

**TCP/11/16(473) – 16/01347/FLL – Erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam**

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**TCP/11/16(473) – 16/01347/FLL – Erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



## NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

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

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

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

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

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

Yes ☒ No ☐

Planning authority

PERTH + KINROSS COUNCIL

Planning authority's application reference number

16/01347/FLL

Site address

LAND 110 METRES NORTH EAST OF TORWOOD,  
BLAIRADAM

Description of proposed  
development

ERECTION OF FORESTRY WORKSHOP

Date of application

29/7/2016

Date of decision (if any)

6/3/2017

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

*Workshop requirement, Woodland status/conditions, drainage solutions benefits of development. A Hearing Session would allow each of these issues to be fully assessed/understood as compared to written submission*

**Site inspection**

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

1. Can the site be viewed entirely from public land? ☐ Yes ☒ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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



**Statement**

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

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

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

See Attached Statement of Review.

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

Yes ☐No ☒

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

**List of documents and evidence**

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.

*Document 1 – Decision Notice*  
*Document 2 – Development and Regeneration Plan for Redmoss Wood (with appendices)*  
*Document 3 – Supporting Planning Statement*  
*Document 4 – Location Plan*  
*Document 5 – Site Plan and Elevations*  
*Document 6 – Drainage Solutions for Redmoss Wood*  
*Document 7 – Case officer's Report of Handling*  
*Document 8 – Redmoss Wood Woodland Assessment - BNTW Scotland*

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

**Checklist**

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

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

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

**Declaration**

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

Signed



Date

2/6/2017





**PROPOSED FORESTRY WORKSHOP@ REDMOSS  
WOOD, BY KINROSS**

**STATEMENT OF REVIEW  
ON BEHALF OF MR DAVID DEMPSTER  
MAY 2017**

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## **SUMMARY OF APPLICANT'S CASE**

The rationale behind the current proposals is to secure the long term future of the presently deteriorating woodland at Redmoss Wood by the selective thinning and new planting of native broadleaf species, in effect low impact tree removal/thinning and enrichment planting, and by installing much required drainage, and carrying out active woodland management. The felled trees will then be processed on site and turned into bespoke furniture and other craft products – fully utilising the wood in a sustainable and economically beneficial way. This business operation funds the proposed regeneration works.

Redmoss Wood is a largely monoculture woodland in need of active re-generation and management. It is a deteriorating asset requiring significant investment in order to enhance the character and amenity of the woodland and its ecological value. It is not a valued area of ancient woodland as the case officer suggests. The applicant has studied, in depth, the historical impacts of earlier uses, the existing site conditions, etc and has brought together, in conjunction with a range of specialists, a carefully crafted and viable re-generation plan in order, over time, to return the area to native woodland with the related amenity and ecological benefits arising. Details of the content/condition of the woodland and the related benefits to the woodland arising from the proposed workshop is set out in supporting documents including document 8 - Redmoss Wood Woodland Assessment.

In order to fund the extensive works required, the applicant has also set out plans for a new rural business making the full and productive use of the wood arising from the selective felling/thinning works. The proposed forestry workshop building is integral to this rural business and to the related woodland regeneration which is the catalyst for the ecological and economic benefits arising from the proposals, including local employment and the use of local business/services.

A financial plan underpins the proposals showing the viability of the proposals and the key role played by the workshop building. It is fully accepted that this type of local woodland regeneration/manufacturing business is not commonplace but the merits and underlying benefits are clear and fully compliant with established policy support for rural development and diversification of the rural economy.

Site drainage can be addressed in an acceptable manner in order to meet the requirements of SNH, SEPA, the Loch Leven Management Plan and Perth and Kinross Council's relevant Local Development Plan policies.

Despite the terms of the officer's reasons for refusal (which in part appear to arise from a misguided assessment of the value of the existing woodland and a failure to fully understand the benefits to the woodland and environment generally) the following can be concluded (based on the 7 stated reasons for refusal (Document 1 refers) and with reference to Section 4 of this statement): -

1. The relationship of the proposed workshop building to the site specific resource at Redmoss Wood is fully established and compliant with Local Development Plan Policy ED3;
2. Local Development Plan Policy PM4 is irrelevant to this application – Local Development Plan Policy ED3 is the relevant assessment policy and this is satisfactorily addressed (see 1 above);
3. The design and proposed external finish/appearance of the proposed building is appropriate to the location (woodland) and the siting within the site (40 metres from the public road and with woodland screening), and will have no discernable adverse impact on the character and/or amenity of the area. The timber cladding being proposed will come from the woodland and will fit in far better than other structures within the immediately surrounding area.
4. The development would in fact result in a significant improvement to the woodland resource. There may have been trees on this site historically (ancient woodland) but this is no guarantee as to the quality of the existing woodland. The site used to house a sawmill, is traversed by a former railway line, and has water management issues (flooding). This is not an undisturbed area of valued ancient woodland as the case officer would have you believe. Indeed, as set out in the Redmoss Wood Woodland Assessment (Document 8 refers) it is concluded that *“Therefore this low impact woodland workshop and scheme would maximise this currently derelict woodland and transform it into a more diverse woodland giving a greater contribution to biodiversity and culture as well embracing Perth and Kinross Council policies - Local Development Plan – NE2A/NE2B, The National Planning Framework, Scottish Government’s policy on the removal of woodland”*. There is no valued woodland area adversely impacted by the proposed development - the woodland would be significantly enhanced.
- 5, 6 and 7 A drainage solution respecting the restrictions within the Loch Leven catchment and meeting the stated requirements of both SNH and SEPA is being proposed (effluent storage and disposal off-site outwith the Loch Leven catchment). A longer term solution relating to off-site mitigation within the Loch Leven catchment is also being progressed by the applicant but the interim solution is perfectly workable and acceptable in the Loch Leven catchment area.

The applicant is greatly concerned that the decision taken by the case officer fails to appreciate the poor condition of the woodland resource (Document 8 refers) and the range of benefits to the woodland and, modestly, to the local economy that would arise from this sustainable development proposal. It is unclear whether this has resulted from the many refusals by the case officer to meet the applicant to discuss the proposals but this is unlikely to have assisted the full understanding of the proposals and their related impacts/benefits. What is clear is that the Woodland Assessment report (Document 8) by a qualified forester confirms that: -

*“The woodland would benefit from low intensity thinning in targeted areas, thus gradually opening up the tree canopy to allow further tree regeneration and development of ground flora. The woodland would also greatly benefit from the new native broadleaf planting being proposed in order to diversify the woodland stock and to improve the underlying quality and biodiversity value of the woodland area. **The proposals related to this application are of significant value to the woodland.**”*

The benefits to the woodland and its contribution to the environment are significant benefits arising from the applicant’s proposed operations at Redmoss Wood. The alternative outcome, without the proposed investment and management, is the further deterioration of the woodland resource and its failure, over a further extended period, to contribute positively to the quality of the local environment and to local biodiversity. The workshop and related woodland business is the catalyst for the delivery of the significant improvements set out in the Redmoss Wood Woodland Assessment (document 8) and is a development fully supportable by the Scottish planning system at all levels.



## **1.0 BACKGROUND TO REVIEW**

1.1 Planning permission for the *“Erection of a Forestry Workshop (in retrospect) at Redmoss Wood Blairadam”* was originally refused by officers under delegated powers in December, 2015. Five reasons for refusal were cited related to, in effect: - the lack of justification for the workshop; the location of the development outwith a settlement; the lack of phosphate mitigation in the Loch Leven catchment; failure to comply with woodland policy at local and national level; and the visual impact and design of the workshop structure.

1.2 Following this surprise decision (it was a surprise to the applicant), Mr Dempster sought planning advice on his options, this resulting in a revised planning application with a range of supporting information seeking to address the issues of concern raised by officers when refusing the initial planning application. The further planning application (which is the subject of this Review) was duly submitted and subsequently refused planning permission again by officers this time for a total of 7 stated reasons (refer Document 1 – Decision Notice). The basis of the decision reflected that of the earlier decision taken in December 2015 and did not appear to take into account the supporting information provided by the applicant.

1.3 In addition to providing a range of information to seek to address the identified issues, the applicant sought on a number of occasions to meet with the planning officer in order to clarify matters related to the proposals and to seek to understand/address any remaining issues of concern. Despite the applicant requesting a meeting on no fewer than 6 occasions the case officer refused to meet and has, as a result, reached a decision on the planning application based on a clear misunderstanding of the quality of the existing woodland and having given little or no consideration to the range of benefits that the development, and related woodland management, would deliver. This refusal to discuss the proposals with an applicant was very frustrating and we are sure that any reasonable person in the applicant’s position would be similarly unimpressed by the level of service being provided by Perth and Kinross Council’s Planning Service.

1.4 As indicated, numerous attempts were made to further discuss the proposals but, as indicated, it appears that the case officer had already made up his mind and really did not wish to understand/consider the proposals and related benefits. This was further demonstrated when revised drainage proposals were submitted following comments from SEPA and SNH and it became clear that these details, which were fundamental to the consideration of the planning application, were not re-consulted to these bodies – they were just rejected by the case officer. This would not appear to represent proper procedure and is certainly not a means of assessing the appropriateness of a proposal.

1.5 The applicant remains of the view that this development is firmly in the long term interests of Redmoss Wood in that it would provide for the positive and sympathetic management of the woodland while greatly enhancing its environmental

quality while at the same time supporting a local craft industry providing for local employment and investment and making a positive contribution to the local economy.

1.6 When the revised planning application was submitted it was supported by a Development and Regeneration Plan for Redmoss Wood (with appendices) (Document 2) and a Supporting Planning Statement (Document 3). The Development and Regeneration Plan for Redmoss Wood set out an ambitious vision of how the regeneration of the woodland and the business could develop over time and covered uses outwith the scope of the present planning application (and which may be subject to future applications as appropriate). The focus of the planning application remains, as set out in Section 3 below, a craft workshop making bespoke furniture and other craft items using wood arising from the woodland as part of the regeneration works. In effect, the trees cut down will be “worked” on site as part of the small business operation with the proceeds from this enterprise funding the re-investment into the woodland required in order to provide for its diversification (drainage, new planting using native species, etc) and long term environmental improvement/contribution.

## **2. REDMOSS WOOD**

2.1 Redmoss Wood is a 26-acre plot, lying between Kinross and Kelty, comprising woodland, pasture land, an access from the public road and a partially constructed workshop building (with external storage containers). The planning application site for the workshop is an integral part of the larger woodland area (Document 2 refers). The woodland was formerly the site of a sawmill, is traversed by a former rail line, and, over the most recent decades it has emerged as a wild Silver Birch forest after years of natural growth and little management. Some areas of native broadleaf trees are noted (adjacent to the public road) and these will be maintained as part of the woodland regeneration works. Pasture areas (circa 6 acres) are also present within the landholding. Planning permission for a caravan park and related development was also granted in 1980. Evidence of historic disposal of building waste is also present within the area forming Redmoss Wood as is extensive water damage following the blocking of a watercourse/pipe arising from adjacent development. As outlined in the Woodland Assessment (Document 8) the trees present within this largely self-seeded woodland are circa 10-50 years old and of no real historic or cultural value.

2.2 It is understood that this largely mono-culture woodland has a range of issues which presently threaten its very existence. Despite claims by the case officer, this is not an area of valued ancient woodland it is the site of a former sawmill and while woodland may have been present on the site over an extended period the present woodland is of no material value being a largely monoculture silver birch woodland with no diversity or underlying environmental value. Aside from the industrial scars, fly-tipping, etc, the site has surface water management issues which are undermining the woodland, restricting tree growth and resulting in regular tree loss. Flooding of

significant sections of the woodland has now been addressed to some extent by positive management but there remains additional works and future management required in order to finally address this threat to the woodland area. Expert analysis considers this self-seeded woodland to be of little merit ecologically or as a sustainable woodland resource. The Silver Birch in sections of the woodland have become so dense over the years that they need to be thinned out just to sustain themselves. The woodland appears as a deteriorating asset in need of significant intervention in order to maintain the future woodland area. Much of this will be visible from a site visit.

2.3 Redmoss Wood lies within the Loch Leven catchment. However, a recent ecological baseline scoping survey within the wood has shown it to have a distinct lack of wildlife and a shortage of any thriving native culture. It is an area of little, if any tangible, ecological value. This endorses the fact that this is not ancient woodland rather is comprises long established woodland of plantation origin with trees largely 10-50 years old.

2.4 The planning application site forms a small part of the wider woodland area. It includes the access from the B996 to a clearing in the woodland where the partly formed workshop building is erected. The woodland area extends to all sides of the building, with the main sections to the south, east and north. Along the road site frontage (west) is a well-established woodland edge which provides a significant level of screening for the workshop building. To the north of the woodland is an established agricultural structure clearly visible on this approach with the adjacent travellers facility also readily visible (far more so than the proposed workshop building) from the B996.

2.5 The condition and make-up of the woodland at present is a significant factor in the determination of this planning application. While the site may fall within SNH's inventory of ancient woodland this records "...land that is currently wooded and has been continually wooded, at least since 1750" **it does not record the current condition or contribution environmentally or otherwise that the woodland makes.** SNH in their "guide to understanding the Scottish Ancient Woodland Inventory (AWI)" indicate the need to apply "a note of caution" when assessing the relevance of the AWI status on their indicative maps as "The AWI was derived from the Roy maps (c1750) and the OS 1st edition (c1860). It is not definitive and should be used with care; when evaluating woods it is important to: Examine the site on the ground, looking for archaeological, biological and other indicators of antiquity and of its current biodiversity value". Redmoss Wood, with its sawmill connection, appears to have been subject to regular tree removal in the past with the present woodland, based on professional judgement, largely self-seeded and of relatively recent origin. The condition and makeup of Redmoss Wood does not require protection in its present condition simply due to woodland having been present on the site over an extended period – what is required is investment in drainage, selective tree removal/thinning and new planting with native tree species in order, over time, to

enhance the quality of the woodland and its biodiversity. This is what is being proposed by the applicant.

### **3.0 THE PROPOSED DEVELOPMENT**

3.1 The proposed “forestry workshop” is specifically designed to address the works with the adjacent Redmoss Wood aimed at delivering its productive and sustainable regeneration. The building sits circa 40 metres into the site from the public road behind a number of mature trees and is partially constructed (Document 5 refers). Mr Dempster confirms that from early discussions with Perth and Kinross Council he believed the building to represent permitted works due to the link with the woodland (Permitted development for forestry operations) but that after a period this position altered and he was requested to submit a planning application – hence the reason for the building already being on site. Significant investment has already occurred on site which the applicant confirms arose following early discussions with Perth and Kinross Council planning officers.

3.2 The full details, including the extent of the works and related phasing, is set out within the *“Development and Re-Generation Plan for Redmoss Wood”* (Document 2). While this Plan extends beyond the initial phase of the woodland regeneration, it sets out the clear requirement/context/justification for the proposed forestry workshop structure, this building being an essential component of the woodland regeneration at this initial stage and throughout the operation. In effect, the workshop is where the wood removed from the adjacent woodland is transformed into furniture and other craft products. Furniture production using the wood from Redmoss is the core of the business with any other longer term options being subject to further planning controls at the appropriate stage in the process.

3.3 Initially it was considered that the woodland removal/thinning and new planting would require to be controlled by the Forestry Commission through their licensing process, however further investigation indicates that the phased removal/thinning and new planting related to the operation of the workshop (based on furniture and craft production) will not require a felling licence (less than 5 cubic metres/quarter). A license application had previously been made to the Forestry Commission with a view to securing grants for the proposed works within the woodland but the outcome of this is not fundamental to the planning application proposals. Recent discussions with the Forestry Commission has indicated their preference (for practical reasons) for a licence to be in place for the works (albeit it is not required based on the phasing of the forestry operation) and the applicant is fully prepared to progress this as required.

3.4 The applicant is addressing the sustainable regeneration of Redmoss Wood as the underlying objective of his site operations. Key to his proposals is the use of the waste timber arising from the woodland thinning and regeneration works within the

woodland. The phased woodland thinning of much of the silver birch woodland and replacing this with native woodland planting in order to diversify and support the quality and contribution of the woodland for future generations, will result in a timber waste being generated – this then largely being used in the furniture/craft business operated from the workshop building. The intent is to productively use as much of this waste material by cutting, storing and manufacturing the wood material to form bespoke furniture and other craft items for sale. The more substantial timber pieces will be cut to size and dried out to create quality hardwood materials for arts and crafts, bespoke furniture items, wall cladding etc. Other off-cuts/by-products of the felling works will be used to form wood chippings, etc. The finance generated from these activities will be the key to sustaining the re-generation plan over many years, essentially from the re-use of what is a waste by-product (the removed silver birch trees). Research has indicated a growing market for bespoke furniture and other craft products from sustainable sources and this is a unique opportunity to meet this requirement while enhancing the quality of the woodland and local environmental interest/value.

3.5 Other uses for the waste products are set out in the *“Development and Re-Generation Plan for Redmoss Wood”* report including the production of biochar (no longer being proposed at this stage), wood chipping, logs, etc. The development will produce full time employment initially for Mr Dempster but also potentially for others in time as the business develops. Other improvements to the woodland are also to be funded by/result from the proposed regeneration works (drainage, access paths, etc). This is a bespoke operation directly related to the site specific content provided by Redmoss Wood with the proposed workshop building being a key requirement at this initial stage.

3.6 The proposed workshop building is part complete and still to have its exterior finished in accordance with the submitted plans. The applicant proposes to externally clad the building using silver birch sourced from Redmoss Wood with the wood being externally treated/painted as agreed with Perth and Kinross Council. The current plans indicate a cream finish but this can be stained/painted in any colour required by the Council. The building will contain a workshop for the initial storage and cutting of the timber, an assembly area for putting the furniture together, two small offices (one for product design and the other for the administration of the business and regeneration operations), a rest room, and a toilet. The operation of the building will allow the regeneration of the woodland to commence in earnest as without this outlet for the processing/re-use of the waste timber the regeneration proposals are both impractical and financially unviable.

3.7 A great deal of thought has gone into the location, form and accommodation proposed within the workshop building. Other storage and potentially other structures may be required over time as the business progresses but this structure is the key to commencing the required woodland operations. As part of the enhancement of the



woodland, the applicant is seeking to improve the ecology and aesthetics of the presently deteriorating resource and this will be integral to the new planting and management proposals.

3.8 In essence, the plan is to regenerate the Redmoss Wood by low impact tree removal and enrichment planting in order to allow a new mixed species woodland to develop, one laid out in a manner that will allow it to successfully develop and allow maintenance throughout while also having enhanced environmental value. This will involve the phased clearance of a significant amount of thin under-developed birch trees and their replacement with a range of native tree planting, and the future management of the resource as indicated. This also allows a bespoke and site specific business opportunity to be secured on a wholly sustainable basis respectful of the site and of great benefit to the woodland resource.

3.9 Throughout the planning application process a number of options were looked at for the disposal of waste. It is noted that this is a particular issue in the Loch Leven catchment and therefore both SNH and SEPA were key consultees in this process. The initial proposals looked at a “biochar” toilet, a toilet designed to retain nutrients for further application to land (fertiliser), but both SNH and SEPA (albeit SEPA originally raised no objections to this approach) indicated that if this biochar was applied to land in the Loch Leven catchment then the phosphorous policy may be breached and they did not support such an arrangement. In response to a report from the applicant’s consulting engineer looking at drainage options for the site, SNH indicated in their response in December, 2016 that in order to meet their requirements: -

*“The contents of the toilet should be disposed of either at a location outwith the Loch Leven Catchment - or at a waste treatment plant.  
Or, other mitigation should be provided to offset the introduction of new phosphorus into the catchment”.*

SNH went on to conclude that *“It would appear that some of the options would be satisfactory...”*.

3.10 Additionally, SEPA set out in their response in December, 2016 that “The applicant should be aware that a closed foul treatment system with no discharge to the water environment would be acceptable to us if any chemical portaloo waste is removed by a registered waste carrier, or if a composting toilet is to be used then all associated waste is removed by a registered waste carrier for further treatment at a conventional sewage treatment works”.

3.11 Having previously set out a range of potential drainage options, and following written confirmation that this would be considered by the case officer, a revised drainage report was provided by the applicant’s consultant engineer in February, 2017 this being entitled “Drainage Solutions for Redmoss Wood” (document 6 refers). This report set out immediate proposals for drainage solutions related to the removal of

waste from the Loch Leven catchment (thereby meeting both SNH's and SEPA's requirements) with longer term mitigation options being considered where this was available. **In short the drainage options meet the Loch Leven catchment phosphate restrictions.** For reasons which are far from clear, neither SNH nor SEPA were consulted by the case officer on the "Drainage Solutions for Redmoss Wood" report (document 6 refers) and in light of their earlier comments (as summarized above) there is no basis to conclude that they would find this approach unacceptable.

3.12 It is noted that Perth and Kinross Council's Building Standards Service was consulted at an earlier stage and indicated, with respect to the drainage proposals for the site, that: -

*"There isn't a standard for this in a Commercial building although there is in a Domestic building. I think he would need a Determination to do this; SEPA would be a consultee and possibly Planning. He can apply for a determination before a warrant is submitted should they wish to have an answer.*

*I have asked if there are any other warrants where this has been done before and someone has said the application which has the Model railway has one".*

3.13 This response did not rule out the drainage proposals at that stage and it is noted that since this response was made (January, 2017) revised drainage proposals fully clarifying and setting out the drainage solutions (document 6 refers) have been submitted and these look to have all foul drainage disposed of off-site (similar to what occurs on some traveller's sites, at events (such as T in the Park), and construction sites) outwith the Loch Leven catchment as stated by SNH and SEPA in order to meet their requirements. As indicated, the drainage solutions being put forward appear to fully address SEPA's and SNH's requirements (as per their earlier comments) and therefore **there is no basis to reject the application on drainage grounds.** An application for a Building Warrant may well be required in time but this is a separate regulatory regime and has no bearing on the determination of the planning application at Review.

#### **4.0 RESPONSE TO THE OFFICER'S REASONS FOR REFUSAL**

4.1 The officer's Report of Handling (Document 7 refers) sets out the reasoning for the decision and the terms of the decision notice (document 1 refers). This section of the Statement of Review sets out the applicant's specific response to the 7 reasons for refusal set out. The reason for refusal is set out in italics with the relevant response directly below.

**Reason 1**      *The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.*

**Response:** - The nature of the operation, with respect to the existing deteriorating woodland resource at Redmoss Wood, is set out in detail in both the Development and Re-generation Plan for Redmoss Wood (Document 2) and in the Supporting Planning Statement (Document 3). In short, the mono-culture silver birch woodland (a deteriorating resource of limited ecological or environmental value) is to be thinned out, planted and enriched with native broadleaved species, and managed going forward. Site water is also being addressed as part of the proposals. The trees removed as part of the woodland management are to be used as part of the wood based furniture and craft business being proposed by Mr Dempster (again set out in detail in the supporting documents) and will deliver the sustainable use of removed trees from the existing woodland (on site) in addition to the array of re-planting (over time) allowing the woodland to thrive in a far more appropriate form (mixed woodland) for future generations. Leaving the woodland without such intervention is contrary to good forestry and environmental practices. With respect to Policy ED3 it is clearly demonstrated that there is a supportable and environmentally beneficial “*site specific resource or opportunity at this location*” which will positively contribute to the local economy through the provision of local employment. The criteria set out in Policy ED3 would be satisfactorily addressed and therefore there is no conflict with this policy.

**Reason 2**      *The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.*

**Response** - Policy PM4 of the Perth and Kinross Local Development Plan states that “*for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the settlement boundary*”. It is unclear how this policy is relevant at Redmoss Wood. The site is not in a defined settlement and therefore the policy is not relevant to the assessment of any proposal. In addition, Policy ED3 of the Perth and Kinross Local Development Plan specifically states a preference for rural business and diversification development to be “*...within or adjacent to existing settlements*” therefore further supporting the view that Policy PM4 is irrelevant to this case.

**Reason 3**      *The building, by virtue of its design, form and appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(c) and ED3(d) of the Perth and Kinross Local Development Plan 2014, which seek to achieve a high quality of design to reflect the rural nature of the site.*

**Response** – It is unclear what is being assessed here, the building at present (partially built) or the final appearance of the structure. This single storey building is functional (as are all rural buildings related to agriculture, forestry, etc) and is to be clad in timber from the adjacent woodland to fit both within the rural woodland setting and to deliver the sustainable use of materials. The original proposals had referred to a plywood finish and some areas painted cream (pretty standard for a building of this nature). We have since confirmed that the external cladding would use the silver birch from Redmoss Wood and any external colour treatment, where required by Perth and Kinross Council, would be agreed (my client has no fixed views). The building sits circa 40 metres from the public road within the woodland, partially screened from the adjacent public road by trees and is far from prominent in this environment (far less so than other structures in the immediately adjacent area). Indeed, it is far less visible than the agricultural building to the immediate north or the caravans on the opposite side of the main road. When complete the building will be clad in the very wood that it sits within, set well back from the public road and, while functional in form, will fit both with the site/location and use of the building. It is difficult to see what other form of building would be more suitable in this location/for the proposed use as a forest workshop. In applying all of the stated policy requirements a degree of interpretation/assessment is clearly required related to the site/surroundings. Established policy requires that *“The design, density and siting of development should respect the character and amenity of the place”* - the current development proposals would, in addition to the delivery of a sustainable development form, meet these requirements.

