm complex. It is located to the south of the farm holding next to the public road and farm access track. The in-principle application delineates the site, this occupies around one third of the agricultural field which extends to some 4,042sqm. A site entrance is shown but as the application is in-principle there are no details at this stage indicating the building mass, elevational treatment or siting within the plot.

The earlier application was refused at it was not sufficiently robust in demonstrating that there was an economic need for the essential workers dwelling at the farm holding. Furthermore it did not been demonstrate that the proposed dwelling position within the farm holding would achieve a suitable landscape fit to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area.

## **SITE HISTORY**

15/02052/IPL Erection of a dwellinghouse (in principle) 2 February 2016  
Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **Policy EP2 - New Development and Flooding**

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP6 - Lunan Valley Catchment Area**

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

### **Policy NE1A - International Nature Conservation Sites**

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

### **Policy NE1B - National Designations**

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

**Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

**Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

**OTHER POLICIES**

None.

**CONSULTATION RESPONSES**

**Scottish Water** - No response received within consultation timeframe.

**Contributions Officer** - As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

**Local Flood Prevention Authority** - As this is an In Principle application there is no information on the proposed location within the site of the dwelling house. Due to the proximity of the site to the Cattymill Burn and the extents of the indicative 1 in 200 year SEPA flood map we would recommend the location of the house is situated within the south western half of the site, towards the site entrance.

We would also recommend that any SUDS features or private drainage arrangements are located out with the limit of the 1 in 200 year flood envelope.

**Scottish Natural Heritage** - Object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation to ensure the proposal does not adversely affect the integrity of the Dunkeld – Blairgowrie Lochs SAC.



**Scottish Environment Protection Agency** - No objection if conditional control is applied. SEPA require that a condition is attached to any consent that your authority is minded to approve to ensure that details of proposed phosphorous mitigation which complies with the Dunkeld – Blairgowrie Lochs SAC supplementary guidance. Sepa advise that if phosphorous mitigation to meet the SG cannot be provided at the site they will object to any full or approval of matters specified in condition planning application submitted.

They also note that there is a requirement to take account of flooding from the watercourse to the north of the site.

**Transport Planning** - Do not object to the proposed development provided conditional control is applied, in the interests of pedestrian and traffic safety.

**Environmental Health** - A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.

## **REPRESENTATIONS**

No letters of representation have been received.

## **ADDITIONAL STATEMENTS RECEIVED:**

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

## **Policy Appraisal**

The Lunan Valley Lochs catchment area is a series of naturally rich eutrophic lochs, whose unique ecology makes it of local, national and international importance. The Lochs and the surrounding area enjoy statutory protection both as a Special Area of Conservation (SAC) and as Sites of Special Scientific Interest (SSSIs). The Lochs have been degraded over the last century by the addition of phosphorus through human activities. To afford further protection there is a need to ensure that additional phosphorus pollution does not enter the catchment area and ultimately the Lochs.

To achieve this housing within this area is limited by the Local Plan to economic need, conversions or replacement as per Policy EP6 which is the main policy in the determination of this application.

EP6 stipulates under criterion (a) there will be a presumption against built development except: within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes;

There is a note (1) incorporated into the policy confirming that Policy RD3: Housing in the Countryside is limited to economic need, conversions or replacement within the Lunan Valley Catchment Area.

As the application is not for a conversion or replacement dwelling I turn to whether there is an economic need for the development.

#### Economic Need:-

The existing farm house and buildings are located in an elevated position on the Highland Boundary Fault with commanding views of Strathmore. To the south of the Letter of Bailed farm complex is a further residential property Gauldsmyre. The applicant has confirmed that this property was owned by a partner in the business who retired about 10 years ago. It has since been sold and is out with the control of the applicant.

In support of the proposal an updated SAC report has been submitted. This provides clarity on the extent of the farming operations on the site. I am satisfied with the information provided and it enables a meaningful assessment against the essential worker element of policy EP6. In this case the labour requirement for the farm unit is robust and it warrants the erection of an essential workers dwelling on the farm holding. I therefore turn to the acceptability of siting an essential workers dwelling on the farm.

#### Siting of Essential Workers Dwelling:-

Under the previous application concerns were raised regarding the siting of the essential workers dwelling. This was because the site was remote from the farm complex and occupied one third of a field with a poor landscape framework. Accordingly this did not tie up with the arguments advanced for

the livestock husbandry requirements of the farm or the supervision of the farm to improve security and reduce the risk of theft.

From the site inspection and a review of the applicant's land parcel map it was suggested under the earlier application that parcel 17 between the existing farm and Gauldmyre (previously owned by a partner in the business) provided scope for the siting of an essential workers dwelling which would achieve a better landscape fit. This was because the parcel of land was contained between two curtilages, fronted an access track which provided containment. It was also in close proximity to the farm providing good supervision of the farm complex. Although it was acknowledged that electricity infrastructure could be a constraint in erecting a dwelling in this location.

The applicant has taken this suggested site into account in their resubmission and has submitted information from SSE. Technically it is feasible to relocate electricity infrastructure to accommodate development on land parcel 17 however it would be costly. I accept that the cost of undertaking the relocation work would be cost prohibitive which discounts this particular option.

On this basis the application still promotes the earlier application site some 0.5km distant from the farm complex.

In the majority of cases the planning authority deals with essential worker dwelling applications which are located beside the existing farm buildings unless there is some specific operational requirement for a remote siting. To gain a fully understanding the agent was invited to comment on why the proposed remote site is better from an operational perspective. The response dated the 11 of July 2016 is as follows:-

*the field in front of the farm (land parcel no.17) is not a feasible option due to the costs associated with the re-routing of the electricity line that runs adjacent. The adjacent areas in land parcel nos. 18 and 20 are also unsuitable as these would potentially prejudice and limit the scope to extend the farmyard or erect any additional farm buildings in the future. Any development in land parcel no.14 would extend built development further to the west of the farm buildings and also beyond the western side of the farm access road for the first time.*

*Land parcel numbers 14, 18 and 20 also have a higher value, as crops are grown in each of these fields and the proposed house would cut into these larger fields which would result in less crops being grown. These alternatives are also situated at a higher contour line than the preferred site and would be more visible from distance in the wider landscape.*

*In contrast the application site (on land parcel no. 13) is part of a 1.06 ha field that is one of the smallest fields on the farm. Due to its size it is only used for the grazing of 4 cows and the loss of some of this site for the erection of the house would not compromise the grazing for these cattle.*

*Having the house located at the proposed site at the bottom of the farm road and at the entrance to the farm will also help in directing potato lorries and security of the entrance to the farm. Being positioned at the entrance will act as a deterrent to intruders and where vehicle movements can be easily monitored and attended to and*

*at the same time will allow the applicants to reside close enough to the farm steading (only 2 minutes away) to oversee livestock.*

*As highlighted in our supporting statement the proposed site is set against rising ground and woodland to the north and also immediately adjacent to the neighbouring property to the west (Meadows Cottage) which sits on slightly higher ground. Being located adjacent to the public road and adjacent to an existing property will therefore help to minimise the visual impact of the development in the landscape in accordance with Policy EP6 and importantly at the same time reduces the servicing costs for the house.*

I have taken account of the agent's supporting statement and his additional commentary. I still consider the proposed site would not achieve the same supervision of the farm buildings or assist with livestock husbandry requirements as it is remote from the farm complex at 0.5km. I am also of the view that the formation of a dwelling on a site at 4,042sqm is not suitable and does not achieve an appropriate landscape fit in comparison to siting a building next to the farm grouping. I consider with careful planning and siting of an essential workers dwelling could be accommodated next to the farm building without prejudicing the future expansion of the farm buildings. While the direction of potato lorries could be more effectively dealt with by improved communication or signage.

Taking this into account I am of the view that better landscape siting of the essential workers dwelling would be next to the farm building complex thus relating to the building grouping rather than in a remote field. Accordingly the proposed siting fails to comply with Policy EP6.

### **Design and Layout**

No detailed design or layout has been submitted. If this application was approved conditional control would be required to reserve assessment of these matters. This would need to ensure that it is a sufficient distance away from the watercourse to ensure there is no adverse impact on otters, see criterion (f) of EP6 and no flooding implications see policy EP2.

### **Landscape**

Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded. As noted above in my assessment of the essential workers house location on the farm unit I am not convinced, at this point in time, that the proposed site will achieve the best landscape fit.

### **Residential Amenity**

I do not consider that residential amenity will be affected however this would be assessed further through reserved matters if the application is approved.

## **Roads and Access**

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Accordingly it would not conflict with Policy TA1B.

## **Drainage**

Policy EP6 also confirms that total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the Lunan catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

All applicants will be required to submit details of the proposed method of drainage with their application for planning consent and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:

(d) Drainage from all development should ensure no reduction in water quality.

(e) Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.

Note (2) contained within the policy notes that development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. Supplementary Guidance details the procedures to be adopted for drainage from development in the Lunan Valley area (produced by SEPA/SNH and the Council). This effectively seeks drainage mitigation measures to be incorporated into a proposal. As this is an in-principle application SNH and SEPA do not object to the application subject to conditional control being applied.

Conditional control would ensure compliance with Policy EP6 as well as Nature Conservation policies NE1A and NE1B.

