



Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

23 April 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 1 May 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

GILLIAN A TAYLOR
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor W Wilson
Councillor R McCall
Councillor L Simpson
Councillor I James (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

PERTH AND KINROSS LOCAL REVIEW BODY

1 May 2018

AGENDA

1. Welcome
2. Declarations of Interest
3. Minute of Meeting of Local Review Body of 3 April 2018 (copy herewith)
(Pages 1-10)
4. Applications for Review
 - (i) TCP/11/16(513)
Review of Refusal to Discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Servion MM92 turbines – Review Papers Attached **(Pages 11-164)**
 - (ii) TCP/11/16(524)
Planning Application – 17/02047/IPL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie – Review Papers Attached **(Pages 165-236)**
 - (a) Notice of Review and supporting documents **(Pages 167-232)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 233-234)**
 - (c) Representations **(Pages 235-236)**
5. Deferred Applications for Review
 - (i) TCP/11/16(508)
Planning Application – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Review Papers Attached **(Pages 237-376)**
 - (a) Notice of Review and supporting documents **(Pages 239-316)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 317-332)**
 - (c) Representations **(Pages 333-354)**
 - (d) Further Information **(Pages 355-376)**

- (ii) TCP/11/16(523)
Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Review Papers Attached (**Pages 377-486**)
- (a) Notice of Review and supporting documents (**Pages 379-464**)
 - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 465-466**)
 - (c) Representations (**Pages 467-480**)
 - (d) Further Information (**Pages 481-486**)

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 3 April 2018 at 10.30am.

Present: Councillors W Wilson, I James and L Simpson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

172. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

173. MINUTE

The minute of meeting of the Local Review Body of 6 March 2018 was submitted and noted.

174. APPLICATIONS FOR REVIEW

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT

(vii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Fintadie Farm, Kinross.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) defer the application to allow for clarification on the siting and position of the proposed dwellinghouse;
- (iii) following the receipt of all further information, the application be brought back to the Local Review Body.

(i) TCP/11/16(517) - Planning Application – 17/01429/FLL – Erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins – Mr K Webster

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
 - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
 - 3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
 - 4. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
 - 5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and quality of landscape through the siting of the development within this area of Perth and Kinross.

6. The proposal does not provide or demonstrate that a satisfactory residential environment can be created due to the proximity of the agricultural buildings to the west and south of the site. Accordingly there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

Justification

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

(ii) TCP/11/16(518) - Planning Application – 17/01429/FLL – Erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree – Pitnacree Estate

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree, be refused for the following reasons:
 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings or (6) Rural Brownfield Land.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 APRIL 2018

2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the scale of the proposed development and the prospective loss of trees would not contribute positively to the surrounding built and natural environment.

Justification

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

(iii) TCP/11/16(519) – Planning application - 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS – Mr A and Mrs C Gordon

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

(iv) TCP/11/16(520) – Planning application - 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond – Tulchan Estates Limited

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 APRIL 2018

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 – Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in that the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding. Furthermore it has not been adequately demonstrated that the proposed dwelling position within the farm holding would achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.
 - 2. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. In particular the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding.
 - 3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of the landscape experience through the siting of the development within this area of Perth and Kinross.
 - 4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
 - 5. The proposal is contrary to policy PM1B criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

Justification

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

THERE FOLLOWED A TEN MINUTE RECESS

(v) TCP/11/16(521) – Planning application - 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd – Mr P McRobbie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

(vi) TCP/11/16(522) – Planning application - 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD – Mr and Mrs P Boyce

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD, be refused for the following reasons:

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 APRIL 2018

1. The dormer extension, by virtue of its excessive proportions, inappropriate bulk, massing, design and composition, would compromise the character and architectural integrity of the cottage, resulting in an adverse impact on the visual amenity of the area. Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.
2. The dormer extension, by virtue of its excessive proportions, inappropriate materials, bulk, massing, design and composition, would be harmful to the character and appearance of the Kinross Conservation Area. Approval would therefore be contrary to Scottish Planning Policy 2014 and Policy HE3A of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development proposals preserve or enhance the character and appearance of Conservation Areas.

Justification

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

175. DEFERRED APPLICATIONS FOR REVIEW

- (i) TCP/11/16(501) – Planning application - 17/01337/FLL – Erection of a stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Dollar Equestrian**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 9 January 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without: (i) comment from the Development Quality Manager on the acoustic consultants e mail, the manure plan and the revised landscape plan; (ii) the subsequent opportunity for any comment upon the comments made by the Development Quality Manager and: (iii) and unaccompanied site visit.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 APRIL 2018

An unaccompanied site visit having been carried out on 29 March 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (ii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, the comments from both the Development Quality Manager and Applicant, and having carried out a site visit on 29 March 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND, be refused for the following reasons:
 - 1. The proposal is contrary to Policy EP8 'Noise Pollution' of the Perth and Kinross Local Development Plan 2014, as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the combined proximity of the existing equestrian use and timber stables, where there is the potential for future residents at this site to suffer annoyance from noise and odour.
 - 2. The proposal is contrary to Policy PM1A 'Placemaking' of the Perth and Kinross Local Development Plan 2014, as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

Justification

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

Note: Councillor James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of stable buildings (in retrospect) should be granted. He reasoned that the stable buildings would not have an impact on traffic and that the nature of the stable buildings would not be out of character at this locality in the countryside.

(ii) TCP/11/16(509) – Planning application - 17/01524/FLL – Erection of dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – K Laver and D Malcolm

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 6 February 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 29 March 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (iii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, and having carried out a site visit on 29 March 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
 - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in the location. Specifically, the proposal fails to comply with Category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwellinghouse in this countryside location. Furthermore, there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 APRIL 2018

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape experience through the siting of the development within the Ochil Special Landscape Area.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
5. The proposal is contrary to policy PM1B, criterion (a), of the Perth and Kinross Local Development Plan 2014 as the proposal fails to create a sense of identity and erodes the character of the countryside.

Justification

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

Note: Councillor James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse and outbuilding should be granted. He considered the proposal to be ground-breaking as a pilot project, and therefore not contrary to the Council's Housing in the Countryside Guide 2012.

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**TCP/11/16(513) – Review of Refusal to Discharge Condition  
5 of Consent 12/01423/FLL to permit the alternative  
installation of 7 No. Senvion MM92 turbines**

**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)

|                     |                                                            |
|---------------------|------------------------------------------------------------|
| Name                | Tullymurdoch Limited                                       |
| Address             | Berger House<br>36-38 Berkeley Square<br>London<br>W1J 5AE |
| Postcode            |                                                            |
| Contact Telephone 1 |                                                            |
| Contact Telephone 2 |                                                            |
| Fax No              |                                                            |
| E-mail*             |                                                            |

## Agent (if any)

|                     |                                       |
|---------------------|---------------------------------------|
| Name                | Burges Salmon LLP                     |
| Address             | One Glass Wharf<br>Bristol<br>BS2 0ZX |
| Postcode            |                                       |
| Contact Telephone 1 | 0117 307 6253                         |
| Contact Telephone 2 |                                       |
| Fax No              |                                       |
| E-mail*             | paula.mcgeady@burges-salmon.com       |

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

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

Yes ☒ No ☐

Planning authority

Perth and Kinross Council

Planning authority's application reference number

12/01423/FUL

Site address

Tullymurdoch, by Alyth

Description of proposed  
development

Formation of windfarm with associated access track and ancillary works application  
for approval of details under condition 5.

Date of application

17 October 2017

Date of decision (if any)

19 October 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)                                                                                                                                           | <input type="checkbox"/>            |
| 2. Application for planning permission in principle                                                                                                                                                                  | <input type="checkbox"/>            |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions                                                                                                                                                       | <input checked="" type="checkbox"/> |

**Reasons for seeking review**

- |                                                                                                                             |                                     |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Refusal of application by appointed officer                                                                              | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer                                                                       | <input type="checkbox"/>            |

**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                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection                                                | <input type="checkbox"/>            |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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:

The officer's view that the change in turbines is material raises a number of legal points on which the applicant would wish to be able to make submissions to the LRB.

**Site inspection**

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

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

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

The site is an active construction site. Accordingly for health and safety reasons prior arrangement of any visit is necessary.



**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.

Please see attached review statement

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

1. Review Statement
2. Planning Permission 12/01423/FLL
3. Planning Permission 15/01561/FLL
4. Report of handling for application 15/01561/FLL
5. Letter requesting approval of turbine details dated 17 October 2017
6. Email refusing discharge of turbine details dated 19 October 2017
7. 2012 Environmental statement extracts
8. 2015 Written statement extracts
9. Wirelines
10. DPEA decision PPA-170-2098

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.

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**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.

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**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

9/1/18

**Notice of Review – Index of accompanying documents**

- 1 Review Statement
- 2 Planning permission 12/01423/FLL
- 3 Planning permission 15/01561/FLL
- 4 Report of handling for application 15/01561/FLL
- 5 Letter requesting discharge of turbine details dated 17 October 2017
- 6 Email refusing discharge of turbine details dated 19 October 2017
- 7 2012 Environmental Statement Extracts
- 8 2015 Written Statement Extracts
- 9 Wirelines
- 10 DPEA reference PPA-170-2098, Airies Wind Farm, Reporter's Notice of Intention dated 09 June 2015,



## Document 1 – Review Statement

### 1 INTRODUCTION

- 1.1 The Tullymurdoch Wind Farm (the “Site”) currently has two, live, implemented planning permissions for windfarm development. These are the Original Permission granted in 2014 and a Modified Permission granted in 2015. These two permissions both provide for the same windfarm composed of the same number of turbines and layout but each considered slightly different turbine design specifications. Neither permission imposes any turbine dimension limits within its’ conditions and only specifies a maximum blade tip height of 120m. This appeal relates to a refusal to approve turbine details under the Original Permission; the Modified Permission is referenced only as it specifically considered in detail the precise dimensions of the turbines at issue in this notice of review.
- 1.2 As part of the conditions of the Original Permission, the details of the turbines to be installed must be approved by the planning authority before the turbines are erected. Tullymurdoch Limited, the owners of the windfarm Site, wish to install Senvion MM92 turbines on the Site. The maximum blade tip height of these turbines would be 5.25 metres lower than the maximum height specified in the permission. Tullymurdoch accordingly applied for approval of these turbines under the Original Permission; the Council have refused to approve the MM92 turbines. This review is of that refusal to approve the turbine details.

### 2 PLANNING HISTORY

- 2.1 Planning permission 12/01423/FLL for the formation of 7 turbine wind farm with associated access track and ancillary works at Tullymurdoch Wind Farm Alyth was granted on appeal under ref PPA-340-2073 on 03 September 2014 (the “**Original Permission**”), (**Document 2**). The application for the Original Permission states installed capacity would be 14 to 17.5 MW depending on final turbine selection. The indicative dimensions used in the ES for the Original Permission used a maximum height to blade tip of 120m with this being expressed as including a typical turbine design with a 80m hub height and a rotor diameter of 80m.
- 2.2 It is noted that condition 1 of Original Permission requires works to start within 3 years (therefore by 02 September 2017). Notice of initiation of development of the Original Permission was given setting out a start date for works of 09 March 2017. This notice provides that all of the pre-commencement conditions had been discharged and that this was confirmed on 08 March 2017.
- 2.3 The Original Permission Condition 5 requires approval by the planning authority of the final specification of the wind turbines. The conditions set limits on the details to be approved by providing that all the wind turbines must be supplied by the same manufacturer, and be of the same, design, colour and finish. No other limits are specified in the conditions and, in particular, no blade length limits or ratio limits are included. This condition was discharged on 06 March 2017.
- 2.4 Previous to this, the then developer of the site approached the Council in June 2015 seeking approval of turbines different to the indicative dimensions in the application under Condition 5. The Council refused to consider this as they considered the change in turbine dimension from the indicative turbines to be material and advised that a variation would be required.
- 2.5 Application 15/01561/FLL for modification of permission 12/01423/FLL to accommodate turbines with a lower maximum tip height of 114.75m but an increased rotor diameter of 92m was approved in November 2015 (the “**Modified Permission**”) (**Document 3**). Other than the change to the turbine dimensions the application remained as set out in the Original Permission. The environmental information provided with the application for

the Modified Permission allowed the Council to consult upon and fully consider whether the change in turbine dimensions resulted in any new, adverse impacts. The changes were considered in detail and were generally found to have no difference in impacts and no new significant impacts<sup>1</sup>.

- 2.6 Condition 4 of the Modified Permission provides that the details of the turbines must be approved prior to commencement but again does not impose any limits on the size of any element. Notice of initiation of development of the Modified Permission was given setting out a start date of 04 August 2017.

### **3 APPEAL PROCEDURE**

- 3.1 Arcus planning consultants applied for discharge of Condition 5 of the Original Permission with the MM92 turbines by letter dated 17 October 2017 (**Document 5**). This was refused by email from John Russell, Development Management Planning Officer, dated 19 October 2017 (**Document 6**).
- 3.2 Electricity generating stations under 20MW are Local decisions within the hierarchy. Despite the current development falling within that category, the original permission was granted on appeal by the DPEA. This route of appeal was available in that case as, despite the classification as a local development, the planning authority had formally advised that they would not be considering the application under delegated powers and that the right of appeal would therefore be to the Scottish Ministers.
- 3.3 Despite the Original Permission having been granted by the Scottish Ministers, having regard to the detail of this particular development and the application for approval having been determined under delegated powers, appeal against the refusal to discharge Condition 5 for the MM92 turbines does not lie to DPEA on behalf of the Scottish Ministers but to the Council's Local Review Body.
- 3.4 The decision to refuse the application for discharge of the turbine details was taken as a delegated decision on a development falling within the Local level of the hierarchy; section 43 of the Town and Country Planning (Scotland) Act therefore applies. A refusal to discharge conditions is a planning decision which can be appealed under s43A of the Act as it falls within s43A(8). This section creates an ability to appeal against refusal of the appointed person of any "consent, agreement or approval". This notice of review is therefore made to the LRB as the competent body.

### **4 LEGAL CONSIDERATIONS**

#### **Implementation of both the Original and Modified Permissions**

- 4.1 Both the Original and Modified Permissions have been implemented. While many of the works for each are the same, at some stage one will have to be selected and progressed to completion. The timing at which the permissions diverge will be at the installation of the "end can" of the turbine tower itself into the foundations of the turbine base, as it is this part of the turbine tower which must be correctly sized for the model which is to be erected.
- 4.2 *Pilkington v Secretary of State for the Environment*<sup>2</sup> provides that where there are multiple planning permissions for a site which are capable of being relied upon, the status of those permissions depends ultimately on what is physically possible. The two permissions should be read side-by-side. Where it remains physically possible to carry out a development authorised by a first permission despite having already implemented (or partially implemented) a development under a second permission, then that first

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<sup>1</sup> Report of Handling by Development Quality Manager for reference 15/01561/FLL, Perth and Kinross Council, Development Management Committee, 18 November 2015

<sup>2</sup> [1973] 1 W.L.R. 1527

permission remains valid. The other planning permission is valid until the point it becomes incapable of implementation.

- 4.3 Until the foundations for the turbines are installed, either permission can be built out and it is only at the stage of installing turbine site components that one permission or other becomes incapable of implementation due to the physical nature of the works. At this time, and at the point the application was made by Arcus on 17 October, all of the works could allow either permission to be built out. The existence and implementation of the two permissions for the Site is accordingly not an impediment to seeking or approving the discharge of conditions under the Original Permission notwithstanding the existence and implementation of the Modified Permission.

#### **Ability to seek approval of different details post-commencement**

- 4.4 Condition 5 is a pre-commencement condition; it must be satisfied before the development can be lawfully begun under the permission. Condition 5 was discharged in March 2017 and the permission was implemented. It is commonplace that authorities approve further details of pre-commencement conditions at a later stage. To do otherwise would reduce flexibility of consents to an impractical degree and conflict with the objective of allowing details to be amended as the development progresses and the understanding of the site improves and construction practices, technology and best practice evolve.
- 4.5 The reason given for the imposition of Condition 5 is to protect visual amenity and so that the planning authority have an accurate record of what is to be constructed on site. If approval of details of pre-commencement conditions could not be revisited post-commencement this would reduce flexibility in the system while providing no additional control or protection; this cannot be considered expedient, or to deliver the objective of condition 5 as set out in the reason.

### **5 BASIS OF APPEAL**

- 5.1 The change proposed to the turbine specification is not material to the planning permission and can therefore be dealt with under the condition. The windfarm remains the same in substance and character, the environmental impacts are not significantly different or worse and the overall tip height of the turbines would reduce by 5.25 metres thereby reducing the visibility envelope of the windfarm.
- 5.2 There is Scottish appeal authority directly on the point that changes to indicative turbine dimensions and hub to blade length ratio does not change the substance and character of the consent and is therefore not material. In the Aires windfarm decision<sup>3</sup> (**Document 10**) the acceptability of a change in the indicative turbine type resulting in an increase in the overall height of the turbines of 10.5m was considered. The developer in that case had applied for a variation as the tip height was expressly limited by condition. The Council considered this change to be to be material and refused to consider the application to approve the new turbines. On appeal, the Reporter found that the windfarm remained the same in substance and character despite the (in that case) increase in tip height and that the change did not require a fresh permission.
- 5.3 In the present instance, there is no condition limiting the blade length of the turbines and consequently, no need or ability to seek a variation of condition. The proposed MM92 turbines would not change the substance or character of the windfarm which remains a 7 turbine windfarm, with the turbines in the same locations and layout as approved. These turbines would comply with the limit on the overall blade tip height specified in the permission. The increase in blade length and reduction in overall tip height, the impact of which was fully assessed as part of the consideration of the Modified Permission, is within the parameters set out in the planning permission.

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<sup>3</sup> DPEA reference PPA-170-2098, Airies Wind Farm, appeal against refusal of s42 application, Reporter's Notice of Intention dated 09 June 2015

### **Rochdale Envelope**

- 5.4 The 'Rochdale Envelope'<sup>4</sup> approach allows planning applications to be considered and assessed where the details of the design are not yet known and thereby allows for flexibility in finalising the design within a consented set of parameters set by the permission (the envelope). This approach was used in the application for the Original Permission where it was made clear in the application that the turbine dimensions given were "indicative"<sup>5</sup> and that the "final choice of wind turbine will depend on the turbine technology at the time of construction and project economics" (**Document 7**)
- 5.5 As the turbines used in the ES for the Original Permission were only ever indicative, to tie the applicant to them would negate the Rochdale Envelope approach and inappropriately constrain development by unreasonably limiting flexibility. It is only the maximum tip height which is set out as a control parameter by specific reference in Environmental Statement for the Original Permission; and it is only the maximum tip height which was controlled by condition. The tip height of the MM92 turbines would be lower than that maximum and is therefore within the parameter set by the permission.
- 5.6 The Rochdale Envelope is not unalterable once consent is granted. It can be amended where further environmental information is provided showing that no new or significantly worse impacts would be caused by the change. Accordingly, even if the proposed MM92 turbines were not in the envelope of the Original Permission, that envelope can be changed where it is shown that there are no new or significantly worse environmental impacts. The report of handling for the application for the Modified Permission (**Document 4**) demonstrates that there is no significant change in impacts due to the change of turbine model. The environmental information produced for the application for the Modified Permission demonstrates that the impact of the lower turbines is acceptable (**Document 8**). The Council has therefore received environmental information for the MM92 turbines upon which it has publically consulted and has found the impacts acceptable; hence grant of the Modified Permission. In those circumstances, where the Council has already determined that there are no new or significantly worse impacts from the MM92 turbines in comparison to the indicative turbines considered in granting the Original Permission, there is no reasonable ground to consider that these are materially different as they have no materially different effects.

### **New or different significant environmental effects**

- 5.7 The proposal to discharge Condition 5 for the use of the MM92 turbines would allow a development which is in full conformity with the development plan, and which would not give rise to any new or different significant environmental impacts not already arising as a result of the consented wind farm.
- 5.8 The Written Statement provided as part of the environmental information for the application for the Modified Permission (**Document 8**), re-evaluates the potential effects of the Development as a result of modification to the turbine dimensions. This Written Statement confirms that the modifications to the turbine dimensions are not considered likely to result in any change in the predicted effects of the windfarm in isolation nor the cumulative effects with other wind farms in the wider area. There is no material change in respect of residual effects on landscape character or designations.
- 5.9 The Written Statement concludes that there are no material changes to the findings of the ES as a result of the modification to the turbine dimensions and no increased cumulative effects. The Written Statement confirms that there will be no new or

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<sup>4</sup> Named for the two cases from which it arises, R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew

[1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]

<sup>5</sup> ES table 3.1 – Indicative turbine specifications



additional significant environmental impacts as a result of the increase in the rotor diameter. The landscape is capable of absorbing the increase in rotor diameter without any significant harm and the proposed increase in size will therefore not result in an increase in scale that would alter the landscape effect materially. The planning officer in considering that application agreed that the change in the turbines would not result in additional landscape and visual impacts<sup>6</sup>, would not adversely affect ornithology<sup>7</sup>, would not have a significant effect on bats<sup>8</sup>, the turbines can be operated within the noise limits set by the original permission<sup>9</sup> and that any effect on cultural heritage is negligible<sup>10</sup>.

- 5.10 The Local Review Body is asked to consider the wirelines provided as **Document 9**. These show the comparison between the indicative turbines in red and those which the applicant now wishes to install in blue. The MM92 turbines (in blue) have a lower overall height which reduces visibility of the turbines from viewpoints 2,6 and 18 thereby reducing the impact of the windfarm.
- 5.11 In considering the impacts SNH considered there to be a small improvement from the proposed change to the MM92 turbines in the cumulative visual effect with Saddle Hill wind farm<sup>11</sup>. The Drumderg turbines are shown in green on the wirelines provided (**Document 9**). The change in turbine dimensions was also considered by SNH to improve the relationship with Drumderg windfarm due to the reduction in overall tip height<sup>12</sup>.
- 5.12 Accordingly the Council, having taken into account the views of stakeholders and statutory consultees agreed with the conclusions of the Written Statement and found that the effects of the change in turbine dimensions had no new or significantly different environmental effects. Rather, some positive landscape and visual effects accruing to the lowering of the tip height and the change in dimensions have been identified.
- 5.13 The installation of MM92 turbines would not alter the windfarm's substance and character and the impacts remain acceptable as specifically considered by the planning authority. The planning authority should not seek to tie a developer to parameters specifically given as indicative. To refuse the final turbine type where the overall impacts have not changed and that has been demonstrated is unduly restrictive.
- 5.14 The planning authority undertook a planning policy assessment of the proposed MM92 turbines for the modified permission and found them to be acceptable. Having already determined that the turbines comply with the development plan it is not necessary for a planning policy assessment to be undertaken again. There is no requirement to revisit the acceptability of a development in considering an application for approval under a condition as the planning policy considerations have been considered and weighed when the consent was granted.

## 6 CONCLUSION

- 6.1 The Original Permission is implemented and can be relied upon. The planning authority's practice (as is widespread) has been to allow post commencement variation of approved details where the work to which they relate has not yet been carried out.
- 6.2 There is no maximum blade length or turbine dimension ratio specified in the conditions of the Original Permission. The dimensions given in the environmental information

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<sup>6</sup> Report of Handling by Development Quality Manager for reference 15/01561/FLL, Perth and Kinross Council, Development Management Committee, 18 November 2015, paragraph 76, (**Document 4**)

<sup>7</sup> Ibid, paragraph 80

<sup>8</sup> Ibid, paragraph 82

<sup>9</sup> Ibid, paragraphs 86 - 89

<sup>10</sup> Ibid, paragraph 90

<sup>11</sup> Ibid, paragraph 75

<sup>12</sup> Ibid, paragraph 73

accompanying that decision only provided indicative turbine dimensions. The usual controlling parameter on windfarm permission is the blade tip height as this directly affects the visual envelope. The turbines for which approval is now sought have a lower blade tip height than that set out in the environmental information and are within the consented envelope.

- 6.3 The Council has considered and publically consulted upon further environmental information which demonstrates that there is no significant change arising from the turbine changes and that there would be some positive visual impact.
- 6.4 Consideration of the planning merits has already been undertaken by the planning authority and a decision reached that the proposed turbines are acceptable.
- 6.5 There are no reasons to refuse the application seeking approval of the MM92 turbines under condition 5 of the Original Permission.
- 6.6 Accordingly the Local Review Body is respectfully requested to approve the details submitted under condition 5 of permission 12/01423/FLL for the MM92 turbines as sought in the application of 17 October 2017.

**Document 2 – Planning permission 12/01423/FLL**



## Appeal Decision Notice

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Decision by Karen Heywood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-340-2073
- Site address: Tullymurdoch Farm, Alyth
- Appeal by Douglas Hendry, RDS Element Power against the failure of Perth and Kinross Council to make a decision within the statutory period
- Application for planning permission 12/01423/FLL dated 13 August 2012
- The development proposed: erection of a 7 turbine wind farm and associated infrastructure
- Date of inquiry and hearing sessions: 11-12 February and 5 March 2014
- Date of accompanied site inspection by Reporter: 29 April 2014
- Dates of unaccompanied site inspections by Reporter: 4 June 2013, 10 February, 28 and 29 April 2014

Date of appeal decision: 3 September 2014

### Decision

I allow the appeal and grant planning permission subject to the 27 conditions at the end of the notice.

Attention is also drawn to the 2 advisory notes.

### Preliminary matter

I held a hearing session into the cumulative landscape and visual impacts of the proposed Tullymurdoch and Bamff wind farms. My decision to dismiss the appeal and refuse planning permission for the Bamff wind farm has also been issued today (appeal reference PPA-340-2077).

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this appeal are whether the proposed development would have an acceptable landscape and visual impact (including cumulatively) and whether the noise generated would have a detrimental impact on residential amenity.

## Landscape impacts

2. The proposed wind farm straddles the boundary between two different landscape character types (LCT), as defined in the Scottish Natural Heritage Tayside Landscape Character Assessment 1999. These are the Highland Summits and Plateaux LCT and the Highland Foothills LCT. The former LCT covers extensive areas of upland to the north of the Highland Boundary Fault, extending to the Cairngorms. The latter comprises less extensive areas of foothills along the line of the Highland Boundary Fault. The wind farm site is also very close to the Mid Highland Glen LCT of Glen Isla.
3. Scottish Natural Heritage (SNH) does not object to the proposed development. It commissioned the same consultants to review both appellants' landscape and visual assessments of the proposed Tullymurdoch and Bamff wind farms. Commenting on the Tullymurdoch assessment, those consultants consider that the Highland Summits and Plateaux LCT is generally of high sensitivity to change due to its relative wildness and remoteness. However, they point out that within this LCT the areas closest to the development are predominantly forestry and where Drumderg wind farm has an influence on landscape character. This means that that the area of the site has a less wild and remote character than some more distant parts of the LCT. Tullymurdoch would be seen in the context of Drumderg and the settled Strathmore Valley Lowland LCT. The consultants consider that, in this context, the proposed wind farm would not substantially affect the perception of the character of the wider Highland Summits and Plateaux LCT. They agree with the appellant's assessment that the effect would be locally significant but that the overall effect on the LCT as a whole would be unlikely to be significant.
4. SNH's consultants agree with the appellant's assessment that the effect of the development on the Alyth Foothills landscape sub unit of the Highland Foothills LCT would be more significant because this is a relatively small landscape unit and the development would be extensively visible across it. In relation to the Mid Highland Glen LCT of Glen Isla, the appellant and SNH's consultants consider that, while the development would have locally significant effects, it would not be likely to have a significant effect on the integrity of this landscape character unit or the LCT, given its limited visibility.
5. I have spent some considerable time looking at the site of the wind farm from the viewpoints in the environmental statement and driving and walking in and around the general area. I agree with the assessment of landscape impact of Tullymurdoch alone made by Scottish Natural Heritage's consultants and that of the appellant, as summarised above.
6. The council considers that Tullymurdoch would reduce the distinction between the Highland Summits and Plateaux and the Highland Foothills LCTs. Tullymurdoch would bring wind farms closer to the lowland landscape, increasing the prominence of wind farm development on the Highland Boundary Fault. The appellant accepts that the fault is an important feature in creating a clear divide between the highlands and the lowlands in a national context, but on a regional and local scale this divide can become less clear. Where the Highland Summits and Plateaux LCT abuts the Lowland Hills LCT this is an abrupt visible change in landscape types. Where the Highland Foothills LCT intervenes

between the two, as at the appeal site, this indicates a more transitional landscape. Individual or cumulative effects would therefore have to extend further than Tullymurdoch would into both highlands and lowlands to be considered of greater than local significance.

7. I agree with the appellant that the Highland Boundary Fault in the vicinity of the appeal site is not as obvious as it is further east around Kirriemuir. In addition, it is apparent from the viewpoint visualisations that Tullymurdoch would not be particularly prominent, limiting its impact in any event.

### Visual impacts

8. The environmental statement assesses the visual impact of the proposed wind farm from 22 viewpoints in the surrounding area. Significant visual effects are predicted for 2 of these: viewpoints 1 (Craighead, to the west, 750 metres from the nearest turbine) and 5 (Loanhead of Kilry, to the north east, approximately 2.5 kilometres away). SNH's consultants point out that the undulating topography of the landscape around the development site would limit the visibility of the turbines from the other viewpoints. They indicate that views of the wind farm would generally be limited to hilltops and upper slopes of the foothills, with more widespread views from the Strathmore lowlands to the south of the River Isla. The rolling topography of the hills to the north and west create visibility shadows, which would help to screen the development from the more scenic Highland Glen areas.

9. The environmental statement acknowledges that there are sections of the Cateran Trail where there would be significant visual effects but says that overall the effect would be minor given that most of the trail would have no visibility of the development. SNH's consultants agree with this assessment, as they point out the development is unlikely to be a prominent feature in views from the trail. Having looked at the wind farm site from the Cateran Trail with the aid of the visualisations in the environmental statement, I agree with SNH's consultants.

10. SNH's consultants explain that the majority of views at between 10-20 kilometres would be from the east and south east across the broad Strathmore valley and the north facing slopes of the Sidlaw Hills beyond. From these areas the proposed wind farm would be visible on the skyline, particularly from a long section of the A94 to the east of Coupar Angus. However, they point out that the position of the site in a dip on the skyline would help to limit the prominence of the turbines. Similarly, SNH's consultants consider that visual effects on settlements would generally be limited, as the majority are located on lower ground and in valleys, where views to the elevated ground of the appeal site are restricted by rising topography. I agree.

11. The appellant carried out a residential visual assessment for properties within a 5 kilometre radius of the proposed turbines (68 properties) as requested by the council. The proposed turbines, or parts of them, would be theoretically visible from 53 of these. The assessment indicates that there would be a significant effect on 19 properties. The appellant concludes that there are mitigating factors: separation from landform; partial screening from landform and vegetation; and orientation relative to the main outlook and

areas of activity of the properties. Consequently the appellant considers that there would be no properties where the turbines would appear overbearing or over-dominant such to render the property an unpleasant place to live.

12. In relation to Tullymudoch wind farm alone, I agree with that conclusion for those properties which are around 2.5 kilometres or more from the nearest Tullymudoch turbine, which amounts to 14 of the 19 properties where the appellant considers there would be a significant effect. For the remaining 5 properties which are around 1 kilometre or less from the nearest turbine, even though the turbines would be nearer, they would not occupy the main view from the house. They would be either not visible from inside the house (Nether Drumhead Farm, 1.06 kilometres away); only obliquely visible from inside (Nether Drumhead Cottage, 1.27 kilometres; Over Drumhead, 1.37 kilometres; Whinloans, 2.09 kilometres); or not all 7 turbines would be visible (Craighead, 0.77 kilometres, 3 hubs and 2 tips visible). For some of these properties, views of the turbines from external areas would also be filtered through vegetation (Over Drumhead, Whinloans). In these circumstances I agree with the appellant's assessment of the effect of Tullymudoch alone on residential visual amenity. I deal with cumulative impacts on residential properties below.

### Cumulative landscape and visual impacts

13. In my view, although the single turbine developments in this area will have some impact, the key interactions in cumulative terms are between the existing Drumderg wind farm, the consented Welton of Creuchies turbines and the proposed Tullymudoch and Bamff developments. I have assessed the cumulative impacts of Tullymudoch against the baseline, which is the existing Drumderg wind farm and the consented Welton of Creuchies development.

14. The appellant points out that the visibility of Tullymudoch would be less extensive than that of Drumderg and there are limited areas where Tullymudoch would be visible in locations where Drumderg is not already visible. The contrast with Welton of Creuchies is greater, the area where Tullymudoch would be visible without the former is located primarily to the east of Tullymudoch, where Balduff Hill screens views to Welton of Creuchies. Here Drumderg is generally already visible. There are also substantial areas where Welton of Creuchies will be visible but not Tullymudoch, primarily to the south of Welton of Creuchies. The appellant believes that Tullymudoch would have large areas of combined visibility with existing or consented developments and considers the proposed wind farm would make a negligible addition to the existing baseline position.

15. SNH agrees with this assessment and points out that Tullymudoch would be seen close to and in the same context as Drumderg and relatively separate from Welton of Creuchies. SNH considers that Tullymudoch is a compact scheme which has a similar landscape context to Drumderg and a similar density of turbines. Although the turbines at Tullymudoch would be 13 metres higher than those of Drumderg, SNH considers the lower elevation at Tullymudoch would be likely to absorb this difference, which would not be appreciable. SNH considers that Tullymudoch has a better landscape fit than Bamff. This results primarily from the former's less prominent location and more compact layout. Overall, Tullymudoch is considered by SNH to have less significant landscape and visual



effects than Bamff. Scottish Natural Heritage, although not objecting, advises that there would be likely to be significant detrimental cumulative landscape and visual impacts resulting from the addition of Bamff and Tullymurdoch to Drumderg and Welton of Creuchies. It considers that the four schemes would be clearly separate and different developments in a relatively small radius of 3.5 kilometres and that this would give rise to visual confusion and a poor image of wind farm development.

16. SNH guidance says that where there are cumulative impacts a similarity of design and wind farm image in an area would limit visual confusion. It seems to me that the appearance of Tullymurdoch would fairly closely match that of Drumderg from most viewpoints. I do not consider that Tullymurdoch would match Welton of Creuchies very well, but as the latter development is not similar to the much larger Drumderg wind farm and only comprises 4 turbines, I do not consider this to be a particularly significant issue. I agree with SNH's assessment that Tullymurdoch would have a reasonable landscape fit and that the similarity of design to Drumderg would minimise visual confusion. As I have decided to refuse planning permission for Bamff, I do not need to consider the addition of Tullymurdoch to the baseline plus Bamff.

17. In relation to cumulative impacts on residential property, for most of the properties close to and to the south of Tullymurdoch which may have views of Welton of Creuchies to one side of them and potentially to Tullymurdoch on the other, there would be no views or negligible views of the Tullymurdoch turbines ( properties 34-42, 44, 46-56). Properties 43 and 45 would have views of Tullymurdoch but would be over 3.5 kilometres from the turbines. One property, Craighead, has views towards Drumderg on one side and would see Tullymurdoch on the opposite side but not all 7 turbines at Tullymurdoch would be visible (3 hubs and 2 tips would be seen at a distance of 0.77 kilometres). For properties to the north east of Tullymurdoch where there are views to the Drumderg turbines not screened by forestry, Tullymurdoch would have a significant cumulative impact because it would be much closer to these properties than Drumderg. However, many of these properties would still be around 2.5 kilometres from the Tullymurdoch turbines.

### Noise

18. The dispute between the appellant and the council about noise impacts relates to three issues, as outlined below:

- whether the background noise readings are reliable;
- what value the absolute lower limits at night time and during the daytime should be if permission is to be granted; and
- whether an 'other amplitude modulation' condition should be included if permission is to be granted.

I have also considered cumulative noise impacts.

### *Background noise readings*

19. The Scottish Government Online Renewables Planning Advice refers to the Institute of Acoustics document 'A Good Practice Guide for the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise'. The advice says that the guide, which it accepts represents current industry good practice, should be used by those undertaking assessments. I note that the good practice guide states, in relation to background noise within a study area, that in many cases there will be significant variation in general background noise levels within the study area because of topography and the varying influence of existing noise sources. I do not consider it is surprising, therefore, that there are differences in the background noise levels undertaken by the appellants for the Tullymurdoch and Bamff wind farms.

20. In addition, it is apparent that there is broad agreement between the two sets of background measurements undertaken at different times for the Tullymurdoch proposal. I do not consider that this means that they must both be incorrect, as the council's consultant alleges. Both sets of measurements were undertaken by respected professionally qualified experts. In my view, the coincidence in results is more likely to be an indication that they are correct than otherwise.

21. As for the noise measuring equipment, the good practice guide specifies that this should meet Class1/Type 1 precision standards. The appellant confirmed that the equipment utilised did so and the council agreed. The dispute centres on the type of windshield used.

22. The Institute of Acoustics Consultation Draft Supplementary Guidance Note 1: Data Collection prepared in November 2013 states that, until more specified design advice becomes available, the recommendations in a 1996 ETSU report should be followed. These are that the most practicable approach is to use a large secondary windscreen outside a typical manufacturer's standard screen. The diameter of the preferred windscreen in the 1996 ETSU report is between 200 and 300 mm. In the Additional Operational Noise Assessment the appellant used a windscreen of 150 mm diameter, which appears not to comply with the recommendations in the 1996 ETSU report.

23. However, I note that the draft supplementary guidance note goes on to recommend that the type of microphone used should be stated in noise reports and that evidence should be available to demonstrate that the acoustic insertion loss of any windscreen does not exceed the value stated in the good practice guide. The appellant's assessment complies in both respects. In addition, I note that the windscreen which the council's consultant would prefer to have been used does not itself appear to comply with the good practice guide, which seems to me to undermine his concerns on this issue.

### *Absolute lower limits*

24. The Scottish Government online renewables planning advice says that the ETSU-R-97 document on The Assessment and Rating of Noise from Wind Farms should be used by all parties concerned with wind farm noise. This gives indicative noise levels

thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions.

25. ETSU says that separate noise limits should apply for day-time and for night-time, as during the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. During the night-time ETSU recommends the appropriate fixed limit is 43dB(A), which is based upon sleep disturbance criteria. I do not, therefore, consider it is necessary to impose a night-time lower limit of 38dB(A) for Tullymurdoch, as preferred by the council, as it is not necessary to protect external amenity at night. I also consider this would be an unreasonable restriction on the wind farm and the production of renewable energy, which, as ETSU points out, has other environmental benefits.

26. ETSU recommends that the absolute lower limits during the day-time should lie within the range of 35-40dB(A). The actual value chosen within the range depends on three tests:

- the number of dwellings in the vicinity of the wind farm;
- the effect of noise limits on the number of kWh generated; and
- duration and level of exposure.

27. There are only 6 occupied properties within the vicinity of Tullymurdoch: Tullymurdoch (a stakeholder property), Craighead, Nether Drumhead Farm, Nether Drumhead Cottage, Over Drumhead and Cottertown. There is also Derryhill, which has not been occupied for a number of years. The appellant describes this property variously as semi-derelict or derelict. However, I saw at my site inspection that the property, although clearly uninhabited for a considerable time, appeared to be wind and water-tight, with its roof, walls and windows in reasonable condition. It does not seem to me that it would take very much for the property to be restored to a condition suitable for occupation. I agree with the council that Derryhill should be considered to be a residential property for the purposes of assessing the potential impact of the proposed wind farm on residential amenity. However, in relation to the first ETSU test, I do not consider 7 properties to be a large number and this would suggest a lower absolute limit in the day-time towards the upper end of the 35-40dB(A) range.

28. Referring to the second test in ETSU, the appellant has explained that the predicted noise levels indicate that a level towards 40dB(A) is needed to avoid curtailment, particularly at Derryhill. Although the appellant appears to have explored a number of curtailment options, no information has been provided on these. The appellant merely states that meeting a 35dB limit would inevitably result in power loss, which is obvious.

29. In relation to the third ETSU test, the council points out that, if the background noise measurements for Tullymurdoch are correct, the levels are low but not very low. The appellant's approach in relation to this test is to refer to the proportion of time when various properties would be upwind and downwind of the Tullymurdoch turbines, depending on wind direction, which does not appear to me to be addressing the issue. In any event, the

noise assessment provides no information on the proportion of time background noise levels are low. In these circumstances I do not consider it is possible to make an assessment against the third ETSU test.

30. On the basis of my assessment against the first test alone, because of the small number of properties that would be affected, I consider a lower absolute limit in the day-time of 38dB(A) for all properties except Craighead, as proposed by the appellant, would not be unreasonable. As for Craighead, I agree with the appellant's assessment that, as the Drumderg limit is 40dB(A) at this property, it makes sense for the Tullymurdoch limit to be the same. In reaching these conclusions, I note that, as I mention above, ETSU considers limits within the range 35-40dB(A) offer a reasonable degree of protection to wind farm neighbours without placing unreasonable restrictions on wind farm development.

#### *Other amplitude modulation condition*

31. The council cites recent research produced by RenewableUK on other amplitude modulation in support of its contention that a condition is necessary to deal with this issue if permission is to be granted. As noted above, the Scottish Government Online Renewables Planning Advice says that the Institute of Acoustics good practice guide should be used by those undertaking assessments. In relation to amplitude modulation, the guide states that the evidence on this issue is still developing and current practice is not to assign a planning condition to deal with it.

#### *Cumulative noise impacts*

32. I have decided that planning permission should not be granted for the proposed Bamff wind farm because of its landscape and visual impacts. Consequently, it is not necessary for me to consider the cumulative noise impacts of Tullymurdoch with the Bamff proposal.

33. It is apparent that the property at Craighead would potentially be the most affected by cumulative noise from the existing Drumderg wind farm and Tullymurdoch. Drumderg is located to the north west of Craighead and Tullymurdoch would be located to the east. The noise limits for Drumderg operating alone are 40dB(A) at Craighead and I have already concluded that the limit for Tullymurdoch should be the same at this property. The council considers that, because Tullymurdoch is on the opposite side from Drumderg, the residents at Craighead would have no respite from wind farm noise. However, as the resident confirmed herself, Drumderg is heard only infrequently at Craighead. Furthermore, the prevailing wind is from the south west/west, which would mean that Tullymurdoch would be likely to have an impact on Craighead on comparatively few occasions.

34. I consider that the limit proposed at Craighead in the noise condition suggested by the appellant would offer a reasonable degree of protection to the residents at this property. As for the other residential properties potentially affected, the lower absolute limits during the daytime would be 38 dB(A), lower than at Craighead. As the appellant explained, the suggested condition has been written so that testing whether the limits are being met would be within the control of the Tullymurdoch operators; it would not be necessary for Drumderg

turbines to be switched off in order to determine whether the Tullymurdoch turbines were responsible for an exceedence of the noise limits.

### Other issues

35. In addition to the issues I have discussed above, the environmental statement covers the following matters: ornithology, ecology, cultural heritage, hydrology, flood risk, water quality, water resources, hydrogeology and geology, access transport and traffic, land use, socii-economics, recreation and tourism. No statutory consultees have raised any objection to the proposed development. I agree with the conclusions reached in the assessment of these issues and consider that appropriate conditions could be attached to ensure various potential impacts could be mitigated.

### The development plan

36. TAYplan (approved June 2012) and the Perth and Kinross Local Development Plan (LDP) (adopted Feruary 2014) now comprise the development plan. In relation to decisions on development proposals for energy infrastructure, TAYplan policy 6: Energy and Waste/Resource Management Infrastructure requires justification on the basis of a number of considerations. LDP policy ER1: Renewable and Low Carbon Energy Generation supports proposals for the development of renewable energy subject to a number of factors being taken into account. LDP policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes is also relevant.

37. In the light of my conclusions on the landscape and visual impacts of the proposed development (including cumulative impacts) above, I consider that there is some issue with the cumulative impacts criterion of TAYplan policy 6 and LDP policy ER1 criterion (a) because of the proposal's cumulative effects on residential amenity. There is no issue with the other criteria in these policies. I have found that the proposed wind farm would not have a significant landscape impact, including cumulatively with Drumderg and Welton of Creuchies. This means that there is no conflict with LDP policy ER6. On balance, I consider the proposed development complies with the development plan.

### National Planning Framework 3 (NPF3)

38. NPF3 describes an ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050. Onshore wind energy development will continue to make a significant contribution to diversification of energy supplies. However, NPF3 expects the pace of onshore wind energy development to be overtaken by a growing focus on marine energy opportunities.

### Scottish Planning Policy (SPP)

39. SPP is supportive of renewable energy generation, which is an important factor in favour of the proposed development. However, the policy also describes the considerations that should be taken into account in development management decisions. These include cumulative impacts, visual impact on individual dwellings, residential amenity

and noise, landscape and visual impacts and impacts on recreation, all of which are relevant here. SPP's support for renewable energy generation is, therefore, qualified by the need to assess the impacts proposed development against the list in the policy. I consider that that has been undertaken in this case.

### Overall conclusions

40. Drawing all of these issues together, I have concluded that:

- Tullymurdoch would have little significant landscape impact, including cumulatively;
- there would be limited visual impact, including on the CATERAN Trail;
- there are few properties in close proximity to the turbines and there would be a limited impact on residential amenity for Tullymurdoch alone, although cumulatively there would be some impact on residential amenity;
- from most viewpoints the appearance of Tullymurdoch would be similar to Drumderg, minimising visual confusion in line with SNH guidance;
- background noise readings are reliable;
- the absolute lower noise limits for daytime and night-time suggested by the appellant comply with ETSU-R-97;
- there is no need for an amplitude modulation condition;
- there is no issue with cumulative noise; and
- although there is some conflict with TAYplan policy 6 and LDP policy ER1, there is overall compliance with the development plan.

41. Potential impacts in relation to a number of other issues can be mitigated by appropriate conditions. The proposed development would also make a meaningful contribution towards achieving the UK and Scottish Governments' renewable energy generation targets. I conclude in this case that, on balance, the benefits of the proposed development are sufficient to outweigh the limited detrimental impacts. I have taken into account all other matters raised but find none that would lead me to a different conclusion.

*Karen Heywood*

Assistant Chief Reporter

### **Schedule of plans**

09016-PL-01 Rev A – Site Context  
 09016-PL-02 Rev A – Site Location  
 09016-PL-03 Rev A – Site Layout  
 09016-PL-04 Rev A – Typical Turbine  
 09016-PL-05A Rev A – Control Building and Substation  
 09016-PL-05B – Control Building and Substation  
 09016-PL-06 Rev A – Met Mast

09016-PL-07 Rev A – Construction Compound  
 09016-PL-08 Rev A – Palisade Fencing  
 09016-PL-09 Rev A - Turbine Foundation  
 09016-PL-10 Rev A – Crane Hard-standing  
 09016-PL-11 Rev A – Culvert  
 09016-PL-12 Rev A – Cable Trench  
 09016-PL-13 Rev A – Passing Places  
 09016-PL-14 Rev A – Main Access Junctions – Indicative Arrangements  
 09016-PL-15 Rev A – Routes to Site from Trunk Roads  
 09016-PL-16 Rev A – Existing Trees  
 09016-PL-17 Rev A – Proposed Borrow Pit

## Conditions

### *Duration of permission*

1. The development shall be begun no later than 3 years from the date of this permission.

*Reason: to ensure that the development is begun within a reasonable time period to reduce uncertainty for local residents.*

2. Permission for operation of the development is limited to a period of twenty-five years from the commissioning of the development. Decommissioning shall be completed no later than whichever is the earlier of the following dates:

- a) two years from the end of the twenty-five year period mentioned in this condition; or
- b) two years from the date on which the development ceases to supply electricity on a commercial basis to the National Grid.

*Reason: to clarify the extent of the permission for the avoidance of doubt and to ensure the satisfactory restoration of the site in the interests of amenity.*

### *Commissioning of the development*

3. Within one month of the commissioning of the development written confirmation of the date of the commissioning shall be submitted to the planning authority and within one month of the final commissioning of the development written confirmation of the date of the final commissioning of the development shall be submitted to the planning authority.

*Reason: to clarify the extent of the permission for the avoidance of doubt and these details relate to the timing of various requirements in other planning conditions forming part of this permission.*

**Note i:** the ‘commissioning of the development’ means the date on which the first wind turbine generator forming part of the development first supplies electricity on a commercial basis.

**Note ii:** the ‘final commissioning of the development’ means the date on which the last wind turbine generator forming part of the development first supplies electricity on a commercial basis.

### *Details of the development*

4. The turbines and associated crane pads shall be erected in the positions indicated in drawing number 09016-PL-03 Rev A – Site Layout, save for the ability to vary the indicated position of any turbine and associated crane pads by up to 25 metres, with any variation in Above Ordnance Datum from the approved position of the turbine being limited to + or – 5 metres, under the supervision of the Ecological Clerk of Works appointed under condition 18 below. Variation in the position of any turbines and associated crane pads between 25 metres and 50 metres shall only be permitted with the prior written approval of the planning authority. For the avoidance of doubt, this condition does not allow for any movement of the position of the turbines greater than 50 metres.

*Reason: to allow limited flexibility in siting turbines and associated crane pad in the interests of nature conservation/ecology and to minimise landscape impacts.*

5. Before the commencement of the development, the final specification of the wind turbine generators and the colours and finish of the wind turbine generators and of the above-ground elements, including the anemometry mast, shall be submitted to and approved in writing by the planning authority. All wind turbine generators shall be of a three bladed design and shall rotate in the same direction. Each turbine shall be supplied by the same manufacturer, have the same design of tower and nacelle, and be of the same colour and finish. The use of logos on turbine blades, towers or nacelles is prohibited, unless otherwise agreed in writing by the planning authority.

*Reason: in the interests of visual amenity and so that the planning authority have an accurate record of what is to be constructed on the site.*

### *Ministry of Defence requirements*

6. a) Prior to the commencement of the development the developer shall notify the Ministry of Defence of the following details:

- i. the date of the commencement of the development and the date by which the developer expects all the turbines to have been erected;
- ii. the latitude and longitude of each turbine; and
- iii. the maximum height of construction equipment.



- b) On completion of the construction phase of the development, the developer shall notify the Ministry of Defence of the following details:
- i. the final latitude and longitude of each turbine; and
  - ii. details of the installed aviation lighting (see condition 7 below).
- c) The development shall be implemented in accordance with the approved details unless otherwise agreed in writing with the planning authority and the Ministry of Defence.
- d) When the notifications required as per a) and b) above are sent to the Ministry of Defence copies shall be sent at the same time to the planning authority.

*Reason: in the interests of aviation safety.*

7. a) Prior to the commencement of the development the developer shall submit details of aviation lighting for the turbines to the planning authority for approval, in consultation with the Ministry of Defence.
- b) The submitted details shall be either 25 candella omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration and shall be fitted to the turbines at the highest practicable point, unless otherwise agreed in writing by the planning authority, in consultation with the Ministry of Defence.
- c) The approved lighting shall be maintained to ensure it remains operational on the turbines for the lifetime of the development, unless otherwise agreed in writing with the planning authority, in consultation with the Ministry of Defence

*Reason: in the interests of aviation safety.*

*Telecommunications and shadow flicker*

8. a) Prior to the commissioning of the development a television and radio reception mitigation plan shall be submitted to and approved by the planning authority. The plan shall include the results of a baseline television and radio reception survey recording the current standard of television and radio reception in the area and shall assess the impairment (if any) of such television and radio reception that is likely to arise from construction or operation of the turbines.
- b) On being notified of a claim that the development is causing television picture loss or other interference with television or radio reception at a house, office, shop or other building existing at the date of the grant of the planning permission the wind farm operator shall immediately commission an investigation by and report from an independent qualified engineer. Within one month of being notified of a claim in terms of this part of this condition the wind farm operator shall submit to the planning authority a copy of the ensuing engineer's report.

c) Should any impairment of the television or radio reception be attributable to and caused solely by the wind farm the wind farm operator shall, within two months of being notified of a claim in terms of part (b) of this condition, remedy such impairment so that the standard of reception at the house, office, shop or other building existing at the date of the grant of the planning permission is restored to the standard identified in the baseline television and radio reception survey.

d) This condition applies only to claims made within 12 months of the commissioning of the development.

9. No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development on residential properties existing at the date of the grant of planning permission, including remedial measures, has been submitted to and approved in writing by the planning authority. Operation of the turbines shall take place in accordance with the approved protocol.

*Reason for conditions 8 and 9: to protect residential amenity.*

#### *Archaeology*

10. No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the planning authority.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the planning authority in agreement with Perth & Kinross Heritage Trust.

*Reason: to safeguard any archaeological interest of the site.*

#### *Decommissioning, restoration and aftercare*

11. a) No part of the development hereby authorised shall be commenced until a decommissioning, restoration and aftercare scheme (the scheme) for the site has been submitted by the developer and approved by the planning authority.

b) The scheme must include the following, at least in principle:

- i. provision for removal of all above-ground elements of the development, including wind turbines, foundation and crane pads, to 1 metre below ground level, and all buildings and ancillary development, apart from the access tracks;

- ii. particulars of subsoil, topsoil and peat replacement and re-seeding, as appropriate, with details of depths of replaced materials and finished ground levels to return the site to as near as reasonably possible to its original condition;
  - iii. such other measures as are necessary to return the site as nearly as reasonably possible to its original condition, including any necessary aftercare to ensure the restoration works are established;
  - iv. a programme showing the dates each part of the scheme is intended to be implemented; and
  - v. details of all seed mixes proposed to be used for re-instatement of surface vegetation. The seed mixes shall be sourced locally.
- c) If restoration does not commence within 10 years of the agreement of this scheme then the planning authority may request the preparation of a revised scheme for approval by the planning authority prior to restoration commencing.
- d) Two years before the site is due to be restored, the full details of the scheme, which shall accord with the principles earlier approved unless otherwise agreed, shall be submitted for the approval of the planning authority in consultation with such other parties as the planning authority deems appropriate.
- e) Thereafter the site shall be restored in accordance with the approved scheme.
- f) Within one month of completion of the approved scheme the planning authority shall be notified in writing that decommissioning and restoration are complete.

*Reason: in the interests of visual amenity and nature conservation and in case restoration has to be carried out prior to the expiry of the 25 year consent period.*

12. a) The development shall not begin until the following details have been submitted to and approved by the planning authority and documentary evidence has been provided that the bond or other financial instrument is in place:

- i. details of a bond or other financial instrument which will ensure that funds sufficient to meet the cost of implementing the decommissioning and restoration scheme that is to be approved in terms of condition 2 are available to the developer or the council as planning authority at all times prior to completion of decommissioning and site restoration; and
- ii. confirmation by an independent chartered surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the bond or financial instrument is sufficient to meet the cost of all decommissioning and site restoration.

b) The approved bond or financial instrument shall be maintained throughout the duration of this permission. At the end of fifteen years from the commencement of the development and each five years thereafter from the commencement of the development an independent review of the approved bond or financial instrument shall be carried out and submitted to the planning authority. The planning authority may direct that the approved bond or financial instrument be amended in accordance with conclusions of the independent review, if this is necessary to ensure that funds remain sufficient for decommissioning and site restoration.

*Reason: to ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.*

13. a) In the event of the wind farm not exporting electricity on a commercial basis to the public electricity grid network for a continuous period of twelve months from 50% or more of the turbines installed and commissioned at that time, the planning authority may direct that the wind farm operator submit to it within a period of three months for its approval an interim decommissioning and restoration scheme for the for non-supplying part of the development. The scheme shall include a programme for its implementation.

b) Before giving any direction in terms of this condition the planning authority shall consult the wind farm operator and shall have due regard to the circumstances surrounding the failure to supply electricity.

c) The interim decommissioning and restoration scheme approved in terms of this condition shall be carried out in accordance with its programme for implementation.

d) This condition shall take effect following the final commissioning of the development (see Note ii attached to condition 3 above).

*Reason: to ensure the turbines are removed from the site at the end of their operational life to protect the character of the countryside, the visual amenity of the area and nature conservation interests.*

#### *Construction details*

14. All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

*Reason: in the interests of visual amenity.*

15. No electricity or control cable shall be installed above ground within the site. Cables shall be laid underground alongside the approved tracks unless otherwise agreed in writing by the planning authority.

*Reason: to minimise visual impacts and disruption to habitats.*

16. a) Prior to the commencement of the development, precise details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any proposed borrow pits and associated areas for rock crushing shall be submitted to, and approved in writing by, the planning authority.

b) Any borrow pit approved under this condition shall be exploited to serve the development only.

c) Unless otherwise approved by the planning authority, rock crushing activities shall be confined to the approved borrow pits and immediately adjacent areas.

*Reason: in the interest of proper site management and visual and residential amenity.*

17. Prior to the commencement of development a Construction and Environmental Management Plan will be submitted to and be approved in writing by the planning authority, in consultation with SEPA and SNH, at least one month prior to the commencement of development.

The Construction and Environmental Management Plan will identify from the environmental statement appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom. It will incorporate:

- a construction method statement;
- a site waste management plan;
- a pollution prevention plan;
- ecology protection measures, if any; and
- a water management plan.

And include:

- a) track construction details;
- b) a peat and soil stripping management plan including the mineral and slope stability of the site and outlining the storage and proposed use and replacement of peat, topsoil and subsoil. The scheme shall have regard to the drainage implications of soil movement and storage;
- c) details of the height and location of all stockpiles of road stone;
- d) oil spill contingencies and foul drainage arrangements;
- e) details of all concrete batching and handling facilities;
- f) a dust and mud management plan which incorporates wheel washing facilities shall be provided at the exits from the site, with all soiled vehicles leaving the site being required to use these facilities before using public roads;

- g) details of any water abstraction;
- h) a detailed survey which identifies any spring, borehole or other private water supply potentially affected by the development. The private water action plan must include details regarding all water monitoring and reporting, pollution incident reporting and mitigation measures to address a temporary or permanent material change in either the quality or quantity of an existing private water supply;
- i) a surface and groundwater management plan which must include specific details regarding the monitoring of any watercourses, springs or boreholes affected by the development prior to and during the construction phase, details of drainage from all access tracks, construction areas, laydown areas, turbine pads, crane pads and borrow pits at all stages of their formation and use including means of protecting groundwater, diverting surface water runoff and allowing for recharging of peat areas, details of pollution prevention and control measures and foul drainage arrangements, details of any necessary mitigation measures and maintenance of the quantity and quality of water supplied from any spring or borehole which serves residential property or farm in the area around the development site;
- j) details of bird surveys to be carried out before the commencement of development;
- k) the procedures for access for wind farm staff for turbine, track and other infrastructure maintenance and operational requirements, during the bird breeding season and in proximity to potential nesting sites for breeding birds. The operational protocol must also address interpretation and visitor management to encourage responsible public access during the bird breeding season. The approved protocol must be implemented in full to the satisfaction of the as planning authority;
- l) measures for the protection of or beneficial to European and other protected species, formation of any required protected species protection plans and implementation measures for any such plans;
- m) restoration of habitat and the provision of foraging areas;
- n) construction of artificial otter holts and methods of construction to prevent harm to otters;
- o) monitoring of habitats and a programme for implementation; and
- p) landscaping details in relation to borrow pits, road verges, turbine bases and temporary site compounds.