**Reason 4**      *The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy and there is no felling licence in place from the forestry commission for the removal of the woodland.*

**Response** – It is difficult to see how this conclusion can be reached. Redmoss Wood is presently a deteriorating woodland resource with little ecological value (Document 2 Appendix C refers), in need of significant investment in order to ensure it has a positive future as woodland. The re-instatement and active management of the woodland being proposed as part of this development bears no conflict with the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, or the National Planning Framework. Indeed, the positive outcomes for the woodland resulting from the current proposals are fully supportive of maintaining/enhancing woodland cover in Scotland in

line with extant policy. The process being proposed is the thinning and enrichment of the woodland not its removal as suggested by the case officer.

The Redmoss Wood Woodland Assessment (Document 8) confirms that: -

*"The woodland would benefit from low intensity thinning in targeted areas, thus gradually opening up the tree canopy to allow further tree regeneration and development of ground flora. The woodland would also greatly benefit from the new native broadleaf planting being proposed in order to diversify the woodland stock and to improve the underlying quality and biodiversity value of the woodland area. **The proposals related to this application are of significant value to the woodland.**"* The report also confirms that: -

*"... this low impact woodland workshop and scheme would maximise this currently derelict woodland and transform it into a more diverse woodland giving a greater contribution to biodiversity and culture as well embracing Perth and Kinross Council policies - Local Development Plan – NE2A/NE2B, The National Planning Framework, Scottish Government's policy on the removal of woodland".*

Concluding that the proposal conflicts with existing woodland policy, as outlined in the officers Report of Handling (Document 7 refers) suggests a failure to appreciate the details of what is being proposed and the related benefits. The phased thinning out of silver birch in sections of the woodland and the planting of a range of native broadleaf trees in order to diversify and enrich the woodland are extremely positive actions for the long term maintenance and quality of the woodland resource. The use of the felled silver birch in the furniture/craft business links the woodland and the local business operation and provides the funding for the future planting, drainage works and woodland maintenance. This is a win-win situation for the woodland, the environment, and the local economy which appears readily evident. The woodland resource is protected and enhanced delivering "clear public benefits" while restoring and improving the condition of the woodland. This outcome is in full compliance with extant policy. The condition of, and benefits to, the woodland of the current proposals are set out in the Redmoss Wood Woodland Assessment (document 8 refers).

There appears an over reliance by the case officer on the designation of the woodland within SNH's inventory of ancient woodland (as set out in paragraph 2.5 above). While this records land that is currently wooded and has been continually wooded since 1750 it does not record the current condition or contribution environmentally or otherwise that the woodland makes (existing trees of relatively recent origin and largely self-seeded and unmanaged). In effect, as stated by SNH, "*a note of caution*" is required when assessing the relevance of the AWI status on their maps as these are not definitive and when evaluating woods it is important to examine the site on the ground, looking for archaeological, biological and other indicators of antiquity and of its current biodiversity value". There is no intrinsic value in Redmoss wood presently requiring some form of protection from the proposed development, a development which will



significantly improve its value as a woodland and environmentally. The case officer is simply refusing to look at the site specifics and is seeking to apply a status that is unmerited and to prevent works that will support the value of the woodland for future generations – this is completely counterintuitive and not justified. The condition and makeup of Redmoss Wood does not require protection in its present condition simply due to woodland having been present on the site over an extended period – what is required is investment in drainage, selective tree removal/thinning and new planting with native tree species in order, over time, to enhance the quality of the woodland and its biodiversity. This is what is being proposed by the applicant.

As indicated above, recent discussions with the Forestry Commission has indicated their preference (for practical reasons) for a licence to be in place for the works (albeit it is not required based on the phasing of the forestry operation) and the applicant is fully prepared to progress this as required. This is not a constraint to the approval of this planning application.

**Reason 5**      *The proposal is contrary to Policy EP7A of the Perth and Kinross Local Development Plan 2014, as it does not confirm that total phosphorus from development will not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.*

**Response** – The applicant has been seeking to secure off-site drainage mitigation in order to support his development. The long term intent is to secure off-site drainage mitigation for the Redmoss operation. At this stage and in order to allow the planning application to progress, the applicant's drainage consultant, guided by the responses from SEPA and SNH, has set out proposals for a closed foul treatment system with no discharge to the Loch Leven water environment (Document 6 refers, also refer to paragraphs 3.9 to 3.12 above). It is stated that on this basis both SNH and SEPA have no objections to the planning application and therefore this meets the practical policy requirements with respect to relevant drainage policy within the Loch Leven catchment as the waste is disposed of outwith the catchment and therefore no additional phosphorous will be added into the Loch Leven catchment. A planning condition attached to a planning permission related to the development would ensure the delivery of a compliant drainage solution.

**Reason 6**      *The proposal is contrary to Policy EP7B of the Perth and Kinross Local Development Plan 2014 as the proposal does not connect to a publicly maintained drainage system or divert out of the catchment or implement phosphorus reduction measures.*

**Response** - See response to reason 5 above

**Reason 7**      *The proposal is contrary to Policy EP7C of the Perth and Kinross Local Development Plan 2014 as the development does not comply with Policy EP7A and EP7B and does not remove 125% of the phosphorus likely to be generated by the development from the catchment.*

**Response** – See response to reason 5 above

## **5.0 CONCLUSIONS**

5.1 Redmoss Wood is a largely monoculture woodland in need of active re-generation and management. It is a deteriorating asset requiring significant investment in order to enhance the character and amenity of the woodland and its ecological value. It is not a valued area of ancient woodland as the case officer suggests. The applicant has studied, in depth, the historical impacts of earlier uses, the existing site conditions, etc and has brought together, in conjunction with a range of specialists, a carefully crafted and viable re-generation plan in order, over time, to return the area to native woodland with the related amenity and ecological benefits arising (Document 2 refers).

5.2 In order to fund the extensive works required, the applicant has also set out plans for a new rural business making the full and productive use of the waste materials arising from the phased woodland operations and delivering a range of related environmental benefits. The proposed forestry workshop building is integral to this rural business and therefore to the related and underlying woodland regeneration which is the catalyst for all of the woodland, ecological and economic benefits arising from the proposals, including local employment and the use of local business/services.

5.3 A financial plan underpins the proposals showing the viability of the proposals and the key role played by the workshop building subject to this planning application. It is fully accepted that this type of local woodland regeneration/manufacturing business is not commonplace but the merits and underlying benefits are clear and fully compliant with established policy support for rural development and diversification of the rural economy.

5.4 Site drainage can be addressed in an acceptable manner in order to meet the requirements of SNH, SEPA, the Loch Leven Management Plan and Perth and Kinross Council's relevant Local Development Plan policies.

5.5 Despite the terms of the officer's reasons for refusal (which in part appear to arise from an unsubstantiated view of the value of the existing woodland and a failure to

understand the benefits to the woodland and environment generally) the following can be concluded (based on the 7 reasons for refusal and with reference to Section 4 above):

1. The relationship of the proposed workshop building to the site specific resource at Redmoss Wood is fully established and compliant with Local Development Plan Policy ED3;
2. Local Development Plan Policy PM4 is irrelevant to this application – Local Development Plan Policy ED3 is the relevant assessment policy and this is satisfactorily addressed (see 1 above);
3. The design and proposed external finish/appearance of the proposed building is appropriate to the location (woodland) and the siting within the site (40 metres from the public road and with woodland screening), and will have no discernable adverse impact on the character and/or amenity of the area. The timber cladding now being proposed will come from the woodland and will fit in far better than other structures within the immediately surrounding area. To conclude otherwise is seeking to apply a higher standard for reasons which are not justified.
4. The development would in fact result in a significant improvement to the woodland resource. There may have been trees on this site historically (ancient woodland) but this is no guarantee as to the quality of the existing woodland. The site used to house a sawmill, is traversed by a former railway line, and has water management issues. This is not an undisturbed area of valued ancient woodland as the case officer would have you believe. Indeed, as set out in the Redmoss Wood Woodland Assessment (Document 8 refers) it is concluded that with respect to the current proposals that “... *this low impact woodland workshop and scheme would maximise this currently derelict woodland and transform it into a more diverse woodland giving a greater contribution to biodiversity and culture as well embracing Perth and Kinross Council policies - Local Development Plan – NE2A/NE2B, The National Planning Framework, Scottish Government’s policy on the removal of woodland*”. There is no valued woodland area adversely impacted by the proposed development - the woodland would be significantly enhanced.
- 5, 6 and 7. A drainage solution respecting the restrictions within the Loch Leven catchment and meeting the stated requirements of both SNH and SEPA is being proposed (effluent storage and disposal off-site outwith the Loch Leven catchment). A longer term solution relating to off –site mitigation within the Loch Leven catchment is also being progressed by the applicant but the interim solution is perfectly workable and acceptable in the Loch Leven catchment area.

## **DOCUMENTS**

*Document 1* – Decision Notice

*Document 2* – Development and Regeneration Plan for Redmoss Wood (with appendices)

*Document 3* – Supporting Planning Statement

*Document 4* – Location Plan

*Document 5* - Site Plan and Elevations

*Document 6* - Drainage Solutions for Redmoss Wood

*Document 7* – Case officer’s Report of Handling

*Document 8* – Redmoss Wood Woodland Assessment - BNTW Scotland





# PERTH AND KINROSS COUNCIL

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Date 06.03.2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01347/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 3rd August 2016 for permission for **Erection of a forestry workshop (in part retrospect) Land 110 Metres North East Of Torwood Blairadam** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

- 1 The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.
- 2 The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.
- 3 The building, by virtue of its design, form and appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(c) and ED3(d) of the Perth and Kinross Local Development Plan 2014, which seek to achieve a high quality of design to reflect the rural nature of the site.

- 4 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy and there is no felling licence in place from the forestry commission for the removal of the woodland.
- 5 The proposal is contrary to Policy EP7A of the Perth and Kinross Local Development Plan 2014, as it does not confirm that total phosphorus from development will not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 6 The proposal is contrary to Policy EP7B of the Perth and Kinross Local Development Plan 2014 as the proposal does not connect to a publicly maintained drainage system or divert out of the catchment or implement phosphorus reduction measures.
- 7 The proposal is contrary to Policy EP7C of the Perth and Kinross Local Development Plan 2014 as the development does not comply with Policy EP7A and EP7B and does not remove 125% of the phosphorus likely to be generated by the development from the catchment.

## **Justification**

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

## **Notes**

This case is to be passed back to the Council's Enforcement Officer for remedial action on both the application site itself and the adjoining land to the South.

**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

16/01347/1

16/01347/2

16/01347/4

16/01347/6

16/01347/7

16/01347/8



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	16/01347/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	02.10.2016	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a forestry workshop (in part retrospect)

**LOCATION:** Land 110 Metres North East Of Torwood Blairadam

#### **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:** 18 August 2016

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is Red Moss Wood, an area of Ancient Woodland which is located on the East side of the B996, Kinross to Kelty road. This detailed application seeks retrospective planning permission for the siting of a forestry workshop.

It should be noted that an earlier retrospective application for the site was submitted and refused; application 15/01929/FLL refers.

In support of this application additional documentation has been submitted which includes a Planning Statement and a Regeneration and Development Plan for the Redmoss wood. Further supporting information was submitted by the agent following the planning officer advising the proposal contravened a number of local plan policies.

## **SITE HISTORY**

15/01929/FLL Erection of forestry workshop (in retrospect) 17 December 2015  
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 ED3 - Rural Business and Diversification

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

#### Policy EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

#### Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

#### Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

#### Policy NE2A - Forestry, Woodland and Trees

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

#### 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 PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### 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.

### OTHER POLICIES

Scottish Planning Policy (2014)

Other Historic Environment Interests (paragraph 124).

There is a range of non-designated historic assets and areas of historical interest, including battlefields, historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in-situ wherever feasible.

Forestry Commission Scotland

The Scottish Government's Policy on Control of Woodland Removal.

There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland.

Perth and Kinross Council Supplementary Guidance –  
Forest and Woodland Strategy

Our woodland heritage: there is significant pressure on some of our most rich and ancient woodlands from development. These need to be preserved and enhanced as part of our most valuable heritage and biodiversity.

Priority 4: Maximising the role of forests and woodlands in contributing to the quality of the environment Trees and woodlands make an important contribution to the environmental character and quality of Perth and Kinross. They support internationally important wildlife habitats, help shape the wider landscape, contribute to our cultural heritage and help maintain the quality of air and water resources. The strategy aims to increase this.

Opportunities or Action –

Restore and improve the condition of ancient, native and semi-natural woodlands in line with the priorities identified by the Native Woodland Survey of Scotland and in helping bring all woodlands designated for conservation up to favourable conservation status.

Perth and Kinross Council Supplementary Guidance –  
Loch Leven Special Protection Area and Ramsar Site

Loch Leven is the largest naturally nutrient rich freshwater loch in lowland Scotland and is internationally important for its wintering and breeding wildfowl. It has the highest wildlife accolade as it is designated as a SPA and is part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union. The site is also a Ramsar site designated under the Convention of Wetlands of International Importance.

Nutrients such as phosphorus and nitrogen entering the loch catchment from manmade sources have caused problems with water quality for many years. This has resulted in a negative impact on the conservation, economic, and social interests of the loch and local area.

The aim is therefore to ensure that there is no increase of phosphorus in the Loch Leven catchment arising from waste water associated with new



developments. If there is an increase in phosphorus discharging to the loch, there could be a detrimental effect on water quality, and a knock-on effect for ecology.

Planning Authorities can only agree to development proposals after having ascertained that they will not adversely affect the integrity of the site. If the proposal would affect the site and there are no alternative solutions, it can only be allowed to proceed if there are imperative reasons of overriding public interest.

## **CONSULTATION RESPONSES**

Forestry Commission Scotland – Verbally advised the Felling Licence was incomplete and this has been sent back to applicant.

Scottish Water – No response received within consultation timescale.

Transport Planning - No objection to this proposal provided conditions are applied in the interests of pedestrian and traffic safety.

Environmental Health - The applicant has started the works on the workshop approximately in July 2015 and a site visit confirms that there is a workshop building with an exhaust flue for a stove, as well as two containers, open ended shed, woodpile and a woodstock shed housing bagged logs for retail. No objection in principle to the application but recommend conditional control.

The Coal Authority - No objections – providing standing advice is adhered to in the event that the planning application is approved.

Building Standards – Confirm the following section of the building standards technical handbook is applicable to this development. Non-Domestic Commercial Wastewater drainage Mandatory Standard, Standard 3.7:-

Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of people in or around the building, and:

- a. that facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided
- b. that discharge is to a public sewer or public wastewater treatment plant, where it is reasonably practicable to do so, and
- c. where discharge to a public sewer or public wastewater treatment plant is not reasonably practicable that discharge is to a private wastewater treatment plant or septic tank.

There is no cesspool portable toilet within the Non – Domestic Handbook. If the applicant doesn't want to provide a treatment plant and instead want a waterless closet as a toilet for this site they would need a determination to do this.

Scottish Environment Protection Agency – Continue to object to this planning application on the grounds of lack of information.

Scottish Natural Heritage - Loch Leven's status as a SPA and Ramsar site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply.

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

This proposal includes the introduction of the new toilet into the Loch Leven Catchment. This toilet has no liquid discharge but rather the waste is mixed with charcoal (biochar) and the resulting mix is thereafter disposed of to the land as fertilizer. The applicant has claimed that the waste/biochar mix will retain nutrients for up to 150 years but there is nothing to substantiate this and we are not aware of any peer reviewed evidence to justify this claim. Consequently, although the proposed toilet has no liquid discharge the contents of the toilet will contain phosphorus and its disposal to land will be introducing phosphorus into the catchment.

The applicant does not propose any mitigation. In SNH's view, this proposal is likely to have a significant effect on the qualifying interests of the site. As a consequence Perth & Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is difficult to conclude whether or not this proposal alone will result in an adverse effect on the integrity of Loch Leven, but an important precedent will be set which will nullify the Development Plan and the Loch Leven Catchment Management Plan, which aim to ensure that the requirements of the Birds and Habitats Directives are met. This is likely to lead to cumulative effects of further developments with net increases of phosphorus discharge leading to further adverse effects on site integrity. If there is an increase in phosphorus discharging to the loch there would be a deleterious effect on water quality. This in turn would adversely affect the SPA and Ramsar qualifying features as the conservation objectives will not be met. It is, therefore, imperative that the policy framework in the plan is sustained if the overall objective of a continuing reduction in pollution is to be achieved.

## **REPRESENTATIONS**

No letters of representation.

## **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**

Environmental and natural resource protection measures are implemented by Policies EP7 and NE2. Policy EP7 seeks to protect the special interests of Loch Leven, whilst Policy NE2 seeks to protect existing trees and woodland, especially those with high natural, historic and cultural heritage value, such as the Ancient Woodland resource on this site.

Policies PM1A and PM1B seek to ensure that built development respects the character and amenity of the place, whilst Policy PM4 seeks to prevent the unplanned spreading of settlements, stating that development will not be permitted, except within the defined settlement boundary. However, Policy ED3 does allow for the establishment of a new rural business which relates to a site specific resource or opportunity, providing that adequate supporting evidence is presented to justify the site selection and that all other planning policies are also satisfied.

In support of this application a Planning Statement as well as a Regeneration and Development Plan for the Redmoss wood has been submitted.

#### **The Regeneration and Development Plan for the Redmoss wood**

This highlights the applicant's vision for the site 10.5 hectare site over the short term and long-term.

Year 1:- Agricultural and Horticultural ventures, Wood working workshop.  
Year 2:- Arts craft and bespoke furniture design.  
Year 2/3:- Making charcoal for in-situ Biochar production.  
Year 5/6:- On site beehives.

Year 10+:- Micro Brewery, producing wine

### The Planning Statement

The planning statement seeks to address the earlier reasons for refusal. In paragraph 1.3 the agent notes that:- *the document explains the interrelationship between the building forming this planning application and the forestry operations within the woodland area, including removal and replanting of trees governed by Forestry Commission licensing processes, which the building is there to support, including the fully sustainable re-use of the waste wood arising. This report also provides a context for the phasing of works within the site area and the potential for other related development to be proposed at a future date (subject to planning). At this stage the planning application and supporting information is designed to show the integral nature of the proposed "forestry workshop" as part of the regeneration and sustainable use/development of the woodland area.*

Taking the above into account it is useful to understand the applicant's vision for the site via the 'Regeneration and Development Plan for the Redmoss wood'. However, the application under consideration has to be assessed on whether the use of the structure for forestry purposes and as a workshop is acceptable as detailed in the planning application as confirmed in the 'Planning Statement'.

At this stage I consider it prudent to highlight how legislation covers woodland removal:-

- For woodland removal permitted under the Forestry Act 1967, legal enforcement of the actions required to implement a change in land use will normally be based on felling licence conditions, administered by the Forestry Commission.
- For woodland removal associated with development, the relevant planning authorities have the power to enforce any requirements relating to the planning permission.

In this case the Planning Authority assessment on the removal of forestry is limited to the trees contained within the redline boundary of the site. This is assessed under the landscape heading below. The felling of the wider tree resource would be covered by the Forestry Commission.

However, given the nature of the proposed development the outcome of the felling licence process is inextricably interlinked to the assessment of the retrospective application. If there is no felling licence in place the argument that there is a need for a forestry workshop is greatly diminished.

The agent was requested to provide details of the felling licence to assist with the assessment of the application and liaison with the Forestry Commission. On the 02<sup>nd</sup> of September the agent advised that, "*an application for a felling*

*licence has been made to the Forestry Commission and is presently being assessed”.*

On the 05<sup>th</sup> of September 2016 the Forestry Commission was contacted to discuss the felling licence for the site. They confirmed a felling licence had been submitted but the level of information was insufficient and the application had been returned.

On the 13<sup>th</sup> of January 2017 a further update was sought and the Forestry Commission confirmed that no further licence has been sought.

In this case there is no felling licence associated with the site and a case for a building on the site has not been made.

Taking the above into account the proposal is contrary to Policy ED3.

As the proposal fails to comply with ED3 it is also considered to conflict with policy PM4 due to the location of the building being adjacent to the established settlement boundary the Greenacres Gypsy/Traveller settlement.

### **Design and Layout**

Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.

Policy PM1A and PM1b of the Local Plan confirms that development must contribute positively, to the quality of the surrounding built and natural environment.

The building erected on the site consists of temporary portable cabin type structures bolted together. I am of the view that this is not an appropriate structure or an appropriate long term design solution for this rural location. I note that the planning agent has highlighted that the finish does not have to be cream and alternative staining or cladding could be secured. However, I am not convinced that applying this conditional control would improve the design or appearance of the structure to ensure compliance with the Placemaking Policies.

Taking the above into account the design and form of the building is considered to be inappropriate for its rural woodland setting, contrary to Policies PM1A, PM1B(c) and ED3(d).

### **Landscape**

The site is located within an area of ancient woodland, which is to be protected by Policy NE2A. It is noted that part of the woodland has been cleared in order to form the hardstanding and to site the workshop. Policy looks for the retention of trees especially where it is ancient woodland.

The Scottish Government's Policy on Woodland Removal signals a strong presumption in favour of protecting Scotland's Woodland resources. The Scottish Forestry Strategy 2006 identifies seven key themes for Scotland's woodlands which are reiterated in the National Planning Framework, while this highlights a need to plan proactively for the expansion of woodland cover it also confirms that existing woodland should be protected and that its removal should only be permitted where it will achieve significant and clearly defined additional public benefits.

In this case there are no clear public benefits associated with the removal of the 'Ancient Woodland'. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as local plan policy NE2A and NE2B.

The retrospective nature of this application means that this resource has been lost. If the application was approved then compensatory planting should be sought and take cognisance of the fact that it was ancient woodland that was lost.

### **Residential Amenity**

The Council's Environmental Health Officer has provided comments on the potential adverse impacts of the proposal upon surrounding residential amenity, with regards to air quality, noise and nuisance.

#### Air Quality

The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (09) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

Environmental Health undertook a telephone conversation dated 24 August 2016 with the applicant indicated that there was a wood burning stove installed within the workshop building, which was a 10kW stove.

As the proposed biomass wood burning stove is 10kW it is well below the range to be assessed and the low background levels within the area for both pollutants, Environmental Health have no adverse comments to make with regards to local air quality.

#### Nuisance

The Environmental Health Service has noticed an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The closest residential property to the proposed flue exhaust is 2 Greenacres which is approximately 75metres away from the workshop which is sited within a clearing within Red Moss Wood.

Therefore they recommend conditional control be included on any given consent to protect residential amenity from nuisance from smoke/ smoke odour.

### Noise

The workshop in retrospect is to be used to make bespoke furniture and arts /crafts, it will have a storage area for timber, cutting and an assembly areas, two small offices and a welfare facilities for staff with a proposed biochar toilet.

The applicant stated in a telephone conversation with Environmental Health dated 24 August 2016 that there would be a limited number of plant tools within the workshop as most of the furniture will be hand crafted. An email from the agent dated 26 August 2016 also states the tools to be used within the workshop area are to include a circular saw, chop saw and lath, however the tools are mostly hand tools. The use of excavator chainsaw will be used at times periodically.

A supplemetry document Development and Re-Generation Plan for Redmoss Wood submitted with this application states that the majority of fabrication works will be outsourced to reduce noise at the site.

The aforementioned email also states that the proposed hour of operations of the workshop is 08:00 hrs to 17:00hrs Monday to Friday.

It is Environmental Healths contention that noise from the site could at times have the potential to affect residential amenity, therefore conditional control is recommended on any given consent.

Taking the above into account I consider the need for the forestry workshop is further diminished if fabrication works are to be outsourced (off site) to reduce nosie.

### Odour

The biochar toilet proposed is deemed a sustainable sanitation option with regards to odour as the biochar (charcoal) absorbs the odour and accelerates

the breakdown of faecal matter, thus making the process more hygienic than a composting toilet.

Therefore due to the location and distance to other residential properties it is Environmental Health's contention that odour from the biochar toilet will not adversely affect residential amenity.

Overall the proposed uses (as part of this application) could comply with policy EP8 if conditional control is applied. The acceptability of the other activities incorporated in the applicant's Redmoss Regeneration Plan has not been assessed.

## **Roads and Access**

The internal comments from the Council's Transport Planning Officer note that the historic vehicular access and track have been widened. Whilst no objection has been raised to the widening of the access, the Transport Planning Officer states the requirement for the access to be properly formed and constructed to the standards that are required by the Council as Roads Authority, and has requested that this be secured by planning condition in the event that the planning application is approved.

## **Drainage and Flooding**

There are no concerns regarding flooding.

Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage can be diverted out of the catchment or (b) mitigation measures are implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

A piecemeal drainage solution to be provided on a phased basis has been suggested but this is not sufficient to meet the requirements of this application for a permanent structure.



In light of the consultation activity that has been undertaken with Building Control, SEPA and SNH. A definitive and permanent foul drainage solution has not been provided by the applicant to comply with the requirements of Policy EP7A, EP7B and EP7C.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to 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 not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations identified in the Planning Statements from TMS Planning and Development Services Ltd as well as the applicant's Regeneration Plan and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **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 ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.

