

LRB-2021-46

**Review of Condition 3 on planning permission
21/00165/FLL – Erection of a dwellinghouse, land 80
metres north of Castle Croft, Forgandenny**

INDEX

- (a) Papers submitted by the Applicant (***Pages 369-412***)
- (b) Decision Notice (***Pages 415-418***)
 - Report of Handling (***Pages 419-430***)
 - Reference Documents (***Pages 431-530***)
- (c) Representations (***Pages 531-562***)

LRB-2021-46

Review of Condition 3 on planning permission

**21/00165/FLL – Erection of a dwellinghouse, land 80
metres north of Castle Croft, Forgandenny**

**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.**

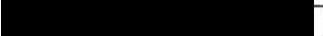
Use BLOCK CAPITALS if completing in manuscript


Applicant(s)

Name MR IAN BLACK

Address CASTLECROFT
FORLANDPENNY
PERTSHIRE

Postcode

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail* AS AGENT.

Agent (if any)

Name URBAN RURAL DESIGN

Address ROTHMEL FARM
BAMNLUKE
PITTOCHRY

Postcode PH9 0NU.

Contact Telephone 1 01350 727559.

Contact Telephone 2 07827 947143

Fax No N/A.

E-mail* jbrewster@urds.co.uk

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

Yes No
☒ ☐

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

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

21/00165/FLL

Site address

LAND 80 METERS NORTH OF CASTLE CROFT
FORLANDPENNY. PERTSHIRE

Description of proposed
development

ERECTOR OF A OWENING HOUSE.

Date of application 3RD FEBRUARY 2021.

Date of decision (if any) 25 AUGUST 2021

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:

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

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

Statement

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 REFER TO THE 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.

AT THE TIME OF APPLICATION WE DEMONSTRATED A PRIVATE DRAINAGE ARRANGEMENT ON AN OUR INFORMATION + APPLICATION FORM. THEREFORE DRAINAGE AND CONNECTION TO THE MAINS WAS NEVER DISCUSSED DURING THE APPLICATION, THEREFORE THE APPENDED DOCUMENTS WERE NOT AVAILABLE AT THE TIME OF APPLICATION.

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.

DOC 1 - SUPPORTING STATEMENT.

DOC 2 - 602579-REP-0002-01 DRAINAGE FEASIBILITY REPORT.

DOC 3 - JEPA APPROVAL FOR DISCHARGE INTO WATER COURSE - REF CAR-R-5000712.

DOC 4 - PKL FLOOD TEAM EMAIL CONFIRMING CURRENT SUOS SCHEME ACCEPTABLE (EMAIL).

DOC 5 - 602579-ORR-0101-W2 DRAINAGE LAYOUT.

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

23/11/21.

Supporting Statement

Notice of Review

Application Number 21/00687/FLL

Erection of a Dwelling House at Land 80 Metres North Of Castle Croft

Forgandenny

Introduction

This Notice of Review is submitted following the approval of planning permission under delegated powers on the 25 August 2021 for the erection of a single storey dwelling house and formation of vehicular access on land 80 Metres North of Castle Croft. The Review site is within the settlement boundary of Forgandenny, set within the garden ground of Castlecroft and sits within the Forgandenny Conservation Area.

The reason for our appeal to the local review body is to make a case for either the rewording or the removal of the following condition appended to the planning approval:

Condition No 3.

The foul drainage for the development shall be drained to the mains public sewerage system.

Reason - To ensure an appropriate drainage arrangement is installed in the interests of the amenity of the area and for the protection of the water environment.

In this Review it will be demonstrated that:-

- There is no technical reason why a private drainage supply will not be acceptable.
- There is significant issues to overcome in connecting to the mains drainage network which makes a mains connection financially unviable.
- Appointed Structural and Civil Engineers, Alan Gordon's, have prepared a Drainage Review Document highlighting the reasons for why a private drainage arrangement within the client's site is acceptable and why it is not feasible to connect to the mains system
- SEPA have approved a private drainage discharge into the neighbouring burn.
- The flood team at Perth and Kinross Council (PKC) have deemed the SUDS design and discharge as acceptable.

Background to the request to remove Condition No. 3

The applicants have lived in the village of Forgandenny for over 40 years, having brought up their family in Castlecroft house itself. However they wish to retire and stay within Forgandenny where they have an established home and are part of the local community. Having reviewed the opportunities to remodel the current property to provide a suitable retirement house, the two storey massing, general layout and the sheer amount of work required to achieve this, they have made the difficult decision to hand the family home to their grandson and build a bungalow for their retirement within the extensive garden grounds associated with Castlecroft

An application was submitted and subsequently validated on the 3rd February 2021 for the applicants retirement bungalow.

The application form highlights the drainage arrangements as being private as did all the corresponding supporting information.

The drainage design had been discussed and agreed in principle with the appointed engineers prior to the application submission, ensuring the scheme tabled was workable and deliverable. Given the site topography a private drainage arrangement running with the natural fall in the site was deemed the most sensible means of delivering a workable drainage solution.

It is worth noting that the existing drainage system for Castlecroft is also private and discharges to the burn to the north of the application site. The planning application demonstrated the rerouting of the existing drainage outfall and combining it with the new dwelling to discharge into the adjacent burn.

The land in which the drainage pipe crosses, along with the stretch of watercourse where the pipe discharges, whilst outwith their garden, is also now under the ownership of the applicants.

We feel it fair to note that a high level of scrutiny was placed on this application over the course of six and a half months, where in depth analysis was requested in relation to usable garden ground, biodiversity, tree root protection zones and levels in relation to the burn with reference to flooding.

During the course of the months leading up to the decision notice, technical responses were provided to the queries raised and areas of concern were addressed.

Given the application form, application drawings, and the subsequently stamped approved drawings, all demonstrate the private drainage solution which was never referenced by the planning officer during the process, it did come as a surprise to note the drainage condition appended confirming a connection to the mains system.

Following the issue of the approval notice the applicants engaged the engineers to assess the viability of connecting to the mains drainage system to ensure the condition could be met.

Following a full assessment, the engineers issued their report noting that whilst technically a mains connection could be achieved, it was financially unviable and impractical for the following reasons:

- 220m drainage pipe run to connect to the mains system
- 8m change in level (Mains connection is 8m higher than foul invert level on site)
- Domestic pumping station would not be sufficient
- Deemed unviable due to the expense for a one house domestic solution

Please refer to Document 2 – the Drainage Feasibility Report

The Engineers then sought to ensure SEPA would be happy with an outflow going to the adjacent burn as part of a private solution. Please refer to Document 3 – the SEPA consent confirming the discharge is acceptable.

Please also refer to Document 4 – Email from Gavin Bissett of the PKC flood team confirming he is comfortable with the SUDS solution as demonstrated in the appended drainage design as detailed in Document 5.

Given we have fully assessed the viability of the connection, and subsequently ensured all relevant parties would support a private drainage arrangement, we are appealing the content of Condition number 3, as stated above, and request that it is removed.

Current Planning Policy Context

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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.”*

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policy in question is Policy 53B:

Policy 53B: Foul Drainage

Foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks and applicants should also demonstrate suitable maintenance arrangements will be put in place for communal systems

As the site is located on the periphery of the settlement of Forgandenny and the current mains provision is located and serves the village centre primarily, there is very little opportunity to connect to the mains system proximate to the site. Therefore when reading policy 53B, a private drainage arrangement is deemed acceptable providing, it doesn't have an adverse effect on the natural and built environment, surrounding uses and amenity of the area and comply technically under the technical handbook.

We can confirm that technically the solution is achievable and that it meets all the required criteria, it is not deemed to have an adverse effect on the surrounding natural and built environment, surrounding uses and amenity of the area, therefore a private drainage arrangement provides a solution we deem as acceptable under these circumstances.

Interestingly a private drainage solution as tabled, is in line with a recent approval for a new dwelling, within the settlement boundary of Forgandenny, where there was no stipulation to connect to the public sewer and a private arrangement was deemed acceptable, Application Reference - 20/00174/FLL | Erection of a dwellinghouse | Land 40 Metres West Of Eastfield House Forgandenny.

Conclusion

Given the appended technical documents supporting the review proposal, in demonstrating that there is technically no issues with a private drainage connection, we make representation to have the Condition number 3 removed.

For the reasons outlined above, we feel the application in supporting the removal of Condition number 3 is a fair and reasonable request.

Client

Mr and Mrs Black
Castlecroft
Forgandenny
Perthshire
PH2 9HS



**PROPOSED NEW HOUSE AT
CASTLECROFT, FORGANDENNY,
PERTHSHIRE, PH2 9HS
DRAINAGE FEASIBILITY REPORT**

Allen Gordon LLP

Saltire House
Whitefriars Business Park
Perth
PH2 0PA
t. 01738 639881
e. perth@allengordon.co.uk

Report Ref.	602579-REP-0002-01
Date	03 11 2021

Issue and Revision Record

Rev	Date	Originated	Checked	Approved	Description
01	03/11/2021	GF	GJD	GJD	First Issue

Saltire House
Whitefriars Business Park
Perth
PH2 0PA

t. (01738) 639881
e. perth@allengordon.co.uk

8 Ardross Street
Inverness
IV3 5NN

t. (01463) 236516
e. inverness@allengordon.co.uk

Springfield House
Laurelhill Business Park
Stirling
FK7 9JQ

t. (01786) 406576
e. stirling@allengordon.co.uk

This document has been prepared for the titled project or named part thereof and may not be relied upon or used in relation to any other project without the prior written authority of Allen Gordon LLP. Allen Gordon accept no responsibility or liability for any consequences of this document being used for a purpose other than the purposes for which it was commissioned. Any person using or relying upon the document for such other purpose agrees, and will by such use or reliance be deemed to have agreed, to indemnify Allen Gordon for any and all resulting loss or damage.

Allen Gordon accept no responsibility or liability for this document to any party other than the person by whom it was commissioned.

No alterations may be made to this report without the prior approval of Allen Gordon.



CONTENTS

1.0 INTRODUCTION

2.0 OBSERVATIONS

3.0 FEASIBILITY AND CONSTRAINTS

4.0 CONCLUSIONS AND RECOMMENDATIONS

APPENDIX A GROUND INVESTIGATION REPORT

APPENDIX B SCOTTISH WATER SEWER PLAN

APPENDIX C ARCHITECTS LOCATION AND SITE PLAN

1.0 INTRODUCTION

Allen Gordon LLP were commissioned to undertake a drainage feasibility investigation for a proposed new house at Castlecroft, Forgandenny approximately 5km south of Perth.

The proposed development consists of a detached single-storey timber frame house within the grounds of the existing Castlecroft house.

The purpose of the investigation was to assess the options for the treatment and/or disposal of foul water from the proposed house. Three options were considered:

- Treatment by septic tank or treatment plant, followed by disposal to ground via soakaway.
- Discharge to the public sewer.
- Treatment by septic tank or treatment plant, followed by disposal to surface watercourse.

2.0 OBSERVATIONS

The proposed site is undeveloped and is enclosed to the north, east and west by timber post and rail fencing. The southern side of the site is open to the surrounding garden. Access to the site is taken from Station Road.

An unnamed burn, a tributary of the River Earn, flows along the northern boundary of the site. Foul water from the existing Castlecroft house is treated in a septic tank located to the south of the proposed site, and the outfall from the tank runs through the footprint of the proposal house to discharge to the unnamed burn.

The closest point of connection to the public sewer would be in School Road, approximately 220m from the site. The sewer at the connection point is approximately 8m higher than the invert level of the foul drainage from the proposed house.

3.0 FEASIBILITY AND CONSTRAINTS

Option 1: Disposal via Soakaway

Ground investigation in the form of machine excavated trial pits was undertaken on 12 October 2020. Ground conditions around the proposed house were reasonably consistent comprising topsoil over medium firm to soft clay with cobbles and

boulders. Groundwater was encountered in a number of the trial pits. The ground investigation report is attached as Appendix A.

Percolation testing was carried out in two trial pits in the northern part of the proposed site. However, the tests failed due to the clay soil and the presence of groundwater. Therefore, disposal of foul water to the ground via soakaway is considering to be unviable.

Option 2: Discharge to Public Sewer

As stated in the preceding section, the closest point of connection to the public sewer would be in School Road, approximately 220m from the site. The sewer is approximately 8m higher than the foul drainage from the proposed house. Scottish Water's sewer plans are attached as Appendix B.

It would be technically feasible to discharge to the existing sewer. However, a pumping station and 220m long pumping main within the public road are not financially viable within the context of the proposed single house development. It should be noted that, due to the length of pumping main, a standard domestic pumping station is unlikely to be suitable.

Option 3: Disposal to Surface Watercourse

This option is viable and would be similar to the system serving the existing house. However, this option would require approval from the Scottish Environment Protection Agency who would need to be satisfied that the effluent had received appropriate treatment and that adequate dilution was available in the burn at all times of the year.

4. CONCLUSIONS AND RECOMMENDATIONS

The options for the treatment and/or disposal of foul water from the proposed house were assessed. The first option, disposal to ground via soakaway, was found to be unviable due to the poor percolation available in the native soil. The second option, connection to the public sewer, was found to be technically feasible but unviable on the grounds of cost. The final option – disposal to the adjacent burn – is considered to be both technically and financially viable and it is recommended that this should be taken forward as the preferred option.

APPENDIX A – GROUND INVESTIGATION REPORT

Client

Mr and Mrs Black
Castlecroft
Forgandenny
Perthshire
PH2 9HS



**PROPOSED NEW HOUSE AT
CASTLECROFT, FORGANDENNY,
PERTHSHIRE, PH2 9HS
GROUND INVESTIGATION AND DRAINAGE PROPOSALS**

Allen Gordon LLP

Suite 3
Saltire House
Whitefriars Business Park
Perth
PH2 0PA
t. 01738 639881

Report Ref.	602579-REP-0001-01
Date	29 10 2021

Issue and Revision Record

Rev	Date	Originated	Checked	Approved	Description
01	29.10.2021	GF	AGM	AGM	First Issue

Suite 3
Saltire House
Whitefriars Business Park
Perth PH2 0PA

t. (01738) 639881
e. perth@allengordon.co.uk

8 Ardross Street
Inverness
IV3 5NN

t. (01463) 236516
e. inverness@allengordon.co.uk

Springfield House
Laurelhill Business Park
Stirling
FK7 9JQ

t. (01786) 406576
e. stirling@allengordon.co.uk

This document has been prepared for the titled project or named part thereof and may not be relied upon or used in relation to any other project without the prior written authority of Allen Gordon LLP. Allen Gordon LLP accept no responsibility or liability for any consequences of this document being used for a purpose other than the purposes for which it was commissioned. Any person using or relying upon the document for such other purpose agrees, and will by such use or reliance be deemed to have agreed, to indemnify Allen Gordon LLP for any and all resulting loss or damage.

Allen Gordon accept no responsibility or liability for this document to any party other than the person by whom it was commissioned.

No alterations may be made to this report without the prior approval of Allen Gordon LLP.



CONTENTS

1. INTRODUCTION

2. INSPECTION

3. COMMENTS AND CONCLUSIONS

APPENDIX A TRIAL PIT LOCATION PLAN

B TRIAL PIT LOGS

1. INTRODUCTION

Allen Gordon LLP was commissioned by the Client to undertake ground investigation and percolation testing for a proposed new house at Castlecroft, Forgandenny approximately 5km south of the Perth. The investigation was primarily to ascertain the nature and depth of subsoils across the site and to assess the bearing capacity for the foundation design. In addition, the investigation would also provide an assessment on the dispersal of both foul and surface water from the proposed house to soakaways.

The proposed development consists of a detached single storey timber frame house.

2. INSPECTION

Ground investigation in the form of machine excavated trial pits was undertaken on 12 October 2020 as well as percolation testing.

A total of six trial pits were excavated out with the footprint of the proposed house to determine ground conditions for foundation design and to check for ground water. Percolation testing was carried out in two of the trial pits to the north of the proposed house.

Trial pit logs and location plan are enclosed in the appendices.

3. COMMENTS AND CONCLUSIONS

The plot is located within the garden grounds of the existing Castlecroft house, to the north of the existing house and approximately 5km south of Perth, Perthshire.

The site is enclosed by timber post and rail fences to the north, east and west and is open garden ground to the south. Access to the site is via an entrance gate onto Station Road.

An unnamed burn flows adjacent to the north boundary of the site directly north of the proposed house. The foul effluent from the existing house is treated by a septic tank located to the south of the proposed house and then discharges to the unnamed burn. The route of the existing outflow from the septic tank is through the footprint of the proposed house and will therefore be diverted around the proposed building.

Ground conditions around the proposed house were reasonably consistent comprising of top soil over medium firm to soft clay with cobbles and gravels. In trial pits TP5 and TP6, made ground was encountered to a depth of between 1000mm and 1100mm.

The bearing capacity of the soils encountered at expected foundation formation level is estimated to be 75 kN/m² based on being founded on the clay layer.

Foundations for the proposed single storey timber frame house in general should comprise of conventional reinforced concrete strip foundations. The ground conditions encountered are suitable to support ground bearing reinforced concrete floor slabs. Where made ground was encountered, trench fill will need to be adopted with suspended slabs locally.

No evidence was encountered during the ground investigation to suspect that the soils in the vicinity of the proposed house have been contaminated from previous use. As such, contamination testing is not considered necessary.

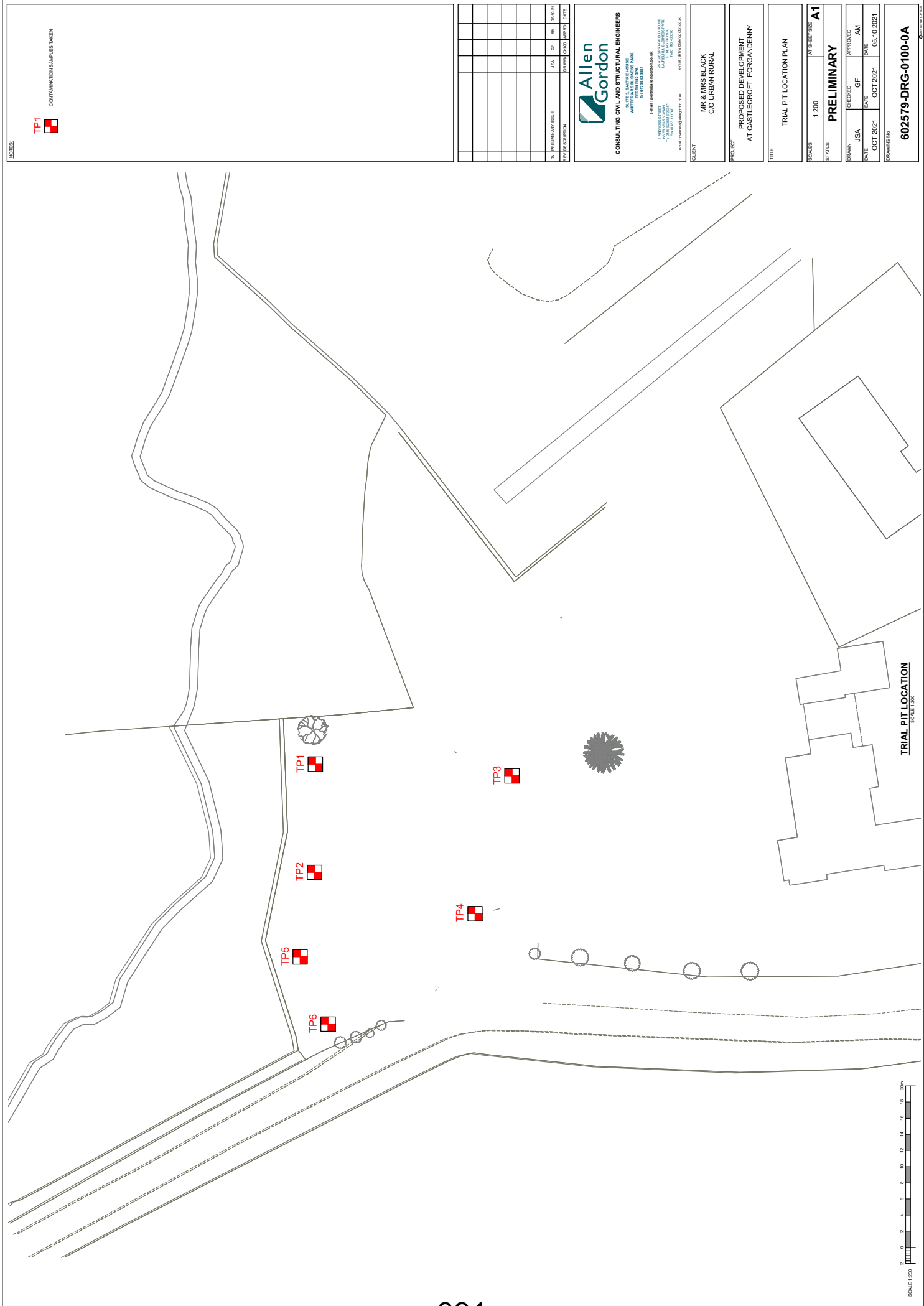
With regard to radon and with reference to the indicative Atlas of Radon in Scotland publication by the Health Protection Agency and British Geological Survey, the plots are within an area of 1-3% radon potential. As such basic Radon protection is required.