## **Developer Contributions**

As this application is only “in principle” it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination

of appropriate contribution, if required, would be based on the status of the school when the full/reserved matters application is received.

### **Economic Impact**

There would be a limited positive economic impact associated with the construction phase of the development.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy EP6 - Lunan Valley Catchment Area of the Adopted Local Development Plan 2014 in that the proposal is not sufficiently robust in demonstrating that the proposed essential worker dwelling position within the farm holding is sited in the most appropriate location or would achieve a suitable landscape fit to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area.
- 2 If approved contrary to policy the proposal would set an undesirable precedent for similar developments within the Lunan Valley Catchment Area.

### **Justification**

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

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

16/00994/1

16/00994/2

16/00994/3

16/00994/4

16/00994/5

**Date of Report 11.07.2016**







1:2500 50m 100m 150m 200m

Grid Ref. NO 123 456

N

project

drawing

**New Dwelling House at  
Lettar Of Ballied Farm, Blairgowrie, PH10 6SL  
for Mr Iain Menzies**

**LOCATION PLAN**

date  
**22.11.2015**

scale  
**1 : 2500**

drawn  
**GD**

**MAK**  
architecture

32 Leslie Street Blairgowrie  
Perthshire Scotland PH10 6AH  
T: 01250876460 M: 07801010015  
E: mail@MAKarchitecture.com

job number

drawing number

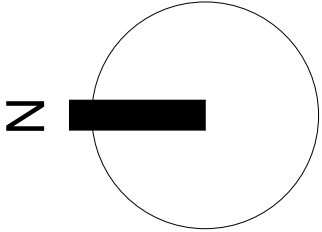
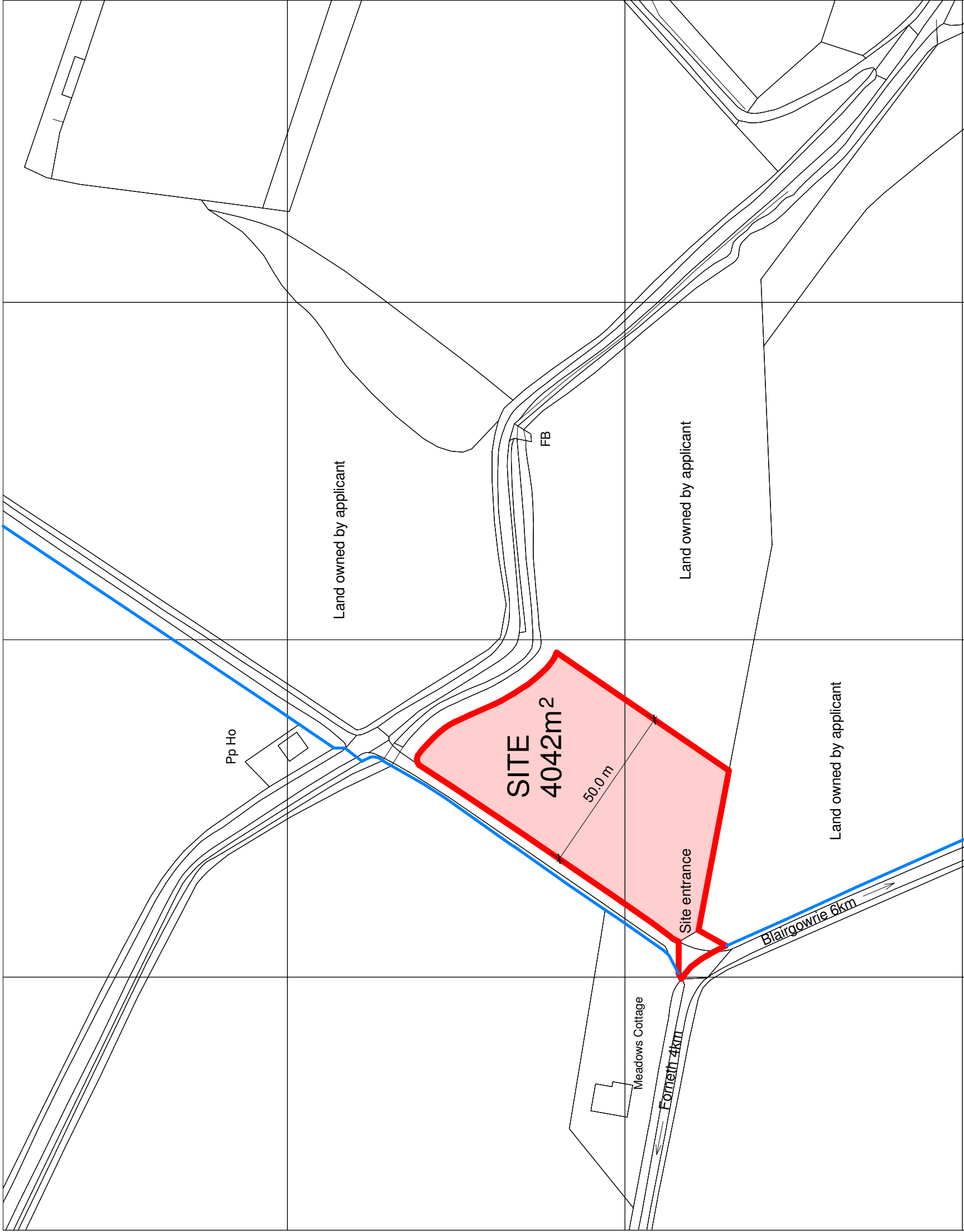
revision

**672**

**L01**

**A**





project

New Dwelling House at Letter Of Bailied Farm, Blairgowrie, PH10 6SL for Mr Iain Menzies			SITE PLAN		
date 07.12.2015		job number 672	scale 1 : 1250	drawn GD	revision
		L02		A	

**MAK**  
architecture  
32 Leslie Street Blairgowrie  
Perthshire Scotland PH10 6AH  
T: 01250876460 M: 07801010015  
E: mail@MAKarchitecture.com

drawing



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100014850-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of house for essential farm worker

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lettar of Ballied Farm
First Name: *	Iain	Building Number:	
Last Name: *	Menzies	Address 1 (Street): *	Kinloch
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Blairgowrie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH10 6SL
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Letter Of Ballied Farm

Address 2:

Forneth

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Blairgowrie

Post Code:

PH10 6SL

Please identify/describe the location of the site or sites

Northing

746075

Easting

312563

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

4042.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agriculture

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input type="checkbox"/> New/Altered septic tank.</p> <p><input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>Underground biodisc treatment plant to a ground soakaway</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Mark Myles

On behalf of: Mr Iain Menzies

Date: 02/06/2016

☒ Please tick here to certify this Certificate. \*



## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

SAC Essential Worker Justification Statement and Supporting Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Myles

Declaration Date: 02/06/2016



**SAC**  
CONSULTING

**Planning Proposal  
Justification**

**Lettar Of Ballied  
Blairgowrie  
Perthshire**

**PH10 6SL**  
**PERTH AND KINKROSS COUNCIL**

**DRAWING REF:** 16/00994/5 .

*SAC Consulting is a division of SRUC*

*Leading the way in Agriculture and Rural Research, Education and Consulting*

**Planning Proposal  
Justification**

**Lettar Of Ballied  
Blairgowrie  
Perthshire**

**PH10 6SL**  
**PERTH AND KINKROSS COUNCIL**

**DRAWING REF:** 16/00994/5 .



This report has been prepared exclusively for the use of **Messrs J Menzies & Sons** on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he/she does, then he/she relies on it at his/her own risk. No responsibility is accepted for any interpretation which may be made of the contents of this report.

Report prepared by:

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SAC  
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Ruthvenfield Road  
Inveralmond Industrial Estate  
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May 2016

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## INTRODUCTION

This report has been prepared at the request of Messrs J Menzies & Sons, Lettar of Ballied, Blairgowrie, Perthshire, to support an application for planning consent for a dwelling house on the lands of Lettar of Ballied.

Information was gathered by Peter Lindsay, SAC, Perth. Data for enterprise labour requirements is based on the UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments.

## SUMMARY & CONCLUSIONS

The business of Messrs J Menzies and Sons owns and farms the lands of Lettar of Ballied extending to around 74.01 hectares. A further 63.53 hectares of land is farmed on a tenanted basis at Easter Logie with an additional 22.87 hectares rented on a seasonal basis at West Park. In addition to this approximately 26 hectares of land is rented on a seasonal basis for growing potatoes from various local farms.

The business runs a herd of 60 suckler cows and grows 66 hectares of cereals and 44 hectares of potatoes which are sold mainly as seed.

With the presence of breeding livestock and a large number of lorries to be loaded with grain and potatoes it is essential that Iain Menzies resides on-farm.

All labour is provided by Sandy and Iain Menzies with casual labour used at harvest and for potato grading. The business has a total labour requirement of **3.77 standard labour units** and can therefore fully justify the provision of a second dwelling house for Iain Menzies to reside.

It is proposed to build a house close to the access road into Lettar of Ballied to enable vehicle movements to be monitored and livestock to be supervised.

**This report fully supports the application for the erection of a dwelling house at Lettar of Ballied.**

## BACKGROUND INFORMATION

The business of Messrs J Menzies & Sons owns and farms the lands of Lettar of Ballied. The business is a family run business consisting of Sandy Menzies and his son Ian Menzies.