- 2 The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.
- 3 The building, by virtue of its design, form and appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(c) and ED3(d) of the Perth and Kinross Local Development Plan 2014, which seek to achieve a high quality of design to reflect the rural nature of the site.
- 4 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy and there is no felling licence in place from the forestry commission for the removal of the woodland.
- 5 The proposal is contrary to Policy EP7A of the Perth and Kinross Local Development Plan 2014, as it does not confirm that total phosphorus from development will not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 6 The proposal is contrary to Policy EP7B of the Perth and Kinross Local Development Plan 2014 as the proposal does not connect to a publicly maintained drainage system or divert out of the catchment or implement phosphorus reduction measures.
- 7 The proposal is contrary to Policy EP7C of the Perth and Kinross Local Development Plan 2014 as the development does not comply with Policy EP7A and EP7B and does not remove 125% of the phosphorus likely to be generated by the development from the catchment.

### **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**

Not Applicable.

### **Procedural Notes**

- 1 This case is to be passed back to the Council's Enforcement Officer for remedial action on both the application site itself and the adjoining land to the South.

#### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

16/01347/1

16/01347/2

16/01347/4

16/01347/6

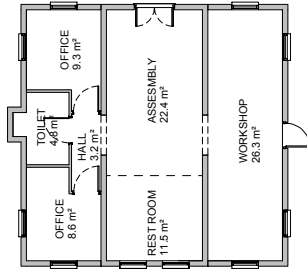
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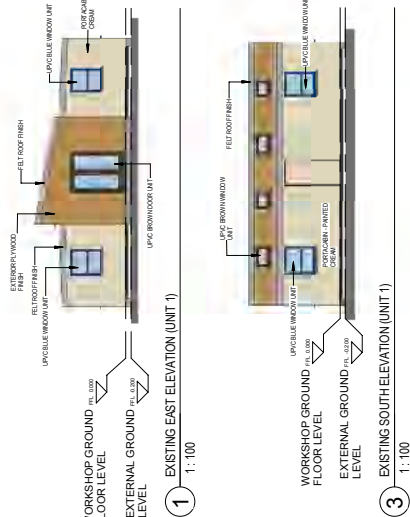
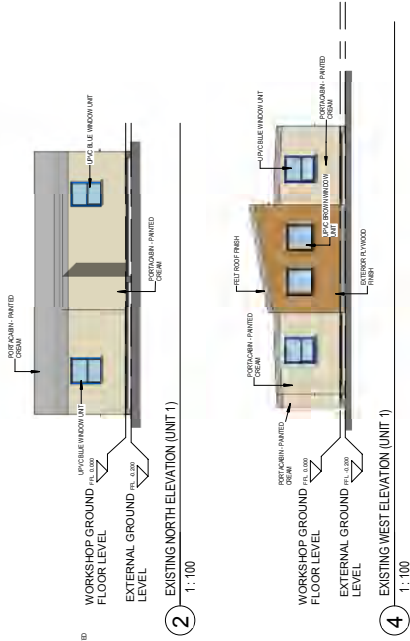
**Date of Report 06.03.2017**







5 EXISTING UNIT 1  
1:100



Rev	Date	Description	
		By	Check
1	01.12.2015	PLANNING UPDATE	
2	11.10.2015	UPDATED SITE PLANNING ISSUE	
3	11.10.2015	REVISED	

Project Name		Project Drawing No.	
Retrospective Planning Application for Erection of Forestry Workshop and Siting of Portable Buildings		P15-055_101	
Drawing Title		EXISTING AND PROPOSED PART SITE PLANS, PLANS AND ELEVATIONS	
Client		Owner	
Date: 26.09.2015		Drawn By: DB	
Name: PLANNING		Sheet: B	

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# **PROPOSED FORESTRY WORKSHOP@ REDMOSS WOOD, BY KINROSS**

## **SUPPORTING PLANNING STATEMENT**

**JULY 2016**

**TMS PLANNING AND DEVELOPMENT SERVICES LTD**  
"Balclune", 32 Clune Road, Gowkhall, Fife, KY12 9NZ  
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## 1.0 BACKGROUND

1.1 A retrospective planning application for the “Erection of forestry workshop” was refused planning permission by Perth and Kinross Council in December, 2016 for the following reasons: -

*“1 The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.*

*2 The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.*

*3 The proposal has failed to demonstrate compliance with the Perth and Kinross Council statutory Supplementary Guidance: Loch Leven Special Protection Area and Ramsar Site, as no phosphorous mitigation measures have been proposed. Furthermore, Policy EP7(c) of the Perth and Kinross Local Development Plan 2014 requires that development proposals be refused in instances where inadequate phosphorous mitigation is proposed.*

*4 The development is contrary to Policy NE2A of the Perth and Kinross Local Development Plan 2014 and Scottish Planning Policy 2014, as it has not protected existing trees and woodland, especially those with high natural, historic and cultural heritage value. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy.*

*5 The workshop, by virtue of its design, form and incongruous appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(c) and ED3(d), which seek to achieve a high quality of design to reflect the rural nature of the site.”*

1.2 The present planning application seeks to fully address the matters of concern expressed with respect to the earlier refusal and to demonstrate the significant tangible benefits arising from the provision of the proposed structure as an integral part of the sustainable regeneration of Redmoss Wood. It is accepted that a detailed justification for the forestry workshop was not set out in support of the earlier planning application and this information/assessment seeks to remedy this omission.

1.3 This Supporting Planning Statement requires to be read in conjunction with the “Development and Re-Generation Plan for Redmoss Wood” as prepared by the applicant and his project team. This document explains the interrelationship between the building forming this planning application and the forestry operations within the woodland area, including removal and replanting of trees governed by Forestry Commission licensing processes, which the building is there to support, including the



fully sustainable re-use of the waste wood arising. This report also provides a context for the phasing of works within the site area and the potential for other related development to be proposed at a future date (subject to planning). At this stage the planning application and supporting information is designed to show the integral nature of the proposed “forestry workshop” as part of the regeneration and sustainable use/development of the woodland area.

1.4 Some initial discussions with SEPA have occurred in order to address their earlier concerns related to waste arising from the workshop building. While subject to final details, the applicant understands from his discussions with SEPA that their objection will not be continued through to the current application.

1.5 In the event that any further information or clarification is required in order to assist the understanding/consideration of the proposals then the applicant is happy to provide this on request. Indeed, the somewhat unique nature of the proposal would be likely to benefit from early discussions and to this end the applicant would request early dialogue with the planning case officer.

## **2.0 THE SITE/SURROUNDINGS**

2.1 Redmoss Wood is a 26-acre plot, lying directly to the West and at the foot of Benarty Hill, situated between Kinross and Keltly. It was formerly the site of a sawmill, is traversed by a former rail line, and, over the most recent decades it has emerged as a wild Silver Birch forest after years of natural growth and little management. Planning permission for a caravan park and related development was also granted in 1980 albeit it is unclear to the naked eye what works, other than the formation of the access, may have occurred following the grant of this consent. Evidence of historic disposal of building waste is also present within the area forming Redmoss Wood.

2.2 It is understood that this mono-culture woodland has a range of issues which presently threaten its very existence. Aside from the industrial scars, fly-tipping, etc, the site has surface water management issues which are undermining the woodland, restricting tree growth and resulting in regular tree loss. Expert analysis considers this self-seeded woodland to be of little merit ecologically or as a sustainable woodland resource. The wildly growing Silver Birch woods have become so dense over the years that they need to be thinned out just to sustain themselves. It appears as a deteriorating asset in need of significant intervention in order to maintain the future woodland area.

2.3 Redmoss Wood lies within the Loch Leven catchment. However, a recent ecological baseline scoping survey within the wood has shown it to have a distinct lack of wildlife and a shortage of any thriving native culture. It is an area of little, if any tangible, ecological value.

2.4 The planning application site forms a small part of the wider woodland area. It includes the access from the B996 to a clearing on the woodland where the partly formed workshop building is erected. The woodland area extends to all sides of the building, with the main sections to the south, east and north. Along the road site frontage (west) is a well-established woodland edge which provides a significant level of screening for the workshop building. To the north of the woodland is an established agricultural structure clearly visible on this approach with the adjacent travellers facility also readily visible (far more so than the proposed workshop building) from the B996.

### **3.0 THE PROPOSED DEVELOPMENT**

3.1 The proposed “forestry workshop” is specifically designed to address the works with the adjacent Redmoss Wood aimed at delivering its productive and sustainable regeneration. The full details, including the extent of the works and related phasing, is set out within the “*Development and Re-Generation Plan for Redmoss Wood*” submitted with this application. While this Plan extends beyond the initial phase of the woodland regeneration, it sets out the clear requirement/context/justification for the proposed forestry workshop structure, this building being an essential component of the woodland regeneration at this initial stage and throughout the operation. It is noted that the woodland removal and replanting will be controlled by the Forestry Commission through their licensing process.

3.2 The applicant is addressing the sustainable regeneration of the Redmoss Wood woodland as the underlying objective of his site operations. Key to his proposals is the use of the waste timber arising from the removal and regeneration works within the woodland. The phased removal of much of the self-seeded silver birch woodland and replacing this with native woodland planting in order to diversify and support the quality and contribution of the woodland for future generations, will result in a significant amount of timber waste being generated. The intent is to productively use as much of this waste material by cutting, storing and manufacturing the wood material to form bespoke furniture and other craft items for sale. The more substantial timber pieces will be cut to size and dried out to create quality hardwood materials for arts and crafts, bespoke furniture items, wall cladding etc. Other off-cuts/waste materials will be used to form biochar and wood chippings. The finance generated from these activities will be the key to sustaining the re-generation plan over many years, essentially from the re-use of what is a waste by-product. Research has indicated a growing market for bespoke furniture and other craft products from sustainable sources.

3.3 Other uses for the waste products are set out in the “*Development and Re-Generation Plan for Redmoss Wood*” report including the production of biochar, wood chipping, logs, etc. Detailed consideration of the costs and profitability of the operation (figures available on request) shows that this will provide a viable business for Mr

Dempster related directly to the wood and its beneficial regeneration. The development will produce full time employment initially for Mr Dempster but also for others in time. Other improvements to the woodland are also to be funded by/result from the proposed regeneration works (drainage, access paths, etc). This is a bespoke operation directly related to the site specific content provided by Redmoss Wood with the proposed workshop building being a key requirement at this initial stage.

3.4 The proposed workshop building is part complete and still to have its exterior finished in accordance with the submitted plans. The applicant proposes to externally clad the building using silver birch sourced from Redmoss Wood with the wood being externally treated/painted as agreed with Perth and Kinross Council. The current plans indicate a cream finish but this can be stained/painted in any colour required by the Council. The building will contain a workshop for the initial storage and cutting of the timber, an assembly area for putting the furniture together, two small offices (one for product design and the other for the administration of the business and regeneration operations), a rest room for staff, and a (biochar) toilet. The operation of the building will allow the regeneration of the woodland to commence in earnest as without this outlet for the processing/re-use of the waste timber the regeneration proposals are both impractical and unviable.

3.5 A great deal of thought has gone into the location, form and accommodation proposed within the workshop building. Other storage and potentially other structures may be required over time as the business progresses but this structure is the key to commencing the required woodland operations. As part of the enhancement of the woodland, the applicant is seeking to improve the ecology and aesthetics of the presently deteriorating resource and this will be integral to the new planting and management proposals.

3.6 In essence, the plan is to regenerate the Redmoss Wood by tree removal and re-planting in order to allow a new mixed species woodland to develop, one laid out in a manner that will allow it to successfully develop and allow maintenance throughout while also having enhanced environmental value. This will involve the phased clearance of a significant amount of thin under-developed trees and their replacement with a range of native tree planting, and the future management of the resource as indicated. This also allows a bespoke and site specific business opportunity to be secured on a wholly sustainable basis respectful of the site and of great benefit to the woodland resource.

## **4.0 PLANNING ASSESSMENT**

4.1 The protection and enhancement of the environment, including woodlands, is a key component of Scottish Planning Policy and Perth and Kinross Council's Local Development Plan. Both the Scottish Government and Perth and Kinross Council have

woodland strategies promoting the retention of valued woodland and the additional afforestation of the Scottish countryside. It is understood that historically Redmoss Wood was considered ancient woodland but this is clearly no longer the case, the woodland presently and over many decades becoming a self-seeded monoculture (silver birch) woodland with little ecological or aesthetic value. The existing woodland is, in fact, a deteriorating resource in need of substantial investment in order to maintain/enhance the positive contribution that woodland can make to the site/local area.

4.2 Rather than assessing the proposal in detail against the terms of extant planning policy, in particular that set out in the Perth and Kinross Local Development Plan, this section of the supporting statement will specifically address the terms of the earlier refusal and the policy issues arising therein. Taking these in order the following responses are considered relevant (reason for refusal in italics with response directly below): -

*"1 The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.*

Policy ED3 of the Perth and Kinross Local Development Plan specifically supports the creation of new businesses in rural areas where they *"are related to a site specific resource or opportunity"*. As outlined above and in the *"Development and Re-Generation Plan for Redmoss Wood"* this criteria is clearly met by the proposed forestry workshop building and its fundamental relationship to the specific resource and site specific regeneration of Redmoss Wood. The development is viable/sustainable and will bring permanent employment as a direct result of the approval of this planning permission and the related works arising.

*2 The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.*

Policy PM4 of the Perth and Kinross Local Development Plan states that *"for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the settlement boundary"*. It is unclear how this policy is relevant at Redmoss Wood. The site is not in a defined settlement and therefore the policy is not relevant to the assessment of any proposal. In addition, Policy ED3 of the Perth and Kinross Local Development Plan specifically states a preference for rural business and diversification development to be *"...within or adjacent to existing settlements"* therefore further supporting the view that Policy PM4 is irrelevant to this case.

3        *The proposal has failed to demonstrate compliance with the Perth and Kinross Council statutory Supplementary Guidance: Loch Leven Special Protection Area and Ramsar Site, as no phosphorous mitigation measures have been proposed. Furthermore, Policy EP7(c) of the Perth and Kinross Local Development Plan 2014 requires that development proposals be refused in instances where inadequate phosphorous mitigation is proposed.*

Direct discussions with SEPA prior to the submission of this further planning application appears to have addressed these concerns. The use of a closed system biochar toilet and a storage tank for other waste arising (tank regularly emptied by an approved contractor) will result in no waste arising from the workshop building impacting on the Loch Leven catchment or any of its qualifying features. Part of the proposals for the Redmoss Wood regeneration also includes the production of biochar, the process of which will result in the treatment of significant amounts of waste from the Loch Leven catchment providing additional significant benefits from the woodland regeneration, the proposed forestry workshop being a key component of this undertaking. Further evidence to demonstrate the compliance with drainage policy/benefits of the development can be provided where required.

4        *The development is contrary to Policy NE2A of the Perth and Kinross Local Development Plan 2014 and Scottish Planning Policy 2014, as it has not protected existing trees and woodland, especially those with high natural, historic and cultural heritage value. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy.*

The existing monoculture woodland is in poor condition and deteriorating. It is not, as suggested in the reason for refusal, of “*high natural, historic and cultural heritage value.*” It is in fact the opposite. The proposals for the woodland, for which the forestry workshop is a key component, will allow the creation of a woodland of high value and, despite the claim made in the reason for refusal, the development and related undertakings (as set out in the Development and Re-Generation Plan for Redmoss Wood) would positively contribute to the restoration and improvement of the designated woodland in accord with Perth & Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy and prevailing Scottish Government woodland policy. This proposal is entirely positive for the woodland resource and its long term value to the local area/ecology.

5        *The workshop, by virtue of its design, form and incongruous appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be*

*contrary to Policies PM1A, PM1B(c) and ED3(d), which seek to achieve a high quality of design to reflect the rural nature of the site."*

The forestry workshop building is to be externally clad in silver birch cladding sourced from Redmoss Wood. This would then be externally finished in a colour agreed with Perth and Kinross Council. Bearing in mind the location and function of the building, its significant setback from the public road, the level of screening along the site frontage (established woodland), and the context of other development in the immediately surrounding area, it is difficult to see how this largely functional rural workshop externally clad in timber and of limited scale could be considered unacceptable in its context. The quality of the design/external appearance would reflect the rural nature of the site and be suitable with respect to appearance, height, scale, massing, materials, finishes and colour (to be agreed). The development would be entirely fit for purpose in functional and aesthetic terms with reference to the site and surroundings.

## **5.0 CONCLUSIONS**

5.1 Redmoss Wood is a largely monoculture woodland in need of active re-generation and management. It is a deteriorating asset requiring significant investment in order to enhance the character and amenity of the woodland and its ecological value. The applicant has studied, in depth, the historical impacts of earlier uses, the existing site conditions, etc and has brought together, in conjunction with a range of specialists, a carefully crafted and viable re-generation plan in order, over time, to return the area to native woodland with the related amenity and ecological benefits arising.

5.2 In order to fund the extensive works required, the applicant has also set out plans for a new rural business making the full and productive use of the waste materials arising from the woodland and delivering a range of related environmental benefits. The proposed forestry workshop building is integral to this rural business and therefore to the related and underlying woodland regeneration which is the catalyst for all of the woodland, ecological and economic benefits arising from the proposals, including local employment and the use of local business/services.

5.3 A financial plan underpins the proposals showing the viability of the proposals and the key role played by the workshop building subject to this planning application (this information can be provided to Perth and Kinross Council in confidence where required). It is fully accepted that this type of local woodland regeneration/manufacturing business is not commonplace but the merits and underlying benefits are clear and fully compliant with established policy support for rural development and diversification of the rural economy.

5.4 In the event that further information is required in order to justify the development and/or to explain the proposals then this can be provided on request.

Document No - RDW-3000-IS-DOC-005

Drainage Solutions  
for  
*Redmoss Wood*



Redmoss Wood

Lochran

Kinross

KY4 0JA

## Document History

This report has been prepared in accordance with the instructions of the client, David Dempster, for the client's sole and specific use.

Any other persons who use any information contained herein do so at their own risk

Client	David Dempster	Ref No:	RDW-3000-IS-DOC-005
Project	Redmoss Wood Regeneration	Revision:	C01
Title	Drainage Solutions for Redmoss Wood	Status:	For Construction

Revision	Date	Description	Created by	Verified by	Approved by
C01	26/02/2016	Revised Drainage Solution	Iain Strachan	B Kanya	Iain Strachan



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## 1. Introduction

Bespoke Designs & Services Ltd were commissioned by Mr David Dempster, to propose a suitable Wastewater Treatment System to serve the proposed Redmoss Wood Forestry Workshop.

The project team have faced a couple of Waste Management mitigation issues, where members of the public were left confused about why a stranger would be knocking on their door to propose drainage mitigation efforts. In both cases, when they sought verification of the Council directive for mitigation within Loch Leven catchment, they were given no response and withdrew their previous mitigation agreements.

The Redmoss Wood team have agreed that the planning debate has become overly complicated for what is actually required from the building. This has led to long delays in any forest regeneration progress and also the cost of ongoing consultancy fees. To conclude our application for retrospective planning permission for the forestry workshop, we wish to propose a slightly revised solution which meets with all our consultees concerns.

## 2. Redmoss Wood Regeneration - Objectives

The main objective for Redmoss Wood at this stage is purely for the survival of an extremely beautiful piece of countryside. In carrying out the rescue mission, certain timber waste materials will become available and need disposal. Our plan is to recycle the waste timber from the forest thinning and coppicing into “Activated Carbon” Charcoal, which can be used for a huge number of water purification and environmental clear up purposes.

The original plan for making biochar, with the addition of local farm waste to the activated charcoal, will not now be considered as an economic option due to the phosphorus issues and waste management requirements of biochar, allied with the fact that the activated charcoal fetches a better price than biochar, without the environmental issues.

Ultimately, the char can normally be used as a fertilizer after it has been used for environmental cleaning, giving it an environmentally friendly full life-cycle for the recycled waste timber. Additionally, the activated carbon is no longer considered a waste material and requires no waste management licencing from SEPA. In fact, it is a highly sought after commodity for its usefulness in environmental management.

Significant market and scientific research has gone in to our decision making process, in an attempt to maximise the environmental returns from our recycling efforts. The nature of activated carbon is that different donor materials produce charcoals which have differing environmental cleaning properties. It's use for environmental infiltration systems is based on the ability of the charcoal to absorb huge amounts, infiltrating impurities from the water, which remain locked within the charcoal.

It could very well be that Mr Dempster's activated carbon activities could give rise to a viable solution to the Loch Leven catchment nutrient problems. Full details of any activated carbon research activity going on at Redmoss Wood will be made available to SEPA for their information but for all intents and purposes it is an improvement in the carbon footprint from burning or disposing of the timber waste from forestry management works.

The purpose of the building is purely to serve Mr Dempster as a sheltered and secure workshop and storage facility, while carrying out his woodland regeneration works within Redmoss Wood.

The site will now only have only one full-time dayshift worker, the Forest Manager, Mr Dempster. The design studio and workshop for Redmoss Design Ltd, Mr Dempster's younger sister's Arts & Crafts venture, will likely be set up off site due to the unpredictable nature of the planning campaign at Redmoss Wood.

The important point to consider is that the workshop building is only needed for the period of forest regeneration, estimated to be around 8-10 years based on the stage-by-stage methodology planned.

Since the workshop has a relatively short-term requirement, investing large amounts into 2 waste management systems is not an economic approach, the money would get a far better environmental return for all concerned if it was spent on other areas, for example:-

- Drainage, carrying out remedial works, to lower the water table so a septic tank and secondary treatment system may be safely installed in the future
- Removing overcrowded Birch saplings and replanting with diverse broadleaf tree culture, with spacing optimised for growing purposes
- Creating access around the site so that the forest management works can take place

### **3. Waste Management Proposals**

The needs of the site dictate that we need a morphing waste management plan, which suits the site specifically, as it goes through the recovery process.

In accordance with SEPA guidance document PPG-4 this site is not currently suitable for a septic tank based waste water treatment system due to the high water table and lack of mains electricity for pumping waste outputs to an elevated location.

By opening up further drainage ditches, the water table can be strategically lowered over time, but trees will need to be cut down to make room for constructing the drainage runs and creating access to some previously inaccessible parts of the site. It will take months and more likely years for any new drainage to take effect, and a significant change can be made in the permanent site groundwater levels. Until these remedial works are carried out the site will remain unsuitable for a waste water treatment system.

#### **3.1 Immediate Waste Proposals**

The correct and sensible approach to waste management, right now, would be to provide a temporary chemical Portaloo which would be emptied by licensed waste contractor, to allow the site improvement works to commence. Additionally, for nitrates collection, a greywater holding tank should capture any waste water which is also emptied periodically by a licensed waste management contractor.

Financially, a rented chemical toilet isn't an ideal long-term approach but we will still have an unpredictable water table to consider, and with no mains power nor mains water supply.

#### **3.2 Medium Term Waste Proposals**

For the medium term, a waterless composting toilet is proposed. (Plate 1) The dry composting waste would be held in an approved tank for periodic emptying by a licensed waste contractor. The system will have no output to land whatsoever so there should be no mitigation requirements.



**Plate 1 – Envirolet Remote Waterless Composting Toilet & Remote Tank**

### **Envirolet® Waterless Remote Composting Toilet Systems**

The advantage of this System is that it offers a unique combination of both style and function. The Remote waste treatment center installs below the floor, directly under the Toilet on the ground outside.

This deluxe Toilet is manufactured from durable, easy-to-clean, high gloss HDPE plastic and will provide many years of trouble-free service. **New!** [Waterless Toilets](#) feature a removable bowl for easy cleaning!

Another benefit is the increased capacity of the Remote waste reduction system, rated for up to ten persons per day (depending on power type) and additional guests from time to time. Made from high impact, all weather durable plastic, the Waterless Remote is our highest capacity System.

As with all Envirolet Toilet Systems, cleaning is minimal, and in fact, less than most flush toilets. Powered units have a switch to control the fans and/or the heating system, and you can introduce the organic products either through the Toilet or through the service port on the Remote System.

Standard installation of the Remote treatment module requires a minimum clearance of 33", from the ground to the bottom of the floor. A 30" space is sufficient if the bathroom Toilet is slightly raised. The Toilet can be installed on an upper floor some distance away from the treatment center, using our included Flex Duct for both drain and vent.

This system is ideal for cold weather use.

### **ENERGY CHOICES**

Envirolet® is available in choice of Non-Electric, 12VDC Battery (Solar optional) and 120VAC Electric.

## waterless remote specifications

model	power	power use (energy)	power use (normal)	weight (lbs.)	capacity* (full-time)	capacity* (vacation)
Envirolet® WRS/NE	Non-Electric	N/A	N/A	110	4	6
Envirolet® WRS/DC	12VDC	0.5A	1.0A	118	6	8
Envirolet® WRS/AC	120VAC	40W	540W	120	8	10+

**\*Capacity:** Persons per day rating is based on three uses per person per day. All Systems will handle *occasional* additional use.

**Size All Remote Systems:** 25" Width x 33" Length/Depth x 28.5" Height

**Size Waterless Toilet:** 16.5" Width x 22.5" Length/Depth x 20.5" Height (Height to toilet seat 15")

**Drains:** All Non-Electric and 12VDC Battery Systems are fitted with special Filter Drain that must gravity feed to a proper [drain site](#). A drain is a recommended accessory for 120VAC models that will experience heavy use or power outages.