With regard to mineral stability below the site and with reference to the Coal Authority interactive map, the site is not in an area where Coal Mining Risk Assessment is required.

Percolation testing was carried out to the north of the plot. Two tests were carried out, however the clay ground in each and ground water encountered in the trial pits meant that soakaways were not feasible and therefore an alternative means of disposal must be adopted.

An unnamed burn flows to the north of the plot which ultimately discharges to the River Earn. Treated foul effluent and surface water should be discharged to the burn to the north of the plot. As the foul effluent is being discharged direct to a watercourse, a septic tank will not be a sufficient form of treatment. Therefore, a package treatment plant will be required to be adopted.

APPENDIX A – Trial Pit Location Plan



APPENDIX B – Trial Pit Logs

TRIAL HOLE RECORD

		TRIAL HOLE No.	TP 1
Client		Date of Inspection	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		9:30	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.10m deep		
Description of Conditions Encountered	0 – 0.60m Topsoil		
	0.60 – 1.10m Medium soft, dark brown, CLAY with gravel		
	Pit sides stable, ground water encountered in bottom of pit		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

TRIAL HOLE RECORD

		TRIAL HOLE No.	TP 2
Client		Client	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		10:00	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.0m deep		
Description of Conditions Encountered	0 – 0.50m Topsoil 0.50 – 1.00m Medium soft, dark brown, CLAY with gravel Pit sides stable, ground water encountered throughout sides of pit		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

TRIAL HOLE RECORD

		TRIAL HOLE No.	TP 3
Client		Client	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		10:30	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.0m deep		
Description of Conditions Encountered	0 – 0.60m Topsoil 0.60 – 1.00m Medium dense, medium brown, silty GRAVEL with cobbles Pit sides stable, no ground water encountered		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

TRIAL HOLE RECORD

		TRIAL HOLE No.	TP 4
Client		Client	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		11:00	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.2m deep		
Description of Conditions Encountered	0 – 0.40m Topsoil 0.40 – 1.20m Medium soft, medium brown, CLAY with cobbles Pit sides stable, no ground water encountered		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

TRIAL HOLE RECORD

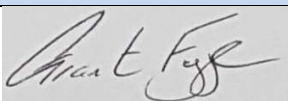

		TRIAL HOLE No.	TP 5
Client		Client	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		11:30	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.4m deep		
Description of Conditions Encountered	0 – 0.30m Topsoil 0.30 – 1.10m Made ground 1.10 – 1.40m Medium soft, dark brown, CLAY with cobbles Pit sides stable, ground water encountered in bottom of pit		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

TRIAL HOLE RECORD

		TRIAL HOLE No.	TP 6
Client		Client	
Mr and Mrs Black		12/10/2021	
Project		Time of Inspection	
602579 – Castlecroft, Forgandenny		12:00	
Location	Castlecroft, Forgandenny		
Weather Conditions	Overcast Raining		
Location & Depth of Trial Hole	Refer to SI plan – 1.0m deep		
Description of Conditions Encountered	0 – 0.35m Topsoil		
	0.35 – 1.00m Made ground		
	1.00 – 1.30m Medium soft, dark brown, CLAY with cobbles		
	Pit sides stable, ground water encountered in bottom of pit		
Allowable bearing value to be assumed	Allowable Bearing value at expected formation level assumed at 75 kN/m ² based on visual examination of soils		

Pit	Spoil
	

	Signature	Name	Date
Inspected		Grant Fyfe	12/10/2020
Checked		Allen Mackie	26/10/2020

APPENDIX C – Radon Report

Report of address search for radon risk

Issued by UK Health Security Agency and British Geological Survey. This is Based upon Crown Copyright and is reproduced, where applicable, with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2014MOU512.

Address searched: Castle Croft, Forgandenny, Perth, PH2 9HS

Date of report: 4 October 2021

Guidance for existing properties

Is this property in a radon Affected Area? - Yes

A radon Affected Area is defined as where the radon level in at least one property in every hundred is estimated to exceed the Action Level.

The estimated probability of the property being above the Action Level for radon is: 1-3%

The result may not be valid for buildings larger than 25 metres.

If this site is for redevelopment, you should undertake a GeoReport provided by the British Geological Survey.

This report informs you of the estimated probability that this particular property is above the Action Level for radon. This does not necessarily mean there is a radon problem in the property; the only way to find out whether it is above or below the Action Level is to carry out a radon measurement in an existing property.

Radon Affected Areas are designated by the UK Health Security Agency. UKHSA advises that radon gas should be measured in all properties within Radon Affected Areas.

If you are buying a currently occupied property in a Radon Affected Area, you should ask the present owner whether radon levels have been measured in the property. If they have, ask whether the results were above the Radon Action Level and if so, whether remedial measures were installed, radon levels were re-tested, and the results of re-testing confirmed the effectiveness of the measures.

Further information is available from UKHSA or <https://www.ukradon.org>

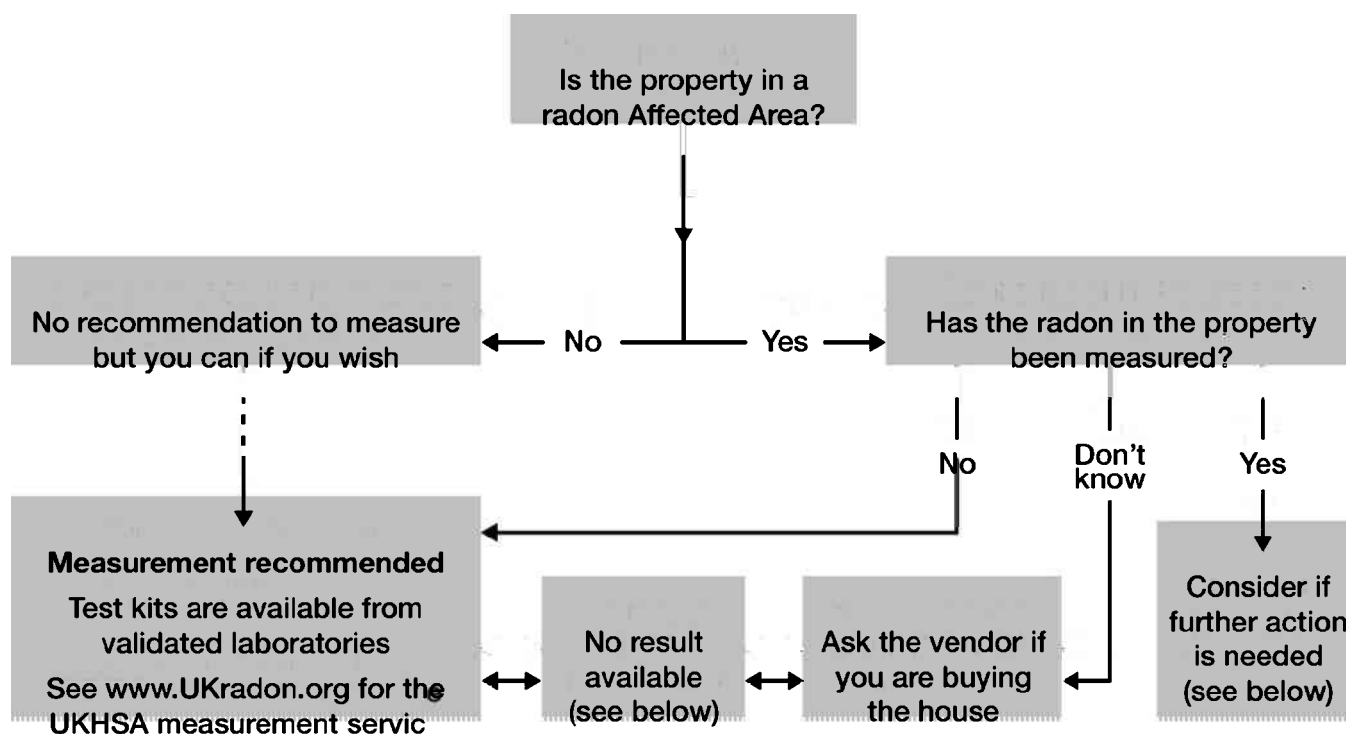
Guidance for new buildings and extensions to existing properties

What is the requirement under Building Regulations for radon protection in new buildings and extensions at the property location? - Stage 1

If you are buying a new property in a Radon Affected Area, you should ask the builder whether radon protective measures were incorporated in the construction of the property.

See the Radon and Building Regulations for more details.

UKHSA guidance for occupiers and prospective purchases



Existing radon test results: There is no public record of individual radon measurements. Results of previous tests can only be obtained from the seller. Radon levels can be significantly affected by changes to the building or its use, particularly by alterations to the heating and ventilation which can also be affected by changes in occupier. If in doubt, test again for reassurance.

Radon Bond: This is simply a retained fund, the terms of which are negotiated between the purchaser and the vendor. It allows the conveyance of the property to proceed without undue delay. The purchaser is protected against the possible cost of radon reduction work and the seller does not lose sale proceeds if the result is low. Make sure the agreement allows enough time to complete the test, get the result and arrange the work if needed.

High Results: Exposure to high levels of radon increases the risk of developing lung cancer. If a test in a home gives a result at or above the Action Level of 200 Becquerels per cubic metre of air (Bq/m³), formal advice will be given to lower the level. Radon reduction will also be recommended if the occupants include smokers or ex-smokers when the radon level is at or above the Target Level of 100 Bq/m³; these groups have a higher risk. Information on health risks and radon reduction work is available from UKHSA. Guidance about radon reduction work is also available from some Local Authorities, the Building Research Establishment and specialist contractors.

UKHSA designated radon website:

<https://www.ukradon.org>

Building Research Establishment:

<http://www.bre.co.uk/page.jsp?id=3137>

© Crown Copyright 2021

APPENDIX B – SCOTTISH WATER SEWER PLAN



Warning! Damaging a large diameter trunk main (12"900mm and above) can result in loss of life and major water supply and water quality problems. If you're planning any extension work in the vicinity of any large diameter mains shown on our maps, you must contact Scottish Water to arrange a site visit 08000 778 778 WELL IN ADVANCE OF THE WORKS

Produced By: jenna.mackenzie@scottishwater.co.uk

Forgardenny

Scale: 1:1,323

0 5 10 20 Meters

The representation of physical assets and the boundary between Scottish Water and others have an interest does not necessarily imply an endorsement of the data. You are not permitted to copy, distribute or sell any of this data to third parties in any form.

© Crown copyright and database rights
2021 Ordnance Survey 100033460. You are permitted to use this data solely to enable you to respond to or assist with the data. You are not permitted to copy, distribute or sell any of this data to third parties in any form.

Callie House
6 Castle Drive,
Dunfermline,
KY11 6UG
Tel: 08000 778 778

APPENDIX C – ARCHITECTS LOCATION AND SITE PLAN



brewster@urds.co.uk
07827 947 143

Project:

Castlecroft,
Forgandenny,
Perth,
Perthshire,
PH2 9HS

Client: Mr & Mrs Black

Title:

Proposed Site Location Plan

Status:

For Building Warrant

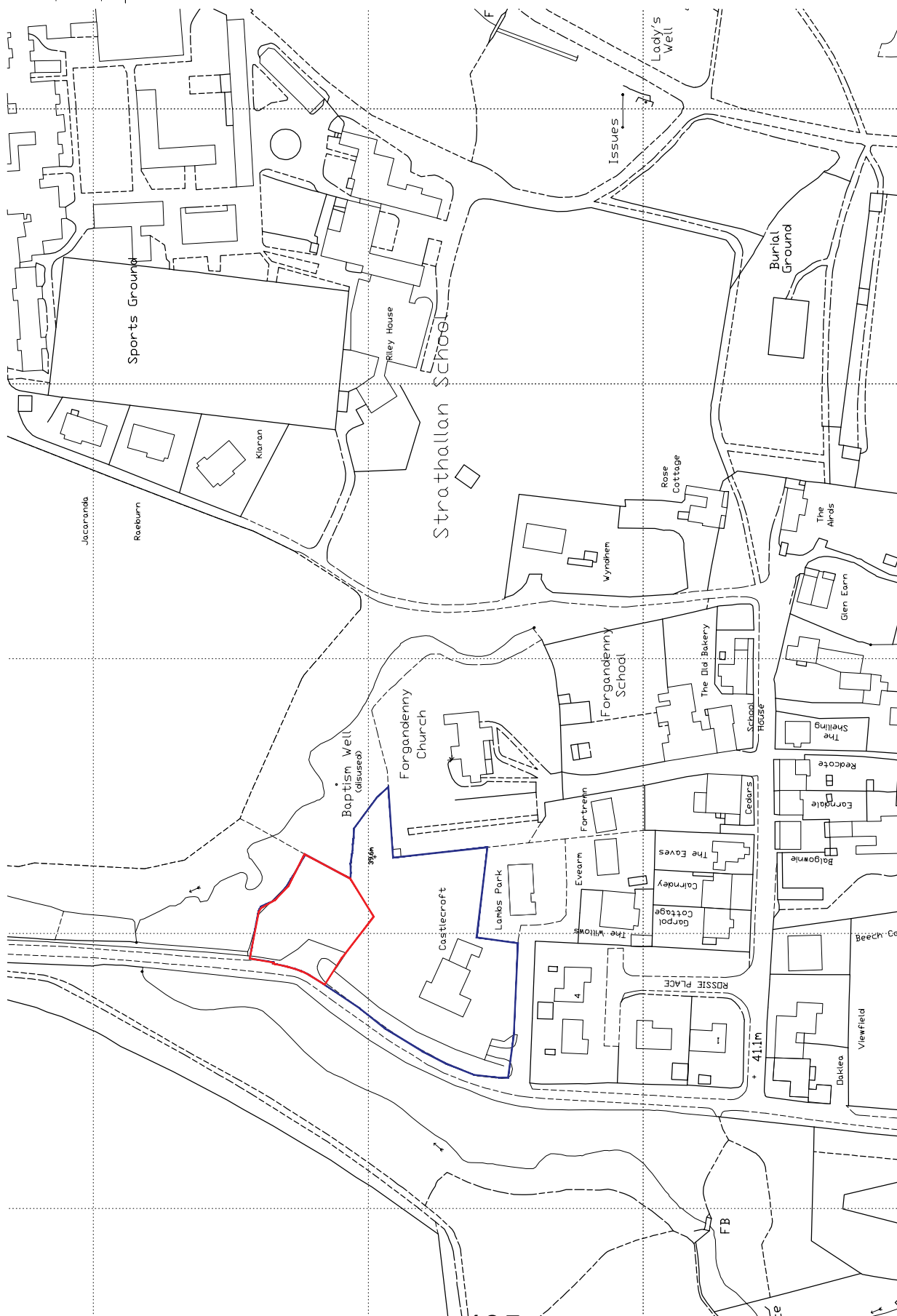
Ref:

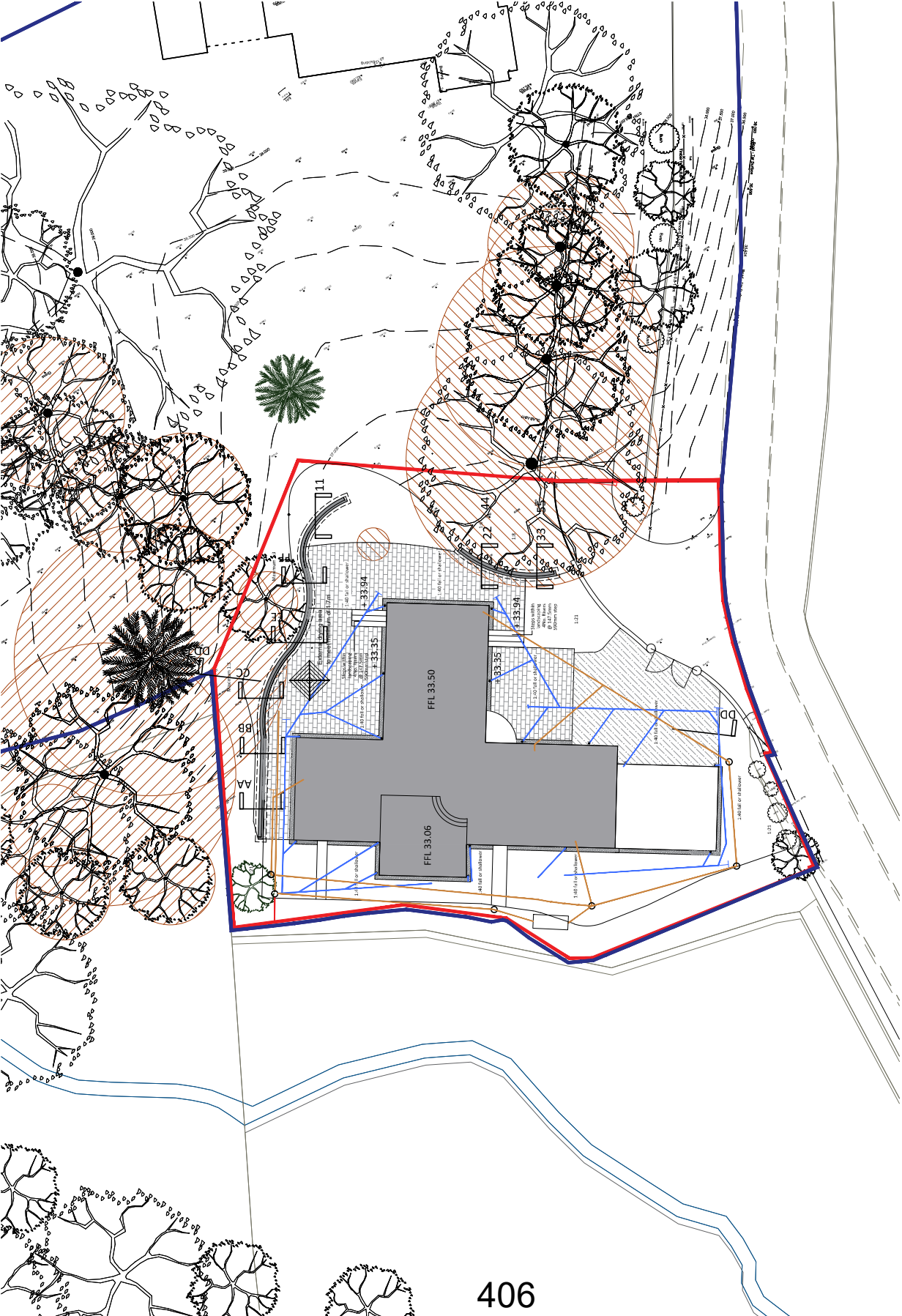
Revision A
BW(90)001

100(ng) A	A
-----------	---

Scale: 1:1000@A2 Date: 21/09/2021

Scale: 1:1000@A2 Date: 21/09/2021





Copyright Urban Rural Design Studio ©
 Figures shown are to be taken from the drawing. All
 dimensions are to be checked on site before any work is put in hand.
 IF IN DOUBT PLEASE ASK.

10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100 105 110 115 120 125 130 135 140 145 150 155 160 165 170 175 180 185 190 195 200 205 210 215 220 225 230 235 240 245 250 255 260 265 270 275 280 285 290 295 300 305 310 315 320 325 330 335 340 345 350 355 360 365 370 375 380 385 390 395 400 405 410 415 420 425 430 435 440 445 450 455 460 465 470 475 480 485 490 495 500 505 510 515 520 525 530 535 540 545 550 555 560 565 570 575 580 585 590 595 600 605 610 615 620 625 630 635 640 645 650 655 660 665 670 675 680 685 690 695 700 705 710 715 720 725 730 735 740 745 750 755 760 765 770 775 780 785 790 795 800 805 810 815 820 825 830 835 840 845 850 855 860 865 870 875 880 885 890 895 900 905 910 915 920 925 930 935 940 945 950 955 960 965 970 975 980 985 990 995 1000

scale 1:200



UR
 URBAN RURAL
 DESIGN
 jbrewster@urds.co.uk
 07827 947 143

Project	Castlecroft, Forgandenny, Perth, Perthshire, PH2 9HS
Client	Mr & Mrs Black
Title	Proposed Site Plan
Status	For Building Warrant
Ref	BW(90)003
Revision	B
Scale	1:200 @ A2
Date	21/09/2021

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)
REGULATIONS 2011 ("THE REGULATIONS")
NOTIFICATION OF REGISTRATION, REFERENCE: CAR/R/5000712**

Under Regulation 7 of the Regulations, the carrying on of the controlled activity ("authorised activity") named below, at the site specified below, subject to the conditions specified below, from the date below, is authorised by SEPA.

Property details

New Build House, Castlecroft, Forgandenny, PH2 9EJ

Authorised activity

The discharge of sewage effluent from a package treatment plant serving the above named property to the Unnamed Tributary of River Earn at NGR NO 0873 1846.

Conditions of authorisation

1. The treatment system must be designed to meet a mean value of:
 - (i) 15 mg/l of Biochemical Oxygen Demand (BOD); and
 - (ii) 5 mg/l of Ammoniacal Nitrogen (NH₃)
2. The treatment system must be maintained so it operates in good working order.
3. The discharge must not cause pollution of the water environment.