All work shall be carried out in accordance with the approved Construction Environmental Management Plan and all mitigation measures proposed within the environmental statement shall be undertaken within the approved timescales, unless as otherwise agreed in writing with the planning authority.

*Reason: In the interest of protecting environmental quality and of bio-diversity.*

18. a) Unless otherwise agreed in writing by the Local Planning Authority, within a minimum of two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECoW) for the site, by the wind farm operator and at the operator's expense. This appointment shall be subject to the prior written approval of the planning authority.

b) The ECoW shall oversee, on behalf of the planning authority, in consultation with SNH, the implementation of all ecology related planning conditions throughout the construction of the wind farm. The ECoW shall undertake a watching brief throughout the construction of all roads, cable tracks compounds, turbine bases and hard standings.

c) The scope of works for the ECoW shall include the following:

i. Monitoring compliance with the mitigation works related to the development.

ii. Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.

iii. Advising on the acceptability of micro-siting any turbines and development infrastructure tracks.

d) If any protected species are found on site, the ECoW will ensure that work is suspended at that location and that a protected species protection plan is implemented. The ECoW shall inform the planning authority of the precise details of the suspension, reasons and measures to mitigate.

*Reason: In the interest of protecting environmental quality and of bio-diversity.*

19. a) Prior to the commencing of any blasting on site, precise details of the methods to minimise air overpressure and ground vibration as a result of blasting operations shall be submitted to the planning authority. No blasting shall be carried out within the site until such time as the details have been approved in writing by the planning authority. The approved details shall be implemented in full, to the satisfaction of the planning authority.

b) The frequency of blasting shall be limited to a maximum of two blasting periods per week. No blasting shall be carried out on the site outwith the blasting periods of 10:00 am to noon and 2:00 pm to 4:00 pm on Mondays to Fridays and 10:00 am to noon on Saturdays. There shall be no blasting or drilling operations on Sundays, Bank Holidays or national holidays (the dates of which shall be agreed with the planning authority before the start of development on site). The aforementioned shall not apply in cases of emergency if it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified in writing immediately of any such event.

*Reason: to protect residential amenity and the amenity of this area generally.*

20. Any lighting rigs associated with the development shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

*Reason: to protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.*

#### *Roads issues*

21. Prior to the commencement of construction the developer shall agree with Perth & Kinross Council the following details:

- a) the access routes to be used by construction traffic. These routes shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the council prior to the commencement of works on site and thereafter where deemed necessary over the duration of the contract.
- b) a traffic management scheme for abnormal loads in accordance with the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types) (General) Order 2003 and the Council's procedure for Abnormal Loads Routing.

All works shall be carried out to the standard and specification required by the council and the traffic management scheme shall be implemented as approved during the construction period.

*Reason: in the interests of road safety and to ensure free traffic flow.*

22. Prior to the commencement of construction the applicant shall enter into a maintenance agreement in respect of the agreed haul routes. The required maintenance shall be carried out in accordance with the agreement at the end of the construction period.

*Reason: in the interests of road safety and to ensure free traffic flow.*

23. Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority a construction traffic management scheme which shall include the following details:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;



- d) arrangements for liaison with the council regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles is not impeded;
- k) co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements; and
- o) arrangements for dealing with non-compliance.

The approved construction traffic management scheme must be implemented in full during the course of the construction phase of the development and also the removal and restoration periods. At the reasonable request of the planning authority, the developer shall amend the approved construction traffic management scheme to ensure its continued effectiveness.

*Reason: in the interests of road safety.*

24. The clearance of snow from access tracks within the site shall be by mechanical means only. For the avoidance of doubt, the use of salt or any other chemical is strictly prohibited.

*Reason: in order to ensure the environmental interests of the site are not compromised.*

25. The access tracks shall be constructed in the positions indicated in drawing number 09016-PL-03 Rev A – Site Layout, save for the ability to vary the indicated position by up to 10 metres of the approved track under the supervision of the ECOW appointed under condition 18 above. Variation of between 10 metres and 50 metres in the position of any track shall only be permitted with the prior written approval of the planning authority.

*Reason: to allow limited flexibility in siting access tracks in the interests of nature conservation/ecology and to minimise landscape impacts.*

26. Construction works within the site which is audible from the boundary of any noise sensitive dwelling shall only take place between 7:00 am and 7:00 pm on Mondays to Fridays inclusive, and between 7:00 am and 1:00 pm on Saturdays. There shall be no such activity at any time on Sundays or on local or national public holidays (the dates of which shall be agreed with the planning authority before the start of development on site). Outwith the hours specified, development within the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment; and construction work that is not audible from the boundary of any noise sensitive dwelling. Receipt by track of any materials or equipment to the site for the construction of the development shall not take place outwith the hours specified, unless otherwise approved by the planning authority having been given a minimum of two working days notice of the occurrence of the proposed event.

*Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.*

27. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out for those properties identified in the Tables 1 & 2 attached to these conditions.

At Craighead only, the rating level of noise immissions from the combined effects of the wind turbines hereby permitted, operating in conjunction with the consented and operational turbines of the Drumderg Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes shall not exceed the values for the relevant integer wind speed set out in Tables 3 and 4 attached to these conditions. Following complaint, in the event that the level of noise immissions (including the application of any tonal penalty) exceeds the values in Tables 3 and 4, the operator of Tullymurdoch Wind Farm shall undertake appropriate mitigation to reduce turbine noise immissions such that the limits in Tables 3 and 4 are met, or such that noise from the turbines hereby permitted (including the application of any tonal penalty) meets the levels set out in Tables 5 and 6.

Prior to the first export date, the wind farm operator shall submit to the planning authority for written approval a list of proposed independent consultants who may undertake compliance

measurements in accordance with this condition. amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

(A) Within 21 days from receipt of a written request of the planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the planning authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the planning authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the planning authority made under this paragraph (A), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the planning authority in the format set out in Guidance Note 1(e).

(B) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the planning authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.

(C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning authority pursuant to paragraph (B) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

(D) Prior to the commencement of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (E) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

- (i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.

- (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the planning authority under paragraph (A), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

(E) The wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (A) of this condition unless the time limit is extended in writing by the planning authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise immissions.

(F) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.

(G) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

**Note iii:** For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

*Reason: to protect the amenity of local residents.*

**Table 1 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 41 | 46 | 50 | 54 | 58 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 39 | 42 | 46 | 48 | 50 |

**Table 2 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | L <sub>A90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 44 | 49 | 53 | 57 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 43 | 46 | 49 |

**Note iv (to Tables 1 and 2):** the limits set in condition 27 for the property known as Derryhill shall only apply for the purposes of this condition in the event that the property is lawfully occupied as a dwelling and at all other times there shall be no noise limits applying to this property, which shall not be regarded as a noise sensitive property.

**Table 3 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 40                                                                                                   | 40 | 40 | 40 | 40 | 40 | 40 | 43 | 43 | 43 | 43 | 43 |

**Table 4 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 |

**Table 5 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 30                                                                                                   | 30 | 30 | 30 | 30 | 30 | 30 | 33 | 33 | 33 | 33 | 33 |

**Table 6- Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                               | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                               | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                     | 33                                                                                                   | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |

Guidance Notes for Noise Condition 27

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

**Note 1**

(a) Values of the LA<sub>90,10-minute</sub> noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting IEC 60945:2003 “Electroacoustics – sound calibrators” Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The sound level meter shall be located in a free field location outside the complainants dwelling, in accordance with recommendations in the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Farm Noise (IOA May 2013). In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall



submit for the written approval of the planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The  $LA_{90,10\text{-minute}}$  measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in metres from north and rainfall data in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. The mean hub height wind speed shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the planning authority in accordance with paragraphs (E) (F) and (G) of the noise condition shall be provided in in electronic format as comma separated values, or in the case of aAudio recordings as 16bit WAV files.

(f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

## Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the planning authority under paragraph (D) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the  $LA_{90,10\text{-minute}}$  noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed

appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

### Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (D) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

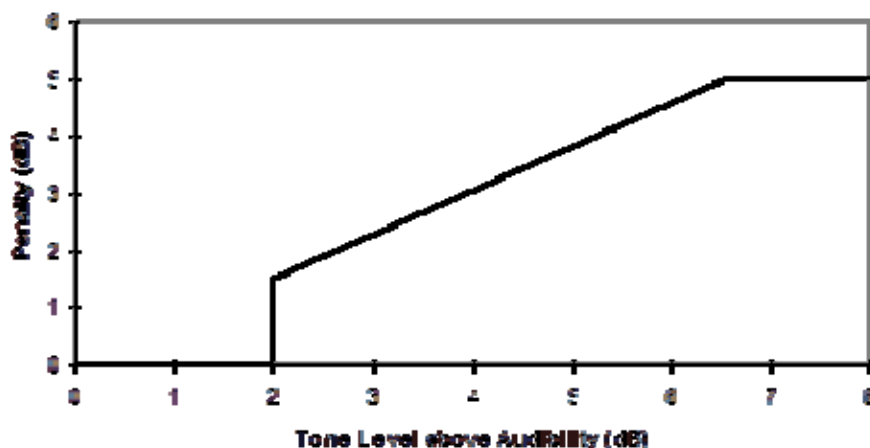
(b) For each 10-minute interval for which  $LA_{90,10\text{-minute}}$  data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



#### Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (D) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (B) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (D) of this condition.
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then the development fails to comply with the conditions.

### Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

**Document 3 – Planning permission 15/01561/FLL**



# PERTH AND KINROSS COUNCIL

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**Date 18 November 2015**

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

Application Number **15/01561/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 15th September 2015 for planning permission for **Modification of permission 12/01423/FLL (formation of wind farm with associated access track and ancillary works) change of turbines** at Tullymurdoch Wind Farm Alyth subject to the undernoted conditions.

### Development Quality Manager

Conditions referred to above

- 1 Permission for operation of the development is limited to a period of twenty-five years from the commissioning of the development. Decommissioning shall be completed no later than whichever is the earlier of the following dates:
  - a) two years from the end of the twenty-five year period mentioned in this condition; or
  - b) two years from the date on which the development ceases to supply electricity on a commercial basis to the National Grid.

Reason: to clarify the extent of the permission for the avoidance of doubt and to ensure the satisfactory restoration of the site in the interests of amenity.

- 2 Within one month of the commissioning of the development written confirmation of the date of the commissioning shall be submitted to the planning authority and within one month of the final commissioning of the development written confirmation of the date of the final commissioning of the development shall be submitted to the planning authority.

Reason: to clarify the extent of the permission for the avoidance of doubt and these details relate to the timing of various requirements in other planning conditions forming part of this permission.

Note i) the 'commissioning of the development' means the date on which the first wind turbine generator forming part of the development first supplies electricity on a commercial basis.

Note ii) the 'final commissioning of the development' means the date on which the last wind turbine generator forming part of the development first supplies electricity on a commercial basis.

- 3 The turbines and associated crane pads shall be erected in the positions indicated in drawing number 15/01561/2, save for the ability to vary the indicated position of any turbine and associated crane pads by up to 25 metres, with any variation in Above Ordnance Datum from the approved position of the turbine being limited to + or - 5 metres, under the supervision of the Ecological Clerk of Works appointed under condition 18 below. Variation in the position of any turbines and associated crane pads between 25 metres and 50 metres shall only be permitted with the prior written approval of the planning authority. For the avoidance of doubt, this condition does not allow for any movement of the position of the turbines greater than 50 metres.

Reason: to allow limited flexibility in siting turbines and associated crane pad in the interests of nature conservation/ecology and to minimise landscape impacts.

- 4 Before the commencement of the development, the colours and finish of the wind turbine generators and the above-ground elements, including the anemometry mast, shall be submitted to and approved in writing by the planning authority. All wind turbine generators shall be of a three bladed design and shall rotate in the same direction. Each turbine shall be supplied by the same manufacturer, have the same design of tower and nacelle, and be of the same colour and finish. The use of logos on turbine blades, towers or nacelles is prohibited, unless otherwise agreed in writing by the planning authority.



Reason: in the interests of visual amenity and so that the planning authority have an accurate record of what is to be constructed on the site

- 5 a) Prior to the commencement of the development the developer shall notify the Ministry of Defence of the following details:
- i. The date of the commencement of the development and the date by which the developer expects all the turbines to have been erected;
  - ii. The latitude and longitude of each turbine; and
  - iii. The maximum height of construction equipment.
- b) On completion of the construction phase of the development, the developer shall notify the Ministry of Defence of the following details:
- i. The final latitude and longitude of each turbine; and
  - ii. Details of the installed aviation lighting (see condition 7 below).
- c) The development shall be implemented in accordance with the approved details unless otherwise agreed in writing with the planning authority and the Ministry of Defence.
- d) When the notifications required as per a) and b) above are sent to the Ministry of Defence copies shall be sent at the same time to the planning authority.

Reason: in the interests of aviation safety.

- 6 a) Prior to the commencement of the development the developer shall submit details of aviation lighting for the turbines to the planning authority for approval, in consultation with the Ministry of Defence.
- b) The submitted details shall be either 25 candella omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration and shall be fitted to the turbines at the highest practicable point, unless otherwise agreed in writing by the planning authority, in consultation with the Ministry of Defence.
- c) The approved lighting shall be maintained to ensure it remains operational on the turbines for the lifetime of the development, unless otherwise agreed in writing with the planning authority, in consultation with the Ministry of Defence

Reason: in the interests of aviation safety.

- 7 a) Prior to the commissioning of the development a television and radio reception mitigation plan shall be submitted to and approved by the planning authority. The plan shall include the results of a baseline television and radio reception survey recording the current standard of television and radio reception in the area and shall assess the impairment (if any) of such television and radio reception that is likely to arise from construction or operation of the turbines.
- b) On being notified of a claim that the development is causing television picture loss or other interference with television or radio reception at a house, office, shop or other building existing at the date of the grant of the planning permission the wind farm operator shall immediately commission an investigation by and report from an independent qualified engineer. Within one month of being notified of a claim in terms of this part of this condition the wind farm operator shall submit to the planning authority a copy of the ensuing engineer's report.
- c) Should any impairment of the television or radio reception be attributable to and caused solely by the wind farm the wind farm operator shall, within two months of being notified of a claim in terms of part (b) of this condition, remedy such impairment so that the standard of reception at the house, office, shop or other building existing at the date of the grant of the planning permission is restored to the standard identified in the baseline television and radio reception survey.
- d) This condition applies only to claims made within 12 months of the commissioning of the development.

Reason: to protect residential amenity.

- 8 No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development on residential properties existing at the date of the grant of planning permission, including remedial measures, has been submitted to and approved in writing by the planning authority. Operation of the turbines shall take place in accordance with the approved protocol.

Reason: to protect residential amenity.

- 9 No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the planning

authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the planning authority in agreement with Perth & Kinross Heritage Trust.

Reason: to safeguard any archaeological interest of the site

- 10 a) No part of the development hereby authorised shall be commenced until a decommissioning, restoration and aftercare scheme (the scheme) for the site has been submitted by the developer and approved by the planning authority.
- b) The scheme must include the following, at least in principle:
- i. Provision for removal of all above-ground elements of the development, including wind turbines, foundation and crane pads, to 1 metre below ground level, and all buildings and ancillary development, apart from the access tracks;
  - ii. Particulars of subsoil, topsoil and peat replacement and re-seeding, as appropriate, with details of depths of replaced materials and finished ground levels to return the site to as near as reasonably possible to its original condition;
  - iii. Such other measures as are necessary to return the site as nearly as reasonably possible to its original condition, including any necessary aftercare to ensure the restoration works are established;
  - iv. A programme showing the dates each part of the scheme is intended to be implemented; and
  - iv. Details of all seed mixes proposed to be used for re-instatement of surface vegetation. The seed mixes shall be sourced locally.
- c) If restoration does not commence within 10 years of the agreement of this scheme then the planning authority may request the preparation of a revised scheme for approval by the planning authority prior to restoration commencing.
- d) Two years before the site is due to be restored, the full details of the scheme, which shall accord with the principles earlier approved unless otherwise agreed, shall be submitted for the approval of the planning authority in consultation with such other parties as the planning authority deems appropriate.
- e) Thereafter the site shall be restored in accordance with the approved scheme.

- f) Within one month of completion of the approved scheme the planning authority shall be notified in writing that decommissioning and restoration are complete.

Reason: in the interests of visual amenity and nature conservation and in case restoration has to be carried out prior to the expiry of the 25 year consent period

- 11 a) The development shall not begin until the following details have been submitted to and approved by the planning authority and documentary evidence has been provided that the bond or other financial instrument is in place:
  - i: details of a bond or other financial instrument which will ensure that funds sufficient to meet the cost of implementing the decommissioning and restoration scheme that is to be approved in terms of condition 2 are available to the developer or the council as planning authority at all times prior to completion of decommissioning and site restoration; and
  - ii: confirmation by an independent chartered surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the bond or financial instrument is sufficient to meet the cost of all decommissioning and site restoration.
- b) The approved bond or financial instrument shall be maintained throughout the duration of this permission. At the end of fifteen years from the commencement of the development and each five years thereafter from the commencement of the development an independent review of the approved bond or financial instrument shall be carried out and submitted to the planning authority. The planning authority may direct that the approved bond or financial instrument be amended in accordance with conclusions of the independent review, if this is necessary to ensure that funds remain sufficient for decommissioning and site restoration.

Reason: to ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.

- 12 a) In the event of the wind farm not exporting electricity on a commercial basis to the public electricity grid network for a continuous period of twelve months from 50% or more of the turbines installed and commissioned at that time, the planning authority may direct that the wind farm operator submit to it within a period of three months for its approval an interim decommissioning and restoration scheme for the for non-supplying part of the development. The scheme shall include a programme for its implementation.

- b) Before giving any direction in terms of this condition the planning authority shall consult the wind farm operator and shall have due regard to the circumstances surrounding the failure to supply electricity.
- c) The interim decommissioning and restoration scheme approved in terms of this condition shall be carried out in accordance with its programme for implementation.
- d) This condition shall take effect following the final commissioning of the development (see Note ii attached to condition 3 above).

Reason: to ensure the turbines are removed from the site at the end of their operational life to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

- 13 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

Reason: in the interests of visual amenity

- 14 No electricity or control cable shall be installed above ground within the site. Cables shall be laid underground alongside the approved tracks unless otherwise agreed in writing by the planning authority.

Reason: to minimise visual impacts and disruption to habitats.

- 15 a) Prior to the commencement of the development, precise details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any proposed borrow pits and associated areas for rock crushing shall be submitted to, and approved in writing by, the planning authority.
- b) Any borrow pit approved under this condition shall be exploited to serve the development only.
  - c) Unless otherwise approved by the planning authority, rock crushing activities shall be confined to the approved borrow pits and immediately adjacent areas.

Reason: in the interest of proper site management and visual and residential amenity.

- 16 Prior to the commencement of development a Construction and Environmental Management Plan will be submitted to and be approved in

writing by the planning authority, in consultation with SEPA and SNH, at least one month prior to the commencement of development. The Construction and Environmental Management Plan will identify from the environmental statement appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom. It will incorporate:

- a construction method statement;
- a site waste management plan;
- a pollution prevention plan;
- ecology protection measures, if any; and
- a water management plan

And include:

- a) Track construction details;
- b) A peat and soil stripping management plan including the mineral and slope stability of the site and outlining the storage and proposed use and replacement of peat, topsoil and subsoil. The scheme shall have regard to the drainage implications of soil movement and storage;
- c) Details of the height and location of all stockpiles of road stone;
- d) Oil spill contingencies and foul drainage arrangements;
- e) Details of all concrete batching and handling facilities;
- f) A dust and mud management plan which incorporates wheel washing facilities shall be provided at the exits from the site, with all soiled vehicles leaving the site being required to use these facilities before using public roads;
- g) Details of any water abstraction;
- h) A detailed survey which identifies any spring, borehole or other private water supply potentially affected by the development. The private water action plan must include details regarding all water monitoring and reporting, pollution incident reporting and mitigation measures to address a temporary or permanent material change in either the quality or quantity of an existing private water supply;
- i) A surface and groundwater management plan which must include specific details regarding the monitoring of any watercourses, springs or boreholes affected by the development prior to and during the construction phase, details of drainage from all access tracks, construction areas, laydown areas, turbine pads, crane pads and borrow pits at all stages of their formation and use including means of protecting groundwater, diverting surface water runoff and allowing for recharging of peat areas, details of pollution prevention and control measures and foul drainage arrangements, details of any necessary

mitigation measures and maintenance of the quantity and quality of water supplied from any spring or borehole which serves residential property or farm in the area around the development site;

- j) Details of bird surveys to be carried out before the commencement of development;
- k) The procedures for access for wind farm staff for turbine, track and other infrastructure maintenance and operational requirements, during the bird breeding season and in proximity to potential nesting sites for breeding birds. The operational protocol must also address interpretation and visitor management to encourage responsible public access during the bird breeding season. The approved protocol must be implemented in full to the satisfaction of the as planning authority;
- l) measures for the protection of or beneficial to European and other protected species, formation of any required protected species protection plans and implementation measures for any such plans;
- m) Restoration of habitat and the provision of foraging areas;
- n) Construction of artificial otter holts and methods of construction to prevent harm to otters;
- o) Monitoring of habitats and a programme for implementation; and
- p) Landscaping details in relation to borrow pits, road verges, turbine bases and temporary site compounds.

All work shall be carried out in accordance with the approved Construction Environmental Management Plan and all mitigation measures proposed within the environmental statement shall be undertaken within the approved timescales, unless as otherwise agreed in writing with the planning authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 17 a) Unless otherwise agreed in writing by the Local Planning Authority, within a minimum of two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECoW) for the site, by the wind farm operator and at the operator's expense. This appointment shall be subject to the prior written approval of the planning authority.
- b) The ECoW shall oversee, on behalf of the planning authority, in consultation with SNH, the implementation of all ecology related planning conditions

throughout the construction of the wind farm. The ECoW shall undertake a watching brief throughout the construction of all roads, cable tracks compounds, turbine bases and hard standings.

- c) The scope of works for the ECoW shall include the following:
  - i. Monitoring compliance with the mitigation works related to the development.
  - ii. Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
  - iii. Advising on the acceptability of micro-siting any turbines and development infrastructure tracks.
- d) If any protected species are found on site, the ECoW will ensure that work is suspended at that location and that a protected species protection plan is implemented. The ECoW shall inform the planning authority of the precise details of the suspension, reasons and measures to mitigate.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 18 a) Prior to the commencing of any blasting on site, precise details of the methods to minimise air overpressure and ground vibration as a result of blasting operations shall be submitted to the planning authority. No blasting shall be carried out within the site until such time as the details have been approved in writing by the planning authority. The approved details shall be implemented in full, to the satisfaction of the planning authority.

- b) The frequency of blasting shall be limited to a maximum of two blasting periods per week. No blasting shall be carried out on the site outwith the blasting periods of 10:00 am to noon and 2:00 pm to 4:00 pm on Mondays to Fridays and 10:00 am to noon on Saturdays. There shall be no blasting or drilling operations on Sundays, Bank Holidays or national holidays (the dates of which shall be agreed with the planning authority before the start of development on site). The aforementioned shall not apply in cases of emergency if it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified in writing immediately of any such event.

Reason: to protect residential amenity and the amenity of this area generally.



- 19 Any lighting rigs associated with the development shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason: to protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.

- 20 Prior to the commencement of construction the developer shall agree with Perth & Kinross Council the following details:
- a) the access routes to be used by construction traffic. These routes shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the council prior to the commencement of works on site and thereafter where deemed necessary over the duration of the contract.
  - b) a traffic management scheme for abnormal loads in accordance with the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types) (General) Order 2003 and the Council's procedure for Abnormal Loads Routing.

All works shall be carried out to the standard and specification required by the council and the traffic management scheme shall be implemented as approved during the construction period.

Reason: in the interests of road safety and to ensure free traffic flow.

- 21 Prior to the commencement of construction the applicant shall enter into a maintenance agreement in respect of the agreed haul routes. The required maintenance shall be carried out in accordance with the agreement at the end of the construction period.

Reason: in the interests of road safety and to ensure free traffic flow.

- 22 Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority a construction traffic management scheme which shall include the following details:
- a) Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) Timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;

- c) A code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) Arrangements for liaison with the council regarding winter maintenance;
- e) Emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) Arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) Arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) Details of information signs to inform other road users of construction traffic;
- j) Arrangements to ensure that access for emergency service vehicles is not impeded;
- k) Co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) Traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) The provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) Monitoring, reporting and implementation arrangements; and
- o) Arrangements for dealing with non-compliance.

The approved construction traffic management scheme must be implemented in full during the course of the construction phase of the development and also the removal and restoration periods. At the reasonable request of the planning authority, the developer shall amend the approved construction traffic management scheme to ensure its continued effectiveness.

Reason: in the interests of road safety.

- 23 The clearance of snow from access tracks within the site shall be by mechanical means only. For the avoidance of doubt, the use of salt or any other chemical is strictly prohibited.

Reason: in order to ensure the environmental interests of the site are not compromised.

- 24 The access tracks shall be constructed in the positions indicated in drawing number 09016-PL-03 Rev A - Site Layout, save for the ability to vary the indicated position by up to 10 metres of the approved track under the supervision of the ECOW appointed under condition 18 above. Variation of between 10 metres and 50 metres in the position of any track shall only be permitted with the prior written approval of the planning authority.

Reason: to allow limited flexibility in siting access tracks in the interests of nature conservation/ecology and to minimise landscape impacts.

- 25 Construction works within the site which is audible from the boundary of any noise sensitive dwelling shall only take place between 7:00 am and 7:00 pm on Mondays to Fridays inclusive, and between 7:00 am and 1:00 pm on Saturdays. There shall be no such activity at any time on Sundays or on local or national public holidays (the dates of which shall be agreed with the planning authority before the start of development on site). Outwith the hours specified, development within the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment; and construction work that is not audible from the boundary of any noise sensitive dwelling. Receipt by track of any materials or equipment to the site for the construction of the development shall not take place outwith the hours specified, unless otherwise approved by the planning authority having been given a minimum of two working days notice of the occurrence of the proposed event.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.

- 26 The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out for those properties identified in the Tables 1 & 2 attached to these conditions.

At Craighead only, the rating level of noise immissions from the combined effects of the wind turbines hereby permitted, operating in conjunction with the consented and operational turbines of the Drumderg Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes shall not exceed the values for the relevant integer wind speed set out in Tables 3 and 4 attached to these conditions.

Following complaint, in the event that the level of noise emissions (including the application of any tonal penalty) exceeds the values in Tables 3 and 4, the operator of Tullymurdoch Wind Farm shall undertake appropriate mitigation to

reduce turbine noise emissions such that the limits in Tables 3 and 4 are met, or such that noise from the turbines hereby permitted (including the application of any tonal penalty) meets the levels set out in Tables 5 and 6.

Prior to the first export date, the wind farm operator shall submit to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

- (A) Within 21 days from receipt of a written request of the planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the planning authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the planning authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the planning authority made under this paragraph (A), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the planning authority in the format set out in Guidance Note 1(E).
- (B) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the planning authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.
- (C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning

authority pursuant to paragraph (B) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

- (D) Prior to the commencement of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (E) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
  - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the planning authority under paragraph (A), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

- (E) The wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (A) of this condition unless the time limit is extended in writing by the planning authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise missions.
- (F) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.
- (G) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance

with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

Note i: For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Reason: to protect the amenity of local residents.

**Table 1 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 41 | 46 | 50 | 54 | 58 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 39 | 42 | 46 | 48 | 50 |

**Table 2 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 44 | 49 | 53 | 57 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 43 | 46 | 49 |

**Note iv (to Tables 1 and 2):** the limits set in condition 27 for the property known as Derryhill shall only apply for the purposes of this condition in the event that the property is lawfully occupied as a dwelling and at all other times there shall be no noise limits applying to this property, which shall not be regarded as a noise sensitive property.



**Table 3 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | <b>LA<sub>90</sub> Decibel Levels</b>                                                                |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 40                                                                                                   | 40 | 40 | 40 | 40 | 40 | 40 | 43 | 43 | 43 | 43 | 43 |

**Table 4 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | <b>LA<sub>90</sub> Decibel Levels</b>                                                                |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 |

**Table 5 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | <b>LA<sub>90</sub> Decibel Levels</b>                                                                |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 30                                                                                                   | 30 | 30 | 30 | 30 | 30 | 30 | 33 | 33 | 33 | 33 | 33 |

**Table 6- Between 23:00 and 07:00 - Noise level dB LA<sub>90, 10-minute</sub>**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                               | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                               | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                     | 33                                                                                                   | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |

### Guidance Notes for Noise Condition 27

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

### Note 1

- (a) Values of the LA<sub>90,10-minute</sub> noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting IEC 60945:2003 “Electroacoustics – sound calibrators” Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- (b) The sound level meter shall be located in a free field location outside the complainants dwelling, in accordance with recommendations in the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Farm Noise (IOA May 2013). In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location
- (c) The  $LA_{90,10\text{-minute}}$  measurements should be synchronised with measurements of the 10- minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in metres from north and rainfall data in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. The mean hub height wind speed shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- (e) Data provided to the planning authority in accordance with paragraphs (E) (F) and (G) of the noise condition shall be provided in in electronic format as comma separated values, or in the case of aAudio recordings as 16bit WAV files.
- (f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

## Note 2

- (a) The noise measurements should be made so as to provide not less than 20

valid data points as defined in Note 2 paragraph (b).

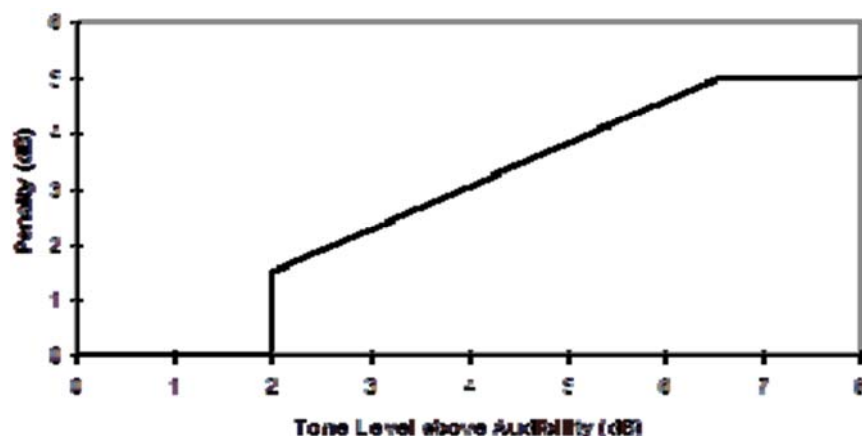
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the planning authority under paragraph (D) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).

Values of the LA<sub>90,10-minute</sub> noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

### **Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (D) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA<sub>90,10-minute</sub> data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R- 97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



#### Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (D) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (B) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant

requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (D) of this condition
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then the development fails to comply with the conditions.

## JUSTIFICATION

The proposal is considered to comply with the over-riding thrust of the Development Plan and there are no material reasons which justify departing from the development plan.

## INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that

period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

**The plans and documents 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 and Document Reference**

**15/01561/1**

**15/01561/2**

**15/01561/3**

**15/01561/4**

**15/01561/5**

**15/01561/6**





**Document 4 – Report of handling for application 15/01561/FLL**



Perth and Kinross Council  
Development Management Committee – 18 November 2015  
Report of Handling by Development Quality Manager

**Modification of permission 12/01423/FLL (formation of wind farm with associated access track and ancillary works) change of turbines at Tullymurdoch Wind Farm by Alyth**

Ref. No: 15/01561/FLL  
Ward No: N3 - Blairgowrie and Glens

**Summary**

This report assesses changes to the wind turbine dimensions associated with the approved Tullymurdoch Wind Farm. It should be noted that the earlier planning appeal to the Scottish Ministers associated with this windfarm found that there were some conflicts with TAYplan policy 6 and LDP policy ER1 but overall the proposed scheme was in compliance with the development plan.

The changes in turbine dimensions incorporated in this application are not considered significant to result in a conflict with the overriding thrust of the Strategic Development Plan TAYplan or the Perth and Kinross Local Development Plan 2014. Accordingly the application is recommended for approval.

**BACKGROUND AND DESCRIPTION**

- 1 Since the time of the submission of the planning application for the Tullymurdoch windfarm in July 2012, technology advances in wind turbine development have resulted in more efficient turbines with relatively little change in turbine dimensions. The applicant proposes to utilise an up to date, energy efficient turbine on the Tullymurdoch site to ensure the maximum benefit in terms of energy production within the parameters of the maximum tip height requirements of the approved Environmental Statement (ES) at 120 metres.
- 2 The turbine proposed within this modification to the planning permission, reduces the overall tip height to 114.75 metres although the rotor diameter increases from 80 to 92m, equating to a 6m increase in blade length.
- 3 The earlier approved ES covered the full range of potential environmental effects associated with the Tullymurdoch windfarm. In support of this application the applicant has submitted supplementary environmental information to bolster the original ES for the change of turbine dimensions. It assesses only those topic areas where the effects may be altered by the modification to the turbine dimensions, namely:-

- Landscape and Visual
- Ornithology
- Ecology
- Noise
- Cultural Heritage
- Hydrology, Flood Risk, Water Quality, Water Resources, Hydrogeology and Geology
- Access Transport and Traffic
- Land Use Socio Economics, Recreation and Tourism
- Existing Infrastructure, Aviation, Air Quality and Climate, Public Access and Safety as well as Shadow Flicker.

- 4 It should be noted that it is not appropriate to re-visit the concept of a wind farm in this location through this application. The assessment can only consider whether the change in turbine dimensions are acceptable.

## **NATIONAL POLICY AND GUIDANCE**

- 5 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**

- 6 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**

- 7 The overall vision of the Tay Plan 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.”*

- 8 The principal policies are, in summary:

### **Policy 3: Managing TAYplan’s Assets**

- 9 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 10 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

## **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 11 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal policies are, in summary:

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

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

### **Policy CF2 - Public Access**

- 14 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy HE1A - Scheduled Monuments**

- 15 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Non Designated Archaeology**

- 16 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 17 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

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

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

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

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

### **Policy NE1C - Local Designations**

- 20 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

### **Policy NE3 - Biodiversity**

- 21 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy ER1A - Renewable and Low Carbon Energy Generation**

- 22 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

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

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

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

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

## **Policy EP5 - Nuisance from Artificial Light and Light Pollution**

- 25 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

## **Policy EP8 - Noise Pollution**

- 26 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **OTHER POLICIES**

- 27 Perth & Kinross Wind Energy Policy & Guidelines (WEPG) 2005.
- 28 Tayside Landscape Character Assessment (TLCA).
- 29 The David Tyldesley and Associates – Landscape Study – Wind Farm Development in the Ochil Hills and part of Southern Highland Perthshire (2004).
- 30 The David Tyldesley and Associates – Landscape Study to Inform Planning for Wind Energy (2010).
- 31 Perth and Kinross Local Landscape Areas.
- 32 Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape (2014).

## **SITE HISTORY**

- 33 12/01423/FLL Formation of wind farm with associated access track and ancillary works refused by Development Management Committee 15 March 2013 but approved on appeal in 2014.
- 34 15/00012/PAN Installation of an underground electricity cable 23 June 2015.
- 35 15/01063/FLL Engineering operations to provide road widening 22 July 2015 Application Permitted.
- 36 15/01080/SCRN Installation of underground electricity cable 17 July 2015.

- 37 15/01562/FLM Installation of underground cables and temporary ancillary infrastructure, pending consideration.

## **CONSULTATIONS**

### **External**

- 38 **The Scottish Government**
- 39 **Historic Scotland:-** No objection.
- 40 **Transport Scotland** - No objection subject to conditions.
- 41 **Scottish Environment Protection Agency (SEPA)** - No objection
- 42 **Scottish Natural Heritage (SNH)** - No objection. Provide updated comments on pre-construction surveys.
- 43 **Ministry Of Defence (windfarms) (MOD)** - No objection subject to conditions.
- 44 **Civil Aviation Authority Renewable Energy Project Officer (CAA)** - No objection subject to conditions.
- 45 **National Air Traffic Services (NATS)** - No objection.
- 46 **Royal Society for Protection of Birds (RSPB)** - No response.
- 47 **Scottish Water (SW)** - No response.
- 48 **Angus Council** - No response.
- 49 **Cairngorm National Park (CNP)** - No response.
- 50 **Alyth Community Council** - No response.
- 51 **Blairgowrie and Rattray Community Council** - No response.
- 52 **Mount Blair Community Council** - No response.
- 53 **Kirriemuir Lanward West Community Council** - Object to the application and raise concern with noise pollution associated with the proposed turbine.

### **Internal**

- 54 **Bio-diversity Officer** - No objection.
- 55 **Strategy and Policy** - No objection.
- 56 **Community Greenspace Landscape-** No response received within timescale.



- 57 **Environmental Health** - Conditional control recommended.
- 58 **Perth and Kinross Area Archaeologist** - No objection.
- 59 **Transport Planning** - No objection to the proposed modification provided the conditions attached to the original consent are applied to any further consent.
- 60 **Community Greenspace - Access Officers** - No response received within timescale.

## REPRESENTATIONS

- 61 A total of eleven letters of representation were received during the advertisement period for the application.
- 62 The representations have raised the following relevant issues: -
- Concern that the proposal could result in an increased noise impact.
  - Increased landscape and visual impact from larger rotor diameter, excessive height.
  - Concerns that there could be an impact on protected species.
  - Inappropriate land use, loss of open space, over intensive development.
  - Contrary to the development plan.
  - Road safety concerns.
  - Flood risk concerns.
  - Concerns regarding notification of the application to neighbouring residents.
- 63 The concerns regarding notification of the application are noted. However I can confirm that the correct notification procedures have been undertaken in accordance with legislative requirements. All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

64

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Submitted    |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Yes          |
| Appropriate Assessment                         | Not required |
| Design Statement / Design and Access Statement | Not required |
| Reports on Impact or Potential Impact          | Submitted    |

## **APPRAISAL**

### **Policy**

- 65 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

### **Principle**

- 66 As already highlighted it is not appropriate to re-visit the concept of a wind farm in this location through this application. The assessment has to focus on whether the change in turbine dimensions are acceptable.

### **Landscape and Visual**

- 67 There are no changes to the locations of the turbine bases thus the assessment is concerned with the perceived changes to turbine geometry and whether this may lead to inappropriate proportions of turbine, column and rotor, and the potential for disparity with other wind farms in the vicinity.
- 68 In order to ascertain the likely difference caused by these changes, a comparative Zone of Theoretical Visibility drawing (ZTV) has been prepared by the applicant along with a series of comparative photomontages and wireline images for a selection of representative viewpoints.
- 69 The comparative ZTV shows that there would be no notable discernible alteration to the viewshed or number of turbines visible within the study area.
- 70 The comparative visualisations cover a range of key viewpoints assessed in the original ES. The assessment in the Supplementary Environmental Information confirms that no adverse effects on visual amenity, over and above those anticipated in relation to the consented development, would arise from the proposed variation to the turbine geometry. Additionally it notes that the revisions to the consented scheme would not adversely affect the proportional balance of column to rotor of turbines or result in inconsistencies with the Drumderg development.
- 71 The applicant's assessment also takes account of schemes currently awaiting construction or determination. In the Environmental Statement (ES) it notes that revisions to the consented geometry at Tullymurdoch are considered to pose no adverse effect on the visual amenity of the area. It is also considered that there would be no material change to the findings of the ES in respect of residual effects on landscape character or designations.

- 72 The Planning Authority has consulted SNH on the application. They have referred to their siting and designing wind farms in the landscape guidance. This notes that where there are multiple wind farms in close proximity the development should be designed with a *similarity of design and wind farm image... that limits visual confusion, and reinforces the appropriateness of each development for its location*. To achieve this, the choice of turbine at Tullymurdoch should be compatible with those at the existing and consented wind farms, including aspects of scale, form, colour, and rotation speed.
- 73 SNH note that the proposal to increase the rotor size of the Tullymurdoch turbines by 10 metres is a material change to the design and would mean the rotor size would now noticeably differ from that of the existing Drumderg wind farm. Should the Tullymurdoch and Drumderg be seen as a single overlapping development this could create a more complex and confusing image, however they are of the view that Tullymurdoch and Drumderg are sufficiently separate that this effect typically would not occur. They note that the reduction in overall blade tip height (from 120 metres to 115 metres) would also improve Tullymurdoch's visual relationship with Drumderg.
- 74 With regards to the consented Welton of Creuchies scheme SNH note that this is sufficiently separate from Tullymurdoch that the proposed change in turbine dimensions would have no material effect on the visual relationship.
- 75 SNH highlight that Tullymurdoch and the proposed Saddle Hill wind farm would frequently been seen together as one overlapping wind farm. In the scenario where Saddle Hill was consented, the proposed changes to the turbine dimensions at Tullymurdoch would closely match those proposed at Saddle Hill and would offer a small improvement to their visual relationship.
- 76 Overall, SNH conclude that the proposed changes to the turbine dimensions at Tullymurdoch would not result in any additional landscape and visual impacts but recommend that the turbines have no advertising or branding and that they are the same colouring as Drumderg. I agree with SNH's assessment and do not consider that the scheme conflicts with the landscape and visual criteria contained with TAYplan policy 3 and 6 or Perth and Kinross Local Development Plan 2014 Policy ER1A or ER6.

### **Ornithology**

- 77 The change in turbine model/turbine specifications (particularly hub height, rotor diameter, and tip height) may result in a slight change in the predicted collision risk, due to the increased rotor swept area, and the movement of the rotors to a slightly lower height than originally predicted.

- 78 The applicant confirms that at the initial stage of flight activity surveys commencing in September 2009, the following flight height recording bands were used: 0-25 m (a1), 25-125 m (a2) and >125 m (a3). For the purposes of data analysis for the earlier application, those birds recorded at height band a2 were considered to be at potential rotor swept height (RSH), although including a lower buffer between 25-40 m, and an upper buffer between 120-125 m, therefore providing a precautionary approach. Birds recorded in height band a3 were above RSH and birds recorded in height band a1 were considered to be below RSH for the purposes of collision risk modelling.
- 79 By changing the turbine model the rotor swept area will increase in area, but reduce in height so that it covers part of height bands a1 and a2. The turbine will cover the area between 22.5 m and 25 m of a1 (2.75 m) and the area between 25 m and 114.75 m of a2 (89.75 m).
- 80 The applicant considers that when the original modelling is applied to the scenario of a new turbine it is still considered precautionary and it is not necessary to carry out further collision risk modelling. I note that SNH has no objection which is shared by the Council's bio-diversity officer. In light of this the change in dimensions are not considered to adversely affect ornithology.

### **Ecology**

- 81 The Supplementary Environmental Information (SEI) to the approved ES only focuses on those ecological changes that may occur as a result of the proposed amended turbine dimensions, since the footprint of the development site remains unchanged.
- 82 The potential effect that the larger swept path could have on ecology is bats. In this case the proposed modification would not have a significant effect upon bats as the site lacks suitable habitat for foraging and commuting bat with low bat activity recorded within the approved turbine footprint.
- 83 Letters of representation have highlighted that there are wild cat and breeding birds within the vicinity of the site. SNH have highlighted that they are aware of recent records of protected species and they recommend species protection plans (SPP) are submitted prior to commencement of works and thereafter implemented during construction. I consider that incorporating condition 17 L of the original consent will ensure compliance with Tayplan Policy 3 and Perth and Kinross Local Development Plan 2014 Policy NE3.

### **Noise**

- 84 Noise received a considerable amount of discussion during the Public Local Inquiry Session associated with the Tullymurdoch appeal. This resulted in conditional control being applied by the Reporter.
- 85 An updated Noise Assessment has been prepared and submitted to Perth and Kinross Council, based on the Servion MM92 to enable an assessment against the conditional controls applied to the earlier application.

- 86 The applicant's consultant confirms that 'with appropriate mitigation in the form of the application of reduced noise operational modes to certain turbines under certain wind conditions, a turbine of the proposed revised dimensions could be operated within the noise limits set through planning conditions attached to the current consent for the Development'.
- 87 The updated noise assessment has been reviewed by the Council's acoustic consultant who confirms that the proposed turbine under this application has about the same sound power level but a bit higher at 6m/s. This means that mitigation required for this proposal will be much the same as that proposed in the earlier application approved at appeal by the Reporter. The noise limits set by the Reporter via conditional control will therefore be maintained.
- 88 The noise consultant notes that the other change is the ratio of hub height to rotor diameter is 0.74 instead of 1.0. It also means that the turbines are close together relative to the rotor diameter. Both of these factors, together with some degree of forestry nearby, suggest that there may be an increased chance of amplitude modulation (AM). The suggestion of an AM condition was discussed at the Public Local Inquiry and rejected by the Reporter on the fact that the guidance did not support such a condition. The Guidance still remains the same at this point in time therefore an AM condition is not proposed for this application.
- 89 Taking these matters into account applying the same noise conditions that were imposed at appeal would achieve compliance with policy EP8.

### **Cultural Heritage**

- 90 No significant direct effects were predicted for known archaeological sites under the earlier application and there will be no additional direct effect as a result of the change in turbine model. The effect on the setting of cultural heritage assets will be negligible. Accordingly there is no conflict with policy HE1A, HE1B or HE2.

### **Hydrology, Flood Risk, Water Quality, Water Resources, Hydrogeology and Geology**

- 91 The Wind Farm footprint remains the same as that presented within the earlier application. Applying conditional control will safeguard the water environment.

### **Access Transport and Traffic**

- 92 Chapter 11 of the approved ES assessed the effects of the Tullymurdoch Wind Farm on Access, Traffic and Transport. The modification to the proposed candidate turbine does not affect the results of Chapter 11 of the approved ES. It should be noted that upgrades to the road network have already been approved under application 15/01063/FLL. Applying the same control as the earlier application can secure appropriate mitigation.

## **Land Use Socio Economics, Recreation and Tourism**

- 93 The change in the turbine dimensions are not considered to alter the findings associated with the earlier application that was approved on appeal. I note that construction of the development has potential to provide opportunities for local contractors to become involved in the construction phase of the development.

## **Existing Infrastructure, Aviation, Air Quality and Climate, Public Access and Safety as well as Shadow Flicker.**

- 94 It is consider that re-applying conditional control associated with the earlier application will safeguard impact on existing infrastructure, air quality and climate, public access/safety and shadowflicker.

## **LEGAL AGREEMENTS**

- 95 Not Required

## **DIRECTION BY SCOTTISH MINISTERS**

- 96 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 97 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 result in a significant conflict with the overriding thrust of the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 Permission for operation of the development is limited to a period of twenty-five years from the commissioning of the development. Decommissioning shall be completed no later than whichever is the earlier of the following dates:

- a) two years from the end of the twenty-five year period mentioned in this condition; or
- b) two years from the date on which the development ceases to supply electricity on a commercial basis to the National Grid.

Reason: to clarify the extent of the permission for the avoidance of doubt and to ensure the satisfactory restoration of the site in the interests of amenity.

- 2 Within one month of the commissioning of the development written confirmation of the date of the commissioning shall be submitted to the planning authority and within one month of the final commissioning of the development written confirmation of the date of the final commissioning of the development shall be submitted to the planning authority.

Reason: to clarify the extent of the permission for the avoidance of doubt and these details relate to the timing of various requirements in other planning conditions forming part of this permission.

Note i) the 'commissioning of the development' means the date on which the first wind turbine generator forming part of the development first supplies electricity on a commercial basis.

Note ii) the 'final commissioning of the development' means the date on which the last wind turbine generator forming part of the development first supplies electricity on a commercial basis.

- 3 The turbines and associated crane pads shall be erected in the positions indicated in drawing number 15/01561/2, save for the ability to vary the indicated position of any turbine and associated crane pads by up to 25 metres, with any variation in Above Ordnance Datum from the approved position of the turbine being limited to + or – 5 metres, under the supervision of the Ecological Clerk of Works appointed under condition 18 below. Variation in the position of any turbines and associated crane pads between 25 metres and 50 metres shall only be permitted with the prior written approval of the planning authority. For the avoidance of doubt, this condition does not allow for any movement of the position of the turbines greater than 50 metres.

Reason: to allow limited flexibility in siting turbines and associated crane pad in the interests of nature conservation/ecology and to minimise landscape impacts.

- 4 Before the commencement of the development, the colours and finish of the wind turbine generators and the above-ground elements, including the anemometry mast, shall be submitted to and approved in writing by the planning authority. All wind turbine generators shall be of a three bladed design and shall rotate in the same direction. Each turbine shall be supplied by the same manufacturer, have the same design of tower and nacelle, and be of the same colour and finish. The use of logos on turbine blades, towers or nacelles is prohibited, unless otherwise agreed in writing by the planning authority.

Reason: in the interests of visual amenity and so that the planning authority have an accurate record of what is to be constructed on the site.

### **Ministry of Defence requirements**

- 5.a) Prior to the commencement of the development the developer shall notify the Ministry of Defence of the following details:
- i. The date of the commencement of the development and the date by which the developer expects all the turbines to have been erected;
  - ii. The latitude and longitude of each turbine; and
  - iii. The maximum height of construction equipment.
- b) On completion of the construction phase of the development, the developer shall notify the Ministry of Defence of the following details:
- i. The final latitude and longitude of each turbine; and
  - ii. Details of the installed aviation lighting (see condition 7 below).
- c) The development shall be implemented in accordance with the approved details unless otherwise agreed in writing with the planning authority and the Ministry of Defence.
- d) When the notifications required as per a) and b) above are sent to the Ministry of Defence copies shall be sent at the same time to the planning authority.

Reason: in the interests of aviation safety.

- 6.a) Prior to the commencement of the development the developer shall submit details of aviation lighting for the turbines to the planning authority for approval, in consultation with the Ministry of Defence.
- b) The submitted details shall be either 25 candella omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration and shall be fitted to the turbines at the highest practicable point, unless otherwise agreed in writing by the planning authority, in consultation with the Ministry of Defence.
- c) The approved lighting shall be maintained to ensure it remains operational on the turbines for the lifetime of the development, unless otherwise agreed in writing with the planning authority, in consultation with the Ministry of Defence

Reason: in the interests of aviation safety.



- 7.a) Prior to the commissioning of the development a television and radio reception mitigation plan shall be submitted to and approved by the planning authority. The plan shall include the results of a baseline television and radio reception survey recording the current standard of television and radio reception in the area and shall assess the impairment (if any) of such television and radio reception that is likely to arise from construction or operation of the turbines.
- b) On being notified of a claim that the development is causing television picture loss or other interference with television or radio reception at a house, office, shop or other building existing at the date of the grant of the planning permission the wind farm operator shall immediately commission an investigation by and report from an independent qualified engineer. Within one month of being notified of a claim in terms of this part of this condition the wind farm operator shall submit to the planning authority a copy of the ensuing engineer's report.
- c) Should any impairment of the television or radio reception be attributable to and caused solely by the wind farm the wind farm operator shall, within two months of being notified of a claim in terms of part (b) of this condition, remedy such impairment so that the standard of reception at the house, office, shop or other building existing at the date of the grant of the planning permission is restored to the standard identified in the baseline television and radio reception survey.
- d) This condition applies only to claims made within 12 months of the commissioning of the development.

Reason: to protect residential amenity.

- 8 No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development on residential properties existing at the date of the grant of planning permission, including remedial measures, has been submitted to and approved in writing by the planning authority. Operation of the turbines shall take place in accordance with the approved protocol.

Reason: to protect residential amenity.

- 9 No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the planning authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the planning authority in agreement with Perth & Kinross Heritage Trust.

Reason: to safeguard any archaeological interest of the site.

- 10.a) No part of the development hereby authorised shall be commenced until a decommissioning, restoration and aftercare scheme (the scheme) for the site has been submitted by the developer and approved by the planning authority.
- b) The scheme must include the following, at least in principle:
- i. Provision for removal of all above-ground elements of the development, including wind turbines, foundation and crane pads, to 1 metre below ground level, and all buildings and ancillary development, apart from the access tracks;
  - ii. Particulars of subsoil, topsoil and peat replacement and re-seeding, as appropriate, with details of depths of replaced materials and finished ground levels to return the site to as near as reasonably possible to its original condition;
  - iii. Such other measures as are necessary to return the site as nearly as reasonably possible to its original condition, including any necessary aftercare to ensure the restoration works are established;
  - iv. A programme showing the dates each part of the scheme is intended to be implemented; and
  - v. Details of all seed mixes proposed to be used for re-instatement of surface vegetation. The seed mixes shall be sourced locally.
- c) If restoration does not commence within 10 years of the agreement of this scheme then the planning authority may request the preparation of a revised scheme for approval by the planning authority prior to restoration commencing.
- d) Two years before the site is due to be restored, the full details of the scheme, which shall accord with the principles earlier approved unless otherwise agreed, shall be submitted for the approval of the planning authority in consultation with such other parties as the planning authority deems appropriate.
- e) Thereafter the site shall be restored in accordance with the approved scheme.
- f) Within one month of completion of the approved scheme the planning authority shall be notified in writing that decommissioning and restoration are complete.

Reason: in the interests of visual amenity and nature conservation and in case restoration has to be carried out prior to the expiry of the 25 year consent period.

- 11.a) The development shall not begin until the following details have been submitted to and approved by the planning authority and documentary evidence has been provided that the bond or other financial instrument is in place:
- i: details of a bond or other financial instrument which will ensure that funds sufficient to meet the cost of implementing the decommissioning and restoration scheme that is to be approved in terms of condition 2 are available to the developer or the council as planning authority at all times prior to completion of decommissioning and site restoration; and
  - ii: confirmation by an independent chartered surveyor (whose appointment

for this task has been approved by the planning authority) that the amount of the bond or financial instrument is sufficient to meet the cost of all decommissioning and site restoration.

- b) The approved bond or financial instrument shall be maintained throughout the duration of this permission. At the end of fifteen years from the commencement of the development and each five years thereafter from the commencement of the development an independent review of the approved bond or financial instrument shall be carried out and submitted to the planning authority. The planning authority may direct that the approved bond or financial instrument be amended in accordance with conclusions of the independent review, if this is necessary to ensure that funds remain sufficient for decommissioning and site restoration.

Reason: to ensure that at all times there are sufficient funds available to ensure decommissioning and site restoration.

12.a) In the event of the wind farm not exporting electricity on a commercial basis to the public electricity grid network for a continuous period of twelve months from 50% or more of the turbines installed and commissioned at that time, the planning authority may direct that the wind farm operator submit to it within a period of three months for its approval an interim decommissioning and restoration scheme for the for non-supplying part of the development. The scheme shall include a programme for its implementation.

- b) Before giving any direction in terms of this condition the planning authority shall consult the wind farm operator and shall have due regard to the circumstances surrounding the failure to supply electricity.
- c) The interim decommissioning and restoration scheme approved in terms of this condition shall be carried out in accordance with its programme for implementation.
- d) This condition shall take effect following the final commissioning of the development (see Note ii attached to condition 3 above).

Reason: to ensure the turbines are removed from the site at the end of their operational life to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

13 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

Reason: in the interests of visual amenity

- 14 No electricity or control cable shall be installed above ground within the site. Cables shall be laid underground alongside the approved tracks unless otherwise agreed in writing by the planning authority.

Reason: to minimise visual impacts and disruption to habitats.

- 15.a) Prior to the commencement of the development, precise details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any proposed borrow pits and associated areas for rock crushing shall be submitted to, and approved in writing by, the planning authority.
- b) Any borrow pit approved under this condition shall be exploited to serve the development only.
- c) Unless otherwise approved by the planning authority, rock crushing activities shall be confined to the approved borrow pits and immediately adjacent areas.

Reason: in the interest of proper site management and visual and residential amenity.

- 16 Prior to the commencement of development a Construction and Environmental Management Plan will be submitted to and be approved in writing by the planning authority, in consultation with SEPA and SNH, at least one month prior to the commencement of development. The Construction and Environmental Management Plan will identify from the environmental statement appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom. It will incorporate:

- a construction method statement;
- a site waste management plan;
- a pollution prevention plan;
- ecology protection measures, if any; and
- a water management plan

And include:

- a) track construction details;
- b) a peat and soil stripping management plan including the mineral and slope stability of the site and outlining the storage and proposed use and replacement of peat, topsoil and subsoil. The scheme shall have regard to the drainage implications of soil movement and storage;
- c) details of the height and location of all stockpiles of road stone;
- d) oil spill contingencies and foul drainage arrangements;
- e) details of all concrete batching and handling facilities;
- f) a dust and mud management plan which incorporates wheel washing facilities shall be provided at the exits from the site, with all soiled vehicles leaving the site being required to use these facilities before using public roads;
- g) details of any water abstraction;

- h) a detailed survey which identifies any spring, borehole or other private water supply potentially affected by the development. The private water action plan must include details regarding all water monitoring and reporting, pollution incident reporting and mitigation measures to address a temporary or permanent material change in either the quality or quantity of an existing private water supply;
- i) a surface and groundwater management plan which must include specific details regarding the monitoring of any watercourses, springs or boreholes affected by the development prior to and during the construction phase, details of drainage from all access tracks, construction areas, laydown areas, turbine pads, crane pads and borrow pits at all stages of their formation and use including means of protecting groundwater, diverting surface water runoff and allowing for recharging of peat areas, details of pollution prevention and control measures and foul drainage arrangements, details of any necessary mitigation measures and maintenance of the quantity and quality of water supplied from any spring or borehole which serves residential property or farm in the area around the development site;
- j) details of bird surveys to be carried out before the commencement of development;
- k) the procedures for access for wind farm staff for turbine, track and other infrastructure maintenance and operational requirements, during the bird breeding season and in proximity to potential nesting sites for breeding birds. The operational protocol must also address interpretation and visitor management to encourage responsible public access during the bird breeding season. The approved protocol must be implemented in full to the satisfaction of the planning authority;
- l) measures for the protection of or beneficial to European and other protected species, formation of any required protected species protection plans and implementation measures for any such plans;
- m) restoration of habitat and the provision of foraging areas;
- n) construction of artificial otter holts and methods of construction to prevent harm to otters;
- o) monitoring of habitats and a programme for implementation; and
- p) landscaping details in relation to borrow pits, road verges, turbine bases and temporary site compounds.