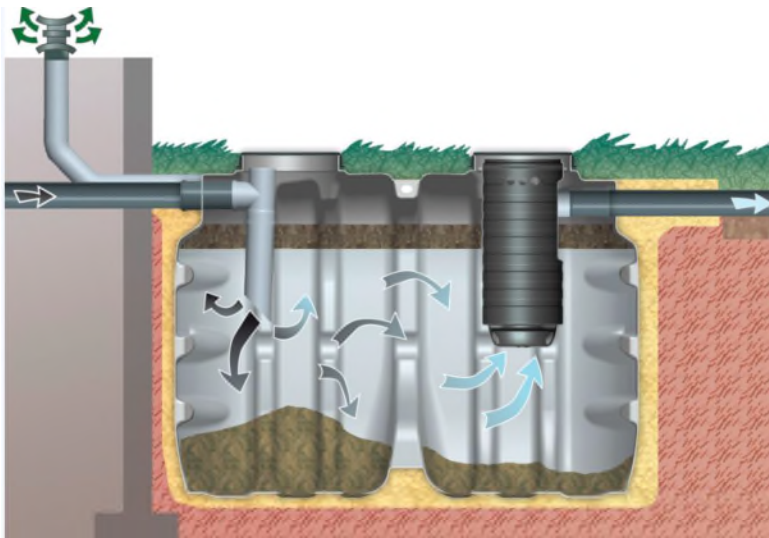
**Venting:** It is recommended to keep your vent completely vertical (i.e., straight up).

**Warranty:** Lifetime on the body and 5-Years on all internal components.

### **3.3 Permanent Long Term Waste Proposals**

However, we agree that neither of the proposed short and medium term solutions would be the best permanent option, mainly due to maintenance and waste disposal costs, where an efficient treatment of waste through a septic tank and secondary treatment would be the preferred option.

#### **3.3.1 Permanent Septic Tank**



**Figure 1 – Tricel Venta Septic Tank System**

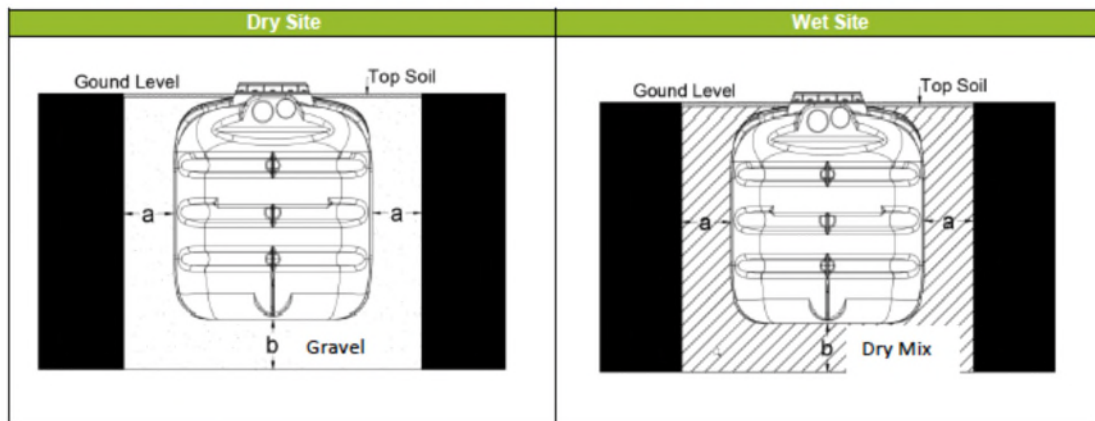
The Tricel Venta Septic Tank Proposed caters for 12 persons and has a 4000 litre capacity.

The system is compliant with BS-EN 12566-1 and full details of the system including installation is shown in Appendix B.

The outlet passes on to the Filter Pod secondary treatment system described in Section 5.2.

The septic tank is not as close to the building as shown in the figure above. Our septic tank has been designed to sit remote from the building approximately 8 metres away with a gravitational feed. The pipe fall to the septic tank is approx. 600mm.

**Note: The maximum depth for the base slab is 2105mm for a P6 and 2215mm for P12 and P20.**



Site Conditions	"a" minimum in mm	"b" minimum in mm
Dry	200	200
Wet	200	300

**Figure 2 – Septic Tank Excavation Dimensions and Backfill Requirements**



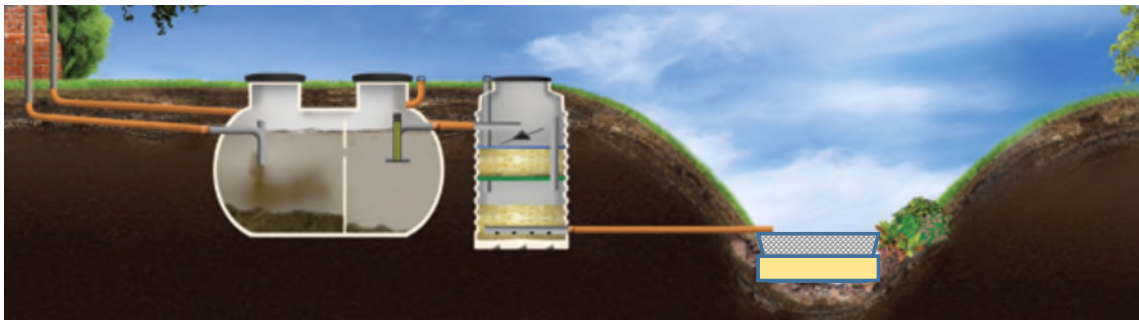
**Figure 3 – Septic Tank Has Square Base to Assist with Stability – No concrete surround**



### **3.3.2 Permanent Secondary Treatment**

The output from the septic tank requires secondary treatment to get effluent levels down below the Royal Commission standards of 20mg/l / 30 mg/l / 20mg/l with regards to Biochemical Oxygen Demand BOD<sub>5</sub> / Suspended Solids / Ammonia content.

The proposed filtering system performs to superior standards than the basic requirement of BS EN 12566-3 testing, returning consistent performance figures of 10/12/11. (See installation layout in Figure 4 below)



**Figure 4 – Secondary Treatment Outfalls to a Land Drain to enter the watercourse as groundwater**

### **3.3.3 Permanent Land Drain**

The output from the secondary treatment plant is required to be put back into the ground before out-falling into the watercourse by means of a constructed land drain. This ensures there are no scour or erosion issues at surface level.

The land drain consists of 3 separate progressive filters, the first with pea-gravel and the others with increasingly fine particles until a final sand filter. The total length of the land drain is 15m long and runs down at a convenient fall to the watercourse.

### **3.3.4 Long Term Developments**

If the forestry workshop is still required following the initial regeneration project, then with Perth & Kinross Council's blessing, the workshop would be upgraded to a much more substantial, aesthetically pleasing building, with a long design life and would be of masonry and timber construction throughout. We plan to go through the relevant mitigation procedures prior to the permanent drainage and wastewater system being installed.

Since the long-term future of the building would then be secure, it would merit the significant expense of a full stand-alone wastewater system for Redmoss Wood, including mains water supply and mains electricity installation and also the necessary upgrade of a 3<sup>rd</sup> Party property as part of our mitigation efforts.

The team are still actively seeking interested 3<sup>rd</sup> parties within the catchment and would encourage the Council, SEPA and others, to pass on our contact details to any interested parties.

While we completely subscribe to the long-term merits of a septic tank and secondary treatment plant, our groundwater table is at a falsely high level currently and a septic tank is simply not appropriate at present or for the foreseeable future.

SEPA have already commented on their concerns regarding the control of the water table, although an intercepting drainage network has been considered, to bring the bulk of the drainage through the centre of the wood, with a view to creating a significantly sized water feature. As soon as we have the Council blessing for the regeneration works to proceed the drainage remedial works will get back underway.

#### 4. Consideration of the Regeneration of Redmoss Wood

The following table highlights some of the key environmental benefits and hazards associated with the Redmoss Wood Regeneration Project. It is clear to see that the benefits that come from regeneration of Redmoss Wood far outweigh the carbon footprint increases of the project being carried out. Additionally, there are the economic benefits of a potentially profitable business, derived from a clear up of waste, which will improve the economy of the area. Some environmental good will certainly come from the Activated Carbon produce created on site.

<b>Environmental Benefits to Redmoss Wood from the Regeneration Project</b>	<b>Increase in Carbon Footprint by Carrying Out Regeneration Project</b>
Cultured forest management	Toilet needing Emptied Periodically
Optimised growing conditions	Greywater Tank needing emptied
Strategic Groundwater Policy	Processing of Activated Carbon (Improvement from Firewood since 40% of carbon content is retained through the pyrolysis process)
Activated Carbon production	Manufacture of Plastic Tanks/Pipes
Recycling of waste timber	Firewood for Heating (Only when activated carbon is not being processed)
Architectural Landscaping	Fuel for Plant
Improving Carbon Capture from processing the waste timber (40% more carbon retained than when using as firewood)	Nutrient for Growing Agricultural produce
Minimised Carbon Footprint of Workshops	
Use of Recycled Materials where possible	
Biodiversity of Flora & Fauna	
Economic benefits from Charcoal going towards Environmental Improvements	
Creation of a Significant Water Feature and the biodiversity that entails.	
Ongoing Ecological Monitoring	
Energy Recovery from heat transfer from charcoal manufacture	
Avoiding the negative Carbon Footprint Associated with a Dying Forest	
Minimising transportation costs	

## **5. The Impact of Leaving Redmoss Wood as it is?**

The cost of not carrying out the regeneration project would result in the following scenarios:-

- 20 of the 27 acres are currently under threat from flooding and poor ground, these areas will get worse if remedial works are not carried out.
- The trees in the flooded zones will eventually fall in windy conditions as there is insufficient support from the ground.
- The wild Silver Birch will, at best, continue to under-perform in a sapling state as they have done for the last 70 years.
- The ground will continue to be mistreated by fly-tippers etc.
- A new company will not be formed. A company with a time proven product, which is derived from nothing more than waste material, has to be a success financially. It is a no-lose situation economically and additionally there is the environmental benefit from the Activated Carbon that is produced with minimal environmental impact.
- The ecological situation at Redmoss Wood will continue to be bleak.
- The arboriculture will remain a mono-culture, predominantly a bog.
- The industrial parts of the site would be sold off as industrial plots.

## **6. The Initial Steps**

As soon as we receive Perth & Kinross's acceptance of the project and the construction of a forestry workshop, the initial phases of the project can commence:-

- arrange chemical Portaloo toilet delivery
- issue of a building warrant for the completion of the workshop and approval with Building Control
- complete forestry management report for obtaining Forestry Commission felling licence (This is a courtesy for the Forestry Commission since the forest management plan does not involve the removal of anything that could be considered a mature tree.)
- drainage remediation works.
- create accesses throughout the site.



**BNTW**  
**SCOTLAND**  
SEPA "HEI"  
Award  
Winner



## **Redmoss Woodland Assessment**

Client: Mr David Dempster

Prepared by: David B Robertson Dip For. Lantra PTI.VR

BNTW Scotland

(Part of the Tree Consultancy Group)

Date: 30<sup>th</sup> May 2017

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### **5.0 WOODLAND REGENERATION**

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**Appendix A** – Woodland map with Areas defined.

## 1.0 EXECUTIVE SUMMARY

- 1.1 The Purpose of this report is to support the retrospective application to erect a workshop and assess the viability of the woodland in regard to bespoke wood/product production.

### **Tree Survey**

- 1.2 Site visits were carried out on the 24<sup>th</sup> and 26<sup>th</sup> May 2017, with data collected to provide a timber assessment and future management strategies with due regard to tree condition, soil type and growth rates. The weather was calm and sunny.
- 1.3 As stated in the habitat report, the woodland is mainly composed of broadleaved trees and is mainly of semi-natural origin ie Long established woodland of plantation origin. The raised hill ground to the South is defined as Ancient woodland. The majority of the woodland comprises of Silver Birch with patches of Common Alder (drain sides) and Willow (hill ground to South). There is an occasional Rowan tree and Sycamore throughout the site.

The Birch woodland can be classed as Low grade broadleaf, with a high water table on Peaty Gley and Deep Peat. Ground flora is predominately Ferns, Bracken and Common Nettle. The site is recorded as a bog on maps dating back to 1740 with exception of the raised area to the South which is recorded as woodland. The current woodland is approximately 10 – 50 years old, and in the main self-seeded with no observed cultivation pattern, and poor stocking levels.

Anecdotal evidence, would suggest extensive cultivation throughout the site either for arable production or as part of Blairadam estate nursery. The site was formerly used to site a timber yard and sawmill with areas of compacted sawdust present.

### **Woodland Tree Assessment**

- 1.4 Four areas were assessed for potential timber production ie North of the site (Area A), to the North East/across the powerline/ wayleave (Area B), Central area (Area C), and the raised hill ground to the South (Area D).
- 1.5 The area to the North East although has timber thinning potential, has a high water table and would be prone to the early onset of windblow ie to thin this area will accelerate its demise due to limited rooting potential.
- 1.6 The area to the South was discounted as having little or no timber potential.
- 1.7 Timber production from thinning was quantified to produce approximately 91 cubic metres of usable timber and when evenly spread over a minimum of 5 years falls below the threshold requiring a Forestry Commission, Felling /thinning licence ie" less than 5 cubic metres per Calendar quarter".

### **Conclusion**

- 1.8 The woodland would benefit from low intensity thinning in targeted areas, thus gradually opening up the tree canopy to allow further tree regeneration and development of ground flora. The woodland would also greatly benefit from the new native broadleaf planting being proposed in order to diversify the woodland stock and to improve the underlying quality and biodiversity value of the woodland area. The proposals related to this application are of significant value to the woodland
- 1.9 Maintenance of the existing drainage network would assist in lowering the water table and increase the stability of the woodland ie helps retain the taller /larger trees.
- 1.10 The development and associated works embraces the following policies, frameworks and guidelines Perth and Kinross Council policies - Local Development Plan – NE2A/NE2B, The National Planning Framework, Scottish Government's policy on the removal of Wood

## 2.0 GENERAL INFORMATION

### Brief From Client

- 2.1 To carry out a woodland assessment to support a retrospective planning application for a woodland workshop and associated infrastructure. This includes assessing timber volume, thinning potential, ground conditions, ground flora and water table.

### Description of the Proposed Development

- 2.2 Erection of 1 woodland workshop and associated infrastructure on a former derelict sawmill site.

### Documents Referred To

- 2.3 List of documents already provided to the Planning Authority from client or a representative of the client: Site plan, Elevations, Floor Plans, Section Drawing, Site and tree Survey, Photographic & illustrations Record Design and Support Statement, and habitat survey.
- 2.4 Forestry Commission Yield models, Forestry Commission Mensuration handbook.

### LIMITATIONS

- 2.5 This report was prepared for use by our client in accordance with the terms of the contract and for planning purposes only. It is not a substitute for a tree condition, insurance, or mortgage service. Information provided by third parties used in the preparation of this report is assumed to be correct. The contents are copyright and may not be duplicated or used by third parties without the written consent of BNTW Scotland.

### TERMS AND DEFINITIONS

- 2.6 **Terminal height:** the tree height at which it can be predicted that a woodland will incur significant windblow.

**Top height:** The height of the tallest tree(s) within a sample plot or woodland area.

**DBH:** The girth of trees taken at 1.3 metres from ground level. For timber assessment purposes the minimum of 7 cm is considered and for thinning 10 cm.

**Plot size:** the size of survey assessment plots is 0.01 hectare, circular with a radius of 5.56m and randomly situated.

**Basal area:** the area of timber expressed in metres squared, either derived from basal area sweeps or conversion from dbh. This when multiplied by form height will give a predictive volume for the plot or for the thinning potential.

- 2.7 **Windblow:** limited or weakened tree rooting, resulting in trees falling over from the physical effects of wind. Can be directly related to root penetration of the soil and limited by injuration eg gleyed soils and/or water table impeding root development and penetration.
- 2.8 **Thinning;** the removal of smaller, sub dominant, and co dominant trees to allow dominant trees to grow in unrestricted air space. Thinning in this case refers to selective thinning, with minimal impact to the standing crop using a micro tractor/quad for extraction on existing tracks and rides.
- 2.9 **Coppice:** A traditional management technique in which broadleaved trees are cut to just above ground level and the resulting shoots are then harvested on a cycle and used for a wide variety of purposes such as wood fuel and hurdle making. Most coniferous / evergreen trees do not coppice.



### 3.0 TREE SURVEY

#### 3.1 METHODOLOGY

3.1.1 Data was collected in accordance with Forestry Commission Mensuration handbook recommendations. All observations were from ground level without detailed or invasive investigations. Measurements were taken using a tape measure, dbh tape and a laser to estimate tree heights. Survey plot frequency was per field survey guidelines for woodland under 10 hectares and consideration for variable crops.

3.1.2 The trees were surveyed and assessed impartially and irrespective of the proposed development. Management recommendations should be implemented regardless of any proposed development for reasons of sound silviculture management and safety.

3.1.4 Trees were recorded as the following woodland blocks: Ref appendix A.

- Area A - 3.2 ha of younger trees to the North of the development.
- Area B - 1.6 ha of older trees to the North East , across the powerline / wayleave.
- Area C - 2.02 ha of older woodland in the centre of the development area
- Area D – 0.8 ha of raised hill ground in the South of the development area.

#### 3.2 ANALYSIS

##### Species

3.2.1 The scientific names for the species recorded only in common names are as follows:

Common Name	Scientific Name
Rowan	<i>Sorbus aucuparia</i>
Silver Birch	<i>Betula Pendula</i>
Goat Willow	<i>Salix caprea</i>
Common Alder	<i>Alnus glutinosa</i>
Oak	<i>Quercus robur</i>
Sycamore	<i>Acer pseudoplatanus</i>

3.2.2 Summary of trees and volume assessment - Ref Appendix A

Woodland Area	Number of Trees/ha	Area	Assessed standing volume	Assessed thin/ volume m3
A	1100	3.2	512	30
B	1900	1.6	349	(50)*
C	1800	2.02	424	61
D	0	0.8	0	0*
Total	n/a	7.62	1285	91m3 **

\* Area B and area D discounted from volume assessment.

\*\* Trees in cat 7cm – 10cm dbh were included in the thinning volume assessment.

### General observations

#### 3.3.8 From visual assessment and plot data, the following can be concluded;

Tree species is mainly Silver Birch with variable stocking levels/spacing, tree heights and areas of open space. Tree form is poor with limited potential for large billet production. Thinning other than minimal selective thinning will result in multiple open space and/or windblow.

From observation terminal height ie when trees are predicted to fall over is around 17 metres, with the majority of the woodland falling into 9 – 16 metres category.

Ground flora is limited to mainly bracken, ferns and common nettle and would indicate disturbed or cultivated soils.

### Direct benefits

#### 3.3.9 To thin the woodland will have the following benefits:

Produce a variety of timber products, mostly smaller diameters but with occasional larger pieces. Most can be converted into higher value products such as chip, char or firewood. Larger billets can be utilised for furniture (rounds) and flooring. All of which can be converted on site without associated transport costs. There is also a small timber yard adjacent to the woodland which can be used to supplement larger billets of timber and or other species suitable for furniture making.

The average size of tree should increase as the smaller trees are removed, allowing remaining trees to develop.

#### 3.4.0 More light should reach the woodland floor, allowing other flora to develop. This along with a degree of ground disturbance from harvesting will reduce the spread of bracken.

In opening up the woodland and woodland edges, this will encourage other herbs and plants to develop creating riparian zones for insects eg butterflies.

#### 3.4.1 Policy NE2A - Forestry, Woodland and Trees – woodland cover will be perpetuated as continuous cover forestry and given frequent thinning and supplemented by enrichment and supplementary plantings with opportunities to increase age ranges, and species diversification.

Area D, to the South of the development currently is poorly stocked (less than 15%) with trees (mostly willow) giving an ideal opportunity to plant and increase the woodland area.

#### 3.4.2 In relation to where the workshop has been sited, this was a former area of hard standing and Shrubs and not removal of woodland ie contrary to Perth and Kinross Policy NE2A and the Scottish Government's policy on the removal of woodland and the National Planning Framework. Any thinning works will enhance biodiversity with supplementary planting increasing the actual woodland area.

#### 3.4.3 Historically, smaller woodlands were used to produce charcoal, firewood and associated woodland products for example alder trees were used to make cart axles and wheel hubs along with birch for furniture making especially in the round for tables and chair legs. This development plans to use local produce to manufacture bespoke furniture, crafts bi products eg Char, on site, negating transport costs. There are also opportunities for training and rolling out this model in other woodlands throughout Perth and Kinross.

#### 3.4.4 Therefore this low impact woodland workshop and scheme would maximise this currently derelict woodland and transform it into a more diverse woodland giving a greater contribution to biodiversity and culture as well embracing Perth and Kinross Council policies - Local Development Plan – NE2A/NE2B, The National Planning Framework, Scottish Government's policy on the removal of woodland.

### **Associated impediments**

3.4.5 Currently the woodland is in general, an even age monoculture with a high water table, especially on the North East corner. Provided drains maintenance is undertaken this should assist in increasing the overall stability of the woodland.

3.4.6 Parts of the woodland are reaching terminal height ie the maximum height where the lever effect of the wind knocks over trees. Currently this is confined to the odd sporadic tree, but should windblow volume increase, then thinning/felling licences will be required.

In relation to thinning intensity, it is important to adhere to prescribed thinning volumes. To increase thinning volume above the stated threshold will require a felling/thinning licence from Forestry Commission Scotland.

3.4.7 If other forms of thinning pattern are to be employed eg line thinning or coppicing , then considerations will need to be made for the increase in prospective volumes and the additional risk of windblow to the crop. From observation , the use of coppice may not be a viable method of tree regeneration in this case.

Pictures highlighting the following:

- Unstable nature of the woodland with windblown trees evident
- Bracken and Fern understory
- Tall slender sub dominant trees
- Monoculture of Species
- Open nature of the woodland and poor stocking.



## 4.0 WOODLAND IMPACT

### 4.1 Assessment

- 4.1.1 The development and associated works (thinning) will have an effect on tree numbers. Where thinning takes place it is expected to remove between 100 and 500 stems per hectare. This may sound a great deal but in general this is small diameter trees that would be suppressed by larger adjacent trees and would die off in the fullness of time.

#### Conclusion

- 4.1.2 The site currently consists of a former sawmill site with a private access road all as described in the planning submission. Actual impact on the woodland will be minimal and be within the parameters of good silvicultural practice.

## 5.0 WOODLAND REGENERATION

### 5.1 Planting

- 5.1.2 Planting comprises of both enrichment and supplementary planting.

- 5.1.3 Area D , consists of 0.8 hectares of poorly stocked Willow and the free draining soil can variety of species including Oak, Ash, Alder, Apple and associated shrubs eg blackthorn, hawthorn and hazel.

- 5.1.4 Area A, B and C have small areas of open space that can be planted with either individual trees or small groups. Species choice will need to reflect the underlying soil types but there may be scope to plant a small number of Oak, Scots pine, Alder and Aspen.

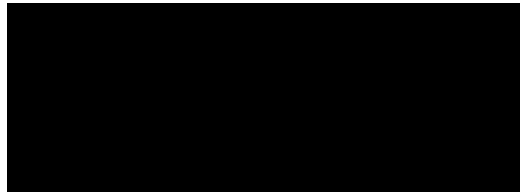
- 5.1.5 Planting Specifications

- All trees and shrubs should be 30 - 50cm .
  - Areas A,B and C, should be planted in groups at a spacing of 1.5m
  - Area D should have a stocking density of 1500 trees /hectare.
  - Trees should be planted in a 1.2m tube and staked to protect against rabbits and deer.
  - Planting position should be an inverted turf or mounded if possible.
  - A weed membrane should be used to reduce pesticide use and future maintenance.
  - Trees should be of local provenance where possible and improved strains eg Birch should be introduced.
  - Planted trees should be maintained for a period of no less than 7 years, and within that period dead trees should be replaced as well as tubes and stakes firmed up.
- 5.1.7 It is important to situate planting away from other woodland activities, to avoid damage to the planted trees.