Iain Menzies currently resides with his parents in the farmhouse at Lettar of Ballied which is the only dwelling house within the business. Iain would like to move out from his parents house, but, as he is integral in the running of the farm business he cannot live off-site. Sandy Menzies is approaching retirement age and although he is not planning to retire yet, Iain is taking over more of the day to day running of the business.

Lettar of Ballied Farm is situated around 4 miles to the West of Blairgowrie. The farm lies mainly within the Less Favoured Area (LFA) and extends to 74.01 hectares (fields 10 & 12-23 as shown on the IACS map in Appendix 1). A further 63.53 hectares of land is farmed on a tenanted basis at Easter Logie (fields 1-9 & 11) with an additional 22.87 hectares rented on a seasonal basis at West Park. In addition to this approximately 26 hectares of land is rented on a seasonal basis for growing potatoes from various local farms.

This takes the total area farmed by the business each year to around 186 hectares with typical cropping areas as follows.

		Owned / tenanted	Seasonal
Spring barley (malting)	-	43 hectares	23 hectares
Fallow	-	1 hectare	
Potatoes (mostly seed)	-	18 hectares	26 hectares
Silage (2 cuts)	-	20 hectares	
Improved grass	-	33 hectares	
Rough grazing	-	20 hectares	
Scrub / Other	-	2 hectares	
<b>Total</b>		<b>137 hectares</b>	<b>49 hectares</b>

The business also runs a herd of 60 suckler cows, ½ spring calving and ½ autumn calving. Spring born calves are sold the following spring as yearlings in the store ring at the market. Autumn born calves are retained on the farm to be finished and sold as prime cattle at 18 – 22 months of age. Most of the livestock are housed during the winter months.

All operations involved in livestock handling, potato and cereal growing are carried out by Sandy and Iain Menzies. Casual labour is hired for potato harvesting and the potato grading which is all carried out on-farm. In addition to the work on the farm 40 hectares of combining is done on a contract basis for a neighbour.

It is proposed to build a dwelling house on land owned by the business situated near the farm road into Lettar of Ballied. This dwelling house will enable Iain Menzies to reside close enough to the farm steading to oversee livestock and load lorries with potatoes etc as well as monitor vehicular access to the steadings.



## LABOUR PROFILE

Labour requirements for farming operations on Lettar of Ballied and the associated rented land are calculated and shown below (Based on UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments).

60 Suckler cows	@ 12 hours /animal	720 hours
56 Growing beef calves	@ 4 hours/animal	224 hours
28 Finishing cattle	@ 9 hours/animal	252 hours
20 ha Silage (2cuts)	@ 26 hours/ha	520 hours
33 ha Grassland	@ 4 hours/ha	132 hours
20 ha Rough grazing	@ 1.5 hours/ha	30 hours
44 ha Potatoes (maincrop)	@ 90 hours/ha	3,960 hours
66 ha Cereals	@ 20 hours/ha	1,320 hours
<b>Total</b>		<b>7,158 hours</b>

The labour profile above shows that this business has a total labour requirement of **7,158 hours/annum.**

The UK Agricultural Departments agreed in the "UK Farm Classification System and Topology" (January 2005) that a Standard Labour Unit should equate to 1900 hours/annum. This is calculated on the assumption that a person working full time in agriculture would work 237.5 standard working days per year to include an element of overtime as well as taking into account public holidays weekends and illness. A standard man day is taken as 8 hours and it is the widely accepted standard in agriculture.

Where this standard is applied the Labour Profile calculates that the business of Messrs J Menzies & Sons requires the equivalent of **3.77 standard labour units** in order to operate.

Of this total, 460 hours are from seasonally rented land for cereals (23 ha @ 20 hours), which equates to 0.24 labour units. 2,340 hours are from seasonally rented land for potatoes (26 ha @ 90 hours) which equates to 1.23 labour units.

If the business failed to seasonally rent any land then the labour requirement would be 2.3 labour units. Whilst it is possible that the business could lose the seasonal land for growing cereals it is highly unlikely that the business would be unable to source land on a seasonal basis to grow potatoes. There are in fact a number of potato growers who rent all or a high percentage of the land they use to produce potatoes.

At present Sandy and Iain Menzies both work full time within the business. Where they work a standard 1,900 hours/annum, 3,358 hours would have to be supplied by additional use of contractors or casual labour.

### **THE NEED FOR ON-SITE ACCOMMODATION**

The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock. Mature cattle must be inspected at least once per day, calves at least twice and continuous care may be required for any ill or injured animals. 24 hour supervision is required during the calving period so that any problems can be dealt with swiftly and the vet called if necessary.

With 44 hectares of potatoes and 66 hectares of cereals grown on the farm a large number of lorries need to be loaded each year. Lorries can arrive at any time of the day, often unannounced and frequently in the early mornings or late at night. It is vital to the business that someone is available at all times to load these lorries and deal with the associated paperwork.

Whilst animal welfare is the primary issue of concern, security is an important secondary consideration given the reasonably close proximity to Blairgowrie. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded.

The proposed site for a dwelling house is close to the farm steading, positioned at the entrance where it should act as a deterrent to intruders and where vehicle movements can easily be monitored and attended to.

## Appendix 1

IACS map





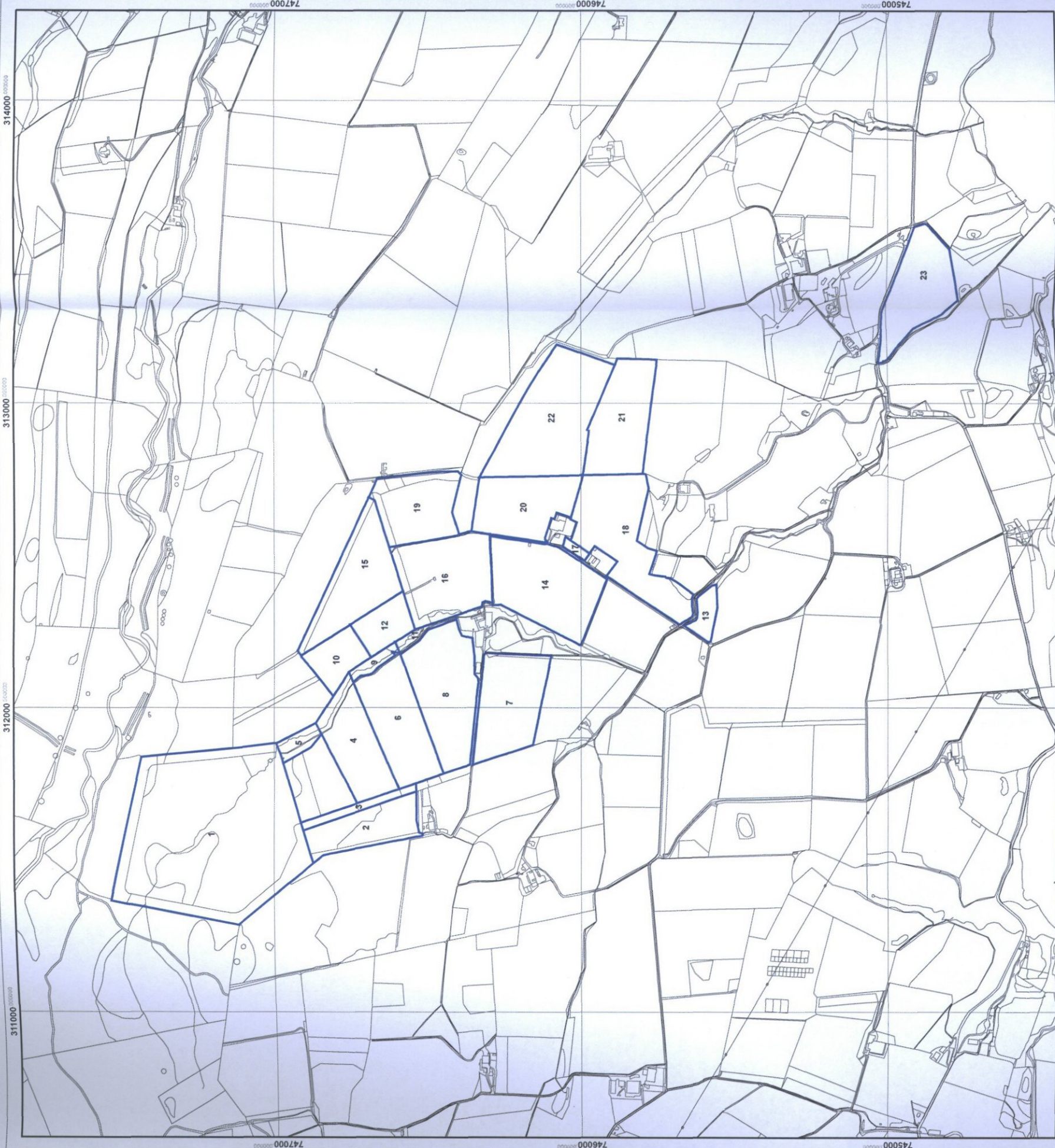
Rural Payments and Inspections Directorate