All work shall be carried out in accordance with the approved Construction Environmental Management Plan and all mitigation measures proposed within the environmental statement shall be undertaken within the approved timescales, unless as otherwise agreed in writing with the planning authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 17.a) Unless otherwise agreed in writing by the Local Planning Authority, within a minimum of two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECOW) for the site, by the wind farm operator and at the operator's expense. This appointment shall be subject to the prior written approval of the planning authority.

- b) The ECoW shall oversee, on behalf of the planning authority, in consultation with SNH, the implementation of all ecology related planning conditions throughout the construction of the wind farm. The ECoW shall undertake a watching brief throughout the construction of all roads, cable tracks compounds, turbine bases and hard standings.
- c) The scope of works for the ECoW shall include the following:
  - i. Monitoring compliance with the mitigation works related to the development.
  - ii. Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
  - iii. Advising on the acceptability of micro-siting any turbines and development infrastructure tracks.
- d) If any protected species are found on site, the ECoW will ensure that work is suspended at that location and that a protected species protection plan is implemented. The ECoW shall inform the planning authority of the precise details of the suspension, reasons and measures to mitigate.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 18.a) Prior to the commencing of any blasting on site, precise details of the methods to minimise air overpressure and ground vibration as a result of blasting operations shall be submitted to the planning authority. No blasting shall be carried out within the site until such time as the details have been approved in writing by the planning authority. The approved details shall be implemented in full, to the satisfaction of the planning authority.
- b) The frequency of blasting shall be limited to a maximum of two blasting periods per week. No blasting shall be carried out on the site outwith the blasting periods of 10:00 am to noon and 2:00 pm to 4:00 pm on Mondays to Fridays and 10:00 am to noon on Saturdays. There shall be no blasting or drilling operations on Sundays, Bank Holidays or national holidays (the dates of which shall be agreed with the planning authority before the start of development on site). The aforementioned shall not apply in cases of emergency if it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified in writing immediately of any such event.

Reason: to protect residential amenity and the amenity of this area generally.

- 19 Any lighting rigs associated with the development shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason: to protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.

20 Prior to the commencement of construction the developer shall agree with Perth & Kinross Council the following details:

- a) the access routes to be used by construction traffic. These routes shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the council prior to the commencement of works on site and thereafter where deemed necessary over the duration of the contract.
- b) a traffic management scheme for abnormal loads in accordance with the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types) (General) Order 2003 and the Council's procedure for Abnormal Loads Routing.

All works shall be carried out to the standard and specification required by the council and the traffic management scheme shall be implemented as approved during the construction period.

Reason: in the interests of road safety and to ensure free traffic flow.

21 Prior to the commencement of construction the applicant shall enter into a maintenance agreement in respect of the agreed haul routes. The required maintenance shall be carried out in accordance with the agreement at the end of the construction period.

Reason: in the interests of road safety and to ensure free traffic flow.

22 Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority a construction traffic management scheme which shall include the following details:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the council regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles is not impeded;

- k) co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements; and
- o) arrangements for dealing with non-compliance.

The approved construction traffic management scheme must be implemented in full during the course of the construction phase of the development and also the removal and restoration periods. At the reasonable request of the planning authority, the developer shall amend the approved construction traffic management scheme to ensure its continued effectiveness.

Reason: in the interests of road safety.

- 23 The clearance of snow from access tracks within the site shall be by mechanical means only. For the avoidance of doubt, the use of salt or any other chemical is strictly prohibited.

Reason: in order to ensure the environmental interests of the site are not compromised.

- 24 The access tracks shall be constructed in the positions indicated in drawing number 09016-PL-03 Rev A – Site Layout, save for the ability to vary the indicated position by up to 10 metres of the approved track under the supervision of the ECOW appointed under condition 18 above. Variation of between 10 metres and 50 metres in the position of any track shall only be permitted with the prior written approval of the planning authority.

Reason: to allow limited flexibility in siting access tracks in the interests of nature conservation/ecology and to minimise landscape impacts.

- 25 Construction works within the site which is audible from the boundary of any noise sensitive dwelling shall only take place between 7:00 am and 7:00 pm on Mondays to Fridays inclusive, and between 7:00 am and 1:00 pm on Saturdays. There shall be no such activity at any time on Sundays or on local or national public holidays (the dates of which shall be agreed with the planning authority before the start of development on site). Outwith the hours specified, development within the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment; and construction work that is not audible from the boundary of any noise sensitive dwelling. Receipt by track of any materials or equipment to the site for the construction of the development shall not take place outwith the hours specified, unless otherwise approved by the planning authority having been given a minimum of two working days notice of the occurrence of the proposed event.



Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally.

- 26 The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out for those properties identified in the Tables 1 & 2 attached to these conditions.

At Craighead only, the rating level of noise immissions from the combined effects of the wind turbines hereby permitted, operating in conjunction with the consented and operational turbines of the Drumderg Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes shall not exceed the values for the relevant integer wind speed set out in Tables 3 and 4 attached to these conditions.

Following complaint, in the event that the level of noise emissions (including the application of any tonal penalty) exceeds the values in Tables 3 and 4, the operator of Tullymurdoch Wind Farm shall undertake appropriate mitigation to reduce turbine noise emissions such that the limits in Tables 3 and 4 are met, or such that noise from the turbines hereby permitted (including the application of any tonal penalty) meets the levels set out in Tables 5 and 6.

Prior to the first export date, the wind farm operator shall submit to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

- (A) Within 21 days from receipt of a written request of the planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the planning authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the planning authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the planning authority made under this paragraph (A), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the planning authority in the format set out in Guidance Note 1(E).

- (B) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the planning authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.
- (C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning authority pursuant to paragraph (B) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.
- (D) Prior to the commencement of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (E) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
  - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the planning authority under paragraph (A), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

- (E) The wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (A) of this condition unless the time limit is extended in writing by the planning authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise missions.
- (F) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.
- (G) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

**Note i:** For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Reason: to protect the amenity of local residents.

**Table 1 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 40 | 43 | 46 | 48 | 50 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 41 | 46 | 50 | 54 | 58 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 38                                                                                                   | 38 | 38 | 38 | 38 | 38 | 38 | 39 | 42 | 46 | 48 | 50 |

**Table 2 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing grid<br>co-ordinates)         | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                 | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                 | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Nether<br/>Drumhead<br/>Cottage<br/>(321864,<br/>755021)</b> | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Nether<br/>Drumhead<br/>Farm<br/>(321688,<br/>755012)</b>    | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Over<br/>Drumhead<br/>(321812,<br/>755302)</b>               | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 49 |
| <b>Tullymurdoch<br/>(319857,<br/>752520)</b>                    | 45                                                                                                   | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| <b>Derryhill<br/>(321727,<br/>754168)</b>                       | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 44 | 49 | 53 | 57 |
| <b>Cottertown<br/>(322761,<br/>754401)</b>                      | 42                                                                                                   | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 43 | 46 | 49 |

**Note iv (to Tables 1 and 2):** the limits set in condition 27 for the property known as Derryhill shall only apply for the purposes of this condition in the event that the property is lawfully occupied as a dwelling and at all other times there shall be no noise limits applying to this property, which shall not be regarded as a noise sensitive property.

**Table 3 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 40                                                                                                   | 40 | 40 | 40 | 40 | 40 | 40 | 43 | 43 | 43 | 43 | 43 |

**Table 4 - Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 43                                                                                                   | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 |

**Table 5 - Between 07:00 and 23:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates) | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                                | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                                | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                      | 30                                                                                                   | 30 | 30 | 30 | 30 | 30 | 30 | 33 | 33 | 33 | 33 | 33 |

**Table 6- Between 23:00 and 07:00 - Noise level dB LA<sub>90</sub>, 10-minute**

| Location<br>(easting,<br>northing<br>grid<br>co-<br>ordinates | Standardised wind speed at 10 metres height (m/s) within the site<br>averaged over 10-minute periods |    |    |    |    |    |    |    |    |    |    |    |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|
|                                                               | 1                                                                                                    | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 |
|                                                               | LA <sub>90</sub> Decibel Levels                                                                      |    |    |    |    |    |    |    |    |    |    |    |
| <b>Craighead<br/>(319660,<br/>754070)</b>                     | 33                                                                                                   | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |

Guidance Notes for Noise Condition 27

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

**Note 1**

- (a) Values of the LA<sub>90,10-minute</sub> noise statistic should be measured at the complainant’s property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting IEC 60945:2003 “Electroacoustics – sound calibrators” Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- (b) The sound level meter shall be located in a free field location outside the complainants dwelling, in accordance with recommendations in the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Farm Noise (IOA May 2013). In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location
- (c) The  $LA_{90,10\text{-minute}}$  measurements should be synchronised with measurements of the 10- minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in metres from north and rainfall data in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. The mean hub height wind speed shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- (e) Data provided to the planning authority in accordance with paragraphs (E) (F) and (G) of the noise condition shall be provided in in electronic format as comma separated values, or in the case of aAudio recordings as 16bit WAV files.
- (f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

## **Note 2**

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

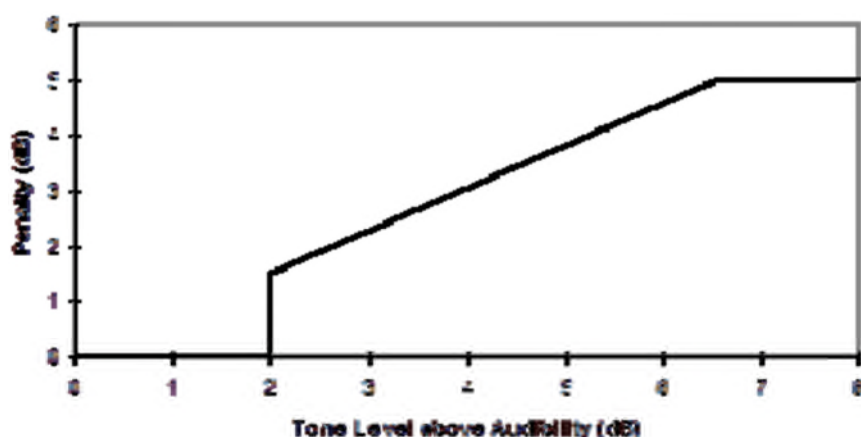


- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the planning authority under paragraph (D) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).

Values of the LA<sub>90,10-minute</sub> noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

### **Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (D) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA<sub>90,10-minute</sub> data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R- 97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



#### Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (D) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (B) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
  - i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (D) of this condition.

- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then the development fails to comply with the conditions.

## **B JUSTIFICATION**

The proposal is considered to comply with the over-riding thrust of the Development Plan and there are no material reasons which justify departing from the development plan.

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

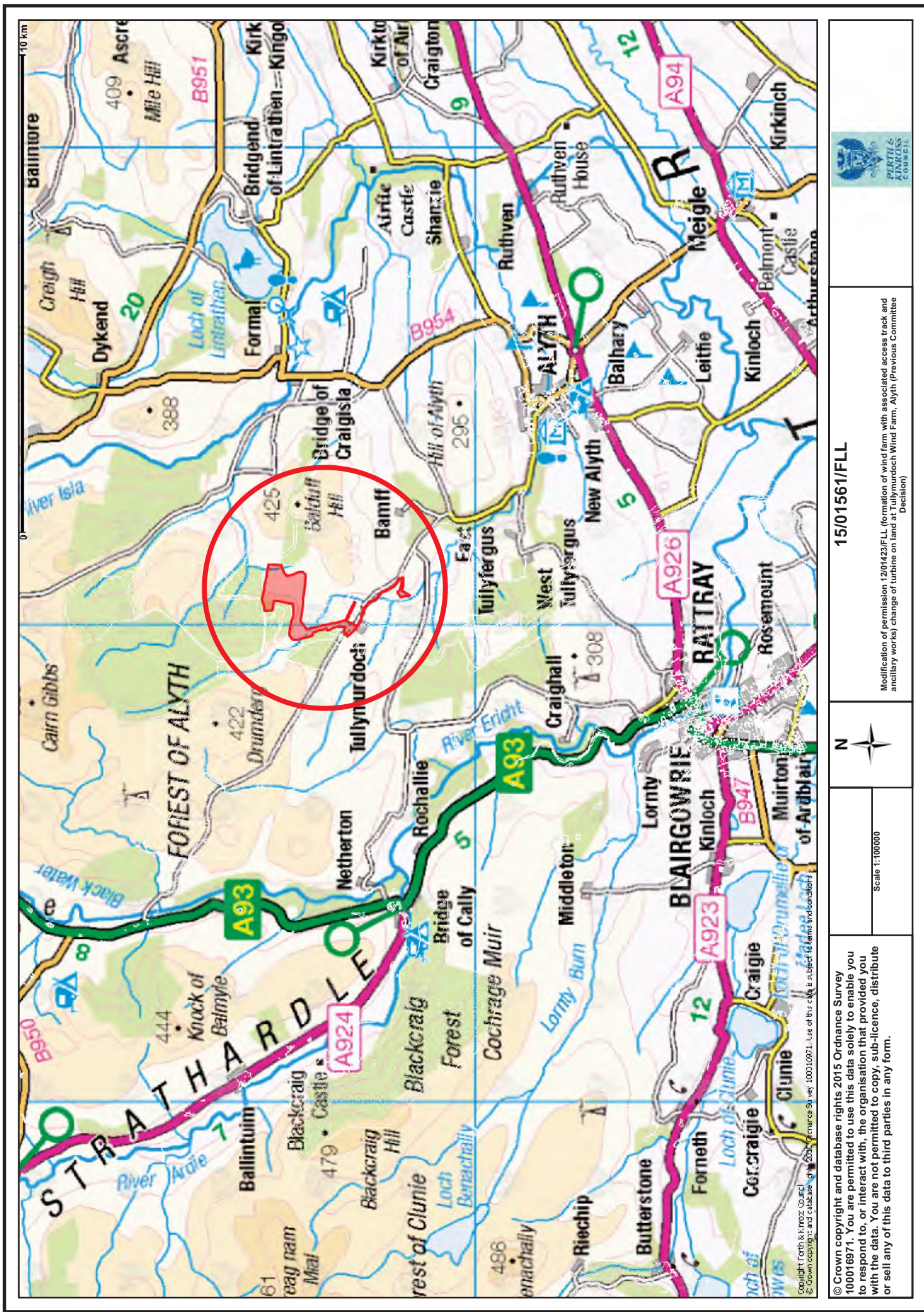
Background Papers: 11  
Contact Officer: John Russell – Ext 75346  
Date: 30 October 2015

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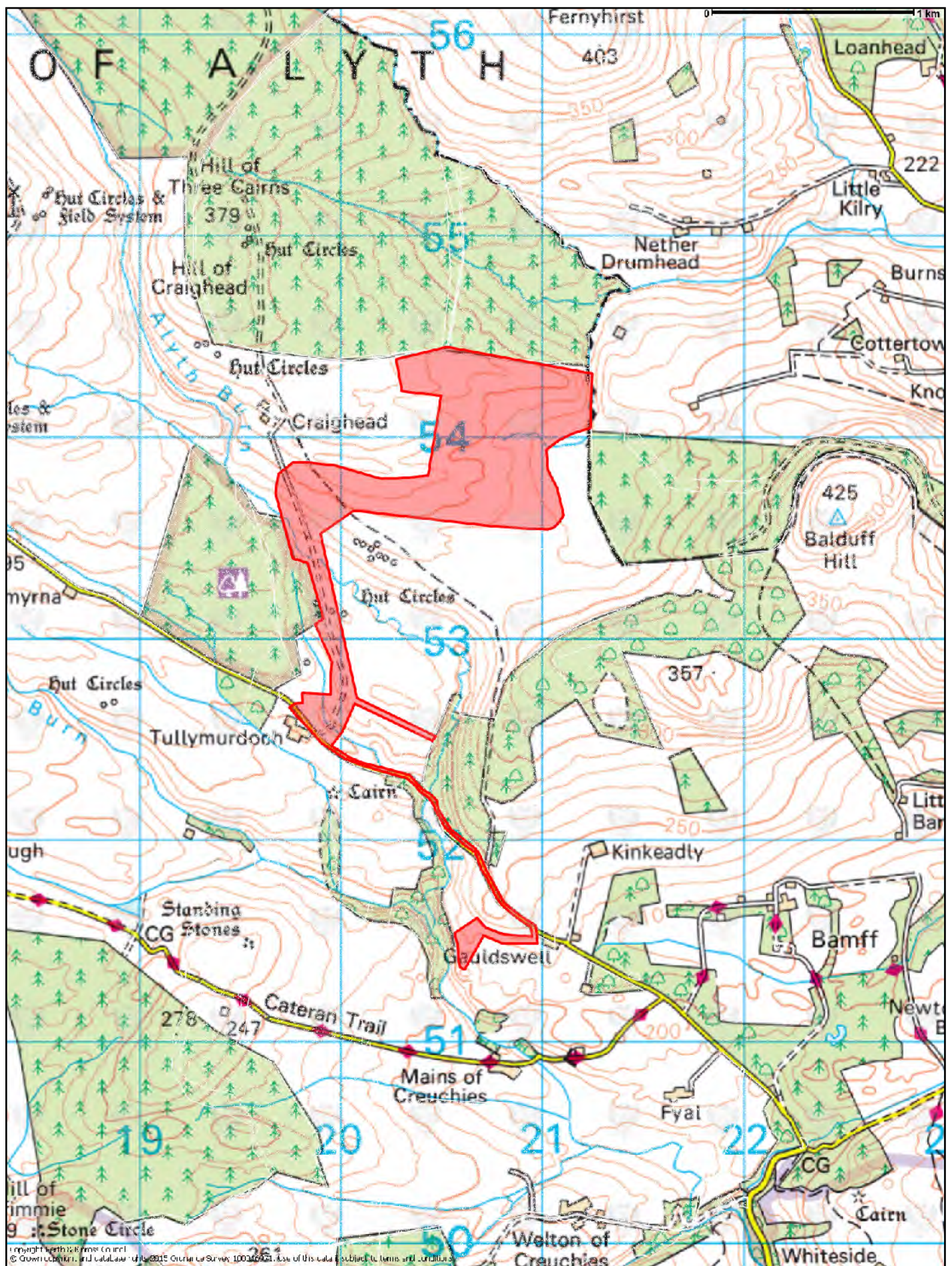
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Scale 1:25000

15/01561/FLL

Modification of permission 12/01423/FLL (formation of wind farm with associated access track and ancillary works)  
change of turbine on land at Tullymurdoch Wind Farm, Alyth  
(Previous Committee Decision)





**Document 5 – Letter requesting discharge of turbine details  
dated 17 October 2017**







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

17<sup>th</sup> October 2017

Our Reference: 2132/SD

Your Reference: 12/01423/FLL

Dear Mr Russell,

**Discharge of Planning Condition 5, Above Ground Elements, in relation to Tullymurdoch Wind Farm**

Arcus Consultancy Services (Arcus) has been commissioned by Temporis Capital, owners of Tullymurdoch Ltd, to submit a formal request to discharge condition 5 of the original Tullymurdoch Wind Farm consent (planning reference: 12/01423/FLL) on the basis of the Senvion MM92 turbine, the erection of which has already been approved pursuant to Modification consent reference: 15/01561/FLL. At the point of making this application, works have not proceeded to the point of placing any reliance on the specific turbine detail already approved under Condition 5.

Perth & Kinross Council had previously declined to discharge the wind turbine element of condition 5 of planning consent: 12/01423/FLL, stating that the dimensions of the MM92 were outwith the Rochdale Envelope of the Environmental Statement (ES) submitted to inform planning consent: 12/01423/FLL and, as such, the environmental effects of the candidate turbine had not been assessed.

Since this decision was taken by Perth & Kinross Council, a detailed and robust review of a candidate turbine with the dimensions of the Senvion MM92 turbine has been considered as part of the determination process for the Modification consent: 15/01561/FLL. The validity of this assessment has withstood rigorous challenge, and forms an addendum to the 2012 ES, thus ensuring a complete and full EIA has been undertaken for the Senvion MM92.

As a result of the Senvion MM92 being subjected to a full EIA and associated consultation, there is no justification preventing Perth & Kinross Council from approving the Senvion MM92 under the terms of planning consent: 12/01423/FLL.

Please find attached the MM92 turbine elevations previously approved by Perth & Kinross Council under condition 4 of the Modification consent: 15/01561/FLL.

We formally request that these elevations be approved under condition 5 of planning consent: 12/01423/FLL.

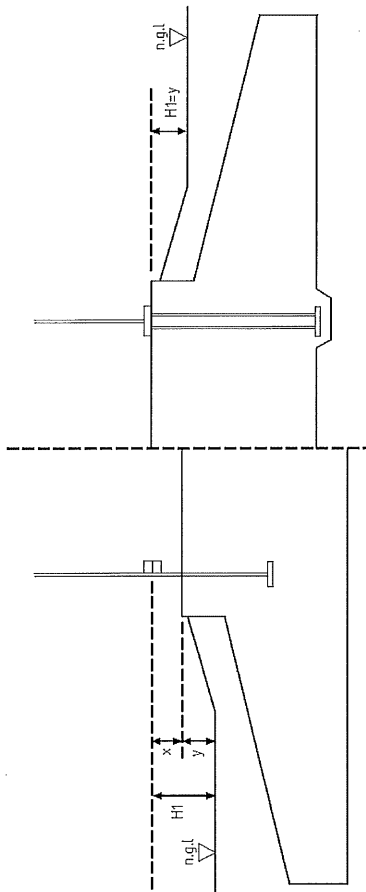
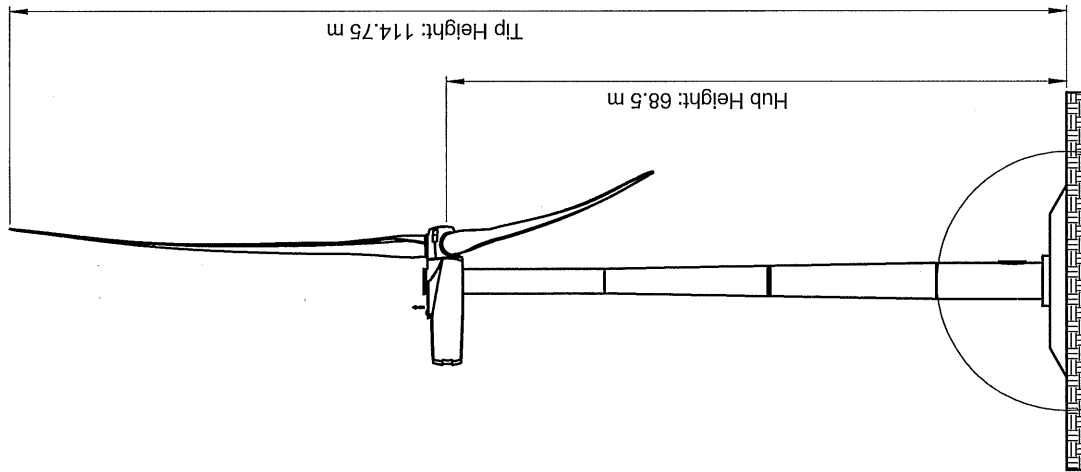
Yours sincerely,



Stuart Davidson  
Principal Environmental Consultant

**Enclosed:** MM92 Specification Drawing

Original document 7000203 without  
any dimensional data.  
All values are added afterwards,  
based on the specific WEA project.



Foundation with embedded  
steel can

Foundation with anchor  
cage

Project name: Tullymurdoch

Turbine: MM92

Hub Height above natural ground level: 68.5 m

Tip Height above natural ground level: 114.75 m

H1 (Height of upper flange of embedded steel can / anchor cage above natural ground level) = 0.5 m

\* (refer to Specification for Foundation Design T-2.9-RT.00.34-A-A)

x (Distance between flange of embedded steel can and top of foundation) = 0.5 m

\* (refer to embedded steel can drawing number Z-2.9-RT.00.53-A-B)

y (Height of edge of foundation above natural ground) = 0 m

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Fax: No. +49-40-5555003999  
www.senvision.com

Werkstoff / Material:

Benennung / Title

Hub Height and Tip Height Summary

Gewicht / Weight:

Unterbenennung / subtitle  
WEA Senvision  
Project Specific Document  
Zeichnungsnummer / Drawing Number  
7000203  
TU / Typ  
RL2  
Version / Revision  
1/1

Werkcode  
Template Proj0 Techs  
A3  
(Ers. / repl.)

Angegebene Spezifikation ist  
zwingend zu beachten!  
Indicated Specification has to  
be strictly observed!

EDP NO. V2 Hub Height and Tip Height Summary

Plot:

5 6 7 8

4

3

2

1

GE-ADPCE-0.01-VC-DINA3



**Document 6 – Email refusing discharge of turbine details dated 19 October 2017**



From: John Russell

Sent: 19 October 2017 09:43

To: 'Stuart Davidson'

Cc: Matthew Ridley; Geoff Fogg; Jamie Scott - TES

Subject: RE: 12/01423/FLL - Discharge of Condition 5

Dear Mr Davidson,

RE: Discharge of Planning Condition 5, Above Ground Elements, in relation to Tullymurdoch Windfarm.

I have reviewed your correspondence dated the 17 October 2017 regarding the above matter.

As you are aware the Planning Authority previously came to the settled view that the Senvion MM92 could not be accepted under condition 5 of application 12/01423/FLL. Hence the submission of application 15/01561/FLL. I have again reviewed this matter based on your correspondence and discussed the matter further with Legal Services. I can advise the Planning Authority's view remains unchanged, the Senvion MM92 Turbine cannot be accepted under condition 5 of application 12/01423/FLL.

I trust this fully clarifies the Planning Authority's position on this matter.

Kind Regards,

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

The Environment Service

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

[REDACTED]

[REDACTED]  
[www.pkc.gov.uk](http://www.pkc.gov.uk)

Follow us

From: Stuart Davidson [mailto:s[REDACTED]]

Sent: 17 October 2017 18:05

To: John Russell

Cc: Matthew Ridley

Subject: 12/01423/FLL - Discharge of Condition 5

Good afternoon John,

Further to discussions between Temporis and Perth & Kinross Council, please see the attached letter and attachment marked for your attention regarding condition 5 of application: 12/01423/FLL. I would be grateful if you could please confirm receipt?

Regards,

Stuart

Stuart Davidson

Principal Environmental Consultant

[REDACTED]  
[REDACTED]  
[REDACTED]



Arcus Consultancy Services Ltd

7th Floor

145 St Vincent Street

Glasgow

G2 5JF

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



## **Document 7 – 2012 Environmental Statement Extracts (emphasis added)**

### **Tullymurdoch Wind Farm July 2012 Environmental Statement – Volume 1 - Text**

#### **1 Introduction**

##### **1.1 Overview of the Proposed Development**

- 1 This Environmental Statement ("ES") has been prepared on behalf of RDS Element Power Ltd. ("RDS Element Power") to accompany a planning application for a wind farm to be known as the Tullymurdoch Wind Farm ("the Development"). The application is being made to Perth and Kinross Council ("PKC") under the Town and Country Planning (Scotland) Act 1997 (as amended by The Planning etc. (Scotland) Act 2006).
- 2 The location of the proposed Development is shown in Figure 1.1, Site Location Plan. The Site, defined by the Planning Application Boundary (Figure 1.2, Planning Application Boundary), is located approximately 6km to the north west of the town of Alyth, Perth and Kinross, and 2km to the east of the existing Drumderg wind farm.
- 3 The proposed Development will comprise 7 wind turbines with associated infrastructure. **The wind turbines will have an indicative** hub height of 80m, an 80m rotor diameter, with a maximum height to tip of 120m. Associated infrastructure will consist of turbine foundations and crane hardstandings, access tracks (new or upgraded), a control building with substation and underground power cables, a temporary works compound and lay down area, a borrow pit, as well as an anemometer mast to monitor wind speeds.
- 4 The site layout, including infrastructure is shown in Figure 1.3, Site Layout Plan.
- 5 **Depending on the final turbine selected**, each turbine will have a generating capacity of between 2 MegaWatts (MW) and 2.5 MW, with an overall installed capacity for the proposed Development of approximately 14 to 17.5 MegaWatts (MW). This would be enough to provide energy for between 7,440 and 9,300 homes<sup>1</sup>, equivalent to powering 37 to 47 % of the households in Perth<sup>2</sup>.
- 6 **The final capacity of the proposed Development will however depend on the manufacturer and the final model of the wind turbines selected, which will also determine the precise dimensions of the turbine tower and blades (up to a maximum height of 120m).**
- 7 The proposed Development will require a connection to the local electricity distribution network to allow power produced by the turbines to be exported from the site. The grid connection is not part of this application, and effects arising from this connection are not considered as part of this application. The Distribution Network Operator (DNO) will be responsible for submitting any planning application required for this work under Section 37 of the Electricity Act 1989.
- 8 Planning permission for the proposed Development is being sought for an operational period of 25 years. Construction will take place over a period of approximately ten months. At the end of the operational life of the wind farm, the wind turbines will be decommissioned and removed, and the site fully reinstated as agreed with the planning authority.

#### **3 Project Description**

##### **3.3 General Project Description**

Components of the proposed Development

- 1 The proposed Development will comprise of the following principal elements which are shown on Figure 1.3, Site Layout Plan, in Chapter 1 of this ES:

- 7 wind turbines with a maximum rated capacity of up to 2.5 MW, and **a maximum tip height of 120m**. Each turbine requires the following associated infrastructure: a transformer (which is either located within the turbine tower, or is external, depending on the final turbine selected);
- foundations; and a crane hardstanding area.
- Meteorological mast;
- New access tracks, upgraded track and upgraded site access;
- Control building and substation;
- Underground cables;
- Borrow Pit; and
- Temporary construction compound.

### 3.6 Wind Turbines and Associated Infrastructure

#### Wind Turbines

- 1 The proposed Development will comprise of seven, three bladed horizontal – axis wind turbines with a maximum height to blade tip of up to 120m. An indicative turbine used for the assessment purposes is shown in Figure 3.2, Typical Wind Turbine. This illustrates a typical design for this height, with hub height of 80m and rotor diameter of 80m. The final choice of the wind turbine will depend on the turbine technology at the time of construction and project economics.
- 2 Table 3.1 details the candidate turbine specifications.

| <b>Table 3.1 <u>Indicative</u> Turbine Specifications</b> |                      |
|-----------------------------------------------------------|----------------------|
| <b>Description</b>                                        | <b>Information</b>   |
| Number of Turbines                                        | 7                    |
| Anticipated turbine rated capacity (MW)                   | 2.0 to 2.5           |
| Number of Blades                                          | 3                    |
| Tower style                                               | Tubular steel        |
| Approximate Hub Height                                    | 80m                  |
| Approximate rotor diameter                                | 80m                  |
| Maximum height to blade tip                               | 120m                 |
| Variable revolutions per minute                           | 6 – 18               |
| Noise curve                                               | Based on Enercon E82 |

## Document 8 – 2015 Written Statement Extracts (emphasis as per original)

### 5 SUMMARY AND CONCLUSION

In summary, this SEI assessment has identified and assessed any key environmental changes as a result of the modification to the turbine dimensions at Tullymurdoch Wind Farm, which reduces the overall tip height from 120 metres (m) to 114.75m, although the rotor diameter increases from 80-82m to 92m, equating to a 5-6m increase in blade length.

**Table 5.1 Summary**  
**Environmental Topic**

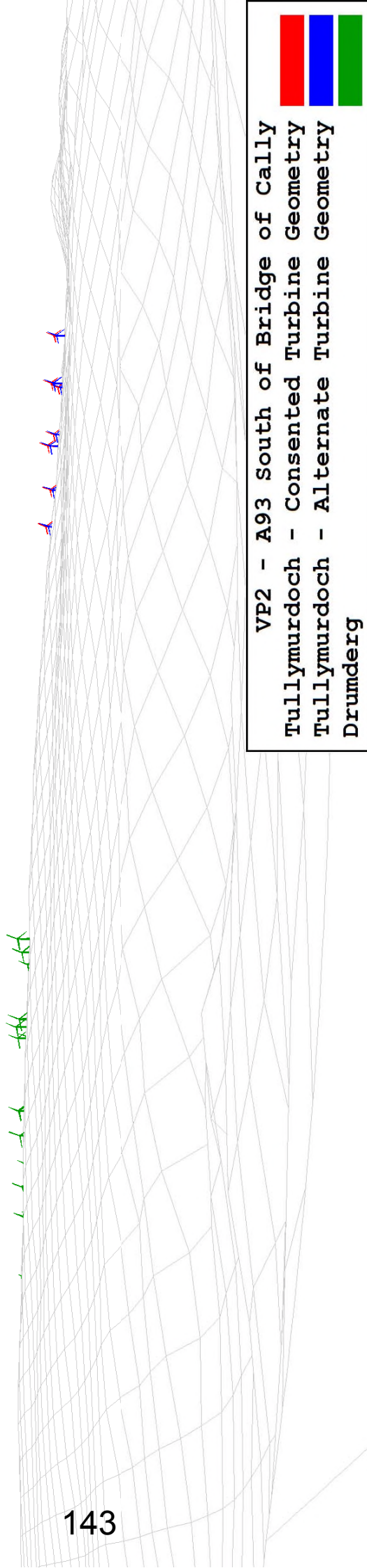
| Environmental Topic                                                                                             | Description of changes between the turbine presented within the ES and the proposed turbine                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape and Visual                                                                                            | No additional effects on landscape fabric, and no increased effects on landscape character, designations or visual receptors. Additionally, no increased cumulative effects. <b>No material change to the findings of the ES.</b>                                                                                                                                         |
| Ornithology                                                                                                     | No change in terms of habitat loss or disturbance/displacement. The collision risk presented within the approved ES is precautionary and remains valid, changes in turbine dimensions will <b>not result in any effects of greater significance.</b>                                                                                                                      |
| Ecology                                                                                                         | <b>No change</b> to footprint of development therefore no change to flora or ground dwelling fauna. Low levels of bat activity recorded at the site mean that the small increase in swept area would not significantly increase risk to bats. <b>There is no increase in significance of impact predicted on bats.</b>                                                    |
| Noise                                                                                                           | The updated noise assessment for the MM92 demonstrates that with suitable mitigation the turbine can comply with the noise limits stipulated within Condition 27 of the consent and would therefore result in <b>no change</b> to the findings of the approved ES.                                                                                                        |
| Cultural Heritage                                                                                               | <b>No change</b> to the direct effects of cultural heritage features, small change in the turbine proportions, this would not change the level of indirect effects on cultural heritage features predicted in the approved ES.                                                                                                                                            |
| Hydrology, Flood Risk, Water Quality, Water Resources, Hydrogeology and Geology<br>Access Transport and Traffic | <b>No change</b>                                                                                                                                                                                                                                                                                                                                                          |
| Land Use Socio Economics, Recreation and Tourism<br>Miscellaneous Issues                                        | No change to the number or type of vehicles accessing the site and therefore <b>no change</b> to the assessment of significance within the approved ES.<br><b>No Change</b><br><br>No change to Existing infrastructure, aviation, air quality and climate, highway safety, public access and safety. Minor change to shadow flicker which remains <b>not significant</b> |

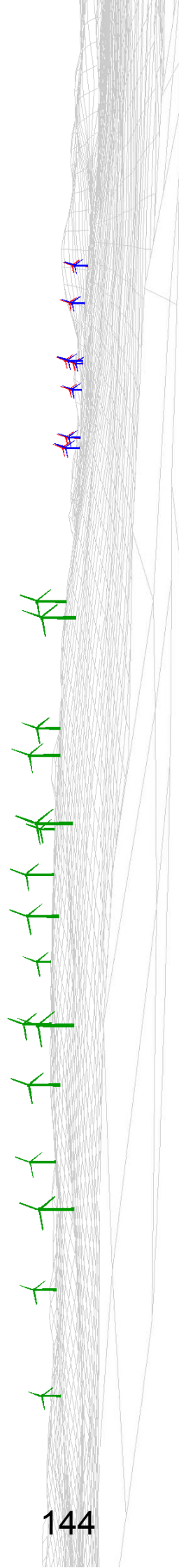


## **Document 9 – Wirelines**






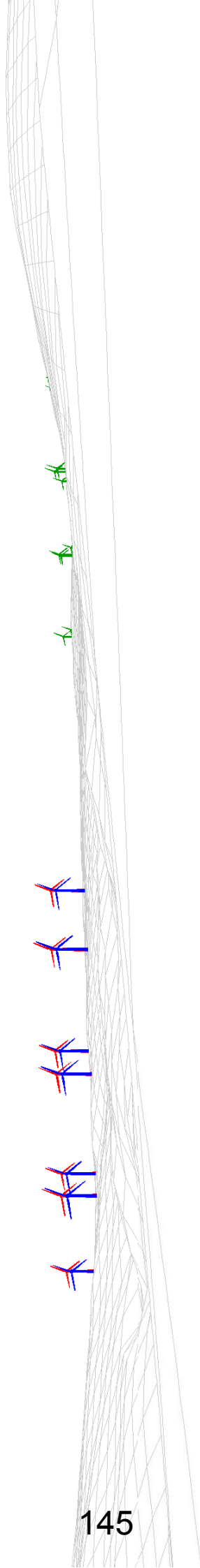




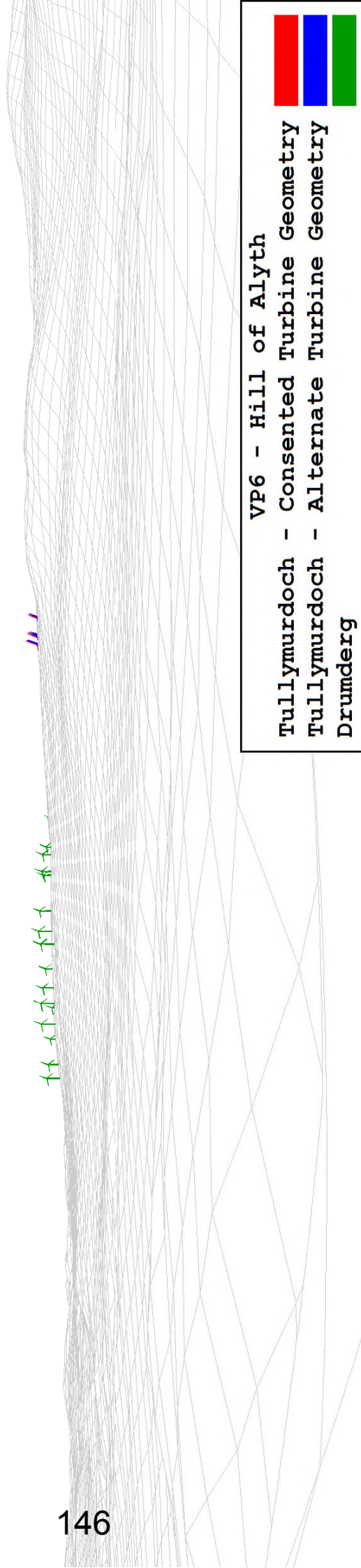


VP3 - Hill of Ashmore

- |                                           |                                                                                    |
|-------------------------------------------|------------------------------------------------------------------------------------|
| Tullymurdoch - Consented Turbine Geometry |  |
| Tullymurdoch - Alternate Turbine Geometry |  |
| Drumderg                                  |  |

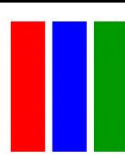


|                                           |  |
|-------------------------------------------|--|
| VP5 - Loanhead of Kilry                   |  |
| Tullymurdoch - Consented Turbine Geometry |  |
| Tullymurdoch - Alternate Turbine Geometry |  |
| Drumderg                                  |  |





|                                           |  |
|-------------------------------------------|--|
| VP18 - South of Burrelton, A94            |  |
| Tullymurdoch - Consented Turbine Geometry |  |
| Tullymurdoch - Alternate Turbine Geometry |  |
| Drumderg                                  |  |





**Document 10 – DPEA reference PPA-170-2098, Airies Wind Farm, Reporter's  
Notice of Intention dated 09 June 2015**





## Appeal: Notice of Intention

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Notice of Intention by Dannie Onn, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-170-2098
- Site address: Airies Farm, Glenluce, Newton Stewart, Dumfries and Galloway, DG8 0PE
- Appeal by Airies Wind Farm Limited against the failure by Dumfries and Galloway Council to issue a decision on an application for planning permission reference 14/P/1/0297 dated 3 June 2014 to carry out the development without compliance with condition 10 imposed in the grant of planning permission 12/P/1/0271 dated 20 August 2013 .
- The development proposed: erection of 14 wind turbines (maximum tip height 126.5 metres) and formation of associated access tracks and hardstandings, erection of 1 permanent wind monitoring mast (height of 80 metres), 1 temporary wind monitoring mast (height of 80 metres), substation and control building, formation of temporary construction compounds and offices, borrow pits and concrete batching plant.
- Date of site visit by Reporter: 19 December 2014

Date of appeal decision: 9 June 2015

### Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 covering the matters listed in paragraph 15 of this notice. The permission would then be for erection of 14 wind turbines and formation of associated access tracks and hardstandings, erection of 1 permanent wind monitoring mast (height of 80 metres), 1 temporary wind monitoring mast (height of 80 metres), substation and control building, formation of temporary construction compounds and offices, borrow pits and concrete batching plant in accordance with application 14/P/1/0297 dated 3 June 2014 without compliance with condition 10 previously imposed but subject to a replacement condition 10 and the other conditions imposed, so far as they are still subsisting and capable of taking effect. A list of those conditions is at the end of this notice with the new condition in bold text. I also attach 4 advisory notices which apply to the new permission created.

### Procedural matters

#### *Validity of the appeal*

1. Effectively, the application is to replace the existing condition, which would allow taller turbines to be used at the permitted wind farm. A height limit has been set by



condition. The developer may apply to carry out the development without the condition and may appeal against the failure of the council to validate that application.

2. In this case, the proposed blade diameter would remain the same, but each hub would be fixed on a tower 10.5 metres taller. The only significant difference would be a change in the height of the turbines to 137 metres (maximum blade tip), amounting to a little more than an eight per cent increase. Either height would be classified as large turbines. The development proposed would remain the same in substance and character, that is 14 wind turbines and ancillary development. It seems to me to be reasonable to seek to alter this specific aspect of the development by applying for planning permission to carry it out without complying with a condition on the previous permission rather than require a fresh application. I therefore proceed to determine the appeal.

3. The council declined to validate and register the application. As required by the appeal regulations<sup>1</sup>, DPEA advertised the appeal in compliance with the development management procedure regulations<sup>2</sup>. I received representations in response to the advertisement and have taken them into account. Applications accepted by the planning authority are publicised on a weekly list. However, neither the development management procedure regulations nor the appeal regulations require this at an appeal against a council's failure to determine an application. The legally required notifications have been properly carried out in this case and no party has been deprived of the opportunity to comment on the proposed change.

#### *Environmental Impact Assessment (EIA)*

4. The proposed development is EIA development and the original application in 2012 was accompanied by an Environmental Statement (ES). In the application under section 42, the appellant submitted a comparative environmental assessment of the proposal to increase the height of the turbines. Its stated purpose is to present the findings of a review and comparative environmental assessment of the proposed change in the scheme with the environmental effects of the scheme presented in the 2012 ES. The assessment predicts no material change in the landscape character or visual effects compared to the 2012 ES. It adds that the findings of the ES would not alter. No other significant changes are identified and the report concludes that no material differences are predicted in the key environmental effects of the proposals to increase the turbine height at Airies Windfarm.

5. The comparative assessment is not intended to be additional environmental information under the EIA regulations<sup>3</sup> and was not therefore publicised in accordance with those regulations. The appellant says that the purpose of the report is to confirm that the findings of the ES remain valid. It seemed to me that any new environmental information which responds to changes in circumstances following an ES would normally meet the definition of additional information under the EIA regulations. I therefore required that the additional information be advertised in accordance with those regulations. Taking the responses into account, I consider that the environmental information before me is sufficient to allow me to give proper consideration to the likely significant effects of the proposed development on the environment.

<sup>1</sup> Regulation 29 of the Town and Country Planning (Appeals) (Scotland) Regulations 2013

<sup>2</sup> Regulations 20 and 25 of the Town and County Planning (Development Management Procedure) (Scotland) Regulations 2013

<sup>3</sup> Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

### *Description of development*

6. I note that the description of the development on the planning permission includes 'maximum tip height 126.5 metres'. However, I do not consider that the height originally applied for need coincide with a height limit set by condition. That said, the height limit was added (and set in parentheses) by the council when granting the permission. I consider that this new permission would be more clearly defined by omitting that rider. In my opinion, no party would be prejudiced by the change I have made in granting permission.

### **Reasoning**

7. The determining issues in this appeal are the landscape and visual impacts of the proposed turbines and consequently whether the condition limiting the height of the proposed turbines remains necessary. By virtue of section 42(2) of the Planning Act, my assessment of this appeal is limited to the conditions subject to which planning permission should be granted.

### *Landscape and visual impacts*

8. The increased height is proposed to make better use of the wind resource at the site. The appellant's comparative assessment report concludes that this could be achieved with no additional significant environmental impacts. In consideration of the initial application, the council found that the proposed development was acceptable, having regard to the development plan and all material considerations.

9. Since the initial application was approved, the development plan has been changed by the adoption of the Dumfries and Galloway Local Development Plan (LDP), which replaces the former structure plan and local plan. Of specific relevance to this appeal are policies IN1 *Renewable Energy* and IN2 *Wind Energy*. Policy IN1 supports renewable energy developments provided they do not individually or in combination have an unacceptable significant adverse impact on landscape and the amenity of the surrounding area (amongst other things). Part 1 of policy IN2 includes that the landscape and visual impacts and cumulative impacts are considerations in assessment of windfarm proposals. It makes specific reference to the guidance within the Dumfries and Galloway Windfarm Landscape Capacity Study, which itself is appended to LDP supplementary guidance – Part 1 Wind Energy Development; Development Management Considerations. That supplementary guidance provides more detail and guidance, particularly in relation to landscape assessment.

10. The turbines as now proposed would appear from most viewpoints to be of a similar scale to those previously permitted on the site. The arrangement would be the same. Within 5km of the turbines there would be hardly anywhere at all where the turbines would be more visible with the proposed increase than without it. Beyond that distance the change would be barely noticeable in the context of the cumulative views – that is, there are few places where the wind farm would become visible in isolation. In most cases, the change in view would be an additional 1-3 turbines only. This change in impact would be of minimal significance in my view.

11. The additional benefit in terms of the increase in renewable energy is a consideration under policy IN1 of the LDP and adds weight to my considerations. In summary then, I

consider that the development as now proposed would comply with policies IN1 and IN2 of the LDP.

*Whether the condition remains necessary*

12. Scottish Government Circular 4/1998 on the use of conditions in planning permissions sets six tests for the validity of conditions. There is no dispute that the condition is relevant to planning, relevant to the development permitted, enforceable, precise and reasonable. The issue here is whether it is necessary.

13. The existing condition 10 seeks exact details of the proposed structures, but also restricts the height to that applied for 'for the avoidance of doubt'. The main purpose of the condition is for the planning authority to be able to manage the appearance of the development when the proposal has been further defined. The condition is necessary to manage the impacts of the turbines, but I do not consider it necessary to restrict the height of the turbines when it is clear that the permission relates to and describes turbines of a specific height. In my view the height limit in the condition is unnecessary in the permission as defined. Indeed it need not have been attached in the first place.

14. However, removing that part of the condition would leave the permission with a turbine height limit of 126.5 metres. To achieve the purpose of the appeal (taller turbines) would require a replacement condition specifying a new height limit. I will therefore impose a new condition as proposed.

*Other matters*

15. The council, the developer and the land owners have signed and registered an agreement under S75 of the Planning Act. It applies where there is a planning permission as set out in a draft attached to the agreement. That draft takes the form of the 2012 planning permission for the site. In this case, my decision creates a new planning permission which would not be in the exact form of the permission in the agreement. I therefore adopt the alternative approach proposed by the appellant, which is to issue this intentions notice. The changes should not involve lengthy negotiations. I will accordingly defer determination of this appeal to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of 12 weeks from the date of this notice, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without the planning obligation.

*Dannie Onn*

Reporter

## Conditions

1. The development hereby granted planning permission shall be implemented in full and strict accordance with the approved plans and the details included within the Environmental Statement unless otherwise agreed in writing by the planning authority or unless otherwise required by conditions attached to this permission.
2. This planning permission shall expire 25 years from the date on which electricity is first generated from the development (the date of commissioning). Thereafter, the wind farm shall be decommissioned unless a further application for planning permission is timeously submitted and approved. The site shall be reinstated within a period of 6 months following decommissioning in accordance with the restoration scheme approved under Condition 5 below.
3. The date of commissioning shall be notified in writing to the Council as Local Planning Authority.
4. No development in respect of this planning permission shall take place unless an Indicative Decommissioning Method Statement for the decommissioning and reinstatement of the road and track edges, the area of temporary construction compound, crane hardstanding areas, areas of trenching, areas around turbine and anemometer mast bases, and other areas that may be disturbed as a result of the construction process, has been submitted to and approved in writing by the Council as planning authority. The scheme shall include the removal of the above-ground elements of the development, the treatment of ground surfaces, the management and timing of the works, environmental management provisions, and traffic management plan to address any traffic impact issues during decommissioning. Not later than 18 months before the end of the permission, any additional details of the Decommissioning Method Statement reserved under the initial approval, or adjustments to those initially approved, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Decommissioning Method Statement shall be implemented as finally approved.
5. No development in respect of this planning permission shall take place unless a scheme for the reinstatement of the borrow pits and associated tracks, together with a detailed method statement for the re-vegetation of the sides and bases of the borrow pits and their associated tracks, have been submitted to and approved in writing by the Council as planning authority. The scheme shall incorporate an accurate scaled plan of the site and shall include a specification of all land reinstatement including any form of planting. The final levels of reinstated borrow pit tracks must match adjacent levels. Thereafter, the agreed reinstatement scheme shall be implemented at the appropriate time to the satisfaction of the Council as planning authority.
6. Should any wind turbine fails to produce an electricity supply to a local grid for a continuous period of 9 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing by the planning authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed scheme under Condition 4, all to the satisfaction of the Council as planning authority.
7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering

(other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without a grant of express advertisement consent from the planning authority.

8. The wind turbine blades on all the turbines hereby granted planning permission shall rotate in the same direction.

9. Prior to the commencement of works on site exact details of the location of the turbines, tracks and cabling shall be submitted to the Council as planning authority, to be approved in writing. These details shall be plotted on an accurate scaled plan of the site. Any variation in location shall not exceed 30 metres in any direction from that shown on the originally approved plans. Any variation of turbines, tracks or associated infrastructure by between 30 and 50 metres shall require the written approval of the planning authority. Variation over 50 metres will require formal planning permission approval. Thereafter, the said turbines, tracks and cabling shall be implemented in exact accordance with these approved details.

**10. No development in respect of this planning permission shall take place unless the exact details of the proposed turbines (including size, type, external finish / colour, power rating, sound levels), the wind monitoring masts and all associated apparatus have been submitted to and approved in writing by the Council as planning authority. For the avoidance of doubt, the tip height of the turbines hereby granted planning permission shall not exceed 137 metres in height above ground level. The development hereby granted planning permission shall not be brought into use unless it has been implemented in complete accordance with such details as may be so approved.**

11. Details of the external materials to be used for the substation building shall be submitted to and approved in writing by the Local Planning Authority before work on the substation is commenced. The substation building hereby granted planning permission shall not be brought into use unless it has been finished in complete accordance with such details as have been so approved. On decommissioning of the windfarm the substation building shall revert to agricultural use in conjunction with the respective surrounding farm unit.

12. No development in respect of this planning permission shall take place unless a Method Statement (or Method Statements) incorporating a Pollution Prevention Plan has been prepared in consultation with Council staff, Scottish Natural Heritage, Scottish Environment Protection Agency and the Galloway Fisheries Trust. It shall detail all on-site construction, borrow pits, drainage, mitigation, forestry felling, trench and turbine base formation, culvert design, internal track construction including floating road construction where the areas of peat are in excess of one metre deep, access construction and restoration/reinstatement works with the timetable for these works, has been submitted to and approved in writing by the Council as planning authority. The Method Statement(s) shall integrate 'best practice' methods for the Scottish / UK wind farm industry with the mitigation measures identified in the Environmental Statement supporting the application to ensure environmental impacts are reduced. The Method Statement(s) shall, where agreed, include provision for additional site survey and monitoring. Thereafter, the development shall be implemented in complete accordance with the approved Method Statement(s) unless otherwise agreed in writing with the Council as planning authority.

13. No development in respect of this planning permission shall take place unless a timetable for the construction period has been agreed in writing with the Council as planning authority. It shall include a start and finish date, noting that the work shall not extend beyond a period of two years from the date of commencement unless with the express consent of the Council as planning authority.

14. Within 12 months of the wind farm hereby granted planning permission becoming fully operational, the temporary construction compound, laydown area and any temporary power performance mast shall be removed from the site and these uses discontinued, unless otherwise agreed in writing with the Council as planning authority. Any works required for the reinstatement of the land shall be carried out prior to the expiry of the permission, in accordance with a scheme for such reinstatement works which shall be submitted to and approved in writing by the Council as planning authority.

15. At wind speeds not exceeding 12 m/s as measured or calculated at a height of 10m above ground level at the wind farm, the wind farm noise emission level at any dwelling existing at the time of this permission shall comply with the following:

- During night time hours, as defined in ETSU-R-97 as 23.00 to 07.00 on all days, the cumulative wind farm noise emission level shall not exceed 43 dB LA90, 10 min or the ETSU-R-97 derived “night hours” noise limit based on the measured LA90, 10 min background noise level plus 5dB(A), whichever is the greater.
- At all other times, the cumulative wind farm noise emission level shall not exceed 35dB LA90, 10 min or the ETSU-R-97 derived “quiet waking hours” noise limit based on the measured LA90, 10 min background noise level plus 5dB(A), whichever is the greater.
- The above noise emission limits may be increased cumulatively to 45 dB LA90, 10 min or the relevant ETSU-R-97 derived “quiet waking hours” or “night hours” noise limit based on the measured LA90, 10 min noise level plus 5dB(A), whichever is the greater, when measured at any dwelling owned by persons with financial involvement with the wind farm.

(Measured background noise levels referred to in this condition shall be those recorded by the regression lines in Chapter 13 and Appendix 13.8 of the 20-20 Renewables Ltd Environmental Statement for the Airies Wind Farm).

16. At the written request of the Planning Authority, and following a justified complaint to the Planning Authority relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall within 28 days, and at the wind farm operators expense, employ an independent consultant approved by Dumfries and Galloway Council Environmental Standards to measure the level of noise emission from the wind farm at the property to which the complaint relates. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule of Pages 95 to 97 inclusive and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109.

17. The wind farm operator shall provide to Dumfries and Galloway Council as Planning Authority the independent consultant’s assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3

months of the date of the written request of Dumfries and Galloway Council unless otherwise extended in writing by Dumfries and Galloway Council as Planning Authority.

18. In relation to the investigation of a suitably justified noise complaint and where Environmental Health deem such action necessary, the wind farm operator shall shut down the turbine(s) involved no later than 24 hours after receipt of the request.

19. In evaluating a complaint relating to one of the dwellings named in Table 1 below, noise imission levels shall where appropriate be compared with the relevant ETSU-R-97 derived “quiet waking hours” or “night hours” noise limits derived from the measured background noise levels contained within the Environmental Statement as prepared by 20-20 Renewables Ltd for the Airies Wind Farm.



**Table 1 - Nearest Property Noise Limit Set and Representative Background Location**

|     | Property                                        | Easting/Northing | Background Location      | ETSU-R-97 Noise Limit Set |
|-----|-------------------------------------------------|------------------|--------------------------|---------------------------|
| R1  | Torwood House Hotel                             | 224473 564041    | Gass Farm                | Standard                  |
| R2  | Torwood House Holiday Rentals (2 Dogs Lodge)    | 224541 564116    | Gass Farm                | Standard                  |
| R3  | Torwood Bungalow                                | 224431 563833    | Gass Farm                | Standard                  |
| R4  | Bungalow at turnoff to Torwood House (Bungalow) | 224360 563755    | Gass Farm                | Standard                  |
| R5  | Gass Farm (Bungalow)                            | 224933 564018    | Gass Farm                | Standard                  |
| R6  | Scotts Corner (Dwelling)                        | 225032 564045    | Gass Farm                | Standard                  |
| R7  | Glenchamber (Dwelling)                          | 223788 563912    | Gass Farm                | Financially involved      |
| R8  | Mark of Loch Ronald Bungalow                    | 226047 564587    | Three Lochs Holiday Park | Standard                  |
| R9  | Mark of Loch Ronald Cottage (Holiday Let)       | 226096 564489    | Three Lochs Holiday Park | Standard                  |
| R10 | Mark of Loch Ronald (Dwelling)                  | 226094 564467    | Three Lochs Holiday Park | Standard                  |
| R11 | Balminnoch Cottage (Dwelling)                   | 226843 565396    | Three Lochs Holiday Park | Standard                  |
| R12 | Balminnoch Lodge (Dwelling)                     | 226957 565280    | Three Lochs Holiday Park | Standard                  |
| R13 | Fell of Loch Ronald (Dwelling)                  | 227089 564347    | Three Lochs Holiday Park | Standard                  |
| R14 | Three Lochs Holiday Park                        | 227172 565413    | Three Lochs Holiday Park | Standard                  |
| R15 | Low Airies (Dwelling)                           | 226138 566535    | Low Airies               | Financially Involved      |
| R16 | The Old School House (Dwelling)                 | 228703 566385    | Kilquhockadale           | Standard                  |
| R17 | 1 Old Dirnow School House (Dwelling)            | 229032 566076    | Kilquhockadale           | Standard                  |
| R18 | 2 Old Dirnow School House (Dwelling)            | 229038 566069    | Kilquhockadale           | Standard                  |
| R19 | Drumabrennan (Dwelling)                         | 229469 567062    | Kilquhockadale           | Standard                  |
| R20 | Barnsladie (Bungalow)                           | 229589 567336    | Kilquhockadale           | Standard                  |
| R21 | Kilquhockadale (Dwelling)                       | 229285 567807    | Kilquhockadale           | Standard                  |
| R22 | Urral (Dwelling)                                | 229298 569555    | Kilquhockadale           | Standard                  |

20. In the event of a complaint from any dwelling (existing at the date of this permission) not named in Table 1 the measured wind farm noise emission level shall be compared to the prevailing background noise level at the property in Table 1 which is most likely to experience background noise levels similar to the complainant's property (the appropriate

Table 1 property will be nominated by the developer subject to the agreement of the local planning authority at the time of investigating any complaint).