Date of authorisation

15 November 2021

It is essential that you look after your sewage treatment system so it will not cause pollution. You can [find information on how to do this on the Scottish Water website.](#)

1. It is an offence under Regulation 44(1)(c) of the Regulations to fail to comply with or contravene a registration (including any condition imposed).
2. If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 50(c) of the Regulations. The bringing on of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted, under regulation 50(b) of the Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of registration. The detailed provision of appeals is set out in Schedule 9 of the Regulations. Appeals should be sent to:

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Tel: 0300 244 6668; Email: DPEA@gov.scot

RE: Castlecroft, Forgandenny

1 message

Gavin Bissett <[REDACTED]>
To: Jane Brewster <jbrewster@urds.co.uk>

Tue, Nov 23, 2021 at 11:39 AM

Hi Jane,

I can confirm I am satisfied with the proposals, in relation to the condition.

Kind regards,

Gavin

From: Jane Brewster <jbrewster@urds.co.uk>
Sent: 22 November 2021 08:31
To: Gavin Bissett <[REDACTED]>
Subject: Re: Castlecroft, Forgandenny

Hi Gavin

Thank you so much for coming back so quickly Gavin that has been really helpful for ourselves and the engineers in getting the warrant package concluded. As per the condition appended to the consent, as noted below: just reconfirm the issued design meets the requirements of the condition below? I just want to make sure we have the condition purified with the planner and that our SUDs is in line with what's required.

Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

Thanks again Gavin.

Kind Regards

Jane

Jane Brewster | Director | Urban Rural Design

M +44 (0)7827 947143 **I** **T** +44 (0)1350 727559

www.urds.co.uk

On Fri, Nov 19, 2021 at 6:10 PM Gavin Bissett <GABissett@pkc.gov.uk> wrote:

Hi Jane,

Yes this would be fine.

Gavin

From: Jane Brewster <jbrewster@urds.co.uk>
Sent: 19 November 2021 14:49
To: Gavin Bissett <[REDACTED]>
Subject: Fwd: Castlecroft, Forgandenny

Hi Gavin

Application Reference: 21/00165/FLL

Further to your email yesterday, please find attached the current drainage design for Castlecroft.

We would welcome your thoughts on this aspect Gavin and hope the attached is in line with what you were thinking .

Kind Regards

Jane

Jane Brewster | Director | Urban Rural Design

M +44 (0)7827 947143 **I** **T** +44 (0)1350 727559

www.urds.co.uk

----- Forwarded message -----
From: Grant Fyfe <grant.fyfe@allengordon.co.uk>
Date: Fri, Nov 19, 2021 at 2:10 PM
Subject: Castlecroft, Forgandenny
To: Jane Brewster <jbrewster@urds.co.uk>

Ref: 602579

Dear Jane,

With reference to our telephone conversation yesterday, please find attached the updated drainage layout and details showing the partial soakaway/filter trench.

Hopefully this should be sufficient to satisfy flooding.

Should you have any comments or queries please let me know.

Regards,

Grant Fyfe BEng MSc CEng MICE
Chartered Structural and Civil Engineer

Allen Gordon LLP



Allen Gordon LLP

Suite 3

Saltire House

Whitefriars Business Park

Perth

PH2 0PA

Tel. (01738) 639881 Ext: 2215

www.allengordon.co.uk

This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions presented are solely those of the author and do not necessarily represent those of Allen Gordon LLP. If you have received this e-mail message in error, please inform us by return e-mail. Please also destroy and delete the message from your computer.

Whilst we have taken reasonable precautions to ensure no viruses or other malicious software are included in this e-mail, Allen Gordon LLP cannot accept any responsibility for loss or damage arising from the use of this e-mail or contents however caused.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way; please advise the sender immediately and delete this email.

Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way; please advise the sender immediately and delete this email.

Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

LRB-2021-46

**Review of Condition 3 on planning permission
21/00165/FLL – Erection of a dwellinghouse, land 80
metres north of Castle Croft, Forgandenny**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, page 405)*



Mr Ian Black
c/o Urban Rural Design Studio
Jane Brewster
Rotmell Farm
Ballinluig
Pitlochry
Perth
PH9 0NU

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **25th August 2021**

Town and Country Planning (Scotland) Acts.

Application Number **21/00165/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 3rd February 2021 for planning permission for Erection of a dwellinghouse at Land 80 Metres North Of Castle Croft Forgandenny subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Development shall not commence 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, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 3 The foul drainage for the development shall be drained to the mains public sewerage system.

Reason - To ensure an appropriate drainage arrangement is installed in the interests of the amenity of the area and for the protection of the water environment.

- 4 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 6: Recommendations and Mitigation in the submitted Habitat Survey and Protected Species Assessment, Tay Ecology, 26 March 2021 and Section 7: Recommendation and Mitigations in the submitted Red Squirrel Survey Report (March 2021).

Reason - In the interests of protecting environmental quality and of biodiversity.

- 6 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 7 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

Justification

The proposal is in accordance with 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.
- 4 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 6 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
- 7 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 8 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.

- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 11 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the submission of further ecological, tree and flood risk information. Along with changes to drawings given the site constraints.

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 "Online Planning Applications" page

Plan and Document Reference

01

06

08

09

12

13

14

15

16

17

18

20

21

22

23

24

25

26

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/00165/FLL	
Ward No	P9- Almond and Earn	
Due Determination Date	2nd April 2021 Extended to 28th July 2021	
Draft Report Date	23rd August 2021	
Report Issued by	JHR	Date 23.08.2021

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 80 Metres North Of Castle Croft Forgandenny

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application involves the erection of a new dwellinghouse and associated garden ground on land within the curtilage of Castlecroft.

This is a revised application and the site is now wholly within the Forgandenny settlement boundary.

SITE HISTORY

20/01629/FLL Erection of a dwellinghouse 23 February 2021 Application Refused

94/00132/FUL ERECTION OF A HOUSE (IN OUTLINE) ON GROUND AT 24 March 1994 Application Approved

98/00872/FUL Erection of 2 houses in outline on 22 September 1998 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 17: Residential Areas

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- Developer Contributions and Affordable Housing
- Placemaking
- Housing in the Countryside
- Floodrisk and Flood Risk Assessments (Draft)
- Green and Blue Infrastructure
- Planning and Bio-diversity

CONSULTATION RESPONSES

Biodiversity/Tree Officer – Based on revised documentation no objection subject to conditional control

Structures And Flooding – No objection.

Transport Planning – No objection

Development Contributions Officer – No objection subject to contributions being secured.

Scottish Water – No objection.

Perth And Kinross Heritage Trust – No objection subject to conditional control.

REPRESENTATIONS

None

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA 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 and the adopted LDP2.

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 most relevant policies of the Perth and Kinross Local Development Plan 2 (LDP) are listed in the policy section above. The LDP defines the settlement boundary of Forgandenny. This site is located within the settlement, accordingly there is no conflict with Policy 6.

Policy 17: Residential Areas of the adopted LDP2 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.

The proposal is considered to comply with Policy 17, the relationship of the infill development and how it relates to the character of the settlement are discussed in greater detail under the 'Design, Layout and Conservation Considerations'.

Design, Layout and Conservation Considerations

Policies P1A and P1B Placemaking 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.

Policy PM2 requires a design statement where development affects the character and appearance of a Conservation Area or the setting of a Listed Building.

Policy 27A: Listed Buildings is of relevance due to the setting of neighbouring listed buildings as well as Policy 28A: Conservation Areas due to the sites location within the Forgandenny Conservation Area.

Setting of Listed Building

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Taking account of topography, the scale/location of the proposed dwelling as well as the intervening tree resource the setting of the Forgandenny Church and associated curtilage is not considered to be adversely affected. There is no conflict with Policy 27A: Listed Buildings.

Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Forgandenny Conservation Area has listed buildings at the core with the designation taking in the surrounding landscape framework which forms the villages setting and backdrop. This designation also includes more modern dwellings.

The proposed dwellings design and materials are acceptable. The buildings position in relation to topography is also appropriate. The proposals relationship to the Conservation Areas woodland is discussed under the landscape heading.

Archaeology

Consultation has been undertaken with Perth and Kinross Heritage Trust (PKHT). Their response confirms that the development site lies directly north west of Forgandenny Parish Church and graveyard (MPK5546). This building is one of a handful of pre-Reformation Perthshire churches to survive abandonment or demolition in the 19th century. However, it has undergone alterations with only remnants of its early fabric surviving, for example, the Norman dog-toothed arch.

According to Roy's Military map of Scotland (1747-52) the Kirk sat north of the main village thoroughfare where dwellings were mostly located along the main road. However, given the close proximity to church grounds, the wealth of archaeology in the surrounding area and at nearby Forteviot there is a possibility that earlier occupation or archaeology relating to occupation associated with the earlier church or settlement may extend to within the development area.

Accordingly, PKHT recommended that a programme of archaeological works is undertaken. Consisting of an evaluation prior to works on site or archaeological monitoring of all ground works, to ensure no archaeology is disturbed without record during the development. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Landscape

A tree survey has now been submitted and reviewed by the tree officer. The consultation response confirms that the development can be accommodated without adverse impacts on the sites tree resource subject to the imposition of tree related root protection conditions which relate to BS5837:2012 along with conformity to the Construction Method Statement and tree survey.

Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and/or 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. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

Overlooking: -

Due to the intervening distances between the proposed house and Castlecroft there is not considered to be any overlooking or privacy issues.

Overshadowing, loss of sunlight and daylight:-

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. Taking cognisance of the BRE document it is considered that a reasonable level of daylight and sunlight is maintained to neighboring properties/plot and the extent of overshadowing of amenity ground is considered acceptable between properties.

Private Amenity Space:-

The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new occupants. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.

In this case given the size of the dwelling and extent of accommodation provided (three bedrooms) there is considered to be a sufficient amount of curtilage and garden ground.

Roads and Access

The vehicle access on to the public road network is making use of the existing vehicle access into Castle Croft. On this basis Transport Planning advise that no conditions are proposed to secure its construction.

There is no conflict with Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

However, Transport Planning do advise that construction works at the site should not impact on the structural stability of the road. There is a steep embankment supporting the road in this location and a large culvert has recently been replaced.

Drainage and Flooding

Floodrisk:-

Following submission of further information, the flooding team are satisfied with the details in relation to flooding to ensure there is no conflict with Policy 52.

Foul Drainage:-

Scottish Water confirm the development would be serviced by the Forgandenny Wastewater Treatment works but are unable to confirm capacity at this time. Conditional control can secure a connection to the public system in line with Policy 53B: Water Environment and Drainage: Foul Drainage

Surface Water: -

Surface water requires to be managed via a SUDS system. Conditional control can be utilised to ensure a scheme comes forward to comply Policy 53C: Water Environment and Drainage: Surface Water Drainage

Natural Heritage and Biodiversity

More information was requested in March 2021 and further detailed ecological information has been submitted to enable assessment against Policy 41.

Consultation with the Bio-diversity Officer confirms that the submitted Habitat Survey and Protected Species Assessment (March 2021) is comprehensive however, it was carried out early in the season on 14th March. JNCC (2010) Phase 1 guidance states that "the field season should be considered as starting in late March onwards ending in mid-October". Carrying out the survey in early March misses the bird breeding season as well as botanical interests.

However, as long as all measures listed in Section 6: Recommendation and Mitigations are adhered to in full, the report is acceptable. Attention is drawn to the need for a pre-works survey for protected species.

The submitted Red Squirrel Survey Report (March 2021) concludes it is not expected that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels.

All measures listed in Section 7: Recommendation and Mitigations must be adhered to in full. Attention is drawn to the need for a pre-works survey for red squirrels.

Developer Contributions

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Forgandenny Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Transport

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.

The site is located in the 'reduced' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance). A 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.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the submission of further ecological, tree and flood risk information. Along with changes to drawings given the site constraints.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is approved subject to the following conditions:

Conditions and Reasons

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Development shall not commence 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, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 3 The foul drainage for the development shall be drained to the mains public sewerage system.

Reason - To ensure an appropriate drainage arrangement is installed in the interests of the amenity of the area and for the protection of the water environment.

- 4 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. The scheme shall be developed in accordance

with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 6: Recommendations and Mitigation in the submitted Habitat Survey and Protected Species Assessment, Tay Ecology, 26 March 2021 and Section 7: Recommendation and Mitigations in the submitted Red Squirrel Survey Report (March 2021)

Reason - In the interests of protecting environmental quality and of biodiversity.

- 6 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 7 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

Justification

The proposal is in accordance with 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.
- 4 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 6 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service.
- 7 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 8 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.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to

be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

- 11 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the submission of further ecological, tree and flood risk information. Along with changes to drawings given the site constraints.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

04

06

08

09

12

13

14

15

16

17

18

20

21

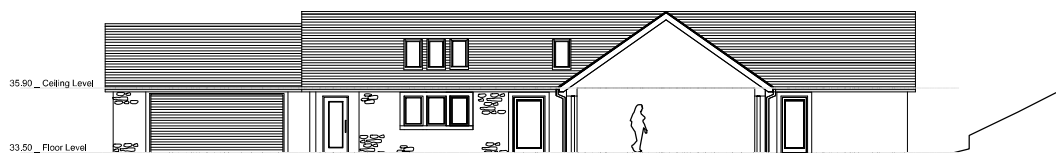
22

23

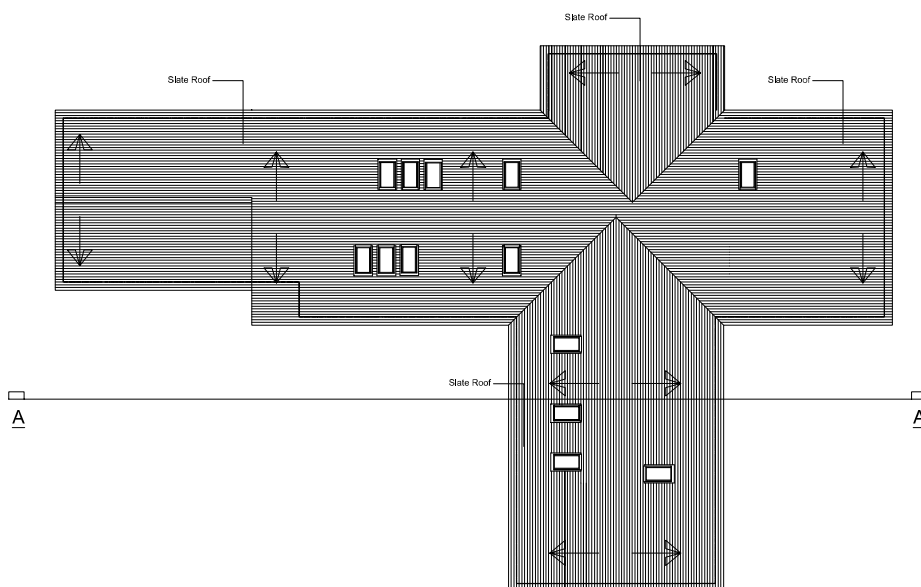
24

25

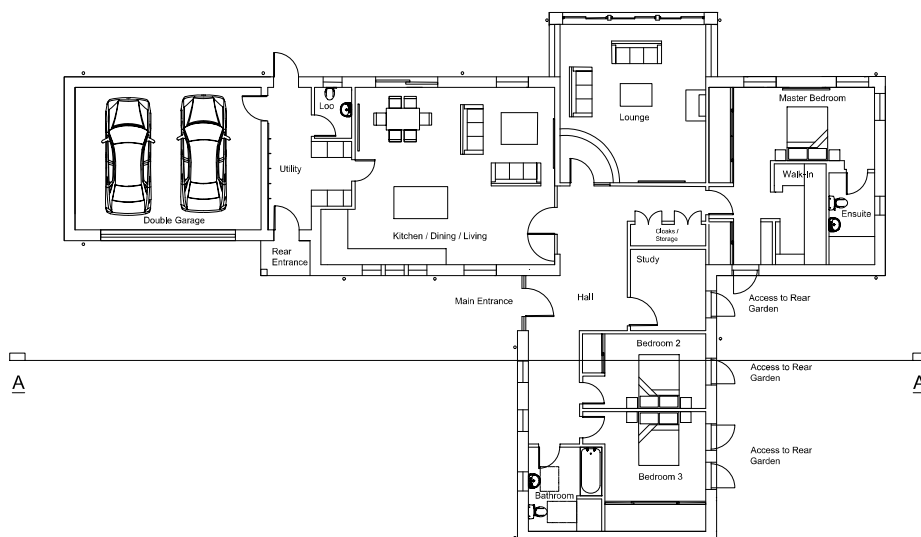
26



Proposed Section AA
 1:100 @ A3



Proposed Roof Plan
 1:100 @ A3



Proposed Floor Plan
 1:100 @ A3

Red Squirrel Survey Report for Proposed Dwelling at Castlecroft, Forgandenny

Friday 26th March 2021



AUTHOR

Emma O'Shea BSc, PG Dip Env Mgmt.
Ecological Consultant, Tay Ecology

Emma O'Shea BSc, PGDip Env Mgmt., Ecological Consultant,
Tay Ecology, Fairway, Golf Course Road, Pitlochry, PH16 5QU
Mob: 07747 883464; Email: info@tayecology.co.uk; www.tayecology.co.uk

CONTENTS

Executive Summary	Page 3
1. Introduction	Page 3
1.1 Site location	Page 3
1.2 Site description	Page 3
1.3 Proposed works	Page 3
2. Survey and Site Assessment	Page 3-4
2.1 Objectives	Page 3-4
2.2 Methods	Page 4
3. Legislation and Policy Guidance	Page 5
4. Red Squirrel Ecology	Page 5
5. Results	Page 5-7
5.1 Pre-survey data search	Page 5-6
5.2 Field Surveys	Page 6-7
6. Assessment	Page 7-8
6.1 Constraints on survey information	Page 7
6.2 Discussion	Page 7
6.3 Potential impacts of development	Page 8
6.4 Licensing	Page 8
7. Recommendations and Mitigation	Page 8
8. References	Page 9
9. Appendices	Page 9-11

EXECUTIVE SUMMARY

A red squirrel survey to assess the presence or absence of red squirrel activity in the vicinity of the proposed dwelling at Castlecroft was undertaken. The survey was designed to establish if there are red squirrels using the site and the potential impacts to red squirrels from the proposed dwelling. Field surveys focused on a structured search for sightings, feeding signs, footprints, dreys, and any place used for shelter. The survey area includes the proposed dwelling site and all suitable red squirrel habitat within 200m in the surrounding area. Red squirrels have been identified in the locality from national records, with a cluster of records to the SW of Strathallan School, to the east, and in the woodland around Rossie House, to the west of the site.

Field surveys took place at the site in March. No red squirrel sightings, feeding signs, footprints, dreys, or any place used for shelter were identified during the surveys. Red squirrels and their dreys are protected. It is an offence to intentionally or recklessly: kill, injure, or capture a red squirrel; disturb a red squirrel in a drey; damage, destroy or obstruct access to a red squirrel drey. It is not anticipated that the proposed dwelling will have any detrimental impact on the red squirrel population in the local area. There is a high likelihood as to the presence of red squirrels in the wider surrounding area in woodland to the east and west beyond the area surveyed. As squirrels are mobile creatures, it is recommended that a pre-works survey is carried out, and in the event any active red squirrel drey is identified at that time, that appropriate steps to minimise disturbance to any breeding red squirrel are taken during construction. It is not expected that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels.

1. INTRODUCTION

1.1 Site location

The proposed dwelling site is in the garden of Castlecroft House in Forgandenny. It is accessed from a minor road to the north from the B935 Bridge of Earn to Forgandenny Road in Forgandenny. The site is at NO 087184 at an altitude of approximately 30m above sea level.

Appendix 1 Site Location

1.2 Site description

The proposed site is an area sloping garden ground to the north of Castlecroft House. It is predominantly laid to lawn with a small number of trees and shrubs species around and out-with the proposed site boundary. Trees range in age from young to mature and comprise deciduous and coniferous species. *Appendix 2 Existing and Proposed Site Plans*

1.3 Proposed works

It is proposed to construct a dwelling house in the grounds of Castlecroft, Forgandenny. *Appendix 2 Existing and Proposed Site Plans*

2. SURVEY AND SITE ASSESSMENT

2.1 Objectives

The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development on red squirrels; if there are red squirrels using the site; and the potential risk to red

squirrels from the proposed development. Field surveys focused on a structured search for sightings, feeding signs, footprints, dreys, and any place used for shelter. The survey area includes the proposed dwelling site and all suitable red squirrel habitat within 200m in the surrounding area.

2.2 Methods

2.2.1 Pre-survey data search

Web-based sources of information were examined, principally the National Biodiversity Network (NBN, 2021) Gateway where a radius of 5km from the centre of the proposed site was searched to provide suitable coverage of the area. Records searched include Scottish Wildlife Trust “*The Scottish Squirrel Database*”. Nature designation classifications were obtained from NatureScot Site Link (NatureScot, 2021).

Positive records for red squirrels present in the survey area can be used to inform the assessment of the site but the lack of records clearly cannot be taken to imply that red squirrels are absent.