#### General Note

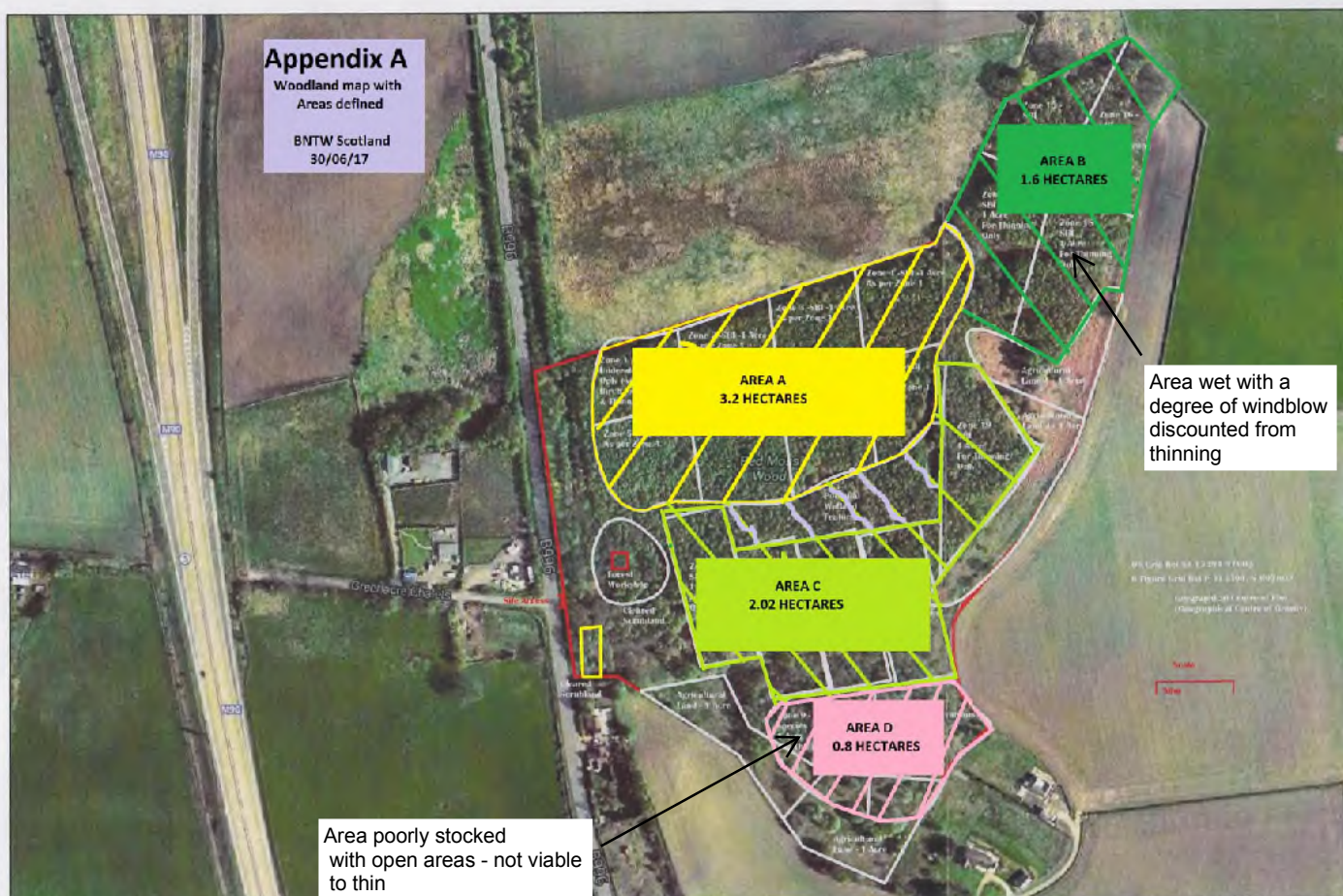
Felling trees – consideration should be given to the bird breeding season and other mammals by undertaking woodland works out with breeding times (i.e. February to September).

Yours sincerely



31/05/17





### Important to Note

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Development  
and  
Re-Generation Plan  
for  
*Redmoss*  
*Wood*



Redmoss Wood  
Lochran  
Kinross  
KY4 0JA

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## 1. Introduction

Redmoss Wood is a 26-acre plot, lying directly to the West and at the foot of Benarty Hill, situated between Kinross and Kelty. It has a former industrial history, as well as many years natural growth as a wild Silver Birch forest.

The land ownership has been within the Dempster family for over 40 years, initially, by David Thompson, (a firewood merchant) then by the late George Dempster, and finally by his son, David Dempster.

George Dempster was originally granted planning permission by the Secretary of State for Scotland, to develop the young, wild Redmoss woodland into a caravan site, along with accompanying infrastructure, support structures, and also a residence.

The works were kicked off in the early 1980's with the arrangement of land drainage, formation of the access, landscaping and re-developing existing access tracks which were created during the site's previous industrial era as a Blairadam estate-owned sawmill. The construction of the caravan site was never completed but has remained a work-in-progress to date.

Through time, the needs of the land have meant that a change in the planning consent granted would be beneficial to all parties.

### The Project Team

The Redmoss Wood regeneration plan project management team consists of:-

#### David Dempster (Landowner and Site Manager)

David has a wealth of practical experience, starting out life as a mechanical fitter at Rosyth Docks, progressing on to electronic debugging, and later to forest management and tree felling during a spell in the Highlands. The latter will prove very useful considering the workload ahead. Since moving back South he has frequented a number of self-employed activities involving building works, plumbing, installations & mechanical engineering.

David will be the site manager and responsible for the designation of tasks, the acquisition and management of sub-contractors, as well as the day-to-day site maintenance. He is also an experienced plant operator and will continue to carry out infrastructure works on-site.

David's main responsibility in the initial stages will be the tree thinning and the processing of the felled timber. Additionally, preparing the arable land for planting will be one of the first activities so the better land is working from Day 1. Around 3 acres are currently suitable for growing purposes without any great renovation required.

#### Hazel Dempster (Artist/Designer)

Hazel is David's younger sister and is a graduate furniture designer, who is also a keen artist and craft-maker with an impressive array of bespoke designs already to her name. The income from the harvested timber, realised from thinning the Silver Birch, can be maximised by making arts, crafts & furniture pieces from it.

Hazel would be the designer of bespoke furniture and other craft related products. She will be an active participant in the business and is committed to the prospect of helping to regenerate Redmoss Wood, which has been in her family for 40 years. The site ambience there will prove a great attribute for a designer. She will also have the help of the rest of the management team as and when required, which saves money on hiring full-time staff to assist, which would be surplus to requirements for much of the time.

#### Keith Annandale (Mechanical Engineer)

Keith is David and Hazel's nephew and stems from a similar mould to David, starting out life as a mechanical plant fitter and moving on to a series of self-employed vocations involving building, plumbing, installation works etc. Keith is also an experienced operator on a number of differing items of heavy plant and is currently involved in the quarrying trade locally in Fife.

**Iain Strachan** (Consulting Civil & Structural Engineer)

Iain is soon to become David's brother-in-law and is a practicing Civil & Structural engineer. For the last 9 years he has successfully run his own consultancy firm, which generally contracts engineering services to the major UK consultancy firms. He has 30 years industry experience gained within the geotechnical, structural, infrastructure, highways and railway environments.

Iain will also assist periodically in the business using his 3D modelling and computer-aided graphic skills and equipment that will be required for Hazel to prepare drawings and illustrations. It makes complete sense to join these two facilities, as the same equipment is required for both. Additionally, as a structural detailer, Iain will be responsible for value engineering the furniture designs to minimise material use, prepare connection designs etc so being based on the site will make life far easier.

Iain will also be supervising the re-generation works and interacting with the professional consultancy team (introduced overleaf) and consultees, acting as the CDM Co-Ordinator throughout the planning, conceptual design & detailed design stages.

## Development & Re-Generation Plan for Redmoss Wood

A team of highly experienced consultants were commissioned, to carry out on-site investigations, and to offer professional advice and guidance, both through the planning stages and throughout the execution of the regeneration project. Most have previous experience working for and/or within the Perth & Kinross Council area and extensive local knowledge.

The advisory consulting team is as follows:-

**Planning Consultant** – **Malcolm Smith**

- Malcolm is a Chartered Town Planner with over 30 year experience working within the profession. Having worked in development policy and development management in local authorities for over 15 years, he worked as an Inquiry Reporter with the Scottish Government before returning to local authority then the private sector. Malcolm has run his planning consultancy for over 10 years and remains active on a range of planning projects throughout Scotland.

**Environmental Scientist** – **Zara Rostance**

- Zara has spent the last 12 years heading up environmental monitoring programmes for Atkins and other major consultancy firms, specialising in industrial operations, construction sites and sites involving contaminated land. Zara currently leads the environmental team on the £750 million Aberdeen Western Peripheral Route project.

**Arboriculture/Landscape Consultant** - **Angus Mackay**

- Angus has vast experience in development and regeneration projects, advising, monitoring and making assessments on trees, shrubs, grass and horticulture. He spent many years as the Scottish Development Agency's Land Manager, partnering land regeneration projects, and was also the lead horticultural adviser for Glasgow's Garden Festival in 1988, before becoming an independent landscape consultant, advising throughout Europe.

Angus operates as a resident tree and shrub selector for numerous local councils, Transport Scotland etc. in specifying which material should be retained and which should be removed during construction projects.

## Development & Re-Generation Plan for Redmoss Wood

### Consulting Ecologist

- Liam Soden

- Liam operates an independent ecology services company and is currently the lead ecologist on the Aberdeen Western Peripheral Route project. He has a long history of Scottish ecology and lives close by Redmoss Wood.

### Consulting Structural Engineer

- Bernard Kamya

- Bernard runs his own independent consultancy firm as well as contracting structural services to a number of major consultancy firms. He has spent many years both employed, and commissioned, by local councils to supervise a variety of structural activities. He is chartered by both the Institute of Civil Engineers and Institute of Structural Engineer and holds SER Certification.

### Consulting Biophysical Adviser

- Dr Inge Aalders

- Inge has over 10 years experience in research and consultancy within the James Hutton Institute in Aberdeen. With a background in physical geography and sustainable agriculture, much of her early work focused on soil quality, soil erosion and landscape ecology. More recently her work has focused on the process and modelling of landscape and land-use change and the integration of biophysical processes.

The land at Redmoss Wood needs significant infrastructure and environmental remedial works done immediately, just to be sustained as a live forest, that is not in question. We propose to take on the re-generation of the woods, including appropriate felling and replanting under licence from the Forestry Commission, financing site operations with various on-site activities, such as:-

- **Agricultural & horticultural ventures (Set up in Year 1)**
  - Organic farming of vegetables, herbs and fruits in the arable areas (5-6 acres) and using other mediums in poorer ground.
- **Arts & Crafts & Bespoke Furniture design (Set up in Year 2)**
  - The best way to maximise the income from the waste timber that becomes available is to use it for making bespoke furniture items and designed arts and crafts. Hazel will design bespoke furniture arts & craft, supported by the rest of the management team., based in the site workshop.

- **Woodworking workshop (Set up in Year 1)**
  - David will be involved in the preparation of timber for use. ie cutting and drying of the timber prior to use. He will also assist Hazel in the assembly of furniture pieces. Fabrication works will be largely outsourced to keep the internal space required and noise on site to an absolute minimum. A network of local business has been approached to discuss our potential needs for outsourced fabrication works.
- **Making charcoal for in-situ Biochar production (Set up in Year 2/3)**
  - The main avenue for improving the land and also generating capital towards carrying out the works is the production of charcoal to make biochar. Silver Birch is widely recognised as being very good for charcoal production. Biochar production is covered in depth in Section 9, but essentially, char production is safe, extremely efficient, environmentally friendly and profitable, as it only uses the parts of wood that cannot be used for anything else. ie sawdust, wood chips, bark, offcuts etc.
- **On-site Beehives to maximise cross pollination (Set up in Year 5/6)**
  - We intend bring beehives onto the site to encourage pollination and will be producing honey, which will be available for sale.
- **Micro-Brewery, producing wine (Set up in Year 10+)**
  - We intend to assess the potential of producing a blended wine from birch sap with some locally produced honey added. The birch sap can be tapped from the permanent Silver Birch trees bi-annually, generally in late March. This wine has proven to be a fine delicacy and is adaptable to other flavourings with will become available at Redmoss. The birch sap is low on sugar so benefits from the mild addition of sweetness. Only around 3 tablespoons of honey is required per gallon of birch sap.

The activities will be chosen to maintain a sustainable environment over the long term, beyond the initial replanting and introduction of some landscape architecture into the forest. The focus will be on improving the aesthetics of the land, and the usefulness of it, both as a means of supporting our business venture and benefiting the local surroundings environmentally. The approach being adopted has been assessed by the project team who have concluded that the works are in the best interests of the long term sustainability of the woodland and its contributions to the area's ecology.



## Development & Re-Generation Plan for Redmoss Wood

Many of the issues, which have led to the current condition, have been influenced by powers from outwith the Redmoss Wood plot. However, these issues will be rectified with additional infrastructure and soil remediation, using the income from our on-site activities. Perth & Kinross Council will be consulted, along with SEPA who have already offered their support, Scottish National Heritage, and any other relevant parties, to arrive at a suitable environmental remediation plan.

The financing and support for the regeneration project will be wholly dependant upon the Council's commitment to facilitate the proposed on-site activities. These permissions need to be in place as soon as possible to start the recycle operation, in an attempt to put right the immediate environmental issues on site like flooding and the former sawmill's dumps of sawdust.

## 2. Background & History

Redmoss Wood possesses a long and varied history, formerly ancient woodland. Around the 1st World War, it formed part of the Blairadam estate, and was the site of an estate-owned sawmill, constructed to harvest the valuable hardwood timber from the forest. The access to the ex-sawmill site remains a hard-standing area and is suitable for access by most vehicles. The sawmill was gone by the end of the 2<sup>nd</sup> World War.



**Plate 1 – Site of the former Perth to Edinburgh railway line.  
The former sawmill sat adjacently. (to the left in this view)**

The location of the sawmill was chosen for its close proximity to the Edinburgh to Perth railway line, which ran along the perimeter of the mill, to the West edge of the woods, adjacent to the B966 - Kelty to Kinross Road "The Great North Road". The railway line was dismantled and removed in 1964. The M90 was constructed close by in 1970.

## Development & Re-Generation Plan for Redmoss Wood

There have been several residential developments around the perimeter of Redmoss in recent years.

To the East, lies an agricultural farmland with varied crop use.

To the North lies the wood storage yard of a tree surgeon, who carries out site clearing operations as well as preparing timber for firewood.

To the South there are a number of separate plots with domestic residences.

To the West there is a traveller site, which was set up and has been expanded over the last 30 years. This site was granted permission by Perth & Kinross Council to extend Southwards around 8-9 years ago. The culvert, which passed South of Redmoss Wood under the Great North Road, was blocked by the travellers' site. No alternative arrangement was ever made for drainage.

The water now floods Redmoss Wood, infiltrating through land that shows evidence of many historic scars from industry, transportation, fly-tipping and the neighbouring plots domestic waste.

Redmoss Wood is a direct catchment of Loch Leven, with a wealth of natural life living locally, including protected species. However, our recent ecological baseline scoping surveys have shown a distinct lack of wildlife, and a shortage of any thriving native culture within Redmoss Wood.

We believe this to be a warning sign too important to ignore and present our outline proposals for the re-generation of Redmoss Wood.

### **3. Groundwater & Land Drainage**



#### **Plate 2 – Drainage Channel and a Public Right of Way**

Land drainage from the surrounding catchment has been a huge factor in the recent fate of Redmoss Wood. The culvert, which allowed field drainage to bypass Redmoss Wood to the Southern side, was blocked when the traveller site adjacent was extended.

The resulting spate, from the land run-off, caused severe flooding and saturation of the woods. This has severely restricted the usefulness of the land to promote ecology, flora and fauna.

Trees became insecure in the high winds as founding ground saturated, leading to a number falling around the site.





**Plate 3 – Blocked watercourse now channelling water flow into Redmoss Wood**

The lower lying area of Redmoss holds large amounts of moisture, which was exacerbated once the upland runoff ceased to be intercepted. As an emergency contingency plan, just to gain access, an intercepting drain was constructed, to allow the ponding, waterlogged ground to recover.

A water level monitoring plan is ongoing, looking at the water levels and movement through the site. This will provide the design parameters required for further drainage development, to optimise the water levels for the land to flourish.

A network of small intercepting drains will be required to pick up the significant catchment runoff. This arrives partially through field drainage outputs, but also through natural infiltration from the surrounding uplands, a factor which is currently having a deteriorating effect on the soil moisture condition in many areas.

The remedial process for controlling water levels will take some time to have an effect. The intent is to leave an area as natural wetland, and even provide a water feature at some point.

## Development & Re-Generation Plan for Redmoss Wood

However, the introduction of some further strategic drainage runs, will improve the surrounding substrates for arboricultural, horticultural and even some agricultural use in places.

The wildly growing Silver Birch woods have become so dense over the years they need to be thinned out, just to sustain themselves. They have not developed beyond saplings in over 5 decades. Our consulting arboriculturalist, Angus Mackay, was condemning when he inspected the wood, saying that the majority should be felled and replanted as the trees provide no real use, nor are they likely to thrive in the current layout.

We agree with Angus to an extent, although we would prefer to tackle the re-generation process acre by acre, rather than an industrial felling operation. A phased approach suits our plans for utilising the felled timber, which will be explained in detail later, while allowing the phased replanting of the woodland.

What we must consider is that the removal of trees will lead to the ground becoming wetter, putting more importance on an integrated drainage solution throughout the site.

## **4. Environmental Issues**

This section introduces some examples of the neglect to which Redmoss has been subjected, over the years, by the general fly-tipping public, former industrial users of the site and by developers around the perimeter.

Environmental scientist, Zara Rostance, was brought in as our resident environmental adviser and co-ordinator. She has provided guidance on how we should approach the regeneration from an environmental point of view. She is happy that the current conditions would not be exacerbated by any of our intended operations.

The ground has been through some derelict times through the last century, initially as an industrial site, with a major transportation route through, and has since become a regular fly-tipping site and more lately saturated waste-ground.



**Plate 4 – Construction debris dates back to before the wild  
Silver Birch woods formed.**



## Development & Re-Generation Plan for Redmoss Wood

From the Dempster's first ownership of Redmoss Wood, the site already contained a healthy volume of builder's rubble and construction debris. To such an extent that Perth & Kinross Council granted a way-leave to landscape over the rubble that existed on the site. None of the material has ever been considered to be hazardous.

The construction debris around Redmoss Wood dates back well beyond the recent Silver Birch growth, as can be seen in the plate previous, taken after an intercepting drain was put in for emergency de-watering, to stem the flooding across the lower regions of the site.

For a number of years, the Blairadam sawmill ran train cars of sawdust around to the North extent of Redmoss Wood for dumping. This was shown clearly when the existing scrub was removed to get access to the overhead lines. See Plate 5 below.



**Plate 5 – Dumped sawdust cover approx 6 acres of the Northern end of Redmoss Wood. This has limited the prosperity of the trees in this area**

The trees need to be totally removed in this section so the affected soil can be treated. New planting will be carried out in a controlled and sustainable manner, with trees selected to suit the ground conditions. The landscape architecture is important to us so we will take professional advice throughout the re-generation process.



## Development & Re-Generation Plan for Redmoss Wood

There is a drainage channel, which runs down the line between the B996 - Kelty – Kinross Road and the old railway line. This takes surface water road run off but is also now taking the water that would have otherwise passed through the blocked culvert. However, it has now formed into a watercourse, which didn't exist until the culvert was blocked. Highway runoff arriving as surface runoff during spate times needs to be treated prior to it entering the watercourse.



**Plate 6 – Drain channel taking road runoff leading to trees falling in the waterlogged ground**



**Plate 7 - Falling trees by the roadside due to sodden ground**

## 5. Arboriculture & Tree Regeneration

Highly experienced arboriculturalist, Angus Mackay, was consulted to view and assess the existing condition of the woodland, and to give his views on how to improve and achieve the conditions the woodland needs to sustain itself.

However, on viewing Redmoss Woods at first hand, he was unimpressed by the condition of the woods. “They are not even trees, just saplings” he said of the 50+ year old Silver Birch. “They’ve clearly been living in a stressed state for most of their life to show so little maturity.”

When questioned about the expectations for the woods as they stand currently Angus was even more condemning, “This isn’t a wood that can prosper, just some wild scrub for the most part. It’s layout and choice of tree species needs steering. It also needs some drainage infrastructure and access about the site. “ He explained that “a forest management plan will be required, it’s shape will depend largely on the species that are brought in but that can be finalised further down the line”

The Silver Birches have grown wildy for 50 years or more at Redmoss Wood but have continually struggled, due to the close proximity in which they grow. Additionally, saturated conditions now leave the woodland in critical condition. The trees lack stability and are being ripped out of the highly saturated ground in high winds.

Angus felt that the only trees worth keeping are located to the South of Redmoss Wood on the higher ground, and also along the Eastern boundary where ground conditions are better. “I’d clear the whole lot and start again” was his view of the woods to the lower lying region.

Works should be undertaken to either completely clear the current Birch saplings, or at least seriously reduce their density, leaving a full proximity for each, to give the maximum chance for the trees to prosper. He explained the “current drive to replenish native ancient species whenever possible. As more local woodlands are being cut down, fewer are being replanted. There are a number of species that will thrive in the wetter conditions, the willow for instance, while others, like the Silver Birch, which enjoy much drier conditions.”

In final summary, Angus softened the disheartened landowner’s dismay at the current state of the woods by commenting, with a story of his friend who’s woods were not very nice, “not as rubbish as your woods though!!”

## Development & Re-Generation Plan for Redmoss Wood

Angus spent many years as Land Manager with the Scottish Development Agency, helping young businesses and local projects to develop their landscapes with the donation of trees and shrubs. He advised that the Forestry Commission and the Woodlands Trust may provide aid in the creation of new woodlands, and also in the maintenance costs of existing forests. This is being investigated as a means of providing some ongoing revenue towards the overall cost of the re-generation works.

We will rely largely on the expertise of Angus Mackay and Liam Soden (Ecologist) to find the right blend of trees to promote the multi-cultural habitat we seek to create. This will involve their input to develop the optimum water environment, which will influence the design of additional drainage.

Redmoss Wood is in a preferred area for woodland creation as designated within the Scottish Government Woodland Policy. All designs and planned operations will take cognisance of this Woodland policy.

David has applied for permission to fell the trees at Redmoss Wood and is currently awaiting the issue of a licence to fell from the Forestry Commission. With the current state of the woods, there is not expected to be any issues with the granting of a licence. All professional advice received has been similar, a significant number of the trees have to go, for the benefit of the woods and to ensure they remain a prospect for the future.

## 6. Ecological Scope & Outlook

Chartered Ecologist, Liam Soden of ECoW Solutions, was contracted to carry out an ecology scoping survey around Redmoss Wood, and provide a report on the existing ecology.

Additionally, we requested his guidance on how to improve the land for the development of the various cultures around the woods.

The bird life is severely limited, both by the density of the woodland, which allows only the smallest birds access, and the lack of support and cover they get from the trees, which remain severely underdeveloped.

An empty badger set was found but with no supporting evidence of any recent use. The rabbit and deer population has been increasing as the ground dries.

The site is close to Sites of Special Scientific Interest, Protected Environment Areas and a Nature Reserve at Loch Leven. There is a particular wealth of wildlife around these parts but very little has chosen to make it's home in Redmoss Wood.

The drying and firming of the ground, allied with the introduction of a variety of prominent tree species, architecturally arranged, with some water culture, will help create the diversity of environment required for long-term improvement in the number of different species to be found in Redmoss Wood.

It was recognised that the development and regeneration works will not cause any significant impact on the current ecology and tree clearance should be phased to suit the bird seasons. Trees are generally cleared in wintertime as they can be dried out quicker with less sap present.

A detailed Baseline Ecology Scoping Report is shown in Appendix C.

Liam was later asked to consider the impact of our proposed works on the local ecology and he was very enthusiastic about the future prospects. "The single most important activity, with respect to enhancing the natural ecology, is the drying out of the flooded ground. Other beneficial activities are the introduction of some bio-diversity, the development of some clearances within the woodland and the introduction of some mixed species of tree, shrub, grass and flowers. A natural wetland/pond would also be a huge factor in encouraging more diverse wildlife into Redmoss Wood."

## 7. Re-use of Waste Materials

The plan looking ahead for Redmoss Wood is to thin the woods sufficiently to allow a new mixed species forest to develop, entwined with cleared strips, replanted with mixed grass species and wildflowers, laid out in a manner that will allow it to successfully develop and allow maintenance throughout.

This will involve the clearance of a significant amount of thin under-developed trees, which would normally be waste material needing disposed of.

However, we have plans to deal with the waste materials and even to create a thriving business from it.

Our recycle plan takes several forms, which will vary over time, but the main driving force initially will be to use the otherwise unusable waste timber to process charcoal for making biochar. (explained fully in Section 9)

Additionally, with the more substantial timber pieces, they will be cut to size and dried out to create quality hardwood materials for arts & crafts, bespoke furniture items, wall cladding etc.

The finance generated from these activities will be the key to sustaining the re-generation plan over many years, essentially from the re-use of what is a waste by-product.

Transportation is also a key factor. If the whole process of cutting down the trees, through timber processing, product design and assembly, to presenting the items for sale, then there will be no need for any transportation.

Much of the unusable timber debris from around the site is currently being chipped to provide decorative landscaping and good moisture resistant surfaces for pathways and thoroughfares.

## 8. Sustainability

The key to the future of Redmoss Wood is sustainability. The re-generation process cannot be viewed as a short-term project. It will take the maintenance, and upkeep of the land for generations to come, making it in many ways, a legacy. The Redmoss Wood team is dedicated to the use of local products and the also the promotion of local skills and talent. Much of the fabrication works will be outsourced to local companies, and the materials used will be sourced through local suppliers.