21. If the tonal noise emitted by the development exceeds the threshold of audibility by 8dB or more, then the noise rating level specified in condition 15 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be described in "The Assessment and Rating of Noise from Windfarms (ETSU-R-97)".
22. Prior to any works being undertaken a method statement for the construction project will require to be submitted for approval by Dumfries & Galloway Council Planning Department. This shall include an assessment of potentially noisy operations and outline the noise mitigation measures proposed. This will also include a programme and phases for each stage of work.
23. The permitted core working hours for construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 – 18:00 on Monday to Friday inclusive, 09:00 – 13:00 on Saturdays with no working on a Sunday or local or national public holiday. It is expected that site workers would be on site no longer than 30 minutes prior to or after the core hours.
24. Outwith core working hours, development at the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment, or construction work that is not audible from any noise sensitive property out with the site. The receipt of any materials or equipment for the construction of the site, by track, other than turbine blades, nacelles and towers, is not allowed out with the said hours, unless otherwise agreed by the planning authorities having been given a minimum of two working days' notice of the occurrence of the proposed event. Deliveries to site excluding abnormal loads) during construction will be limited to 08:00-18:00 Monday to Friday and 09:00-13:00 Saturday.
25. Fixed and mobile plant used within the site during the construction period shall not incorporate bleeping type warning devices that are audible out with the site boundary.
26. The contractors shall use good industry practice and comply with the relevant industry guidance in the selection of the quietest item of suitable plant available for all site operations. The work programme on site will also be phased to reduce the combined impacts arising from several noisy operations.
27. Where practicable, noise from fixed plant and equipment will be contained within suitable acoustic enclosures or behind acoustic screens.
28. The site contractors shall publicise the programme for the commencement and duration of operations, provide details of the project programme; and provide named contacts for daytime and out of hours.
29. The site contractors shall conduct all site operations in accordance with good industry practice. This shall include a complaint investigation procedure.
30. Any plant and equipment required for operation at night (23:00 – 07:00) shall be mains electric powered where practicable. Any night-time lighting rigs, pumps or other equipment shall be powered using mains electricity or suitably silenced and shielded to ensure compliance with WHO night-time noise criteria, assuming open windows.

31. Prior to any works being undertaken a programme of noise monitoring during construction shall be conducted in accordance with a protocol agreed with Dumfries & Galloway Council.

32. A detailed assessment of noise and vibration from borrow pit blasting shall be undertaken and submitted to Dumfries & Galloway Council Planning Department for approval prior to any blasting activities.

33. No work shall commence on site until the developer has provided the Ministry of Defence, Defence Geographic Centre, and NATS with the following detailed information:

- the date of commencement of each phase of construction;
- the date of completion of each phase of construction;
- the height above ground level of the tallest structure;
- the maximum extension height of any construction equipment;
- the position of the masts in latitude and longitude; and
- site lighting if appropriate.

34. As soon as is practically possible following the erection of the turbine towers omni-directional infra-red lighting shall be fitted at the highest practicable point giving an optimised flash pattern of 60 flashes per minute of 200ms duration.

35. The developer shall give two weeks' notice in writing of the commencement of all ground disturbance works in respect of this planning permission to the Council Archaeologist. The developer shall allow access to the development site to the Council Archaeologist, or a nominated representative, at all reasonable times, allow observations and records to be made, and allow any material of archaeological interest to be removed and made subject to the requirements of procedures for Treasure Trove in Scotland.

36. Prior to the commencement of works and notwithstanding condition 1 above, in order to reduce the impact of the development on White Cairn, the siting of turbine no's 12 and 13 shown on the submitted site layout plans shall be agreed with the local planning authority.

37. Before the development is commissioned a Habitat Management Plan (HMP), which shall include appropriate ornithological surveys, shall be submitted to and approved in writing by the Local Planning Authority. The approved HMP shall thereafter be implemented in full unless as may otherwise be agreed in writing with the Local Planning Authority. The HMP shall include the mitigation measures proposed in the Environmental Statement.

38. The development hereby granted planning permission shall not be brought into use unless a turning space in hardstanding has been provided within the application site which enables a heavy goods vehicle to enter and exit the public road in forward gear at all times. Thereafter, the said turning space shall be kept clear from obstruction and shall be retained only for that purpose for the lifetime of the development.

39. Before any development is commenced the layout and visibility of the accesses onto the public road shall be agreed with the Local Planning Authority in consultation with the Roads Authority, and then be implemented, and any gates should open into the site.

40. Before any development is commenced a scheme showing the requisite widening, strengthening and additional passing places on the C22w accessing the site shall be

submitted to and agreed with the Local Planning Authority in consultation with the Roads Authority.

41. Prior to any works commencing on site a Road and Transport Management Plan (RTMP) shall be submitted to the local planning authority and shall include a detailed condition survey of any Council maintained roads forming part of the access route. The plan shall include proposals for maintenance of these routes during construction (including monitoring and proposals for agreeing additional maintenance costs and surveying and making good on completion of construction). The RTMP shall include the requirement for signage and Community Consultation on the proposals.

42. All construction traffic and delivery vehicles shall be instructed to use only the access routes to the site agreed with the Principal Roads Services Officer (Wigtown) as part of the Road and Transport Management Plan.

43. No work shall start on site in implementation of this permission until a fully detailed Road and Transport Management Plan (RTMP) has been submitted to and approved by the Local Planning Authority. The plan shall include proposals for;

- A photographic survey of the C22w and the C3w (between Glenluce and the U165W) to be undertaken prior to commencement and following substantial completion of the development.
- Turbine transport route surveys and traffic management including coordinating other local wind farm developers to make sure that critical transport dates do not coincide
- Routing and managing abnormal loads and construction traffic on and off site including the management of concrete delivery wagons during base pours to ensure that they do not platoon.
- Works for the affected public road network including submission of road construction consent for the reconstruction of the U165w, temporary warning signs, traffic management, passing places and road widening, junction improvements, street furniture, road cleaning and wheel washing facilities all to accord with the Roads (Scotland) Act 1984.
- Maintenance and repair of the public road network where it is subject to extraordinary traffic
- Securing contractor compliance with such provisions as may be approved
- Detailed layout and construction of the turbine, borrow pit and site accesses onto the public road U165w including provision of visibility splays measuring 2.4 metres back along the centre line of the access from the nearer edge of the public road carriageway by 90 metres in both directions at each access.
- Detailed layout of the temporary car parking provided for the construction site offices.
- Detailed layout of the HGV turning provided for turbine locations 3, 7 and 14.

**Reasons for the conditions:**

1. In order to define the terms of this planning permission.
2. In recognition of the lifespan of the subject development.
3. In order to maintain proper planning control.
4. In order to ensure the satisfactory restoration of the development site.
5. In order to ensure the satisfactory restoration of the development site.
6. In order to ensure the satisfactory restoration of the development site, and
7. in the interest of visual amenity.
8. In the interests of visual amenity.
9. In the interests of visual amenity.
- 10. To manage the detailed appearance of the development**
11. To maintain proper planning control.
12. In the interests of visual amenity.
13. In the interests of environmental protection.
14. To maintain proper planning control.
15. In order to safeguard the visual amenities of the locality.
16. To safeguard residential amenity in the locality.
17. To safeguard residential amenity in the locality.
18. To safeguard residential amenity in the locality.
19. To safeguard residential amenity in the locality.
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31. To safeguard residential amenity in the locality.
32. To safeguard residential amenity in the locality.
33. To safeguard residential amenity in the locality.
34. To safeguard the aviation interests of the locality.
35. To maintain aviation safety.
36. To safeguard and record the cultural heritage of the development site.
37. To reduce the impact of the development on white Cairn and its setting.
38. To safeguard and enhance nature conservation interests.
39. In the interests of highway safety.
40. In the interests of highway safety.
41. In the interests of highway safety.
42. In the interests of highway safety.
43. In the interests of highway safety.
44. In the interests of highway safety.

## Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

**TCP/11/16(524) – 17/02047/IPL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 167-232***)
- (b) Decision Notice (***Pages 203-204***)
  - Report of Handling (***Pages 193-201***)
  - Reference Documents (***Pages 179-192***)
- (c) Representations (***Pages 221-232***)





**TCP/11/16(524) – 17/02047/IPL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie**

**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)

|                     |                                                                                         |
|---------------------|-----------------------------------------------------------------------------------------|
| Name                | Mr S. Adams                                                                             |
| Address             | C/O Jon Frullani Architect<br>Unit 5, District 10<br>25 Greenmarket<br>Dundee<br>DD14QB |
| Postcode            |                                                                                         |
| Contact Telephone 1 |                                                                                         |
| Contact Telephone 2 |                                                                                         |
| Fax No              |                                                                                         |
| E-mail*             |                                                                                         |

## Agent (if any)

|                     |                                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| Name                | Kieran Mcadam                                                                       |
| Address             | Jon Frullani Architect<br>Unit 5, District 10<br>25 Greenmarket<br>Dundee<br>DD14QB |
| Postcode            |                                                                                     |
| Contact Telephone 1 | 01382224828                                                                         |
| Contact Telephone 2 |                                                                                     |
| Fax No              |                                                                                     |
| E-mail*             | kieran@jfrarchitect.co.uk                                                           |

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 and Kinross Council                   |
| Planning authority's application reference number | 17/02047/IPL                                |
| Site address                                      | Land North of 59 Station Road, Invergowrie, |
| Description of proposed development               | Erection of Dwellinghouse (in principle)    |
| Date of application                               | 21 November 2017                            |
| Date of decision (if any)                         | 23 January 2018                             |

**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)                                                                                                                                           | <input type="checkbox"/>            |
| 2. Application for planning permission in principle                                                                                                                                                                  | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions                                                                                                                                                       | <input type="checkbox"/>            |

**Reasons for seeking review**

- |                                                                                                                             |                                     |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Refusal of application by appointed officer                                                                              | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer                                                                       | <input type="checkbox"/>            |

**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                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection                                                | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

NA

**Site inspection**

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

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

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

N/A

**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.

Please see the Appeal Statement (Document 5) accompanying this notice of review. The Appeal Statement sets out the reasons for review and detailed justification of the reasons why the proposed development satisfies the requirement of the Development Plan.

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 – Planning Application Ref: 17/02047/IPL  
 Document 2 – Report of Handling for Application Ref: 17/02047/IPL  
 Document 3 – Decision Notice for Application Ref: 17/02047/IPL  
 Document 4 – Alternative Proposed Site Layout Plans  
 Document 5 - Appeal Statement

**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

16/02/2018



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100076200-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: JON FRULLANI ARCHITECT

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

JON

Building Name:

UNIT 5, DISTRICT 10,

Last Name: \*

FRULLANI

Building Number:

Telephone Number: \*

0138224828

Address 1  
(Street): \*

25 GREENMARKET

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

DUNDEE

Fax Number:

Country: \*

UNITED KINGDOM

Postcode: \*

DD1 4QB

Email Address: \*

[jon@jfarchitect.co.uk](mailto:jon@jfarchitect.co.uk)

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                    |                                                                 |
|----------------------|------------------------------------|-----------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>    | You must enter a Building Name or Number, or both: *            |
| Other Title:         | <input type="text"/>               | Building Name: <input type="text"/>                             |
| First Name: *        | <input type="text" value="S"/>     | Building Number: <input type="text" value="59"/>                |
| Last Name: *         | <input type="text" value="Adams"/> | Address 1 (Street): * <input type="text" value="Station Road"/> |
| Company/Organisation | <input type="text"/>               | Address 2: <input type="text"/>                                 |
| Telephone Number: *  | <input type="text"/>               | Town/City: * <input type="text" value="Invergowrie"/>           |
| Extension Number:    | <input type="text"/>               | Country: * <input type="text" value="Scotland"/>                |
| Mobile Number:       | <input type="text"/>               | Postcode: * <input type="text" value="DD25AP"/>                 |
| Fax Number:          | <input type="text"/>               |                                                                 |
| Email Address: *     | <input type="text"/>               |                                                                 |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Perth and Kinross Council"/> |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="59 Station Road"/>           |
| Address 2:                                                            | <input type="text" value="Invergowrie"/>               |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="Dundee"/>                    |
| Post Code:                                                            | <input type="text" value="DD2 5AP"/>                   |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="730038"/> | Easting | <input type="text" value="334972"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## Description of Proposal

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

Planning Permission in Principle for the erection of a single dwelling house in the garden ground at 59 Station Road, Invergowrie.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to planning appeal statement for full justification as to appeal.

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

☐ Yes ☒ No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Completed Notice of Review Form Document 1 - Developer Contributions Consultation Response Dundee Airport Consultation Response Existing Site Plan Local Flood Prevention Consultation Response Location Plan Planning Application Form Planning Statement Proposed Site Plan Scottish Water Consultation Response Transport Planning Consultation Response Document 2 - Report of Handling Document 3 - Decision Notice Document 4 - Alternative Proposed Site Plan Document 5 - Appeal Statement.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/02047/IPL

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

21/11/2017

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

23/01/2018

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

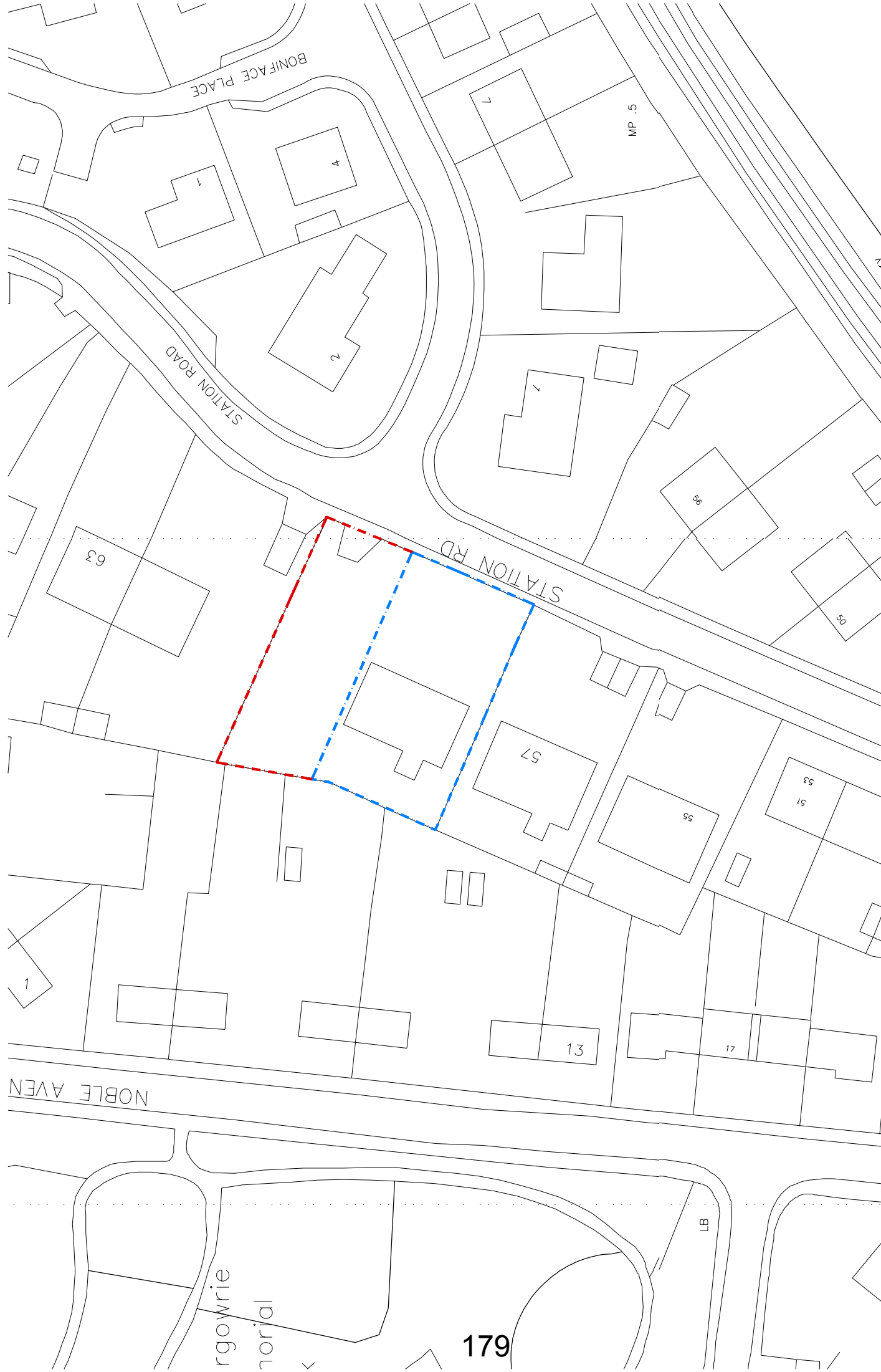
## **Declare – Notice of Review**

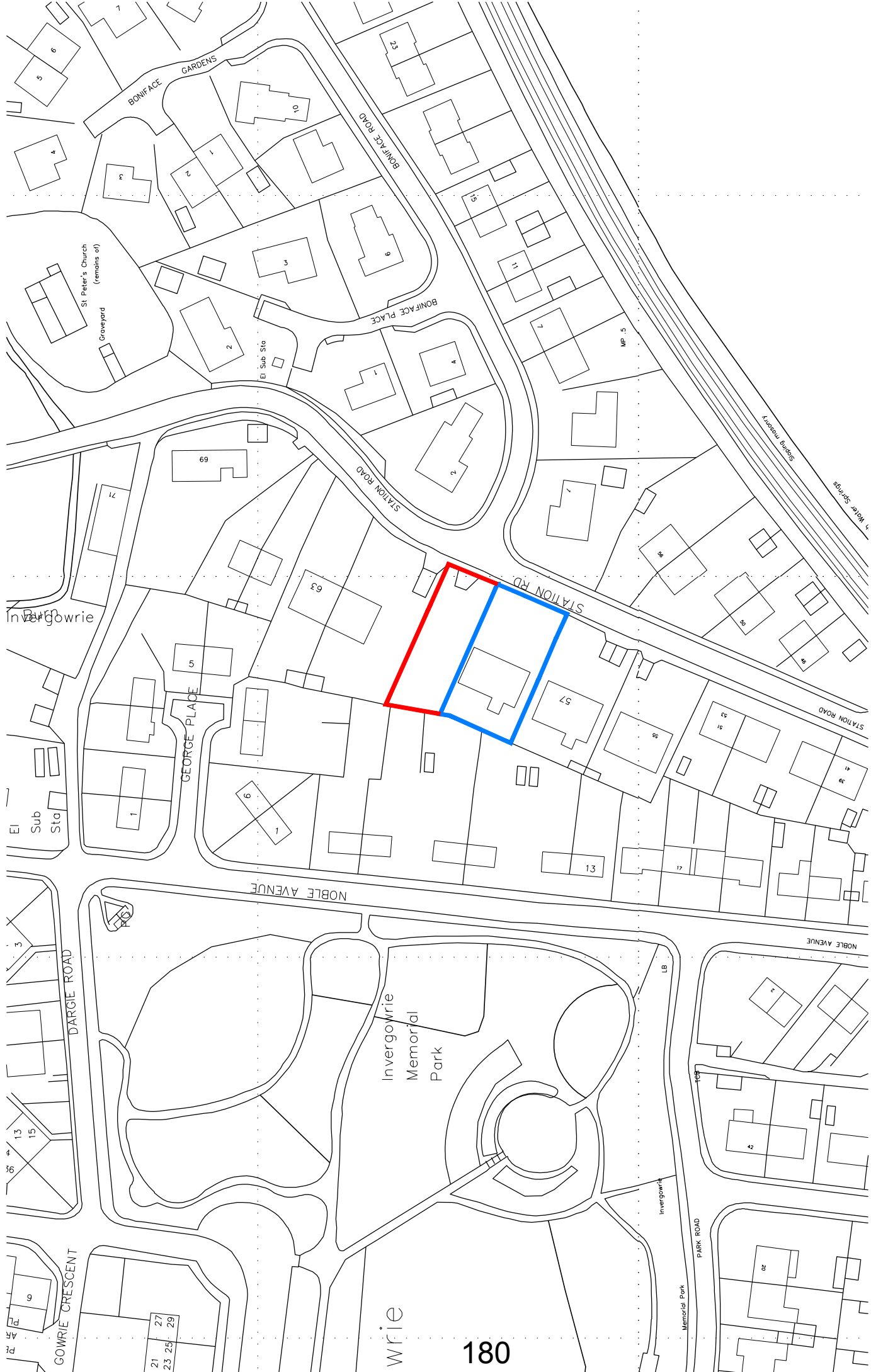
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr JON FRULLANI

Declaration Date: 05/03/2018

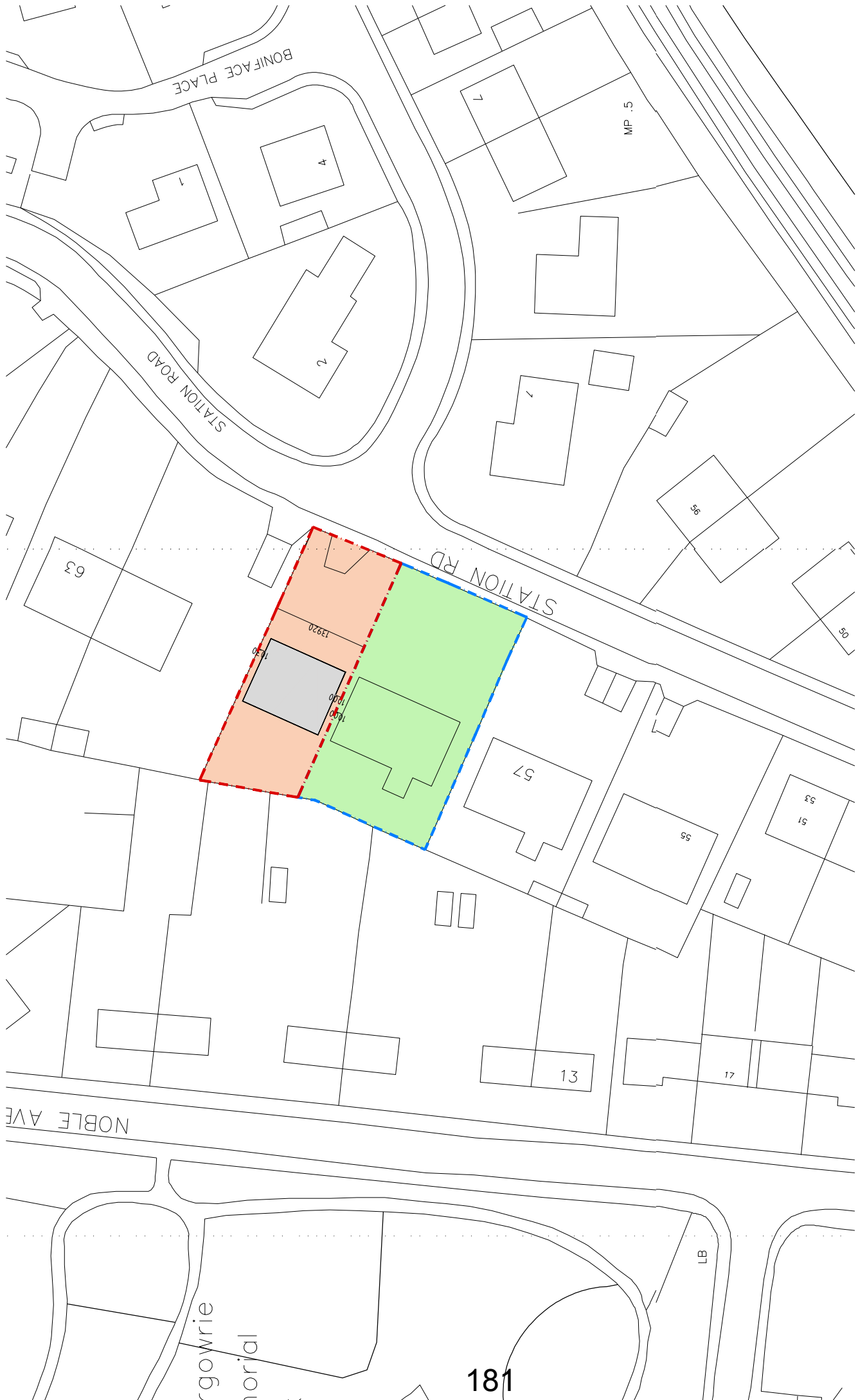






plot at 59 station road, invergowrie

jon frullani architect



- revised existing plot - 735 sq.m
- proposed new plot - 542 sq.m (notional dwelling footprint - 120 sq.m)

plot at 59 station road, Ivergowie





**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE ON PLOT AT 59 STATION ROAD,  
INVERGOWRIE**

**PLANNING STATEMENT**



---

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## Site

The property at 59 Station Road, Invergowrie comprises of a single storey dwellinghouse situated in the south-western sector of a large plot as shown in Figure 1.

Figure 1: Site Location Plan



The site slopes from north-west to south east and is separated from Station Road by a stone retaining wall. To the west the site is separated from the gardens of neighbouring properties on Noble Avenue by 1.8m timber fencing,

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to the north and south the site is separated from neighbouring properties by a combination of stone walls and hedging. The gardens serving the existing house are sown in grass.

The existing house is stone built with a pitched roof finished in natural slate. The house has solar panels and roof lights on the south-eastern roof plane and white UPVC framed fixed lower pane and opening top hopper style double glazed windows on the ground floor.

The property is located on the western side of Station Road. Access to the site is taken from Station Road where a parking area has been created in the north-eastern corner of the site. The Site is bound to the north and south by detached and semi-detached single storey dwellinghouses of a similar design, scale and massing as the existing dwellinghouse at 59 Station Road. To the west the site is bound by the rear gardens of two storey semi-detached dwellinghouses on Noble Avenue.

Surrounding the application site there is a variety of different house types and plot sizes that reflect the period of time over which Station Road, Noble Avenue and Boniface Place have been developed.

### **Proposal**

It is proposed to erect a house in the area of garden ground to the north of the existing house at 59 Station Road.

The proposed house will be served by the existing off-street parking facilities in the south-eastern corner of the property while the existing house will be served by new off-street parking facilities formed within the front garden ground of the remaining plot as shown on the proposed site layout plan.

The proposed house will have a north west to south east orientation to maintain the appearance of the Station Road streetscape and will be restricted to single storey to maintain the appearance of the surrounding built form and streetscape.

### **Planning History**

Planning application ref: 10/01728/FLL was granted planning permission for the erection of two dormers on the front and two dormers on the rear elevations of the dwellinghouse at 59 Station Road, Invergowrie. The permission was not implemented within the given timescale and has consequently expired.

Planning application ref: 10/01738/FLL was refused planning permission for the erection of a house in the garden ground to the north of the existing house at 59 Station Road, Invergowrie. The Council's decision to refuse planning permission was appealed to the Local Review Body (PKLRB) who upheld the Council's decision and dismissed the appeal for the following reason:

---

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The proposal, by virtue of the site's narrow width, will have an adverse impact on the density and character of the area, whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling, is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), which seeks to ensure the character, density and amenity of existing areas are not adversely affected by new developments.

The PKLRB concluded that the issue was not the design of the proposal but that it would be on too narrow a site with an adverse impact on the density and character of the area and insufficient separation with the existing dwelling. The Review Application was accordingly dismissed.

Prior the submission of this application, the Council were engaged in pre-application discussions relating to the erection of a house in the garden ground to the north of the existing house at 59 Station Road, Invergowrie. Responding to pre-application enquiry ref: XXXX, the Council stated that concerns relating to the width of the proposed building plot would potentially prevent an application for planning permission being supported.

## **Policy Framework**

### **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.

### **The 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.

The principal policies are, in summary:

#### ***Policy PM1A - Placemaking***

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a: unit 5, district 10, greenmarket, dundee, dd1 4qb



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.

*Policy RD1 - Residential Areas*

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

*Policy TA1B - Transport Standards and Accessibility Requirements*

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

## **Evaluation**

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 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.

## **Principle of Development**

The site is located within the Invergowrie settlement boundary where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and

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environment of the area. In addition, the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

### **Design and Layout**

The site is required to be assessed against the 'Placemaking' policies of the adopted local plan. Although it is proposed to submit a formal application for planning the indicative site layout plan accompanying this pre-application enquiry demonstrates that a dwelling can be accommodated on the site.

The indicative site layout plan in combination with Table 1 below demonstrates that a house can be positioned on the site without impacting on the density, amenity and character of the surrounding area. This because the proposed plot and the remaining plot are of a size comparable to neighbouring properties while the level of private garden ground serving both the proposed plot and remaining plot also comparable with the level of private garden ground serving neighbouring properties. This information demonstrates that the proposed development shall not adversely impact on the density of development in the surrounding area.

Table 1: Density of Development in Area Surrounding Application Site

| Property        | Plot Area | Private Garden Ground Area |
|-----------------|-----------|----------------------------|
| 55 Station Road | 665sqm    | 128sqm                     |
| 57 Station Road | 700sqm    | 144sqm                     |
| 59 Station Road | 684sqm    | 152sqm                     |
| 61 Station Road | 902sqm    | 180sqm                     |
| 63 Station Road | 533sqm    | 99sqm                      |
| 13 Noble Avenue | 330sqm    | 209sqm                     |
| 11 Noble Avenue | 455sqm    | 312sqm                     |
| 9 Noble Avenue  | 475sqm    | 312sqm                     |
| 7 Noble Avenue  | 602sqm    | 450sqm                     |
| 5 Noble Avenue  | 525sqm    | 395sqm                     |

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|                |        |        |
|----------------|--------|--------|
| 3 Noble Avenue | 504sqm | 376sqm |
| Proposed Plot  | 542sqm | 168sqm |

In addressing the concerns raised by the Council in a pre-application capacity in relation to Policies RD1 and PM1 and PM1B, Table 2 demonstrates that the dimensions of the proposed plot are comparable with neighbouring plots surrounding the application site. In addition, the aerial photograph in Figure 2 demonstrates that from a visual perspective the proposed plot does not appear to be out of keeping with the surrounding buildings plots.

Table 2: Dimensions of Plots Surrounding Application Site

| Property        | Plot Length | Plot Width |
|-----------------|-------------|------------|
| 55 Station Road | 35m         | 19m        |
| 57 Station Road | 35m         | 20m        |
| 59 Station Road | 36m         | 19m        |
| 61 Station Road | 41m         | 22m        |
| 63 Station Road | 41m         | 13m        |
| 13 Noble Avenue | 30m         | 11m        |
| 11 Noble Avenue | 35m         | 13m        |
| 9 Noble Avenue  | 38m         | 12.5m      |
| 7 Noble Avenue  | 41.5m       | 14.5m      |
| 5 Noble Avenue  | 42m         | 12.5m      |
| 3 Noble Avenue  | 42m         | 12m        |
| Proposed Plot   | 39.3m       | 13.8m      |

Figure 2: Aerial Photograph of Plots Surrounding Application Site

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Off street parking serving the proposed house will be formed by re-purposing the facilities serving the existing dwellinghouse. As part of the proposed development new off-street parking facilities will be formed within the area of garden ground to the front of the existing house. The new off-street parking facilities will also be accessed from Station Road.

In terms of site layout, it has been demonstrated that through the provision of generous external space standards, off-street parking facilities and a distance of no less than 18m between the principle (north west and north/south east) elevations of the new house and neighbouring properties that the proposal will contribute positively to the quality of the surrounding built and natural environment.



In terms of design, to minimise any impact on visual amenity and to maintain the appearance of the Station Road streetscape the new house will be positioned to maintain the front building line of existing houses on the north-western side of Station Road and will take the form of a single storey building with a pitched roof.

For the reasons outlined above we believe that the proposal respects the density, character and amenity of the area and will complement the high quality residential environment. Therefore, the proposal satisfies Policies PM1A and PM1B.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed dwelling on this site within the settlement boundary is not considered to erode local distinctiveness, diversity and quality of the landscape. However, an appropriate form of boundary planting and screening will be required to the southern boundary of the proposed site. This matter could be controlled by planning condition should the Council be supportive of the proposal.

### **Residential Amenity**

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new dwelling, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

Tables 1 and 2 above demonstrate that the existing and proposed house will be afforded generous external space standards should planning permission be granted, with both properties being comparable to neighbouring properties in terms of size but with greater areas of private garden ground.

In terms of privacy and overlooking, the proposed site layout plan demonstrates that the new house will be positioned no less than 18m from the facing windows of neighbouring houses. In addition, restricting the height of the proposed house to one storey and screening the proposed house from the existing house will prevent the overlooking of private garden grounds.

Taking account of the proposed site layout plan and suggested restrictions relating to the design of the proposed house we believe that the proposal would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the house.

### **Conclusion**

In conclusion, the proposal requires to be assessed in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal has been demonstrated to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. There are no material considerations immediately obvious that would justify overriding the adopted Development Plan. On that basis we believe that this application for planning permission in principle for the development outlined above should be supported by the Council.

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/02047/IPL        |      |
| Ward No                | P1- Carse Of Gowrie |      |
| Due Determination Date | 26.01.2018          |      |
| Case Officer           | Andy Baxter         |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

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

**LOCATION:** Land North Of 59 Station Road, Invergowrie

#### SUMMARY:

This report recommends **refusal** of a planning in principle application for the erection of a new dwelling on an area of garden ground next to 59 Station Road, Invergowrie 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:** 12 January 2018

#### SITE PHOTOGRAPHS



*View of the site, which is sandwiched between the existing house to the left and the garage to the right.*

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This planning application seeks to obtain a planning in principle consent for the erection of a new dwelling on an infill site located within the settlement of Invergowrie, adjacent to 59 Station Road. The site slopes from its public road frontage (east) to the rear (west), and measures approx. 14m in its width (south to north) with a depth (east to west) ranging between 40-37m.

The surrounding area is residential in character, with residential properties surrounding the site on all sides.

An indicative footprint of a dwelling has been submitted in support of the planning application which shows a modest sized dwelling (presumably with 2 levels of accommodation) in a central location. The indicative house has been shown approx. 1m away from each of the sites side boundaries.

## **SITE HISTORY**

A previous planning application was lodged in 2010 (10/01738/FLL) which sought to obtain detailed permission for the erection of dwellinghouse on a slightly narrower site. That planning application was refused planning permission, and a subsequent review to the Local Review Body dismissed.

Whilst the 2010 planning application was for a site slightly smaller, I still consider it relevant to this proposal and I note the comments made in para 4.2 of the LRB decision notice which stated *'The PKLRB concluded that the issue was not the design of the proposal but that it would be on too narrow a site with an adverse impact on the density and character of the area and insufficient separation with the existing dwelling. The Review Application was accordingly dismissed'*

## **PRE-APPLICATION CONSULTATION**

A pre-application enquiry was made to the Council late last year for a similar proposal which is subject to this planning application (17/00165/PREAPP). The response issued by the Council indicated that a formal planning application would most likely not be supported.

## **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.

Of relevance to this planning application is,

## **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published in June 2014, and sets out national planning policies which reflect the Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals

Of relevance to this planning application are paragraphs 109 - 134, which relates Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area 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, study 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 site lies within the settlement boundary of Invergowrie, where the following policies are applicable to a new house proposal,

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

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

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

### **Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing (2016)**

This policy outlines the Councils position in relation to developer contributions in relation to primary education, transport infrastructure and A9 junction improvements, as well as our Affordable Housing provision requirements.

## **EXTERNAL CONSULTATION RESPONSES**

**Dundee Airport Ltd** have commented on the proposal in terms of aviation safeguarding issues, and have raised no objections.

**Scottish Water** have commented on the proposal and raised no objections.

## **INTERNAL COUNCIL COMMENTS**

**Flooding and Structures Team** have commented on the proposal and raised no objection in terms of flooding matters. They have however suggested that a condition should be placed on any permission in relation to the disposal of surface water.

**Transport Planning** have commented on the proposal in terms of parking provisions and access, and have raised no objections.

**Developer Negotiations Officer** has commented on the proposal and stated that in the event of an approval standard compliance conditions in relation to both Primary Education and Transport Infrastructure should be applied.

## REPRESENTATIONS

None received.

## ADDITIONAL INFORMATION

|                                                 |              |
|-------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)           | Not Required |
| Screening Opinion                               | Not Required |
| EIA Report                                      | Not Required |
| Appropriate Assessment                          | Not Required |
| Design Statement or Design and Access Statement | Submitted    |
| Report on Impact or Potential Impact            | Not Required |

## 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 2017, and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, the sites planning history and also compliance with the Council's policies on Developer Contributions are material considerations.

### Policy Appraisal

The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Invergowrie where *Policy RD1* is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.

In addition to this, *Policy PM1A* is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is

maintained and that all new development respects the existing character and amenity of the existing areas

For reasons stated below, I consider the proposal (by virtue of the sites shape and relationship with its neighbour) to be contrary to these policies.

## **Land Use**

In terms of land use issues, the site has been identified within the LDP settlement boundary of Invergowrie. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs.

As the surrounding land uses are largely residential, in land use terms only I consider the proposed residential use to be compatible with the existing uses.

However, I do have some concerns as to whether or not a residential dwelling on this site is acceptable, based on the shape of the site and its (close) relationship with the existing dwelling.

Looking the current plans, and the plans previously lodged back in 2010, the applicant's appear to have managed to increase the width of the site from approx. 13m to just under 14m. This width increase increases the oversize of the plot to just under 550sq m – somewhat less than the 735sq m stated on the application form, but still approx. 50sq m more than the site that was previously considered in 2010.

A site of circa 550sq m, and with 100sq m of usable garden ground would normally be sufficient for a new infill plot; however the narrowness of this site and the close relationship with the existing dwelling would in my view lead to an odd arrangement of two detached dwellings being seen very close to one another, which in turn would create a 'squeezed' appearance, which in my view would be out of character with the surrounding area.

The indicative footprint lodged with the application shows a 2m gap – 1m on each side of the mutual boundary- between the existing dwelling and the proposed, which is extremely close. A more linear footprint could perhaps increase this space, however the separation distance between the existing and proposed would nevertheless remain close.

I'm also conscious of the fact that the existing dwelling has two windows at first floor level, serving what I believe to be bedrooms facing the proposed plot. In the event of a consent being issued for a dwelling on this site, and without any changes in window placement on the existing house, the best scenario (in terms of preventing overlooking/loss of privacy) would be a blank gable approx. 2m away from those windows and at worse, potential other habitable windows approx. 2m away.



Neither of these scenarios would ordinarily be considered acceptable.

To this end, I ultimately consider the proposal to have the potential to have an adverse impact on the general character and density of the area by 'squeezing in a new dwelling', as well as having the potential to adversely impact on the residential amenity of the adjacent property.

### **Design and Layout**

This planning application is in principle only, therefore there are no detailed plans to consider at this stage. However, as stated above the narrowness of the site and its relationship to the neighbour, does raise concerns in relation to achieving a suitable layout which would not be out of character of the area and also would not adversely affect the existing property.

### **Residential Amenity**

In terms of the impact on existing residential amenity, any impact would largely be limited to the neighbour at 59, which is within the same ownership as the application site. Notwithstanding this, the impact that a new dwelling so close to the boundary would have on any future occupiers would be an adverse one.

In terms of being able to offer a suitable level of residential amenity, suitable amenity space will be available for further occupiers. There would however remain the issue of the existing windows on the neighbouring property, however in the event that a blank gable is proposed there would be no direct window to window issue.

### **Visual Amenity**

In terms of the impact on the visual amenity of the area, the proposal is in principle only so there are no firm details of any elevations to consider. However, as stated previously the narrowness of the site will mean that any new dwelling will appear very close to the existing dwelling would be out of character with the area, and which would likely appear visually incongruous.

### **Roads and Access**

The proposal raises no issues in terms of roads related matters.

It is likely that parking would have to be slightly divorced from the main dwelling with the natural levels of the site, however this arrangement already occurs all along Station Road and appears to work reasonably well and does not appear too visually obtrusive.

## **Drainage and Flooding**

The proposal raises no issues in terms of drainage or flooding issues.

## **Developer Contributions**

### Affordable Housing

As this proposal is for a single dwelling, there is no requirement for any Affordable Housing provision.

### Primary Education

As this is a planning in principle application, a standard compliance condition should be attached to any permission.

### Transport Infrastructure

The site lies within the catchment area for Transport Infrastructure contributions. As this is a planning in principle application, a standard compliance condition should be attached to any permission.

### A9 Junction Improvements

The site lies outwith the catchment area for A9 junction improvements.

## **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 considered to be contrary to the adopted Local Development Plan 2014, and 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 planning application because of the following reason,**

The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas.

### **Justification**

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

### **Informatives**

None

### **Procedural Notes**

Not Applicable.

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

17/02047/1  
17/02047/2  
17/02047/3  
17/02047/4

**Date of Report - 22 January 2018**



## PERTH AND KINROSS COUNCIL

Mr S Adams  
c/o Jon Frullani Architect  
Unit 5, District 10  
25 Greenmarket  
Dundee  
DD1 4QB

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 23rd January 2018

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02047/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th November 2017 for permission for **Erection of a dwellinghouse (in principle) Land North Of 59 Station Road Invergowrie** for the reasons undernoted.

Interim Development Quality Manager

#### Reasons for Refusal

1. The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas.

#### Justification

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

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

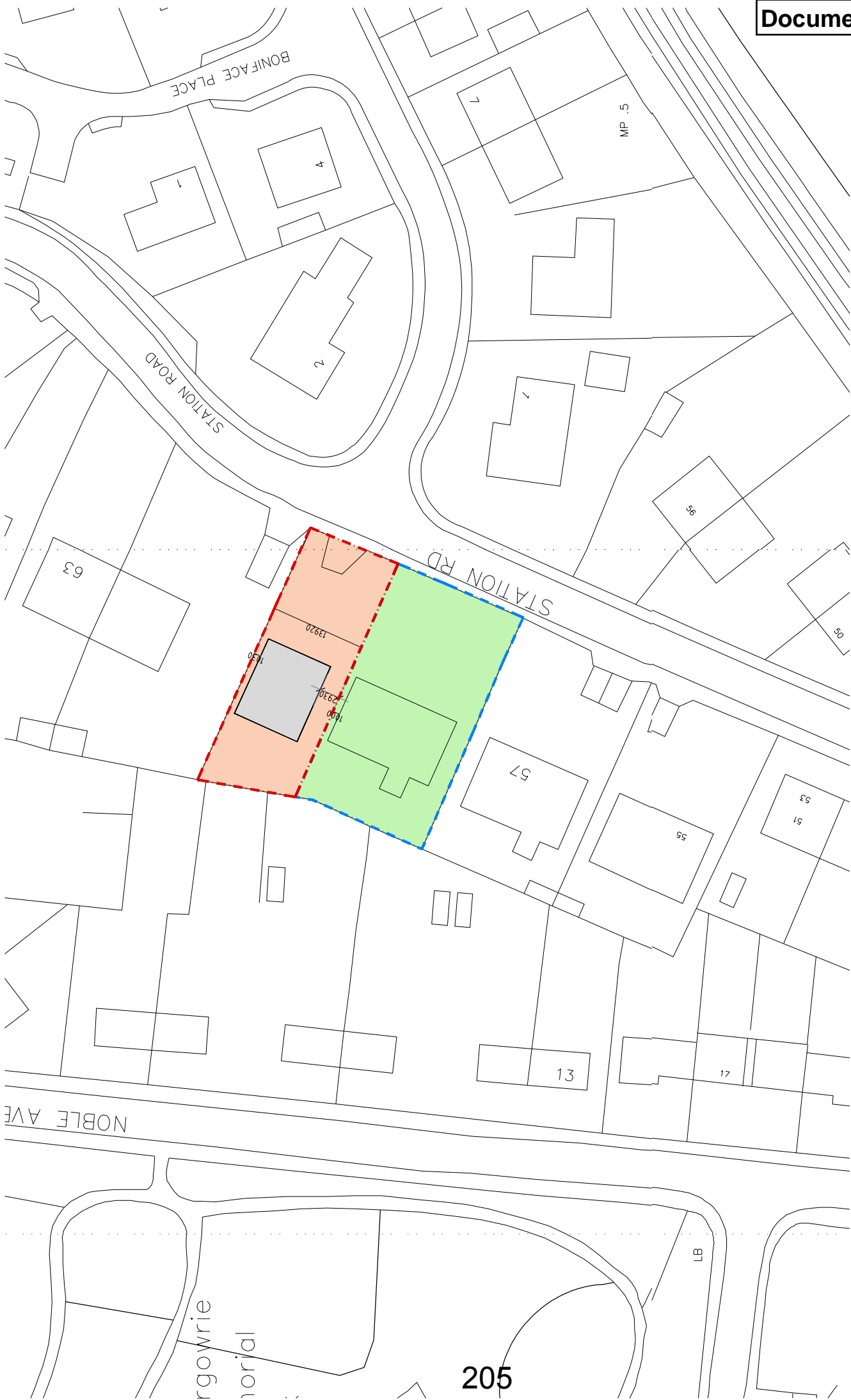
**Plan Reference**

**17/02047/1**

**17/02047/2**

**17/02047/3**

**17/02047/4**



- revised existing plot - 735 sq.m
- proposed new plot - 542 sq.m (notional dwelling footprint - 120 sq.m)

plot at 59 station road, Invergowie





ERECTION OF DWELLINGHOUSE (IN PRINCIPLE) ON LAND TO NORTH OF 59 STATION ROAD,  
INVERGOWRIE

APPEAL STATEMENT



Town and Country Planning(Scotland) Act 1997 as amended  
Planning Application Ref: 17/02047/IPL  
Appeallent: Mr S. Adams  
Date: February 2017

**Contents**

- 1.0 Introduction
- 2.0 Application Site and Context
- 3.0 Proposed Development
- 4.0 Development Plan
- 5.0 Evaluation of Proposed Development
- 6.0 Evaluation of Council's Assessment of Planning Application Ref: 17/02047/IPL
- 7.0 Conclusion

**Appeal Documents**

Document 1 – Planning Application Ref: 17/02047/IPL  
Document 2 – Report of Handling for Application Ref: 17/02047/IPL  
Document 3 – Decision Notice for Application Ref: 17/02047/IPL  
Document 4 – Alternative Proposed Site Layout Plans

## 1.0 INTRODUCTION

This Planning Appeal has been prepared on behalf of Mr S. Adams and relates to a Planning Application in Principle for the erection of a detached dwellinghouse at Land North of 59 Station Road, Invergowrie.

Perth and Kinross Council registered the application on 21 November 2017 under planning application reference: 17/02047/IPL. The planning application forms Document 1 to this appeal submission.

The planning application was validated on 27 November 2017 and determined on 23 January 2018. The Case Officer's Report of Handling forms Document 2 and the Planning Decision Notice dated 23 January 2018, Document 3. The Planning Decision Notice cites the following reason for refusal of planning permission:

*"The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas."*

In determining the planning application, the Planning Authority is required, under Section 25 of the Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act") to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The appellant disagrees with the Case Officer's Decision and does not consider that the proposal will result in an adverse impact on the visual character and density of the area surrounding 59 Station Road, Invergowrie such as to justify refusal of the proposal having regard to the requirements of Section 25 of the Act.

Prior to the submission of planning application ref: 17/02047/IPL, a detailed pre-application enquiry was submitted to the Council for the erection of a house in the garden ground of 59 Station Road. A copy of the pre-application correspondence is detailed in Appendix 1 to this Appeal Statement. During the exchange of pre-application emails the Case Officer clearly states they he would not assess any formal application for planning permission for the erection of a house in the gardens of 59 Station Road as he had already decided that planning permission would not be granted. Given that the same Case Officer dealt with the pre-application enquiry and planning application, the appellant considers it important that this matter is brought to the attention of the Council's Local Review Body as it would appear the outcome of planning application ref: 17/02047/IPL was decided without taking into consideration the detail of the proposed development or content of the associated Planning Statement. Therefore, the appellant believes that the Council has misinterpreted the proposal and as such incorrectly concluded that the proposed development is contrary to the requirements of the Development Plan.

It is respectfully requested that this appeal is supported and planning permission granted for the reasons provided in this statement.

## 2.0 APPLICATION SITE AND CONTEXT

Figure 1: Location Plan identifies the site within its wider setting. The site is located on the western side of Station Road within a residential area comprising of different house types and plot sizes.

The property at 59 Station Road, Invergowrie comprises of a single storey dwellinghouse situated in the northern sector of a large plot as shown in Figure 1.

The site slopes from west to east and is separated from Station Road by a stone retaining wall. To the west the site is separated from the gardens of neighbouring properties on Noble Avenue by 1.8m timber fencing, to the north and south the site is separated from neighbouring properties by a combination of stone walls and hedging. The gardens serving the existing house are sewn in grass.

Figure 1: Location Plan



The existing house is stone built with a pitched roof finished in natural slate. The house has solar panels and roof lights on the eastern roof plane and white UPVC framed fixed lower pane and opening top hopper style double glazed windows on the ground floor.

Access to the site is taken from Station Road where a parking area has been created in the north eastern corner of the site. The Site is bound to the north and south by detached and semi-detached single storey dwellinghouses of a similar design, scale and massing as the existing dwellinghouse at 59 Station Road. To the west the site is bound by the rear gardens of two storey semi-detached dwellinghouses.

Figure 2: Proposed Site Plan



### 3.0 PROPOSED DEVELOPMENT

Planning application ref: 17/02047/IPL sought planning permission for the erection of a house in the area of garden ground to the north of the existing house at 59 Station Road.

The proposed house will be served by the existing off-street parking facilities in the south-eastern corner of the property while the existing house will be served by new off-street parking facilities formed within the front garden ground of the remaining plot as shown on the proposed site layout plan.

The proposed house will have a north west to south east orientation to maintain the appearance of the Station Road streetscape and will be restricted to single storey to maintain the appearance of the surrounding built form and streetscape.

Figure 2: Proposed Site Plan illustrates that the site outlined in red on Figure 1 is capable of accommodating a single dwellinghouse, in accordance with the Council's standards. Figures 3 and 4 demonstrate that the proposed housing site by virtue of plot size, dimensions and area of private garden ground is reflective of the prevailing pattern and density of development surrounding the site. The Indicative Block Plan in Figure 2 demonstrates that the proposed house can be served by off street parking through the existing vehicle access to the property.

Figure3: Plot Areas and Private Garden Ground Areas

| Property        | Plot Area | Footprint of Dwellinghouse | Private Garden Ground Area                       |
|-----------------|-----------|----------------------------|--------------------------------------------------|
| 55 Station Road | 608sqm    | 164sqm                     | 128sqm                                           |
| 57 Station Road | 684sqm    | 180sqm                     | 144sqm                                           |
| 59 Station Road | 735sqm    | 175sqm                     | 152sqm                                           |
| 61 Station Road | 720sqm    | 125sqm                     | 180sqm                                           |
| 63 Station Road | 378sqm    | 120sqm                     | 99sqm                                            |
| 13 Noble Avenue | 330sqm    | 47sqm                      | 209sqm                                           |
| 11 Noble Avenue | 455sqm    | 40sqm                      | 312sqm                                           |
| 9 Noble Avenue  | 475sqm    | 41sqm                      | 312sqm                                           |
| 7 Noble Avenue  | 602sqm    | 46sqm                      | 450sqm                                           |
| 5 Noble Avenue  | 525sqm    | 42sqm                      | 395sqm                                           |
| 3 Noble Avenue  | 504sqm    | 47sqm                      | 376sqm                                           |
| Proposed Plot   | 546sqm    | 120sqm                     | 143sqm (Proposed Site Plan)/ 138sqm (Document 4) |

Figure 4: Dimensions of Plots Surrounding Application Site

| Property        | Plot Length | Plot Width |
|-----------------|-------------|------------|
| 55 Station Road | 35m         | 19m        |
| 57 Station Road | 35m         | 20m        |
| 59 Station Road | 36m         | 19m        |
| 61 Station Road | 41m         | 22m        |
| 63 Station Road | 41m         | 13m        |
| 13 Noble Avenue | 30m         | 11m        |
| 11 Noble Avenue | 35m         | 13m        |
| 9 Noble Avenue  | 38m         | 12.5m      |
| 7 Noble Avenue  | 41.5m       | 14.5m      |
| 5 Noble Avenue  | 42m         | 12.5m      |
| 3 Noble Avenue  | 42m         | 12m        |
| Proposed Plot   | 39.3m       | 13.9m      |

Overall the material submitted in support of planning application ref: 17/02047/IPL demonstrates that the site extends to an area of 546sqm with the proposed house occupying an indicative footprint of 120sqm (12m x 10m) and an area of private usable garden ground of 143sqm. This information when compared with surrounding plots demonstrates that the proposed development is reflective of the prevailing pattern and density of development in the surrounding area.

#### 4.0 DEVELOPMENT PLAN

Section 25 of the Act identifies that *"where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."*

This principle is restated in Section 37(2) of the Act on the determination of applications states that *"In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations"*.



The statutory Development Plan for the area comprises the TAYplan, approved 2017 and the Perth and Kinross Local Development Plan adopted 2014. It is considered that the strategic policies contained in the TAYplan are not directly relevant to this proposal, which is more properly assessed through the site-specific proposals contained in the Perth and Kinross Local Development Plan 2014.

The site lies within the settlement boundary of Invergowrie, where the following Local Development Plan policies are applicable to a new house proposal,

**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 PM3 - Infrastructure Contributions**

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

**Policy PM4: Settlement Boundaries**

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

**Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

**8.0 EVALUATION OF PROPOSED DEVELOPMENT**

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 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.

Principle of Development

The site is located within the Invergowrie settlement boundary where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill

residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area. In addition, the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

#### Design and Layout

The site is required to be assessed against the 'Placemaking' policies of the adopted local plan. Although it is proposed to submit a formal application for planning the indicative site layout plan accompanying this preapplication enquiry demonstrates that a dwelling can be accommodated on the site.

The indicative proposed site layout plan in Figure 2 in combination with Figure 3 demonstrates that a house can be positioned on the site without impacting on the density, amenity and character of the surrounding area. This because the proposed plot and the remaining plot are of a size comparable to neighbouring properties while the level of private garden ground serving both the proposed plot and remaining plot also comparable with the level of private garden ground serving neighbouring properties. This information demonstrates that the proposed development shall not adversely impact on the density of development in the surrounding area.

In addressing the concerns raised by the Council in a pre-application capacity in relation to Policies RD1 and PM1 and PM1B, Figure 4 demonstrates that the dimensions of the proposed plot are comparable with neighbouring plots surrounding the application site. In addition, the aerial photograph in Figure 6 demonstrates that from a visual perspective the proposed plot is in keeping with the surrounding buildings plots in terms of shape and proportions. It is proposed to align the front building line of the proposed house with the existing house at 59 Station Road and those at 57 and 55 Station Road. The photograph in Figure 7 demonstrates the strong building line created by these 3 existing properties. Aligning the proposed house with these properties shall create visual cohesion between the new house and those to the south of the site.

Figure 6: Aerial Photograph of Application Site and Surrounding Context



Off street parking serving the proposed house will be formed by re-purposing the facilities serving the existing dwellinghouse. As part of the proposed development new off-street parking facilities will be formed within the area of garden ground to the front of the existing house. The new off-street parking facilities will also be accessed from Station Road.

Figure 7: Photograph of Application Site From South East Side of Station Road



In terms of site layout, it has been demonstrated that through the provision of generous external space standards, off-street parking facilities the proposed plot is of a suitable size and shape to accommodate a single storey house of similar footprint to those surrounding. Figures 1-5 demonstrate that the area in which the application site is located is characterised by a mixture of different house types, sizes, plot sizes and shapes. Therefore, the erection of a house on the proposed plot shall not adversely impact on the quality of the surrounding built and natural environment.

In terms of design, to minimise any impact on visual amenity and to maintain the appearance of the Station Road streetscape the new house will be positioned to maintain the front building line of existing houses on the north-western side of Station Road and will take the form of a single storey building with a pitched roof.

For the reasons outlined above we believe that the proposal respects the density, character and amenity of the area and will complement the high quality residential environment. Therefore, the proposal satisfies Policies PM1A and PM1B.

#### Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

In this case the siting of a proposed dwelling on this site within the settlement boundary is not considered to erode local distinctiveness, diversity and quality of the landscape. However, an appropriate form of boundary planting and screening will be required to the southern boundary of the proposed site. This matter could be controlled by planning condition should the



Council be supportive of the proposal.

#### Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new dwelling, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

Figures 3 and 4 above demonstrate that the existing and proposed house will be afforded generous external space standards should planning permission be granted, with both properties being comparable to neighbouring properties in terms of size but with greater areas of private garden ground.

In terms of privacy and overlooking, the proposed site layout plan demonstrates that windows in the new house will be positioned no less than 18m from the facing windows of neighbouring houses. In addition, restricting the height of the proposed house to one storey and screening the proposed house from the existing house will prevent the overlooking of private garden grounds.

Taking account of the proposed site layout plan and suggested restrictions relating to the design of the proposed house we believe that the proposal would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the house. However, these matters should be assessed in greater detail through the submission of an application for matters specified in conditions if planning permission in principle is approved.

For the reasons outlined above it has been demonstrated that the development proposed by application ref: 17/02047/IPL satisfies the requirements of the adopted Perth and Kinross Local Development Plan.

#### **6.0 Evaluation of Council's Assessment of Planning Application Ref: 17/02047/IPL**

In assessing planning application ref: 17/02047/IPL the Planning Case Officer has concluded that the proposed development is contrary to Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 because the shape of the proposed housing plot and its close relationship with the existing property, would not achieve a satisfactory level of separation between the proposed dwelling and the existing dwelling. Further, the reason for refusing planning permission states that because of the shape of the proposed plot and its close relationship with the existing property the proposed development would have an adverse impact on the density and visual character of the area.

In drawing these conclusions the Case Officer focuses his assessment on 4 key themes which he believes run concurrently through Policies PM1A: Placemaking and RD1: Residential Areas.

- Land Use
- Design and Layout
- Residential Amenity
- Visual Amenity

It has been demonstrated in the Planning Statement submitted in support of application ref: 17/02047/IPL (Contained within Document 1) and Sections 3 and 5 of this Appeal Statement that the application site by virtue of area, shape and dimensions is not out of character with those surrounding the site at 59 Station Road. Indeed the tables within Figures 3 and 4 of this Appeal

Statement demonstrate that the proposal is reflective of the prevailing pattern and density of development in the surrounding area.