Location Code 670/0010

MasterMap 1 of 1

Land Parcel System Version Date : 26 April 2016

© Crown Copyright

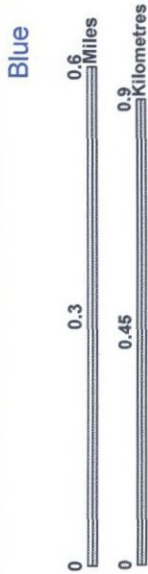


Counter	Land Parcel Identifier	Area(Ha)
1	NO/11588/47201	29.05
2	NO/11605/46701	4.41
3	NO/11673/46725	1.03
4	NO/11875/46742	5.51
5	NO/11885/46920	0.9
6	NO/11949/46594	6.62
7	NO/12009/46243	6.7
8	NO/12054/46442	8.08
9	NO/12147/46674	0.68
10	NO/12160/46797	2.53
11	NO/12237/46531	0.55
12	NO/12270/46641	2.39
13	NO/12305/45598	1.06
14	NO/12395/46122	8.69
15	NO/12415/46733	7.01
16	NO/12431/46444	7.68
17	NO/12517/46000	0.27
18	NO/12551/45854	8.92
19	NO/12659/46534	5.64
20	NO/12664/46178	5.97
21	NO/12939/45874	6.62
22	NO/12960/46105	10.82
23	NO/13380/44892	6.41

Total Area: 137.54 Ha

Scale 1:10,000

1 cm = 100 Metres  
1 cm = 109 Yards  
1 inch = 278 Yards



Blue Land Parcel Boundary

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## Area Offices

- Ayr  
t: 01292 525252,  
e: FRBSAyr@sac.co.uk
- Balivanich  
t: 01870 602336,  
e: FRBSBalivanich@sac.co.uk
- Campbeltown  
t: 01586 552502,  
e: FRBSCampbeltown@sac.co.uk
- Cupar  
t: 01334 654055,  
e: FRBSCupar@sac.co.uk
- Dumfries  
t: 01387 261172,  
e: FRBSDumfries@sac.co.uk
- Edinburgh  
t: 0131 603 7520  
e: FRBSEdinburgh@sac.co.uk
- Elgin  
t: 01343 548787,  
e: FRBSElgin@sac.co.uk
- Forfar  
t: 01307 464033,  
e: FRBSForfar@sac.co.uk
- Inverness  
t: 01463 233266,  
e: FRBSInverness@sac.co.uk
- Kendal  
t: 01539 566224  
e: FRBSKendall@sac.co.uk
- Kirkwall  
t: 01856 872698,  
e: FRBSKirkwall@sac.co.uk
- Lanark  
t: 01555 662562,  
e: FRBSLanark@sac.co.uk
- Lerwick  
t: 01595 693520,  
e: FRBSLerwick@sac.co.uk
- Oban  
t: 01631 563093,  
e: FRBSOban@sac.co.uk
- Perth  
t: 01738 636611,  
e: FRBSPerth@sac.co.uk
- Portree  
t: 01478 612993,  
e: FRBSPortree@sac.co.uk
- St Boswells  
t: 01835 823322,  
e: FRBSStBoswells@sac.co.uk
- Stirling  
t: 01786 450964,  
e: FRBSStirling@sac.co.uk
- Stonehaven  
t: 01569 762305,  
e: FRBSStonehaven@sac.co.uk
- Stornoway  
t: 01851 703103,  
e: FRBSStornoway@sac.co.uk
- Stranraer  
t: 01776 702649,  
e: FRBSStranraer@sac.co.uk

- Thainstone  
t: 01467 625385,  
e: FRBSThainstone@sac.co.uk
- Thurso  
t: 01847 892719,  
e: FRBSThurso@sac.co.uk
- Turriff  
t: 01888 563333,  
e: FRBSTurriff@sac.co.uk
- Wooler  
t: 01668 283363,  
e: FRBSWooler@sac.co.uk



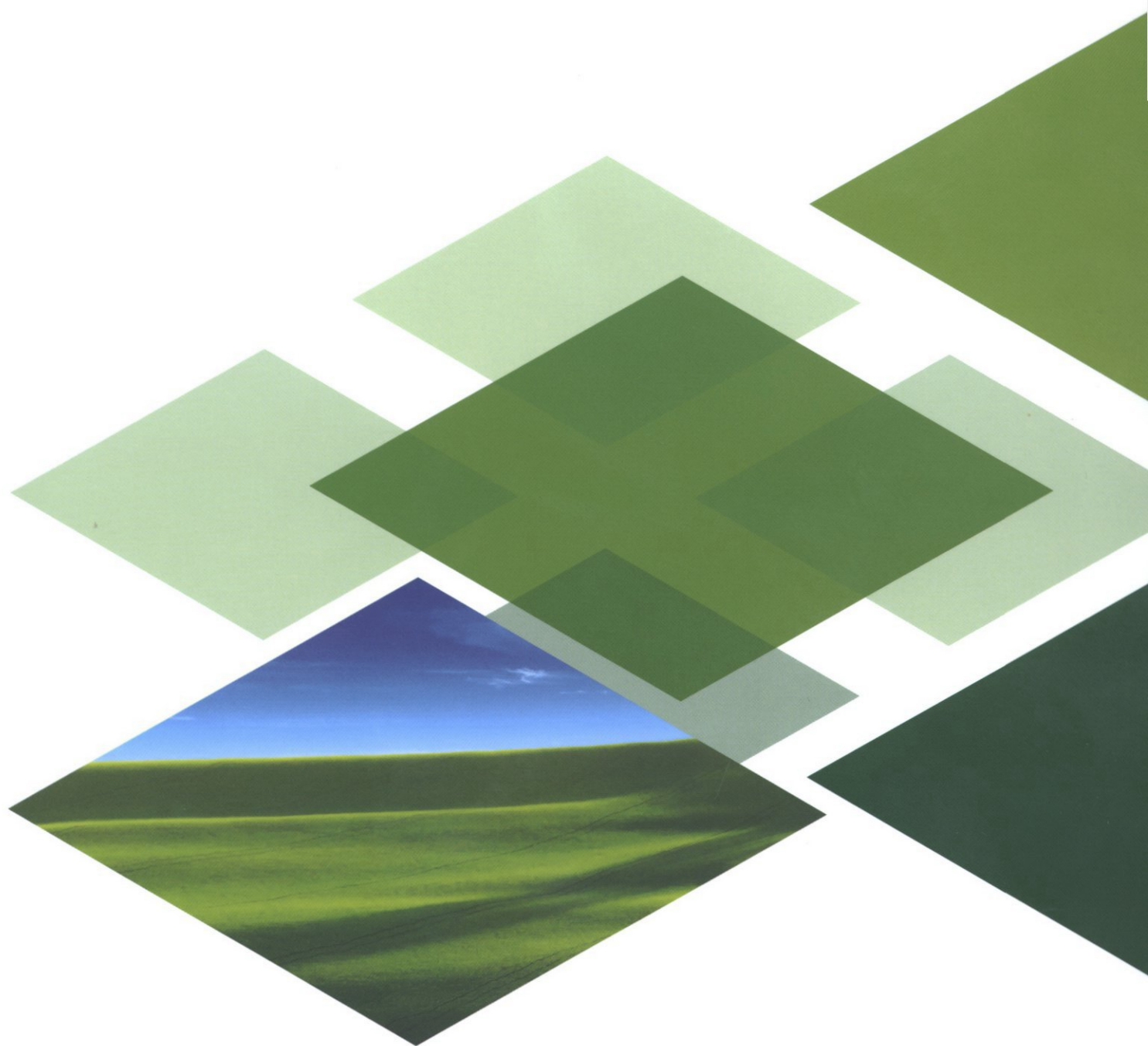
## SAC Veterinary Disease Surveillance Centres

- Aberdeen  
t: 01224 711177,  
e: VCAberdeen@sac.co.uk
- Ayr  
t: 01292 520318,  
e: VCAyr@sac.co.uk
- Dumfries  
t: 01387 267260,  
e: VCDumfries@sac.co.uk
- Edinburgh  
t: 0131 535 3130,  
e: VCEdinburgh@sac.co.uk
- Inverness  
t: 01463 243030,  
e: VCIverness@sac.co.uk
- Perth  
t: 01738 629167,  
e: VCPerth@sac.co.uk
- St Boswells  
t: 01835 822456,  
e: VCSTBoswells@sac.co.uk
- Thurso  
t: 01847 892602,  
e: VCThurso@sac.co.uk
- SAC Environment & Design  
t: 0131 603 7500,  
e: environmentanddesign@sac.co.uk
- SAC Food & Drink  
t: 01224 711250,  
e: foodanddrink@sac.co.uk
- Marketing & Business Development  
t: 01224 711049,  
e: ceri.ritchie@sac.co.uk

[www.sac.co.uk](http://www.sac.co.uk)

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## **Planning Policy Statement**

### **Planning Permission in Principle for Erection of House at**

#### **Lettar of Ballied Blairgowrie**

**For Mr Iain Menzies**

**June 2016**

## **1. Introduction**

- 1.1 This supporting statement should be read in conjunction with the planning application submitted by MBM Planning on behalf of Mr Iain Menzies for the erection of a house on land at Lettar of Ballied, Blairgowrie.
- 1.2 The planning application requires to be considered under the terms of the development plan policy (in particular Policies RD3 and EP6 of the Perth & Kinross Local Development Plan) but also the relevant Supplementary Guidance on Housing in the Countryside (November 2012) that was approved by Perth & Kinross Council in October 2014 as well as Scottish Planning Policy and related Advice Notes.
- 1.3 An updated report prepared by SAC (dated May 2016) confirming the operational reasons for the additional house on the farm, also accompanies this planning application. This is submitted as further clarification on the need for an essential worker dwelling.
- 1.4 Additional information on the prohibitive costs of relocating an overhead power line on an alternative site (parcel 17) which had been suggested by the planning officer during determination of the previous application 15/02052/IPL, is also included in support of this revised application.