Tree clearance and re-planting will be done over a number of years, with an estimated 2 acres per year. This would mean an approximate 10-year initial plan to thin out the woods, providing a significant amount of timber waste needing dealt with, albeit it is anticipated that the thinning out and replanting with native species will continue over an extended period in order to support the long term sustainability of the woodland.

The plan will be carried out in a number of phases, to maximise the usefulness of the buildings created, and to minimise overheads in the early days. The need for additional working facilities will depend on the emerging site operation but plans for a further structure may emerge in time eg the first structure being the current structure, (Building 1) and the other (potential structure) being a workshop built on the old sawmill site subject to securing future planning permission (Building 2). Once the 1<sup>st</sup> phase of timber is dried out and ready to work with, a further building may be needed to separate the design and office facility from the workshop facility.

### Phase 1 (Years 1 & 2)

- Arable land to the Southern end will be made suitable for Organic growing purposes.
- Land drainage will be installed.
- Access created throughout the site.
- Services will be installed on site. (Electricity & Water)
- The initial tree thinning operations will be carried out (Total 4 acres)
- Replanting with native tree species and mixed grasses and wildflower will be undertaken.
- The Workshop (partially complete) will house the woodworking equipment and provide an Arts & Crafts studio and furniture assembly area. It also provides welfare facilities for workers.
- If permissible, an authentic timber-clad container could be transformed into a kiln for the timber drying process.
- A contained skip would be used for processing the charcoal into biochar, seated within an impermeable basin for security. (See Section 9)



## Development & Re-Generation Plan for Redmoss Wood

### Phase 2 (Years 3 to 5)

- Arable land will continue to be used as an Organic Farming facility.
- Tree felling will continue with a further 6 acres, again creating strip clearances for replanting
- Replanting with native tree species and mixed grasses and wildflower will continue.
- Access tracks will continue to be improved throughout the site.
- The Workshop will continue to house woodworking equipment and provide a craft workshop and assembly area as well as providing welfare facilities.
- The cleared land soils will be re-generated using the biochar created. This would make much of the cleared land usable for replanting.
- Replanting of mixed grasses and wild flowers will be carried out on the re-generated areas.
- Excess biochar will be available for sale.

### Phase 3 (Years 5 to 10)

- The tree thinning and landscaping process will now be well underway. Additionally there will be an increasing amount of forest maintenance as we implement order and organisation about the woods, this includes strategic shaping and periodic coppicing of the retained trees.
- The cleared land will continue to be treated with biochar to improve its suitability for growing.
- Replanting with native tree species and mixed grasses and wildflower will continue.
- A water feature will be created to improve the aesthetics and aid the creation of a multi-cultured ecology.
- The Organic Farming facility will be extended wherever possible.
- The Workshop will continue to be used for housing equipment, craft creations and bespoke furniture assembly as well as providing welfare facilities. The furniture making and Arts and Crafts facility may need to expand as brands develop and more commission work comes in.
- Bee hives to be introduced to improve pollination, with a view to creating a micro-brewery, blending wine from honey and birch sap, which can be tapped from live Silver Birch trees bi-annually.
- Biochar will continue to be created to re-generate the remainder of the cleared land with any surplus being available for sale.

## Development & Re-Generation Plan for Redmoss Wood

### Phase 4 (Years 10+)

- As the land continues to prosper and improve aesthetically we may consider the prospect of some small holiday chalets, to take advantage of the picturesque environment, especially along the East and North perimeters. (This is not an application for the chalets which would be subject to a future planning application)
- The Workshop will continue to be used for housing our equipment, craft creations and bespoke furniture assembly as well as providing welfare facilities for any workers.
- The micro-brewery will, where consented/developed, continue to blend wine and the bee-hives will be retained.
- Biochar will continue to be produced, from the coppiced trees and maintenance trimmings, but still utilising only the wood that cannot be used for creative purposes. Excess biochar produced will be available for sale.
- The Organic Farming facility will now be well established with varied seasonal items available for sale.
- Woodland re-generation works should by now be nearing completion but forest management will be ongoing.

All of the various processes planned around Redmoss will ensure that there is little to no actual wastage material, with the use of efficient and ecological practices.



## 9. Domestic Waste Processing

The natural waste generated on the site comes from a couple of sources. The output from the Workshop combined with the current output from an ineffective soakaway on a neighbouring plot, which enters the site through land filtration.

The process to deal with this waste output is to produce biochar. This is done through the treatment and processing of imported raw local livestock farm waste along with our charcoal produced purely from waste Silver Birch offcuts, branch, bark, sawdust etc. The process requires no external energy input.

Biochar is a vital part of our whole land regeneration strategy. It provides the following benefits to the project directly:-

1. It provides an effective and environmentally friendly means of using timber waste to offset the domestic waste generated by the project, plus much, much more.
2. It allows us to replace the vital nutrients needed to improve the soil quality sufficiently to sustain a diverse plant culture, without any need to use fertilisers or pesticides.
3. Biochar production involves charring of a carbon-based material. Normally when burnt, carbon dioxide is emitted into the atmosphere. The way biochar is produced, partially starved from oxygen, resulting in 45-50% of the carbon remains in the charcoal, which represents a far better CO<sub>2</sub> emission return than using the waste timber for firewood or domestic heating purposes.
4. Biochar is a valuable commodity. Any surplus biochar produced will be sold to provide income towards the project. With the amount of waste material we will have available, for as long as the forest remains managed and maintained, it represents good sense both economically and environmentally.

The ground-water leaving site leads down to Loch Leven so the driving force behind our waste treatment operation is the net cleanliness of the water leaving the land. By treating the land with biochar, many of the impurities within are filtered out of the groundwater and surface run-off. The various uses for biochar as an environmental aid are numerous, just some of the uses are listed later within this chapter.

## Development & Re-Generation Plan for Redmoss Wood

The bio-char production process takes place in 3 main steps :-

1. Firstly the wood put through the pyrolysis process, creating char. Through this process syngas (Synthetic Gas) is produced which provides the energy required for the charring process to take place. The intricacies of biochar production are explained later but the important facts are that it is a harmless gas, creating no flammable or toxic risk as it purely drip feeds the fire around the inner casing which holds the timber with a controlled oxygen supply.



**Plate 8 - A typical char making kiln – once lit the syngas fuels the process. This one is trailer mounted.**

2. The next step is to spread the char over the imported raw farm sewerage and leave for 1-2 weeks for the char to begin to be activated. The char draws in the phosphates and nitrates etc., locking them into the charcoal. The whole process can be done contained within a 5-ton skip or similar, held within a suitably lined impermeable clay basin, created to contain any spillages. The Northern end of the railway hardstanding would be the location to carry out the processing, well away from any other activities or neighbours. One of the advantages of this biochar production process is that it neutralises odours. This and the fact that we will be keeping the operations removed from populated areas to minimise impact means there will be very little to no adverse affects on our neighbours but the benefits to the land are plentiful.
3. The treated land is then rotovated or tyned into the ground to release the conditioned soil. The soil has important nutrients returned through the process, locking in vital nitrates and phosphates etc. for up to 150 years. The conditioned topsoil will never fully saturate and does not need to be re-

## Development & Re-Generation Plan for Redmoss Wood

fertilized each season as the nutrients do not wash out once locked in, the only time they will leave the soil is if they are drawn out by live plant life. This process forms an instant and long lasting remedial cure for re-generating the productive and fertile prospects of the soils around Redmoss Wood.

In addition to treating the soils around Redmoss Wood we would expect to have a big demand for the excess material from local agriculturalists and gardeners given its qualities. It is a far more environmentally friendly method of feeding soils than using fertilizers annually and it can nullify the derogatory influence of pesticides used on crops.

Quality biochar can sell for up to £10 per kilo so it is a valuable commodity, suitable for long-term storage if kept sealed.

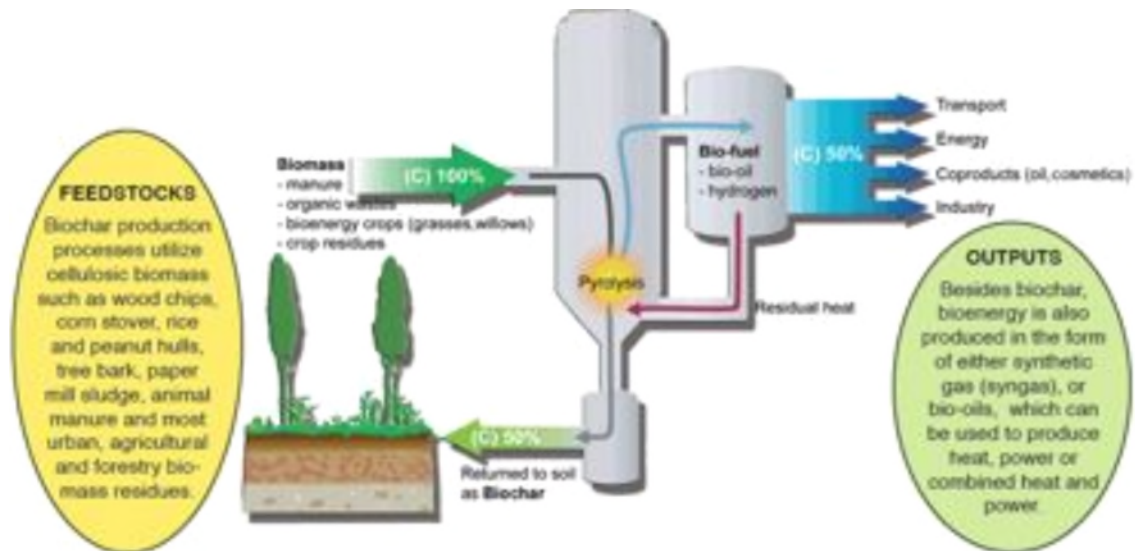
It is estimated that our processing unit will take around 5000 litres of raw farm liquid waste per annum out of the Loch Leven catchment area. This will be treated in a contained facility on site, under SEPA licence. On-going consultations are taking place with SEPA.

For each ton of wood, 1/3 ton of biochar is produced. By restricting Oxygen, the biomass does not burn to ash as in a garden bonfire. Most organic matter is 45 to 50% Carbon by weight, and normal burning in Oxygen releases all this Carbon as Carbon dioxide to the atmosphere. By restricting Oxygen, about 50% of the Carbon is retained in the solid biochar, while the other half is released as Carbon dioxide.

The biochar is added to the raw waste and left to activate for a couple of weeks. Then around 3kg treats a square metre of soil, meaning around 1.2 tons per hectare. We would be looking at around 15 tons of waste timber per annum, which creates around 5 tons of charcoal, which in turn would be treated by around 5 cubic metres of imported raw liquid farm waste, taken from one of Loch Leven catchments livestock farms.

We would estimate that around 10 tons of treated biochar could be created per annum, which is enough to fertilize around 8 hectares of land. This is likely to leave a surplus, beyond what we would use replanting around 2 acres (1 hectare) per year, meaning some available for sale for gardening or agricultural use locally.

The biochar needs to be tested for contamination (treatments, coatings, paint etc) prior to use under current SEPA regulations if it is to be used commercially. However, since all our wood will be freshly cut it's not an issue, it gives the potential for a significant financial gain, which will be used to offset the regeneration costs.



**Figure 1 – Biochar Production is efficient, sustainable and environmentally friendly**

The pyrolysis process is harmless and non-volatile and will not create any fire hazard beyond that of a garden chiminea, probably less risk as the fire is well contained and the oxygen supply controlled.

Around 8 times more energy is produced than what is used to fuel the process. Once the pyrolysis process starts, the process powers itself and creates surplus energy, which could be utilised if desired. (See Figure 1 above)

The char production process would be carried out on a protected section of the former railway line hard-standing area, well away from other goings on around the restoration project.

Biochar production is not confined to timber, any carbon-based product has the potential for biochar production, but obviously some materials are more suitable than others for making good quality biochar.

### **SEPA Consultation**

The Workshop's biochar toilet option has been discussed in detail with Vicki Taylor of SEPA – Glenrothes Branch who has agreed to its appropriateness. SEPA have agreed to withdraw their earlier complaint regarding a self-composting toilet that was proposed at the time when the planning application is next presented.

Vicky was also consulted about the SEPA position on our plan to process imported raw farm waste and process with our prepared Silver Birch charcoal, creating biochar within a contained impermeably lined area on-site.

Vicki agreed that Biochar treatment was an acceptable and intelligent method to deal with domestic waste.

On-going consultation with SEPA will be the way forward and agreements will be made prior to any biochar activity. Additionally, the proposed biochar toilet has no outlet requirement and is completely contained, there is no discharge into the environment. Therefore, there will be no waste output mitigation calculations required by SEPA.

Any phosphates and nitrates etc are locked into the charcoal, creating biochar, an ideal fertilizer for use on regeneration of soil.

When the composted charcoal is finally removed, the nutrients remain safely locked within the charcoal indefinitely. The nutrients can only be drawn out by living plant life, they cannot be washed out of the charcoal, by groundwater, back into the ecosystem.

We propose to utilise a large tank, to gather any hard water created from cleaning facilities, as agreed with SEPA. The water tank would be emptied periodically by a waste disposal contractor again ensuring no phosphates or other potential contaminants are released within the Loch Leven catchment.

### 30 environmentally friendly uses of Biochar

1. Silage agent
2. Feed additive / supplement
3. Litter additive
4. Slurry treatment
5. Manure composting
6. Water treatment in fish farming
7. Carbon fertiliser
8. Compost
9. Substitute for peat in potting soil
10. Plant protection
11. Compensatory fertiliser for trace elements
12. Insulation (building sector)
13. Air decontamination
14. Decontamination of earth foundations
15. Humidity regulation
16. Protection against electromagnetic radiation (“electrosmog”)
17. Soil additive for soil remediation [for use in particular on former mine-works, military bases and landfill sites.]
18. Soil substrates [highly adsorbing, plantable soil substrates for use in cleaning waste water; in particular urban waste water contaminated by heavy metals]
19. A barrier preventing pesticides getting into surface water [Sides of field and ponds can be equipped with 30-50 cm deep barriers made of biochar for filtering out pesticides.]
20. Treating pond and lake water [Biochar is good for adsorbing pesticides and fertilisers, as well as for improving water aeration.]
21. Biomass additive
22. Biogas slurry treatment
23. Active carbon filter
24. Pre-rinsing additive
25. Soil substrate for organic plant beds
26. Composting toilets
27. Micro-filters (treatment of drinking water)
28. Macro-filters in developing countries (treatment of drinking water)
29. Controlling emissions
30. Room air filters

## 10. Renewable Energy & Energy Conservation

There are a few options to consider with regards to renewable energy:-

- Energy recovery from Heat transfer during char processing
- Use of all waste timber offcuts & sawdust for heating & hot water
- Power from harnessing the syngas produced during pyrolysis
- Solar power

The development and re-generation of Redmoss is still in its infancy. The potential for renewables will become clearer through the various stages of regeneration but for the moment, it is sufficient to say that any chance of renewable energy will be seriously considered. We are very much in favour of avoiding recurring utility bills wherever possible.

## 11. Positive Environmental Impact

The aim, throughout the re-generation plan, is to provide a positive environmental impact, in all areas of the site.

Some examples of the positive attributes of the re-generation plan are as follows:-

- re-use of 100% of timber waste materials
- ecological processing of agricultural waste
- providing a long-term improvement solution for the entire wood
- improved ground water drainage to support plant growth and wildlife
- improving groundwater quality for the Loch Leven catchment
- on-site processing and assembly reducing transportation needs
- re-planting with a diversity of species and cultures
- turning un-useable land into arable land using biochar which will help facilitate our recreation of diverse plant-life and arboriculture.
- the introduction of bees to improve pollination
- use of safe recycled materials to carry out improvement works
- using in-situ clay for environmental bunds and barriers
- utilising energy created through processing
- environmental benefits of biochar, both on site and to surrounding area

We will be constantly monitoring the effective environmental impact our activities have. This monitoring will form part of the ongoing feasibility analysis of our processes.

None of the plans we have are set in stone. We are very open-minded about the future, and always looking to adapt and improve our processes, for the benefit of Redmoss Wood, and for the future prosperity of the surrounding area.

We have recruited the professional help of some of the most experienced and knowledgeable consultants available. We expect a significant input from them in guiding Redmoss Wood towards a bright and prosperous future.



## 12. Agriculture & Horticulture

The higher ground at Redmoss Wood does not suffer from the same waterlogging issues as the lower lying areas. It provides a decent medium for either agricultural or horticultural use. There are around 6 acres of ground well suited to organic farming around the site.

The long-term plan is to provide some seasonal plants, shrubs, hedges, sapling trees, organic vegetables and herbs etc, grown in poly-tunnels in our Organic farm zone. The produce will provide another means of recovering some of the site re-generation costs.

All avenues will be explored in the development of growing opportunities around the site. Much of the ground has been previously unsuitable for growing, due to the water content, but with some irrigation control, and some soil improvement, better conditions can be created given time.

All of the Redmoss Wood project team enjoy horticulture and spend much of their time away from site in the garden. Again, much depends on the condition of the ground, but it is expected that growing enterprises will play a large part in what goes on within Redmoss Wood.

Even if the ground conditions remain poor, other options are being explored to ensure there will be growing mediums available right from the outset. The project will rely on financial returns wherever possible to offset the net-spend on the works.

A detailed business plan showing expected costs and incomes, through all the phases of our start-up and development, can be made available to the Council for perusal confidentially if required.

### 13. Landscaping & Access

There has been some landscaping and path-renovation done at Redmoss Wood in recent years.

There are 2 official entrances to the site, as designated on the property title deeds.

The main entrance is from the main B996 –Kelty - Kinross Road, with a 2<sup>nd</sup> access from a right-of-way to the South perimeter.

The 2<sup>nd</sup> access is currently partially blocked, since a neighbour decided to sell off plots, leaving the original building derelict, adjacent to the access. (See plate below) The 2<sup>nd</sup> access is key to the development of a large section of the site to the Southern end, so will need to be re-opened at some stage.



**Plate 9 – Abandoned construction adjacent to access track**

## Development & Re-Generation Plan for Redmoss Wood

The access about site has been recently improved but there are still a number of existing tracks, which have still to be re-opened. They have become overgrown but the track foundations remain in place.



**Plate 10 – Access Tracks re-established with recycled materials**

It is envisaged that some of the rubble and fill, which has been tipped in Redmoss Wood, can be used decoratively and for some soft landscaping materials. Extreme care will be taken to ensure only good materials are used and that no hazards exist within the material to be recycled.

All plans will be agreed through the consult and comply route with Perth & Kinross Council, SEPA, Scottish National Heritage, Forestry Commission etc

In an effort to use as little new material as possible, reclaimed road planings are being used for laying access tracks. Landscaping will be done using materials existing on site wherever possible to minimise transportation.

## 14. Security

Security has always been an issue at Redmoss Wood. Since the Dempster family first owned the land property and equipment has been lifted if not under lock and key.

Even piles of dumped sandstone, placed at the gate to secure the property entrance, were lifted and taken away. Similarly, two x 8-ton bulldozers were parked across the entrance to secure and they were both lifted and removed.

There is access from a number of directions and it is impossible to completely secure such a large perimeter, making security of any buildings and equipment a major concern.

Steel containers were selected as the only sure way to have instant security for the valuable tools, materials and equipment that would be needed to carry out the works.



**Plate 11 - Secure Storage for equipment, which may be a potential future site for a mechanical tool store and a timber store**

## Development & Re-Generation Plan for Redmoss Wood

The development of the workshop building was purely intended as a secure storage unit, which had to be adaptable into a workshop and welfare facility. This was not seen as a final design, but one of both necessity and convenience, a practical way to provide safe storage until the construction was made secure.

It also uses predominantly up-cycled materials and, in its completed state, will be an authentic looking, timber-clad building. The construction phase is still very much in progress and the building is not yet fully operational.

Throughout the project, security will have to be a driving factor in the design of all buildings and features around Redmoss.

Permission may be sought at some point in the future, once the land regeneration is showing positive results, and the business is running successfully, to secure an on-site residential presence. This is purely a potential consideration going forward and would be subject through a separate planning application in the future.



## 15. Workshop Facilities

The workshop building is required to support the maintenance and conservation about site, as well as housing the creative design and craft works that will be going on at Redmoss Wood.

The main stay of the workshop will be the woodworking area, this is where the wood will be cut, worked and crafted. A small craft and design studio will be housed in one of the smaller spaces adjoining the woodworking shop.

The forestry workshop building will contain a workshop, assembly area, 2 small offices, a rest room and a toilet. This will encompass the focus of the production operations supporting the works being undertaken in the woodland area under license from the Forestry Commission. The design, manufacture, assembly, and site operations may require up to 4 persons when fully established

A secure equipment storage area is needed from the beginning, to store the array of equipment required to carry out maintenance works, ground engineering, tree felling, landscaping, drainage construction, access track refurbishment etc. The current containers on site will be suitable for this purpose. For aesthetic value, the containers will be “softened” with timber cladding to resemble authentic woodland buildings as required.

## 16. Summary Statement

Redmoss Wood requires work done imminently, just to survive. It is currently serving time as an ex-industrial waste-ground, flooding to destruction.

The project team are all related through family and these values will be carried into our business directives. The Redmoss Wood project offers a number of employment opportunities over the long term, which will all go to local workers, including potential apprenticeships for the skilled trades being applied.

The outsourcing of any skilled labour will be done using our network of local companies. Alliances have already been forged with local suppliers and industry. It is very likely that apprentices will be taken on once the business is up and running.

There is no obvious or instant financial gain in the project. It is expected to take a significant investment just to keep the site operational. The chance of a financial return for time and money invested would only come through the completion of the land regeneration and related activities.

The motivation for improvement of the land is to leave a legacy of improved conditions, and for it to be used for the development of local skills, talent and labour, as well as hopefully capturing the interest of the general public and allowing the area to flourish and prosper.

The ground as it stands will cause increasing issues through time as it has reached a critical stage already. If the Redmoss Wood owners are not supported in the remediation of the site presently, then a future clear up operation, of significant proportions, will be required to rectify the ills of numerous generations past.

Significant cash investment, along with many the thousands already invested to date, will be required to get the site self-sufficient, with the improvement infrastructure and landscaping works completed.

Permissions are being currently sought for the supporting workshop, which will be a pre-requisite to offer safe and secure workplaces, and the storage areas required to carry out both the maintenance works and the preparation of the waste timber material for recycling.

## Development & Re-Generation Plan for Redmoss Wood

A comprehensive support team of professional advisers has been carefully selected for their relevant local experience, along with a network of supporting local businesses and suppliers for outsourcing fabrication works.

All works required at Redmoss Wood will be declared through the consult and comply process. All design works will be carried out and agreed through the proper consultation channels involving Perth & Kinross Council, SEPA, Scottish National Heritage, Forestry Commission, the Utility companies etc.

For the future, we believe Redmoss Wood can be a place to unite the local community. We hope that through time, it will become a cultural centre, with arts and craft studio, furniture-making workshop, horticultural activities, a grow culture and organic farm with a developing multi-cultured ecology.

We believe that the implementation of our environmental plans with biochar will mean Redmoss Wood will have a long term net positive impact on the Loch Leven catchment zone and will vastly improve the natural conditions for the benefit of ecology, flora & fauna.



[APPENDIX A – Redmoss Wood Site](#)










APPENDIX B – FUTURE SITE DEVELOPMENT OPTIONS

[APPENDIX C – ECOLOGY SCOPING REPORT](#)



**Redmoss Wood – Future Site Development Options**

<b><u>KEY</u></b>	
	Building 1 – Workshop (Proposed)
	Building 2-Craft Studio (Future Application)
	Watercourse
	Biochar Processing
	Dismantled Railway
	Organic Farming
	Water Feature





**ECoW**  
Solutions Ltd

Ecological Scoping Report – Redmoss Woodland,  
Kinross  
Civil & Structural Services Ltd

April 2016

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# EXECUTIVE SUMMARY

This report presents the findings of an environmental baseline study of the ecology present on an area of land situated in Kinross to the east of junction 5 of the A90. This study has been commissioned by Civil and Structural Services Ltd and has been carried out by ECoW Solutions Ltd.

The study comprises of a scoping survey following the methods laid out to consider the presence of protected species following the Institute of Environmental Assessment guidance (IEA, 1995). The report comprised two phases: a desk study review exercise and a walkover field survey which was undertaken on the 16th April 2015.

A Phase 1 habitat survey was not completed as a species assessment of tree species is being completed by an Arboriculture's.

The site is a Silver Birch (*Betula pendula*) plantation woodland situated on the location of an old saw mill along the B996. The site is surrounded by habitat of low diversity mainly consisting of farmed grassland that has been heavily grazed and improved over a number of years.

There are also small number of mature trees on the site, primarily Oak and Beech situated to the south. It is recommended these trees are retained wherever possible. Protective fencing should be erected around all retained hedgerows and trees in accordance with BS5837:2005-Trees in relation to construction, to prevent damage to hedgerows and trees during the development process.

Due to the limited nature of the development is recommended that further surveys would only be required should works require removal of the tree line to the south or tree removal during the breeding bird season (March – August). The requirement for further badger surveys is subject to scoping with the local authority but due to the lack of activity directly within the development area it is considered unnecessary.

Should legally protected species be present, specific avoidance and/or compensatory measures may be necessary to ensure that the development proposals comply with the relevant legislation and this may have implications for the final development plan.