The reason for refusing planning permission specifically refers to the shape of the application site as being detrimental to visual amenity. However, the content of Figure 1 can be cross referenced against the corresponding plot dimensions within Figure 4 to clearly demonstrates that the shape of the application site, like the surrounding housing plots, is not unorthodox but rather wholly similar to those adjoining and adjacent to the site. Therefore, the shape and size of the proposed housing plot are not detrimental to visual amenity.

In terms of separation distances between the proposed house and the existing house at 59 Station Road, the proposed site layout plan submitted as part of application ref: 17/02047/IPL and detailed within Figure 2 of this statement is purely indicative to demonstrate that a house of a similar footprint to those surrounding could be located on the application site. However, in assessing the indicative block plan the Planning Case Officer has considered matters relating to the detailed design of the proposed house and not the principal of locating a house on the application site which is what is required when assessing an application for planning permission in principle.

The Report of Handling states:

*A site of circa 550sq m, and with 100sq m of usable garden ground would normally be sufficient for a new infill plot; however the narrowness of this site and the close relationship with the existing dwelling would in my view lead to an odd arrangement of two detached dwellings being seen very close to one another, which in turn would create a 'squeezed' appearance, which in my view would be out of character with the surrounding area.*

*The indicative footprint lodged with the application shows a 2m gap – 1m on each side of the mutual boundary- between the existing dwelling and the proposed, which is extremely close. A more linear footprint could perhaps increase this space, however the separation distance between the existing and proposed would nevertheless remain close.*

In concluding that the proposed house would be unnaturally close to the existing house, would appear 'squeezed' and would be out of character with the surrounding area the Planning Case Officer expresses personal opinions rather than those that can be evidenced by empirical fact. Figure 6: Separation Distances Between Houses demonstrates the distances between the houses surrounding the application site and those adjoining them. It is clearly demonstrated that the relationship between the proposed house and the existing house at 59 Station Road is no different to the relationship between neighbouring houses and those adjoining them. However, as this is an application for planning permission in principle and the proposed site layout plan submitted as part of the planning application was indicative (for illustrative purposes only as detailed within the Case Officer's Report of Handling), the separation distance between the proposed house and the existing house at 59 Station Road could be increased by reducing the footprint of the proposed house or changing its shape as demonstrated by the alternative proposed site plan in Document 4 of this appeal submission. Document 4 shows a house on the proposed plot with a footprint of 120sqm, a private garden ground of 135sqm and distance between the existing house at 59 Station Road of 4.5m.

Figure 6: Separation Distances Between Houses

| Property        | Distance to Neighbouring House North | Distance to Neighbouring House South |
|-----------------|--------------------------------------|--------------------------------------|
| 55 Station Road | 3.9m                                 | 6.1m                                 |
| 57 Station Road | 4.2m                                 | 4.1m                                 |

|                 |                         |                                            |
|-----------------|-------------------------|--------------------------------------------|
| 59 Station Road | 26.5m                   | 4.1m                                       |
| 61 Station Road | Adjoined                | 26.5m                                      |
| 63 Station Road | 5.9m                    | Adjoined                                   |
| 13 Noble Avenue | Adjoined                | 3.9m                                       |
| 11 Noble Avenue | Adjoined                | 12.1m                                      |
| 9 Noble Avenue  | Adjoined                | 12.1m                                      |
| 7 Noble Avenue  | 11.2m                   | Adjoined                                   |
| 5 Noble Avenue  | Adjoined                | 11.2m                                      |
| 3 Noble Avenue  | 9.9m                    | Adjoined                                   |
| Proposed Plot   | 12.5m (63 Station Road) | 2.0m Proposed Site Plan/ 4.0m (Document 4) |

It is detailed within the Planning Case Officer's Report of Handling that he presumed the proposed house to be 2 storeys in height:

*An indicative footprint of a dwelling has been submitted in support of the planning application which shows a modest sized dwelling (presumably with 2 levels of accommodation) in a central location. The indicative house has been shown approx. 1m away from each of the sites side boundaries.*

However, had the scale of the Indicative Block Plan and the content of the Planning Statement submitted in support of application ref: 17/02047/IPL been considered by the Case Officer it would have been strikingly obvious that this application proposed a single storey house with a footprint of 120sqm. A 2 storey house with a footprint of 120sqm would provide a maximum internal floor area of 240sqm which would be the equivalent of a 5-6 bedroom house. The application site in no way could accommodate a house of this size without impacting on the density of development, visual character and amenity of the surrounding area. Therefore, it is understandable that in considering a 2 storey house on the application site the Case Officer concluded that the proposal would have an adverse impact on the density and visual character of the area.

To clarify, the development proposed by application ref: 17/02047/IPL was for the erection of a single storey house which the Planning Statement clearly stipulates and that the appellant continues to propose. The Planning Statement submitted in support of application ref: 17/02047/IPL stipulates that the appellant is agreeable to the approval of planning permission in principle for the erection of a house on the application site being restricted to the erection of a single storey house.

The Report of Handling further states:

*I'm also conscious of the fact that the existing dwelling has two windows at first floor level, serving what I believe to be bedrooms facing the proposed plot. In the event of a consent being issued for a dwelling on this site, and without any changes in window placement on the existing house, the best scenario (in terms of preventing overlooking/loss of privacy) would be a blank gable approx. 2m away from those windows and at worse, potential other habitable windows approx. 2m away.*

*Neither of these scenarios would ordinarily be considered acceptable.*

The Planning Case Officer at no stage contacted the appellant or the appellant's agent who submitted planning application ref: 17/02047/IPL prior to the application being determined. Had he done so it could have been clarified that these windows are not the primary source of light to bedrooms on the first floor of the existing house. As the house at 59 Station Road is in the ownership and control of the applicant a condition requiring that these windows be obscurely glazed and maintained as such in perpetuity or removed and the openings blocked up could have been

incorporated into the approval of planning permission to overcome the perceived issues of overlooking.

Alternatively and similar, to restricting the height of the proposed house to single storey a condition restricting window openings in the southern elevation of the proposed house could have been incorporated into the approval of planning permission to prevent issues of overlooking from arising. The Planning Statement in combination with Section 5 of this Appeal Statement highlights that the proposed house would have no facing windows within 18m of existing houses as well as drawing attention to the proposal also involving screening of private garden grounds through the erection of boundary treatments.

In terms of impact on residential amenity, the Case Officer's report of handling states:

*In terms of the impact on existing residential amenity, any impact would largely be limited to the neighbour at 59, which is within the same ownership as the application site. Notwithstanding this, the impact that a new dwelling so close to the boundary would have on any future occupiers would be an adverse one.*

This statement highlights a continuous theme throughout the report of handling in relation to personal opinion rather than empirical fact or professional judgement. The planning case officer has stated that the proposed house shall impact on residential amenity. However, other than allude to this there is no assessment of what this impact would actually be. This is because the planning application is seeking to establish the principle of erecting a house on the application site and as such applications in principle do not require the detailed design of the proposed house to be complete. Therefore, until the detailed design of the proposed house has been completed it is not possible to state that the proposed house would impact on the residential amenity of neighbouring properties as this impact is unknown. This is because it is unknown how big the proposed house will be, what distance it will be positioned from the site boundaries, what height it shall be and where it's window and door openings shall be positioned.

Throughout this Appeal Statement empirical facts and material planning considerations in relation to the policy requirements of the Perth and Kinross Local Development Plan 2014 have been presented to demonstrate compliance with the adopted Local Development Plan. Similar to this Appeal Statement the Planning Statement submitted in support of planning application ref: 17/02047/IPL set out the reasons that despite planning permission previously being refused for the erection of a house on the application site, the revised proposals satisfy the requirements of the adopted Local Development Plan. However, the Case Officer's Report of Handling does not mention the Planning Statement, not even as a material consideration in the assessment of the proposed development.

## **7.0 CONCLUSION**

The decision notice for application ref: 17/02047/IPL is attached as Document 3 and provides the following reason for refusal of planning permission:

*"The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas."*

The purpose of this statement has been to demonstrate that the proposal aligns with the aspirations of the Development Plan and satisfies the specific requirements of the adopted Perth and Kinross Local Development Plan. Although the proposal has been incorrectly assessed as a two storey

dwelling, this statement clarifies exactly what was proposed by application ref: 17/02047/IPL and the reasons why planning application ref: 17/02047/IPL adheres to the requirements of the Local Development Plan.

The appellant is agreeable to the distance between the new house and the existing house at 59 Station Road, the height of the proposed house and the respective footprint of the proposed house being restricted by condition should this appeal be supported and planning permission in principle granted. Through the submission of a further application for matters specified in conditions the Council would have the opportunity to assess the impact of the detailed design of a proposed house on the application site in terms of visual impact, residential amenity and design in accordance with Policies PM1A and RD1 of the adopted Local Development Plan.

Taking these matters into consideration it is respectfully requested that, having regard to the requirements of Section 25 and 37 of the Town and Country Planning (Scotland) Act, 1997, as amended, this appeal is supported and planning permission granted.



28/11/2017

Pullar House  
35 Kinoull Street  
Perth  
PH1 5GD



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations

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

Dear Local Planner

**DD2 59 Station Rd Land North Of**  
**PLANNING APPLICATION NUMBER: 17/02047/IPL**  
**OUR REFERENCE: 754188**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

- There is currently sufficient capacity in the Clatto Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

- There is currently sufficient capacity in the Hatton PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**  
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

[Redacted signature]

**From:** Anne Phillips  
**Sent:** Wed, 29 Nov 2017 17:15:27 +0000  
**To:** Development Management - Generic Email Account  
**Subject:** Plan App 17/02047/IPL - Erect Dwellinghouse North of 59 Station Road Invergowrie

**Your Ref:** 17/02047/IPL

**HIAL Ref:** 2017/0190/DND

Dear Sir/Madam,

**PROPOSAL** Erect Dwellinghouse (in principle)

**LOCATION** Land North of 59 Station Road Invergowrie

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Dundee Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Kind regards

**Safeguarding Team**

**on behalf of Dundee Airport Limited**

**c/o Highlands and Islands Airports Limited**

[REDACTED]  
[REDACTED]  
[REDACTED]

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

|                                                 |                                                                                                                                                                                                                     |                             |               |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 17/02047/IPL                                                                                                                                                                                                        | <b>Comments provided by</b> | Ruth Thompson |
| <b>Service/Section</b>                          | Flooding                                                                                                                                                                                                            | <b>Contact Details</b>      |               |
| <b>Description of Proposal</b>                  | Erection of dwellinghouse (in principle)                                                                                                                                                                            |                             |               |
| <b>Address of site</b>                          | Land North of 59 Station Road Invergowrie for Mrs S Adams                                                                                                                                                           |                             |               |
| <b>Comments on the proposal</b>                 | We have no objection to this application.                                                                                                                                                                           |                             |               |
| <b>Recommended planning condition(s)</b>        | <b>DR01</b> Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices. |                             |               |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                     |                             |               |
| <b>Date comments returned</b>                   | 5/12/17                                                                                                                                                                                                             |                             |               |



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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |                                                                                         |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/02047/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Comments provided by</b> | Euan McLaughlin                                                                         |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED]<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                                         |
| <b>Address of site</b>                   | Land North Of 59 Station Road, Invergowrie                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                                         |
| <b>Comments on the proposal</b>          | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Invergowrie Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p> |                             |                                                                                         |
| <b>Recommended planning condition(s)</b> | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                                         |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Date comments returned</b>                   | 07 December 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                     |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/02047/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Erection of dwelling house (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                     |
| <b>Address of site</b>                          | Land north of 59 Station Road, Invergowrie                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                     |
| <b>Recommended planning condition(s)</b>        | <ul style="list-style-type: none"> <li>Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</li> </ul> |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                     |
| <b>Date comments returned</b>                   | 21 December 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                     |



**TCP/11/16(524) – 17/02047/IPL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 203-204)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 193-201)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 179-192)*



**TCP/11/16(524) – 17/02047/IPL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie**

## **REPRESENTATIONS**

*(included in applicant's submission, see pages 221-232)*



**TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 239-316***)
- (b) Decision Notice (***Pages 303-304***)
  - Report of Handling (***Pages 319-331***)
  - Reference Documents (***Pages 275, 293-294 and 305-316***)
- (c) Representations (***Pages 333-354***)
- (d) Further Information (***Pages 355-376***)





**TCP/11/16(508) – 17/01250/FLL – Erection of a  
dwellinghouse, land 400 metres north east of Leepark,  
Coldrain**

**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)

Name MR D S McFADZEAN

Address BALADO FARM SOUTH  
KINROSS, PERTSHIRE

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name ALASTAIR MITCHELL

Address 15 SANDEMAN PLACE  
LUNCARTY,  
PERTSHIRE

Postcode PH1 3BJ

Contact Telephone 1 07780814268

Contact Telephone 2

Fax No

E-mail\*

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

17/01250/ FLL

Site address

BALADO FARM SOUTH, KINROSS, PERTSHIRE

Description of proposed  
development

ERECTION OF A DWELLING HOUSE ON LAND 400M NORTH  
EAST OF LEEPARK COLDEAN.

Date of application 17<sup>TH</sup> JULY 2017

Date of decision (if any) 26/10/ 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:

I FEEL A SIT VISIT IS REQUIRED TO UNDERSTAND THE LOCATION OF THE PROPOSED HOUSE AND THE MINIMAL IMPACT THIS WILL HAVE ON THE ADJACENT AREA

**Site inspection**

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

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

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

IT WOULD BE ADVANTAGEOUS TO HAVE SOMEONE ACCOMPANY ANY SITE VISIT DUE TO THE NATURE OF THE BUSINESS ON THE SITE



**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.

PLEASE SEE ATTACHED STATEMENT

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

Yes ☒ No ☐

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

THE CURRENT LABOUR REQUIREMENTS HAVE BEEN UPDATED TO CONFORM  
THE CURRENT POSITION AND TO PROVIDE JUSTIFICATION OF THE  
1 LABOUR UNIT REQUIRED

**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.

PLEASE SEE ATTACHED LIST OF SUPPORTING DOCUMENTATION

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

Supporting Documentation – Balado Farm South – Ref 17/01250/FLL

- Statement of Review
  - Application Form
  - Covering Letter to Accompany Application
  - Design Statement
  - Labour Profile
  - Labour Report
  - Mitigation Calculation
  - Response from SEPA
  - Letter to Planning Officer 22/10/17
  - Decision Notice
- 
- PL/50A – Location Plan
  - PL/51A – Location Map
  - PL/52A – Location Plan
  - PL/53A – Site Plan
  - PL/54A – Ground Floor Plan
  - PL/55A – First Floor Plan
  - PL/56A – Roof Plan
  - PL/57A – West Elevation
  - PL/58A – East Elevation
  - PL/59A – South Elevation
  - PL/60A – North Elevation
  - PL/61A – Landscaping Plan





## **STATEMENT – NOTICE OF REVIEW**

### **ERECTION OF A DWELLINGHOUSE ON LAND 400 METRES NORTH EAST OF LEEPARK COLDRAIN (Ref 17/01250/FLL)**

The above application was refused on the 26<sup>th</sup> October 2017. Following receipt of the refusal Mr D S McFadzean is seeking a review of the application decision.

The proposed new house is an essential requirement for Mr McFadzean, to allow proper business management in meeting animal husbandry and welfare needs. For these reasons alone, a permanent dwelling house is a fundamental requirement on this site.

## **SITE BACKGROUND AND BUSINESS OVERVIEW**

Mr D S McFadzean, currently runs a farming business extending to 240 acres at Balado Farm South, Kinross, Perth & Kinross. Since the inception of the business in 2010, with 100 acres some 7 years ago, the sole intention was to develop the agricultural holding into a fully operational farming business. The business has expanded since 2010 and now operates over 240 acres.

Following the purchase of the land in 2010 an application was submitted to Perth and Kinross Council for the erection of an agricultural building on the farm. This was granted (Ref 10/02117/PN) and the agricultural building was erected shortly after approval was given. This provides a building which is utilised for the storage of agricultural machinery and also the housing of livestock. This clearly demonstrates a further substantial investment and commitment to develop the agricultural business by Mr McFadzean.

Planning for a second agricultural building (Ref 17/01253/FLL) has also been granted, and erection of the shed will take place within the coming months. This also demonstrates that the business has expanded to a degree where additional buildings are required to support the expansion that has already taken place.

Mr McFadzean has also installed sheep and cattle penning facilities to assist with daily management of livestock and to date has also erected 1400 metres of new agricultural fencing for the control of livestock.

Mr McFadzean's agricultural business has been developed, as per the intention described in the Labour Report, with increasing numbers of Pedigree Beef Shorthorn and Luining Cattle along with Ewes for lamb production.

The agricultural business is registered and complies with:

- British Cattle Movement Service
- Scot Eid
- Scot Move and Quality Meat Scotland

All of the above are supported by the UK and Scottish Government Agencies.

Mr McFadzean is also an active member of the

- Beef Shorthorn Cattle Society
- The Luining Cattle Society
- The Royal Highland Agricultural Society.

Over and above the running and development of the agricultural business Mr McFadzean is managing director for McFadzean Ltd.

McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross Local Area and employs full and part time staff.

## **BACKGROUND TO PROPOSED DWELLING HOUSE**

A planning application was lodged for a new dwelling house with Perth and Kinross Council on the 1<sup>st</sup> December 2016 Ref 16/01900/FLL, after a pre planning meeting with Mark Williamson, Planning Officer.

A site visit was carried out by the Case Officer following the registration of application 16/01900/FLL where a series of photographs were taken, these photographs clearly indicate business development within the site, with the original agricultural building and yard space already developed along with livestock (sheep) visible on farm as per business intention and as noted in the original Labour Report.

Following further discussion with the Case Officer, John Russell, it was agreed that the application (16/01900/FLL) would be withdrawn, to allow further time to review and consider the comments raised during the initial consultation period.

A further meeting was held between Mr McFadzean and John Russell, Planning Officer on the 30<sup>th</sup> May 2017. Following this meeting the location of the house was revised and the application for the house was re-submitted in July 2017 (Ref 17/01250/FLL).

As part of the re-submission the SAC Report was updated. The report was updated due to the period of time between the submission of application Ref 16/01900/FLL and 17/01250/FLL. The updated SAC Report demonstrates the business expansion the development that has taken place within the agricultural business and also provides detailed justification for a member of staff to be housed on the agricultural holding on a permanent basis.

Subsequent further development of the business has taken place since application 17/01250/FLL was lodged. The current figures are noted with Point 1 below. These actual figures prove that the one labour unit noted within the Labour Report has been exceeded quite considerably.

Prior to refusal, additional confirmation was also provided to the Planning Officer, detailing the continued expansion since Application: Ref 17/01250/FLL was submitted and before a letter of refusal had been received, along with an opportunity for both the Planning Officer and Planning Officers Line Manager to visit the site to review the current situation, and also to view how the business operates and has developed. This opportunity was not taken by either of the Officers.

The agricultural business has now been operating on the site for a period of over 7 years, primarily by redevelopment of the largely abandoned tract of agricultural land and forestry, to enable business expansion to this current level, while also providing suitable infrastructure for the continuation and growth of this business and in accordance with Scottish Government Policy encouraging forward thinking and future business development throughout the country.

**The planning application was refused for the following four reasons:**

**POINT No.1**

*The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.*

The Housing in the Countryside supplementary guidance states that

*New Houses in the Open Countryside.*

*Favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:*

*3.3 Economic Activity*

*a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s).*

*Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business.*

It is stated within the handling report that “construction of the house will not be permitted in advance of the development of the business” As the business has now been operating on the site for a period of 7 years, this clearly demonstrates Mr McFadzean’s commitment to develop and maintain the agricultural holding.

It also states that the figures noted within the labour report are based on a forecast.

At this real point in time the farming business meets and exceeds the requirement for one full time labour unit. The current labour profile is shown below.

| Area(ha)<br>/Number | Enterprise                                       | Proposed hrs per hectare<br>or head per year |  | Total Hours    |
|---------------------|--------------------------------------------------|----------------------------------------------|--|----------------|
| <b>LAND</b>         |                                                  |                                              |  |                |
| 34.12 ha            | Rotational grass                                 | 4                                            |  | 136            |
| 12.75 ha            | Hay/Silage (1 cut)                               | 20                                           |  | 255            |
| 18.15 ha            | Rough grazing                                    | 0.6                                          |  | 27             |
| 20.10 ha            | Cereals                                          | 20                                           |  | 402            |
| 15.00 ha            | Other land forestry                              | 1.5                                          |  | 22.5           |
|                     |                                                  |                                              |  |                |
| <b>LIVESTOCK</b>    |                                                  |                                              |  |                |
| 27 cattle           | Suckler cows/ bull                               | 12                                           |  | 324            |
| 6 cattle            | Other Cattle                                     | 9                                            |  | 54             |
| 142                 | Breeding Ewes                                    | 5.2                                          |  | 738.4          |
| 165                 | Other Sheep                                      | 2.75                                         |  | 453.8          |
|                     |                                                  |                                              |  |                |
|                     | <b>Total hours justified</b>                     |                                              |  | <b>2,412.7</b> |
|                     |                                                  |                                              |  |                |
|                     | <b>Standard labour unit (hours per annum)</b>    |                                              |  | <b>1,900</b>   |
|                     |                                                  |                                              |  |                |
|                     | <b>Number of standard labour units justified</b> |                                              |  | <b>1.27</b>    |

The above information has been provided in accordance with the SAC Consulting Farm Management Handbook, the UK reference for farm business management.

The figures relate to those published in a report of the UK Farm Classification Working Party (February 2004) which recommends that 1900 hours of labour are equivalent to one standard annual labour unit.

The figures represent typical labour requirements under typical conditions for enterprises of average size and performance.

Current annual livestock numbers of 340 are made up of the following:-

- Breeding cattle 27 to produce calves plus
- 6 young stock
- Breeding Sheep 142 to produce lambs
- Finishing Sheep 165 fattened & sold this year.

Evidence of these numbers can be accessed from UK & Scottish Government Bodies – BCMS, Scot Moves & Scot EiD.

These numbers will continue to grow as the agricultural calendar progresses.

Other farming practices carried out to date over and above the management of the livestock in this current business year:-

- 6.88ha of grassland regeneration from last year's harvest stubble with ongoing grazing management.
- 12ha of hay conserved for winter feed.
- 9.72ha of cereal production.
- Ongoing livestock (Cattle and Sheep) fencing.

The business has developed beyond expectations and forecasts demonstrating the need to be on site on a permanent basis. The risk of not having someone permanently on site is highlighted in the SAC report as noted below.

The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.

During the winter months the cattle will be housed and fed twice per day with the sale cattle exercised and managed with special feeding regimes. All must be inspected at least once per day where continuous care may be required for any sick or injured animals.

Twenty-four hour supervision is required during calving so that any problems can be dealt with swiftly and a vet called if necessary. Breeding ewes also require feeding and care with twenty-four hour supervision during lambing and aftercare of foster lambs and sick ewes where necessary.

As this business continues to develop, and the approval of a second agricultural building Ref: 17/01253/FLL for livestock and storage was granted, the need for a dwelling house becomes even more essential for supervision and welfare as set out in Government Code of Recommendations and supported through QMS Certification.

The presence of livestock on a farm requires a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock and therefore until a dwelling house is erected the proper code of practice would only be partly adhered too with disproportionate cost involved attempting to comply with these recommendations.

Whilst animal welfare primarily is the issue of concern, security and safety has become a very important consideration due to previous incidents. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded. Currently there are 2 crime numbers pertaining to the farm since purchasing the land, one being theft of materials and equipment, and the other more recently, stray dog attacks on the sheep with one death and two others mauled. All the fertiliser, tools, fuel tanks, machinery and feedstuffs are located at Balado Farm South, and due to the nature of work of McFadzean Ltd, tools and equipment may be stored on site.

There are no neighbours who have a direct line of sight onto the property.

People living on site are a deterrent to this type of crime, and as mentioned above the farm has already been the target by undesirables in recent years, leaving the owners of the land in state of fear and distress with the worry of not being onsite on a permanent basis.

The proposed dwelling house would be sited adjacent to the existing building, which has already been erected, while giving best coverage of views to the majority of the farmland and forestry. From this position vehicle movements can be monitored and attended to whilst also enabling appropriate access to the farm buildings and checking livestock in the surrounding fields.

The positioning of the dwelling house also gives a focal point on arrival to third parties, preventing them from accessing the farm buildings themselves, where their safety could be at risk. Visitors to farms often arrive unannounced and often do not recognise the dangers and approach these with little awareness with the risk of causing harm to themselves or others.

If a permanent presence is created, this would reduce this risk of persons straying onto the farm and cause themselves danger or injury.

The above clearly demonstrates that there is a need for a dwelling house on the agricultural holding.

## **POINT No.2**

*The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.*

Policy PM1A states that a development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

The Housing in the Countryside Policy also states

*Siting Criteria Proposals for a new house falling within category 3 above will be required to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:*

- a) it blends sympathetically with land form;*
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;*
- c) it uses an identifiable site,(except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;*
- d) it does not have a detrimental impact on the surrounding landscape. Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;*
- e) it occupies a prominent, skyline, top of slope/ridge location;*
- f) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and*
- g) is unable to provide a suitable degree of enclosure for a new house in the countryside.*

As noted with the Design Statement submitted as part of the planning application. The intention is to erect the new dwelling house on the Southern side of the access roadway adjacent to the existing farmyard.

The house has been located to allow supervision across the fields to the East and West and also adjacent to the farmyard and agricultural buildings to facilitate the farm operation working as a single unit.

By moving the location of the house some 15m North from the original application Ref 16/01900/FLL to ensure that it sits closer to the farmyard as per the discussions held with the Planning Officer on 30<sup>th</sup> May 2017 and noted in the handling report that this site would be suitable, allows the house to blend more sympathetically with the existing buildings, trees and landforms using an identifiable site already established.

The location of the house will have a minimal impact on the surrounding landscape and will be concealed by the existing woodland. The house is also located 300m from the public highway, an unclassified road connecting the A977 to the B9097. Due to the positioning of the house it will not be visible from the main A977 Kinross to Crook of Devon road or from the village of Balado. Views of the new house will only be gained from a short stretch of roadway if travelling on the unclassified Balado to Cleish Road.

The existing grass bankings will be retained along the fence line as noted on Architects Drawing 61A. The bankings will screen the ground floor of the new house and will give the impression when viewed from the roadway, some 300 metres away, that the house is of single storey.

This house has been designed with a low sloping curved roof to minimise the influence on the landscape and also to connect with the style of the existing agricultural building adjacent and surrounding topography such as the Lomond Hills.

The suggestion of the design being complicated would be eliminated by the understanding that the broken gutter lines are incorporated to enable a construction of a lesser height, creating a storey and a half, and not a full two storey, therefore reducing the visual impact.

The design of this house is consistent with features displayed nearby, while only being a storey and a half, forming a more sympathetic impact than surrounding dwellings all within close proximity. The dominant features of these being full two storeys concurrently displaying curved elements and a variety of gutter and ridge lines with little or no natural screening, creating a much greater visual impact than this application.

Please see below a series of examples of houses that have been constructed within close proximity, on immediate neighbouring land.



**Houses recently constructed adjacent to the applicant site**



Please see below neighbouring dwellings, all within close proximity of (A) and constructed in the last few years.

- (A) Marks the proposed house site
- (B) Two and a half storey house with curved features and round house annex
- (C) A variety of round structures and split gutter lines all one and a half or two storey dwellings
- (D) Two storey farmhouse with changing ridge line

House at position B

A two and a half storey house, with round house to the East and curved annex to the North

East Elevation



West Elevation



Houses at position C viewed from the site at A.

Selection of round structures and split gutter lines, demonstrating complex design.

All within very close proximity to the public highway





House at position D

Clearly visible two storey farmhouse, with changing ridge lines in prominent position



A site visit as part of the review would be beneficial to appreciate the proposed location of the new house and the minimal impact that this development will have on the surrounding landscape, in contrast to the existing developments.

### **POINT No.3**

*The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.*

#### **PM1B**

Policy PM1B All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

It is noted within the handling report that “*the development is located in a position where the height and mass of the building cannot be accommodated and as result will dilute the landscape character of the area*” and “*reducing the height of the building from 2two storeys to one would likely address the conflict*”

The design of the house is for a one and a half storey house and not for a two storey house, as mentioned above. Furthermore, consideration should be given to the various other new dwelling houses that have been developed in very close proximity to this agricultural holding, many of which do not form part of any agricultural business.

The examples included above are of houses that have been built in the surrounding area. This has been prepared to demonstrate that the impact from the house proposed under this application will be minimal in comparison to other developments that have been granted permission in recent years.

The design of the new building has been implemented to reflect the character of the adjacent agricultural shed and as stated under Point 2 is some 300m from the nearest public road with the lower ground floor being concealed by the existing grass banking giving the impression that the house is single storey, when viewed from a distance.

A farmhouse will create a sense of identity with the existing farm buildings which have already been approved by Perth and Kinross Council. The dwelling house is of a lesser mass and height than the existing agricultural buildings so by that designation could not have a detrimental effect on the surrounding area.

#### **POINT No.4**

*The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014*

#### **PM4**

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

Agricultural buildings and farmyards are not commonly located within defined settlement boundaries. The principle, for the farmyard and the agricultural buildings, has already received approval by Perth and Kinross Council. The farm building and farm yard provide defined boundaries within the agricultural holding, and the new house has been designed to sit on the edge of the boundary containing the buildings while still allowing a degree of practical space to conduct safe business operations.

## **CONCLUSION**

This application must be taken in context, without eluding the fact, this being a farmhouse for a business need and home.

Additionally the design and situation creates a sense of identity as a productive farmyard and expanding business with continued economic benefit to the local area, far beyond any construction phase of the development.

While the essential business need is very apparent, the design and site layout is taken from the vision steered by the Scottish Government and Local Planning Directive to allow innovative and unique design, to enhance and create a more vibrant built environment, whilst remaining sustainable and economic to manage.

With the materials proposed for this project being both renewable and recyclable, not only does it reduce the burden on the environment, but also creates a healthier habitat for the occupants.

Mr McFadzean hopes, in taking the current and previous applications into account, you, the Review Committee, will understand the full commitment undertaken to develop this business, and recognise planning and development is an essential part of any enterprise to succeed.

Therefore we trust you can commit to favourable support.







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100058901-001

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

## Type of Application

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

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

## Description of Proposal

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

Erection of new dwelling house

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                                                                                                       |                                  |                                                      |                |
|-------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------|----------------|
| Company/Organisation:                                                                                 | AMA                              |                                                      |                |
| Ref. Number:                                                                                          |                                  | You must enter a Building Name or Number, or both: * |                |
| First Name: *                                                                                         | Alastair                         | Building Name:                                       |                |
| Last Name: *                                                                                          | Mitchell                         | Building Number:                                     | 15             |
| Telephone Number: *                                                                                   | 07780814268                      | Address 1 (Street): *                                | Sandeman Place |
| Extension Number:                                                                                     |                                  | Address 2:                                           | Luncarty       |
| Mobile Number:                                                                                        |                                  | Town/City: *                                         | Perthshire     |
| Fax Number:                                                                                           |                                  | Country: *                                           | Scotland       |
|                                                                                                       |                                  | Postcode: *                                          | PH1 3RJ        |
| Email Address: *                                                                                      | rachelmitchell134@btinternet.com |                                                      |                |
| Is the applicant an individual or an organisation/corporate entity? *                                 |                                  |                                                      |                |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity |                                  |                                                      |                |

## Applicant Details

Please enter Applicant details

|                      |            |                                                      |  |
|----------------------|------------|------------------------------------------------------|--|
| Title:               | Mr         | You must enter a Building Name or Number, or both: * |  |
| Other Title:         |            | Building Name:                                       |  |
| First Name: *        | Douglas    | Building Number:                                     |  |
| Last Name: *         | MacFadzean | Address 1 (Street): *                                |  |
| Company/Organisation |            | Address 2:                                           |  |
| Telephone Number: *  |            | Town/City: *                                         |  |
| Extension Number:    |            | Country: *                                           |  |
| Mobile Number:       |            | Postcode: *                                          |  |
| Fax Number:          |            |                                                      |  |
| Email Address: *     |            |                                                      |  |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

701731

Easting

308891

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Meeting held between Mr McFadzean and Mr J Russell on the 30th May 2017, following the withdrawal of the original planning application Ref 16/01900/FLL

Title:

Mr

Other title:

First Name:

John

Last Name:

Russell

Correspondence Reference  
Number:

16/01900/FLL

Date (dd/mm/yyyy):

30/05/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

7817.20

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

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

The area of ground is utilised as part of the agricultural holding, adjacent to the existing agricultural shed.

## Access and Parking

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

☐

Yes

☒

No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

☐

New/Altered septic tank.

☒

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

The new house will discharge to a new treatment plan as noted on the drawing. The new drainage will be installed in accordance with the mitigation calculations attached to the application

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin storage will be provided at the junction with the existing farm access and main public road

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

|                                                                                                                                                                                                                                                                                                                            |                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| How many units do you propose in total? *                                                                                                                                                                                                                                                                                  | <div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; line-height: 20px;">1</div> |
| Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.                                                                                                                                                                               |                                                                                                                     |
| <h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>                                                                                                                                                                                                                                 |                                                                                                                     |
| Does your proposal alter or create non-residential floorspace? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>                                                                                                                                          |                                                                                                                     |
| <h2 style="margin: 0;">Schedule 3 Development</h2>                                                                                                                                                                                                                                                                         |                                                                                                                     |
| Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know         </span> |                                                                                                                     |
| If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.  |                                                                                                                     |
| If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.                                                                                                                                      |                                                                                                                     |
| <h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>                                                                                                                                                                                                                                              |                                                                                                                     |
| Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>                                               |                                                                                                                     |
| <h2 style="margin: 0;">Certificates and Notices</h2>                                                                                                                                                                                                                                                                       |                                                                                                                     |
| CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013                                                                                                                                                                                       |                                                                                                                     |
| One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.                                                                                                                                                |                                                                                                                     |
| Are you/the applicant the sole owner of ALL the land? * <span style="float: right;"> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No         </span>                                                                                                                                                   |                                                                                                                     |
| Is any of the land part of an agricultural holding? * <span style="float: right;"> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No         </span>                                                                                                                                                     |                                                                                                                     |
| Do you have any agricultural tenants? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>                                                                                                                                                                   |                                                                                                                     |
| <h2 style="margin: 0;">Certificate Required</h2>                                                                                                                                                                                                                                                                           |                                                                                                                     |
| The following Land Ownership Certificate is required to complete this section of the proposal:                                                                                                                                                                                                                             |                                                                                                                     |
| Certificate E                                                                                                                                                                                                                                                                                                              |                                                                                                                     |

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

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

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

Or

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

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

Name:

Address:

Date of Service of Notice: \*

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

Signed: Alastair Mitchell

On behalf of: Mr Douglas MacFadzean

Date: 16/07/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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



Provide copies of the following documents if applicable:

|                                                                                        |                                                                      |
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| A copy of an Environmental Statement. *                                                | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *                                                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *                                                                | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *                                                                      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *                                                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Mitigation Calculation Labour Report

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Alastair Mitchell

Declaration Date: 16/07/2017



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

Dear Mr Russell

**Proposed New House at South Balado Farm, Balado, Perthshire**

Following your recent meeting with my client Mr MacFadzean on the 30<sup>th</sup> May 2017, we would like to confirm that we have now re-submitted the planning application following the withdraw of the original application Ref 16/01900/FLL,

We would like to confirm that we have taken account of your comments and now provide confirmation as follows,

1. The SRUC justification takes account of the previous comments and identifies the need for 1.09 people on a permanent basis on the site.
2. Discussions have been held with SEPA and an agreement is in place to justify the mitigation for the new house within the Loch Leven catchment area.
3. The location of the house has been reconsidered and has been moved North, by some 15m so that it is closer to the existing agricultural building and farmyard. The existing farm yard cannot be reduced as this area is required for the turning of both lorries and farm vehicles.
4. The existing bankings to the West of the site have been retained. This will screen the existing house and give the appearance of a single storey house when viewed from the nearest roadway between Balado and Carnbo, some 300m away from the proposed site. The finalised position of the house provides the maximum screen using the existing landscaping and wooded areas.
5. The house will not be visible from village of Balado, and will be further screened to the North by the existing agricultural shed.
6. The updated drawings now provide elevations of the house when viewed from the West with the bankings in place, this minimise any impact that the house will have on the surrounding landscape.
7. The intention is that the house will be as environmentally friendly as possible with the walls being constructed from hempcrete and the building being heated via a ground source heat pump.

We trust you find the above in order and will be able to take these points on board when reviewing the revised application.

Regards

Alastair Mitchell  
On behalf of Mr D MacFadzean

## **Design Statement**

### **Erection of Proposed New House at Balado South, Balado, Perthshire**

Mr McFadzean currently has an agricultural holding at Balado, Perthshire. An agricultural shed was erected on the site in 2011 and it is now the intention to erect a new dwelling house adjacent to the new agricultural shed. Mr McFadzean has been increasing his livestock over this period and it has now been established by SAC Consulting that the agricultural holding will justify the need for 1.09 people on a permanent basis on the site.

An application was lodged with Perth and Kinross Council on the 1<sup>st</sup> December 2016 Ref 16/01900/FLL, following further discussion with John Russell, Planning Officer, it was agreed that the application would be withdrawn, to allow further time to review and consider the siting of the new house.

A further meeting was held between Mr MaFadzean and John Russell, Planning Officer on the 30<sup>th</sup> May and the drawings have now been adjusted to take account of the discussions.

An existing agricultural shed and workshop is located to the North side of the existing access road, and is concealed by the existing bank of trees to the West. The current woodland screens the new shed from the existing roadway from Balado to Cleish. There is a yard area to the front of the shed which extends down to the adjacent access road. The yard area is enclosed with a series of grass bankings around the perimeter as noted on Architects Drawing 61A.

The intention is to erect the new dwelling housing on the Southern side of the access roadway adjacent to the yard. The house has been located so that it has views across the fields to the East and West and also adjacent to the yard and agricultural building to allow the farm operation to work as a single unit. The location of the house has been moved some 15m North from the original application.

The location of the house will have a minimal impact on the surrounding landscape and will be concealed by the existing woodland. Views of the new house will only be gained from a short stretch of roadway if travelling on the Balado to Cliesh Road. The house is also located 300m from the main public highway. Do to the positioning of the house it will not be visible from the main A977 Kinross to Crook of Devon road or from the village of Balado.

The existing grass bankings will be retained along the fence line as noted on Architects Drawing 61A. The bankings will screen the ground floor of the new house and will give the impression when viewed from the roadway that the house is a single storey house.

The house has been designed with a low sloping curved roof to minimise the impact on the landscape and also to tie in with the style of the existing agricultural shed adjacent.



## D S McFadzean

### LABOUR PROFILE CALCULATION

| CROPS                               | AREA<br>(Acres) | HOURS<br>(/Ac/Yr) | HOURS<br>(/Ha/Yr) | TOTAL<br>(Hours) |
|-------------------------------------|-----------------|-------------------|-------------------|------------------|
| =====                               | =====           | =====             | =====             | =====            |
| ROTATIONAL GRASS - GRAZED           | 40              | 3.2               | 8                 | 128.0            |
| ROTATIONAL GRASS - SILAGE (1ST Cut) | 20              | 4.9               | 12                | 98.0             |
| ROTATIONAL GRASS - SILAGE (2ND Cut) | 20              | 4.9               | 12                | 98.0             |
| OTHER LAND - FORESTRY MANAGEMENT    | 40              | 1.0               | 2.5               | 40.0             |
|                                     | -----           |                   |                   | -----            |
| TOTAL AREA (Acres)                  | 120             | CROP HOURS        |                   | 364.0            |
|                                     | -----           |                   |                   | -----            |

| STOCK                                 | HEAD<br>(No.) | HOURS<br>(/Hd/Yr) | TOTAL<br>(Hours) |
|---------------------------------------|---------------|-------------------|------------------|
| =====                                 | =====         | =====             | =====            |
| SUCKLER COWS (Spring Calvers)         | 50            | 12.0              | 600.0            |
| SUCKLING CALF (Spring Calvers)        | 50            | 4.0               | 200.0            |
| BREEDING HEIFERS 1 YR OLD +           | 8             | 12.0              | 96.0             |
| BREEDING BULLS                        | 2             | 12.0              | 24.0             |
| PRODUCTION BULLS 1YR OLD +            | 8             | 15.0              | 120.0            |
| FINNISHING STEERS & HEIFERS 1YR OLD + | 35            | 4.0               | 140.0            |
| BREEDING EWES                         | 100           | 5.2               | 520.0            |
|                                       | -----         |                   | -----            |
| TOTAL STOCK (Head)                    | 253           | STOCK HOURS       | 1,700.0          |
|                                       | -----         |                   | -----            |
|                                       |               | TOTAL HOURS       | 2,064.0          |
|                                       |               |                   | =====            |

ANNUAL LABOUR REQUIREMENT**D S McFadzean**

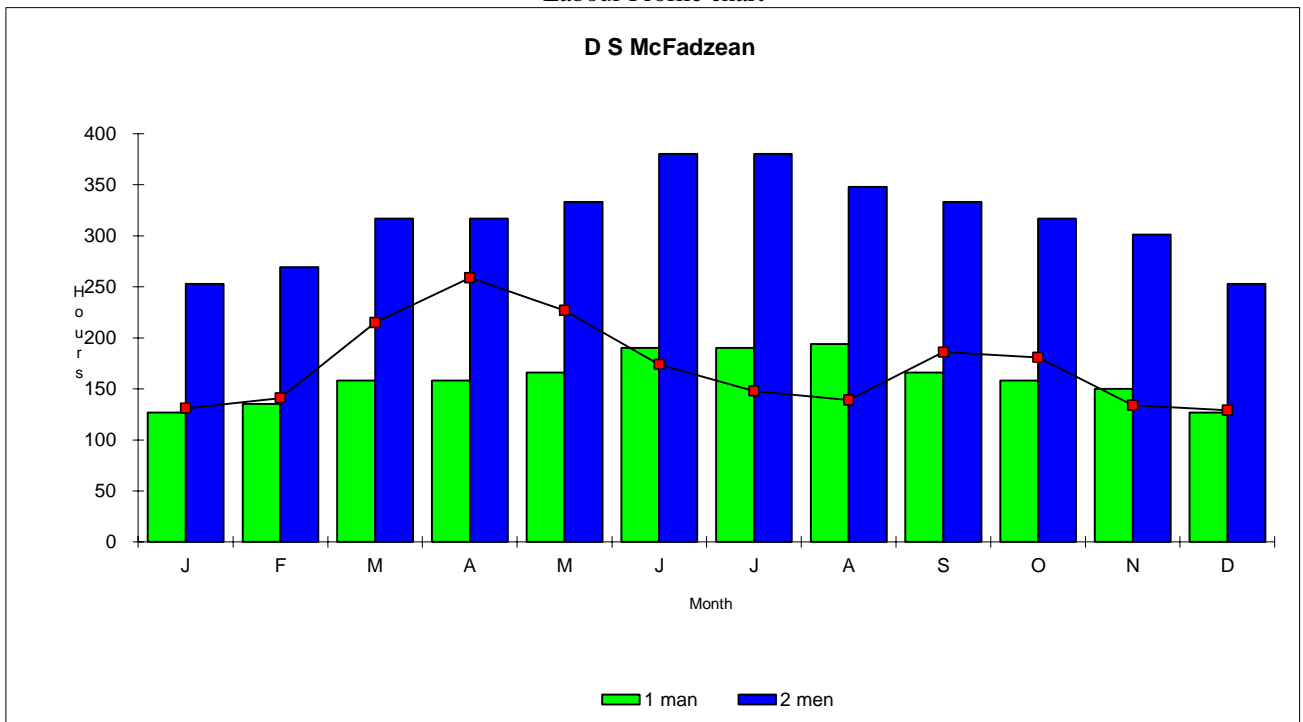
| WORK CAPACITY (Hours/man/yr) |             | WORK REQUIRED   |                 |
|------------------------------|-------------|-----------------|-----------------|
|                              |             | Labour Units/Yr | Hrs Required/yr |
|                              | 1800        | 1.1             |                 |
| <i>Standard Labour Unit</i>  | <b>1900</b> | <b>1.1</b>      | 2085            |
|                              | 2100        | 1.0             |                 |

MONTH BY MONTH LABOUR REQUIREMENT

| <u>MONTH</u>                                                                                                                        | <u>HOURS</u>   | 1 Man        | 2 Men        | 3 Men        |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------|--------------|--------------|
| January: Feeding & Livestock Supervision<br>of cattle herd & sheep flock                                                            | 131.0          | 127          | 253          | 380          |
| February: Feeding & Livestock Supervision<br>Preparation of Production Bulls for Annual Sales                                       | 141.0          | 135          | 269          | 404          |
| March: Feeding & Livestock Supervision<br>Supervision of Cows Calving                                                               | 215.0          | 158          | 317          | 475          |
| April: Feeding & Livestock Supervision<br>Supervision of Cows Calving<br>Grass Maintenance & Fertiliser Application<br>Ewes Lambing | 259.0          | 158          | 317          | 475          |
| May: Feeding & Livestock Supervision<br>Ewes Lambing<br>Cows & Calves out to grazing                                                | 227.0          | 166          | 333          | 499          |
| June: Livestock Supervision<br>Silage Cutting & Fertiliser Application                                                              | 174.0          | 190          | 380          | 570          |
| July: Livestock Supervision<br>Calf & Lamb Routine Veterinary Care                                                                  | 148.0          | 190          | 380          | 570          |
| August: Livestock Supervision<br>Forestry Maintenance                                                                               | 139.0          | 174          | 348          | 522          |
| September: Livestock Supervision<br>Silage Cutting & Fertiliser Application                                                         | 186.0          | 166          | 333          | 499          |
| October: Livestock Supervision<br>Calf & Lamb Weaning & selection for sales<br>Cattle Housing Preparation                           | 181.0          | 158          | 317          | 475          |
| November: Cattle Housed for winter<br>Feeding & Livestock Supervision                                                               | 134.0          | 150          | 301          | 451          |
| December: Feeding & Livestock Supervision                                                                                           | 129.0          | 127          | 253          | 380          |
| <b>TOTAL</b>                                                                                                                        | <b>2,064.0</b> | <b>1,900</b> | <b>3,798</b> | <b>5,698</b> |



Labour Profile chart







**Planning Proposal  
Justification**

**D S McFadzean  
Balado Farm South  
Balado  
Kinross  
KY13 0NH**

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

**REPORT PREPARED BY:**

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Farm Business Consultant  
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*FS 543419*

**January 2017**

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## **TABLE OF CONTENTS**

|                                     |      |
|-------------------------------------|------|
| INTRODUCTION.....                   | 3    |
| BACKGROUND INFORMATION.....         | 4    |
| NEED FOR ON-SITE ACCOMMODATION..... | 6-7  |
| SUMMARY AND CONCLUSION.....         | 8-10 |
| LABOUR PROFILE.....                 | 11   |
| APPENDIX 1 – LABOUR PROFILE.....    | 12   |

## **INTRODUCTION**

**This report has been prepared at the request of Douglas McFadzean, Balado Farm South, Balado, Kinrosshire, planning application number 16/01900/FLL for consent for a dwelling house on the lands of Balado Farm South.**

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

## **BACKGROUND INFORMATION**

Douglas McFadzean purchased bare land at Balado in 2009. Since then he has erected an agricultural building and an access road and further to an earlier labour report conducted by SAC is expanding his business with the emphasis on a Pedigree Beef Shorthorn Herd and Breeding Ewes for lamb production.

His agricultural business is registered and complies with:

**British Cattle Movement Service**  
**Quality Meat Scotland**  
**Premium Cattle Health Scheme**  
**Animal & Plant Health Agency**  
**Beef Shorthorn Cattle society**

The lands at Balado extend to approximately 100 acres.

The typical cropping areas are as follows.

|                             |                   |
|-----------------------------|-------------------|
| <b>Rotational Grassland</b> | <b>- 40 acres</b> |
| <b>Silage 2 cuts</b>        | <b>- 20 acres</b> |
| <b>Forestry</b>             | <b>- 40 acres</b> |

60 acres of productive arable land capable of growing a variety of crops including rotational grassland and cereals. At present no cereal crops are grown and it is all down to grassland.

40 acres of woodland, divided into 15 acres of commercial Sitka Spruce plantation and the remaining 25 acres being planted as amenity woodland with a selection of hardwoods, softwoods and secluded open landscape areas located throughout.

A forestry commission plan is in place for this woodland.

**Douglas McFadzean currently works for McFadzean Ltd which is his own company as well as carrying out work on the farm.**

**McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area. The business employs 2 fulltime workers at present.**

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

**The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.**

**Currently there are 115 sheep and two bulls at Balado.**

**During the winter months the cattle will be housed and fed twice per day with the sale cattle exercised and managed with special feeding regimes according to dates of sales and all must be inspected at least once per day where continuous care may be required for any sick or injured animals.**

**Twenty-four hour supervision is required during calving so that any problems can be dealt with swiftly and a vet called if necessary.**

**The breeding ewes also require feeding and care with twenty four hour supervision during lambing and aftercare of foster lambs and sick ewes where necessary.**

**Whilst animal welfare primarily is the issue of concern, security and safety has become a very important consideration due to previous incidents. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded.**

**All the fertiliser, tools, fuel tanks, machinery and feedstuffs are located at Balado Farm South, and due to the nature of work of McFadzean Ltd, high value tools and equipment will be stored on site. There are no neighbours who have a direct line of sight onto the property.**

**Currently there are 2 crime numbers pertaining to the farm since purchasing the land, one being theft of materials and equipment, and the**



**other more recently, stray dog attacks on the sheep with one death and two others mauled.**

**The proposed dwelling house would be sited adjacent to the existing building, which has already been erected, while giving best coverage of views to the majority of the farmland and forestry. From this position vehicle movements can easily be monitored and attended to whilst also enabling easy access to the farm buildings and checking livestock in the surrounding fields.**

**Once a dwelling house has been erected more livestock will be moved to site on a permanent basis. The presence of livestock on a farm requires a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock and therefore until a dwelling house is erected the proper code of recommendations for the livestock would only be partly adhered too or disproportionate costs involved in carrying out these recommendations.**

**Douglas McFadzean has a herd of pedigree Beef Shorthorns which are currently contract reared by another farmer. Once they are moved to Balado Farm South he will increase his stock numbers to have 50 cows plus followers. His system will also utilise the grassland available for approximately 100 breeding ewes.**

**All operations within the business including all work associated with the livestock production, fodder conservation, and all associated paperwork will be carried out in-house by Douglas McFadzean.**

## **SUMMARY & CONCLUSIONS**

**D S McFadzean is a sole trader. Douglas McFadzean owns approximately 100 acres of land at Balado Farm South, Kinross which was purchased in 2009. He also owns a construction and fabrication business which trades under McFadzean Ltd.**

**All the farming operations will be carried out at Balado Farm South. Currently there is an agricultural building which was erected in 2011 which houses livestock, feed, bedding and agricultural equipment.**

**McFadzean Ltd undertakes most of its work on client sites using Balado Farm South for storage of equipment and plant.**

**There are no dwelling houses on the property. The farm business currently has a pedigree herd of Beef Shorthorn Cattle and a flock of breeding ewes for lamb production to complement the clean grazing system which is being adopted over the land. This system of alternate grazing with both cattle and sheep ensures a reduction in the build-up of parasites and disease.**

**Due to lack of accommodation at Balado Farm South, there has been a need to rent cattle housing and contracted supervision on another farm. This has been necessary as this is a hi-health herd of breeding cattle where 24hr care is needed during pregnancy and calving of the females while indoors over the winter period.**

**Daily supervision and care is required on a permanent basis for all farm livestock, whether in winter housing or at summer grazing.**

**This rental and contract system incurs a much larger cost to the business, and having the livestock under control at Balado Farm South would greatly reduce this cost, while providing a much more professional approach to include better control over breeding policy,**

**veterinary care, disease control and economic justification to the business.**

**Currently there are 10 females and 2 male cattle in the herd with the intention to increase this to 50 breeding cows and 2 breeding bulls within the next 2 years providing a sustainable agricultural business for the future.**

**Also there are approximately 100 breeding ewes which produce lambs for market being born annually in May and managed to utilise the autumn and winter grass filling a gap in the market, when the Beef Shorthorn Herd are in winter housing.**

**The main purpose of this business is to provide quality pedigree bulls and heifers to fill the large void of native cattle, currently on demand by commercial farmer producers, and ultimately the supermarkets and consumers (Morrison's Supermarket have endorsed a Beef Shorthorn Brand on their shelves which are currently understocked because of lack of production), for easily matured, naturally reared cattle which thrive in the Scottish climate, with total traceability from farm to shop, within a low cost system.**

**For animal health and welfare reasons it is not possible to do so until a dwelling house is built. Douglas McFadzean intends to move into the proposed dwelling house and provide the required care for the livestock.**

**Douglas McFadzean currently works for McFadzean limited which is his own company as well as carrying out work on the farm. McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area. The business employs 2 full time workers at present with the view to adding an extra employee to fill the gap with the increasing time spent by Douglas McFadzean on the agricultural business.**

**Under the forestry management plan, the forestry requires hand thinning due to the age and neglect of the woodland by previous owners and lack of access for machinery. Although not directly related to the agricultural part of the business, this work would be undertaken by the staff of McFadzean Ltd during less busy times, allowing them kept in full time employment, part of which would be supervision by Douglas McFadzean.**

**The business will have a total labour requirement of 1.09 standard labour units from the agricultural operations along with 2 full time jobs created by McFadzean Ltd and can therefore fully justify the provision of an additional dwelling house on the lands of Balado Home Farm, South.**

**This report fully supports the application for the erection of a dwelling house on the lands of Balado Farm South for the agricultural business of Douglas McFadzean and for the need to encourage new and forward thinking expansion in the agricultural industry during these times of uncertainty, without the need for additional government support schemes.**

## **LABOUR PROFILE**

Labour requirements for farming operations on Balado Farm South are calculated and shown below (Based on UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments).

The labour profile calculation (shown in Appendix 1) shows that this business has a total labour requirement of 2,064 hours/annum. In addition to this McFadzean Ltd employ 2 full time staff members.

This can be summarised as follows:

|           | Hours |
|-----------|-------|
| Grassland | 324   |
| Woodland  | 40    |
| Cattle    | 1180  |
| Sheep     | 520   |
| Total     | 2,064 |

The UK Agricultural Departments agreed in the “UK Farm Classification System and Topology” (January 2005) that a Standard Labour Unit should equate to 1,900 hours/annum. This is calculated on the assumption that a person working full time in agriculture would work 237.5 standard working days per year to include an element of overtime as well as taking into account public holidays weekends and illness. A standard man day is taken as 8 hours which is the widely accepted standard in agriculture.

Where this standard is applied the Labour Profile calculates that the agricultural business of Douglas McFadzean requires the equivalent of 1.09 standard labour units in order to operate. There is the additional work created by McFadzean Ltd – currently 2 full time equivalents.

At present Douglas McFadzean does the work required on the farm. Once an onsite dwelling house has been constructed Douglas McFadzean will move to the site permanently. At this time he will also be able to move cattle and sheep onto the farm.

## **APPENDIX I**

### **LABOUR PROFILE**

# Campbell of Doune Ltd

Consulting Civil and Structural Engineers

78 King Street, Crieff, Perthshire PH7 3HB

Tel: 01764 655459 Fax: 01764 655689

Email: info@campbellofdoune.co.uk Web: www.campbellofdoune.co.uk



COD Ref: 5335-16

10th October 2016

Mr D McFadzean  
14 Viewlands Place  
Perth  
PH1 1BS

Dear Sirs,

Please find the following calculations in relation to the proposed Phosphorus mitigation relating to the proposed new development at Balado.

## Proposal

A proposed new 4 bedroom domestic dwelling is proposed at land at Balado within the Loch Leven catchment area. As such 125% Phosphorous mitigation is required in order to meet the requirements of Policy EP7 in the Loch Leven catchment area. It is proposed that the existing 5 bedroom domestic dwelling at Kinsheill, Kinneswood Farm, Kinross, KY13 9HM has the existing traditional septic tank upgraded to a secondary treatment plant in order to meet the 125% mitigation for the proposed new development, details of the proposed and the mitigation are shown in the table below.

|                        |                                                                                                                                                                                                                                            |                   |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Background Information | Average amount of water per person per day                                                                                                                                                                                                 | 150 litres        |
|                        | Primary treatment (septic tank - standard discharge)                                                                                                                                                                                       | 10mg P/litre      |
|                        | Daily discharge of phosphorous (per person) from primary treatment tank                                                                                                                                                                    | 1500 mg P         |
|                        | Klargester Bio disc + chemical dosing (to BSEN12566-3:2005)                                                                                                                                                                                | 2 mg P/litre      |
|                        | Daily discharge of phosphorus (per person) from Bio disc + Chemical dosing                                                                                                                                                                 | 300 mg P          |
| Proposed Development   | Proposed New Development at Land at Balado                                                                                                                                                                                                 |                   |
|                        | 4 Bedroom Domestic Dwelling                                                                                                                                                                                                                | 6 P.E.            |
|                        | Bio disc + chemical dosing to be installed                                                                                                                                                                                                 | 2mg P/litre       |
|                        | Daily discharge of Phosphorus = 300 mg P x 6 P.E.                                                                                                                                                                                          | 1800mg P / day    |
|                        |                                                                                                                                                                                                                                            |                   |
|                        | 2 No. 2 Bedroom Log Cabins                                                                                                                                                                                                                 | 8 P.E (4PE + 4PE) |
|                        | Bio disc + chemical dosing to be installed                                                                                                                                                                                                 | 2mg P/litre       |
|                        | Daily Discharge of Phosphorus = 300mg P x 8 P.E.                                                                                                                                                                                           | 2400mg P / day    |
| Mitigation Provided    | Phosphorus Mitigation                                                                                                                                                                                                                      |                   |
|                        | Mitigation = 125% x 4200mg P / day                                                                                                                                                                                                         | 5250mg P / day    |
|                        | Mitigation is proposed by upgrading of the existing traditional septic tank to an existing 5 bedroom property at Kinsheill, Kinnesswood Farm, Kinnesswood, Kinross, KY13 9HM to a Klargester package treatment plant (to BSEN12566-3:2005) |                   |
|                        | Existing 5 Bedroom Domestic Dwelling                                                                                                                                                                                                       | 7 P.E.            |
|                        | Existing discharge = 1050 litres x 10mg P/litre                                                                                                                                                                                            | 10500mg P / day   |
|                        | Discharge after upgrading to 5mg/l P = 750mg P x 7P.E.                                                                                                                                                                                     | 5250 mg P / day   |
|                        | Mitigation offered (10500 - 5250)                                                                                                                                                                                                          | 5250 mg P / day   |
|                        | % of mitigation provided (5250 / 4200)                                                                                                                                                                                                     | 125%              |

We trust the aforementioned meets with your approval, however should you wish to discuss any aspect of the aforementioned please do not hesitate to contact us.