2.2.2 Survey methodology

A site visit and habitat assessment were carried out after receiving information from Jane Brewster, Architect of Urban Rural Design. A red squirrel survey was carried out following the standard red squirrel survey methodology as set out in the “Practical techniques for surveying and monitoring squirrels” (Forestry Commission, 2009); NatureScot (2020) “*Species Planning Advice for Developers: Red Squirrel*”; and UK BAP Mammals: “*Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*” (The Mammal Society, 2012, pp. 13-16). The survey was based on the interpretation of any field signs including any sightings, feeding signs, footprints, dreys, and any place used for shelter and assessment of suitable habitat.

2.2.3 Survey area

The survey area included the proposed dwelling site and all suitable red squirrel habitat within 200m in the surrounding area.

2.2.4 Timings, types, and weather conditions of Field Surveys

14/03/2021 Habitat assessment, and red squirrel survey – Temperature 12 degrees Celsius; wind speed 5mph; cloud cover 25%; no precipitation; good visibility.

17/03/2021 Red squirrel survey - Temperature 6 degrees Celsius; wind speed 10mph; cloud cover 80%; no precipitation; good visibility.

26/03/2021 Red squirrel survey - Temperature 7 degrees Celsius; wind speed 5mph; cloud cover 100%; dry then heavy rain showers; good visibility.

2.2.5 Limitations

Survey data is accurate on the date that the surveys took place. It was a ground survey, with no tree climbing element, the surveyor was able to see to the tops of the trees and full access to the survey area was available. The curtilage of any private property was not entered.

2.2.6 Personnel

Emma O'Shea, Ecological Consultant, Tay Ecology - Emma has worked in the environmental sector for seventeen years, during which time she has gained a wealth of experience and expertise. For the last seven years she has worked as an ecological consultant for Tay Ecology with lead responsibility for development projects requiring protected mammal species surveys and species licensing. Emma has extensive experience of red squirrel surveying, predominantly in woodlands in Perthshire and Aberdeenshire. Emma has a Postgraduate Diploma in Environmental Management from the Open University and is a member of the Institute of Environmental Management and Assessment.

3. LEGISLATION AND POLICY GUIDANCE

Red squirrels and their dreys are protected by the Wildlife and Countryside Act 1981 (as amended) and by the Nature Conservation Act 2004. It is an offence to intentionally or recklessly:

- i) kill, injure, or capture a red squirrel.
- ii) disturb a red squirrel in a drey.
- iii) damage, destroy or obstruct access to a red squirrel drey.

Woodland operations are not prevented by this legislation but are expected to cause minimal disturbance and minimize loss of habitat. This means that if red squirrels could be affected in these ways by a development, and no action is taken to prevent it, an offence may be committed.

Where red squirrels might be present, red squirrels should be considered if a proposal includes:

- a) felling trees that have a reasonable chance of containing dreys - suitable trees are usually 15 years or older and can be conifer or broadleaf species.
- b) felling and other works that could disturb dreys. This is likely to be where works are within 50m of trees containing a drey during the red squirrel breeding season (February to September inclusive). If works are confined to the non-breeding season then the risk of disturbing red squirrels is much lower, and only likely to occur where works are within 5m or one tree's distance of a potential drey location (whichever is less).

4. RED SQUIRREL ECOLOGY

Red squirrels can live for up to six years in the wild and spend about three-quarters of their active time above ground in trees and shrubs. They inhabit both conifer forests and broadleaved woodland. Red squirrels eat tree seeds, especially hazel nuts, and seeds from conifer cones, as well as tree flowers and shoots, mushrooms, and fungi from under tree bark.

Red Squirrels are active during the daytime, though in summer may rest for an hour or two around midday. Squirrel nests, or dreys are constructed of twigs in a tree fork above a whorl of branches close to the stem of a conifer or, less visibly, in a hole in a tree. They are lined with soft hair, moss, and dried grass. Several squirrels may share the same drey or use the same drey on different days. Breeding can begin in mid-winter and continue through the summer, depending on the weather and how much food is available. Mating chases occur when several males follow a female who is ready to mate. During chases squirrels make spectacular leaps through the tree canopy and spiral up and down tree trunks. Females have one or two litters a year, usually of about 2-3 young. Juveniles are weaned at around 10 weeks, but do not breed until they are one year old.

5. RESULTS

5.1 Pre-survey data search

The River Tay Special Area of Conservation (SAC) is located within 5km. This is a designated as a Natura 2000 site for Atlantic salmon, sea lamprey, river lamprey, brook lamprey, clear-water lochs, and otters. It is also important for freshwater pearl mussel which is a protected species. The catchment boundary is approximately 2km north of the proposed site. National Biodiversity Network confirmed 304 records for the presence of Red squirrel *Sciurus vulgaris* within 5km of the location. There are 21 records within 1km, and 9 records within 0.5km. The locations and dates of red squirrel records are compiled in the table below. Grey squirrels *Sciurus carolinensis* are also recorded in the local area with 230 records within 5km, 19 records in 2km, and 12 records in 1km.

Table 5.1 Red Squirrel Records (NBN, 2021)

Date	Location
13/02/2020	NO 079179
29/09/2019	NO 089180
19/04/2018	NO 091184
14/01/2018	NO 092188
09/10/2016	NO 086184
29/12/2015	NO 091181
04/10/2015	NO 086180
02/10/2015	NO 085184 - 2
21/06/2012	NO 084183
19/06/2012	NO 091184
13/06/2012	NO 094182
25/09/2011	NO 092183
29/05/2011	NO 090181
17/05/2011	NO 093183
28/12/2009	NO 091180
27/09/2007	NO 092183
01/08/2007	NO 092181
06/08/1997	NO 089192
25/10/1994	NO 0918
15/08/1994	NO 090180

5.2 Field surveys

5.2.1 Description of Habitats of potential value to red squirrels

Within the proposed site boundary there are a small number of trees and shrubs with limited value to red squirrels due to their small stature and young ages. These include cherry sp. *Prunus sp.*, sessile oak *Quercus petraea*, rowan *Sorbus acuparia*, monkey puzzle *Araucaria araucana* and rhododendron shrubs. Close to the perimeter, but out-with the site boundary are mature trees of potential value to red squirrels including Sycamore *Acer psuedoplatanus*, alder *Alnus glutionsa*, silver birch *Betula pendula*, ash *Fraxinus excelsior*, and spruce *Picea sp.*

In the wider garden to the south there are a range of species including alder, silver birch, beech *Fagus sylvatica*, ash, cherry sp., and Douglas fir *Pseudotsuga menziesii*. To the east, and across the burn is a woodland dell dominated by sycamore from young to mature in age. To the west, across the road, is a mixed woodland area of mature coniferous and deciduous species. Species recorded include pine, Douglas fir, Norway spruce, sycamore, beech, and oak.

5.2.2 Red squirrel Surveys

5.2.2.1 Site Photographs

Looking NW across site



Looking SE across site



Woodland to east



Woodland to west



5.2.2.2 Evidence of Red squirrel

Red squirrel activity and red squirrel signs were surveyed for on each survey.

Species recorded – no red squirrel sightings recorded. One grey squirrel was recorded crossing the garden from the west to the east on 26/03/21 at 07.08.

Signs recorded – no feeding signs, footprints, dreys, or any place used for shelter were identified.

The spruce and douglas fir tree within the grounds of Castlecroft House have potential to support red squirrels, however, there was no evidence of feeding or other signs to indicated red squirrel presence. The woodland to the east and west has the capacity to support red squirrels. The woodland to the west is more favourable due to its wider range of both coniferous and deciduous tree species. However, no red squirrel sightings or signs were recorded at the time of the surveys.

6. ASSESSMENT

6.1 Constraints on survey information

Survey data is accurate on the date that the surveys took place. It was a ground survey, with no tree climbing element, the surveyor was able to see to the tops of the trees and full access to the survey area was available. The curtilage of any private property was not entered.

6.2 Discussion

A red squirrel survey to assess the presence or absence of red squirrel activity in the vicinity of the proposed dwelling at Castlecroft was undertaken. The survey was designed to establish if there are red squirrels using the site and the potential impacts to red squirrels from the proposed dwelling. Field surveys focused on a structured search for sightings, feeding signs, footprints, dreys, and any place used for shelter. The survey area includes the proposed dwelling site and all suitable red squirrel habitat within 200m in the surrounding area. Red squirrels have been identified in the locality from national records, with a cluster of records to the SW of Strathallan School, to the east, and in the woodland around Rossie House, to the west of the site.

Field surveys took place at the site in March. No red squirrel sightings, feeding signs, footprints, dreys, or any place used for shelter were identified during the surveys. Red squirrels and their dreys are protected. It is not anticipated that the proposed dwelling will have any detrimental impact on the red squirrel population in the local area. There is a high likelihood as to the presence of red squirrels in the wider surrounding area in woodland to the east and west beyond the area surveyed. As squirrels are mobile creatures, it is recommended that a pre-works survey is carried out, and in the event any active red squirrel drey is identified at that time, that appropriate steps to minimise disturbance to any breeding red squirrel are taken during construction.

6.3 Potential impacts of development

It is not foreseen that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels. It will not impact red squirrel mortality or breeding at a scale which would affect the viability of the population. The project will not fragment the red squirrel population and it will not lead to an increased risk of local extinction or increased mortality as a result of forced dispersal over unsuitable habitat or areas with no or limited cover because the site and surrounding area will continue to remain favourable for red squirrels (Mammal Society, 2012, pp. 16-19). A dependable long-term food supply from a mixture of deciduous and coniferous trees will remain in the area. Any construction work should be aware of the potential for breeding red squirrels between February and September and steps taken to minimise potential disturbance.

6.4 Licensing

Licences for development works that would otherwise result in an offence with respect to red squirrels, can only be issued if it can be demonstrated that the following three tests are all met.

1. That the purpose of the licence is to preserve public health or public safety or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. That there is no satisfactory alternative.
3. That the proposed action will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

There is a presumption against licensing disturbance to breeding red squirrels and damage or destruction of a red squirrel drey while being used for breeding. Licensed activity in this situation would have to wait until the red squirrels had finished breeding and kits are fully mobile. If there is no alternative to carrying out works in the breeding season, monitoring would be required to confirm that the drey is not in use or is not being used for breeding.

7. RECOMMENDATIONS AND MITIGATION

1. Pre-construction surveys carried out for red squirrels to survey for any new drey or resting place which may have become occupied after the initial surveys.
2. Red squirrels can move dreys during the breeding season, so a non-breeding drey, if subsequently identified, may change status. Any dreys at risk of disturbance (ie. within 50m of the site) should therefore be re-surveyed every 3 weeks to confirm status during the breeding season which runs from February to September, when work is taking place in these months.
3. For any identified breeding dreys prior to construction when working in the breeding season, mark 50m work exclusion zones around any breeding dreys.
4. If monitoring confirms the drey is not used for breeding, smaller protection zones of 5m, or to the nearest neighbouring tree, whichever is less, should be put in place.
5. Where exclusion zones of the required size are not possible, works will require a licence from NatureScot before they can proceed.
6. Workers to be fully briefed regarding the possibility of red squirrel on the site, the legal status of the animal, their shelters, and resting places. Any sightings of red squirrel or discovery of a new drey or resting place should be reported immediately to the Site Manager and appropriate action taken.

8. REFERENCES

- Gurnell, J, Lurz, P, McDonald, R, and Pepper, H, 2009, “*Practical techniques for surveying and monitoring squirrels – Forest Research*” [Online]. Available at [Practical techniques for surveying and monitoring squirrels - Forest Research](#) (accessed 25th March 2021)
- Mammal Society, 2012 “*UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*”, edited by Creswell W.J, Birks J. D.S, Dean M, Pacheco M, Trewhella W.J, Wells D and Wray S
- Nature Scot, 2020 “*Protected Species Planning Advice for Developers: Red Squirrel*” [Online]. Available at [GUIDANCE ON PLANNING AND PROTECTED ANIMALS \(nature.scot\)](#) (accessed 25th March 2021)
- Nature Scot, 2021 [Online]. Available at [SiteLink \(nature.scot\)](#) (accessed 25th March 2021)
- National Biodiversity Network (NBN), 2021 [Online]. Available at [National Biodiversity Network \(nbn.org.uk\)](#) (accessed 25th March 2021)
- Scottish Squirrel Survey, 2021, “*Scottish Squirrel Survey*” [Online]. Available at <http://www.scottishsquirrelsurvey.co.uk/> (accessed 25th March 2021)

9.0 APPENDICES

Appendix 1 Site Location

Appendix 2 Existing and Proposed Site Plans

Emma O'Shea BSc, PGDip Env Mgmt., Ecological Consultant,
Tay Ecology, Fairway, Golf Course Road, Pitlochry, PH16 5QU
Mob: 07747 883464; Email: info@tayecology.co.uk; www.tayecology.co.uk

Appendix 1 Site Location



Appendix 2 Existing and Proposed Site Plans



Emma O'Shea BSc, PGDip Env Mgmt., Ecological Consultant,
Tay Ecology, Fairway, Golf Course Road, Pitlochry, PH16 5QU
Tel: 07747 883464; Email: info@tayecology.co.uk; www.tayecology.co.uk

**Proposed New Dwelling Site
Castlecroft, Forgandenny
Habitat Survey and Protected Species Assessment
Friday 26th March 2020**



**Author Emma O'Shea BSc, PG Dip Env Mgmt.
Ecological Consultant, Tay Ecology**

Tay Ecology, Fairway, Golf Course Road, Pitlochry, PH16 5QU
Mob: 07747 883464; Email: info@tayecology.co.uk; Web: www.tayecology.co.uk

CONTENTS

Executive Summary	3
1.0 Introduction	4
1.1 Site location	4
1.2 Site description	4
1.3 Proposed works	4
2.0 Survey and Site Assessment	4-6
2.1 Objectives	4
2.2 Methods	4-6
2.2.1 Existing data sources	4
2.2.2 Survey methodology	4-6
2.2.3 Survey area	6
2.2.4 Timings of surveys	6
2.2.5 Limitations	6
2.2.6 Personnel	6
3.0 Legislation and Policy Guidance	7-8
3.1 Red squirrels	7
3.2 Bats	7
3.3 Otters	7
3.4 Pine martens	7
3.5 Badgers	7
3.6 Beaver	7
3.7 Breeding birds	8
4.0 Results	8-11
4.1 Existing data	8
4.2 Habitat field surveys	8-9
4.2.1 Habitat description	8-9
4.2.2 Description of Habitats of potential value to wildlife	9
4.2.3 Trees species	9
4.3 Red squirrel survey	10
4.4 Bat survey	10
4.5 Otter survey	10
4.6 Pine marten survey	10
4.7 Badger survey	11
4.8 Beaver survey	11
4.9 Other protected species survey	11
4.10 Schedule 1 and bird activity survey	11
5.0 Assessment	12-14
5.1 Constraints on survey information	12
5.2 Discussion	12
5.2.1 Red squirrel survey	12-13
5.2.2 Bat squirrel survey	13
5.2.3 Otter survey	13
5.2.4 Pine marten survey	13
5.2.5 Badger survey	13
5.2.6 Beaver survey	13
5.2.7 Other protected species survey	13
5.2.8 Schedule 1 and bird activity survey	13-14
5.3 Conclusion	14
6.0 Recommendations and Mitigation	14-16
7.0 References	16-17
8.0 Appendices	17-22

EXECUTIVE SUMMARY

Tay Ecology was commissioned to undertake a protected species survey and ecological appraisal for the proposed new dwelling at Castlecroft, Forgandenny. The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development; if there are protected species using the site; and the potential risk to the present habitat/wildlife from the proposed development. Field surveys included those for red squirrels, bats, otters, pine martens, badgers, beavers, and Schedule 1 birds. The presence/absence of any other protected species of flora and fauna was assessed. The survey area included the proposed site and up to 200m in the surrounding area.

The existing data search shows that there is a range of protected species recorded within a 5km radius. However, the proposed site is an area of garden laid to lawn. Within the proposed site boundary there are a small number of deciduous and coniferous trees and shrubs with limited value to wildlife due to their small stature and young ages. Out-with the site boundary are areas with mature coniferous and deciduous trees. These areas will not be directly impacted by the proposed works.

There are red squirrel records in the local area, however, no evidence of red squirrels was recorded during the surveys. It is not foreseen that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels. A dependable long-term food supply from a mixture of deciduous and coniferous trees will remain in the area. Any construction work should be aware of the potential for breeding red squirrels between February and September and steps taken to minimise potential disturbance. No pine marten signs were recorded, pine martens are tolerant of most forms of human disturbance, and the proposed work is not expected to have a long-lasting adverse impact on any pine marten potentially moving closer to the site.

There is a negligible to low potential that the trees at the site contain potential bat roosting features therefore the impact on any bat potentially roosting in the trees is expected to be low. The proposed work will not disrupt the commuting and foraging habitats for bats in the area. There were no signs of otter or beaver activity recorded, and there is a low risk to these species from the proposed dwelling. No signs of badger or other protected species were recorded during the surveys.

There is a low potential that the proposed site is home to Schedule 1 birds. The bird activity survey demonstrated that nineteen species of common birds were recorded, with two species recorded within the proposed site. Any work involving tree relocation or ground vegetation clearance should be aware of the potential for common breeding birds between March and August and steps taken to minimise potential disturbance. The survey demonstrates that the proposed work at the site will have a low impact overall on any wildlife within the site and surrounding area, and a low impact on the existing habitat providing that the recommendations are followed.

1.0 INTRODUCTION

1.1 Site location

The proposed dwelling site is in the garden of Castlecroft House in Forgandenny. It is accessed from a minor road to the north from the B935 Bridge of Earn to Forgandenny Road in Forgandenny. The site is at NO 087184 at an altitude of approximately 30m above sea level. *Appendix 1 Site Location*

1.2 Site description

The proposed site is an area sloping garden ground to the north of Castlecroft House. It is predominantly laid to lawn with a small number of trees and shrubs species around and out-with the proposed site boundary. Trees range in age from young to mature and comprise deciduous and coniferous species. *Appendix 2 Existing and Proposed Site Plans*

1.3 Proposed works

It is proposed to construct a dwelling house in the grounds of Castlecroft, Forgandenny. *Appendix 2 Existing and Proposed Site Plans*

2. SURVEY AND SITE ASSESSMENT

2.1 Objectives

The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development; if there are protected species using the site; and the potential risk to the present habitat/wildlife from the proposed development. Field surveys were carried out to assess for the presence/absence of red squirrels and their dreys; potential of tree bat roosts; presence/absence of otters and their holts; pine martens and their dens; badgers and their setts; and beavers and their lodges. The presence/absence of specially protected, sensitive, or very, rare, species of birds was assessed. The presence/absence of any other protected species of flora and fauna was surveyed for and habitat quality assessed. The survey area included the proposed area and up to 200m in the surrounding area.

2.2 Methods

2.2.1 Existing Data Sources

Web-based sources of information were examined, principally the National Biodiversity Network (NBN) Gateway where a radius of 5km from the centre of the proposed development was searched to provide suitable coverage of the area. Nature designation classifications were obtained from NatureScot Site Link.

Other websites searched include Bat Conservation Trust (<http://www.bats.org.uk/>); Scottish Squirrel Survey (<http://www.scottishsquirrelsurvey.co.uk/>); and The British Trust for Ornithology (<http://www.bto.org/>). Positive records for species present in the survey area can be used to inform the assessment of biodiversity on the site but the lack of records clearly cannot be taken to imply that the species in question is absent.

2.2.2 Survey methodology

A site visit was carried out after receiving project information from Jane Brewster, Architect of Urban Rural Design. A walk over survey was carried out and an overall habitat assessment was made.

2.2.2.1 The main habitats present were surveyed according to the methodology of the Joint Nature Conservation Committee's 'Phase 1 Habitat Survey' (JNCC, 2010). Classification was given to each area according to JNCC (2010). Ground vegetation was then surveyed for the presence of any other rare or protected species by walk-over surveys.

2.2.2.2 The potential presence of red squirrels and red squirrel dreys was surveyed using the "Practical techniques for surveying and monitoring squirrels" (Forestry Commission, 2009); NatureScot (2020) "Species Planning Advice for Developers: Red Squirrel"; and UK BAP Mammals: "Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation" (The Mammal Society, 2012, pp. 13-16). The survey was based on the interpretation of any field signs (feeding signs and dreys) and assessment of suitable habitat.

2.2.2.3 Bat roost potential was assessed for trees within and adjacent to the proposed development site using methodology to identify the possible presence of bats, and potential for bat roosts from Collins, J (2016) "Bat Surveys for Professional Ecologists: Good Practice Guidelines" Bat Conservation Trust (3rd edition), Cowan, H (2004) "Looking out for bats. They could be anywhere!" and NatureScot (2021a) "Protected species advice for developers: bats".

2.2.2.4 An otter survey was carried out following the standard otter survey methodology as set out in the "New Rivers and Wildlife Handbook" (Holmes, Ward and Jose, 2001) and NatureScot (2021b) "Protected species advice for developers: otters". The survey was based on the interpretation of any field signs (spraints, footprints, tracks, slides, couches and holts or potential holts) and assessment of suitable habitat rather than direct observation of the animals themselves.

2.2.2.5 Evidence of pine marten presence was surveyed for using UK BAP Mammals: "Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation" (The Mammal Society 2012, pp.71-76) and "Protected Species Advice for Developers: Pine Marten" (NatureScot, 2021c). The survey was based on the interpretation of field signs (scats, footprints, and dens or potential dens) and assessment of suitable habitat rather than direct observation of the animals themselves.