No screening opinions would be required by the Planning Authority as no adverse impacts to the European designations listed are considered likely.

# 1 INTRODUCTION

## 1.1 PROJECT BACKGROUND

1.1.1 ECoW Solutions Limited was instructed by Civil and Structural Services Ltd to undertake an ecological scoping survey of a woodland, to the east of Ballingry along the A996, known as Redmoss Woodland, hereafter referred to as 'the Site'.

1.1.2 The aims of this study are to:

- identify the potential for protected habitats or species on site;
- highlight any potential legal constraints and recommend generic mitigation to satisfy any legal requirements;
- identify ecological opportunities to inform planning decisions;
- identify, where necessary, the requirement for further survey.

1.1.3 To fulfil the above brief a desk study was carried out comprising a search of existing available data (biological records and designated site information) within 2km of the Site, alongside an ecological scoping survey of the Site.

## 1.2 SITE DESCRIPTION

1.2.1 The Site cover roughly 76,305 Sq meters and is located in an agricultural landscape, adjacent to the B996 inclose proximity to a small number of residential houses.

1.2.2 The Site is accessible from the B996 which runs along the west boundary of the site. The north, east and southern boundary of the site run parallel to arable field, which in the south are separated from it by a narrow strip of trees and a couple of residential buildings to the north and east the site is separated by manmade ditches.

1.2.3 The Site is situated 2 miles south of the Loch Leven Ramsar site, Special Protection Area (SPA), Site of Special Scientific Intrest (SSSI) and National Nature Reserve. The Lurg and Dow Lochs SSSI is 2.3 miles to the West. A planted coniferous forest lies approximaely 500m to the east.

1.2.4 The site is currently used for maintenance works and construction of a small workshop/storage facility.

## 1.3 PROPOSED WORK

1.3.1 The Site is allocated for development of woodland, horticultural activities, landscaping, drainage works and some structural development of outbuildings to support activities.



## 2 METHODOLOGY

### 2.1 OVERVIEW

- 2.1.1 The study comprises two phases: a desk study review exercise and a field survey. The field survey comprised a scoping survey of the location to determine use by and legally protected species. By combining the desk study and field visit it is possible to identify and evaluate the ecological value of the Site.

### 2.2 DESK STUDY

- 2.2.1 The purpose of the desk study was to collect baseline data held by statutory and non-statutory consultees. This included any records of species from the Site and surrounding area that may not be present or detectable at the time of survey.
- 2.2.2 Information was requested for the Site itself and a 2km study area around the Site (5km for bats) in line with standard guidelines (IEA, 1995 and Mitchell-Jones, 2004). DEFRA's MAGIC (Multi-Agency Geographic Information for the Countryside) online resource was used for species records and information regarding statutory designated habitats.
- 2.2.3 A review of the local Biodiversity Action Plan (BAP) was also undertaken to identify local priority habitats and species that may be pertinent to this site.
- 2.2.4 The findings of the desk study are incorporated within this report.

### 2.3 ECOLOGICAL SCOPING SURVEY

- 2.3.1 An ecological scoping survey was conducted on 16<sup>th</sup> April, 2016 to consider the presence of protected species following the Institute of Environmental Assessment guidance (IEA, 1995). The survey was conducted by Liam Soden IEEM, Principle Ecologist at ECoW Solutions. Animal species were identified on an opportunistic basis. In addition, observed animal field signs were identified and recorded. General habitat assessments were made for the possibility of the Site to support protected species.
- 2.3.2 This survey provides information relating to the habitats found within the Site perimeter as well as possible protected species using the Site. It was not possible to confirm the presence/absence of all protected species. In order to provide definitive information relating to these factors, several visits to the Site incorporating many survey techniques at different times of year are usually required.
- 2.3.3 An indicative plant species list was not recorded and if required would need to be completed during a dedicated Phase 1 habitat survey or National Vegetation Classification survey. The survey does, however, provide a "snapshot" of the ecological interest present on the day of the survey visit.
- 2.3.4 A summary of legislation and planning policy relevant to the ecology of the site is included in Appendix B.
- 2.3.5 It should be noted that this an Ecological Scoping survey does not constitute dedicated protected species surveys, however, the potential presence of protected and rare species was considered. Due to the types of habitats within the site particular consideration was given to the potential for the site to support breeding birds, bats (*Chiroptera* spp.), badger (*Meles meles*), reptiles, Otter (*Lutra lutra*) and Watervole (*Arvicola amphibious*). The techniques adopted in the survey to search for these species are detailed below. Evidence of other notable species or species of conservation concern (such as UK BAP priority species or bird species listed on the RSPB red-list (Eaton et al, 2009)) and invasive species was recorded where they were found during the field survey.
- Breeding birds – habitats on site were assessed for their likelihood to support breeding birds and birds seen were recorded; evidence of breeding observed during the site walkover was also recorded but it should be noted that this does not constitute a full breeding bird survey and the number of species breeding on the Site is likely to be greater than that listed.

- Bats – During the Phase 1 habitat survey a preliminary assessment of the site for suitability for roosting or foraging bats was undertaken. The locations of mature trees requiring more detailed surveys were noted. Suitable roosting opportunities and characteristic field signs of bats, (such as bat droppings or scratch/wear marks) were recorded where observed. It should be noted this does not constitute a full search for all available roosting sites as this is beyond a scoping survey.
- Badgers - The suitability of habitats present on the Site for badgers was assessed during the ecological scoping walkover and any field signs (setts, latrines, dung pits, prints, paths, feeding evidence) observed were recorded.
- Reptiles – Suitable habitat for reptiles such as long grass, scrub, woodland, hedgerows and wood/rubble piles was noted where found.
- Otters – The suitability of habitats present on the Site for otter was assessed during the scoping walkover and any field signs (holts, lay-ups, spraints and feeding signs) observed were recorded.
- Water voles – The suitability of habitats present on the Site for water vole was assessed during the scoping walkover and any field signs (latrines, feeding signs and burrows) observed were recorded.

### 3 DESK STUDY RESULTS

- 3.1.1 The search 2km for European Designated sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC) and RAMSARs. These findings are summarised in Table 1.

Table 1: Summary of Statutory Designated Sites within 2 km (for European Designated Sites).

Site name	Designation	Proximity to Red Moss Wood	Description
Loch Leven	SPA, Ramsar, SSSI and NNR	2km North	This Loch site supports significant numbers of wintering and breeding birds. I
Lurg and Dow Lochs	SPA, Ramsar	2 . 3 k m southwest	Oligotrophic loch with very low nutrient levels and surrounding poor-fen makes up a transition of communities from open water to deep peat.

### 3.2 PROTECTED SPECIES RECORDS

- 3.2.1 Protected species records were identified within a 10 km distance using the NBN online resource are summarised below. The absence of records should not be taken as confirmation that a species is absent from the search area.

#### Protected or Notable Species

##### Birds

- 3.2.2 There are 174 bird records within 10km of the Site (the majority of these are found around the Loch Leven area. These include 36 species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), 19 listed on Annex 1 of the European Birds Directive, 25 Red listed Birds of Conservation Concern (BoCC) and 14 UKBAP species.

##### Bats

- 3.2.3 Two bat species have been recorded within 2km of the Site, these are common pipistrelle *Pipistrellus pipistrellus* and Nathusius pipistrelle *Pipistrellus nathusii*. These records are deemed sensitive and do not distinguish between roosts and individual sightings of bats (for example in flight). These species are fully protected under the Conservation of Habitats and Species Regulations 2010 (known as the Habitat Regulations, 2010) and the Wildlife and Countryside Act 1981 (as amended).

##### Other mammals

- 3.2.4 No records of badgers are noted within 2km via the NBN online resource however, this is to be expected as most records are held by Scottish badger group, who have not been contacted for requests for records. The habitat surrounding the site is suitable for badger so it was decided an on-site walkover would yield signs of badger use.
- 3.2.5 No records of otter are noted within 2km of the site.
- 3.2.6 No records of water voles are noted within 2km of the site however there are record of water vole from Vane farm (2002) which is just over 2km away.

##### Herpetofauna

- 3.2.7 No records of the four widespread reptile species, grass snake *Natrix natrix*, adder *Vipera berus*, common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* have been recorded within 2km of the Site.
- 3.2.8 No records of Great crested newt *Triturus cristatus* has been recorded within 2km of the Site.

## 4 FIELD SURVEY RESULTS

### 4.1 INTRODUCTION

4.1.1 The results of the ecological scoping survey are presented below.

### 4.2 HABITAT DESCRIPTIONS

#### Buildings and hardstanding

4.2.1 One building is located towards the western end of the Site. These includes a store area and workshop these are constructed of a mixture of wood, corrugated metal, brick and breeze block. There are a couple of houses situated to the east and west of the southern boundry.

4.2.2 Hardstanding is present around the buildings and on the access road. It comprises a combination of compacted gravel, concrete and broken out tarmac.

#### Broadleaved woodland

4.2.3 The vast majority of the Site is a planted Silver birch *Betula pendula* deciduous woodland with a clump of mixed mature trees situated in the south-eastern corner of the Site. This is dominated by oak *Quercus robur* and ash *Fraxinus excelsior*, with a hawthorn *Crataegus monogyna* and gorse *Ulex europaeus* understorey. Ground flora is dominated by grass and moss spp.

#### Ditches

4.2.4 Ditches are along the boudry of the main birch woodland and field boundaries in the north, east, south and west. The vegetation community growing in this ditches suggests it is semi dry; species include bramble *Rubus fruticosus* agg, hard fern *Blechnum spicant*, false oat grass *Arrhenatherum elatius*, herb robert *Geranium robertianum*, wood sage *Teucrium scorodonia* and bracken *Pteridium aquilinum*.

#### Boundary features

4.2.5 All the surrounding fields to the south and east comprise of arable crops. In the north east semi-improved grassland occurs, which is extremely close grazed. To the North of the site boundary a marshy grassland dominated by *Molinia* and *Juncus* spp

4.2.6 A garden lies to the south east of the site. This is a typical garden containing cultivated plants and amenity grassland.

4.2.7 .

#### Broad-leaved Scattered trees

4.2.8 A number of mature trees are present on the site; some of these form standards within the southern boundry.

4.2.9 The scattered trees on site provide nesting habitat for birds and may provide roosting opportunities for bats. They also contain a high proportion of deadwood habitat which is of value for invertebrates.

### 4.3 BAT PROVISIONAL BUILDING INSPECTION SURVEY RESULTS

4.3.1 There was sufficient access to inspect the building on site externally.

4.3.2 No positive evidence of bats was identified on site; however, the building has minor potential to support roosting bats within the roof space. Any works to be completed on this structure would require an internal inspection to confirm likely absence.

## 4.4 PROTECTED SPECIES

### Bats

- 4.4.1 The building on Site has minor potential to be used by roosting bats.
- 4.4.2 There are a number of mature trees located on the south of the Site which provide potentially suitable habitat for roosting bats. These are located predominantly along the southern boundary but include some scattered trees in the south area. The records identified no roosts within 5km of the site however the Site has potential to support roosts of bat species within the mature trees.
- 4.4.3 The ditches and trees on site all have the potential to support foraging bats, and as linear features in the landscape are likely to provide commuting corridors for bats. Two species of bat have been recorded within 5km of the Site, the Site has potential to support these species.

### Birds

- 4.4.4 The site provides suitable nesting and foraging habitat for birds within trees and grassland. The species listed in Table 2 below were recorded on or over the Site during the scoping survey.

Common name	Latin name
wood pigeon	<i>Columba palumbus</i>
carrion crow	<i>Corvus corone corone</i>
great spotted woodpecker	<i>Dendrocopus major</i>
Robin	<i>Erithacus rubecula</i>
chaffinch	<i>Fringilla coelebs</i>
buzzard	<i>Buteo Buteo</i>
blue tit	<i>Parus caeruleus</i>
great tit	<i>Parus major</i>
chiff chaff	<i>Phylloscopus collybita</i>
Magpie	<i>Pica pica</i>
Wren	<i>Troglodytes troglodytes</i>
blackbird	<i>Turdus merula</i>

Table 2: Birds recorded during the scoping survey.

- 4.4.5 This does not constitute a breeding bird survey and a far greater diversity of species is expected to be present on the site and in the surrounding area.
- 4.4.6 Of the birds of conservation concern for which records have been identified habitat present on Site could potentially be used by skylark, linnet, siskin, tree sparrow, marsh tit, bullfinch and song thrush. A number of these species are woodland species which are likely to use the trees and shrubs on the Site as part of their range.

### Great crested newts

- 4.4.7 There are no ponds on site and the ditches on site lack enough features to be suitable for great crested newts. There is no known presence of this species within 2km of the site according to the desk study, and the habitats present on the Site, it is considered unsuitable to support great crested newts.

### Reptiles

- 4.4.8 No species have been recorded within 2km of the Site. The Site provides limited suitable habitat for reptiles as the surrounding pastures are extremely close grazed and managed, therefore lacking suitable cover; and areas of tall ruderal habitat on the site is very limited. There is an area of marshy grassland on the north site boundary that may support adder (records do not show any known sightings within 2km). Though reptile presence cannot be ruled out where grass is longer the Site has low potential for these species. No basking reptiles were observed during the scoping survey.

#### Badgers

- 4.4.9 No evidence of badgers was observed within the Site boundary. However, foraging pathways and snuffles holes were noted within the field to the south. The Site does have potential to support badger and further surveys maybe required should significant removal of the woodland be required.

#### Otter and water vole

- 4.4.10 No evidence of otters or water vole was observed within the Site boundary. The Site does have potential as a foraging route for otter due to the number of ditches across the site and records suggesting otter are present within 5km.

#### Other mammals

- 4.4.11 Signs of Roe deer and rabbits were observed on the Site.

## 5 EVALUATION

### 5.1 OVERVIEW

- 5.1.1 The principle ecological value of the site is within the mature trees to the southern boundary. The degree of protection that is afforded the habitats on site, and the species which may be associated with these habitats is described below. Additional details of relevant legislation and policies can be found in Appendix B.

### 5.2 NATURE CONSERVATION SITES

- 5.2.1 No part of the site is designated for its nature conservation value.
- 5.2.2 The site is over 2km from the Loch Leven SPA and Lurg and Downs Loch SSSI. Development of the Site is unlikely to have a direct impact upon either site.

### 5.3 HABITATS

- 5.3.1 The habitat is limited in its diversity with the majority of the area dominated by the birch woodland. The remaining habitat on site includes species poor semi-improved grassland, mature trees and small areas of tall ruderal habitat. These habitats are not directly protected under legislation.

### 5.4 SPECIES

The site has minor potential to support legally protected and UK BAP species and further recommendations will be dependent on what the site is ultimately used for.

## 6 RECOMMENDATIONS

### 6.1 RECOMMENDATIONS FOR THE PROTECTION AND ENHANCEMENT OF ECOLOGICAL FEATURES

- 6.1.1 If appropriate, protective fencing should be erected around all retained mature trees during construction in accordance with BS5837:2005- Trees in relation to construction, to prevent damage to trees during the development process.
- 6.1.2 It is recommended the ditches present on the Site are retained within the development. If this is not possible it is recommended ditch habitat is replaced, this could be forming part of a sustainable drainage strategy for the Site.
- 6.1.3 Any vegetation clearance or building demolition should avoid the bird nesting season (generally between March and August inclusive). If vegetation clearance/demolition is unavoidable at this time of year then an Ecological Clerk of Works should be appointed to carry out checks for nesting birds immediately prior to removal and to supervise the removal of all vegetation. However, it should be noted that, where nesting birds are encountered, vegetation removal would have to cease until the young have fledged the nest.
- 6.1.4 Suitable nest structures for swallows, and other UK BAP and LBAP priority species such as house sparrow should be incorporated into building design and/or installed in retained trees.
- 6.1.5 There are a number of mature trees present on Site; these should be retained wherever possible, particularly the veteran hawthorn.
- 6.1.6 Irrespective of whether bats are found roosting within trees or buildings on the Site, future roosting habitat for this species group should be installed in order to deliver ecological enhancements. These could comprise woodcrete bat boxes installed within new or retained trees on the Site. Alternatively, tree-sections containing existing suitable roosting features could be retained and subsequently re-instated within new landscaping. Bat bricks could be incorporated into building designs.
- 6.1.7 Any new planting within the design should comprise native species and should complement local species assemblages and those currently found on the Site.

- Bat Conservation Trust (2007) Bat Surveys Good Practise Guidelines, Bat Conservation Trust, London.
- Eaton et al (2009) Birds of Conservation Concern 3: The population status of birds in the UK, Channel Islands and Isle of Man. *British Birds* 102 pp296-341.
- Harris S, Cresswell P and Jefferies D (1989). *Surveying Badgers*. Mammal Society.
- HMSO The Conservation of Habitats and Species Regulations 2010
- HMSO Wildlife and Countryside Act 1981 (as amended).
- IEA (1995). *Guidelines for Baseline Ecological Assessment*, Institute of Environmental Assessment. E&FN Spon, An Imprint of Chapman and Hall. London.
- JNCC, (2007). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit* (reprint). Joint Nature Conservation Committee, Peterborough.
- UK Biodiversity Action Plan Steering Group (1994) *Biodiversity: the UK Action Plan*. HMSO, UK.



## Species legislation

### European Protected Species; (including Bats, Great Crested Newt and Dormouse)

Bats, dormice and great crested newts are European protected species meaning that they are protected under the The Habitat Regulations 2010, in addition to the Wildlife and Countryside Act 1981 (as amended). Under Regulation 41 of The Habitat Regulations (2010), it is an offence to;

- (1) deliberately capture, injure or kill any wild animal of a European protected species;
- (2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—
  - (a) to impair their ability—
    - (i) to survive, to breed or reproduce, or to rear or nurture their young; or
    - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - (b) to affect significantly the local distribution or abundance of the species to which they belong
- (3) deliberately take or destroy the eggs of such an animal; or
- (4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

### Nesting Birds

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, provides legal protection to all birds, their nests and eggs, and it is an offence, with certain exceptions, to intentionally or recklessly kill or injure any wild bird, damage or destroy the nest of any wild bird while it is in use or being built, or destroy the egg of any wild bird. Species listed in Schedule 1 (Part 1) of the Act are protected from disturbance whilst nesting by special penalties.

### Reptiles

Slow-worm *Anguis fragilis*, common or viviparous lizard *Lacerta vivipara*, adder *Vipera berus* and grass snake *Natrix* are protected by the *Wildlife and Countryside Act 1981* (as amended) by part of *Section 9(1)* and all of *Section 9(5)*. This means that they are protected against killing and injuring (but not 'taking') and against sale and transporting for sale.

### Badgers

The Protection of Badgers Act 1992 makes it illegal to wilfully kill, injure or take any badger, or attempt to do so. It also makes it an offence to intentionally or recklessly damage, destroy or obstruct access to any part of a Badger sett.

### Invasive weeds

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) makes it an offence to plant or otherwise cause species such as Japanese knotweed *Fallopia japonica* and small-leaved cotoneaster *microphyllus* to grow in the wild.

## BIODIVERSITY ACTION PLANS (BAPS)

### UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, is a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contains a list of priority habitats and species of conservation concern in the UK, and outlines biodiversity initiatives designed to enhance their conservation

status. The priority habitats and species correlate with those listed on Section 74 of the CRoW Act and Section 40 and 41 of the NERC Act.

BAPs in the UK have no statutory status, but provide a framework for implementing conservation requirements. Furthermore, species listed as Priority species in the UK BAP are afforded a degree of protection under the NERC Act (2006), which states that local authorities have a duty to conserve biodiversity and that UK BAP priority species are of principle importance to the conservation of biodiversity.

UK and BAP species and habitats have been identified, where present, and are discussed in the main body of this report.

## Appendix B

# Notes and Limitations of Survey Work

These Notes and Limitations cover ecological work undertaken by ECoW Solutions. They are additional and complimentary to ECoW Solutions Standard Terms and Conditions, and should be read in association with them.

1. ECoW Solutions staff have endeavoured to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.
2. Up to date standard methodologies have been used, which are accepted by Scottish Natural Heritage and other statutory conservation bodies. No responsibility can be accepted where these methodologies fail to identify all species on site. ECoW Solutions cannot take responsibility where Government, national bodies or industry subsequently modify standards.
3. The results of the survey and assessment work undertaken by ECoW Solutions are representative at the time of surveying.
4. ECoW Solutions will advise on the optimum survey season for a particular habitat/species prior to undertaking the survey work. However, ECoW Solutions cannot accept responsibility for the accuracy of surveys undertaken outside this period.
5. ECoW Solutions cannot accept responsibility for data collected from third parties.
6. Optimum conditions for alien species surveys i.e. Japanese knotweed, Giant hogweed and Himalayan balsam, are between the months of April and September inclusive. ECoW Solutions will advise on the presence of the species although strategies to deal with their eradication are subject to a separate scope of works.

**TCP/11/16(473) – 16/01347/FLL – Erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 37-39)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 41-55)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 57-66 and 93-150)*



**TCP/11/16(473) – 16/01347/FLL – Erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam**

## **REPRESENTATIONS**



For the Attention of: Mr J. Russell

Perth and Kinross Council

[By Email: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) ]

15 August 2016

Dear Mr J. Russell

**PLANNING APPLICATION: 16/01347/FLL**

**Erection of a forestry workshop (in part retrospect); LAND 110 METRES  
NORTH EAST OF TORWOOD, BLAIRADAM**

Thank you for your consultation notification of the 04 August 2016 seeking the views of The Coal Authority on the above planning application.

**The Coal Authority Response: Material Consideration**

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

**The Coal Authority Recommendation to the LPA**

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Yours sincerely

**Rachael A. Bust** *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*  
**Chief Planner / Principal Manager**  
**Planning and Local Authority Liaison**





Our ref: PCS/148336  
Your ref: 16/01347/FLL

If telephoning ask for:  
Sheena Jamieson

30 August 2016

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir/Madam

**Town and Country Planning (Scotland) Acts**  
**Planning application: 16/01347/FLL**  
**Erection of a forestry workshop (in part retrospect)**  
**Land 110 Metres North East of Torwood, Blairadam**

Thank you for your consultation email which SEPA received on 5 August 2016.

**Advice for the planning authority**

We have **no objection** to this planning application. Please note the advice provided below.

**1. Phosphorous Mitigation**

- 1.1 Information provided in part 4.2 (3) of the Planning Statement and page 29 of the Development and Regeneration plan for Redmoss Wood clarifies that the drainage at the site will be achieved through a closed system biochar toilet and storage tank for cleaning facilities water. It is therefore our view that no phosphorus mitigation is required as there is no discharge from the system to the water environment. Any associated waste to be spread to land would be treated first with biochar and have to comply with the relevant waste management licensing exemption.
- 1.2 We recommend that contact is made with your Building Control Department with regards the adequacy of the proposed water storage tank.
- 1.3 The applicant should be aware that if the design for the toilet has a discharge point, it will require phosphorous mitigation.

**2. Waste Management**

- 2.1 As stated in paragraph 1.1 above, the spreading of any biochar to land will require a paragraph 7 exemption from The Waste Management Licensing (Scotland) Regulations



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**  
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2011. In order to comply with this exemption the applicant will have to prove that the volume and use accords with the criteria set out in the regulations. Furthermore whether a waste management license is required for biochar production is dependent on whether the criteria in the following SEPA position statement '[Manufacture and use of Biochar from Waste](#)' can be met. The applicant should contact our Fife Operations team to initiate discussions with regards these issues, contact details in section 3 below.

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

#### **3. Regulatory requirements**

- 3.1 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 regulatory team in your local SEPA office at:

SEPA, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA, Tel. 01592 776910

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: Malcolm Smith, TMS Planning & Development Services Ltd, [tmsplanning@tiscali.co.uk](mailto:tmsplanning@tiscali.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](#).*



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

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# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 16/01347/FLL

Our ref LRE

Date 31 August 2016

Tel No 01738 476462

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK16/01347/FLL RE: Erection of a forestry workshop (in retrospect) Land 110 metres North East of Torwood Blairadam for Mr David Dempster**

I refer to your letter dated 4 August 2016 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –31/08/16)

### **Recommendation**

**I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.**

### **Comments**

The applicant has started the works on the workshop approximately in July 2015 and a site visit confirms that there is a workshop building with an exhaust flue for a stove, as well as two containers, open ended shed, woodpile and a woodstock shed housing bagged logs for retail.

### **Air Quality**

The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (09) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

A telephone conversation dated 24 August 2016 with the applicant indicated that there was a wood burning stove installed within the workshop building, which was a 10kW stove.

As the proposed biomass wood burning stove is 10kW it is well below the range to be assessed and the low background levels within the area for both pollutants, I have no adverse comments to make with regards to local air quality.

### **Nuisance**

However this Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The closest residential property to the proposed flue exhaust is 2 Greenacres which is approximately 75metres away from the workshop which is sited within a clearing within Red Moss Wood.

Therefore I recommend the undernoted conditions be included on any given consent to protect residential amenity from nuisance from smoke/ smoke odour.

### **Noise**

The workshop in retrospect is to be used to make bespoke furniture and arts /crafts, it will have a storage area for timber, cutting and an assembly areas, two small offices and a welfare facilities for staff with a proposed biochar toilet.