Yours faithfully

RP

[REDACTED]  
Hugh Campbell B.Sc., C. Eng., M.I.C.E., M. I. Struct. E.  
For Campbell of Doune Ltd



Our ref: PCS/155274  
Your ref: 17/01250/FLL  
17/01405/FLL

If telephoning ask for:  
Sheena Jamieson

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: 17/01250/FLL**  
**Erection of a dwellinghouse**  
**Land 400 Metres North East of Leepark Coldrain**

**Planning application: 17/01405/FLL**  
**Erection of 2no. Holiday Accommodation Units**  
**Land 250 Metres North East of Leepark, Coldrain**

In response to our letter dated 10 August we received information from the applicant's agent by email on 28 September 2017.

We **withdraw** our previous objection to these planning applications. Please note the advice provided below.

### **Advice for the planning authority**

#### **1. Phosphorous mitigation**

- 1.1 The agent has submitted information which clarifies that the public sewer is up gradient from the proposed mitigation property (Kinsheill, KY13 9HM). In accordance with Policy Principle 8 of WAT PS-06-08 Policy and supporting guidance on provision of wastewater drainage in settlements "SEPA will not oppose environmentally acceptable private sewerage provision for dispersed housing in small settlements with limited or no public sewerage system."
- 1.2 Since the public sewage system in this area is limited to a single foul sewer line upgradient from the proposed mitigation property and the applicants are proposing to install a suitable treatment system we will not oppose private sewerage provision in this particular case.

Continued....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

This response is made without prejudice to any consent application received and it is noted that the mitigation property is at the current time an unlicensed discharge and therefore a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) will need to be applied for with regards this property. Further details are provided for the applicant with regards this issue in section 2 of this letter.

- 1.3 Both applications noted above are subject to concurrent application and your authority has the settled view that in the context of P mitigation, this allows these two applications to be considered mitigated by the property at Kinsheill noted in paragraph 1.1 above. This is now the same situation which we advised we had no objection to in our response to the two previously withdrawn applications on 12 January 2017 (PKC references 16/01900/FLL and 16/01901/FLL). We therefore remove our previous objection set out in our response of 10 August 2017 with regards phosphorous mitigation.
- 1.4 We note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins. This is incorrect and the drawing should reflect the P mitigation requirements for tertiary treatment at this site.
- 1.5 We have assessed the P mitigation calculations and there is sufficient phosphorus mitigation proposed. We would highlight to the applicant that we will licence to 2mg/l as a mean allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment systems for the application site that they can achieve a mean value of 2mg/l.
- 1.6 Your authority should ensure that the list of properties used for P mitigation is updated with details of this application's mitigation property if you are minded to approve the application.
- 1.7 To accord with your authority's Memorandum of Understanding (MOU) for planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

## **2. Flood Risk**

- 2.1 We recommend that contact is made with your Flood Prevention colleagues with regards these applications and if you require any comments from us with regards flood risk please re-consult us.

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

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

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence.

Continued....

The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved.

### **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 operations 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

Planning Service

ECopy to: [rachelmitchell134@btinternet.com](mailto:rachelmitchell134@btinternet.com)

[JRussell@pkc.gov.uk](mailto:JRussell@pkc.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](#).*



Alastair Mitchell – Architect  
15 Sandeman Place  
Luncarty  
Perthshire  
PH1 3RJ  
22<sup>nd</sup> October 2017

Dear Mr Russell and Ms A Condliffe

**Proposed New House at South Balado Farm, Kinross – Ref 17/01250/FLL**

Following my telephone conversation on Friday 20<sup>th</sup> October 2017, we understand that is the intention to refuse the above planning application on the grounds of the labour report that was submitted to accompany the application. We understand that the preferred approach would be to apply for a temporary dwelling house to demonstrate that there is a need for a house on the site, prior to a formal application being granted. Before a final decision is made on the application can we please ask that you consider the following,

My client Mr McFadzean purchased South Balado in 2009 some 8 years ago with the sole intention of developing this into a fully operation farm. Following the purchase of the ground an application was submitted for the erection of an agricultural shed on the farm. This was granted (Ref 10/02117/PN) and was erected shortly after approval was given.

Following the erection of the agricultural building the business has been developed over a number of years and the number of livestock on the premises has increased dramatically over this time.

In November 2016 a formal planning application was lodged for the erection of a new house and also the erection of 2No. log cabins. (Ref 16/01900/FLL and 16/01901/FLL). The application was lodged at this time as the farm operation was at a stage that due to the number of livestock and machinery held at South Balado that a new dwelling house would be required to allow the livestock to be attended too correctly and also to provide security to both the livestock and existing machinery.

Issues were raised during the consultation period for these applications and they were subsequently withdrawn to allow consideration to be given to both the labour report and the sitting of the house.

In July 2017 the application for the house and the log cabins were resubmitted (Ref 17/01250/FLL and 17/01405/FLL). However prior to the refusal of the new farm house can you please give further consideration to the following?

1. Please find below the current situation with the farm business to confirm what the SAC Labour Report indicates.

Livestock numbers:-

Breeding cattle 31 to produce calves as per farming practice in early March to April.

Breeding Sheep 140 to produce lambs as per farming practice in April to May.

Finishing Sheep 165 fattened & sold this year.

Evidence of these numbers can be accessed from UK & Scottish Government Bodies – BCMS, Scot Moves & Scot EiD.

Other farming practices carried to date for the management of this livestock:-

20 acres of grassland regeneration from last year's harvest stubble with ongoing grazing management.

400 bales of hay conserved for winter feed.

50 tonnes of spring barley grown.

12 tonnes of straw conserved for winter feed & bedding.

Further Farming Business Development since this planning process for a farmhouse has been established:-

Planning for a 2nd Agricultural Building submitted by Douglas McFadzean & approved. Application No: 17/01253/FLL.

Cattle Handling and Penning facilities constructed on farm.

1200 metres of new agricultural fencing erected for control of Livestock with ongoing projects approved for completion in this current year.

All of the above work has been carried out by in house labour.

From photographic evidence taken on previous site visits by the planning officer and posted on the planning portal, one can clearly see the business development with livestock featured, along with plant and machinery, with a subsequent site visit on week commencing 7th August 2017 to record more photographs while witnessing the current farming business manpower carrying out agricultural plant maintenance while he attended.

2. It was demonstrated within the labour report that there was a requirement for 1.09 people on a full time basis. It is now sum 12 months since the report was prepared and the number of livestock on the site has increased significantly per the above information. At the time of the report it was noted that there were 10 cows and 2 bulls in the herd and that this number would be increasing. My client now has 31 cows in calf on the site, and these will be due to calf in early 2018. These are pedigree livestock and will require 24 hour attention during this time, to ensure that the livestock's welfare is maintained.
3. The report noted that there were 100 ewes this has now increased to 140 ewes in lamb, again these will lamb during spring 2018, and will require round the clock attention. The does not include the further 165 lambs that are also on the site.
4. There have already been a number of security issues on the site, as noted with the report. The farm will become more of a target due to the increased number of livestock and machinery on the site.

5. Consent for a second agricultural shed has recently been granted (Ref 17/01253/FLL). This demonstrates that my client is keen to expand his business and livestock

In summary, you will see from the above information, the agricultural business is very clearly developing and expanding in line with and in some cases exceeding the current labour report and clearly justifies the need for a farmhouse for fulltime supervision of this business.

Prior to a final decision being granted we would welcome a response to the above and also the opportunity to meet on site to show how the current business is operating and to demonstrate the need for a house.

We look forward to hearing from you.

Regards

Alastair Mitchell  
Mob 07780814268





# PERTH AND KINROSS COUNCIL

Mr Douglas MacFadzean  
c/o AMA  
Alastair Mitchell  
15 Sandeman Place  
Luncarty  
Perthshire  
Scotland  
PH1 3RJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 26th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01250/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 17th July 2017 for permission for **Erection of a dwellinghouse Land 400 Metres North East Of Leepark Coldrain** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

4. The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014.

### **Justification**

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

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

### **Plan Reference**

**17/01250/1**

**17/01250/2**

**17/01250/3**

**17/01250/4**

**17/01250/5**

**17/01250/6**

**17/01250/7**

**17/01250/8**

**17/01250/9**

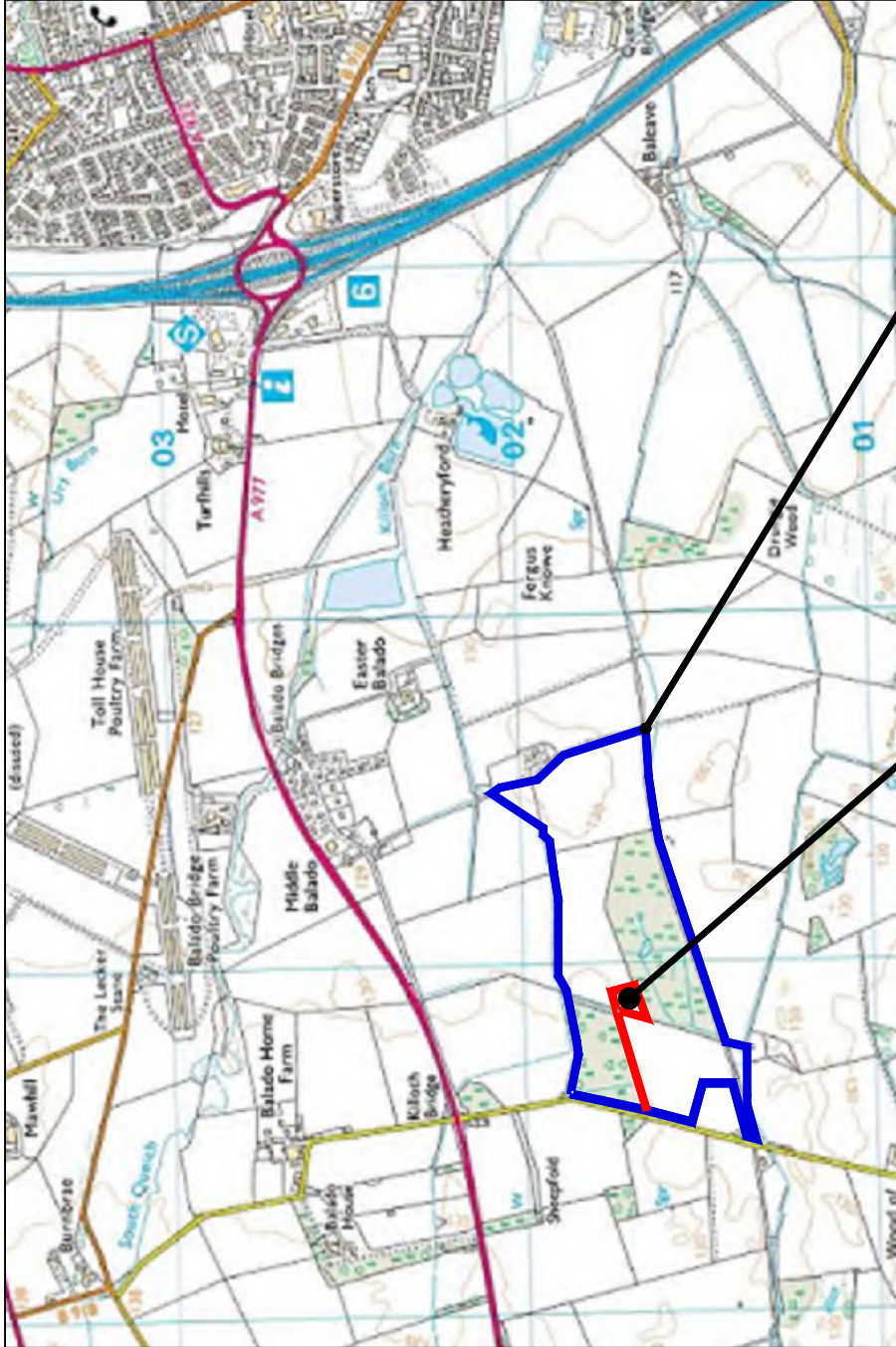
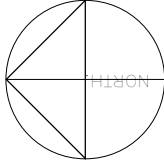
**17/01250/10**

**17/01250/11**

**17/01250/12**

**17/01250/13**

**17/01250/14**



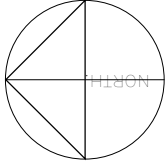
Location Plan  
Not to Scale

PROPOSED SITE OF NEW DWELLING HOUSE  
SHOWN RED

ALL LAND IN THE OWNERSHIP OF THE APPLICANT  
SHOWN IN BLUE

Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean  
Location Plan  
Drawing No. PL/50A

Scale NTS



LOCATION OF EXISTING SHED ALREADY  
CONSTRUCTED ON THE SITE



LOCATION OF NEW HOUSE

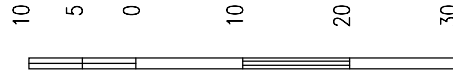
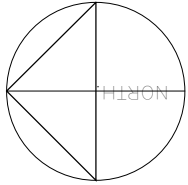
ACCESS ROAD INTO SITE

Location Map  
Not to Scale

Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean  
Location Map  
Drawing No. PL/51A  
Scale NTS



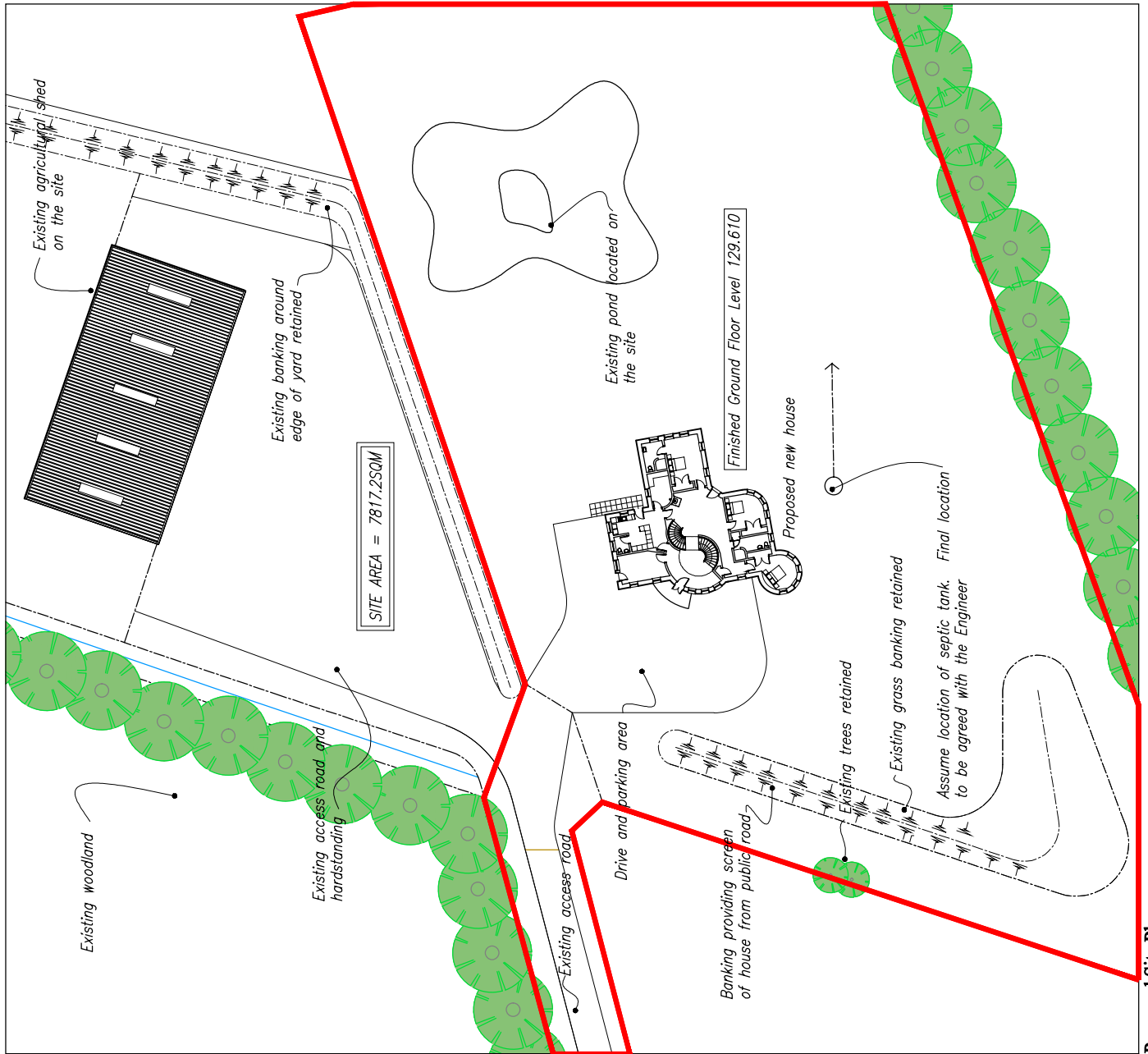




Rev B - Stop heights added

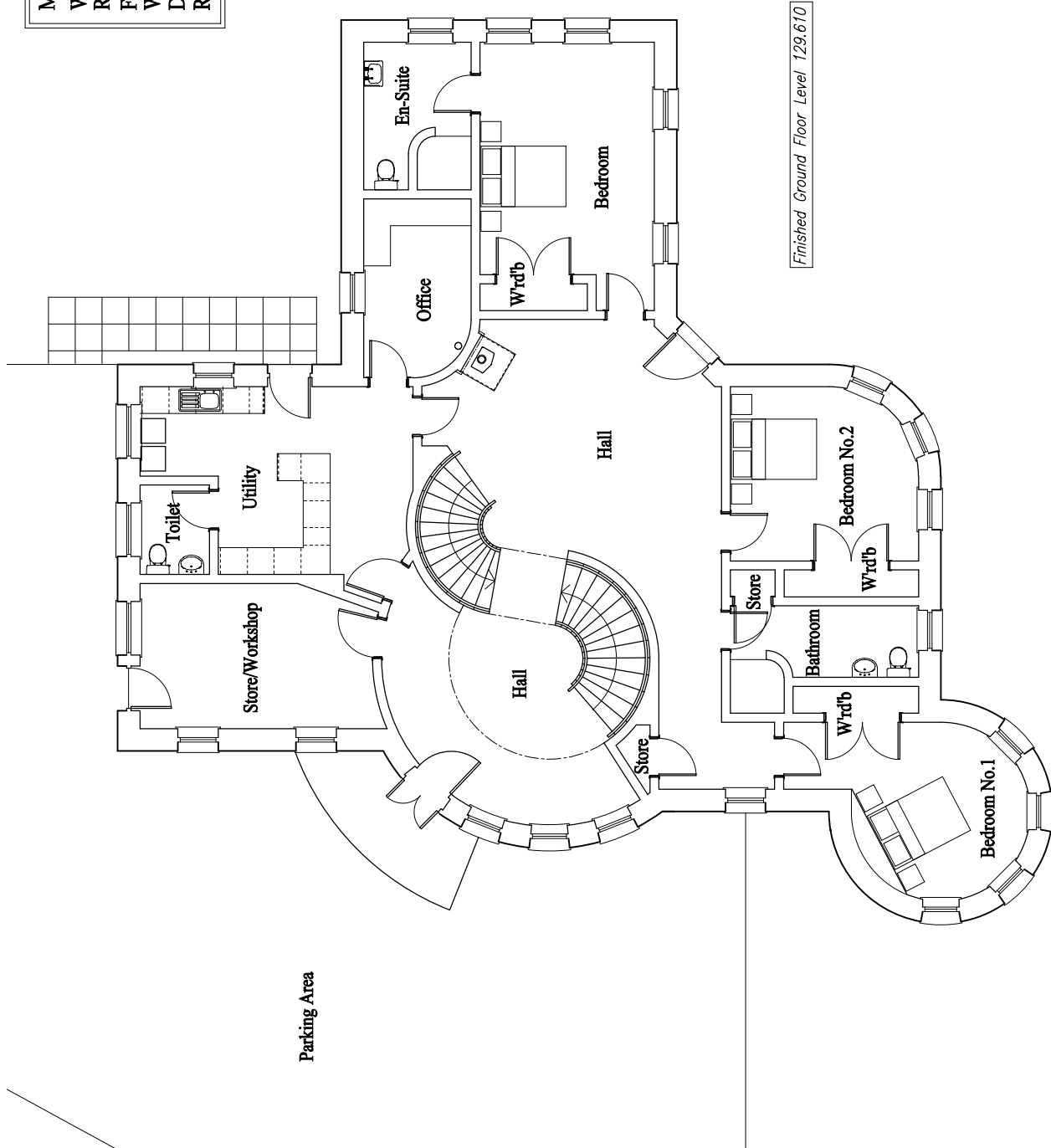
Nov 16

Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean  
Site Plan  
Drawing No. PL/53A  
Scale 1:500



# Material Specification

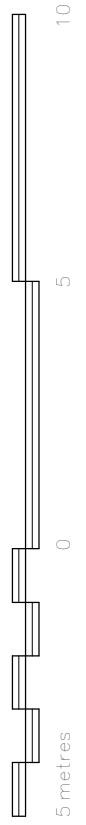
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 Roof:- Curved zinc roof  
 Flat Roof:- Metal sheet cladding  
 Windows:- Timber windows finished white  
 Doors:- Timber doors  
 Rainwater Goods:- Aluminium gutter and downpipes



Proposed Ground Floor Plan

Scale 1:100

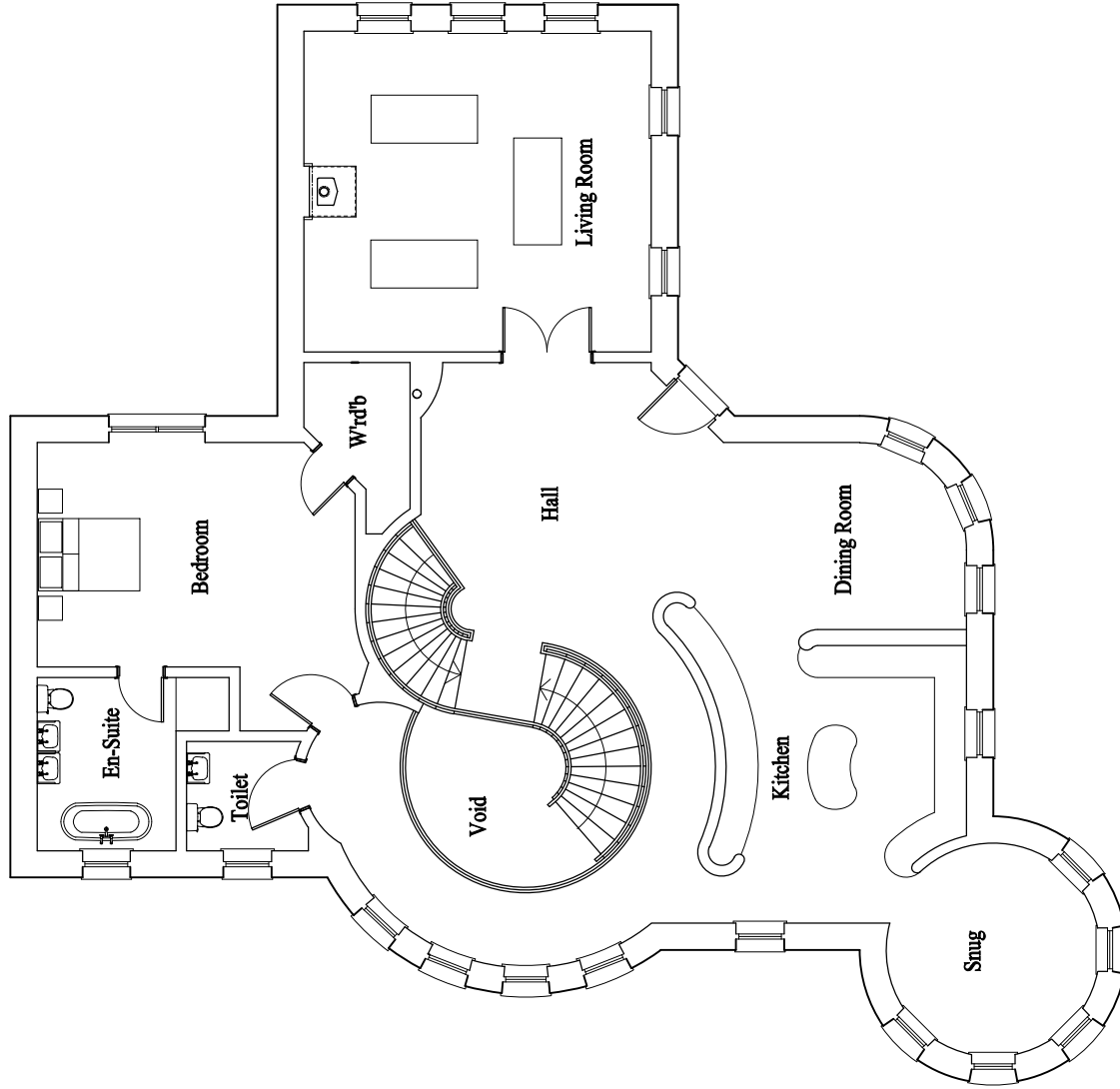
Scale 1:100



Proposed New House at ,  
 Balado, Kinross, for  
 Mr McFadzean  
 Proposed Ground Floor Plan  
 Drawing No. PL/54A  
 Scale 1:100

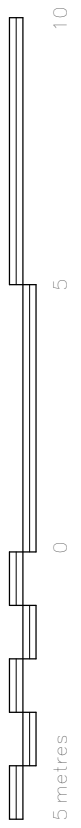
# Material Specification

Walls:- Hemcrete walls finished off white  
 Roof:- Curved zinc roof  
 Flat Roof:- Metal sheet cladding  
 Windows:- Timber windows finished white  
 Doors:- Timber doors  
 Rainwater Goods:- Aluminium gutter and downpipes



Proposed First Floor Plan  
 Scale 1:100

Scale 1:100

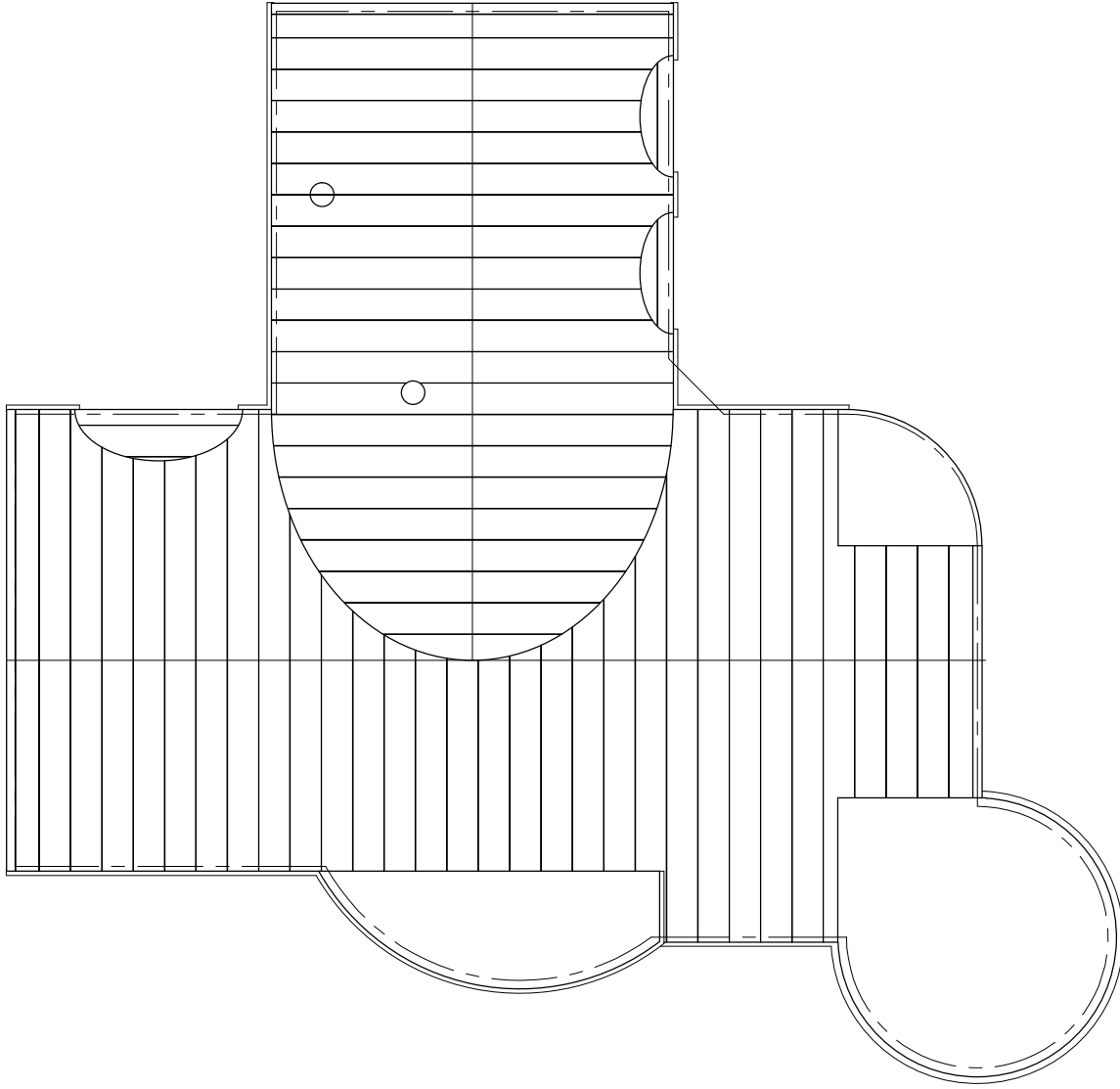


Proposed New House at ,  
 Balado, Kinross, for  
 Mr McFadzean  
 Proposed First Floor Plan  
 Drawing No. PL/55A  
 Scale 1:100



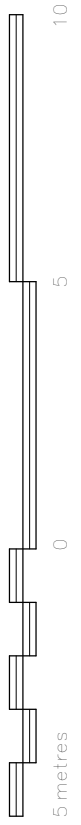
Material Specification

Walls:- Hemcrete walls finished off white  
Roof:- Curved zinc roof  
Flat Roof:- Metal sheet cladding  
Windows:- Timber windows finished white  
Doors:- Timber doors  
Rainwater Goods:- Aluminium gutter and downpipes

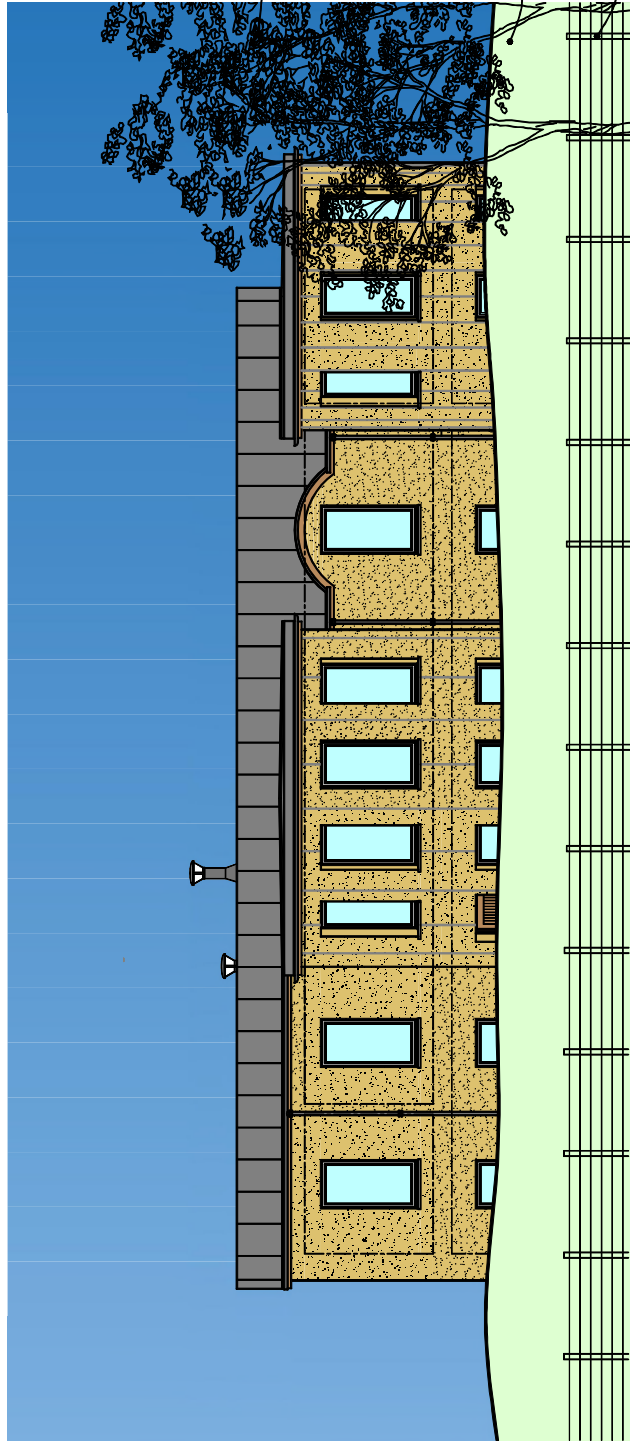


Proposed Roof Plan  
Scale 1:100

Scale 1:100



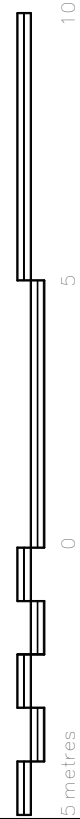
Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean  
Proposed Roof Plan  
Drawing No. PL/56A  
Scale 1:100



Proposed West Elevation from Field

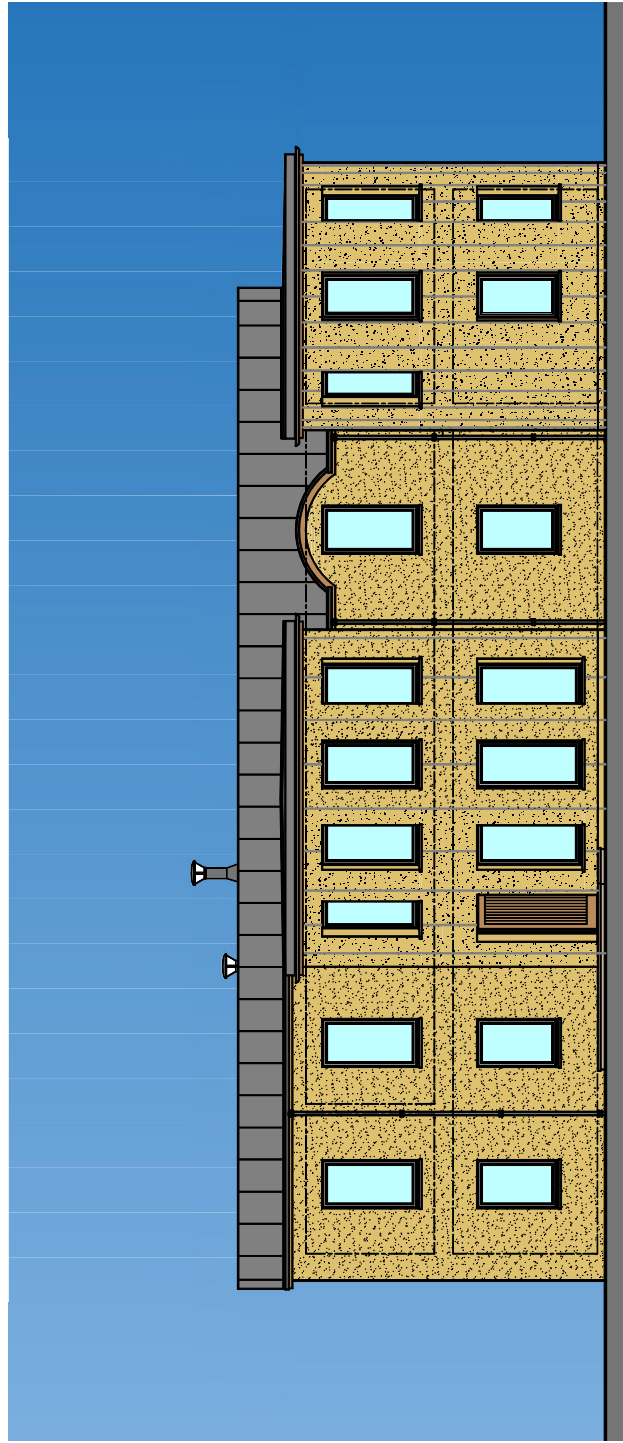
Scale 1:100

Scale 1:100



#### Material Specification

Walls:- Hempcrete walls finished off white  
 Roof:- Curved zinc roof  
 Flat Roof:- Metal sheet cladding  
 Windows:- Timber windows finished white  
 Doors:- Timber doors  
 Rainwater Goods:- Aluminium gutter and downpipes



Proposed West Elevation from Field

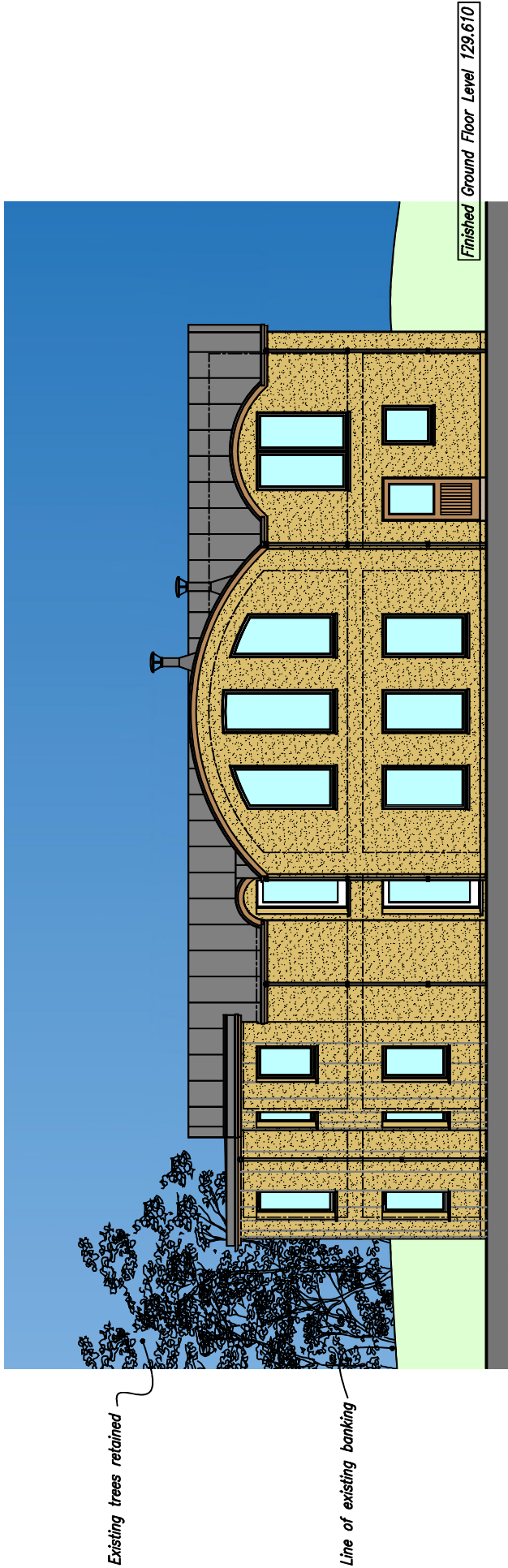
Scale 1:100

Finished Ground Floor Level 129,610

Proposed New House at ,  
 Balado, Kinross, for  
 Mr McFadzean

Proposed West Elevations  
 Drawing No. PL/57A

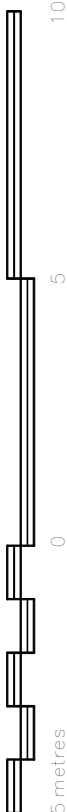
Scale 1:100



Proposed East Elevation

Scale 1:100

Scale 1:100



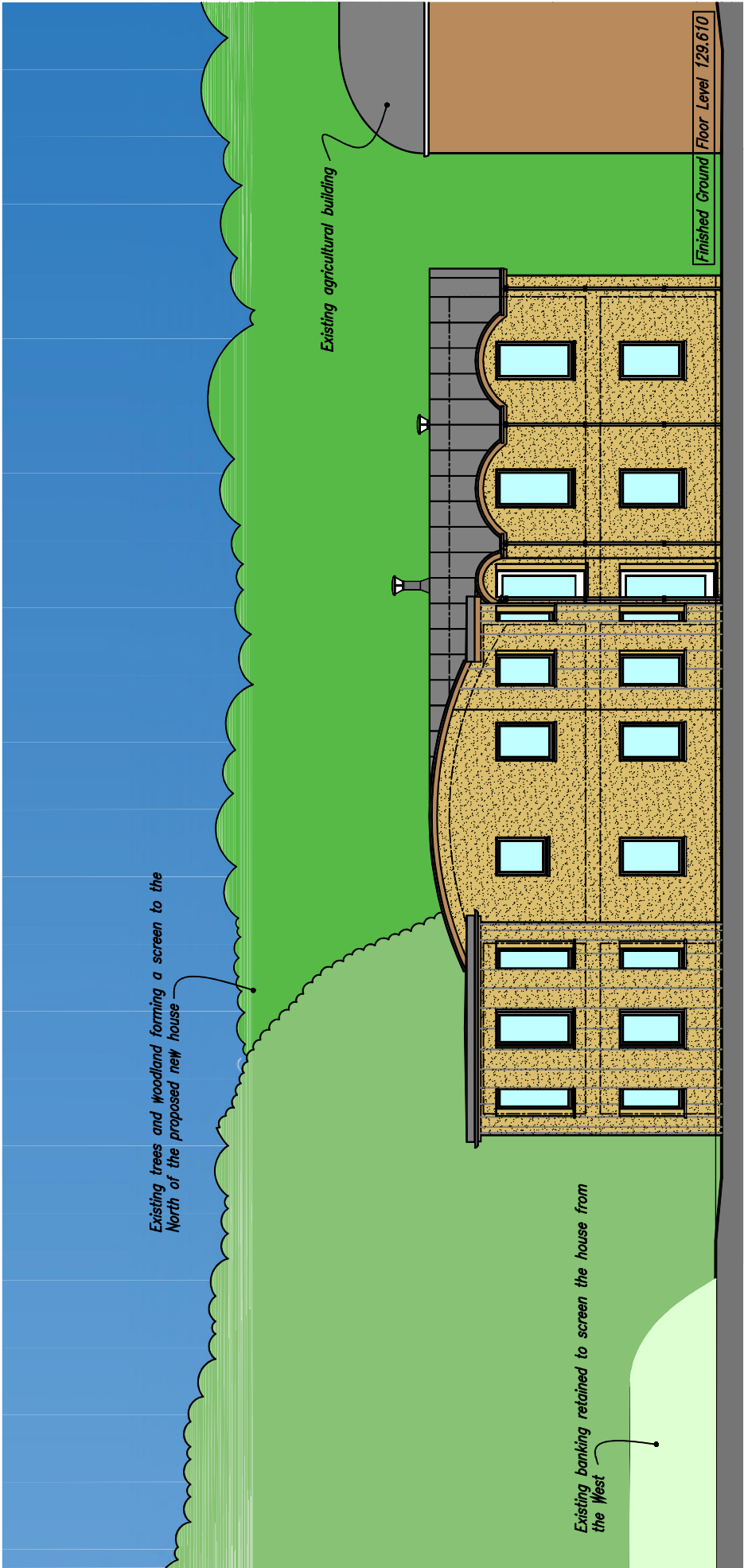
| Material Specification                           |                                   |
|--------------------------------------------------|-----------------------------------|
| Walls:-                                          | Hemcrete walls finished off white |
| Roof:-                                           | Curved zinc roof                  |
| Flat Roof:-                                      | Metal sheet cladding              |
| Windows:-                                        | Timber windows finished white     |
| Doors:-                                          | Timber doors                      |
| Rainwater Goods:- Aluminium gutter and downpipes |                                   |

Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean

Proposed East Elevations

Drawing No. PL/58A

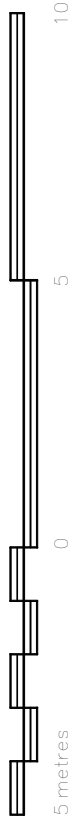
Scale 1:100



Proposed South Elevation

Scale 1:100

Scale 1:100



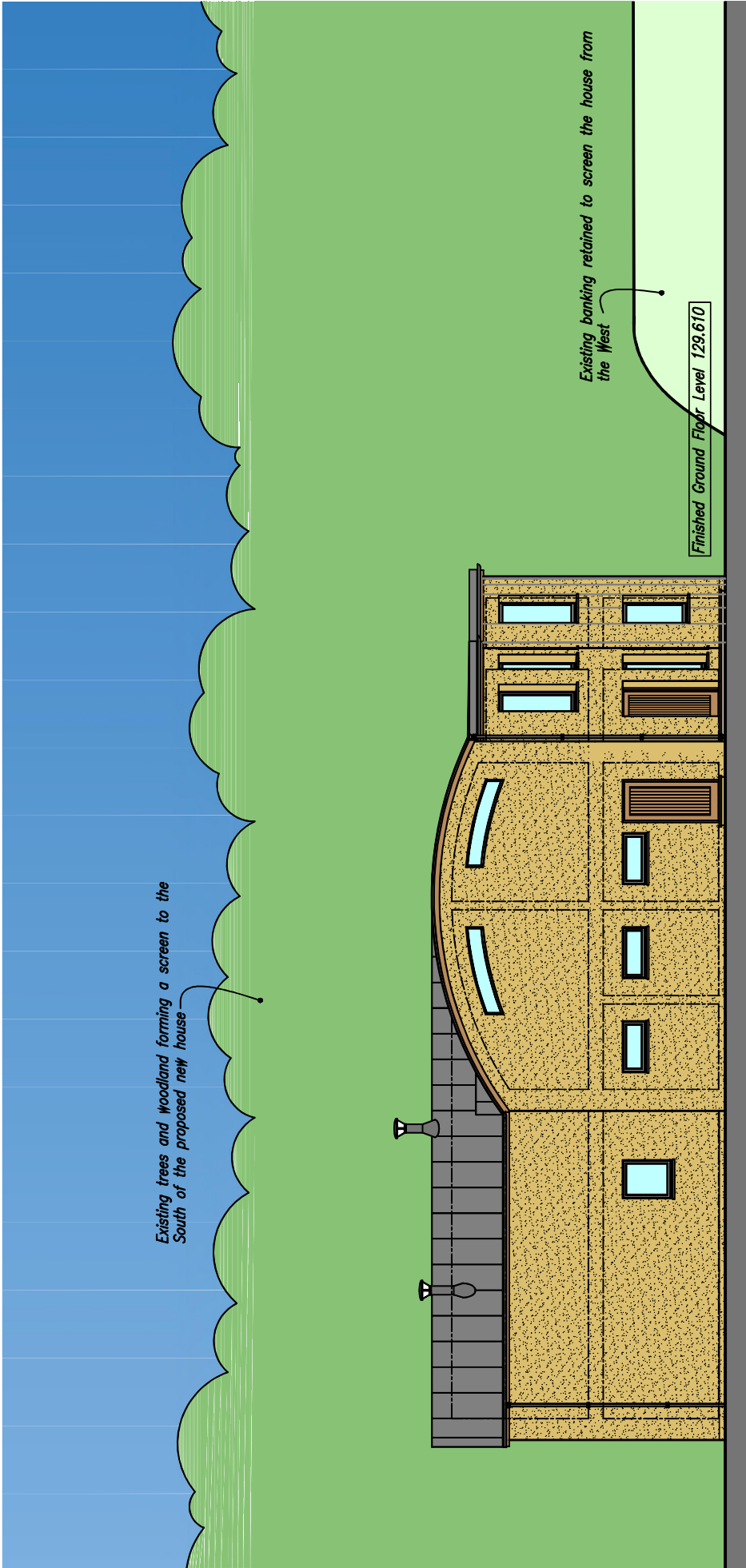
Material Specification

- Walls:- Hempcrete walls finished off white
- Roof:- Curved zinc roof
- Flat Roof:- Metal sheet cladding
- Windows:- Timber windows finished white
- Doors:- Timber doors
- Rainwater Goods:- Aluminium gutter and downpipes

Proposed New House at ,  
Balado, Kinross, for  
Mr MacFadzean

Proposed South Elevations  
Drawing No. PL/59A

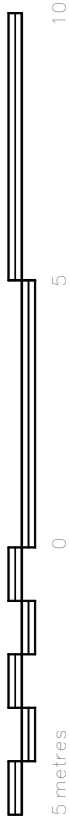
Scale 1:100



Proposed North Elevation

Scale 1:100

Scale 1:100



#### Material Specification

- Walls:- Hempcrete walls finished off white
- Roof:- Curved zinc roof
- Flat Roof:- Metal sheet cladding
- Windows:- Timber windows finished white
- Doors:- Timber doors
- Rainwater Goods:- Aluminium gutter and downpipes

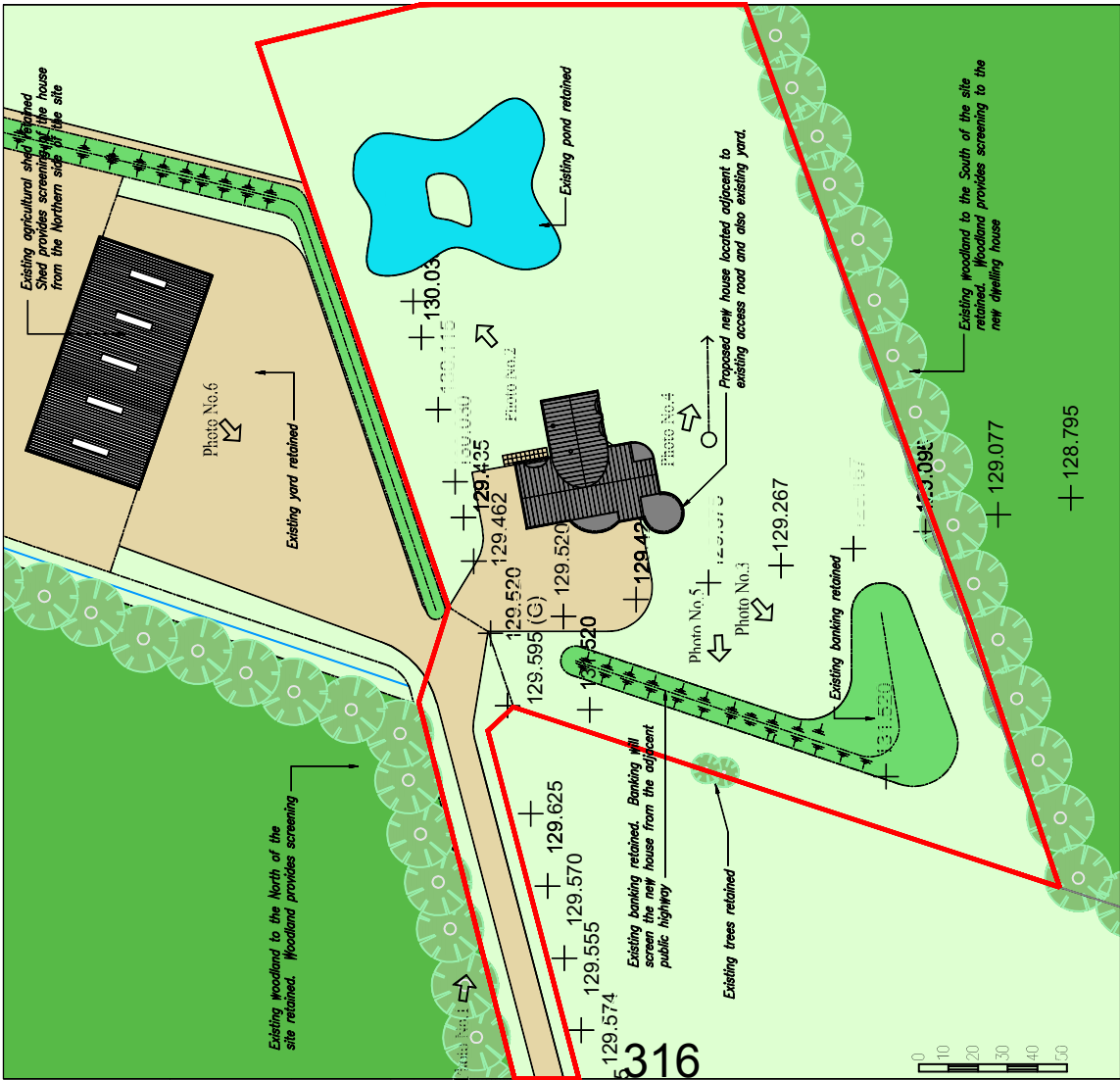
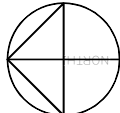
Proposed New House at ,  
Balado, Kinross, for  
Mr MacFadzean

Proposed North Elevations  
Drawing No. PL/60A

Scale 1:100



Proposed New House at,  
Balado, Kinross, for  
Mr MacFadzean  
Landscaping Plan  
Drawing No. PL/61A  
Scale 1:500



Proposed Site Plan  
Scale 1:500

Woodland will screen house from the North  
Existing access track  
Location of proposed house  
Woodland will screen house from the South  
Existing banking retained to screen new house



Photo 1 - View from Public Highway

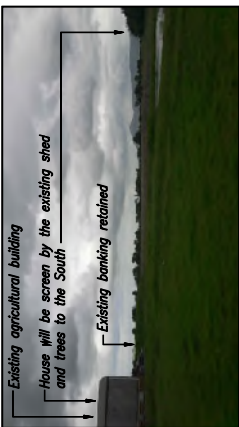


Photo 2 - View from site towards the North East

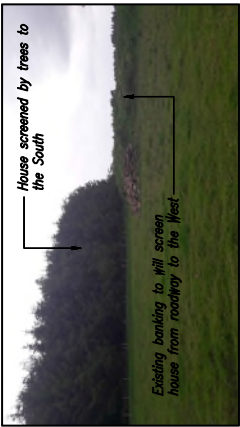


Photo 3 - View from site towards the South East

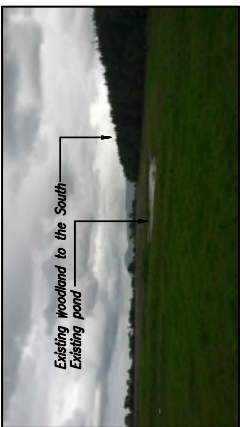


Photo 4 - View from site towards the East

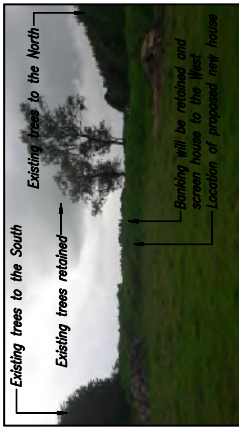


Photo 5 - View from site towards the West

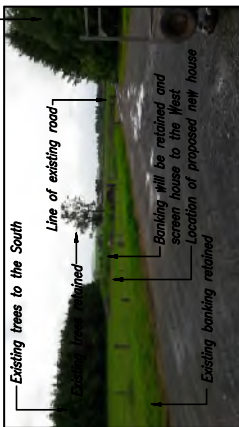
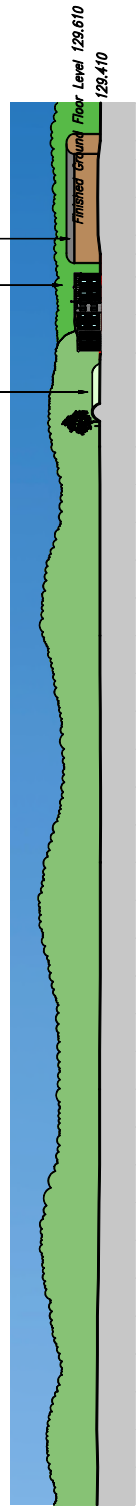


Photo 6 - View from yard towards South West

Existing woodland provides screening to the North  
Existing banking provides screening



Level at road 130.345

Proposed Cross Section through Site  
Scale 1:1000

**TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 303-304)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 275, 293-294 and 305-316)*





# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01250/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 16.09.2017        |      |
| Case Officer           | John Russell      |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 400 Metres North East Of Leepark Coldrain

### 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:** 9 August 2017

### SITE PHOTOGRAPHS





## BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the erection of an essential workers dwellinghouse on land to the West of Kinross and to the South of Balado.

It follows the withdrawal of an earlier application for an essential workers dwellinghouse on the site 16/01900/FLL where concerns were raised in an e-mail dated 25 January 2017 regarding the principle of the development:-

- the SAC report farming activity equates to 0.8 of a standard labour unit,
- no livestock on the site,
- not able to take account of the relocation of a construction business to the site,
- not in position to take account of the proposed holiday lets that are not established and would unlikely be supported,
- the house location and;
- the house design.

At the tail end of the e-mail it was noted that: - *At this stage a permanent dwelling house on the site cannot be supported. If an updated SAC report shows how your client intends to expand the farming activity on the site in future years to meet the 1 full labour unit then there could be a case for temporary accommodation on the site to allow the introduction of livestock and test the increase in farm activity.*

In support of this application for a permanent essential workers dwelling house updated drawings have been provided along with SAC report dated January 2017. The application was received in July 2017.

## SITE HISTORY

16/01900/FLL Erection of a dwellinghouse 27 January 2017 Application Withdrawn

16/01901/FLL Erection of 2no. holiday accommodation units, 19 January 2017, Application Withdrawn.

17/01135/PN Erection of an agricultural building, 13 July 2017, Application Withdrawn.

17/01253/FLL Erection of an agricultural building, 16 August 2016, Application Approved.

17/01135/PN Erection of an agricultural building 13 July 2017 Application Withdrawn

17/01405/FLL Erection of 2no. holiday accommodation units 16 October 2017 Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 16/01900/FLL

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

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

**Policy PM4 - Settlement Boundaries**

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

**Policy RD3 - Housing in the Countryside**

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

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

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

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

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

**Policy NE1A - International Nature Conservation Sites**

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

**Policy NE1B - National Designations**

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

#### Policy 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.

### OTHER POLICIES

#### **Tayside Landscape Character Assessment**

#### **Kinross Landscape Character Assessment**

#### **Loch Leven SPG**

### **Development Contributions**

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

### **Housing in the Countryside Guide**

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

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

### **CONSULTATION RESPONSES**

Scottish Environment Protection Agency – Withdraw previous objection. To accord with your authority's Memorandum of Understanding (MOU) for

planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

Transport Planning – No objection.