2.2.2.6 Evidence of badgers was surveyed for using information from Scottish Badgers (2021), "Badger surveying" and "Protected species advice for developers: badgers" (NatureScot, 2021d). The survey was based on the interpretation of field signs (footprints, foraging holes, latrines, and setts or potential setts) and assessment of suitable habitat rather than direct observation of the animals themselves.

2.2.2.7 A beaver survey was carried out following NatureScot (2021e) "Protected species: beavers." The survey was based on the interpretation of any field signs (footprints, tracks, feeding signs) and assessment of suitable habitat rather than direct observation of the animals themselves.

2.2.2.8 The site was surveyed for the presence of any other rare or protected species, guidelines from FCS (2007) FCS Guidance Note 34: Forest operations and European protected species in Scottish forests.

2.2.2.9 The presence of potential Schedule 1 birds was adapted from BTO (2021), ‘Methodology and survey design for bird surveys’ and NatureScot (2021f) “Protected species: birds.”

2.2.3 Survey area

The survey area includes the proposed site and up to 200m in the surrounding area.

2.2.4 Timings, types, and weather conditions of field Surveys

The site was surveyed by walk-over and protected species surveys carried out in March 2021 by Emma O’Shea. The main habitats present were surveyed according to the methodology of the Joint Nature Conservation Committee’s Phase 1 Habitat Survey (JNCC 1993). Signs of the presence of protected species were sought and habitats were assessed for their potential to host protected species.

14/03/2021 Habitat survey, tree roost assessment, protected species surveys - temperature 12 degrees Celsius; wind speed 5mph; cloud cover 25%; no precipitation; good visibility.

17/03/2021 Protected species surveys - temperature 6 degrees Celsius; wind speed 10mph; cloud cover 80%; showers; good visibility.

26/03/2021 Protected species surveys - Temperature 7 degrees Celsius; wind speed 5mph; cloud cover 100%; dry then heavy showers; good visibility.

2.2.5 Limitations

Survey data is accurate on the date that the surveys took place. It was a ground survey, with no tree climbing element, the surveyor was able to see to the tops of the trees and full access to the survey area was available. The curtilage of any private property was not entered. Two bird recording visits were timed twelve days apart in March opposed to BTO’s recommended breeding bird surveys four weeks apart in April to June due to the timing request for surveys being outside the breeding bird season. Bat activity surveys did not take place as survey timing was out-with the BCT guidelines for bat activity surveys. Survey timing was outside the main period for flowering plants.

2.2.6 Personnel

Emma O’Shea, Ecological Consultant, Tay Ecology. Emma has worked in the environmental sector for seventeen years, during which time she has gained a wealth of experience and expertise. During the last seven years she has worked as an ecological consultant for Tay Ecology with lead responsibility for development projects requiring protected species surveys and species licensing. Emma has twelve years of experience surveying breeding birds, is a qualified tree inspector with a background in tree regeneration monitoring and habitat surveys. She has a Postgraduate Diploma in Environmental Management from the Open University and is a member of the Arboricultural Association and Institute of Environmental Assessment and Management.

3.0 LEGISLATION AND POLICY GUIDANCE

3.1 Red Squirrel

The red squirrel is protected under schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Under this legislation it is illegal to intentionally kill, injure or take or damage, destroy, or obstruct access to any structure or place used for shelter or protection, or to disturb any animal while it is in a drey. Forestry operations are not prevented by this legislation but are expected to cause minimal disturbance and minimize loss of habitat.

3.2 Bats

Bats and their roosts are legally protected, whether bats are occupying the roost or not. It is illegal to disturb a bat(s) in their roosts; damage or destroy a bat roosting place, even if there are no bats present at the time; and obstruct access to a bat roost. It is illegal to capture, injure or kill a bat or possess, advertise, sell, or exchange a bat dead or alive.

3.3 Otter

Otters are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations". Under these Regulations, otters are classed as European Protected Species and are given the highest level of species protection. It is illegal to deliberately or recklessly kill, injure or take (capture) an otter; deliberately or recklessly disturb or harass an otter; damage, destroy or obstruct access to a breeding site or resting place of an otter (ie. an otter shelter). Otter shelters are legally protected whether, or not an otter is present. As well as the specific protection for otters and their resting places, the Government has designated a suite of Special Areas of Conservation (SACs), 44 of which have been selected in Scotland for their otter interest.

3.4 Pine Marten

Pine martens are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is an offence to intentionally, or recklessly: kill, injure, or take a wild pine marten; damage, destroy or obstruct access to any structure or place which such an animal uses for shelter or protection (den); and to disturb such an animal when it is occupying a place for that purpose.

3.5 Badger

Protection of Badgers Act 1992 - offences under the Act include: taking, injuring, or killing badgers; cruelty to badgers; interference with badger setts; selling and possession of live badgers and marking and ringing. Exceptions and licences can apply.

3.6 Beaver

Beavers are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations". Under these Regulations, beavers are classed as European Protected Species and are given the highest level of species protection. It is illegal to deliberately or recklessly kill, injure or take (capture) a beaver; deliberately or recklessly disturb or harass a beaver; damage, destroy or obstruct access to a breeding site or resting place of a beaver (ie. a beaver lodge). Beaver lodges are legally protected whether, or not a beaver is present.

3.7 Breeding birds

The main legislation Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004 make it an offence to intentionally or recklessly kill, injure or take any wild bird, or take, damage, destroy, obstruct, or interfere with any wild birds' nest, whilst being built or in use, or their eggs or young.

Appendix 3 Wildlife legislation

4.0 RESULTS

4.1 Existing data search

NatureScot nature designations within 5km include River Tay Special Area of Conservation (SAC). This is designated as a Natura 2000 site for Atlantic salmon, sea lamprey, river lamprey, brook lamprey, clear-water lochs, and otters. It is also important for freshwater pearl mussel which is a protected species. The catchment boundary is approximately 2km north of the proposed site.

National Biodiversity Network confirmed presence of the following protected species within 5km radius: Beaver *Castor fiber*; Wildcat *Felis silvestris*; Otter *Lutra lutra*; Pine marten *Martes martes*; Badger *Meles meles*; Common pipistrelle *Pipistrellus pipistrellus*; Soprano pipistrelle *Pipistrellus pygmaeus*; Brown Long-eared bat *Plecotus auritus*; and Red Squirrel *Sciurus vulgaris*. Within 2km beaver, otter, badger, Common pipistrelle, Soprano pipistrelle, and red squirrel have been recorded. Within 1km red squirrel have been recorded.

National Biodiversity Network confirmed presence of the following Schedule 1 birds within 5km radius: Goshawk *Accipiter gentilis*; Kingfisher *Alecco atthis*; Marsh harrier *Circus aeruginosus*; Hen harrier *Circus cyaneus*; Corncrake *Crex crex*; Merlin *Falco columbarius*; Peregrine *Falco peregrinus*; Brambling *Fringilla montifringilla*; Crossbill *Loxia curvirostra*; Red kite *Milvus milvus*; Capercaillie *Tetrao urogallus*; Redwing *Turdus iliacus*; Fieldfare *Turdus pilaris*; and Barn owl *Tyto alba*. Within 2km kingfisher, crossbill and barn owl have been recorded.

4.2 Habitat field surveys

4.2.1 Habitat description

The proposed site is an area of garden laid to lawn. Within the proposed site boundary there are a small number of trees and shrubs with limited value to wildlife due to their small stature and young ages. These include cherry sp. *Prunus sp.*, sessile oak *Quercus petraea*, rowan *Sorbus acuparia*, monkey puzzle *Araucaria araucana* and rhododendron shrubs. Close to the perimeter, but out-with the site boundary are mature trees of potential value to wildlife including Sycamore *Acer pseudoplatanus*, alder *Alnus glutinosa*, silver birch *Betula pendula*, ash *Fraxinus excelsior*, and spruce *Picea sp.*

In the wider garden to the south there are a range of species including alder, silver birch, beech *Fagus sylvatica*, ash, cherry sp., Lombardy poplar, *Populus nigra Italica* and Douglas fir *Pseudotsuga menziesii*. To the east, and across the burn is a woodland dell dominated by sycamore from young to mature in age. To the west, across the road, is a

mixed woodland area of mature coniferous and deciduous species. Species recorded include pine, Douglas fir, Norway spruce, sycamore, beech, and oak.

Phase 1 Habitat Classification at the site is J1.2 Cultivated/disturbed land, amenity grassland, with A3 Scattered trees. In the surrounding area A1.1.1 Semi-natural broadleaved woodland to the east and west with J1.2, J3.6 Buildings, J4 Bare ground.

4.2.1.2 Photographs of proposed site and surrounding area

Looking NW across site



Looking SE across site



Woodland to east



Woodland to west



4.2.2 Description of habitats of potential value to wildlife

The woodland and riparian habitats have the potential to be of moderate value to wildlife.

4.2.3 Tree species

Trees within the site boundary include cherry sp. *Prunus sp.*, sessile oak *Quercus petraea*, rowan *Sorbus acuparia*, monkey puzzle *Araucaria araucana* and rhododendron shrubs. Close to the perimeter, but out-with the site boundary include Sycamore *Acer psuedoplatanus*, alder *Alnus glutionsa*, silver birch *Betula pendula*, ash *Fraxinus excelsior*, spruce *Picea sp.*

In the wider area sycamore, alder, silver birch, beech *Fagus sylvatica*, ash, cherry sp., Scot's pine *Pinus sylvestris*, Lombardy poplar *Populus nigra Italica* and Douglas fir *Pseudotsuga menziesii*.

4.3 Red Squirrel Survey

Red squirrel activity and red squirrel signs were surveyed for on each survey.

Species recorded - No red squirrel sightings. One grey squirrel sighting in the garden.

Signs recorded - No feeding signs, footprints, dreys, or any place used for shelter were identified.

The spruce and douglas fir tree within the grounds of Castlecroft House have potential to support red squirrels, however, there was no evidence of feeding or other signs to indicated red squirrel presence. The woodland to the east and west has the capacity to support red squirrels. The woodland to the west is more favourable due to its wider range of both coniferous and deciduous tree species. However, no red squirrel sightings or signs were recorded at the time of the surveys.

Appendix 4 Table of results for preliminary tree bat roost, red squirrel drey and breeding bird potential

4.4 Bat Survey

4.4.1 Preliminary Tree Bat Roost Assessment

A tree preliminary bat roost assessment was carried out to assess for the likelihood of the trees in the area to have bat roosts. The assessment indicated that the trees have negligible or low bat roost potential. Negligible bat roost potential is 'negligible habitat features likely to be used by roosting bats' (Collins, 2016, p.35). These trees do not display any cracks, crevices, ivy cover, deadwood in canopy or stem or decay cavities or hollows in stem (Andrews & Gardner, 2016). No further surveys are required for trees with negligible bat roost potential (Collins, 2016, p.52). Low bat roost potential is 'a tree of sufficient size and age to contain potential roosting features (PRFs) but with none seen from the ground or features with only very, limited roosting potential' (Collins, 2016, p.35). No further surveys are required for trees with low bat roost potential (Collins, 2016, p.52).

Appendix 4 Table of results for preliminary tree bat roost, red squirrel drey and breeding bird potential

4.4.2 Bat Activity Survey

Emergence (dusk) and re-entrant (dawn) bat activity surveys were not carried out due to the time the surveys took place which was outside the bat activity survey season. The existing data for the local area records 3 species of bat, Common pipistrelle, Soprano pipistrelle, and Brown Long-eared bats within 5km.

4.5 Otter Survey

Otter activity and otter signs were surveyed for on each survey.

Species recorded No otters recorded in the proposed site, or up to 200m in the surrounding area.

Signs recorded No otter signs ie. spraints, footprints, tracks, slides, couches and holts or potential holts recorded in the proposed site, or up to 200m in the surrounding area.

4.6 Pine marten survey

Pine marten activity and pine marten signs were surveyed for on each survey.

Species recorded No pine martens recorded within the proposed site, or up to 200m in the surrounding area.

Signs recorded No pine marten dens or scats recorded within the proposed site, or up to 200m in the surrounding area.

4.7 Badger survey

Badger activity and badger signs were surveyed for on each survey.

Species recorded No badgers recorded within the proposed site, or up to 200m in the surrounding area.

Signs recorded No badger setts or latrines recorded within the proposed site, or up to 200m in the surrounding area.

4.8 Beaver survey

Beaver activity and beaver signs were surveyed for on each survey.

Species recorded No beavers recorded in the proposed site, or up to 200m in the surrounding area.

Signs recorded No beaver feeding signs, lodges, or dams were recorded within the proposed site, or up to 200m in the surrounding area.

4.9 Other protected species survey

Other species activity and signs were surveyed for on each of the survey. Species included wildcats, amphibians, invertebrates, and reptiles.

Species recorded No other protected species were recorded in the proposed site, or up to 200m in the surrounding area.

Signs recorded No other protected species signs were recorded in the proposed site, or up to 200m in the surrounding area.

4.10 Schedule 1 and Bird Recording Survey

Two Schedule 1 and bird recording surveys were carried out in March. No specially protected, sensitive, or very, rare, species of bird was recorded in the proposed development site. No other vulnerable breeding bird species (ie. those where disturbance issues can occur) were recorded in the proposed site. Bird species which were identified either by visual sighting or by bird call within the proposed development site and up to 200m in the surrounding area include:

Species	Proposed site	200m of proposed site
<i>Buteo buteo</i> , Buzzard	No	Yes
<i>Certhia familiaris</i> , Treecreeper	No	Yes
<i>Coloeus monedula</i> , Jackdaw	No	Yes
<i>Columba palumbus</i> , Woodpigeon	No	Yes
<i>Cyanistes caeruleus</i> , Blue Tit	No	Yes
<i>Dendrocopos major</i> , Great spotted woodpecker	No	Yes
<i>Erithacus rubecula</i> , Robin	No	Yes
<i>Fringilla coelebs</i> , Chaffinch	No	Yes
<i>Garrulus glandarius</i> , Jay	No	Yes
<i>Haematopus ostralegus</i> , Oystercatcher	No	Yes
<i>Larus canus</i> , Common gull	No	Yes
<i>Parus major</i> , Great Tit	No	Yes
<i>Passer domesticus</i> , House sparrow	No	Yes
<i>Periparus ater</i> , Coal tit	No	Yes
<i>Phasianus colchicus</i> , Pheasant	No	Yes
<i>Pica pica</i> , Magpie	No	Yes
<i>Strix aluco</i> , Tawny Owl	No	Yes
<i>Troglodytes troglodytes</i> , Wren	Yes	Yes
<i>Turdus merula</i> , Blackbird	Yes	Yes

5.0 ASSESSMENT

5.1 Limitations

Survey data is accurate on the date that the surveys took place. It was a ground survey, with no tree climbing element, the surveyor was able to see to the tops of the trees and full access to the survey area was available. Two bird recording visits were timed approximately 1 week apart in March, as opposed to BTO's recommended breeding bird surveys 4 weeks apart between April to June due to the timing request for surveys being outside the breeding bird season. However, given that there is potential for common breeding birds to be present within or adjacent to the site, recommendations to protect common breeding birds are given.

Bat activity surveys did not take place as the survey timing was out-with the BCT guidelines for bat activity surveys. Bat activity is to be expected in the local area though as the habitat will remain favourable for commuting and foraging bats it is not anticipated that the survey timing has a negative impact on the results. Survey timing was outside the main season for flowering plants, though there was no evidence of rare or protected species of flowering plants in the area proposed for the dwelling house and it is not anticipated that there will be a negative impact on flowering plants.

5.2 Discussion

Tay Ecology was commissioned to undertake a habitat, protected species survey and an ecological appraisal for the proposed dwelling at Castlecroft. The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development; if there are protected species using the site; and the potential risk to the present habitat/wildlife from the proposed development. Field surveys were carried out for red squirrels, bats, otters, pine martens, badgers, and beavers. The presence/absence of specially protected, sensitive, or very, rare species of birds was assessed together with the presence/absence of any other protected species of flora and fauna. The survey area included the proposed development site and up to 200m in the surrounding area.

The existing data search shows that there is a range of protected species recorded within a 5km radius. However, the proposed site is an area of garden laid to lawn. Within the proposed site boundary there are a small number of deciduous and coniferous trees and shrubs with limited value to wildlife due to their small stature and young ages. Close to the perimeter, but out-with the site boundary are mature coniferous and deciduous trees with some potential value to wildlife. To the east, and across the burn is a woodland dell dominated by sycamore from young to mature in age. To the west, across the road, is a mixed woodland area of mature coniferous and deciduous species. These areas will not be directly impacted by the proposed works.

The surrounding area has the potential to be of ecological value. However, the proposal is for a single property, and the wider area will not be impacted by the proposed work.

5.2.1 Red squirrel surveys

It is not foreseen that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels. It will not impact red squirrel

mortality or breeding at a scale which would affect the viability of the population. The project will not fragment the red squirrel population and it will not lead to an increased risk of local extinction or increased mortality as a result of forced dispersal over unsuitable habitat or areas with no or limited cover because the wider surrounding area will continue to remain favourable for red squirrels (Mammal Society, 2012, pp. 16-19). A dependable long-term food supply from a mixture of deciduous and coniferous trees will remain in the area. Any construction work should be aware of the potential for breeding red squirrels between February and September and steps taken to minimise potential disturbance.

5.2.2 Bat surveys

There is a negligible to low potential that bat tree roosts may be present in trees at and surrounding the site. Therefore, the impact of the dwelling on any potential bat roost is low. Bat activity surveys were not carried out due to the time of year, however, it is reasonably likely that Common pipistrelles, Soprano pipistrelles, and Brown Long-eared bats would be found foraging in the area. Potential disturbance to bat activity is assessed as low as there are good quality feeding habitats within and around the site, and the habitat on and immediately surrounding the site will be retained. The impact on the bat population is therefore assessed as low as there will be a low impact on the commuting and foraging habitat and bats will continue to be able to utilise and cross the area.

5.2.3 Otter surveys

There were no signs ie. spraints, footprints, tracks, slides, couches and holts or potential holts and no sightings of otters recorded in the proposed site or within 200m in the surrounding area. There is a low risk to otters from the proposed development.

5.2.4 Pine marten surveys

There was no evidence of pine martens recorded during the surveys. Pine martens are tolerant of most forms of human disturbance (Mammal Society 2012, p.76-77), and the construction of the house will not have a long-lasting adverse impact on any pine marten potentially moving closer to the site.

5.2.5 Badger surveys

There was no evidence of badger recorded during the surveys. The wider area remains favourable for badgers and the small-scale proposal of the house is unlikely to have a long-lasting adverse impact on any badger potentially moving closer to the site.

5.2.6 Beaver surveys

There were no signs of feeding, lodges or dams in the proposed site, or the wider area surveyed. There is a low risk to beavers from the proposed dwelling.

5.2.7 Other protected species surveys

Protected species including wildcat, amphibians, invertebrates, and reptiles were surveyed, no signs of any other protected species was recorded. The proposed dwelling has a low potential of impacting any other protected species.

5.2.8 Schedule 1 and bird activity surveys

There is a low potential that the proposed site is home to Schedule 1 birds. The bird activity survey demonstrated that seventeen species of common birds were recorded, with two

species recorded within the proposed site. Any work involving tree relocation or ground vegetation clearance should be aware of the potential for common breeding birds between March and August and steps taken to minimise potential disturbance.

5.3 Conclusion

The survey demonstrates that the proposed dwelling is unlikely to have a detrimental impact on any wildlife already using the site and surrounding area. Full access to all areas of the site and surrounding area was available and weather conditions were favourable at the time of surveying. The survey has established that there is a low potential that any red squirrel, bat, otter, pine marten, badger, beaver, or other protected species in the area will be detrimentally impacted by the proposed development; and there is a negligible to low potential that the trees at the site contain bat roosts.

There is a high likelihood as to the presence of red squirrels in the wider surrounding area, however, no evidence of red squirrels was recorded during the surveys. Appropriate steps to minimise disturbance to any breeding red squirrel taken must be taken during construction. There is low likelihood to the presence/disturbance of rare, protected species of birds within the area and moderate likelihood of these birds being in the wider surrounding area. There is a moderate likelihood of common breeding birds being within the proposed area and any work involving tree relocation or ground vegetation clearance should be aware of the potential for breeding birds in the nesting season and steps taken to minimise potential disturbance. The survey demonstrates that the proposed dwelling will have a low impact overall on any wildlife within the site and surrounding area, and a low impact on the existing habitat providing the recommendations are followed.

6.0 RECOMMENDATIONS and MITIGATION

To minimise disturbance or damage to protected species prior to work starting on site it is recommended that:

1. Breeding birds

- Any tree or ground works during the bird breeding season (March to August inclusive) will require a pre-operational survey. If no nests are present, vegetation cleared as soon as possible following the survey.
- There is no NatureScot licence available to relocate trees or clear ground containing active bird nests or ground nesting birds, felling must be delayed until chicks have fledged.