## **2. Development Plan Policy**

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2012 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2014.
- 2.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application.
- 2.4 The principle of erecting a house on this site is required to be considered under the terms of Policy EP6 – Lunan Valley Catchment Area where the nature conservation and landscape interest of the Lunan Valley will be protected and enhanced in accordance with set criteria. Within the Lunan Valley Area, Policy RD3 – Housing in the Countryside is restricted to proposals only involving economic need or renovation or replacement of buildings.
- 2.5 This proposal requires to be considered under the terms of the category c) of RD3 which relates to 'new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance.' Section 3 in the associated guidance lists the following categories; existing gardens, flood risk, economic activity, houses for local people and pilot projects creating eco-friendly houses.
- 2.6 This application therefore requires to be considered under the terms of category 3.3a). economic activity or operational need of the guidance. It states that 'a house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the council that there is a need for the house. In this case the need has been demonstrated via the accompanying updated SAC report.
- 2.7 Policy PM1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place.

### **3 Material Considerations**

3.1 In addition to the development plan policy referred to in section 2, the other key material considerations which require to be considered as part of the assessment of this planning application are as follows;

- Scottish Planning Policy – June 2014
- Planning Advice Note 72 – Housing in the Countryside – February 2005
- Perth & Kinross Council – Housing in the Countryside Policy – November 2012
- Letter from Chief Planner to Local Authorities dated 4<sup>th</sup> November 2011 on Occupancy Conditions and Rural Housing

#### **Scottish Planning Policy**

3.2 SPP is an important material consideration as its publication post dates both the approved Structure Plan and Local Development plan.

3.3 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

3.4 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*

3.5 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

#### **Planning Advice Note 72 – Housing in the Countryside**

3.6 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.

3.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'*

- 3.8 The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*
- 3.9 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

**Perth & Kinross Council Housing in the Countryside Supplementary Guidance - November 2012**

- 3.10 As noted in section 2 above, of the 6 categories contained within the 2012 guidance, it is clear that this planning application requires to be assessed under the terms of Category 3.3 which provides for favourable consideration to be given to houses required in association with an economic or farming activity. The report prepared by SAC (May 2016) that accompanies this planning application provides the necessary justification (3.77 standard labour units) for an additional employee to be able to reside in a house on the farm.

**Advice from Chief Planner – November 2011**

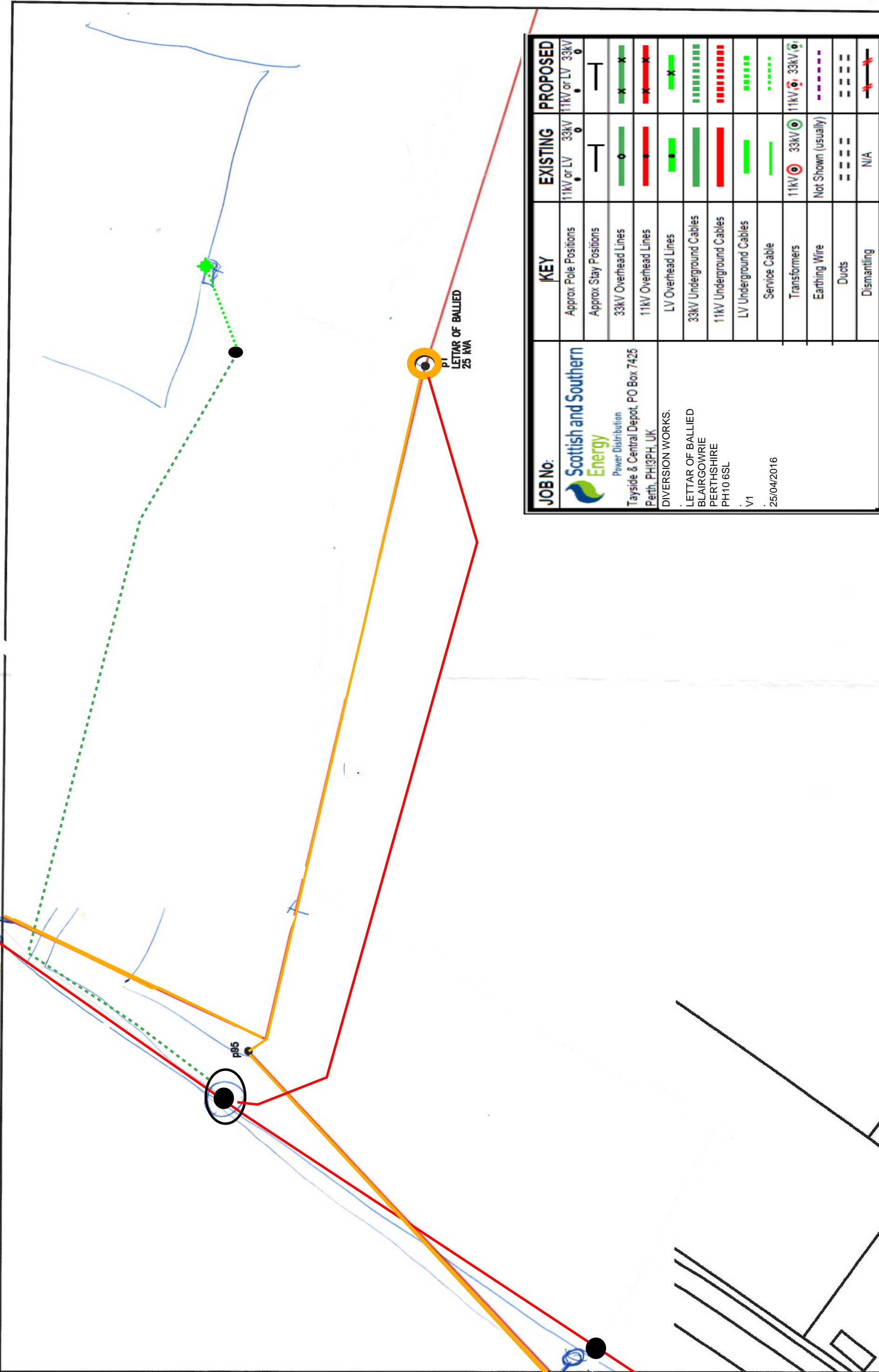
- 3.11 The letter issued to Local Authorities by the Chief Planner in November 2011 reiterated that the Scottish Government's Planning Policy is to promote a positive approach to rural housing and to support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. The Scottish Government's approach is not to promote the use of occupancy conditions and the guidance clearly states that 'the Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided. So where a planning authority is satisfied that an adequate case has been made for a house in a rural area then it should not be necessary to use formal mechanisms to restrict the occupancy.'

## **4 Assessment of Proposals**

- 4.1 This planning application seeks consent for a house to be erected at Lettar of Ballied Farm so that an additional full time employee can reside on the farm. The applicant currently resides with his parents in the farmhouse which is the only dwellinghouse with the farm business. The father is approaching retirement age and although he is not planning to retire yet, the applicant is taking over more of the day to day running of the business. The proposed location for the house set against sloping ground and trees to the north, adjacent to the access road and at the entrance of the farm will greatly assist with on site security, animal welfare, all vehicles movements and general day to day farming activities.
- 4.2 The proposal is considered to meet the terms of Policies EP6 and RD3 of the Local Plan and also Category 3 of the HICP 2012 in that the operational need for a house is justified and supported by the accompanying SAC report and there are no uses in the vicinity of the site which would prevent the achievement of an adequate standard of amenity for the proposed house.
- 4.3 When assessing the criteria listed in Policy PM1, in combination with the siting criteria set out in HICP 2012, the proposed site is set against rising ground and woodland to the north which is capable of absorbing the development. Additional landscape enhancement on the eastern boundary can be provided through the imposition of a planning condition.
- 4.4 As part of the consideration of the previous application 15/02052/IPL the planning officer considered that there may be an opportunity to reconsider the proposed siting for the house to a parcel of land (parcel 17) between the existing farm and Gauldmyre. However an overhead power line currently runs across that site and the applicants therefore sought a quote from Scottish & Southern Energy to obtain a cost on relocating this line. As can be seen from the attached supporting information obtained from SSE the overall cost would be in the region of £57,000 - £62,000. This burden would be completely prohibitive to the farm business and to the building of the essential house and therefore renders that potential site unsuitable.
- 4.5 The applicants have therefore decided to pursue the proposed site which is free from such financial constraints and at the same time would allow the applicants to reside close enough to the farm steading to oversee livestock and load lorries and also to monitor vehicular access to the steadings and wider farmland. As this is an application in principle the council are able to place controls on the scale, form, colour and design of the house.
- 4.6 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the single house. There is also no flood risk associated with this site.