Contributions Officer – This proposal is within the catchment of Kinross Primary School where there is a capacity constraint, an education contribution is required.

Environmental Health – No response within consultation period.

Scottish Water – No objection.

Local Flood Prevention Authority – No objection.

Mr James Alexander – No response within consultation period.

## **REPRESENTATIONS**

None received.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

## Policy Appraisal

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported where they comply with criterion.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (a) Building groups.
- (b) Infill sites.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Rural brownfield

The agent considers there is an essential need for the dwelling, category (c) New houses in the open countryside. I therefore turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

### Essential Workers Dwelling Assessment:-

With regards to development of an essential worker dwelling the SPG highlights that:-

*A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.*

### Economic Need:-

It should be noted that the October 2016 SAC report prepared for the earlier withdrawn application resulted in a labour unit of 0.8 and the January 2017 report for this new application has a labour unit of 1.09. There has been an increase in 586 hours between the two reports and it is worthwhile taking account of the labour profile in the reports that are reproduced below: =

## **SAC report October 2016 Labour Profile:-**

### **D S McFadzean**

#### **LABOUR PROFILE CALCULATION**

| CROPS                               | AREA<br>(Acres) | HOURS<br>(/Ac/Yr) | HOURS<br>(/Ha/Yr) | TOTAL<br>(Hours) |
|-------------------------------------|-----------------|-------------------|-------------------|------------------|
| SPRING BARLEY (Straw Baled)         | 20              | 8.1               | 20                | 161.9            |
| ROTATIONAL GRASS - GRAZED           | 20              | 3.2               | 8                 | 64.8             |
| ROTATIONAL GRASS - SILAGE (1ST Cut) | 20              | 4.9               | 12                | 97.1             |
| ROTATIONAL GRASS - SILAGE (2ND Cut) | 20              | 4.9               | 12                | 97.1             |
| OTHER LAND                          | 40              | 0.6               | 1.5               | 24.3             |
| TOTAL AREA (Acres)                  | 120             | CROP HOURS        |                   | 445.2            |
| STOCK                               | HEAD<br>(No.)   | HOURS<br>(/Hd/Yr) |                   | TOTAL<br>(Hours) |
| SUCKLER COWS (Spring Calvers)       | 35              | 12.0              |                   | 420.0            |
| SUCKLING CALF (Spring Calvers)      | 35              | 4.0               |                   | 140.0            |
| BREEDING HEIFERS (Spring Calvers)   | 5               | 12.0              |                   | 60.0             |
| BREEDING BULLS                      | 1               | 12.0              |                   | 12.0             |
| REPLACEMENT HOGGS                   | 200             | 2.0               |                   | 400.0            |
| TOTAL STOCK (Head)                  | 276             | STOCK HOURS       |                   | 1,032.0          |
|                                     |                 | TOTAL HOURS       |                   | 1,477.2          |

## **SAC report January 2017 Labour Profile:-**

#### **LABOUR PROFILE CALCULATION**

| CROPS                                | AREA<br>(Acres) | HOURS<br>(/Ac/Yr) | HOURS<br>(/Ha/Yr) | TOTAL<br>(Hours) |
|--------------------------------------|-----------------|-------------------|-------------------|------------------|
| ROTATIONAL GRASS - GRAZED            | 40              | 3.2               | 8                 | 128.0            |
| ROTATIONAL GRASS - SILAGE (1ST Cut)  | 20              | 4.9               | 12                | 98.0             |
| ROTATIONAL GRASS - SILAGE (2ND Cut)  | 20              | 4.9               | 12                | 98.0             |
| OTHER LAND - FORESTRY MANAGEMENT     | 40              | 1.0               | 2.5               | 40.0             |
| TOTAL AREA (Acres)                   | 120             | CROP HOURS        |                   | 364.0            |
| STOCK                                | HEAD<br>(No.)   | HOURS<br>(/Hd/Yr) |                   | TOTAL<br>(Hours) |
| SUCKLER COWS (Spring Calvers)        | 50              | 12.0              |                   | 600.0            |
| SUCKLING CALF (Spring Calvers)       | 50              | 4.0               |                   | 200.0            |
| BREEDING HEIFERS 1 YR OLD +          | 8               | 12.0              |                   | 96.0             |
| BREEDING BULLS                       | 2               | 12.0              |                   | 24.0             |
| PRODUCTION BULLS 1YR OLD +           | 8               | 15.0              |                   | 120.0            |
| FINISHING STEERS & HEIFERS 1YR OLD + | 35              | 4.0               |                   | 140.0            |
| BREEDING EWES                        | 100             | 5.2               |                   | 520.0            |
| TOTAL STOCK (Head)                   | 253             | STOCK HOURS       |                   | 1,700.0          |
|                                      |                 | TOTAL HOURS       |                   | 2,064.0          |

While the man hours have been increased in the 2017 SAC report to meet the 1 labour unit that is usually required to allow an essential workers house section 3.3 Economic Activity of the SPG also confirms that where the house



is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business.

I note from the commentary in the report that the figures detailed in the labour profile are effectively a forecast as noted in the summary and conclusion section on page 9. Reproduced for ease of reference:-

*Currently there are 10 females and 2 male cattle in the herd with the intention to increase this to 50 breeding cows and 2 breeding bulls within the next 2 years providing a sustainable agricultural business for the future.*

*Also there are approximately 100 breeding ewes which produce lambs for market being born annually in May and managed to utilise the autumn and winter grass filling a gap in the market, when the Beef Shorthorn Herd are in winter housing.*

Accordingly to permit the permanent erection of a dwelling house would conflict with the economic category in the Housing in the Countryside SPG, thus fails to comply with category (c) of Policy RD3.

The agent has provided a further supporting letter detailing the farming operation and the work being undertaken at the site on the 22 October 2017, following advice that the application could not be supported. I have reviewed the information and taken cognisance of the changes. Overall, my view remains the same. There is not a sufficient case to support a permanent dwelling at this stage. While I recognise there is a willingness to increase the extent of the farming activity at the Balado site there could be a case for temporary accommodation on the site to allow the introduction of further livestock and test the increase in farm activity.

Accordingly, my advice detailed in the e-mail of January 2017 still stands.

### **Design and Layout**

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. I note that the design of the dwelling tries to relate to the agricultural building to the north. However I remain of the view that the additions (roundels and breaking through the eaves lines) make the building particularly complex and results in a conflict with Policy PM1A. Simplifying the design with the removal of the roundels etc would likely address this conflict.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a). The development is located in a position where the height and mass of the building cannot be

accommodated and as a result will dilute the landscape character of the area contrary to criterion (b). Reducing the height of the building from two storeys to one would likely address this conflict.

## **Landscape**

Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded.

As noted in my assessment above I am not convinced that the design of the dwellinghouse is appropriate and as a consequence it will have an adverse impact on Landscape Character. However if the design scale and mass was reduced I accept that siting an essential workers dwelling in this location would likely be the best location on the holding as it would allow supervision of livestock and buildings.

## **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding landuses has to be taken into account.

I do not consider there would be any residential amenity issues associated with the essential workers dwelling.

## **Roads and Access**

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Given the locational requirement for an essential workers dwelling the proposal would not conflict with Policy TA1B.

## **Drainage and Flooding**

### Loch Leven

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.

The applicant has submitted drainage calculations in support of the application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. This proposal along with the application for two holiday units (now refused) would upgrade a septic tank at Kinsheill, KY13 9HM. SEPA have been consulted and have reviewed the associated phosphorus mitigation calculations and confirm they have no objection subject to phosphorus mitigation being secured via conditional control. They do however note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins when the drawing should reflect the P mitigation requirements for tertiary treatment at this site.

Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

### **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Kinross Primary School where there is a capacity constraint, an education contribution is required.

### **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 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period due to protracted discussions with SEPA regarding the acceptability of the Phosphorus Mitigation at the site.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
4. The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014.

#### **Justification**

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

#### **Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01250/1

17/01250/2

17/01250/3

17/01250/4

17/01250/5

17/01250/6

17/01250/7

17/01250/8

17/01250/9

17/01250/10

17/01250/11

17/01250/12

17/01250/13

17/01250/14

**Date of Report 25.10.2017**



**TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain**

## **REPRESENTATIONS**





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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01250/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                           |
| <b>Address of site</b>                   | Land 400 Metres North East Of Leepark, Coldrain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £6,460 ( 1 x £6,460)</p> <p><b><u>Total: £6,460</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |                                                                           |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>Education Contributions<br/>For Education contributions please quote the following ledger code:<br/>1-30-0060-0001-859136</p> <p>Direct Debit<br/>The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/>To make such a payment please call 01738 475300 in the first instance.<br/>When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 31 July 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



3<sup>rd</sup> August 2017

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



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Sir/Madam

**SITE: KY13 Coldrain Leepark Land 400 Metres North East**  
**PLANNING REF: 17/01250/FLL**  
**OUR REF: 748349**  
**PROPOSAL: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from **Glendevon** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**  
**<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)



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

|                                                 |                                                                                         |                             |             |
|-------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01250/FLL                                                                            | <b>Comments provided by</b> | Niall Moran |
| <b>Service/Section</b>                          | Transport Planning                                                                      | <b>Contact Details</b>      | ██████      |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                                                             |                             |             |
| <b>Address of site</b>                          | Land 400 Metres North East Of Leepark<br>Coldrain                                       |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I do not object to the proposed development. |                             |             |
| <b>Recommended planning condition(s)</b>        |                                                                                         |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                         |                             |             |
| <b>Date comments returned</b>                   | 8 August 2017                                                                           |                             |             |



Our ref: PCS/154149  
Your ref: 17/01250/FLL

If telephoning ask for:  
Sheena Jamieson

10 August 2017

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: 17/01250/FLL**  
**Erection of a dwellinghouse**  
**Land 400 Metres North East of Leepark Coldrain**

Thank you for your consultation email which SEPA received on 20 July 2017.

**Advice for the planning authority**

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.

**1. Phosphorous Mitigation**

- 1.1 The phosphorous mitigation calculations submitted with regards this application do not match the number of properties applied for, and from your email exchanges with the applicant it is understood that the applicant has been requested to provide clarity as to how they intend to proceed with the proposed development.
- 1.2 In January this year we removed our objection to a previous (16/01900/FLL) and adjacent concurrent application for two cabins (16/01901/FLL) in the context that you advised us that the council was of the opinion that as these applications could have been submitted as one the mitigation property could be used for the two separate applications. We understand that these two previous applications have been withdrawn. However given that the applicant has only re-submitted the application for the house we must advise that if the previous situation of concurrent applications is not replicated then our previous comments would not be relevant.
- 1.3 Currently, as the house application has been submitted independently then we must advise that in accordance with [Loch Leven Special Protection Area and Ramsar site](#) supplementary guidance (SG) any excess mitigation above 125% from one development



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

cannot be rolled over to another development and instead goes towards the benefit of the Loch.

- 1.4 In addition, we must apologise as it has come to our attention that the proposed mitigation property, Kinshiell, Kinnesswood Farm, is situated in the publically sewered area. Without prejudice to any consent application we receive, it should be noted that we would therefore be unlikely to grant a licence for a secondary treatment plant discharging to the Loch under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) when there is the option to connect to the public sewer and direct discharge out of the catchment, away from the loch.
- 1.5 Our policy on provision of waste water drainage is set out in [Position Statement \(06-08\) Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements](#) and states in Section 1 Part (ii) that we will expect new developments to connect to the public sewerage system where there is capacity for new connections.
- 1.6 Contact should therefore be made, by the applicant, with Scottish Water with regards a sewer connection for the mitigation property. The applicant should be aware that if the phosphorous mitigation was provided by the connection of the mitigation property to the sewer then the full volume of primary treated effluent would be removed from the catchment. Therefore the property could provide mitigation for a larger number of new properties, the exact number would have to be determined by drainage calculations, should the applicant decide to increase the number of dwellings proposed.
- 1.7 We therefore **object** until clarification is provided with regards proposed phosphorous mitigation for the development.

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 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: Alastair Mitchell, AMA, [rachelmitchel134@btinternet.com](mailto:rachelmitchel134@btinternet.com)



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

Broxden Business Park,  
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[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

### 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

### Perth Strathearn House

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

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

|                                                 |                                                           |                             |        |
|-------------------------------------------------|-----------------------------------------------------------|-----------------------------|--------|
| <b>Planning Application ref.</b>                | 17/01250/FLL                                              | <b>Comments provided by</b> | D.Lynn |
| <b>Service/Section</b>                          | TES - Flooding                                            | <b>Contact Details</b>      |        |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                               |                             |        |
| <b>Address of site</b>                          | Land 400 Metres North East Of Leepark Coldrain            |                             |        |
| <b>Comments on the proposal</b>                 | No Objection                                              |                             |        |
| <b>Recommended planning condition(s)</b>        | N/A                                                       |                             |        |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014) |                             |        |
| <b>Date comments returned</b>                   | 11/08/2017                                                |                             |        |





Our ref: PCS/155274  
Your ref: 17/01250/FLL  
17/01405/FLL

If telephoning ask for:  
Sheena Jamieson

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: 17/01250/FLL**  
**Erection of a dwellinghouse**  
**Land 400 Metres North East of Leepark Coldrain**

**Planning application: 17/01405/FLL**  
**Erection of 2no. Holiday Accommodation Units**  
**Land 250 Metres North East of Leepark, Coldrain**

In response to our letter dated 10 August we received information from the applicant's agent by email on 28 September 2017.

We **withdraw** our previous objection to these planning applications. Please note the advice provided below.

### **Advice for the planning authority**

#### **1. Phosphorous mitigation**

- 1.1 The agent has submitted information which clarifies that the public sewer is up gradient from the proposed mitigation property (Kinsheill, KY13 9HM). In accordance with Policy Principle 8 of WAT PS-06-08 Policy and supporting guidance on provision of wastewater drainage in settlements "SEPA will not oppose environmentally acceptable private sewerage provision for dispersed housing in small settlements with limited or no public sewerage system."
- 1.2 Since the public sewage system in this area is limited to a single foul sewer line upgradient from the proposed mitigation property and the applicants are proposing to install a suitable treatment system we will not oppose private sewerage provision in this particular case.

Continued....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

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This response is made without prejudice to any consent application received and it is noted that the mitigation property is at the current time an unlicensed discharge and therefore a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) will need to be applied for with regards this property. Further details are provided for the applicant with regards this issue in section 2 of this letter.

- 1.3 Both applications noted above are subject to concurrent application and your authority has the settled view that in the context of P mitigation, this allows these two applications to be considered mitigated by the property at Kinsheill noted in paragraph 1.1 above. This is now the same situation which we advised we had no objection to in our response to the two previously withdrawn applications on 12 January 2017 (PKC references 16/01900/FLL and 16/01901/FLL). We therefore remove our previous objection set out in our response of 10 August 2017 with regards phosphorous mitigation.
- 1.4 We note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins. This is incorrect and the drawing should reflect the P mitigation requirements for tertiary treatment at this site.
- 1.5 We have assessed the P mitigation calculations and there is sufficient phosphorus mitigation proposed. We would highlight to the applicant that we will licence to 2mg/l as a mean allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment systems for the application site that they can achieve a mean value of 2mg/l.
- 1.6 Your authority should ensure that the list of properties used for P mitigation is updated with details of this application's mitigation property if you are minded to approve the application.
- 1.7 To accord with your authority's Memorandum of Understanding (MOU) for planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

## **2. Flood Risk**

- 2.1 We recommend that contact is made with your Flood Prevention colleagues with regards these applications and if you require any comments from us with regards flood risk please re-consult us.

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

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

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence.

Continued....

The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved.

### **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 operations 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

Planning Service

ECopy to: [rachelmitchell134@btinternet.com](mailto:rachelmitchell134@btinternet.com)

[JRussell@pkc.gov.uk](mailto:JRussell@pkc.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](#).*



**TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain**

## **FURTHER INFORMATION**

- Written submission from Agent, 19 March 2018
- Comments from planning on written submission from Agent, 12 April 2018



Alastair Mitchell - Architect  
15 Sandeman Place  
Luncarty  
Perthshire  
PH1 3RJ  
19<sup>th</sup> March 2018

Local Review Body  
Perth and Kinross Council  
Council Building  
2 High Street  
Perth  
PH1 5PH

Dears Sirs

**Application Ref: 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D McFadzean – TCP/11/16(508)**

Following receipt of your letter dated the 9<sup>th</sup> March 2018, it was confirmed that a decision on the application was to be deferred to allow the applicant time to submit an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review.

Please now find attached a copy of the following,

- An updated Labour Report, dated March 2018, prepared by James Buchanan, Farm Business Consultant, SAC Consulting.
- A site map showing all the land in Mr McFadzean's ownership outlined in blue.

We trust you find all of the enclosed information in order and look forward to receipt of your comments in due course.

Yours sincerely

Alastair S Mitchell







**Planning Proposal  
Justification  
(Update March 2018)**

**D S McFadzean  
Balado Farm South  
Balado  
Kinross  
KY13 0NH**

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

**REPORT UPDATED BY BY:**

**James Buchanan  
Farm Business Consultant  
SAC Consulting  
Farm Business Services  
1st Floor Sandpiper House  
Ruthvenfield Road  
Inveralmond Industrial Estate  
PERTH PH1 3EE**

**Tel Line: +44 (0) 1738 636611  
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Email: james.buchanan@sac.co.uk**



*FS 543419*

**March 2018**

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## **TABLE OF CONTENTS**

|                                     |      |
|-------------------------------------|------|
| INTRODUCTION.....                   | 3    |
| BACKGROUND INFORMATION.....         | 4    |
| NEED FOR ON-SITE ACCOMMODATION..... | 6-7  |
| SUMMARY AND CONCLUSION.....         | 8-10 |
| LABOUR PROFILE.....                 | 11   |
| APPENDIX 1 – LABOUR PROFILE.....    | 12   |

## **INTRODUCTION**

**This report has been prepared at the request of Douglas McFadzean, Balado Farm South, Balado, Kinrosshire, planning application number 17/01250/FLL (originally 16/01900/FLL) for consent for a dwelling house on the lands of Balado Farm South.**

**Information was originally gathered by Annette Marshall, SAC, Perth in previous reports and has been updated by James Buchanan in March 2018 . Data for enterprise labour requirements is based on the UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments.**

## **BACKGROUND INFORMATION**

Douglas McFadzean purchased bare land at Balado in 2009. Since then he has erected one agricultural building and has full planning for a second building and an access road and further to an earlier labour report conducted by SAC is expanding his business with the emphasis on a Pedigree Beef Shorthorn Herd and Breeding Ewes for lamb production.

His agricultural business is registered and complies with:

**British Cattle Movement Service**  
**Quality Meat Scotland**  
**Premium Cattle Health Scheme**  
**Animal & Plant Health Agency**  
**Beef Shorthorn Cattle Society**

The land at Balado now extends to approximately 100 hectares (250 acres) due to the additional land purchased by the applicant in 2017, when compering this report to previous reports

The typical cropping areas are as follows.

|                             |                  |
|-----------------------------|------------------|
| <b>Rotational Grassland</b> | <b>- 34.00ha</b> |
| <b>Silage / Hay 1 cuts</b>  | <b>- 12.75ha</b> |
| <b>Forestry</b>             | <b>- 15.00ha</b> |
| <b>Cereals</b>              | <b>- 20.10ha</b> |
| <b>Rough Grazing</b>        | <b>- 18.15ha</b> |

Due to the expansion in the area of land farmed in 2017 cereal crops are now grown in addition to the areas of grassland.

**15ha (37 acres) of woodland, divided into 6ha (15 acres) of commercial Sitka Spruce plantation and the remaining 9ha (22 acres) being planted as amenity woodland with a selection of hardwoods, softwoods and secluded open landscape areas located throughout.**

**A forestry commission plan is in place for this woodland.**

**Douglas McFadzean currently works for McFadzean Ltd which is his own company as well as carrying out work on the farm.**

**McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area. The business employs 2 fulltime workers at present. No account of this business is made in the justification for an essential worker to live on site.**

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

The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.

Currently there are the following stock numbers at Ballado South:-

- 28 incalf cows
- 7 heifers
- 4 yearling bulls
- 1 Bull
- 2 calves
- 142 breeding sheep

During the winter months the cattle will be housed and fed twice per day with the sale cattle exercised and managed with special feeding regimes according to dates of sales and all must be inspected at least once per day where continuous care may be required for any sick or injured animals.

Twenty-four hour supervision is required during calving so that any problems can be dealt with swiftly and a vet called if necessary.

The breeding ewes also require feeding and care with twenty four hour supervision during lambing and aftercare of foster lambs and sick ewes where necessary.

Whilst animal welfare primarily is the issue of concern, security and safety has become a very important consideration due to previous incidents. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded.

**All the fertiliser, tools, fuel tanks, machinery and feedstuffs are located at Balado Farm South, and due to the nature of work of McFadzean Ltd, high value tools and equipment will be stored on site. There are no neighbours who have a direct line of sight onto the property.**

**There is a history of crime on the site with 2 crime numbers pertaining to the farm since purchasing the land, one being theft of materials and equipment, and the other more recently, stray dog attacks on the sheep with one death and two others mauled.**

**The proposed dwelling house would be sited adjacent to the existing building, which has already been erected, while giving best coverage of views to the majority of the farmland and forestry. From this position vehicle movements can easily be monitored and attended to whilst also enabling easy access to the farm buildings and checking livestock in the surrounding fields.**

**Once a dwelling house has been erected more livestock will be moved to site on a permanent basis. The presence of livestock on a farm requires a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.**

**Douglas McFadzean has a herd of pedigree Beef Shorthorns and he intends to increase his stock numbers to have 50 cows plus followers. The report is based on existing numbers**

**All operations within the business including all work associated with the livestock production, fodder conservation, and all associated paperwork will be carried out in-house by Douglas McFadzean.**

## **SUMMARY & CONCLUSIONS**

**D S McFadzean is a sole trader. Douglas McFadzean owns approximately 100 ha (250acres) of land at Balado Farm South, Kinross 40 ha was which was purchased in 2009 and 60ha in 2017. He also owns a construction and fabrication business which trades under McFadzean Ltd.**

**All the farming operations will be carried out at Balado Farm South. Currently there are two agricultural buildings with planning consent which house livestock, feed, bedding and agricultural equipment.**

**McFadzean Ltd undertakes most of its work on client sites using Balado Farm South for storage of equipment and plant.**

**There are no dwelling houses on the property. The farm business currently has a pedigree herd of Beef Shorthorn Cattle and a flock of breeding ewes for lamb production to complement the clean grazing system which is being adopted over the land. This system of alternate grazing with both cattle and sheep ensures a reduction in the build-up of parasites and disease.**

**Daily supervision and care is required on a permanent basis for all farm livestock, whether in winter housing or at summer grazing.**

**Currently there is a breeding cattle herd and sheep flock on site with the plans in place to increase this to 50 breeding cows and 2 breeding bulls within the next 2 years providing a sustainable agricultural business for the future.**

**Also there are approximately 140 breeding ewes which produce lambs for market being born annually in May and managed to utilise the autumn and winter grass filling a gap in the market, when the Beef Shorthorn Herd are in winter housing.**



**The main purpose of this business is to provide quality pedigree bulls and heifers to fill the large void of native cattle, currently on demand by commercial farmer producers, and ultimately the supermarkets and consumers (Morrison's Supermarket have endorsed a Beef Shorthorn Brand on their shelves which are currently understocked because of lack of production), for easily matured, naturally reared cattle which thrive in the Scottish climate, with total traceability from farm to shop, within a low cost system.**

**Douglas McFadzean currently works for McFadzean limited which is his own company as well as carrying out work on the farm. McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area.**

**Under the forestry management plan, the forestry requires hand thinning due to the age and neglect of the woodland by previous owners and lack of access for machinery.**

**The business will have a total labour requirement of 1.22 standard labour units from the agricultural operations and can therefore fully justify the provision of a dwelling house for an essential worker on the land owned by Douglas McFadzean at Balado Farm, South.**

**This report fully supports the application for the erection of a dwelling house on the land at Balado Farm South for the agricultural business of Douglas McFadzean and for the need to encourage new and forward thinking expansion in the agricultural industry during these times of uncertainty.**

## LABOUR PROFILE

Labour requirements for farming operations on Balado Farm South are calculated and shown below (Based on UK Farm Classification Working Party Report October 2014, made up by members from UK Rural Affairs Departments).

The labour profile calculation shows that this business has a total labour requirement of 2,318 hours/annum based on the current livestock numbers present at Balado South .

This can be summarised as follows:

| Area/Number (ha) | Enterprise                                | Proposed coefficient (hours per ha or head per year) | Total Hours |
|------------------|-------------------------------------------|------------------------------------------------------|-------------|
|                  | Land                                      |                                                      |             |
| 34               | Grasland                                  | 3.1                                                  | 105         |
| 12.75            | Hay / Silage 1 cut                        | 12                                                   | 153         |
| 18.15            | Rough Grazing                             | 1.5                                                  | 27          |
| 20.1             | Cereals                                   | 18                                                   | 362         |
| 15               | Forestry (other land)                     | 1.5                                                  | 23          |
|                  |                                           |                                                      | -           |
|                  | Livestock                                 |                                                      | -           |
| 29               | Breeding suckler cows                     | 26                                                   | 754         |
| 13               | other cattle                              | 12                                                   | 156         |
| 142              | Breeding sheep lowland                    | 5.2                                                  | 738         |
|                  |                                           |                                                      | -           |
|                  |                                           |                                                      |             |
|                  | Total Hours Justified                     |                                                      | 2,318       |
|                  |                                           |                                                      |             |
|                  | Standard Labour Unit (hours per annum)    |                                                      | 1,900       |
|                  |                                           |                                                      |             |
|                  | Number of standard labour units justified |                                                      | 1.2         |

**The UK Agricultural Departments agreed in the “UK Farm Classification System and Topology” (January 2005) that a Standard Labour Unit should equate to 1,900 hours/annum. This is calculated on the assumption that a person working full time in agriculture would work 237.5 standard working days per year to include an element of overtime as well as taking into account public holidays weekends and illness. A standard man day is taken as 8 hours which is the widely accepted standard in agriculture.**

**Where this standard is applied the Labour Profile calculates that the agricultural business of Douglas McFadzean requires the equivalent of 1.2 standard labour units in order to operate.**





Scale = 1 : 12500

200 m  
1000 ft

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## CHX Planning Local Review Body - Generic Email Account

---

**From:** John Russell  
**Sent:** 12 April 2018 13:08  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Christine Brien; David Harrison  
**Subject:** RE: TCP/11/16(508)

Audrey. Please find response to LRB's request for commentary below:-

### **RE: TCP/11/16(508)**

The local review body has invited commentary on the submission of an updated SAC report associated with a planning application for the erection of an essential workers dwelling. Planning application reference 17/01250/fll, local review body reference TCP/11/16(508).

The submission of the SAC report has the potential to alleviate some of the reasons for refusal, reason 1 which relates to housing in the countryside and reason 4 which relates to the settlement boundary. The submission of the report would not have a bearing on reason 2 or 3 which have reasons for refusal relating to the placemaking policies.

The updated SAC report (March 2108) has been submitted as part of the local review body process and was not before the appointed officer at the time of the planning application determination. The report takes account of the acquisition of further land by the applicant. The SAC report confirms that an additional 60 hectares has been added to the 40 hectare site previously acquired by the applicant resulting in a total of 100 hectares.

From a review of the typical cropping areas between the page 4 of the March 2018 report and page 4 of the January 2017 the following changes in cropping areas on acres the following is noted:-

|                       |                       |
|-----------------------|-----------------------|
| Rotational Grass land | Additional 44 acres   |
| Silage/Hay 1 cuts     | Additional 11.5 acres |
| Forestry              | Decrease of 3 acres   |
| Cereals               | Additional 49 acres   |
| Rough grazing         | Additional 44 acres.  |

This represents a significant increase in land held by the holding. It would be prudent to seek clarification on the decrease of forestry as there is no reference to a disposal in the updated report.

It is worth noting that there have been a number of SAC reports submitted for this site. Withdrawn application 16/01900/FLL had a SAC report (October 2016) with a labour unit of 0.8. Application 17/01250/FLL had a SAC report (January 2017) with a labour unit at 1.09 (note this was based on a forecast of farming activity). The latest submitted SAC report (March 2018) has a labour unit of 1.2. For ease of reference the labour profiles are reproduced below:-

### **SAC report October 2016 Labour Profile:-**



**D S McFadzean****LABOUR PROFILE CALCULATION**

| CROPS                               | AREA<br>(Acres) | HOURS<br>(/Ac/Yr) | HOURS<br>(/Ha/Yr) | TOTAL<br>(Hours) |
|-------------------------------------|-----------------|-------------------|-------------------|------------------|
| SPRING BARLEY (Straw Baled)         | 20              | 8.1               | 20                | 161.9            |
| ROTATIONAL GRASS - GRAZED           | 20              | 3.2               | 8                 | 64.8             |
| ROTATIONAL GRASS - SILAGE (1ST Cut) | 20              | 4.9               | 12                | 97.1             |
| ROTATIONAL GRASS - SILAGE (2ND Cut) | 20              | 4.9               | 12                | 97.1             |
| OTHER LAND                          | 40              | 0.6               | 1.5               | 24.3             |
| TOTAL AREA (Acres)                  | 120             | CROP HOURS        |                   | 445.2            |
| STOCK                               | HEAD<br>(No.)   | HOURS<br>(/Hd/Yr) |                   | TOTAL<br>(Hours) |
| SUCKLER COWS (Spring Calvers)       | 35              | 12.0              |                   | 420.0            |
| SUCKLING CALF (Spring Calvers)      | 35              | 4.0               |                   | 140.0            |
| BREEDING HEIFERS (Spring Calvers)   | 5               | 12.0              |                   | 60.0             |
| BREEDING BULLS                      | 1               | 12.0              |                   | 12.0             |
| REPLACEMENT HOGGS                   | 200             | 2.0               |                   | 400.0            |
| TOTAL STOCK (Head)                  | 276             | STOCK HOURS       |                   | 1,032.0          |
|                                     |                 | TOTAL HOURS       |                   | 1,477.2          |

**SAC report January 2017 Labour Profile:-****LABOUR PROFILE CALCULATION**

| CROPS                                | AREA<br>(Acres) | HOURS<br>(/Ac/Yr) | HOURS<br>(/Ha/Yr) | TOTAL<br>(Hours) |
|--------------------------------------|-----------------|-------------------|-------------------|------------------|
| ROTATIONAL GRASS - GRAZED            | 40              | 3.2               | 8                 | 128.0            |
| ROTATIONAL GRASS - SILAGE (1ST Cut)  | 20              | 4.9               | 12                | 98.0             |
| ROTATIONAL GRASS - SILAGE (2ND Cut)  | 20              | 4.9               | 12                | 98.0             |
| OTHER LAND - FORESTRY MANAGEMENT     | 40              | 1.0               | 2.5               | 40.0             |
| TOTAL AREA (Acres)                   | 120             | CROP HOURS        |                   | 364.0            |
| STOCK                                | HEAD<br>(No.)   | HOURS<br>(/Hd/Yr) |                   | TOTAL<br>(Hours) |
| SUCKLER COWS (Spring Calvers)        | 50              | 12.0              |                   | 600.0            |
| SUCKLING CALF (Spring Calvers)       | 50              | 4.0               |                   | 200.0            |
| BREEDING HEIFERS 1 YR OLD +          | 8               | 12.0              |                   | 96.0             |
| BREEDING BULLS                       | 2               | 12.0              |                   | 24.0             |
| PRODUCTION BULLS 1YR OLD +           | 8               | 15.0              |                   | 120.0            |
| FINISHING STEERS & HEIFERS 1YR OLD + | 35              | 4.0               |                   | 140.0            |
| BREEDING EWES                        | 100             | 5.2               |                   | 520.0            |
| TOTAL STOCK (Head)                   | 253             | STOCK HOURS       |                   | 1,700.0          |
|                                      |                 | TOTAL HOURS       |                   | 2,064.0          |

**SAC report March 2018 Labour Profile:-**



| Area/Number (ha) | Enterprise                                | Proposed coefficient (hours per ha or head per year) | Total Hours |
|------------------|-------------------------------------------|------------------------------------------------------|-------------|
|                  | Land                                      |                                                      |             |
| 34               | Grasland                                  | 3.1                                                  | 105         |
| 12.75            | Hay / Silage 1 cut                        | 12                                                   | 153         |
| 18.15            | Rough Grazing                             | 1.5                                                  | 27          |
| 20.1             | Cereals                                   | 18                                                   | 362         |
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|                  |                                           |                                                      | -           |
|                  | Livestock                                 |                                                      | -           |
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| 13               | other cattle                              | 12                                                   | 156         |
| 142              | Breeding sheep lowland                    | 5.2                                                  | 738         |
|                  |                                           |                                                      | -           |
|                  |                                           |                                                      |             |
|                  | Total Hours Justified                     |                                                      | 2,318       |
|                  |                                           |                                                      |             |
|                  | Standard Labour Unit (hours per annum)    |                                                      | 1,900       |
|                  |                                           |                                                      |             |
|                  | Number of standard labour units justified |                                                      | 1.2         |

There is a difference in reporting the labour profile method between the March 2018 SAC report and the earlier SAC reports October 2016/January 2017 for crops (see above). Hectares have been utilised in the new report while acres were utilised in the earlier reports. It would be beneficial to utilise the same reporting method to assist the assessment on how the increase in land relates to the earlier SAC reports and the coefficients used in the labour calculations as these inputs have a bearing on the labour unit calculation. For example, from reviewing the stock calculations a new coefficient has been introduced for breeding suckler cows at 26 hours per head a year in the March 2018 while the earlier reports appear to utilise a coefficient of 12. This change results in an increase of 348 hours.

Taking the above into account it is considered that further clarification should be sought on the submitted March 2018 SAC report. This should explain the decrease in the forestry. It should provide updated calculations for crops utilising acres so there is transparency between the reports. Clarification should also be sought on the increase of the new coefficient which appears to have been introduced for suckler cows.

Regards,

John Russell  
Development Management Planning Officer - Planning and Development  
Perth & Kinross Council  
The Environment Service  
Pullar House, 35 Kinnoull St, Perth, PH1 5GD



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 379-464***)
- (b) Decision Notice (***Pages 403-404***)
  - Report of Handling (***Pages 405-414***)
  - Reference Documents (***Pages 427-458***)
- (c) Representations (***Pages 467-480***)
- (d) Further Information (***Pages 481-486***)



**TCP/11/16(523) – 17/01749/FLL – Erection of a  
dwellinghouse and stables on land 90 metres west of  
Findatie Farm, Kinross**

**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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KINROSS**

Postcode **KY13 9LY**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

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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 AND KINROSS COUNCIL**

Planning authority's application reference number

**17/01749/FL**

Site address

**FINDATIE FARM, KINROSS, KY13 9LY**

Description of proposed  
development

**ERECTION OF A DWELLINGHOUSE AND STABLES**

Date of application

**06/10/2017**

Date of decision (if any)

**13/12/2017**

**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:

**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:

**SITE ACCESS WOULD REQUIRE FARMER TO OPEN FIELD GATES**



**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 ENCLOSED STATEMENT

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

Yes

No

☐
☒

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



**List of documents and evidence**

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.

PLANNING APPLICATION DOCUMENTS  
STATEMENT OF REVIEW  
APPROVED HOLIDAY LODGES PLAN

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:

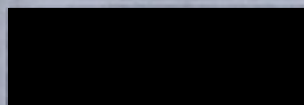
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

01/03/2018

**Statement of Review for the refusal of planning permission for erection of  
Erection of a dwellinghouse and stables on land at Findatie Farm, Kinross**



***March 2018***

**Job No: 1495**

## Contents

|          |                                                                      |           |
|----------|----------------------------------------------------------------------|-----------|
| <b>1</b> | <b>Introduction.....</b>                                             | <b>3</b>  |
| <b>2</b> | <b>The site and proposed development.....</b>                        | <b>3</b>  |
| <b>3</b> | <b>Site planning history.....</b>                                    | <b>6</b>  |
| <b>5</b> | <b>Council Report of Handling for the planning application .....</b> | <b>13</b> |
| <b>6</b> | <b>Other material considerations .....</b>                           | <b>14</b> |
| <b>7</b> | <b>Conclusion .....</b>                                              | <b>15</b> |
|          | <b>Appendix One – Plan .....</b>                                     | <b>16</b> |

## **1 Introduction**

- 1.1 PPCA Ltd has been instructed by Ms. Shonagh Kinnaird to lodge an appeal with the Council Local Review Body against the refusal of planning permission for the erection of a dwelling house and stables on land at Findatie Farm, Kinross.
- 1.2 The planning application (Perth & Kinross Council reference 17/01749/FLL was refused by delegated decision on 13<sup>th</sup> December 2017.
- 1.3 This Statement sets out the appeal position for Ms. Kinnaird, seeks to rebut the reasons for refusal and obtain planning permission for the proposed development on appeal. The original planning application has been included and should be viewed in conjunction with this planning appeal statement.

## **2 The site and proposed development**

### The site

- 2.1 The planning appeal site covers an area of circa 0.51 hectares and is located between the existing principal building group at Findatie Farm comprising the main farmhouse and farm sheds and the landscape boundary of the consented chalet development at the farm to the north of the B9097.
- 2.2 The site is roughly rectangular and will be accessed from the former B9097 that remained following the reconstruction of the road in the early 1980s. The site is bounded to the north by the new B9097 and to the east by the existing farm buildings.



*Proposed Access*

- 2.3 To the north is agricultural land beyond the fenced site boundary. To the west is the consented holiday lodge development at Findatie Farm. This boundary comprises a post and wire fence and beech hedge landscaping planted within the holiday lodge development.
- 2.4 The Council planning application describes the site as “Land 90 metres west of Findatie Farm”. This is considered incorrect as the site is, clearly, immediately adjacent to the existing farm building group.
- 2.5 The site is, clearly, a gap site between the farm building group and the nearby holiday lodge development with a frontage onto the B9097 of approximately 50 metres. It also forms part of the roughly square farm building group and forms a logical extension to that.

#### The proposed development

- 2.6 The proposed development comprises an architect designed bespoke single storey three bed home with garden ground, access from the former B09097 as noted above and a small stable block to the rear.

#### The need for the proposed development

- 2.7 The proposed development of the house is required to allow the existing farmer to retire and, thereby, free up one of the two tied cottages to the south of the B9097 for a replacement farm worker.



*Tied cottages to the south of the B9097*

- 2.8 Mr. Kinnaird, the farmer, runs the farm, comprising sheep rearing and suckling cows, with his son and grandson. Mr. Kinnaird is 78 years old and lives with his wife in one of tied cottages to the south of the B9097. There are currently two such cottages although there used to be four. Two of the cottages, closest to the B9097, were demolished in the early 1980s to make way for the realigned B9097 replacement road.
- 2.9 Mr. Kinnaird requires to move from the cottage when he retires to allow his son to take over the business and hire a replacement farm worker. It is not the intention of the farm to sell this property on the open market.

### 3 Site planning history

3.1 The wider farm has a planning history as set out below.

- 02/02034/FUL – development of 17 chalets and roads, services, drains and sewage system: Withdrawn
- 04/01388/FUL - Development of 14 chalets and roads, services, drains and sewerage system: Granted 11 November 2014
- 0500717/FUL – Erection of an above ground slurry store – withdrawn
- 05/01144/FUL – Extension to dwelling house: Granted 19 August 2005
- 05/02425/PN – Erection of general agricultural building: Granted 19 January 2006
- 08/01177/FUL – Erection of toilet facilities, seated area, reception and small shop: Granted 26 August 2008
- 14/00587/IPL – Erection of 16 holiday lodges and associated works (in principle) on land 200 Metres North West Of Findatie Farm: Granted 10 July 2014
- 14/00798/FLL – Erection of Wind Turbine
- 15/00449/AML – Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) on land 200 Metres North West Of Findatie Farm: Granted 26 May 2015
- 15/01070/FLL – Erection of wind turbine: Refused 4 September 2015

3.2 The most significant applications above are the grant of planning permission in principle and approval of matters specified in conditions for the holiday lodges as, firstly, these influence the landscaping requirements on the western boundary of the appeal site and create the gap site. Secondly, the appeal site overlaps the holiday lodges consent in its northwest corner (see Appendix 1). Part of the landscaping required for the holiday lodge consent is located within the appeal site. The Council is invited to impose a planning condition on the appeal site requiring that the landscaping associated with the holiday lodge site that overlaps the appeal site be implemented as part of a permission for the appeal site. A suggested wording is set out below –

*“The dwelling shall not be occupied until such time as the landscaping associated with the adjacent holiday lodge development (permission reference 15/00449/AML) within the area of overlap of the planning permissions is implemented and maintained in accordance with that consent”*



## **4 Perth & Kinross Council Reasons for Refusal**

4.1 The Perth & Kinross Council Decision Notice of 13<sup>th</sup> December 2017 sets out four reasons for refusal of the planning permission in principle application as follows –

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.
- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

4.2 Dealing with each of the above in turn –

### Reason for refusal one

4.3 The full Local Development Plan Policy RD3 is set out below –

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- (a) Building Groups.
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairstown Loch and the River Tay SACs.

Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.

#### 4.4 The Council Supplementary Guidance in Housing in the Countryside states –

##### 1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well-established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy. Proposals which contribute towards ribbon development will not be supported.

##### 2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development, will not be supported, nor will proposals which would result in the extension of a settlement boundary.

- 4.5 The Supplementary Guidance also requires that all new development complies with various requirements. Addressing each of the relevant points in turn, the site has satisfactory access from the B9097. The proposed development is an architect-designed bespoke house that, through design and layout, appropriately reflects its surroundings. It has been established through the planning application process that there is no conflict between the proposed development and the operational farm adjacent. The house could be used for homeworking purposes by its occupants if required. The proposed development will increase biodiversity by replacing an operational agricultural field of low value with garden ground and a variety of flora species. There is no adverse impact on protected locations as set out in the Supplementary Guidance.
- 4.6 Regarding the siting criteria set out in Category 3 referred to above, the proposed house blends in with and forms an appropriate extension to the existing farm building group. It uses these buildings and the landscaping required for the adjacent holiday lodge development as a setting and backdrop. It uses an identifiable site. The adjacent holiday lodges are of the size of a traditional small cottage as set out above so create the western edge of the site in accordance with the Supplementary Guidance.
- 4.7 The Council is invited to impose a planning condition (as suggested in draft form above) to ensure that the landscaping associated with the holiday lodge development is implemented as part of a planning permission for the appeal site. It has no detrimental impact upon the surrounding landscape. It is set in line with existing adjacent buildings being located on a generally flat piece of land adjacent to the B9097 before a break of slope towards Loch Leven. It is not ribbon development (it fills a gap) nor will it extend a settlement boundary.
- 4.8 The appeal site clearly forms part of the Findatie Farm building group comprising principal farmhouse and outbuildings. It also represents an infill site in that it fills the fifty-metre gap between the operational farm and the boundary of the adjacent holiday lodge development. The boundary of the existing farm and holiday lodge development are established boundaries. The individual lodges are of a scale equivalent to a small cottage.



*Proposed development site showing existing farm to the right (east) and holiday lodge boundary to the left (west)*

- 4.8 The proposed development plot has a road frontage equivalent to the adjacent Findatie Farmhouse. The proposed house is proportional to its overall plot size.
- 4.9 It must, therefore comply with parts (a) and (b) of the above Policy and the Supplementary Guidance.
- 4.10 From the above, it is respectfully requested that Reason for Refusal One be dismissed.

#### Reason for refusal two

- 4.11 The reason contends that the proposed development would not contribute positively to the surrounding built and natural environment. Policy PM1A states –

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and Nature of the development.

- 4.12 The proposed development is a bespoke architect-designed house that takes reference from surrounding residential development to deliver a traditional style development using modern materials.

4.13 The Council Report of Handling contends that the proposed location of the new house would be prominent in the surrounding landscape and is not considered of a sufficient design quality.

4.14 However, that Report also notes that the proposed locating and scale of the house will make it subservient to the main farmhouse and several of the surrounding farm buildings which are immediately adjacent to the plot. It notes that the new house ridge, at 135.5m asl will be lower than the main existing farmhouse at 136.25m asl. It is comparable to the nearest farm building cited as 131.8m asl. As such, the new house cannot be prominent in the locality. It forms, instead, an appropriate extension to the existing building group.

4.15 The proposed house has also been relocated within the plot as part of the application process to accommodate this concern and the point raised by the Community Council.



*Existing farmhouse*



*Adjacent farm building*

4.15 Similarly, the design concept and materials used for the building respects the rural location and character of the area.

4.16 From the above, it is respectfully requested that Reason for Refusal Two be dismissed.

#### Reason for Refusal three

4.17 Local Development Plan Policy PM1b states –

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

4.18 The proposed development forms part of, and relates to, the existing farm building group. It considers the context of surrounding development and is subservient to the majority of existing farm buildings. It is designed in keeping with surrounding development.

4.19 From the above, it is respectfully requested that Reason for Refusal Three be dismissed.

#### Reason for refusal four

4.20 The proposed development of a single house at the appeal site will not adversely impact upon the landscaping associated with the adjacent holiday lodge development. The Council is invited to impose a planning condition upon consent for the appeal site (see above) to ensure that this is delivered within the appeal site.

4.21 From the above, it is respectfully requested that Reason for Refusal Four is dismissed.

## **5 Council Report of Handling for the planning application**

- 5.1 The Report of Handling confirms that there are no statutory third-party objections to the proposed development.
- 5.2 The statement within the Report that “the proposed site is very open” is disputed. The B9097 represents a strong boundary to the south. Similarly, the landscaping associated with the adjacent holiday lodge development, when slightly more mature will create a strong boundary along the western edge of the site that may be enhanced by planting or fencing within the proposed garden of the appeal development.
- 5.3 In respect of design and layout the Report of Handling states that “There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level”. This comment, from Partook Community Council, is not a representation. The response from the Community Council states that it does not object in principle to the proposed development. The Community Council describes the response as a “letter of comment” only. The house has been relocated within the appeal site as part of the original planning application process to address this concern.
- 5.4 The Report of Handling states “The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented”. The Council is invited to impose a planning condition on the grant of planning permission for the appeal site to ensure that it implements the landscaping associated with the holiday lodge development in the part of the site that overlaps the lodge consent. This addresses the concern above.
- 5.5 Comments within the Report of Handling on the visual impact of the proposed house are disputed as existing farm buildings adjacent are higher than the ridge height of the proposed house.
- 5.6 Lastly, the Report of Handling states that “The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development”. This is considered inaccurate as the proposed development will allow for the farmer to retire and release a tied agricultural dwelling to be occupied by a future farm worker required for the ongoing operation of the farm. The proposed development, therefore, allows the ongoing operation of an existing farm business.

## **6 Other material considerations**

### Scottish Planning Policy (2014)

- 6.1 Scottish Planning Policy of 2014 sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The Scottish Planning Policy promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to the determination of planning applications and appeals.
- 6.2 It sets out policies in relation to housing in the countryside and rural development.
- 6.3 Paragraph 79 requires Development Plans to actively make provision for housing in rural areas.
- 6.4 Paragraph 75 goes on to state that the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 6.5 Paragraph 109 notes that the National Planning Framework "aims to facilitate new housing development ... through innovative approaches to rural housing provision". The proposed development meets the aims of both latter paragraph requirements and will deliver a sustainable extension to the existing building group.
- 6.6 In conclusion, the proposed development that is the subject of this appeal complies with the policy requirements set out in Scottish Planning Policy.



## **7 Conclusion**

- 7.1 In conclusion, the proposed of a new house at Findatie Farm as proposed through planning application 17/01749/FLL to Perth & Kinross Council represents a logical addition established farm building group and infills a gap site between the farm and nearby holiday lodge development.
- 7.2 It is a single house extension to the group that can be accessed and serviced using existing infrastructure arrangements that will not set a precedent for other such development elsewhere within the Council area. It will be located to protect the amenity and privacy of the existing building group.
- 7.3 It is necessary to allow the farmer to retire and pass his business on to younger family members and to recruit a new farm worker to replace him with appropriate accommodation.
- 7.4 All of the matters raised in the Reasons for Refusal can be addressed as set out above to allow the grant of planning permission for a house on the appeal site. From the above, it is respectfully requested that the Council Local Review Body overturn the refusal of planning permission for the proposed dwelling house at Findatie Farm.







## PERTH AND KINROSS COUNCIL

Ms Shonagh Kinnaird  
c/o Module Architects  
Mark Dowey  
24 Anchorscross  
Dunblane  
FK15 9JW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th December 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 17/01749/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 17th October 2017 for permission for **Erection of a dwellinghouse and stables Land 90 Metres West Of Findatie Farm Kinross** for the reasons undernoted.

  
Interim Development Quality Manager

### Reasons for Refusal

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **Justification**

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

### **Notes**

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

#### **Plan Reference**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01749/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 16.12.2017        |      |
| Case Officer           | Persephone Beer   |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:**      Erection of a dwellinghouse and stables

**LOCATION:**      Land 90 Metres West Of Findatie Farm Kinross

### 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:** 20 November 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a single storey dwellinghouse and stables on land 90 metres west of Findatie Farm. The site measures 0.51 hectares which will include an area of paddock.

The site to the west is part of a holiday chalet development that was given in principle planning permission in 2014 for 16 chalets. An application for the detail of some of the plots and landscaping was approved in 2015 and some chalets have now been constructed. The proposals included landscaping of the ground which to date has not been undertaken. The approved site boundary for the chalets overlaps with that shown for this application.

## **SITE HISTORY**

14/00587/IPL Erection of 16 holiday lodges and associated works (in principle) Land 200 Metres North West Of Findatie Farm  
Kinross Approved July 2014

15/00449/AML Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) Land 200 Metres North West Of Findatie Farm  
Kinross Approved May 2015

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

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

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

### **Policy RD3 - Housing in the Countryside**

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

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

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

## **OTHER POLICIES**

Housing in the Countryside

## **CONSULTATION RESPONSES**

Portmoak Community Council

Comments made in relation to siting of the house.

Community Waste Advisor - Environment Service  
No comments received.

The Coal Authority  
Site is not within a high risk area. No Coal Mining Risk Assessment is required. Coal Authority standing advice should be included as an informative note.

Scottish Gliding Centre  
No response received.

Transport Planning  
No objection.

Contributions Officer

Primary Education  
This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contribution is required.

Scottish Water  
Advice given. Developer should complete pre-development enquiry. No foul drainage in area.

Environmental Health  
No objections subject to conditions with regard wood burning stove. Informative note required with regard private water supplies.

## **REPRESENTATIONS**

The following points were raised in the 1 representation received from Portmoak Community Council.

The Community Council does not object to the proposals as they acknowledge that it may comply with criteria in the housing in the countryside policy. However it recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

These considerations will be addressed in the appraisal section of the report below.

#### **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

#### **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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

#### **Policy Appraisal**

The site is within an area where the housing in the countryside policy (RD3) of the Perth and Kinross Local Development Plan applies. This, along with the associated Housing in the Countryside Guide, is the main policy consideration in the determination of this application.

The main thrust of the policy is to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- (a) Building Groups.
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In this case the proposal should primarily be assessed in terms of parts a) Building groups and b) infill sites.

The existing farm contains a range of buildings and is considered to constitute a building group under the terms of the policy. The policy allows for proposals which extend a building group into a definable site formed by existing topography or well established landscape features which will provide a suitable setting. The proposed site is very open with a post and wire fence defining the boundary to the west and to the south along the road edge. The site does not meet the criteria set out in the policy of extending a building group.

The Housing in the Countryside policy also allows for infill development of up to two houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. In this case the gap is between a farm shed and holiday chalets and does not meet the terms of the policy which requires the infill site to be between an established house and another substantial building. In this case the nearest buildings are holiday chalets to the west and a farm shed to the east. The site does not meet the terms of the infill section of the policy with regard to type and size of building that define the site.

Proposals must also meet other policies in the plan including PM1A and PM1B (placemaking) and policy ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes). These seek to ensure that development contributes positively to the quality of the surrounding built and natural environment and enhance landscape quality.

## **Design and Layout**

The proposal is for a single storey three bed dwellinghouse with integral garage finished in buff coloured render with Caithness effect quoins. The roof is proposed to be a slate effect fibre cement roof tile. The house is to be positioned around 30 metres to the north of the public road. The footprint of the proposed house measures around 25m x 11.6m.

There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level. The plans show that the new house will be set around the 129m contour with a proposed new house ridge set at 135.5m. The ridge of the existing farmhouse is at a height of 136.25 metres. This is set at a lower level and has three storeys. The ridge of the nearest farm building to the proposal is set at 131.8 m. The new house will therefore be the dominant element of the building group if positioned as proposed.

The proposals also include a stable building to be constructed in a paddock to the north. This is proposed to be a small brick stables for three horses with dark grey roof and timber windows.

## **Landscape**

The site is within an area identified as part of the Loch Leven and Lomond Hills Special Landscape Area. The proposals indicate that some trees will be planted to the south east of the site with a beech hedge along the north side of the proposed access road. This access is also shown as linking through to the holiday lodge development.

There is an area of paddock proposed to the north of the house which will be bounded by a 1.2 metre ranch style timber fence. The other boundaries will be stock proof post and wire fencing. No soft landscaping of this area is proposed. This is in direct conflict with landscaping proposals approved as part of the adjacent chalet development. The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented.

## **Residential Amenity**

There are no immediate neighbours to the proposed house so there are no issues with regard potential overlooking or overshadowing. The site is adjacent to a working farm however the applicant is connected to the farm and this is not considered to be an issue. A stable block to the north of the site is proposed as part of the application. Environmental Health has been consulted and notes that there is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant. A condition is requested with regard to any potential nuisance from the proposed wood burning stove included in the plans.

## **Visual Amenity**

The open nature of the site is likely to make the proposed house visually prominent. Whilst some landscaping to the front of the new house is proposed this is insufficient to provide an effective setting for the proposed development. In addition the siting of the proposed dwellinghouse on the higher part of the site will have an adverse visual impact and will be over dominant in relation to the existing farm buildings and farm house.

## **Roads and Access**

The proposed access is from an existing entrance into the farm. There are no objections from the Transport Planner.

## **Drainage and Flooding**

All foul drainage is proposed to septic tank with partial soakaway discharge. This is shown as entering a watercourse close to the site which will require SEPA authorisation. The site is close to but not within the Loch Leven Catchment Area. The plans state that rainwater will be stored and used where possible and that any additional surface water drainage will to an existing land drain in the paddock.

### **Water supply**

The existing water supply utilised by the farm will be used to serve the proposed property. Environmental Health has recommended an informative note be attached with regard to the protection of existing wayleaves.

## **Developer Contributions**

### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Portmoak Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.

### **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 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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**

### **Conditions and Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.

4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **Justification**

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

**Informatives**

None.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6

**Date of Report**

13 December 2017





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100068866-001

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

## Type of Application

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

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

## Description of Proposal

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

Provide new dwelling house, paddock and stable block on agricultural gap site west of Findatie Farm farmhouse including garden ground and revised access.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                                                                                                       |                             |                                                      |                |
|-------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------|----------------|
| Company/Organisation:                                                                                 | Module Architects           |                                                      |                |
| Ref. Number:                                                                                          |                             | You must enter a Building Name or Number, or both: * |                |
| First Name: *                                                                                         | Mark                        | Building Name:                                       |                |
| Last Name: *                                                                                          | Dowey                       | Building Number:                                     | 24             |
| Telephone Number: *                                                                                   | 01786 823753                | Address 1 (Street): *                                | Anchorscross   |
| Extension Number:                                                                                     |                             | Address 2:                                           |                |
| Mobile Number:                                                                                        |                             | Town/City: *                                         | Dunblane       |
| Fax Number:                                                                                           |                             | Country: *                                           | United Kingdom |
|                                                                                                       |                             | Postcode: *                                          | FK15 9JW       |
| Email Address: *                                                                                      | mdowey@modulearchitects.com |                                                      |                |
| Is the applicant an individual or an organisation/corporate entity? *                                 |                             |                                                      |                |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity |                             |                                                      |                |

## Applicant Details

Please enter Applicant details

|                      |          |                                                      |  |
|----------------------|----------|------------------------------------------------------|--|
| Title:               | Ms       | You must enter a Building Name or Number, or both: * |  |
| Other Title:         |          | Building Name:                                       |  |
| First Name: *        | Shonagh  | Building Number:                                     |  |
| Last Name: *         | Kinnaird | Address 1 (Street): *                                |  |
| Company/Organisation |          | Address 2:                                           |  |
| Telephone Number: *  |          | Town/City: *                                         |  |
| Extension Number:    |          | Country: *                                           |  |
| Mobile Number:       |          | Postcode: *                                          |  |
| Fax Number:          |          |                                                      |  |
| Email Address: *     |          |                                                      |  |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Findatie Farm

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 9LY

Please identify/describe the location of the site or sites

Northing

699111

Easting

317418

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐

Meeting

☒

Telephone

☐

Letter

☐

Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion relating to the Loch leven catchment area with David Rennie.

Title:

Mr

Other title:

-

First Name:

David

Last Name:

Rennie

Correspondence Reference  
Number:

-

Date (dd/mm/yyyy):

21/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.51

Please state the measurement type used:

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

## Existing Use

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

Agricultural grazing land.