2. Red Squirrel

- Pre-construction surveys carried out for red squirrels to survey for any new drey or resting place which may have become occupied after the initial surveys.
- For any identified breeding dreys prior to construction when working in the breeding season, mark 50m work exclusion zones around any breeding dreys.
- If monitoring confirms the drey is not used for breeding, smaller protection zones of 5m, or to the nearest neighbouring tree, whichever is less, should be put in place.
- Where exclusion zones of the required size are not possible, works will require a licence from NatureScot before they can proceed.

- Workers to be fully briefed regarding the possibility of red squirrel on the site, the legal status of the animal, their shelters, and resting places. Any sightings of red squirrel or discovery of a new drey or resting place should be reported immediately to the Site Manager and appropriate action taken.

3. Bats

- Workers to be fully briefed regarding the possibility of bats in mature trees on site, their legal status and that of their roosts. Discovery of a bat should be reported immediately to the Site Manager and appropriate action taken.

4. Otters

- Pre-construction checks of all works for otters. Where any holts or resting places are recorded, NatureScot species licensing should be contacted and if appropriate a licence obtained before work commences.
- Workers to be fully briefed regarding the possibility of otter on site, the legal status of the animal, their shelters, and resting places. Any sightings of otter or discovery of a holt or resting place should be reported immediately to the Site Manager and appropriate action taken.

5. Beavers

- Pre-construction checks of all works for beavers. Where any lodges or resting places are recorded, NatureScot species licensing should be contacted and if appropriate a licence obtained before work commences.
- Workers to be fully briefed regarding the possibility of beaver on site, the legal status of the animal, their shelters, and resting places. Any sightings of beaver or discovery of a lodge or resting place should be reported immediately to the Site Manager and appropriate action taken.

6. Pine Marten

- Pre-construction checks of all works for pine martens. Where any dens or resting places are recorded, NatureScot species licensing should be contacted and if appropriate a licence obtained before work recommences.
- Workers to be fully briefed regarding the possibility of pine marten on site, the legal status of the animal, their dens, and resting places. Any sightings of pine marten or discovery of a den or resting place should be reported immediately to the Site Manager and appropriate action taken.

7. Badger

- Pre-construction checks of all works for badgers. Where any setts are recorded, NatureScot species licensing should be contacted and if appropriate a licence obtained before work commences.
- Where appropriate, excavations left open overnight should be ramped to allow a means of escape to any badger which may become trapped. Temporarily exposed pipe systems should be capped out of work hours.
- Workers to be fully briefed regarding the possibility of badger on site, the legal status of the animal and their setts. Any sightings of badger or discovery of a sett on site should be reported immediately to the Site Manager and appropriate action taken.

8. Amphibians and Reptiles

- Checks for amphibians and reptiles should be made prior to operations.
- Where amphibians or reptiles are found, they should be carefully moved to a similar habitat in a safe location out-with the development footprint.

7.0 REFERENCES

Andrews, H & Gardener, M., 2016, “*Bat Tree Habitat Key – Database Report 2016*”. AEcol, Bridgwater [Online]. Available at <http://battreehabitatkey.co.uk/> (accessed 25th March 2021)

British Trust for Ornithology, (BTO), 2021, “*Methodology and survey design for bird surveys*” [Online]. Available at <https://www.bto.org/volunteer-surveys/bbs/research-conservation/methodology> (accessed 25th March 2021)

Collins, J., 2016, “*Bat Conservation Trust, Bat Surveys for Professional Ecologists: Good Practice Guidelines*”, 3rd Edition

Forestry Commission Scotland, (FCS), 2007, “*FCS Guidance Note 34: Forest operations and European protected species in Scottish forests - - implications of legal changes from February 2007*” [Online]. Available at <https://scotland.forestry.gov.uk/images/corporate/pdf/Guidancenote34protectedspecies2.pdf> (accessed 25th March 2021)

Gurnell, J, Lurz, P, McDonald, R, and Pepper, H, 2009, “*Practical techniques for surveying and monitoring squirrels – Forest Research*” [Online]. Available at [Practical techniques for surveying and monitoring squirrels - Forest Research](#) (accessed 25th March 2021)

Holmes, Ward and Jose, (2001), “*New Rivers and Wildlife Handbook*”, NRA/RSPB/RSNC

Joint Nature Conservation Committee, (JNCC) (2010) “*Handbook for Phase 1 habitat survey. A technique for environmental audit*” [Online]. Available at http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf (accessed 25th March 2021)

Mammal Society, 2012, “*UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*”, edited by Creswell W.J, Birks J. D.S, Dean M, Pacheco M, Trewhella W.J, Wells D and Wray S

NatureScot, 2020, “*Protected Species Advice for Developers: Red Squirrels*” [Online]. Available at https://www.nature.scot/sites/default/files/2020-06/Species%20Planning%20Advice%20-%20red%20squirrel_0.pdf (accessed 25th March 2021)

NatureScot, 2021a, “*Protected Species: Bats*” [Online]. Available at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-bats> (accessed 25th March 2021)

NatureScot, 2021b, “*Protected Species Advice for Developers: Otter*” [Online]. Available at <https://www.nature.scot/sites/default/files/2020-06/Species%20Planning%20Advice%20-%20otter.pdf> (accessed 25th March 2021)

NatureScot, 2021c, “*Protected Species Advice for Developers: Pine Martens*” [Online]. Available at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents> (accessed 25th March 2021)

NatureScot, 2021d, “*Protected Species Advice for Developers: Legal Protection for Badgers*” [Online]. Available at <https://www.nature.scot/species-planning-advice-badger> (accessed 25th March 2021)

NatureScot, 2021e, “*Protected Species: Beavers*” [Online]. Available at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-beavers> (accessed 25th March 2021)

NatureScot, 2021f, “*Protected Species: Birds*” [Online]. Available at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-birds> (accessed 25th March 2021)

Scottish Badgers, 2021, “*Badger Surveying*” [Online]. Available at <https://scottishbadgers.org.uk/badger-surveying.asp> (accessed 25th March 2021)

Scottish Squirrel Survey, 2021, “*Scottish Squirrel Survey*” [Online]. Available at <http://www.scottishsquirrelsurvey.co.uk/> (accessed 25th March 2021)

8.0 APPENDICES

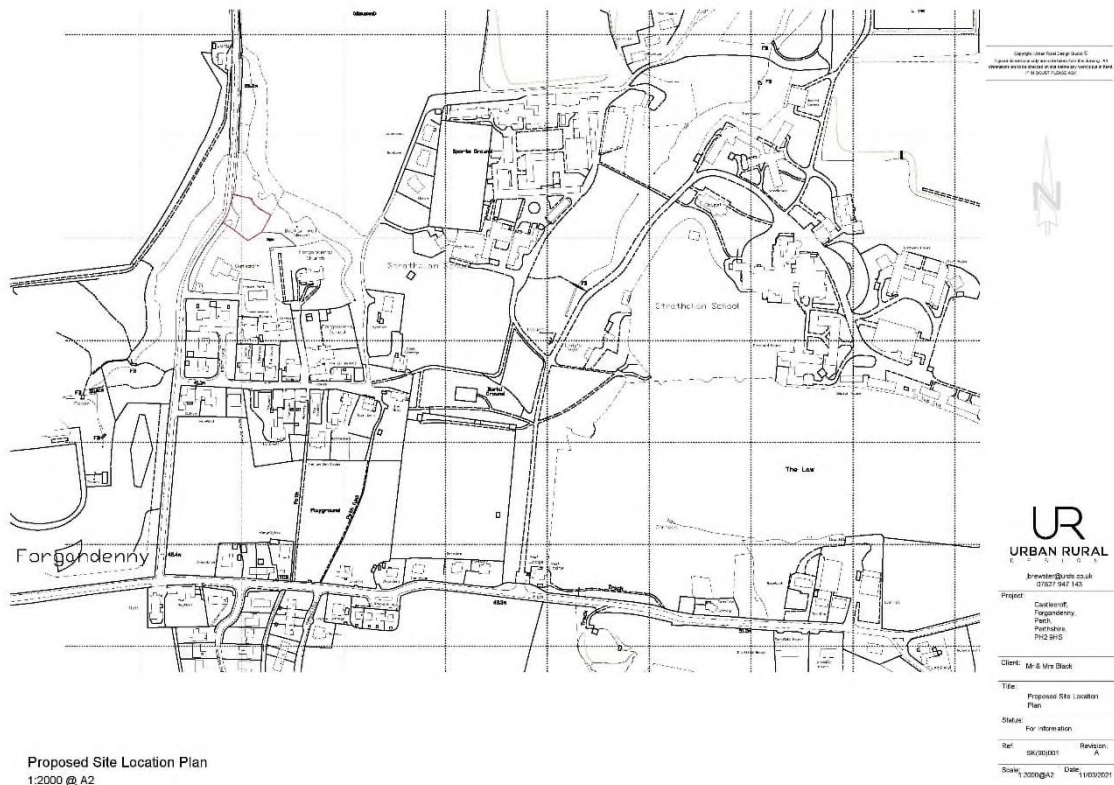
Appendix 1 Site Location

Appendix 2 Existing and Proposed Site Plans

Appendix 3 Wildlife Legislation

Appendix 4 Table of results for preliminary tree bat roost, red squirrel drey and breeding bird potential

Appendix 1 Site Location



Appendix 2 Existing and Proposed Site Plans



Appendix 3 Wildlife Legislation

1.0 Wildlife and Countryside Act, 1981, as amended (WCA)

The WCA sets out the protection offered to various species of plants, birds and animals in England and Wales. Bird species listed in Schedule 1, animal species listed in Schedule 5 and plant species listed in Schedule 8 of the WCA are protected. Under section 14(2) of the WCA it is an offence to “plant or otherwise cause to grow in the wild” any plant listed in Schedule 9, Part II of the Act. Japanese knotweed (*Fallopia japonica*) is a Schedule 9, Part III species. The WCA has since been strengthened and updated by subsequent UK and Scottish legislation (see below).

1.1 The Conservation (Natural Habitats &c.) Regulations 1994, as amended (Habitat Regulations)

The provisions of the Habitats Directive were transposed into UK law by the Habitat Regulations. Schedule 2 of the Habitat Regulations lists the European protected species of animals whilst Schedule 4 lists the European protected species of plants. Under the Habitat Regulations, it is illegal to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4 without a licence granted by the appropriate authority. Licences can only be granted for certain purposes and if a set of conditions have been met.

1.2 Nature Conservation (Scotland) Act 2004

Deals with conserving biodiversity by introducing a duty on all public bodies to further the conservation of biodiversity and requires under Section 2(4) publication of a list of habitats and species for conservation action. Amends the 1981 Wildlife & Countryside Act in respect of protecting Sites of Special Scientific Interest, and similarly strengthens protection of certain birds, animals, and plants. Updates the 1992 Protection of Badgers Act.

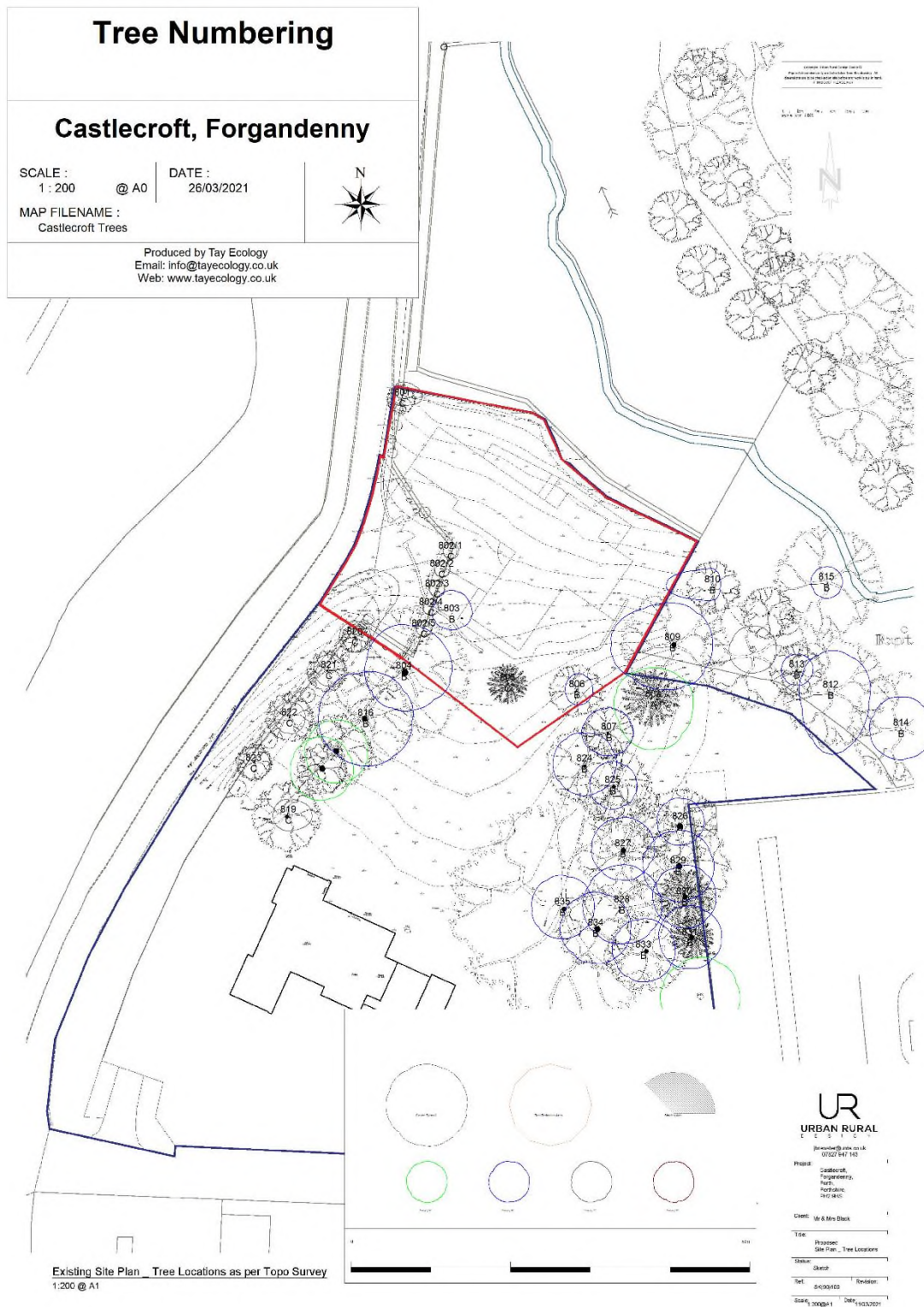
1.2.1 The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 Amends 1994/ Habitat Regulations to bring provision for protection of European ‘Natura 2000’ sites into line with the protection regime set out in the Nature Conservation (Scotland) Act 2004 and affords protection to European candidate sites. It gives further protection to European protected species, introducing a new offence of ‘reckless disturbance’ in respect of European sites and species.

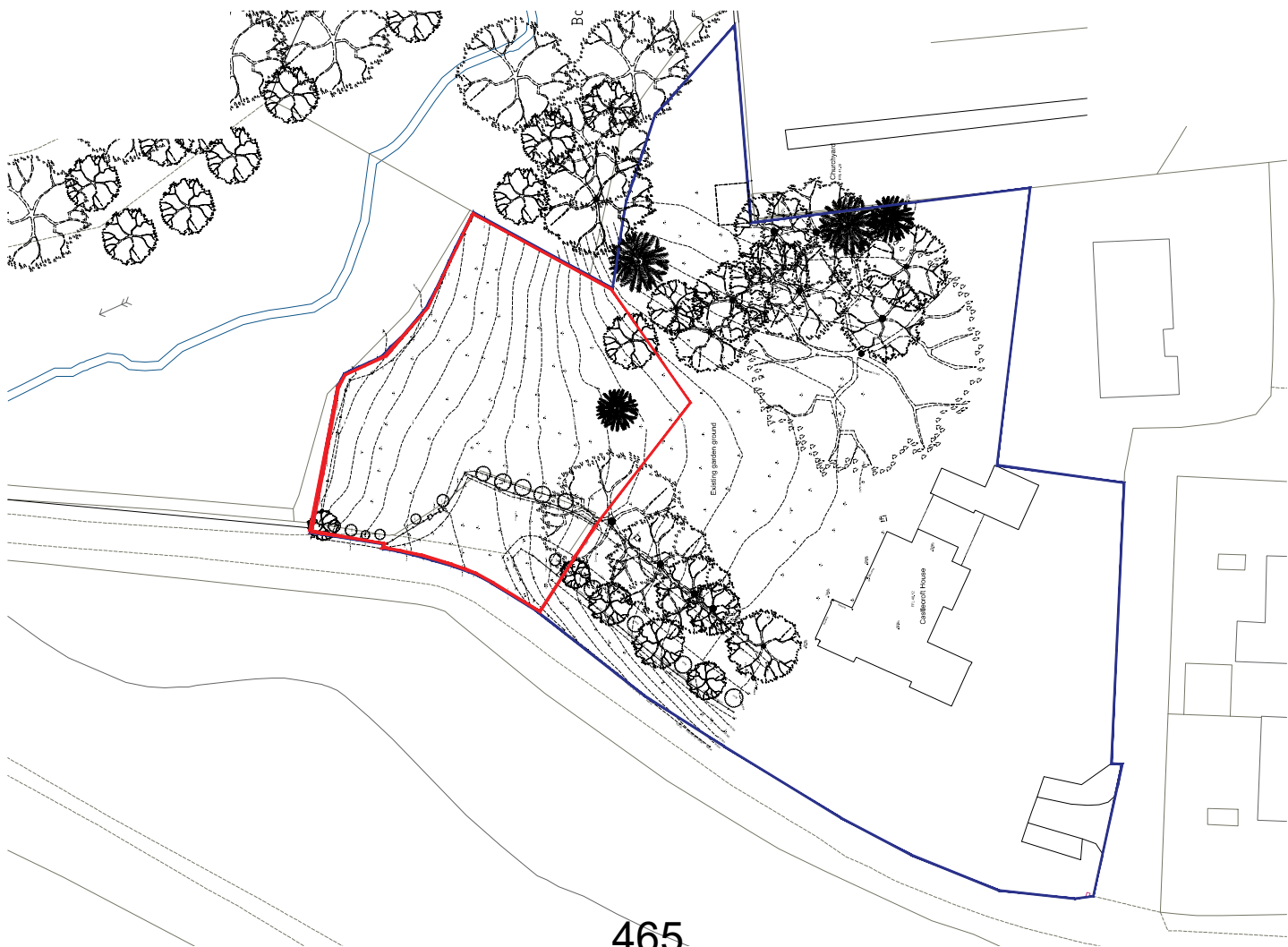
The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 Significantly strengthened the regulations relating to European Protected Species of animals and enacting the requirement to assess developments plans (structure and local plans) with regard to effects on Natura 2000 (EC Directive) sites.