## **5 Conclusions**

- 5.1 The application seeks consent to erect a house at Lettar of Ballied on the basis of an economic need as evidenced by the accompanying detailed SAC report.
- 5.2 The development of a house on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 5.3 It is considered that there are sufficient and justifiable reasons for allowing the proposed house as it would be consistent with the key policy considerations (policies EP6 and RD3 in the adopted development plan) and also the economic activity category of the council's Housing in the Countryside Guidance – November 2012.
- 5.4 The development will not impact on the amenity of other properties (Meadows Cottage is located on the opposite side of the farm access and on slightly higher ground). Suitable access and visibility to the public road can be provided immediately adjacent to the application site boundary. The application can also be consistent with the criteria set out in Policy PM1 of the adopted development plan and the siting criteria set out in HICP – November 2012.
- 5.5 There are no other technical difficulties or infrastructure issues raised by this application.
- 5.6 In terms of any occupancy condition, the most recent guidance from the Scottish Government and Scottish Planning Policy highlight the reasons why imposing such conditions are no longer deemed necessary or appropriate.
- 5.7 In summary the planning application can therefore be supported under the terms of the Housing in the Countryside Policy – November 2012 as well as being in conformity with SPP, PAN 72, and the relevant policies within the development plan, subject to any conditions and developer contributions that may be considered necessary by the council.



JOB No:	KEY	EXISTING	PROPOSED
Scottish and Southern Power Distribution Tayside & Central Depot, PO Box 7425 Perth, PH13PH, UK  DIVERSION WORKS.  LETAR OF BALLIED BLAIRGOWRIE PERTHSHIRE PH10 6SL  V1  25/04/2016	Approx Pole Positions	11kV or LV 33kV	11kV or LV 33kV
	Approx Stay Positions		
	33kV Overhead Lines		
	11kV Overhead Lines		
	LV Overhead Lines		
	33kV Underground Cables		
	11kV Underground Cables		
	LV Underground Cables		
	Service Cable		
	Transformers	11kV 33kV	11kV 33kV
	Earthing Wire	Not Shown (usually)	
	Ducts		
	Dismantling	N/A	

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274

25/04/2016

no1246ses, no1245nwn  
no1245nen, no1246sww

EFQ814/1

Scale: 1:500

North Arrow

>>>

Scottish and Southern  
Energy  
Power Distribution

Redlined Office 200 Drawn 2nd Perth PH1 3AQ. Redlined in Scotland by 117119

**Our reference: EFQ814 V1**

**Your reference:**

JAMES MENZIES AND SONS  
IAIN MENZIES  
LETTAR OF BALLIED  
BLAIRGOWRIE  
PERTSHIRE  
PH10 6SL

Tayside and Central Depot  
Inveralmond Industrial Estate  
Perth  
PH1 3AF



01382 882869



rashah.mitchell@sse.com



www.ssepd.co.uk

Date 25 /04/2016

Dear Mr Menzies

**Budget estimate for diversion works at : LETTAR OF BALLIED, BLAIRGOWRIE,  
PERTSHIRE, PH10 6SL**

Thank you for your recent enquiry. I am pleased to provide you with my budget estimate for new electricity connections at the above development. I have enclosed an initial plan for your information. My initial proposals will be subject to our obtaining all necessary legal consents to carry out the work, including any consent required from third parties.



**57,000 – 62,000**

This budget estimate does not constitute an offer of terms



The budget estimate has been calculated based on a high level assessment, my local knowledge and experience, the information you have provided and the assumptions listed overleaf. It is my best estimate of the costs you would incur for this proposal and is intended for budgetary proposes only.



You should be aware that this estimate reflects the current situation and cannot be guaranteed into the future. Before making any financial commitments based on the indicative price above, please contact me to request a firm quotation.

Scottish Hydro Electric Power Distribution plc is the Distribution Network Operator (DNO) for the area in which your project is located. There are Independent Connection Providers (ICPs) and Independent Distribution Network Operators (IDNOs) who may be able to provide you with an alternative quotation to carry out some of this work. Please refer to [www.lloydsregister.co.uk](http://www.lloydsregister.co.uk) for further details.

I trust the information I have provided is of assistance and if I can help further please do not hesitate to contact me. Alternatively, you may find answers to any questions you have on our web site [www.ssepd.co.uk](http://www.ssepd.co.uk).

Yours sincerely,

Rashah Mitchell  
Connections Quoter

## Description of proposed works and assumptions

The proposal is to dismantle existing 3x span of 11 kV overhead and remove pole (1) and , (95) and reposition further , swing existing conductor over to proposed new pole and erected existing transformer on proposed new pole 95back on this proposed pole

Take a HV pole connection off proposed new stout termal pole in place of pole 1 and lay underground mains cable and connect up to pole proposed new pole 95.

Take a pole connection form existing PMT pole (95) and lay Mains cable and service joint existing service back on.

SSEPD to excavate and reinstate all track as per customer request

## Guaranteed Standards of Performance

The Guaranteed Standards of Performance are guaranteed standards of service levels that must be met by each distribution company. These standards have been set to guarantee a level of service that is reasonable to expect companies to deliver in all cases.

If the distribution company fails to meet the level of service required, it must make a **payment** to the customer subject to certain exemptions. These guaranteed standards of performance cover:

<b>Segment</b>	<b>Working days</b>	<b>If not met compensation is</b>
<u>Quotation timescale</u>	5-65 dependent on segment	£15-£200 per working day
<u>Contact following acceptance</u>	7-15 dependent on segment	£15-£200 per working day
<u>Commencement of works</u>	Per agreed date	£25 per working day
<u>Completion of works</u>	Per agreed date	£135-£270 per working day
<u>Energisation</u>	Per agreed date	£135-£270 per working day

If you are interested in more information and finding out exactly which compensation level applies to your connection, visit the Gov.uk website: <http://www.legislation.gov.uk/ukxi/2015/698/made>



## Safety

We ask you to take note of the following.

In accordance with the Health and Safety Executive Guidance Note GS6, you are required to take every precaution to ensure that cranes, tipper lorries, scaffolding, ladders and other plant employed on your works are kept at a safe distance from overhead electric lines and their supports and that such supports are not disturbed by excavations. Goal posts with height restriction will need to be placed at appropriate locations for vehicles passing underneath Scottish and Southern Energy Power Distribution's overhead lines.

In accordance with Health and Safety Executive Guidance Note HSG47 care will also be necessary when digging in proximity to underground cables, particular if mechanical excavators are used.

Overhead lines, underground cables and other electrical plant must be regarded as being "live". Before commencing work in proximity to such plant written notification must be given to Scottish and Southern Energy Power Distribution.

If during the course of your works, any cable should be damaged by you/or your contractors, then this fact must be reported to our Emergency Service Centre on 0800 300 999 (Scottish Hydro Electric Power Distribution plc) immediately. The cost of any repairs will be fully rechargeable.

## Locating cables on site

The drawings that I have enclosed with this quotation are not suitable for locating cables on site. To obtain the latest copies of our cable records please send a plan of the area in question together with your contact details to:

Mapping Services  
Scottish and Southern Energy Power Distribution  
P O Box 6206  
BASINGSTOKE  
RG24 8BW

Tel: 01256 337294  
Fax: 01256 337295

requesting details of any Scottish and Southern Energy Power Distribution plant and cables in the area. You must excavate hand-dug trial holes to establish the actual positions of all cables before any mechanical excavation works commence.



**From:**Mark Myles

**Sent:**11 Jul 2016 12:51:29 +0100

**To:**John Russell

**Subject:**RE: 16/00994/IPL - Land 90 Metres North East Of Meadows Cottage, Forneth.

Hi John

That's spooky I was just drafting the response.

Thank you for your recent telephone call and emails in respect of the above planning application which is appreciated.

I've noted your comments in respect of the labour requirement being robust for the erection of an essential workers dwelling.

In terms of the proposed siting there are a number of reasons why the applicants selected the application site over other potential options closer to the main farm buildings.

As you have noted the field in front of the farm (land parcel no.17) is not a feasible option due to the costs associated with the re-routing of the electricity line that runs adjacent. The adjacent areas in land parcel nos. 18 and 20 are also unsuitable as these would potentially prejudice and limit the scope to extend the farmyard or erect any additional farm buildings in the future. Any development in land parcel no.14 would extend built development further to the west of the farm buildings and also beyond the western side of the farm access road for the first time.

Land parcel numbers 14, 18 and 20 also have a higher value, as crops are grown in each of these fields and the proposed house would cut into these larger fields which would result in less crops being grown. These alternatives are also situated at a higher contour line than the preferred site and would be more visible from distance in the wider landscape.

In contrast the application site (on land parcel no. 13) is part of a 1.06 ha field that is one of the smallest fields on the farm. Due to its size it is only used for the grazing of 4 cows and the loss of some of this site for the erection of the house would not compromise the grazing for these cattle.

Having the house located at the proposed site at the bottom of the farm road and at the entrance to the farm will also help in directing potato lorries and security of the entrance to the farm. Being positioned at the entrance will act as a deterrent to intruders and where vehicle movements can be easily monitored and attended to and at the same time will allow the applicants to reside close enough to the farm steading (only 2 minutes away) to oversee livestock.