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network  
☒ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.  
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☐ Discharge to land via soakaway.  
☒ Discharge to watercourse(s) (including partial soakaway).  
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Septic tank to partial soakaway to field drains ultimately resting in River Leven rather than the Loch.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☐ No ☒ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☐ No ☒ Don't Know

## Trees

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

☐ Yes ☒ No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details: \* (Max 500 characters)

Domestic Wheelie bin provision shown on plans to east of house.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

|                                                                                                                                                                                                                                                                                                                                                |                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| How many units do you propose in total? *                                                                                                                                                                                                                                                                                                      | <div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; line-height: 20px;">1</div> |
| Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.                                                                                                                                                                                                   |                                                                                                                     |
| <h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>                                                                                                                                                                                                                                                     |                                                                                                                     |
| Does your proposal alter or create non-residential floorspace? * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </span>                                                                                                                                                    |                                                                                                                     |
| <h2 style="margin: 0;">Schedule 3 Development</h2>                                                                                                                                                                                                                                                                                             |                                                                                                                     |
| Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No           <input type="checkbox"/> Don't Know         </span> |                                                                                                                     |
| If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.                      |                                                                                                                     |
| If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.                                                                                                                                                          |                                                                                                                     |
| <h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>                                                                                                                                                                                                                                                                  |                                                                                                                     |
| Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </span>                                                         |                                                                                                                     |
| <h2 style="margin: 0;">Certificates and Notices</h2>                                                                                                                                                                                                                                                                                           |                                                                                                                     |
| CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013                                                                                                                                                                                                           |                                                                                                                     |
| One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.                                                                                                                                                                    |                                                                                                                     |
| Are you/the applicant the sole owner of ALL the land? *                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                 |
| Is any of the land part of an agricultural holding? *                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 |
| Do you have any agricultural tenants? *                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                 |
| Are you able to identify and give appropriate notice to ALL the other owners? *                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 |
| <h2 style="margin: 0;">Certificate Required</h2>                                                                                                                                                                                                                                                                                               |                                                                                                                     |
| The following Land Ownership Certificate is required to complete this section of the proposal:                                                                                                                                                                                                                                                 |                                                                                                                     |
| Certificate B                                                                                                                                                                                                                                                                                                                                  |                                                                                                                     |

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Owners RJ Kinnaird

Address:

Findatie Farm Findatie Farm, Findatie Farm, Kinross, Scotland, KY13 9LY

Date of Service of Notice: \*

04/09/2017

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Mark Dowey

On behalf of: Ms Shonagh Kinnaird

Date: 29/09/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

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

CGI views



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Dowe

Declaration Date: 29/09/2017

## Payment Details



Created: 06/10/2017 09:12





This clarity may reduce uncertainties in procurement that involve a fixed-price contract. The owner will know exactly what he or she is getting. The contractor, in turn, will know exactly what he or she is getting in return. A cost-plus contract, however, prepared by some agencies in the design-build approach, may describe those things of which the designer has no idea. For the same reason, work that will be performed on behalf of any particular owner may result in a cost-plus contract. It is the contractor's responsibility to make sure that the contract is clear before accepting work.





## Design Statement

Proposed three bedroom dwelling house, paddock and stables at Findatie Farm, Kinross KY13 9LY

### 1.0 Introduction

The proposed site is located approximately four miles south-east of Kinross, in rural countryside to the south east shore of Loch Leven. The Kinnaird family have owned the farm for two generations and the site is located adjacent to the existing stone built farmhouse. There is a grouping of new farm cottages in a bungalow style over the B9097 adjacent to the farmhouse. Further, there is a large grouping of timber clad holiday chalets to the west of the proposed site. The site therefore forms a gap site between these chalets and the farmhouse.

Perth & Kinross Planning has confirmed that the site drains to the River Leven and is therefore not part of the Loch Leven Catchment Area relating to phosphorus discharge.

The local architectural style is that of the single stone or rendered farmhouse, shallow in plan and either single storey or one and a half storeys. The existing buildings along the B9097 Road vary in scale, form and age but most face the loch to optimise the vista.

Materials again vary dependant on the age of the development but locally-won stone or painted harling and 'Scottish' slate roofs predominate with small, punched fenestration to the main elevations.

The proposed design takes into account the guidance from Perth & Kinross Council in its 'Housing in the Countryside Design Guidance' document relating to massing and form. The dwelling house is of a modern idiom but in keeping with the guidance document's Design Principles this will be tied to a building that is wholly in keeping with the materials, form and massing of its rural context.

### 2.0 Planning Context

Under Perth & Kinross 'Housing in the Countryside Guide November 2012' guidance the application site is judged to meet the following criteria;

#### *1. Building Groups*

*Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).*



## 2. Infill Sites

*The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:*

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- The size and design of the infill houses should be in sympathy with the existing house(s)*
- The full extent of the gap must be included within the new plot(s)*
- It complies with the siting criteria set out under category 3.*

The site would appear to meet all or some of the criteria listed in the above two clauses of the Perth & Kinross guidance for Housing in the Countryside.

## 2.0 The Building

### 2.1 Proposed Plot Area = 0.514Ha including paddock

Proposed House GIFA = 249m<sup>2</sup>

Of which 41m<sup>2</sup> is the garage

### 2.2 Dwelling House Layout

The house will single storey to reference similar sized properties in the locale and be of a footprint of approximately 250m<sup>2</sup> with integral garage. The house is 12 deg east of north-south axis to optimise the vista to the loch and to provide alignment with the neighbouring properties.

Access to the dwelling house is by the front elevation (south facade) into a connecting hallway through to a combined opened plan kitchen dining area. There is a standalone living room with views to the Loch and a double aspect woodburner in a stone chimney. The bedrooms are to the east end of the property comprising master with ensuite and two guest bedrooms with ensuite. A study is provided for home working. A utility room is provided to the rear entrance for accessing the garden and drying green.

The roof space will have attic trusses for storage.

### 2.3 Energy and Aspect

The building will be designed to achieve a Bronze Standard or better in Section 7 of the Scottish Building Regulations. It will be an energy efficient home with an air tightness under 5m<sup>3</sup>/h.m<sup>2</sup> @ 50 Pa and U-values to





individual element ensuring an EPC rating A-C dependant on the agreed insulation levels.

The building will be masonry built utilising a porous clay block with outstanding green credentials.

The building is north-south facing with the vista to the north. This has provided a challenge to perception of a thermally managed design. We have looked to overcome this by selectively placing glazing on the north elevation and increasing the amount of glazing on the south elevation to increase solar gain.

## **2.4 Materials and Form**

The building takes the form of a traditional single storey rural dwelling of the area and is of a simple, single massing element with a shallow linear plan.

The house will have a traditional rendered harling buff in colour with grey Caithness effect quoins at the corners as shown on the elevation. Fenestration will be dark brown timber effect full height glazing with top opening lights.

The rear of the house has a frameless double glazed curved screen to maximise the view across to the Loch.

The roof will be covered with a slate effect fibre cement roof tile such as Marley Eternit Rivendale Fibre Cement slate, or equal approved.

## **3.0 The Site**

### **3.1 Vehicular access**

It is proposed that a new vehicular access be formed off of the old B9097 where it enters the farm. In essence the house will not be accessed from the main road but from an entry road running some five metres parallel to it. The main farm entrance is then utilised for access to the B9097 giving maximise visibility. This is the safest position for the new access, given the layout of the existing road

### **3.2 Amenity Space and Vehicular Parking**

The house will have a hard standing tarmaced driveway to the south entrance area leading up to the house. This will allow for three visitor parking spaces adjacent to the main door and a further space near to the back door or this can be utilised for hammerhead turning. The rear of the property will comprise a grassed amenity space / family garden with some hardstanding to facilitate working the paddock beyond



### 3.3 Landscaping

The client has chosen to implement a five bar ranch style timber fence to the north boundary with the paddock. This will have a twelve foot five bar timber field gate to match the fence to provide access to the paddock.

The Client proposes to plan to plant a beech hedge to the south boundaries along the junction of the access road and the front garden as shown on the drawings. This will be young trees at 300mm centres around .75m in height. The front garden will be predominantly grassed with an orchard area of semi-mature planted fruit trees to the south west corner.

Further, a hedge off bin store is shown to the east side of the house.

Vehicular access is provided to the rear paddock via a tarmaced driveway to a gravelled area in the back garden. The gravelled area will act as a soakaway for surface water drainage from the tarmaced areas.

Existing boundary treatments – the 1.2m high post & wire fences to the east and west boundaries will remain in-situ. The east boundary fence will be extended and a new gate added to facilitate access for the farm to the fields beyond.

### 3.3 Additional ancillary buildings

The paddock area to the north of the garden ground requires a small brick built stables for three horses. The roof will be in dark grey single ply membrane and four timber windows will provide daylighting to the structure.

### 3.5 Existing trees and hedges

The proposal does not affect any existing trees (of which there are none on site) or hedges (to the southernmost boundary).

## **4.0 Utilities and Drainage**

### 4.1 Foul and surface water

There are no existing local authority sewers serving this part of the B9097. All foulwater drainage is to septic tank and subsequent 25m partial soakaway discharge. Please refer to submitted JIG Ltd document submitted with this application.

Rainwater will be stored and used where possible. Any additional surface water drainage will be via a new branch in connection to an existing land drain in the paddock, after the Septic tank and connecting into the soak away, subject to drainage consultant design.





#### 4.2 Water supply

The existing shared water supply should be utilised to serve the proposed property with an additional toby being installed at the point of connection, subject to Statutory approval.

#### 4.3 Electrical supply

There is an existing overhead electrical supply to Findatie Farmhouse. This will be extended to the new plot, subject to Utilities Consent.

MCD Module Architects

28/09/2017





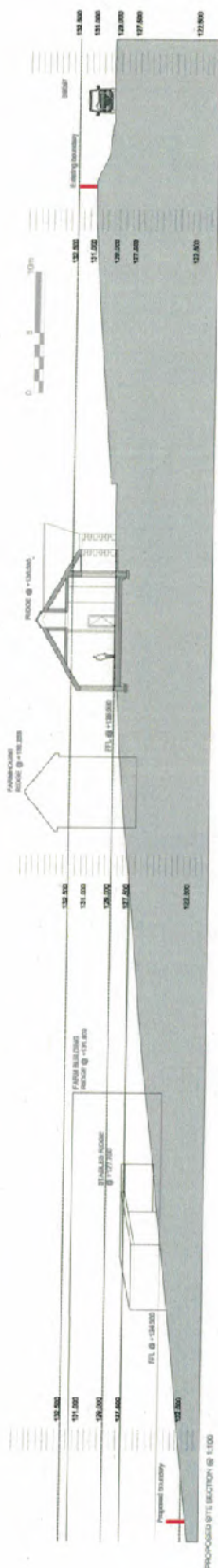
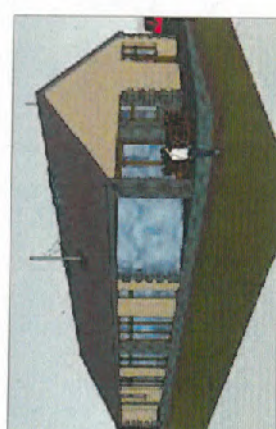
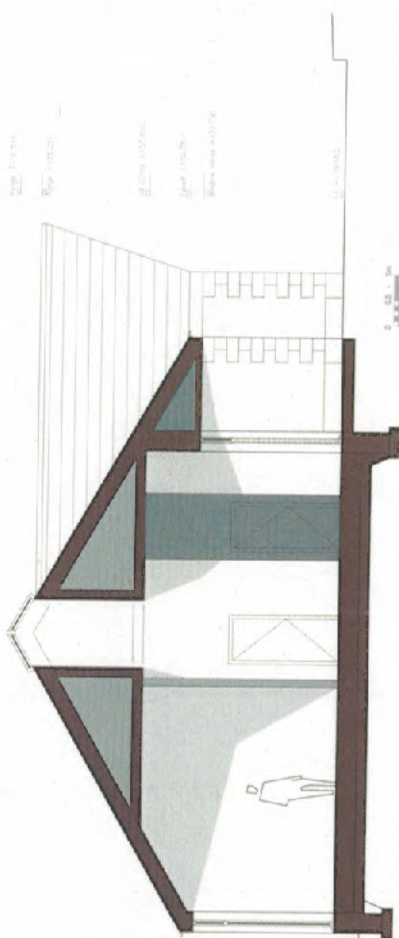
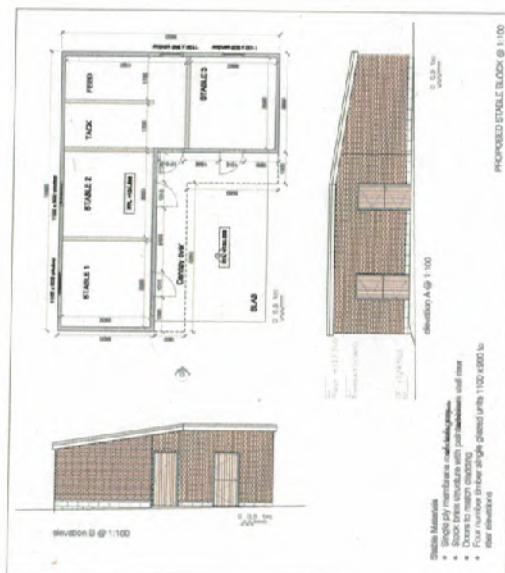










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**Project Information**

Client: **Findale Farm, Cornwall**

Project Name: **Findale Farm, Cornwall**

Project No: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

**Site Plan**

Scale: **1:1000**

North Arrow: **North**

Site Boundary: **Site Boundary**

Building Footprints: **Building Footprints**

Parking Areas: **Parking Areas**

Site Features: **Site Features**

Site Notes: **Site Notes**

Site Description: **Site Description**

Site Location: **Site Location**

Site History: **Site History**

Site Planning: **Site Planning**

Site Design: **Site Design**

Site Construction: **Site Construction**

Site Operation: **Site Operation**

Site Maintenance: **Site Maintenance**

Site Safety: **Site Safety**

Site Security: **Site Security**

Site Environment: **Site Environment**

Site Community: **Site Community**

Site Culture: **Site Culture**

Site Values: **Site Values**

Site Goals: **Site Goals**

Site Objectives: **Site Objectives**

Site Strategies: **Site Strategies**

Site Policies: **Site Policies**

Site Procedures: **Site Procedures**

Site Standards: **Site Standards**

Site Guidelines: **Site Guidelines**

Site Best Practices: **Site Best Practices**

Site Innovation: **Site Innovation**

Site Leadership: **Site Leadership**

Site Collaboration: **Site Collaboration**

Site Communication: **Site Communication**

Site Transparency: **Site Transparency**

Site Accountability: **Site Accountability**

Site Responsibility: **Site Responsibility**

Site Integrity: **Site Integrity**

Site Honesty: **Site Honesty**

Site Fairness: **Site Fairness**

Site Respect: **Site Respect**

Site Compassion: **Site Compassion**

Site Empathy: **Site Empathy**

Site Understanding: **Site Understanding**

Site Knowledge: **Site Knowledge**

Site Wisdom: **Site Wisdom**

Site Courage: **Site Courage**

Site Strength: **Site Strength**

Site Resilience: **Site Resilience**

Site Flexibility: **Site Flexibility**

Site Adaptability: **Site Adaptability**

Site Creativity: **Site Creativity**

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Site Empathy: **Site Empathy**

Site Understanding: **Site Understanding**

Site Knowledge: **Site Knowledge**

Site Wisdom: **Site Wisdom**

Site Courage: **Site Courage**

Site Strength: **Site Strength**

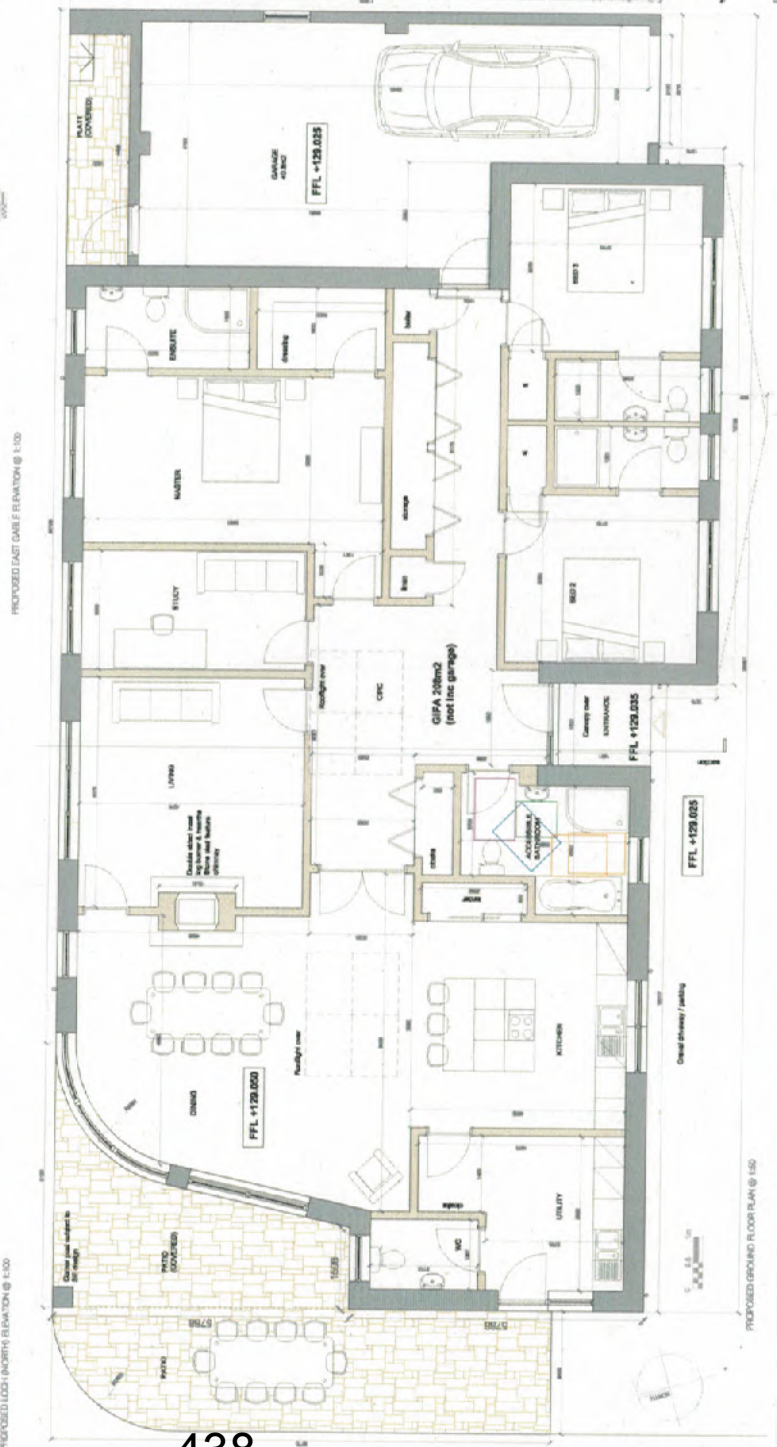
Site Resilience: **Site Resilience**

Site Flexibility: **Site Flexibility**

Site Adaptability: **Site Adaptability**

Site Creativity: **Site Creativity**



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| Dispositions of Building Inventory | Estimated<br>Value | Estimated<br>Cost | Estimated<br>Net Realizable<br>Value |
|------------------------------------|--------------------|-------------------|--------------------------------------|
| Land                               | \$100,000          | \$100,000         | \$100,000                            |
| Buildings                          | 200,000            | 180,000           | 20,000                               |
| Equipment                          | 50,000             | 45,000            | 5,000                                |
| Inventory                          | 10,000             | 10,000            | 10,000                               |
| Accounts receivable                | 50,000             | 50,000            | 50,000                               |
| Accounts payable                   | 50,000             | 50,000            | 50,000                               |
| Notes payable                      | 50,000             | 50,000            | 50,000                               |
| Equity                             | 100,000            | 100,000           | 100,000                              |
| <b>Total</b>                       | <b>560,000</b>     | <b>525,000</b>    | <b>235,000</b>                       |

The above information is for illustrative purposes only. It is not intended to represent any specific company's financial position. The above information is for illustrative purposes only. It is not intended to represent any specific company's financial position.

Identifying the particular components or processes that provide a health benefit is a more complex task. Identifying, measuring, and analyzing the components of a health benefit may be necessary to determine the best way to deliver that benefit. For example, a health benefit may be a specific health outcome, such as improved blood sugar control in a diabetic patient, which depends on a number of factors, including diet, exercise, and medication. Identifying the components of a health benefit can help health care providers and patients make decisions about the best way to deliver that benefit.









## Drainage Assessment

For a New Dwelling at  
Findatie Farm, Kinross

October 2017

[www.jig.uk.com](http://www.jig.uk.com)

23 Westminster Terrace

Glasgow G3 7RU

Telephone: 0141 221 4747



## CONTENTS:

|      |                                                  |    |
|------|--------------------------------------------------|----|
| 1.   | EXECUTIVE SUMMARY                                | 2  |
| 2.   | INTRODUCTION                                     | 3  |
| 2.1. | INTRODUCTION TO SEWAGE TREATMENT                 | 3  |
| 2.2. | INTRODUCTION TO SURFACE WATER MANAGEMENT         | 4  |
| 3.   | SITE PROFILE AND GROUND ASSESSMENT               | 5  |
| 3.1. | TOPOGRAPHY, LOCAL DRAINAGE AND FLOODING          | 5  |
| 3.2. | GEOLOGY, GROUNDWATER AND ABSTRACTION             | 5  |
| 3.3. | LOCATION OF SERVICES                             | 5  |
| 3.4. | OTHER IMPLICATIONS OF PLOT SIZE OR VEGETATION    | 5  |
| 4.   | SEWAGE TREATMENT                                 | 7  |
| 4.1. | MINIMUM SYSTEM REQUIREMENTS                      | 7  |
| 4.2. | DISCHARGING TO A WATERCOURSE                     | 7  |
| 4.3. | RECOMMENDATION – SEWAGE TREATMENT                | 7  |
| 5.   | SURFACE WATER MANAGEMENT                         | 9  |
| 5.1. | MINIMUM SYSTEM REQUIREMENTS                      | 9  |
| 5.2. | INVESTIGATIONS & RESULTS                         | 9  |
| 5.3. | RECOMMENDATION – SURFACE WATER                   | 9  |
| 6.   | DISCLAIMER                                       | 10 |
| 7.   | REFERENCES                                       | 10 |
| 8.   | APPENDICES                                       | 11 |
| 8.1. | APPENDIX 1: SITE LOCATION                        | 11 |
| 8.2. | APPENDIX 2: DISCHARGE LOCATION                   | 12 |
| 8.3. | APPENDIX 3: SUBMISSION TO SEPA                   | 13 |
| 8.4. | APPENDIX 4: PARTIAL SOAKAWAY LAYOUT (INDICATIVE) | 15 |
| 8.5. | APPENDIX 5: PHOTOGRAPHS                          | 16 |

## **1. EXECUTIVE SUMMARY**

JIG Ltd was engaged by Ms S Kinnaid, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### **SEWAGE TREATMENT**

JIG's investigations concluded that a favourable means of treating the sewage that would be generated by the proposed dwelling would be one based upon the provision of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It was advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it was advised that a supplier and expert in the field such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It was advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be approved by SEPA and an application for a "Registration" must be made and a Registration issued prior to the sewage treatment system being used.

### **SURFACE WATER**

JIG recommended the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## 2. INTRODUCTION

JIG Ltd was engaged by Ms S Kinnaid, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### 2.1. Introduction to Sewage Treatment

The Building (Scotland) Regulations 2004 must be adhered to when a construction project is being undertaken. Regulation 3.7 of the Regulations, as reproduced in Box 1, states that:

Box 1.

**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 the people in and 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 is 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*.

As a public sewer connection was not possible a private wastewater treatment system and traditional soakaway option had to be investigated as the preferred route for the treatment and final dispersal of the sewage that would be generated by the proposed dwelling. Section 3.9.1 of the Technical Handbook requires a preliminary "ground assessment" for such infiltration devices.

Under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, all activities concerning the discharge of sewage effluent to the water environment, either directly or indirectly via land, require the authorisation of the Scottish Environment Protection Agency (SEPA). This includes discharge activities to infiltration devices including soakaways and raised filtration mounds.



## 2.2. Introduction to Surface Water Management

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced in Box 2, states that:

Box 2.

**Every *building* and hard surface within the *curtilage* of a *building*, must be designed and constructed with a surface water drainage system that will:**

- (a) ensure the disposal of *surface water* without threatening the *building* and the health and safety of the people in and around the *building*; and**
- (b) have facilities for the separation and removal of silt, grit and pollutants.**

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities and following the results of the preliminary "ground assessment" JIG would report upon and advise on the best practicable means.

With regard to SEPA's requirements, general binding rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 states that a sustainable urban drainage system is not required for a single house.

**GBR10: Discharge of surface water run-off from a surface water drainage system to the water environment from construction sites, buildings, roads, yards and any other built-up areas.**

**Rules:**

- a) If the surface water run-off is from areas constructed after 1 April 2007, the site must be drained by a Sustainable Urban Drainage System (SUDS). If the surface water run-off is from a construction site operated after 1 April 2007, the site must be drained by a SUD system or equivalent. The only exceptions are if the run-off is from a single dwelling and its curtilage, or if the discharge is to coastal water.
- b) All reasonable steps must be taken to ensure that the discharge will not result in pollution of the water environment.
- c) The discharge must not contain any trade effluent or sewage and must not result in visible discolouration, iridescence, foaming or sewage fungus in the water environment.
- d) The discharge must not result in the destabilisation of the banks or bed of the receiving surface water.
- e) The discharge must not contain any water run-off from any of the following areas constructed after 1 April 2007:
  - fuel delivery areas and areas where vehicles, plant and equipment are refuelled;
  - vehicle loading or unloading bays where potentially polluting matter is handled;
  - oil and chemical storage, handling and delivery areas.
- f) All treatment systems (including oil interceptors, silt traps and SUDS) must be maintained in a good state of repair.
- g) All reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the SUDS is prevented from entering the system.
- h) The construction and maintenance of the outfall must not result in pollution of the water environment.

(Source; SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 7.3 June 2016.



### **3. SITE PROFILE AND GROUND ASSESSMENT**

The site was visited on the 7<sup>th</sup> October 2017 with the intent of conducting intrusive investigations, including percolation tests if deemed appropriate, with a view to utilising infiltration as a means of disposing of treated foul drainage from the dwelling.

#### **3.1. Topography, Local Drainage and Flooding**

The site of the proposed dwelling is immediately to the west of, and adjacent to, Findatie Farm, Ballingry, by Kinross, Perth and Kinross. The site, which is a field laid to grass, is at an altitude of approximately 130m above sea and slopes fairly steeply to the north towards the River Leven.

The nearest watercourse is a tributary of the River Leven which lies approximately 150m the northeast of the site while the River Leven lies approximately 210m to the north.

Given the location of the development, the site gradient and the position of the nearest watercourse, the risk of flooding of the site or elsewhere downstream as a result is not considered to be an issue.

#### **3.2. Geology, Groundwater and Abstraction**

According to the geological record the underlying solid geology is Sandstone of the Stratheden and Inverclyde Group. The superficial deposits are recorded as Diamicton (boulder clay). This was confirmed on the day by Mr R Kinnaird who has farmed at Findatie for 60 years.

Depth to ground water is unknown as no intrusive investigations were carried out.

There are no wells marked within 50m of the site on current maps, however, as infiltration will not be used as a means of dispersing foul drainage the presence of wells nearer to the site would not be a constraint.

#### **3.3. Location of Services**

The developer knows the locations of all services and any treatment system location would be sited accordingly with due care and attention taken to avoid any inadvertent disturbance during development works.

#### **3.4. Other Implications of Plot Size or Vegetation**

With regard to any infiltration device for sewage or wastewater it must be located;

- at least 50m from any spring, well or borehole used as a drinking water supply; and
- At least 10m horizontally from any watercourse (including any inland or coastal waters), permeable drain, road or railway.

Any infiltration system and any treatment plant must also be located;

- at least 5m from a building; and
- at least 5m from a boundary.

The location of any septic tank or treatment plant must ensure that a desludging tanker can gain access to a working area that:

- will provide a clear route for a suction hose from the tanker to the tank; and
- is not more than 25 m from the tank where it is not more than 4m higher than the invert level of the tank; and
- is sufficient to support a vehicle axle load of 14 tonnes.

With regard to any infiltration device for surface water, it must be located;

- at least 5m from any building or boundary.

Following clearance of the site for construction there will be no notable vegetation that might interfere with any system proposed or vice versa.

### **3.5. Porosity Testing**

Intrusive ground investigations were not undertaken during the site visit on the 7<sup>th</sup> October 2017 due to the fact that previous deep excavations previously undertaken by Mr R Kinnaird had revealed unsuitable ground conditions. This, compounded by the steep site contours, meant that a soakaway was discounted due to the inability to specify a design that would be compliant with BS6297:2007 on foul soakaway design, SEPA guidance, or the Technical Handbook to the Building Regulations. As a result, an alternative solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of River Leven to the northeast was to be investigated.

## 4. SEWAGE TREATMENT

### 4.1. Minimum System Requirements

The size of treatment plant required to treat the sewage that would be generated by the 3-bedroom dwelling was calculated according to recognised industry figures as shown in Table 1.

Table 1. Effluent Flow Figures

| Development  | Maximum Occupancy          | Total Daily Flow (150litres/ person) | BOD loading per person (g/day) | Treatment capability required (kg/BOD) |
|--------------|----------------------------|--------------------------------------|--------------------------------|----------------------------------------|
| New Dwelling | 5<br>(based on 3 bedrooms) | 150                                  | 60                             | 0.3                                    |

Sized in accordance with British Water "Code of Practice - Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems". 2013

Based on the above information, a treatment plant capable of treating at least 0.3kg BOD per day would be required.

### 4.2. Discharging to a Watercourse

A soakaway is not considered a realistic solution at the site due to poor ground conditions and steep contours. As a result, JIG consulted SEPA by way of an email submission dated 10<sup>th</sup> October 2017 proposing a solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of the River Leven to the northeast of the site. The proposal was based on making a discharge of treated effluent from a BS EN12566 compliant sewage treatment plant capable of achieving an effluent quality of 20mg/l BOD to this watercourse. SEPA responded by way of an e-mail on the 16<sup>th</sup> October 2017 agreeing to the principle of the proposal, see Appendix 3.

JIG was advised by Mr R Kinnaird that a drain existed adjacent to the shed on the western boundary of the site and that this drain, to which access could be gained from this site, discharged to the tributary of the River Leven at a point just above where the watercourse came back out of culvert into open cut. It is via this drain that JIG envisions a discharge to the tributary being achieved.

### 4.3. Recommendation – Sewage Treatment

JIG recommends the foul drainage arising from the proposed dwelling be treated by way of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It is advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it is advised that a supplier such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It is advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be authorised by SEPA and a Registration must be obtained prior to the sewage treatment system being used. A Registration application was made on the 19<sup>th</sup> October 2017.

## **5. SURFACE WATER MANAGEMENT**

### **5.1. Minimum System Requirements**

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- a. a SUDS system designed and constructed in accordance with clause 3.6.4:  
or
- b. a soakaway constructed in accordance with:
  - clause 3.6.5; or
  - the guidance in BRE Digest 365, 'Soakaway Design'; or
  - National Annex NG 2 of BS EN 752-4: 1998; or
- c. A public sewer provided under the Sewerage (Scotland) Act 1968; or
- d. An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA; or
- e. If the surface water is from a dwelling, to a storage container with an overflow discharging to either [sic] of the 4 options above.

The impermeable surfaces to be drained will consist of the roof and ancillary impermeable surfaces only.

### **5.2. Investigations & Results**

Site investigations revealed that due to impermeable ground conditions and space constraints trench or pit soakaways, or other infiltration devices, would not be an appropriate means of disposing of surface water from the development. The surface water could however, readily be taken to the unnamed tributary of the River Leven at a point to the northeast of the site.

### **5.3. Recommendation – Surface Water**

JIG recommends the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## **6. DISCLAIMER**

The content of this assessment is for internal use only, and should not be distributed to third parties unless under the expressed authority of our client. The designs, recommendations and outline proposals shall remain the property of JIG Ltd, and shall not be plagiarised in any form without authority to do so. The comments and recommendations stipulated are solely those expressed by JIG Ltd, and both parties understand that the comments and recommendations expressed are not binding. JIG Ltd. confirms that all reasonable skill, care, and diligence have been applied and that any design element has been carried out using verifiable and approved reference documentation. No responsibility shall be assumed by JIG for system failure as a result of incorrect installation work by contractors assigned by the client or incorrect or inappropriate implementation of JIG's recommendations.

## **7. REFERENCES**

Building (Scotland) Regulations 2004.

Building Standards (Scotland) Regulations 1990.

British Water Code of Practice: Flows and Loads 4 – Sizing Criteria, Treatment Capacity for Small Sewage Wastewater Treatment Systems, 2013

British Standard BS 6297: 2007

Environment Act 1995.

Phelps, D.S. and Griggs, J. Mound Filter Systems for the Treatment of Domestic Wastewater. BRE Bookshop, Waterford, 2005.

SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide. Version 7.3 June 2016.

Scottish Building Standards: Technical Handbook: Domestic.

Water Environment (Controlled Activities) (Scotland) Regulations 2011

SEPA guidance: WAT-RM-03: Regulation of Sewage Discharges to Surface Waters

## 8. APPENDICES

### 8.1. Appendix 1: Site Location



## 8.2. Appendix 2: Discharge location





### 8.3. Appendix 3: Submission to SEPA

**From:** Isaacs, Pamela [mailto:pamela.isaacs@sepa.org.uk]  
**Sent:** 16 October 2017 12:01  
**To:** Ian Corner <Ian@jig.uk.com>  
**Subject:** RE: Loch Leven Cut

Hi Ian,

Apologies for the late reply. Busy as always!

If there is adequate flow in the burn for the discharge SEPA would not have an issue with this in principle if ground conditions could not merit a soakaway. We may require evidence of this thought at the application stage.

If this was going straight to the River Leven there should be enough dilution for the discharge however as this is going to a small burn if dilution is not sufficient then secondary treatment may be required. Is this still proposed to be a septic tank?

I am sure you will have seen this before but the table below is taken from pg. 17 of Wat-RM-03 Sewage discharges to Surface Waters (available here: <https://www.sepa.org.uk/regulations/water/pollution-control/pollution-control-guidance/>)

**Table 1 Registration look up table for sewage discharges to watercourses**

| Dilution range:                         |                                            | Treatment / standards required                                                                |
|-----------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------|
| Anticipated/Existing Pollution Pressure | No Anticipated/Existing Pollution Pressure |                                                                                               |
| >400:1                                  | >400:1                                     | Primary / Septic tank (with partial soakaway)                                                 |
| 100:1 - 400:1                           | 30:1 - 400:1                               | Secondary treatment <b>designed</b> to produce effluent with a mean BOD concentration ≤20mg/l |
| 30:1 - 100:1                            | 10:1 - 30:1                                | Secondary: <b>designed</b> to produce effluent with a mean ammonia concentration ≤5mg/l       |
| <30:1                                   | <10:1                                      | Enhanced treatment or refuse                                                                  |

Usually dilution would need to be greater than 400:1 for septic tank to discharge to surface water. This would more than likely be met by the River Leven but as this is being proposed to go to a burn justification would be required if dilution is lower than this.

I would like to take the most pragmatic approach to this as it is for a single property so impact will be much less than a large development however justification would be needed if dilution was not sufficient.

Regards

Pamela Isaacs  
 Environment Protection Officer

---

**From:** Ian Corner  
**Sent:** 10 October 2017 18:03  
**To:** Isaacs, Pamela <pamela.isaacs@sepa.org.uk>  
**Subject:** RE: Loch Leven Cut

Pamela,

Apologies for delay in getting this to you but I was out on site all day yesterday as a job over ran.

I met Mr Kinnaird, the farmer and father of our client, on Sat. I became abundantly clear early on in our discussions that there was little point in putting a digger on the site.

Mr Kinnaird advised that a number of years ago he had reason so conduct a deep excavation within the field where the 3-bedroom house will be located. The excavation was at least 8ft deep and at no time did they encounter what he would have considered permeable ground conditions. Bearing in mind that Mr Kinnaird has farmer here for 60 years and is one of 3 shareholders in the adjacent chalet development and has intimate knowledge of the soakaway that apparently serves that development, it was apparent that he knew what he was talking about when it came to understanding the type of ground that is needed for a successful soakaway. He further advised that, just as indicated on the Geological map of the area, the more permeable ground lies somewhat to the NE of Findatie Farm. Unfortunately this area of land is all but inaccessible from our client's site as it lies on the other side of the farm and some distance from it.

As a result of his input, and giving consideration to the contours of the site, which slopes quite steeply to the North (see attached photo), I decided that there was little point in attempting percolation tests as the evidence indicated this would have been a complete waste of time. Bearing in mind that a soakaway makes our job so much easier, and the client generally ends up with the cheapest drainage solution, you might imagine this was not a decision that was taken lightly.

As a result of this we discussed the possibility of achieving a discharge to the Leven Cut directly but this appears not to be a feasible solution based on land ownership and the physical difficulty of getting an outfall to the Rive Leven. Apparently no field drains go in that direction either.

We are therefore required to propose an alternative solution to that initially proposed and that is to achieve a discharge to a watercourse that is culverted through the farm. This can be seen on SEPA's NGR Tool. This once served an undercut water wheel associated with a mill that once existed at the farm. It arises as a spring some distance to the south of the farm and is known to have a flow 52 weeks of the year. Which seems reasonable if it was used as a supply to a mill.

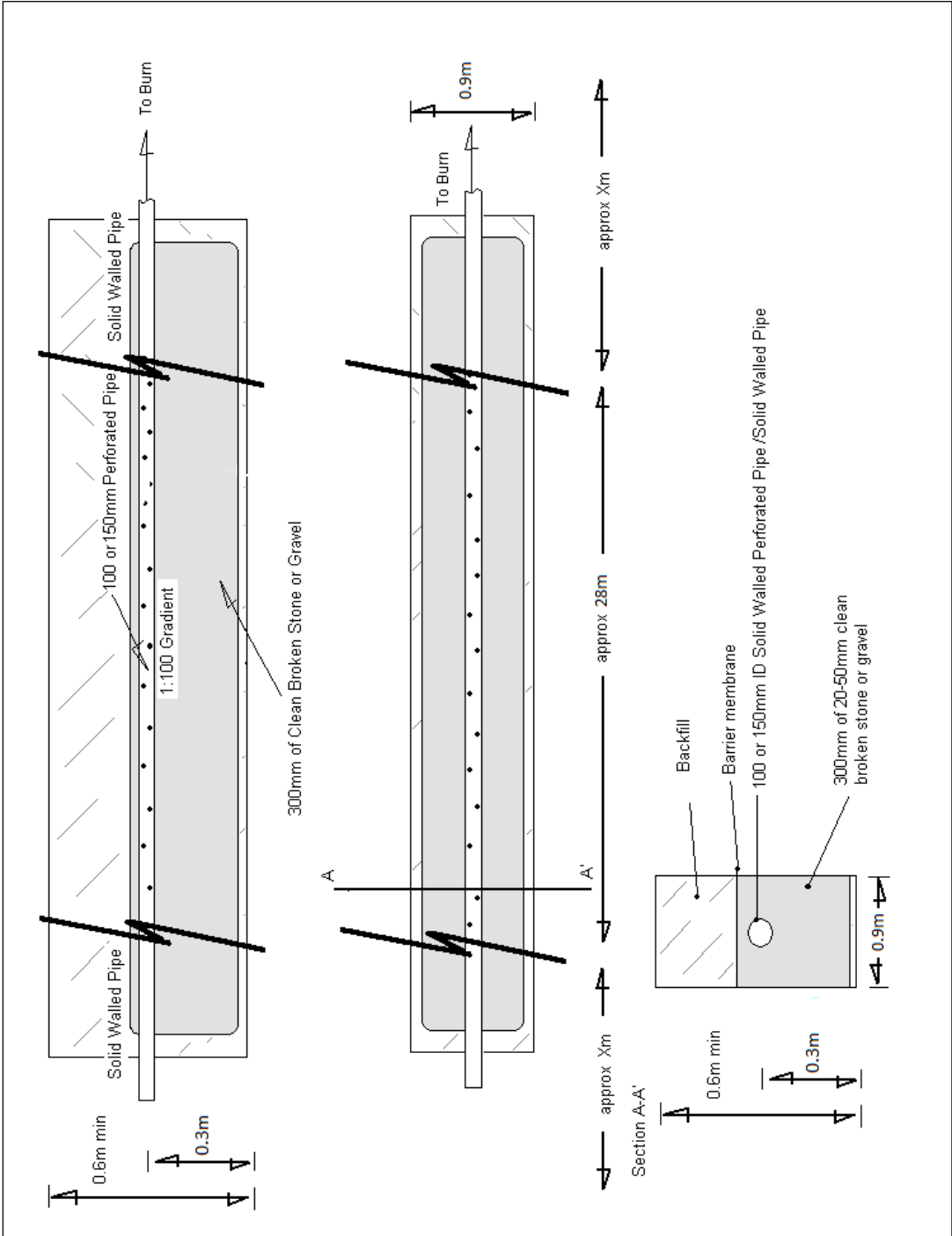
The flow in this watercourse, as can be seen from the attached photo, was reasonably substantial on Sat, 7<sup>th</sup> October and seemed to offer well in excess of 30:1 dilutions (for SPE this equates to 0.24 litres/sec flow in the watercourse) and we would have estimated the flow on the day to be at least several litres /sec.. While we accept this is not the driest time of the year this does allow a great deal of latitude in terms of flow in the watercourse with even a 50% drop in flow still offering something like 100 dilutions. This would suggest an effluent quality of 20mg/l BOD as a mean could be appropriate. The effluent would be discharged to the watercourse via an existing field drain that exists adjacent to the site and to which the client can gain access. The outfall from the treatment plant prior to connection to the field drain would incorporate 25m<sup>2</sup> of constructed p.s.a. The outfall location to the watercourse would be at NGR NT17447 99255.

We would be obliged if you would give this proposal due consideration and advise whether the effluent quality proposed is likely, at least in principle, to meet with SEPA's approval.

Regards

Ian Corner

8.4. Appendix 4: Partial Soakaway Layout (indicative)



## 8.5. Appendix 5: Photographs

Photo No 1 - Site overview looking north

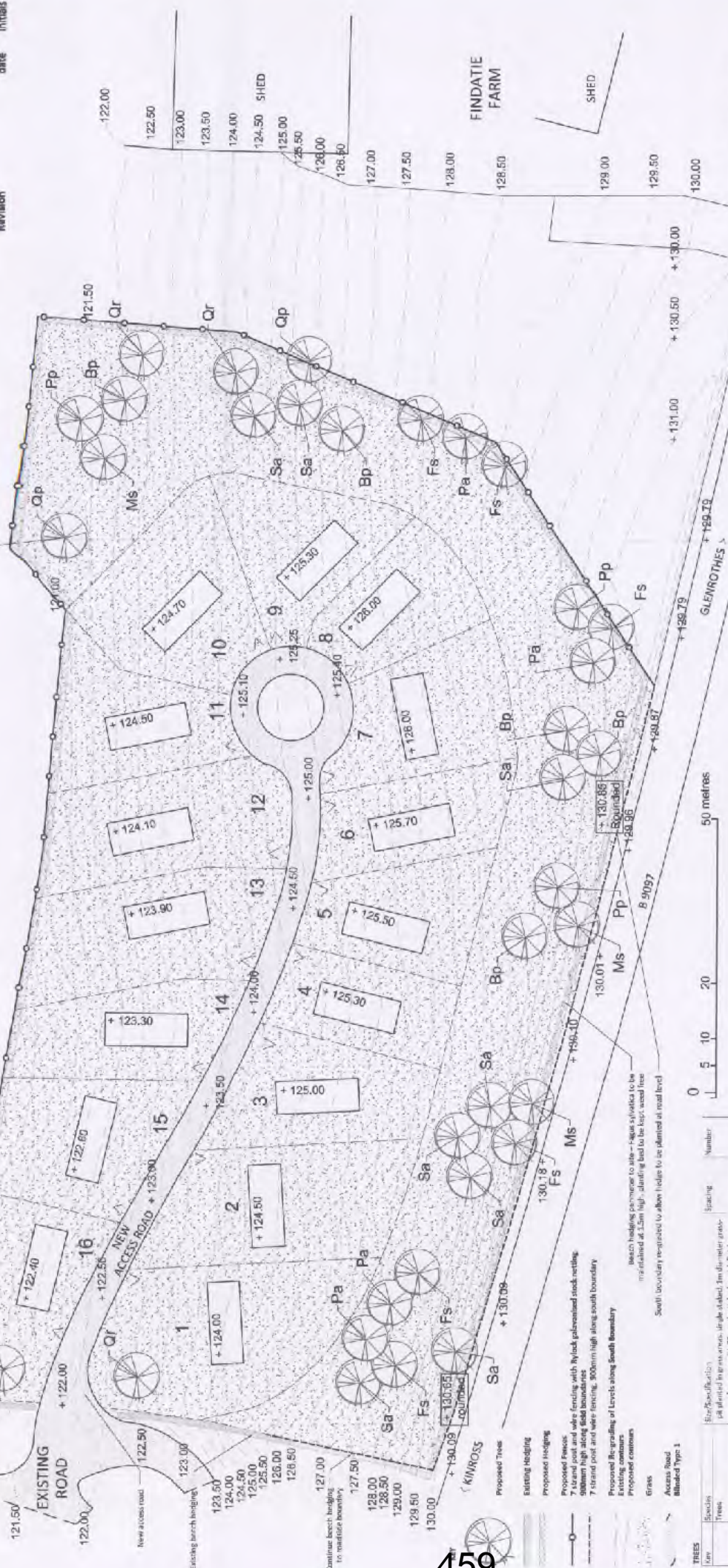


Photo No 2 – Watercourse at location of proposed discharge via existing drain





| Revision | date | Initials |
|----------|------|----------|
|----------|------|----------|



LEATH AND KINROSS COUNCIL

|    |                          |                                                                                                                           |   |
|----|--------------------------|---------------------------------------------------------------------------------------------------------------------------|---|
| Dr | <i>Q. agrifolia</i> Rob. | 18–20 cm E45 dbh; stems, full & evenly branching crown above in vigorous growth; Bet., not fully 4.5–5 m high where shown | 4 |
|----|--------------------------|---------------------------------------------------------------------------------------------------------------------------|---|

**NOTE**  
If the topsoil is not to be contaminated with subsoil, rubble, debris or other deleterious items

|    |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |             |    |
|----|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----|
| 5a | <i>Sorbus aucuparia</i> | 18–20 cm DBH clear stems, full & evenly branching crown<br>fruiting spks: new growth, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th | when shower | 88 |
|----|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----|

keep floating, to a minimum or spread in layers of 15 mm (1/2 in) or less, at the earliest conditions possible to levels agreed. Do not handle during or after heavy rainfall or when it is wetter than the plastic.

|     |                                                                                                                                         |    |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|----|
| Fig | Premier podium<br>18-20 cm E14 clear stems, full & evenly branching crown<br>showing a perovskite growth; 3x41, not loaded, 4.5-5m high | 33 |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|----|

Areas to receive grass: 150-mm depth  
Free pits to be locally excavated as specified

| Site | Species                 | Notes                                                                                                       |
|------|-------------------------|-------------------------------------------------------------------------------------------------------------|
| 1    | <i>Pinus sylvestris</i> | 10-20m E15 clear stem, full & evenly branching crown showing vigorous growth. 3-4m, not halved, 4.5-5m high |
| 2    |                         |                                                                                                             |
| 3    |                         |                                                                                                             |
| 4    |                         |                                                                                                             |

initial level of topsoil after settlement to be 25 mm above adjoining path, manhole, chamber covers, and standings etc.

|     |                 |                                                                                                             |             |   |
|-----|-----------------|-------------------------------------------------------------------------------------------------------------|-------------|---|
| 100 | Results pending | 10-20 cm EHS clear stems, full & evenly branching crown showing vigorous growth. 3-4 m, mostly 4.5-5 m high | where shown | 6 |
|-----|-----------------|-------------------------------------------------------------------------------------------------------------|-------------|---|

Do not compact topsoil, break up any compacted topsoil to full depth. Cultivate to loosen, aerate and break up soil into particles of 2-8 mm to a depth of 350 mm, within a few

|    |                        |                                                                                                                                   |   |
|----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---|
| 14 | <i>Agave sylvatica</i> | showing vigorous growth, 3 cv., rootballed, 4.5-5m high<br>10-20cm Ellis clear stem, full & evenly branching crown<br>where shown | 6 |
|----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---|

days before planting and when weather and ground conditions are suitably dry

|     |                          |                                                     |                  |
|-----|--------------------------|-----------------------------------------------------|------------------|
| 105 | <i>Kalmia procumbens</i> | showing vigorous growth, 3rd, corolla 4.5-5 cm high | we're all about! |
|-----|--------------------------|-----------------------------------------------------|------------------|

*Agave sylvatica*, 100/120 cm, 2-3 leaved transplant, thick collar, well branched to base, consistent in species, culmifer and clonal to ensure a uniform hedge

| HEDGING |            |                       |
|---------|------------|-----------------------|
| (B)     | Translates | On a Foreign Emission |
|         |            |                       |

planted in two off-set rows 300mm apart at 10 per line, within a 900mm wide trench, 850mm in depth with bottom breakers up at 600mm (Fig. 10). Backfilling the trenches at 150mm (Fig. 11) and 225mm (Fig. 12) with bottom breakers up at 600mm (Fig. 13).

|   |         |                                                                                               |         |
|---|---------|-----------------------------------------------------------------------------------------------|---------|
| 1 | 1995/96 | planted in two offset rows, 300 mm apart at 200 plants per linear m, in a post-and-rail fence | growing |
|---|---------|-----------------------------------------------------------------------------------------------|---------|

Shipping compost

[illegible]

plants with roots spread outward in planting holes 25% larger than the extent of their root systems, incorporate slow release fertiliser (16-16-16) mixed evenly throughout top 300mm of backfill at a rate of 1 kg/m<sup>2</sup>, and water thoroughly.

|            |                     |                                  |         |
|------------|---------------------|----------------------------------|---------|
| Project: B | signs of a new sign | close to ensure a uniform facade | 304 (1) |
|------------|---------------------|----------------------------------|---------|

After planting water immediately, thoroughly and without damaging or displacing plants or soil

[illegible]

5mm depth dark coloured, decorative coarse grade bark mulch finish along planting bed

[illegible]

| DATE    | DESCRIPTION     | AMOUNT | BALANCE |
|---------|-----------------|--------|---------|
| 1/1/20  | OPENING BALANCE |        | 100.00  |
| 1/15/20 | SALES           | 50.00  | 150.00  |
| 1/20/20 | PAYROLL         | 20.00  | 130.00  |
| 1/25/20 | RENT            | 30.00  | 100.00  |
| 1/31/20 | CLOSING BALANCE |        | 100.00  |

LINDA CURRIE

project

Loch Leven Lodges  
Findatie, Loch Leven, Kinross

drawing this

## Landscape Proposals

drawing number

312/001

scale

1:500 @ A2

Issue Information

tender  
construction

Linda Carr Design Ltd 10 DeBellech

t | 01414279965





# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01749/FLL

Our ref LRE/MA

Date 1 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

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

**PK17/01749/FLL RE: Erection of a dwellinghouse and stables land 90 metres West of Findate Farm Kinross for Ms Shonagh Kinnaird**

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –01/11/17)

### **Recommendation**

**I have no adverse comments to make in relation to the application.**

### **Comments**

This application is for the erection of a dwelling house and the plans submitted with the application indicates that the applicant proposes to install a double sided inset log burner between the living and dining area. and a stainless steel twin walled flue is to be exhausted out through the roof of the dwelling house and will sit about one metre above the roof ridge.

The applicant also proposes to erect a stable block which will consist of three stables, tack room and a feed store.

The closest residential properties to the application site are all within the ownership of the applicant and the closest one outwith is Sluice House which is approximately 325 metres away.

### **Air Quality**

Biomass has the potential to increase ambient air concentrations of nitrogen dioxide and particulate matter. The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical guidance LAQMA.TG09 which accompanies this Act, advises that biomass boiler within the range of 50kW to 20MW should be assessed. 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>).

The proposed biomass double sided log burner to be installed will be well below the range to be assessed and as an individual installation I have no adverse comments to make with regards to local air quality.

However there is the potential for small biomass installations, whilst individually acceptable, could in combination lead to unacceptably high PM concentrations, particularly in areas where concentrations are close to or above objectives.

I have undertaken a screening assessment and it is my contention that the combined installation of all four stoves will not have an adverse impact of local air quality, as the background maps indicate low PM and NO<sub>2</sub> concentrations for the area.

### **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.

As the exhaust for the flue is up through the roof and is to sit above the roof ridge, the emissions should be adequately dispersed. Therefore I have no adverse comments to make with regards to loss of amenity, however I do recommend that the undernoted condition be included on any given consent to protect residential amenity.

### **Odour**

There is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant.

There are no letters of representation at the time of writing this memorandum.

**Water** (assessment date – 26/10/17)

### **Recommendation**

**I have no objections to the application but recommend the undernoted informative be included in any given consent.**

### **Comments**

The development is for a dwelling house in a rural area with private water supplies (including Findatie Dairy Farm Supply) believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply. To ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informative. No public objections relating to the water supply were noted at the date above.

### **WAYL - Informative 1**

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.



**Tracy McManamon**

*Response from Portmoak Community Council*

**From:** Robin Cairncross <[REDACTED]>  
**Sent:** 08 November 2017 17:23  
**To:** Nick Brian; Development Management - Generic Email Account  
**Cc:** tomandnorma.smith@gmail.com; steel@greenheadfarm.co.uk; Robin Cairncross; susanforde@fons-scotiae.scot; davemorris2@btinternet.com; alineil@btinternet.com; the.calderwoods@btinternet.com; andrew.muszynski@icloud.com  
**Subject:** Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross  
**Attachments:** Letter of Comment re Fidatie application 17 01749 FLL.docx

Nick Brian  
Development Control  
Perth & Kinross Council

Dear Mr Brian

**Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross**

Please see attached a letter of comment from Portmoak Community Council

Yours sincerely

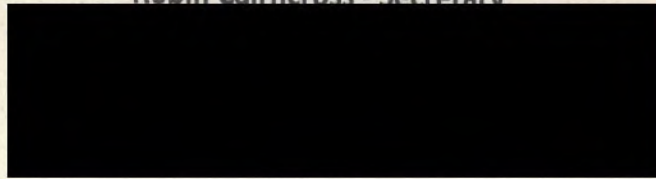
Robin Cairncross  
Secretary  
Portmoak Community Council





# Portmoak Community Council

Robin Cairncross - Secretary



8<sup>th</sup> November 2017

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

Dear Mr Brian

**17/01749/FLL Land 90 metres west of Findatie Farm, Kinross. Erection of a dwellinghouse and stables.**

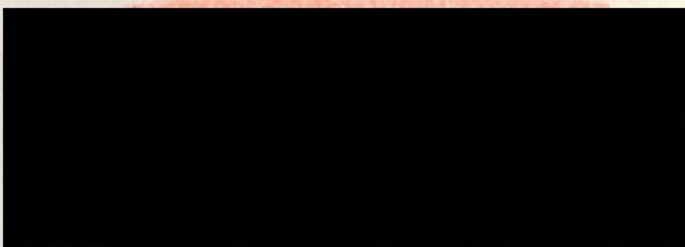
## **Notice of Comment**

This application is for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm Kinross. .

The Community Council does not in principle object to this application. It acknowledges that it may comply with criteria set out in the Council's policy document Housing in the Countryside.

It recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

Yours sincerely



Robert G Cairncross  
for  
Portmoak Community Council

**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 403-404)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 405-414)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 427-458)*



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **REPRESENTATIONS**



24/10/2017

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



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Local Planner

**KY13 Kinross Findate Farm Land 90 Metres West Of**  
**PLANNING APPLICATION NUMBER: 17/01749/FLL**  
**OUR REFERENCE: 752610**  
**PROPOSAL: Erection of a dwellinghouse and stables**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from Glendevon Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.



- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities

including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

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

|                                                 |                                                                                   |                             |                                     |
|-------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01749/FLL                                                                      | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                | <b>Contact Details</b>      | [REDACTED]                          |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and stables                                           |                             |                                     |
| <b>Address of site</b>                          | Land 90 Metres West<br>Of Findate Farm, Kinross                                   |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal. |                             |                                     |
| <b>Recommended planning condition(s)</b>        |                                                                                   |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                   |                             |                                     |
| <b>Date comments returned</b>                   | 01 November 2017                                                                  |                             |                                     |





The Coal  
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG



Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Ms Persephone Beer

Perth and Kinross Council

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

03 November 2017

Dear Ms Persephone Beer

**PLANNING APPLICATION: 17/01749/FLL**

**Erection of a dwellinghouse and stables; LAND 90 METRES WEST OF  
FINDATIE FARM, KINROSS, KY13 9LY**

Thank you for your consultation notification of the 20 October 2017 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**

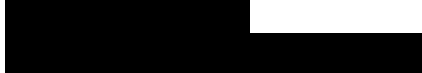
*B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*

**Chief Planner / Principal Manager**

**Planning and Local Authority Liaison**



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                                                                                                   |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01749/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                                                                                                   |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br> |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and stables                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                                                                                                   |
| <b>Address of site</b>                          | Land 90 Metres West Of Findate Farm, Kinross                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                                                                                                                                   |
| <b>Comments on the proposal</b>                 | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Portmoak Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> |                             |                                                                                                                                                   |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total: £0</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                                                                                                   |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                                                                                                   |
| <b>Date comments</b>                            | 08 November 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                                                                                                   |





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK17/01749/FLL

Our ref LJ

Date 14 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### PK17/01749/FLL RE: Erection of a dwellinghouse and stables Land 70m west of Findatie Farm Kinross for Ms Shonagh Kinnaird

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 14/11/2017)

##### Informative

An inspection of the proposed development site did not raise any real concerns, although the site is adjacent to a farm steading which used to contain a sheep wash area. The applicant is advised that, given the current and historical use of the adjacent land, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.





**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **FURTHER INFORMATION**





PPCA Ltd

Town Planning Consultants

39 Dunipace Cres. Dunfermline KY127LZ

0131 225 1225

robin@ppca.co.uk

www.pcca.co.uk

Our Ref: 1495  
Your ref: 17/01749/FLL

18<sup>th</sup> April 2018

FAO Gillian A Taylor,  
Clerk to the Local Review Body,  
Perth & Kinross Council,  
Committee Services,  
Council Building,  
2 High Street,  
PERTH PH1 5PH

Dear Ms Taylor,

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

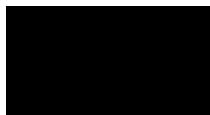
**Application Ref: 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Ms S Kinnaird**

Following on from your letter dated 18<sup>th</sup> April 2018 in respect of the above, and in response to point (ii) therein, I can confirm that the siting and positioning of the proposed house is as per the original planning application as submitted for consideration to the Council.

As requested, I have attached an electronic version of the original site plan as prepared by the architects which shows the position of the proposed dwellinghouse.

I trust that this clarifies the matter and will allow the consideration of the Review at the 1<sup>st</sup> May 2018 Local Review Body.

Yours sincerely,



Robin Matthew  
Director