Emma O’Shea BSc, PG Dip Env Mgmt., Ecological Consultant,
Tay Ecology, Fairway, Golf Course Road, Pitlochry, PH16 5QU,
Mob: 07747 883464; Email: info@tayecology.co.uk; Web: www.tayecology.co.uk

Appendix 4 Table of results for preliminary tree bat roost, red squirrel drey and breeding bird potential

Ref.	Bat roost potential	Red squirrel drey potential	Breeding bird potential
801	Negligible	Negligible	Low
802	Negligible	Negligible	Low
803	Negligible	Negligible	Low
804	Low	Low	Moderate
805	Negligible	Negligible	Negligible
806	Negligible	Negligible	Low
807	Low	Low	Low
808	Low	Moderate	Moderate
809	Low	Low	Moderate
810	Negligible	Negligible	Low
811	Low	Low	Moderate
812	Low	Low	Moderate
813	Low	Negligible	Low
814	Low	Negligible	Low
815	Low	Negligible	Low
816	Low	Low	Moderate
817	Low	Low	Moderate
818	Low	Low	Moderate
819	Low	Low	Moderate
820	Negligible	Negligible	Low
821	Negligible	Negligible	Low
822	Negligible	Negligible	Low
823	Negligible	Negligible	Low
824	Low	Low	Moderate
825	Low	Low	Moderate
826	Low	Low	Moderate
827	Low	Low	Moderate
828	Low	Low	Moderate
829	Low	Low	Moderate
830	Low	Low	Moderate
831	Low	Low	Moderate
832	Low	Moderate	High
833	Low	Low	Moderate
834	Low	Low	Moderate
835	Low	Low	Moderate



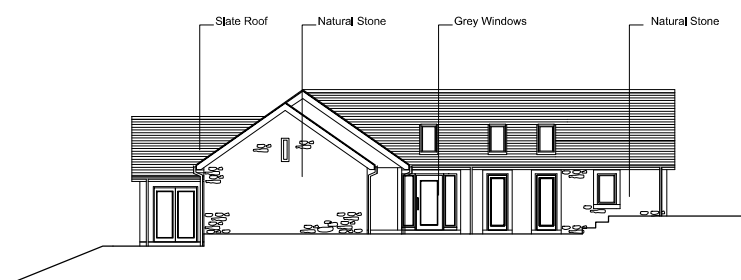




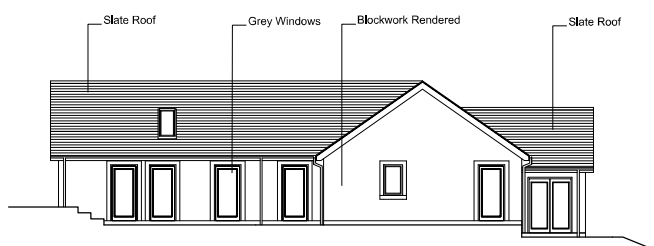
North Elevation
 1:100 @ A1



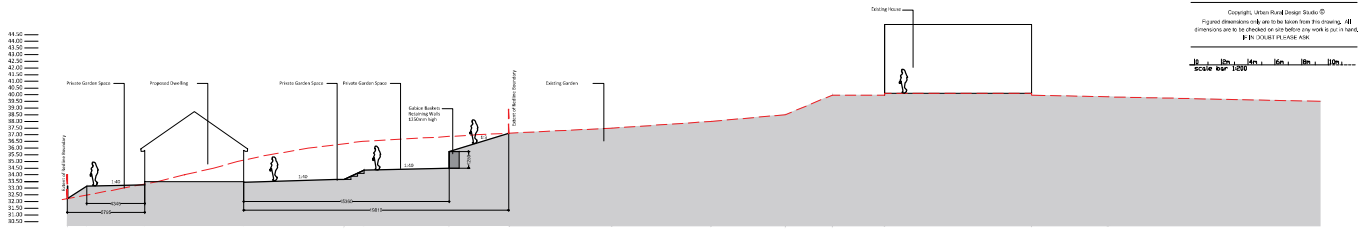
South Elevation
 1:100 @ A1



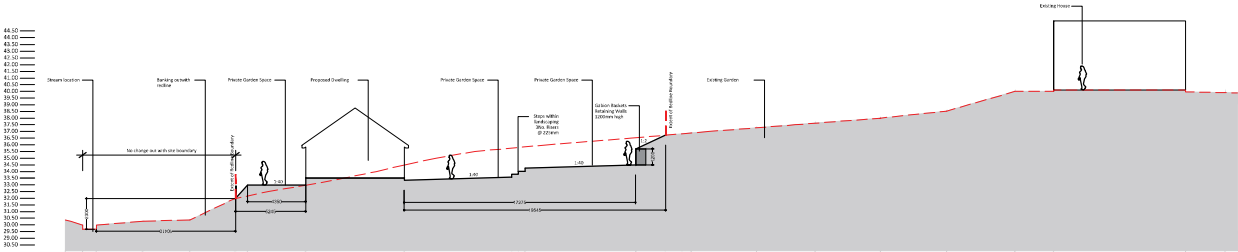
West Elevation
 1:100 @ A1



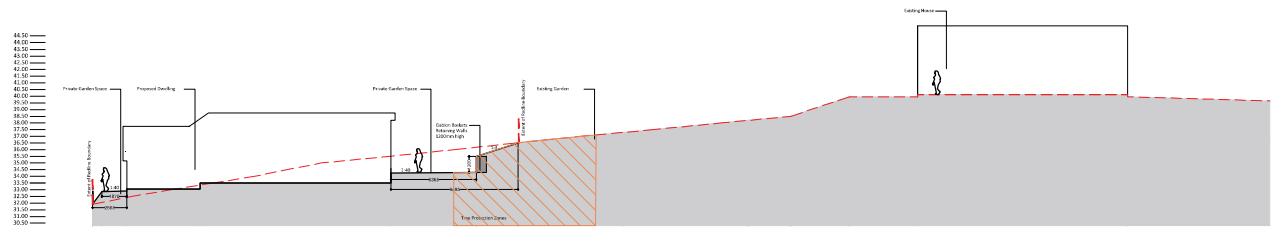
East Elevation
 1:100 @ A1



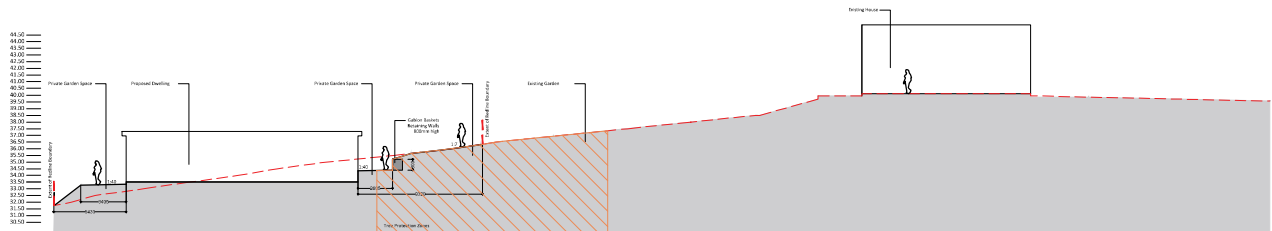
SITE CROSS SECTION 1



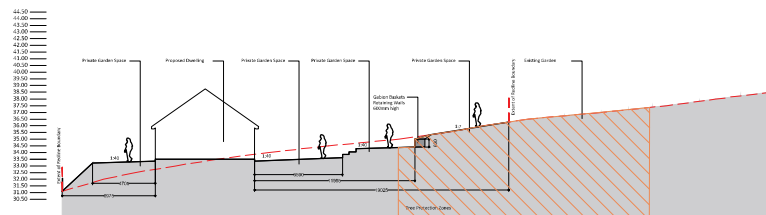
SITE CROSS SECTION 2



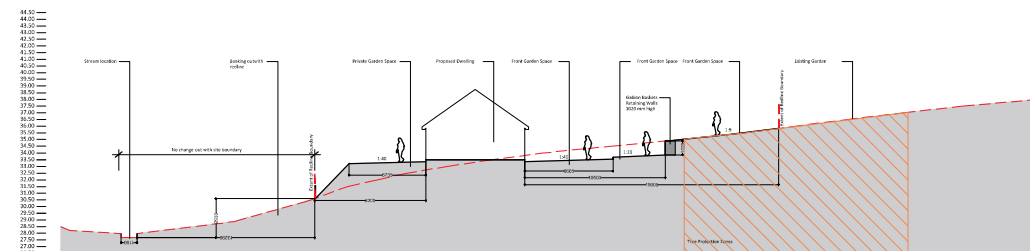
SITE CROSS SECTION 3



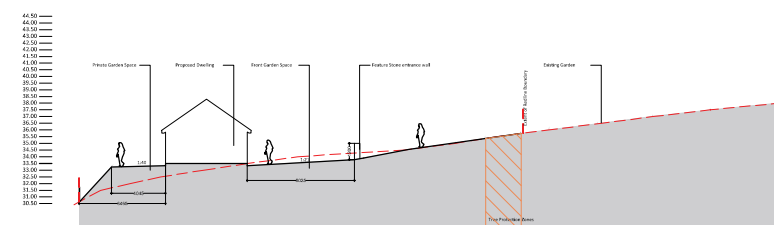
SITE CROSS SECTION 4



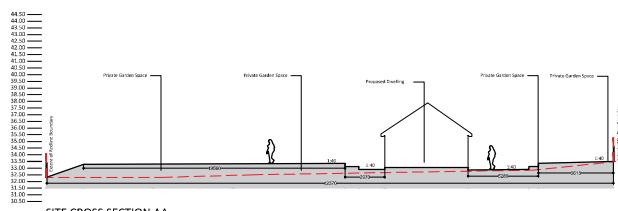
SITE CROSS SECTION 5



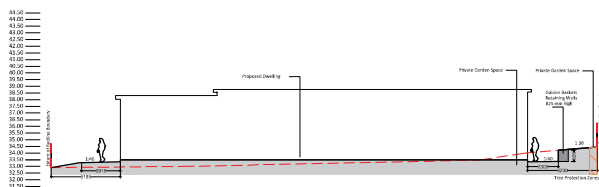
SITE CROSS SECTION 6



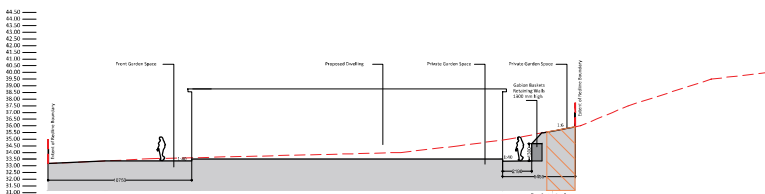
SITE CROSS SECTION 7



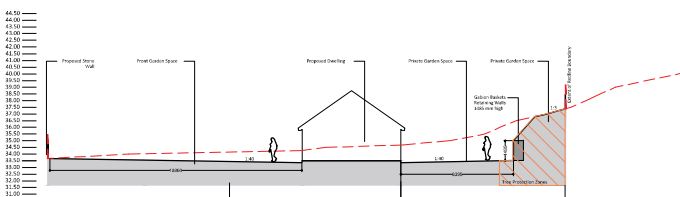
SITE CROSS SECTION AA



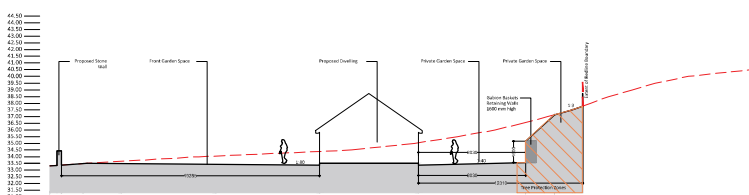
SITE CROSS SECTION BB



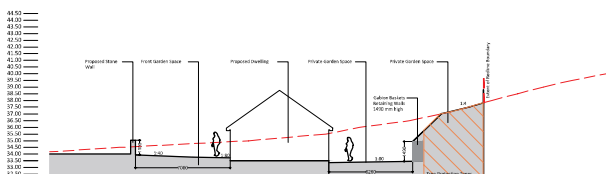
SITE CROSS SECTION CC



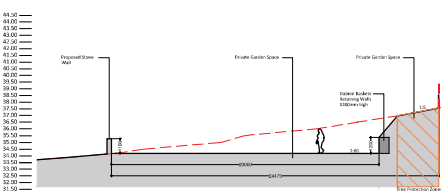
SITE CROSS SECTION DD



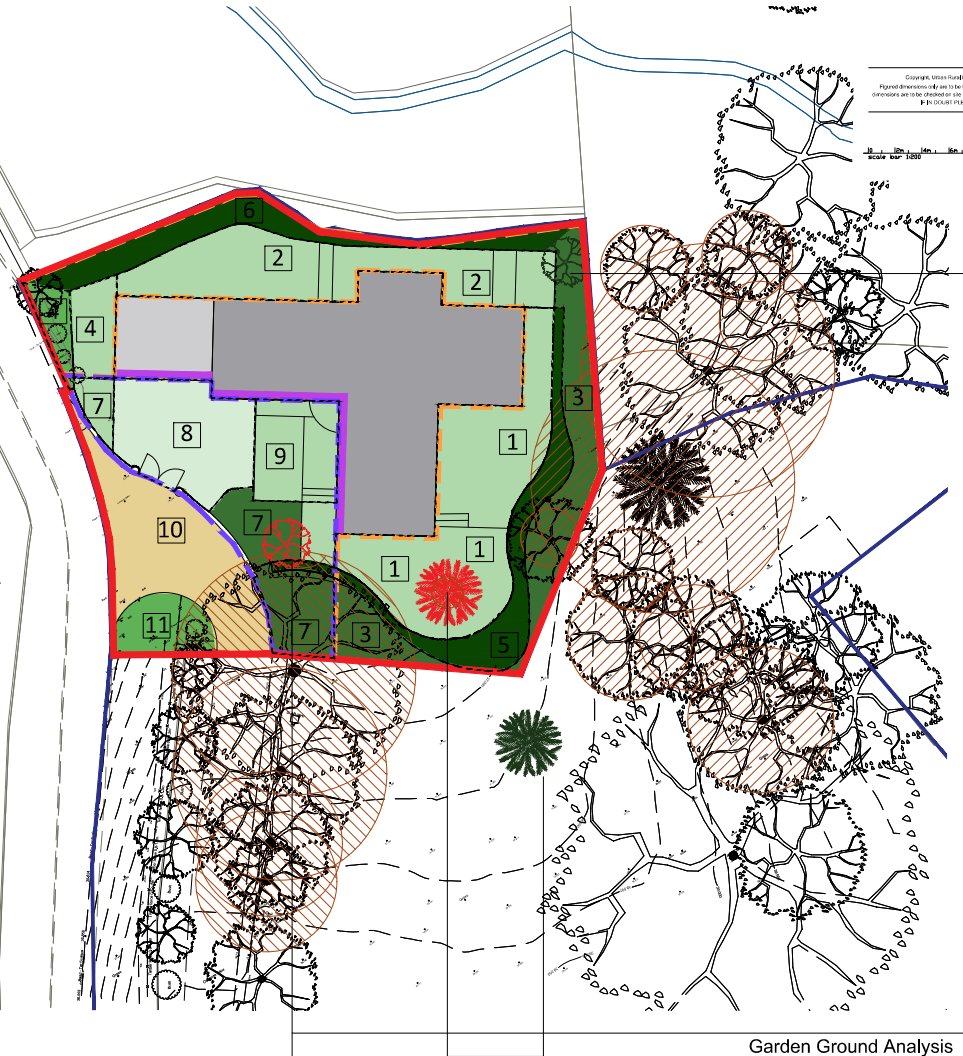
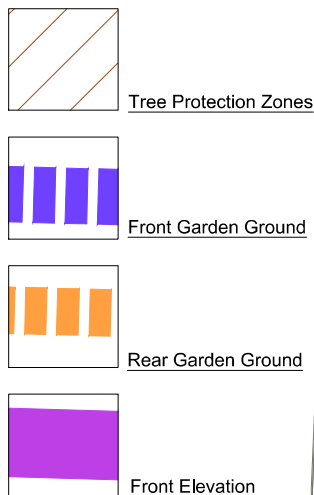
SITE CROSS SECTION EE



SITE CROSS SECTION FF



SITE CROSS SECTION GG

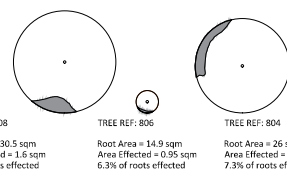


Garden Ground Analysis
1:200 @ A1

Tree ref : 803
To be removed and
replanted at the
North East of the site.
(within redline)

Tree ref : 805
To be removed and
replanted at the
North East of the site.
(outwith redline but
within blue line)

ZONE	DESCRIPTION	ORIENTATION / USE	SUITABLE SCREENING	USABLE	AREA (sqm)	AREA (sqm)	NOTES
PRIVATE GARDEN AREA							
Zone 1	Rear - Side Private Garden Ground - 1:40 Fall or less	Sun in mornings to late afternoon. Notional drying and external seating area noted on landscape plan.	Yes, via proposed house, landscaping and retaining walls	Yes	183		Double the minimum of 80 sqm stated within the PNC Placemaking Guidance for 3 bedroom dwelling
Zone 2	Rear Private Garden Ground - 1:40 Fall or less	Sun late afternoon and evening. Opportunity for external amenity space facing north	Yes, via proposed house, adjacent site being natural unsealed area and landscaping.	Yes	123		Considerably larger than the minimum of 80 sqm stated within the PNC Placemaking Guidance for 3 bedroom dwelling
Zone 3	Usable sloping garden ground - 1:3 minimum fall or less	Sun in mornings to late afternoon. Opportunity for external amenity space facing south and east	Yes, via proposed house, landscaping and retaining walls	Yes	100		Usable garden ground within the garden area
Zone 4	Usable sloping garden ground - 1:3 minimum fall or less	Sun afternoon and evening. Opportunity for external amenity space facing north and west	Yes, via proposed stone wall, adjacent site being natural unsealed area and landscaping.	Yes	37		Usable garden ground within the garden area
Zone 5 & 6	Not readily usable graded and sloped garden ground, also includes area for the Retaining wall zones - Fall steeper than 1:3	Sun morning, afternoon and evening. Opportunity for structured planting	Yes, via proposed house, landscaping and retaining walls	No	122		Sloped garden ground but can be structurally altered
Zones 1 - 6					543		
Zones 1 - 6						421	77% of private ground is usable - 421 sqm = 5.2 times larger than required as a minimum within the PNC Placemaking Guidance
Zones 1 - 6						122	23% of private ground is unusable
SEMI-PRIVATE GARDEN AREA							
Zone 7	Front Semi Private Garden Ground - mixture of 1:40 and 1:21 fall	Sun mid afternoon and evening. Opportunity for external amenity space facing south and west.	Screening in place from stone wall and landscaping	Yes	82		Usable garden ground within the garden area
Zone 8	Front patio - semi private - 1:40 Fall or less	Sun afternoon and evening. Opportunity for external amenity space facing south and west	Screening in place from stone wall and landscaping	Yes	47		Usable garden ground within the garden area
Zone 9	Front drive and multi use area - semi private - 1:21 Fall or less	Access drive but also usable space if required as cars can be located / housed in garage	More visible from minor road although screening in place	Yes	87		Access drive but also usable space if required as cars can be located / housed in garage
Zone 10	1300mm high natural stone wall and entrance pillars and gate	N/A	N/A	N/A	4		N/A
Zones 7 - 9					220		
Zones 7 - 9						220	100% of semi private ground is usable (wall area)
SEMI-PUBLIC GARDEN AREA							
Zone 10	Usable graded ground - semi public	Access turning and turning head.	Visible from minor road	Yes	106		Access turning and turning head.
Zone 11	Front planting area	Sun afternoon and evening. Opportunity for planting	Visible from minor road	Yes	29		Usable garden ground within the garden area
Zones 10 - 11					135		
Zones 10 - 11						135	100% of semi - public garden ground is usable
KEY SITE AREA CRITERIA							
Private Footprint area (Roughed)					265		
Garage - two car parking spaces					44		
Overall Plot Area					1213		
House to Plot Ratio					25%		
Garden Ground					1072		
House to Garden Ratio					28%		
Usable Garden Ground					643		
Usable Semi Public Garden Ground					135		



ROOT ZONES EFFECTED BY MINOR REGRADING EARTH WORKS AND RETAINING WALLS

Garden Ground Analysis
Tree Root Assessment
NTS @ A1



jbrowster@urds.co.uk
07827 947 143

Project: Castlecroft, Forganvenny, Perth, Perthshire, PH12 9HS

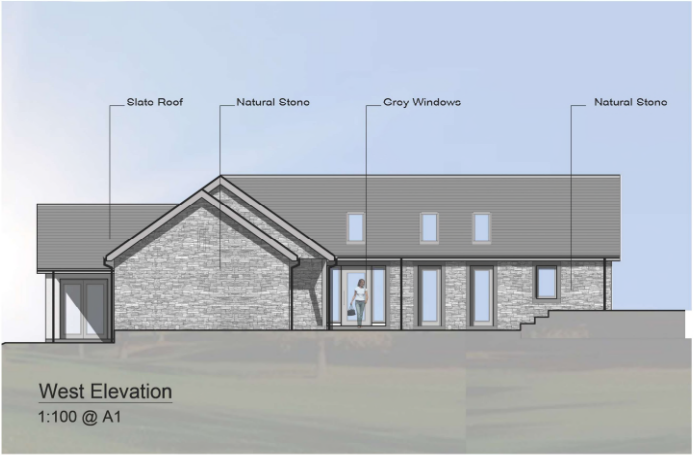
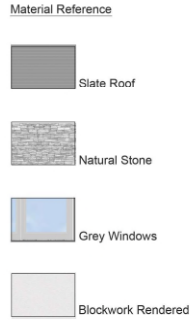
Client: Mr & Mrs Black

Title: Garden Ground Analysis

Status: For Planning

Ref: PL(80)/103 Revision:

Scale: 200@A1 Date: 27/04/2021



Proposed Dwelling

Proposed Dwelling – Gardens of Castlecroft, Forgandenny, Perthshire

Design and Access Statement



In Respect of

Proposed Dwelling

Forgandenny

Perthshire

For

Mr and Mrs Ian Black

Castlecroft

Forgandenny

Perthshire

Drawing No: D(20)001

First Drafted: 25/01/2021

By: JB

Revision: B

Date: 25/01/2021

Introduction

The applicants have lived in the village of Forgandenny for over 40 years, having brought up their family in Castlecroft house itself. However they wish to retire and stay within Forgandenny where they have an established home and are part of the local community. Having reviewed the opportunities to remodel the current property to provide a suitable retirement house, the two storey massing, general layout and the sheer amount of work required to achieve this, they have made the difficult decision to hand the family home to their grandson and build a bungalow for their retirement within the extensive garden grounds associated with Castlecroft.

The current Castlecroft house appears to have been built Circa 1970's and is located on Station Road, a single track road leaving Forgandenny to the north, the road services a small number of residential properties and two farms. It is fair to say that this is not the most prominent approach to the village, The B935 running East / West, is the road which most people will approach and access the village of Forgandenny. It is therefore not a hugely trafficked road and as a result is unclassified.