The applicant stated in a telephone conversation dated 24 August 2016 that there would be a limited number of plant tools within the workshop as most of the furniture will be hand crafted. An email from the agent dated 26 August 2016 also states the tools to be used within the workshop area are to include a circular saw, chop saw and lath, however the tools are mostly hand tools. The use of excavator chainsaw will be used at times periodically.

A supplementary document Development and Re-Generation Plan for Redmoss Wood submitted with this application states that the majority of fabrication works will be outsourced to reduce noise at the site.

The aforementioned email also states that the proposed hour of operations of the workshop is 08:00 hrs to 17:00hrs Monday to Friday.

It is my contention that noise from the site could at times have the potential to affect residential amenity, therefore I recommend that undernoted conditions be included on any given consent.

### **Odour**

The biochar toilet proposed is deemed a sustainable sanitation option, the biochar (charcoal) absorbs the odour and accelerates the breakdown of faecal matter, thus making the process more hygienic than a composting toilet.

Therefore due to the location and distance to other residential properties it is my contention that odour from the biochar toilet will not adversely affect residential amenity , so I have no further comments to make with regards to odours.

At the time of writing this memorandum there are no letters of objection or support and to my knowledge this Service have not received any complaints with regards to existing workings at Redmoss Wood.

### **Conditions**

**EH50** The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

**EH02** Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

- EH01** The hours of operations shall be restricted to 0700 hours to 1900 hours daily unless otherwise agreed in writing with the Council as Planning Authority.
- EH11** All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

### **Informative**

The applicant has submitted a supplementary document -Development and Re-Generation Plan for Redmoss Wood with the application time lining the proposed long term usage of the area. Part of the proposed activities is for the production of Biochar and a Micro-brewery, the applicant should ensure that prior to the commencement of these processes The Environment Service should be consulted and also SEPA as the Biochar process may require a Waste Management Licence (SEPA) .

A handwritten signature in black ink, appearing to be 'LH' followed by a stylized flourish.



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

<b>Planning Application ref.</b>	16/01347/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	75329 amaric@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a forestry workshop (in part retrospect)		
<b>Address of site</b>	Land 110 Metres North East Of Torwood Blairadam		
<b>Comments on the proposal</b>	<b>Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.</b>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• <b>AR01</b> Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B, Figure 5.6 access detail unless otherwise agreed in writing with the Council as Planning Authority.</li> <li>• <b>AR02</b> Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 3.0 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.</li> <li>• <b>AR04</b> Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.</li> <li>• <b>AR05</b> Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.</li> </ul>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	02 September 2016		





Our ref: PCS/149239  
Your ref: 16/01347/FLL

If telephoning ask for:  
Sheena Jamieson

6 October 2016

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sirs

**Town and Country Planning (Scotland) Acts**  
**Planning application: 16/01347/FLL**  
**Erection of a forestry workshop (in part retrospect)**  
**Land 110 Metres North East of Torwood, Blairadam**

This letter is written with reference to our previous response to your authority with regards this application dated 30 August 2016. Following discussion with Scottish Natural Heritage and re-evaluation of the proposals at the site we must withdraw our previous response and provide the following advice.

We **object** to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

**Advice for the planning authority**

**1. Foul effluent disposal**

- 1.1 The reason for our change in position is due to the fact that through further discussion it has been brought to our attention that the proposal is to produce biochar and mix it with sewage from the toilet (page 27 of the Development and Regeneration plan for Redmoss Wood), rather than for the production of biochar only.
- 1.2 The spreading of the proposed mixture of biochar and sewage to land is unlikely to be granted an exemption from The Waste Management Licensing (Scotland) Regulations 2011 as sewage sludge is not a permitted European Waste Code type. It would therefore need to be fully treated before it would be considered.
- 1.3 Any biochar/ sewage mixture generated on site would therefore need to be taken off site to an appropriately licensed facility.
- 1.4 The information provided in part 4.2 (3) of the Planning Statement and page 29 of the Development and Regeneration plan for Redmoss Wood states that the drainage at the site

will be achieved through a closed system biochar toilet and storage tank for cleaning facilities water.

- 1.5 As paragraph 1.3 clarifies any biochar/ sewage mix could not be disposed of to land and will need to be taken off site to an appropriately licensed facility.
- 1.6 The applicant should contact your Building Control Department to ascertain whether a closed system being emptied for off site disposal would be acceptable in the context of the Building Regulations, whether it be the proposed biochar/ sewage mix or chemical toilets, and with regards the adequacy of the proposed water storage tank.
- 1.7 If the proposed drainage system remains a closed system which has no discharge to the water environment then it is our view that no phosphorus mitigation is required. However the applicant should be aware that if the design for the toilet has a discharge point, it will require phosphorous mitigation.
- 1.8 Depending on the outcome of discussion with Building Control the applicant may therefore have to amend their proposal from a closed system to one with a discharge to the water environment such as a septic tank, which would require the provision of phosphorous mitigation.
- 1.9 We therefore **object** due to the lack of clarity with regards foul effluent disposal at the site. We will review this objection when the applicant provides additional information to demonstrate that:
  - a closed system with off site disposal to an appropriately licensed facility is acceptable to Building Control and that such a facility is available, or
  - provides details of an alternative acceptable closed method of collection or
  - amends the scheme to include a discharge to the water environment, such as a septic tank, which would require the applicant to provide phosphorous mitigation.

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

## **2. Waste Management**

- 2.1 The applicant should contact the Fife Operations team with regards the regulatory implications under The Waste Management Licensing (Scotland) Regulations 2011 of the proposed operations at the site. Contact details are in Section 4 below.

## **3. Phosphorous Mitigation**

- 3.1 The [Loch Leven Special Protection Area and RAMSAR](#) site supplementary guidance requires that information is submitted with full planning applications for new development discharging into the catchment to provide details of proposed phosphorous mitigation. The reason for this is to ensure that development accords with Local Development Plan Policy EP7: Drainage within the Loch Leven Catchment Area which states that total phosphorous from built development must not exceed the current level to work towards the loch's recovery from nutrient enrichment.



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

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## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 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 regulatory team in your local SEPA office at:

Pentland Court, The Saltire Centre, GLENROTHES, KY6 2DA, Tel. 01592 776910

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: [tmsplanning@tiscali.co.uk](mailto:tmsplanning@tiscali.co.uk); [Helen.Taylor@snh.gov.uk](mailto:Helen.Taylor@snh.gov.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](#).*



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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

John Russell  
Development Management  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

10 October 2016  
Our ref: CNS/DC/PKC/CDM142825  
Your ref: 16/01347/FLL

Dear John

### **Town And Country Planning (Scotland) Act 1997 Erection of forestry workshop (in part retrospective) at land NE of Torwood, Blairadam.**

Thank you for your consultation of 7 September 2016 regarding the above application.

#### **Summary**

This proposal could be progressed if mitigation measures as set out in our annex A, are made subject to conditions or legal agreements. However, the proposal could have adverse impact on the water quality of Loch Leven Special Protection Area (SPA). We consider that this raises issues of national interest and we therefore object to this proposal unless it is made subject to these mitigation measures. If the planning authority intends to grant planning permission against this advice, without the suggested mitigation, you must notify Scottish Ministers.

#### **Our appraisal of the impacts of the proposal**

The development lies within the catchment area of Loch Leven Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and Ramsar Site. *Further details of the legislative requirements are available from <http://www.snh.gov.uk/docs/A423286.pdf>.*

In our view, without adequate and secured mitigation measures, there may be an increase in phosphorus loading on Loch Leven SPA and Ramsar site arising from this proposal. As this may result in detrimental impacts on water quality, it is likely to have an adverse effect on the integrity of the site should the mitigation not be put in place before the proposed new discharge into the catchment starts. (*Please refer to Annex A for our full appraisal of the potential impacts.*) This potential impact of the development is also likely to adversely affect the protected natural features of the SSSI.

Loch Leven is the largest naturally nutrient rich freshwater loch in lowland Scotland, internationally important for its wintering and breeding wildfowl. Phosphorus entering the loch from man-made sources has caused problems with water quality for many years. This has resulted in a negative impact on the conservation, economic, and social interests of the loch and local area. Much work has been undertaken over the last 30 years to reduce the input of phosphorus into the loch. Recent monitoring has shown this is leading to an improvement in the ecological quality of the loch. However, this improvement is still vulnerable to set backs

so there is a continuing need to reduce both phosphorus and nitrogen inputs to the loch. *You can find more details on the story of Loch Leven's water quality in Annex B.*

If you need any further information or advice from us in relation to this proposal please contact Helen Taylor [Helen.taylor@snh.gov.uk](mailto:Helen.taylor@snh.gov.uk) at this office in the first instance. 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

*Gavin Clark*

**Gavin Clark**  
Operations Manager  
Tayside & Grampian

Enc

## ANNEX A

### SNH APPRAISAL OF THE PROPOSALS

#### **Appraisal of the likely impacts of the proposal on Natural Heritage Interests:**

The proposed development site lies within:

- The catchment area of the Loch Leven Special Protection Area (SPA);
- The catchment area of the Loch Leven Ramsar site; and
- The catchment area of the Loch Leven Site of Special Scientific Interest (SSSI).

For information on the SSSI, SPA and Ramsar qualifying features and Conservation Objectives please visit our Sitelink website at <http://gateway.snh.gov.uk/sitelink/>.

#### **Loch Leven SPA and Ramsar site**

Loch Leven's status as a SPA and Ramsar site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply.

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

#### **The proposal**

This proposal includes the introduction of the new toilet into the Loch Leven Catchment. This toilet has no liquid discharge but rather the waste is mixed with charcoal (biochar) and the resulting mix is thereafter disposed of to the land as fertilizer. The applicant has claimed that the waste/biochar mix will retain nutrients for up to 150 years but there is nothing to substantiate this and we are not aware of any peer reviewed evidence to justify this claim. Consequently, although the proposed toilet has no liquid discharge the contents of the toilet will contain phosphorus and its disposal to land will be introducing phosphorus into the catchment.

#### **Phosphorus mitigation**

The applicant does not propose any mitigation.

In our view, this proposal is likely to have a significant effect on the qualifying interests of the site. As a consequence Perth & Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is difficult to conclude whether or not this proposal alone will result in an adverse effect on the integrity of Loch Leven, but an important precedent will be set which will nullify the Development Plan and the Loch Leven Catchment Management Plan, which aim to ensure that the requirements of the Birds and Habitats Directives are met. This is likely to lead to cumulative effects of further developments with net increases of phosphorus discharge leading to further adverse effects on site integrity. If there is an increase in phosphorus discharging to the loch there would be a deleterious effect on water quality. This in turn would adversely affect the SPA and Ramsar qualifying features as the conservation objectives will not be met. It is, therefore, imperative that the policy framework in the plan is sustained if the overall objective of a continuing reduction in pollution is to be achieved.

However, if the proposal is amended so that the works are undertaken strictly in accordance with the following issues to be the subject of conditions or legal agreements, this significant effect can be avoided and therefore an appropriate assessment will not be required:

- The contents of the toilet should be disposed of either at a location outwith the Loch Leven Catchment - or at a waste treatment plant.
- Or, other mitigation should be provided to offset the introduction of new phosphorus into the catchment

### **National Interests:**

Loch Leven SSSI is notified for natural features including:

- its wintering and breeding wildfowl;
- the eutrophic water body and associated aquatic plants and invertebrates.

The site was designated for these features on account of their condition and extent/number and to ensure that representative examples were safeguarded across their GB range.

Consistent with the arguments above, the proposal is likely to adversely affect some of the natural features specified in the SSSI. Our advice is that any increase in phosphorus levels would hinder the ecological recovery of the loch, and is likely to assist in returning it to its previously more polluted and damaged state.

### **POLICY CONTEXT**

#### **The Loch Leven Catchment Management Plan**

The Loch Leven Catchment Management Plan (March 1999) was drawn up by Scottish Natural Heritage, Scottish Environmental Protection Agency, Perth & Kinross Council, and Scottish Agricultural Colleges. The project's aim was to promote the sustainable management of the Loch Leven catchment area through the development, promotion and implementation of an integrated Catchment Management Plan. The plan was developed following consultations with key influential organisations, and local or affected parties. The plan sets Water Quality Standards for the loch and aims to reach a point where the loch could be said to have recovered ecologically.

#### **Kinross Local Plan**

Recommendations from the Management Plan were translated into a range of policies in the approved Kinross Area Local Plan 2004 that as a whole aim to "assist the ecological recovery of Loch Leven".

The proposal is contrary to Policies 10, 11, and 12 for the following reasons:

- a. Policy 10 – as a new development it would produce measurable amounts of additional phosphorus in the Loch Leven catchment;
- b. Policy 11 – the applicant has not provided an assessment of phosphorus loading from the development; and
- c. Policy 12 – having failed Policies 10 and 11, the application does not indicate any secured mitigation measures that will remove 125% of the phosphorus loading likely to be generated by the development.

These policies operating together seek to ensure that Policy 10 can be achieved. If one of these policies fails then there is a risk that there will be an increase in phosphorus loading on Loch Leven.



## ANNEX B

### LOCH LEVEN WATER QUALITY

Loch Leven is the largest naturally eutrophic freshwater body loch in lowland Scotland. It is also one of the most important sites in the UK for waterfowl, with the largest population of breeding ducks and thousands of migratory ducks, geese and swans resident over winter<sup>1</sup>. Although the overall water quality of the site is good, the loch has suffered for many years from periodic dense growths of algae, known as algal blooms. These have occurred, largely, as a result of substantial amounts of phosphorus entering the loch from man-made sources, combined with a relatively low flushing rate and a favourable light-climate<sup>2</sup>. The blooms have a direct impact on the various users of the loch, on the local economy, and occasionally pose a potential risk to human health. In terms of conservation interest, algal blooms also reduce light penetration into the water, reducing plant growth. Reduced plant growth would have direct and indirect impacts on invertebrates, fish and bird communities which depend upon the diverse and abundant aquatic plant communities for food and shelter.

The Loch Leven Catchment Management Plan's ultimate goal is the long-term ecological recovery of the loch, through the sustainable management of the catchment's resources<sup>3</sup>. The underlying principle behind this is the reduction of the phosphorus load entering Loch Leven. By lowering the phosphorus available to the algae this will crucially reduce the frequency, duration and impact of the algal blooms thereby improving water quality. Three "water quality standards" have been set: water clarity, chlorophyll concentrations, and total phosphorus concentrations.

Work since the late 1970s has been undertaken to reduce the phosphorus input into the loch including diverting sewage out of the catchment area and phosphate stripping. The recovery in the ecological quality of the loch is evident in reports into the long-term water quality<sup>4</sup> and recent water quality monitoring (2008 – 2010)<sup>5</sup>:

- the results from monitoring Loch Leven between 2008 and 2010 appear to show a sustained improvement in water quality. The target for phosphorus set by the Loch Leven Area Management Group is now being met;
- Cyanobacterial blooms continue to occur in late-summer and autumn in Loch Leven. During these blooms, cyanobacterial abundance often exceeds the WHO 'Low Risk' threshold, but has not exceeded the 'Medium Risk' threshold since 2004.
- submerged macrophytes are showing an improving trend in terms of extending their coverage into deeper water; and macro-invertebrate species richness has greatly increased. The most recent annual mean value for growing depth of submerged

---

<sup>1</sup> Scottish Natural Heritage 2007. *The Story of Loch Leven National Nature Reserve*, 24 August 2007

<sup>2</sup> Bailey-Watts A.E. & Kirika A. 1999. Poor water quality in Loch Leven (Scotland) in 1995, in spite of reduced phosphorus loadings since 1985: the influences of catchment management and inter-annual weather variation. *Hydrobiologia*, **403**, 135-151.

<sup>3</sup> Scottish Natural Heritage 1999. *Loch Leven Catchment Management Plan*. (SNH – Corporate author) Edinburgh.

<sup>4</sup> Carvalho, L., Kirika, A. and Gunn, I. 2004. *Long-term patterns of change in physical, chemical and biological aspects of water quality at Loch Leven*. Scottish Natural Heritage Commissioned Report No. 031 (ROAME No. F01LH03C).

<sup>5</sup> Dudley, B.J., Spears, B.M., Carvalho, L., Gunn, I.D.M. & May, L. (2012). Water quality monitoring at Loch Leven 2008-2010 – report of results. *Scottish Natural Heritage Commissioned Report No. 12642*.

acrophytes is very close to the Loch Leven Area Management Group (LLAMAG, 1993) target of 2.5 m.

However, chlorophyll concentrations are still below the target thresholds, and although phosphorus concentrations have now met the target this could easily slip if nutrient inputs from industry, farming or households were to rise. Therefore to sustain these benefits, there is still a need for continued catchment management at Loch Leven to reduce inputs of both nitrogen and phosphorus in order to improve water clarity further and enhance ecological recovery.

**From:**Helen Taylor  
**Sent:**Wed, 14 Dec 2016 13:08:35 +0000  
**To:**John Russell  
**Cc:**Jamieson, Sheena (sheena.jamieson@sepa.org.uk)  
**Subject:**Redmoss Wood - Biochar toilet - 16/01347/FLL - Update of application - Waste Management proposal

Hi John, I have had a look at the information provided by the applicant and have comments on each option below.

However our response as submitted previously still stands – ie

- The contents of the toilet should be disposed or either at a location outwith the Loch Leven Catchment - or at a waste treatment plant.
- Or, other mitigation should be provided to offset the introduction of new phosphorus into the catchment

The submitted document gives a number of options – however the applicant has not stated which he is going to use.

It would appear that some of the options would be satisfactory under the first bullet point.

The information supplied re the other options does not provide any assurances which would satisfy the second bullet point.

Hope this is helpful to you

Yours Helen

Option	My comments
Interim toilet option 1	Provided the waste is being disposed of to a Wastewater treatment facility then I am fine with this.
Interim toilet option 2 – Temporary Chemical Portaloo	I'm fine with this as it involves the waste being removed and disposed of by a waste contractor
Interim greywater option 1	I'm fine with this as it involves the waste being removed and disposed of by a waste contractor
Permanent toilet option 1 – composting toilet	I don't care how lovely the compost might be that results from this toilet – the issue is that it will contain phosphorus – which if applied to the land in the Loch Leven catchment will result in an increase in P in the catchment as a result of this development. If going for this option there would have to be a commitment to remove the compost from the catchment.

Permanent toilet option 2 – Septic Tank and Constructed Wetland system	One problem I see is that in order for a septic tank and constructed wetland to work the water table needs to be lowered. I am not convinced that it has been demonstrated that this is possible to do. Also even if it was possible to successfully install – are constructed wetlands acceptable in terms of their P discharge??? Do we know what level of P in mgP/litre it would discharge?
Permanent Grey Water Option 1 – Greywater holding tank	I'm fine with this as it involves the waste being removed and disposed of by a waste contractor
Permanent Grey Water Option 2 – wetland system	Same concerns as for Permanent toilet option 2.
Mitigation	<p>None of the calculations mention Phosphorus.</p> <p>HOWEVER – there is still the doubt about whether a septic tank system with constructed wetland will work on this site – and if it does work what will be the level of P discharge (mg P/litre) from such an installation. Unless you know <b>that</b>, how can you show that the mitigation is achieving 125%?</p> <p>Also these secondary treatment pods – they have provided no data showing what the P discharge is from these.</p>

Helen Taylor

Operations Officer

Tayside and Grampian Area

Scottish Natural Heritage

Battleby

Redgorton

Perth

PH1 3EW

01738 458596

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a-  
mach bho SNH.

\*\*\*\*\*  
\*\*\*\*\*

Our ref: PCS/150348  
Your ref:

If telephoning ask for:  
Sheena Jamieson

15 December 2016

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

By email only to: [JRussell@pkc.gov.uk](mailto:JRussell@pkc.gov.uk)

Dear John

**Planning application: 16/01347/FLL  
Erection of a forestry workshop (in part retrospect)  
Land 110 Metres North East of Torwood, Blairadam**

Thank you for your consultation email which SEPA received on 05 December 2016. This response is written with reference to the Waste Management Assessment and Proposal for Redmoss Wood document submitted to your authority by the applicant and our previous response dated 6 October 2016.

**Advice for the planning authority**

We continue to **object** to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

**1. Foul drainage**

- 1.1 The applicant has submitted the Waste Management Assessment and Proposal for Redmoss Wood document which contains a number of proposals for waste and grey water drainage at the site. However the document does not clarify which is the proposed option for the site.
- 1.2 The applicant should be aware that a closed foul treatment system with no discharge to the water environment would be acceptable to us if any chemical portaloo waste is removed by a registered waste carrier, or if a composting toilet is to be used then all associated waste is removed by a registered waste carrier for further treatment at a conventional sewage treatment works.
- 1.3 If the applicant proposes a scheme with a discharge to the water environment then phosphorous mitigation would be required in accordance with the [Loch Leven Special Protection Area and Ramsar site](#) supplementary guidance (SG).
- 1.4 We will review the objection when the applicant submits details of the proposed drainage



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

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arrangements at the site.

## **Detailed advice for the applicant**

### **2. Phosphorous Mitigation**

- 2.1 The [Loch Leven Special Protection Area and RAMSAR site](#) supplementary guidance requires that information is submitted with full planning applications for new development discharging into the catchment to provide details of proposed phosphorous mitigation. The reason for this is to ensure that development accords with Local Development Plan Policy EP7: Drainage within the Loch Leven Catchment Area which states that total phosphorous from built development must not exceed the current level to work towards the loch's recovery from nutrient enrichment.

## **Regulatory advice for the applicant**

### **3. Regulatory requirements**

- 3.1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Consider if other environmental licences may be required for any installations or processes.
- 3.2 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 regulatory team in your local SEPA office at:

SEPA, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA, Tel. 01592 776910

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 sincerely

Sheena Jamieson  
Senior Planning Officer  
Planning Service

#### *Disclaimer*

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**From:**John Panton  
**Sent:**Fri, 13 Jan 2017 15:33:09 +0000  
**To:**John Russell  
**Subject:**RE: redmoss wood

Hi John,

Unfortunately we don't have a warrant application or plans for this building at this time.

It's my understanding that they don't want to provide a treatment plant and instead want a waterless closet as a toilet for this site.

There isn't a standard for this in a Commercial building although there is in a Domestic building.

I think he would need a Determination to do this; SEPA would be a consultee and possibly Planning. He can apply for a determination before a warrant is submitted should they wish to have an answer.

I have asked if there are any other warrants where this has been done before and someone has said the application which has the Model railway has one.

Please feel to come and see me and we can chat through any other options if you wish.

As below there is no cesspool portable toilet within the Non – Domestic Handbook; although composting toilets are not in the Non-domestic they are in the Domestic handbook and have a standard to be met.

## **Domestic Houses**

### **3.12.2 Waterless closets**

If a waterless closet is installed it should be to a safe and hygienic design such as:

- a. National Sanitation Foundation Certification to Standard NSF 41: 'wastewater recycling/ reuse and water conservation devices', or
- b. NFS International Standard NSF/ANSI 41-1999: 'non-liquid saturated treatment systems

## **Non-Domestic Commercial**

# Wastewater drainage

## Mandatory Standard

### Standard 3.7

Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of people in or around the building, and:

- a. that facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided
- b. that discharge is to a public sewer or public wastewater treatment plant, where it is reasonably practicable to do so, and
- c. where discharge to a public sewer or public wastewater treatment plant is not reasonably practicable that discharge is to a private wastewater treatment plant or septic tank.

#### Limitation:

Standard 3.7(a) does not apply to a dwelling.

John Panton

**Building Standards Surveyor**

Planning and Development

Perth & Kinross Council

Pullar House

35 Kinnoul Street



The eBuilding Standards portal,  
enabling online building warrant  
applications, is due to be  
launched on 24<sup>th</sup> August 2016

**From:** John Russell  
**Sent:** 13 January 2017 13:22  
**To:** John Panton  
**Subject:** redmoss wood

John can you give me a quick call to discuss drainage issues at this site thanks.

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

The Environment Service

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

Tel: 01738 475346 / Fax:01738 475310

**From:**Anderson, David (Perth & Argyll)  
**Sent:**Fri, 13 Jan 2017 14:23:44 +0000  
**To:**John Russell  
**Subject:**RE: Redmoss wood blairadam -16/01347/fll forestry workshop

Hi John,

We received a felling licence application on 23 August 2016, this was some way short of the standard required so I wrote a letter to David Dempster ☐ no email address was provided ☐ on 5 September 2016 advising him of this and suggesting that he should prepare a management plan demonstrating sustainable forest management over the next 10 years, the standard management plan period, and that he might want to engage a forestry agent to advise him on this and his felling licence application. To date there has been no response.

I hope this helps, please get in touch if any have any queries.

Regards

David

David Anderson

Woodland Officer ☐ Stirling, Clacks and South Perthshire

david.r.anderson@forestry.gsi.gov.uk

0300 067 6079

07747 762654

**From:** John Russell [mailto:JRussell@pkc.gcsx.gov.uk]  
**Sent:** 13 January 2017 12:58

**To:** Anderson, David (Perth & Argyll)

**Subject:** Redmoss wood blairadam -16/01347/fll forestry workshop

Hi David,

Any update on the forestry felling licence for this site?

Thanks

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

The Environment Service

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

Tel: 01738 475346 / Fax:01738 475310

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