As highlighted in our supporting statement the proposed site is set against rising ground and woodland to the north and also immediately adjacent to the neighbouring property to the west (Meadows Cottage) which sits on slightly higher ground. Being located adjacent to the public road and adjacent to an existing property will therefore help to minimise the visual impact of the development in the landscape in accordance with Policy EP6 and importantly at the same time reduces the servicing costs for the house.

I trust this response is helpful and assists your further consideration of the planning application.

Many thanks

Kind regards

Mark Myles

MBM Planning & Development

Algo Business Centre

Glenearn Road

PERTH

PH2 0NJ

01738 450506

07887 801965

**From:** John Russell [REDACTED]  
**Sent:** Monday, July 11, 2016 12:44 PM  
**To:** Mark Myles <mm@mbmplanning.co.uk>  
**Subject:** RE: 16/00994/IPL - Land 90 Metres North East Of Meadows Cottage, Forneth.

Mark,

Sorry, I should have asked if you could provide me with a likely timescale for responding in my previous e-mail as I am looking to determine the application within the 2 month period.

Thanks.

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

The Environment Service

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

[REDACTED]

[REDACTED]

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**From:** John Russell  
**Sent:** 07 July 2016 13:58  
**To:** [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)  
**Subject:** 16/00994/IPL - Land 90 Metres North East Of Meadows Cottage, Forneth.

Afternoon Mark,

**16/00994/IPL - Land 90 Metres North East Of Meadows Cottage, Forneth.**

Thanks for taking my call today. As discussed I have reviewed the submission and I have the following comments/thoughts on the application. I would welcome your comments before I progress with making a recommendation on the application.

The updated SAC report provides clarity. The labour requirement for the farm unit is now robust and it warrants the erection of a further essential workers dwelling on the farm holding.

I note you have looked into erecting the essential workers dwelling on land parcel 17 between the existing farm and Gauldmyre. I have reviewed the SSE information associated with the relocation of services. While technically feasible the relocation of the infrastructure to accommodate an essential workers dwelling would be costly and I accept that this discounts this particular parcel of the farm holding.

I am still struggling to grasp how the siting of an essential workers dwelling on the proposed site at some 0.5km distant from the farm complex will assist the efficient operation of the farm business when taking account of livestock husbandry requirements and supervision/security of the farm buildings. As most essential workers dwelling applications look to have these properties beside the exiting farm buildings.

Are you able to provide any further comments on why the chosen site is better from an operational perspective?

I consider that siting the essential dwelling next to the farm grouping would achieve a better landscape fit and sit comfortably with policy EP6. Can you advise why siting the essential dwelling next to the farm complex has been discounted?

Thanks in advance.

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

The Environment Service

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

[REDACTED]

[REDACTED]

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General enquiries to TACTRAN should be made to [info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

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**TCP/11/16(427)**  
**Planning Application – 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 231-232)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 233-243)*

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 245-246 and 255-274)*



**TCP/11/16(427)**

**Planning Application – 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth**

## **REPRESENTATIONS**



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/00994/IPL	<b>Comments provided by</b>	E McMillan
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 90 Metres North East Of Meadows Cottage Forneth for Mr Iain Menzies		
<b>Comments on the proposal</b>	<p>As this is an In Principle application there is no information on the proposed location within the site of the dwelling house. Due to the proximity of the site to the Cattymill Burn and the extents of the indicative 1 in 200 year SEPA flood map we would recommend the location of the house is situated within the south western half of the site, towards the site entrance.</p> <p>We would also recommend that any SUDS features or private drainage arrangements are located out with the limit of the 1 in 200 year flood envelope.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	SEPA Flood Maps (via SEPA website)		
<b>Date comments returned</b>	13/6/2016		



**From:**Nicki McIntyre  
**Sent:**22 Jun 2016 16:02:42 +0100  
**To:**John Russell  
**Cc:**Development Management - Generic Email Account  
**Subject:**Erection of a dwellinghouse (in principle), Land 90 Metres North East Of Meadows Cottage  
Forneth , 16/00994/IPL

Dear John

Thank-you for your email requesting our comments on the above consultation.

In our response to the previous application, 15/02052/IPL, we submitted advice in regards to the impact to the protected interests of the Dunkeld-Blairgowrie Lochs Special Area of Conservation, specifically in regards to nutrient enrichment arising from foul drainage. This current application does not address this issue, therefore, I refer you to our previous response, dated 16 December 2015.

Regards

Nicki

Nicki McIntyre | Operations Officer | Tayside & Grampian Area | Scottish Natural Heritage | Battleby |  
Perth | PH1 3EW | Direct Dial 01738 458591 | Switchboard 01738 444177

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## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Mr Nick Brian  
Development Quality Manager  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

16 December 2015

Our ref: SIT/SAC/Dunkeld-Blairgowrie Lochs/ASS  
SIT/SSSI/Lochs Clunie and Marlee/ASS  
Your ref: 15/02052/IPL

Dear Mr Brian

### **Town and Country Planning (Scotland) Act 1997**

#### **Erection of a dwellinghouse (in principle), Land 90 Metres North East of Meadows Cottage, Forneth**

Thank-you for your letter of 10 December seeking our comments in respect of the above planning application.

#### **Summary**

##### **Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below.**

#### **Appraisal of the Impacts of the proposal and advice**

##### **Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

The proposed development lies within the catchment of the Dunkeld-Blairgowrie Lochs SAC.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"), as amended, apply. A summary of Scottish Government policy can be found on our website: (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the qualifying interests of the SAC. These lochs, into which effluent from the development would drain, are of particular importance for their habitats and species. Moderately-enriched water bodies and the aquatic plant, slender naiad, are now rare and threatened in the UK as a result of nutrient enrichment from man-made sources, including housing developments and agriculture. Consequently, Perth & Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.



INVESTOR IN PEOPLE

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW  
Tel 01738 444177 Fax 01738 45 8611 [www.snh.org.uk](http://www.snh.org.uk)

To help you do this we advise that in our view, on the basis of the appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation then the proposal will not adversely affect the integrity of the site:

- The drainage strategy should be revised to clearly demonstrate that there will be no increase in phosphorous loading to the catchment. This is likely to require a reduction in phosphorus loading from other properties in the area to offset any increase from this development.

You may wish to carry out further appraisal before completing the appropriate assessment.

Further details of the appraisal we carried out are in Annex 1.

**If you are minded to grant planning permission against our advice, you should notify the Scottish Ministers.**

#### **European Protected Species – Slender Naiad**

Please note that Slender Naiad is also a European Protected Species (EPS), and is therefore afforded further protection under the Habitats Regulations. The legislative requirements relating to EPS are detailed in Annex 2.

#### **Lochs Clunie & Marlee SSSI**

The lochs and associated botanical interest of the SSSI are also likely to be adversely affected by the proposal for the reasons outlined above for the SAC interest.

The contact for this consultation is Nicki McIntyre, email [nicki.mcintyre@snh.gov.uk](mailto:nicki.mcintyre@snh.gov.uk) or telephone 01738 458591.

I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

(via email)

**Gavin Clark**

Operations Manager

Tayside and Grampian

[Gavin.clark@snh.gov.uk](mailto:Gavin.clark@snh.gov.uk)

## **Annex 1 - SNH Appraisal of the Proposals**

### **Appraisal of the likely impacts to the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of our website at <http://gateway.snh.gov.uk/sitelink/index.jsp>.

#### **Dunkeld-Blairgowrie Lochs SAC**

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the 'Habitats Regulations') apply. Further details of the legislative requirements can be found at: <http://www.snh.gov.uk/docs/A423286.pdf>.

The proposal is not directly connected with, or necessary to, conservation management of the site.

The proposal comprises the erection of a dwellinghouse on land to the north-east of Meadows Cottage on land within the Lettbar of Ballied farm.

The planning application does not provide phosphorous mitigation for this proposal, therefore, in our view, this proposal is likely to have a significant effect on the qualifying interests of the site. As a consequence, Perth and Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is likely that the proposal will have a significant indirect effect on the qualifying interests of the SAC due to the increase in phosphorus released into the catchment. Eutrophication, which leads to deterioration in water quality, has been an issue in these lochs for a considerable length of time. These problems result in higher pH, phosphate and nitrate levels and increased turbidity through suspended algal growth. The combination of these factors leads to decreased water clarity and reduced photosynthesis, resulting in a serious decline in the botanical interest of the SAC, including the slender naiad population. Slender naiad monitoring in September 2007 found a healthy slender naiad population in Loch of the Lowes, two plants in Marlee Loch and none in Lochs Craiglush, Butterstone and Clunie, overall, a considerable crash in population from the 2004 survey. Any further increase in the phosphorus loading to the lochs could further damage any chance of the slender naiad population recovering.

Research work by the Scottish Environment Protection Agency (2004) and Edinburgh University (2005) has demonstrated that the two most significant contributions to the increased phosphorus loads in the catchment are run-off from agricultural land and septic tanks. To address this issue we introduced a catchment management scheme in 2004 to reduce phosphate pollution from farming. Due to reductions of run-off from agricultural land the lochs showed early signs of recovery, however, recent excessively wet winters have reversed this trend, demonstrating how fragile the recovery had been.

Nutrient enrichment arising from the foul drainage associated with these types of development tends to be long lasting and difficult to reverse. It is, therefore, essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the lochs. The proposed drainage strategy for this development, which comprises a biodisc, treatment plant to a soakaway, will result in an increase in phosphorous loading to the catchment if mitigation is not provided.

## Annex 2 - Legal Position in Relation to European Protected Species – Slender naiad

Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (Habitats Regulations) provide full protection for certain animal and plant species. The species identified above are referred to as European protected species and are listed on Schedules 2 (animals) and 4 (plants) of the Habitats Regulations.

This means it is illegal to:

- Deliberately or recklessly capture, injure or kill a European protected species of wild animal or to deliberately or recklessly (i) harass an animal or group of animals; (ii) disturb an animal while it's occupying a structure or place used for shelter or protection; (iii) disturb an animal while it's rearing or otherwise caring for its young; (iv) obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place; (v) disturb an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; (vi) disturb an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- Deliberately or recklessly take or destroy its egg
- Deliberately or recklessly disturb any cetacean
- Damage or destroy the breeding sites or resting places of such animals
- Deliberately or recklessly pick, collect, cut, uproot or destroy European protected species of wild plant

Where it is proposed to carry out works which will affect European protected species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority (in this case likely to be Scottish Government). It is strongly advised that you refer to the Scottish Government information on the current interim licensing arrangements, which can be found in the document *European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements*, (October 2001) before applying for a licence. Copies of this are available at <http://www.scotland.gov.uk/library3/environment/epsq-00.asp> or by writing to the Landscape and Habitats Division, Room GH 93, Victoria Quay, Edinburgh EH6 6QQ or by telephoning 0131 244 7140.

As highlighted in the Interim Guidance, three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) to permit otherwise prohibited acts. An application for a licence will fail unless all of the three tests are satisfied. The three tests involve the following considerations:

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) (as amended). For development proposals, the relevant purpose is likely to be Regulation 44(2)(e) for which Scottish Government is currently the licensing authority. This regulation states that licences may be granted by Scottish Government only for the purpose of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."*
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Executive is satisfied *"that there is no satisfactory alternative"*.
- Test 3 - Regulation 44(3)(b) states that a licence cannot be issued unless Scottish Executive is satisfied that the action proposed *"will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"* (Scottish Executive will, however, seek the expert advice of Scottish Natural Heritage on this matter).

Consideration of European protected species must be included as part of the application process, not as an issue to be dealt with at a later stage. Any consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.

### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/00994/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 90 Metres North East Of Meadows Cottage Forneth for Mr Iain Menzies		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	24 June 2016		



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK16/00994/IPL

Our ref LJ

Date 28 June 2016

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK16/00994/IPL RE: Erection of a dwellinghouse (in principle) Land 90 Metres North East Of Meadows Cottage Forneth for Mr Iain Menzies**

I refer to your letter dated 7 June 2016 in connection with the above application and have the following comments to make.

**Contaminated Land** (assessment date – 28/06/2016)

### Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.







Our ref: PCS/147241  
Your ref: 16/00994/IPL

If telephoning ask for:  
Sheena Jamieson

28 June 2016

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sir/Madam

**Town and Country Planning (Scotland) Acts**  
**Planning application: 16/00994/IPL**  
**Erection of a dwellinghouse (in principle)**  
**Land 90 Metres North East of Meadows Cottage, Forneth**

Thank you for your consultation email which SEPA received on 07 June 2016. This letter is written with reference to our previous response to 15/02052/IPL on 19 December 2015 as we understand the details of the application are unaltered, and therefore our previous comments remain relevant and are reiterated below, along with advice with regards flood risk.

We ask that the planning **condition** in Section 1 be attached to the consent. If it will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

**Advice for the planning authority**

**1. Phosphorous mitigation**

- 1.1 The [Dunkeld - Blairgowrie Lochs SAC supplementary guidance](#) was adopted in July 2015. The guidance requires that information is submitted with full or approval of matters specified in condition planning applications regarding details of proposed phosphorous mitigation. The reason for this is to ensure that development accords with Local Development Plan Policy EP6: Lunan Valley Catchment Area which states that total phosphorous from built development must not exceed the current level to work towards the ecological recovery of the Lunan Lochs.

Continued....

- 1.2 Therefore we require that a **condition** is attached to any consent that your authority is minded to approve to ensure that details of proposed phosphorous mitigation which complies with the supplementary guidance referred to in paragraph 1.1 is submitted in advance of a full or approval of matters specified in condition planning applications being approved at the site.
- 1.3 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will object to any full or approval of matters specified in condition planning application submitted.

## **2. Flood Risk**

- 2.1 Review of the SEPA flood hazard map shows that a small part of the development site along the north eastern boundary is at risk of fluvial flooding. The surface water flood map also shows that this area is at flood risk, however the model used to generate the surface water flood map has simply picked up the low lying channel of the Cattymill Burn and the risk to this site is fluvial flooding.
- 2.2 No topographic information has been provided in support of this application. Review of the available LiDAR information we hold highlights that the south western part of the site is at least 4m above the Cattymill Burn and therefore not at risk of fluvial flooding. However the north eastern part of the development site is significantly lower and in turn at risk of flooding. The site plan simply outlines the location and there is no information regarding the positioning of the dwelling. As the development is for a single dwelling and there is sufficient flood free areas within the site to position a single dwelling, we offer no objection to the proposed development. We would highlight that the dwelling would have to be located in the south western part of the site.
- 2.3 Notwithstanding our advice we would expect Perth & Kinross Council to undertake their responsibilities as the Flood Prevention Authority.

### **Caveats & Additional Information for Applicant**

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth Kinross Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Continued....

### **Detailed advice for the applicant**

#### **3. Phosphorous mitigation**

- 3.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.

#### **4. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 4.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. Contact should be made with the Perth Operations team, details below, regarding this issue.
- 4.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. It should be noted that any mitigating property will also require authorisation from us under CAR.

### **Regulatory advice for the applicant**

#### **5. Regulatory requirements**

- 5.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Perth Strathearn, Broxden Business Park, Lamberkine Drive, PERTH, PH1 1RX  
Tel: 01738 627989

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours faithfully

Sheena Jamieson  
Senior Planning Officer  
Planning Service

ECopy to: Mark Myles, MBM Planning & Development, [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk);

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/00994/IPL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 90 Metres North East Of Meadows Cottage Forneth		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied, in the interests of pedestrian and traffic safety.		
<b>Recommended planning condition(s)</b>	Prior to the occupation and use of the approved development all matters regarding access, car parking, layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	28 June 2016		



**TCP/11/16(427)**

**Planning Application – 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth**

## **FURTHER INFORMATION**





## CHX Planning Local Review Body - Generic Email Account

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**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 26 October 2016 10:26  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Helen Menzies  
**Subject:** RE: TCP/11/16(427)  
**Attachments:** V1 FINAL GIS PLAN.pdf updated.pdf

Dear Paige

Thank you for your letter of 14<sup>th</sup> October setting out the further information requested from the LRB, following their consideration of the Notice of Review at its meeting on 27<sup>th</sup> September. In terms of the possibility of using the alternative site (identified as land parcel 17) I would advise as follows;

- i) SSE have advised the applicant that a minimum distance of 9 metres is required between any overhead electricity cable and a dwellinghouse.
- ii) SSE have prepared the attached amended plan with additional notes identifying the existing overhead line that crosses land parcel 17 (orange) and also the route of the existing overhead line situated alongside the western boundary of land parcel 17 (red).
- iii) Land parcel 17 is approximately 25 metres in width (compared to Gauldsmyre to the south which is approximately 55 metres in width) and based on the location of the existing overhead lines and the requirement to leave at least a minimum 9m safeguarding distance, would be considered to leave insufficient space to accommodate a house along with the required levels of private useable amenity space and also the necessary separation distances from the adjacent neighbouring boundaries. In terms of the landscape framework of land parcel 17 this is bound by the farm road and stone dyke to the west and Gauldsmyre to the south. A post and wire fence separates the land from the agricultural land to the east.
- iv) The size of the proposed plot is identical to that proposed in the earlier planning application (15/02052/IPL). The application site crucially forms part of one of the smallest fields on the farm (land parcel no.13) and is only ever used for grazing. The removal of the proposed site area from land parcel 13 would therefore not prejudice the existing farm operations in any way. The proposed site area takes account of the need for the specific siting of any house to be agreed with the council and at the same time allows for all of the private drainage including soak-away system to be accommodated fully within the red line site boundary. The red line boundary also allows for any further landscaping to be accommodated if required. As the LRB will note on their site visit the proposed site is set against rising ground and the woodland to the north and also immediately adjacent to the neighbouring property to the west (Meadows Cottage) which also sits at a slightly higher level. Being located adjacent to the public road and adjacent to an existing property will therefore help to minimise the visual impact of the development in the landscape in accordance with Policy EP6 and importantly at the same time would reduce the servicing costs for the proposed house.

I trust this additional information will assist the LRB in their final decision.

I look forward to hearing from you again in due course.

Many thanks

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965