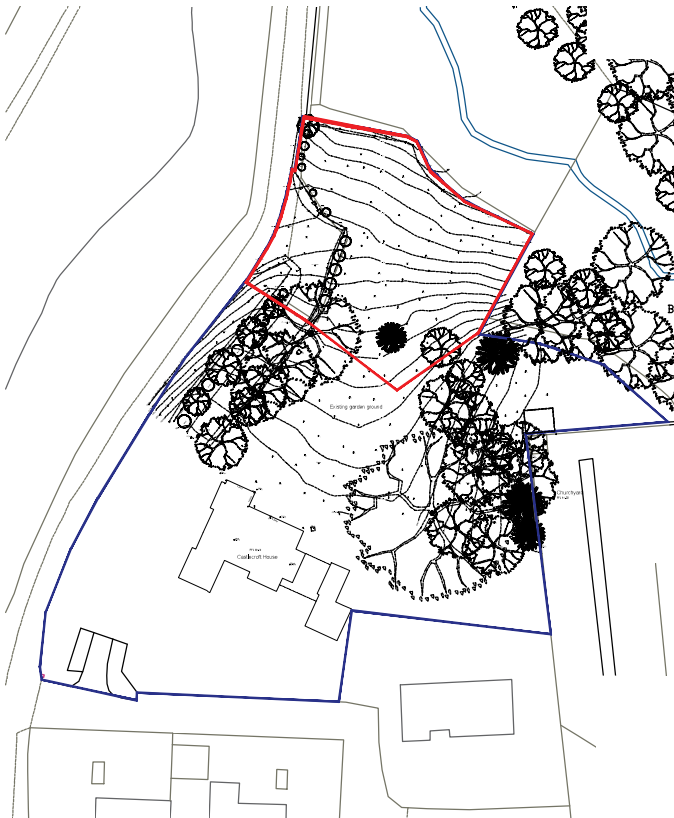
The current house sits on a raised area with a large and extensive garden sloping significantly downwards to the north. The architectural style of the house is completely different to that of the more traditional houses found in the heart of the village and indeed of the adjacent B listed Church. The house and gardens sit within the settlement boundary of Forgandenny and also sit within the designated Conservation area.

The scale, materials and articulation of Castlecroft, and a good number of the other 'modern' houses within the immediate vicinity, do not mirror that of the church and the properties within the village centre. The traditional properties are in the main single storey in massing, stone finished and have slated roofs, however the later houses have blockwork rendered finishes, tiled roofs and a more modern aesthetic and in line with the circa 1970's / 1980's typical design.

Our application outlines the proposal for a new single storey dwelling nestled in the garden ground of Castlecroft and sits within the settlement boundary.

The proposed house is single storey, has three bedrooms, open plan living dining space and a lounge area. The house is specifically designed to be in keeping with the local vernacular, traditional in style, utilising stone, slate pitched roofs but has a few modern interventions to align with Castlecroft itself and the other more modern neighbouring properties.

Great time and consideration has been given to the siting and the subsequent design to ensure we are in keeping with houses of a similar scale within Forgandenny and the surrounding area, whilst also very mindful of its relationship with the existing house and the listed church building which sits in an elevated yet very concealed location.



Existing Site Plan
1:500 @ A3



Proposed Site Plan
1:500 @ A3



Photo - No.3 - Corner Of Churchyard

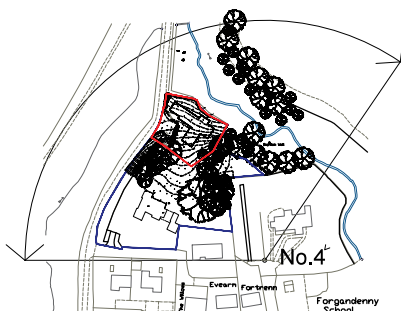


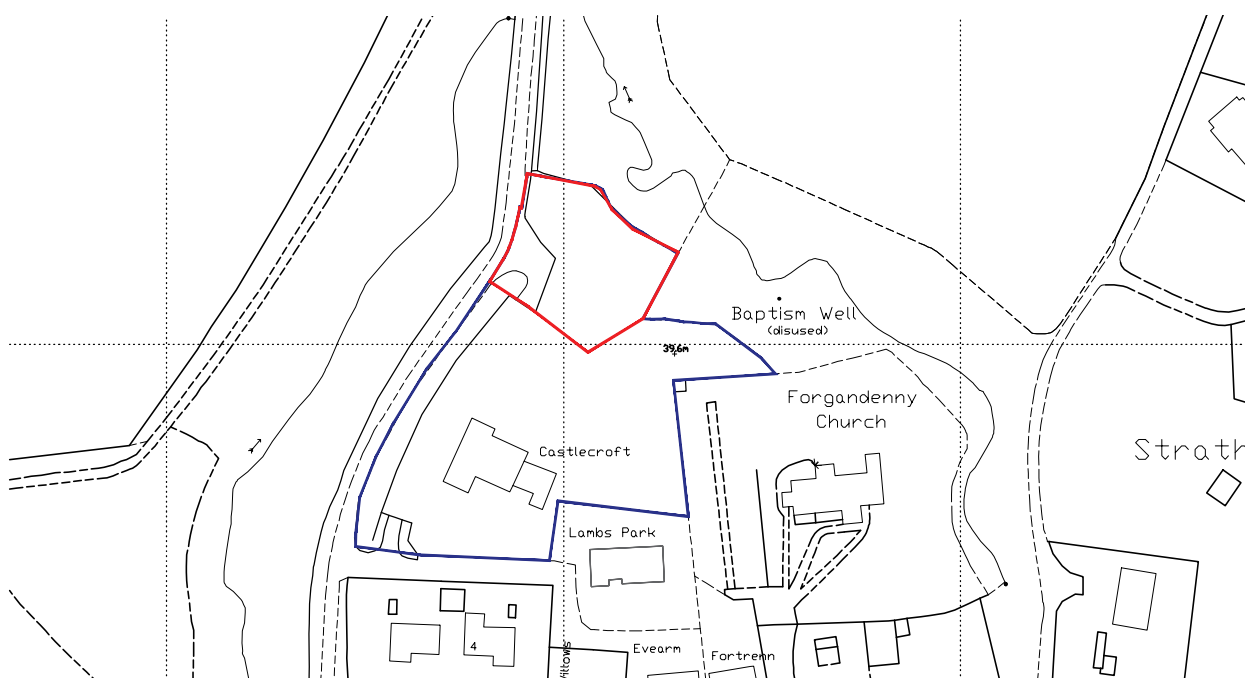
Photo - No.4 - Entrance To Churchyard



1.0 Site Description and Local Context



The site for the proposed house lies on the norther edge of Forgandenny and is located within the defined garden owned by the applicant. The site is in a recessed position as the garden rises quite steeply towards Castlecroft house and the village. It is the last property to be located within the settlement boundary to the north and you leave the village on station road and will be one of the first you approach Forgandenny on this road.



The proposed access to the site is via Station road on an already established access point leading from station road.

The site is significantly lower than the current house and is set against a grassy bank sloping up towards Castlcroft to the south.

The site is also set against a backdrop of a dense mature trees surrounding the elevated church and graveyard to the south east . The levels and mature planting is such that the church and graveyard is not visible from the proposed site and likewise when in the churchyard the site is also not visible.

The site is bounded to the west by station road, from which a good number of residential properties are located within Forgandenny and to the south the garden currently forms the settlement boundary.

We have had ground investigation works carried out to determine the quality of the ground and its ability to drain as part of the initial feasibility exercise looking at the site, levels and ground make up.

The site is on the fringe of the village and on the southern boundary of the designated conservation area.

2.0 Justification

We have assessed the development plan policies with which our application site will be assessed under and we have noted them below:

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2019.

“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.” (TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012)”

Our application site is located within the curtilage of Dunning and is on the outer edge of the conservation area designation - as set out in the adopted Perth and Kinross Local Development Plan:-

Policy 28: Conservation Areas Policy 28A: New Development

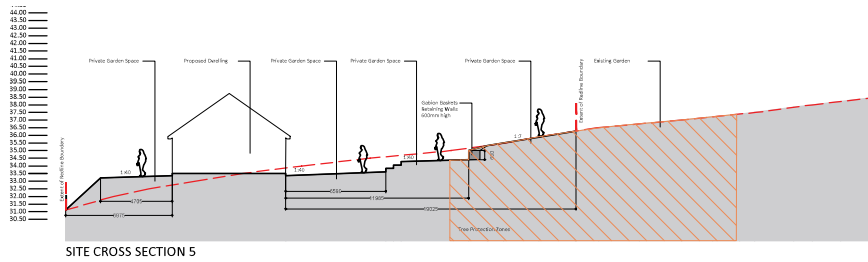
The Council will support proposals for development within a Conservation Area if the proposals preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate and sympathetic to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals. Applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable without detailed plans, including elevations, which show the development in its setting.

Policy PM1A: Placemaking.

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.

Under the Council's Policy Guidance, we believe favourable consideration will be given to proposals for the redevelopment of the site.



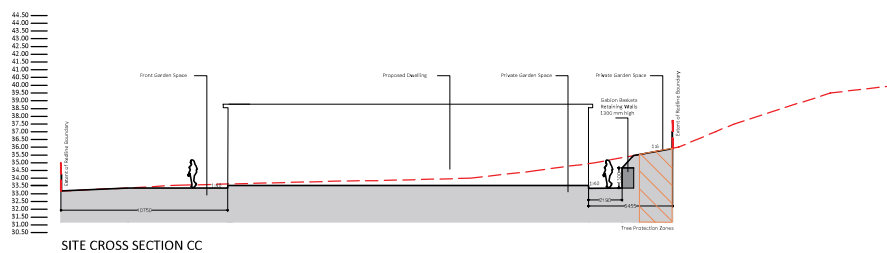
Scale and Design

The footprint provides a comfortable retirement home, with the ability to accommodate family visitors and potentially carers if required in the future. The elevations of the proposed dwelling illustrate that it is traditional in form and scale which will complement the existing dwelling houses located in and around Forgandenny, with a pitched roof design and good quality external materials.

The single storey nature of the scale allows the house to nestle into the existing garden and the scale ensures that the levels are such that it will not have a detrimental impact on the settling of Castlecroft itself or indeed the adjacent church as the setting is effectively unaffected.

Visual Impact and character

A replacement dwelling should not have a detrimental visual impact on the adjacent properties and it should respect its context and surrounding character. The proposed dwelling house should meet the required siting criteria and the guidance. In line with the Perth and Kinross Placemaking guide we have achieved the 80 square metres of garden ground required for a 3 bedroomed house and the house has a minimum garden depth of 9 metres in a number of directions.



Relationship and setting of the B listed Forgandenny Church and Churchyard

Category	B
Date Added	05/10/1971
Local Authority	Perth And Kinross
Planning Authority	Perth And Kinross
Parish	Forgandenny
NGR	NO 08768 18361
Coordinates	308768, 718361

Description – Church (Historic Environment Scotland)

Originally Romanesque, rectangular plan 70' 7" x 21' 7" internally; fragment of double notch enrichment of arched doorway built into S. wall. Porch (later Oliphant burial vault and pew) and probably transepts added later, N. transept demolished, S. Transept rebuilt as Ruthven vault probably 16th century, recast 18th century with Venetian feature and urns; birdcage bellcote 17th/18th century. Large reconstruction T.S. Robertson 1903, Oliphant aisle removed, new W. porch, Ruthven aisle altered, new square headed 2-light windows and E. window, pitch-pine roof, E.&W. galleries removed pulpit removed from N. wall to E. (again replaced recently.)

Description – Church (Canmore)

The small fragment of ancient work left at Forgandenny, a few miles S of Perth, along with the more important remains in the district, point to the importance of Strathearn in early times. That this has been originally a Norman church there can be no doubt, and it is suggestive and interesting to find such work here and at Dunning, each about 2 miles distant from Forteviot, the residence of early Pictish kings. The building is still in use as the parish church, but has been greatly altered at various times and now it is only in some bits of detail that its antiquity can be detected. It measures on the inside 70 ft 7 ins (21.5m) long by 21 ft 7 ins (6.4m) wide.

The E wall is in the main of Norman masonry. It has a splayed base, which returns at each corner but is soon lost in the rapid rising of the ground towards the W. From the E end, the ground slopes downwards to a wooded dell which skirts the churchyard on that side. Two widely-splayed narrow windows are shown on the plan in the E wall, but only the built centre mullion or pier now exists. It is of fine masonry in four courses 2 ft 10 ins (0.9m) high and is set at a height to the sill of about 8 or 9 ft (2.4 or 2.7m) above the floor. These windows have been built up, and all traces of them were lost till an examination of the wall revealed their existence.

Two or three windows in the side walls, with double splays on the exterior, probably belong to the 15th century. They are square-headed, and have been greatly knocked-about. In the N wall there is a peculiar narrow door about 2 ft 3 ins (0.7m) wide, splayed on the exterior and lintelled like the windows just mentioned.

The doorway to the church, which is now built up, was in the S side near the W end. It appears to have been of Norman work, and a small piece of its enrichment still remains consisting of the trigonal moulding with a double notch enrichment, frequently found in the outer member of Norman arches. At some later time a porch has been added, when probably the Norman door was dismembered and this fragment built into the wall.

Sometime after the Reformation, a laird's seat (belonging to the Oliphants of Condie) was projected into the church on a high level; the congregation gained access under it. This seat was done away with by giving the Oliphants the porch, which they converted into a burial-vault, enlarging it at the same time and making their seat over it with an opening into the church. The Ruthven vault, situated further E, is probably a structure of the 16th or 17th century. Some closed-up windows have features of that period, and the seat belonging to Freeland House is situated over it.

The foundations of a building were recently discovered on the N side of the church, exactly opposite this vault, suggesting the idea that the simple Norman building had been converted into a cross church.

The bowl of the font still remains. It is octagonal, but not equal sided, and is somewhat broken. It measures 2 ft 1 1/2 ins (0.64m) over all by about 15 ins (0.38m) high.

Description – Graveyard

Good collection of 18th century stones Burial place of Alex Brodie, covenanter. Gate T.S. Robertson 1902.





The church is located adjacent to our clients property, however looking at a location plan in isolation is deceiving, as whilst it is located proximately the levels are such that there is no real visual connectivity between both sites. The proposed Finished floor level of the new House sits at 33.75 –and the finished floor level of the church is 40.60, therefore the church sits approximately 6.25 m above the level of the proposed single storey house.

The site is bound to the north and west of the churchyard by a dense mature band of trees on the steep banks which will remain unchanged.

Given the setting and levels we do not believe the proposals will have a detrimental impact on the church or the graveyard. It is also worth noting that there have been a number of modern houses built in direct adjacency to the church and churchyard.

Within the conservation area there are also a wide variety of architectural styles ranging from the very traditional houses located in the village centre to modern 1980's type bungalows , therefore we believe the proposed house will be a welcomed addition to the village and in keeping with materials and scale of houses already evident within the village and indeed the conservation area.



Residential Amenity

The plot size is sufficient to accommodate the dwelling house and provide a suitable level of amenity for our clients in terms of private garden ground. The residential amenity of Castlecroft is still substantial and sufficient for the existing house and we believe the proposals will not have any detrimental impact on any neighbouring residential properties.

Access and parking

Access to the proposed dwelling house will be via an existing access from the public road to the West on Station road. There is sufficient space within the plot for 2 car parking spaces and turning facilities. The access retains the current visibility splays and will be consistent in terms of levels.



Conclusions

As highlighted through the points noted above, we believe the proposals to be in accordance with the Council's relevant Policy Guidance. The proposal will not have any detrimental impact on

existing setting of the B listed Church or the residential amenity of Castlecroft and there is satisfactory access and parking arrangements proposed.

3.0 Brief

3.1 Brief Prepared and Developed

The brief was to design:

- Single storey detached dwelling house
- Accommodation suitable for a family
 - Open plan Kitchen, Dining, Living space
 - Separate lounge
 - Rear Entrance to garden area
 - Utility room
 - Small office space
 - Front entrance area
 - Minimum 3 bedrooms (for family and carers in the future)
- a building which has a sympathetic traditional appearance with a modern twist and full of light and warmth
- a building which is able to survive both the test of time and harsh Scottish weather
- a building which will sit comfortably on the site and complement the surrounding properties.
- A house which will have good access and retain an element of garden.

4.0 Design

4.1 Response to Site and Context

In a direct response to the sites setting, it is intended that the proposed house would be a contemporary interpretation of vernacular forms, materials and scale.

Materials

The utilisation of simple and rational construction methods (timber frame, pitched roofs) and use of robust, local and sustainable materials (stone, render, timber frame, slate) will form a simple and elegant building, responding to and sitting comfortably within its context.

Views

The property has been positioned, orientated and internally planned to ensure the main lounge takes full advantage of the available views to the north, over to the farmland beyond. The main living and dining space is oriented north / south so it will get the afternoon and the evening sun and will also face station road and the site access. The master bedroom is located to get the morning sun and all the main rooms are orientated with minimal south facing views towards Castlecroft.



Site access

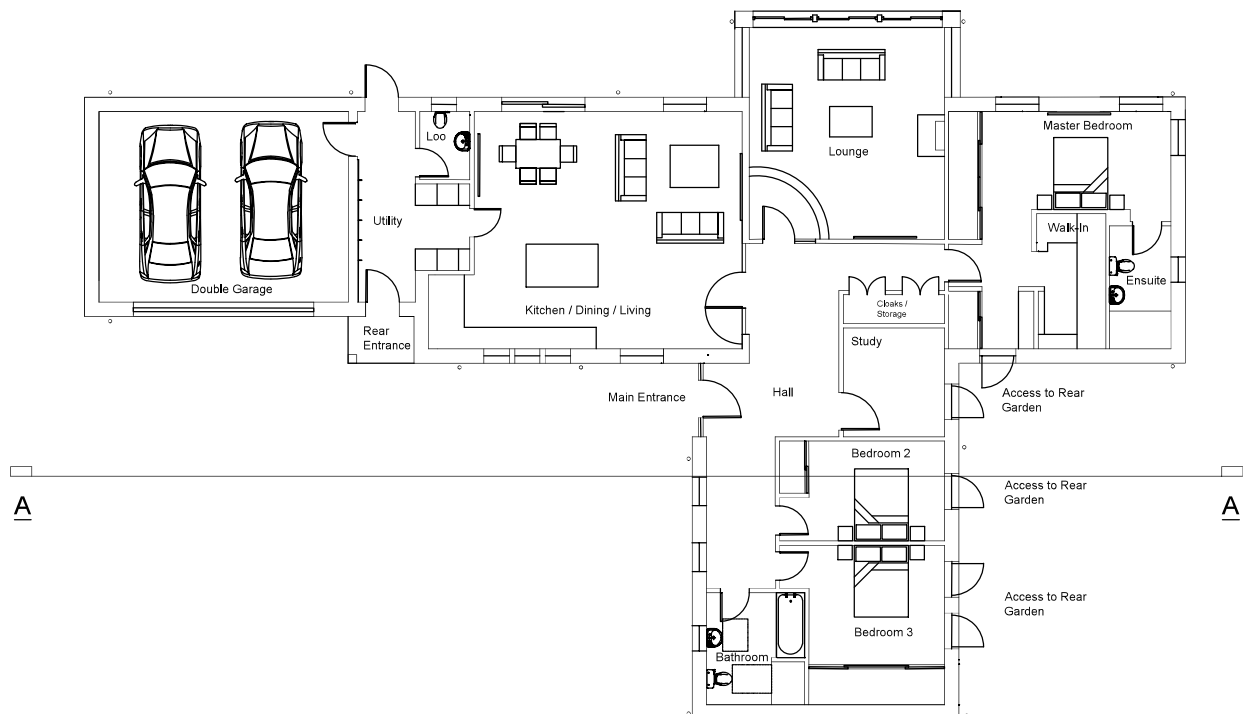
By situating the new dwelling house is in line with the garden, sitting just back from Station road. The current road access will remain as is and enables a safer of street parking solution for the house. This in turn ensures the property has it's own access and is not a through route. It therefore offers a certain degree of privacy but also safety too.



4.2 Design Proposals

Accommodation

The main entrance is located on the western elevation, leading directly into the main entrance hall and from here you can access the main living spaces (kitchen, dining, lounge) which provide views through to the landscape beyond. The secondary door on the eastern elevation will be the rear and day to day access, and provides a utility room leading to the kitchen area.

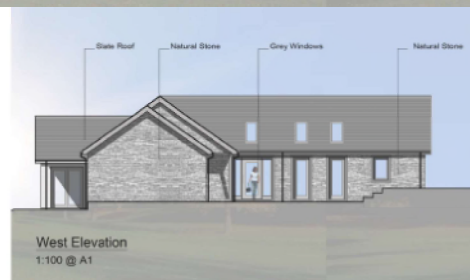


Proposed Floor Plan

Materials

We feel that the approach of utilising a traditional form with traditional materials will work extremely well on this site through well considered and appropriate detailing, which will present a stunning property.

The property has a timber frame structure and clad in a mixture of natural stone and rendered blockwork, we have introduced large long windows, providing a very balanced and uniformed appearance. The eaves and cable ends will have considerable overhangs to protect the elevations and to add depth to the elevations. The roof finishes will be natural slate offering a variation in texture and the appearance.



5.0 Accessibility

The property has been designed in line with the current Building Regulations and provides:

- Adequate vehicular access to the property
- Gradients sufficient to allow any new roadways to drain but provide universal access from the designated parking spaces towards the entrance
- Level entrance platts and thresholds
- Entrances with sufficient space for a wheelchair user and assistance to manoeuvre between the doors
- A kitchen area with sufficient space for a wheelchair user to manoeuvre
- Level access out onto the path and proposed landscaping.

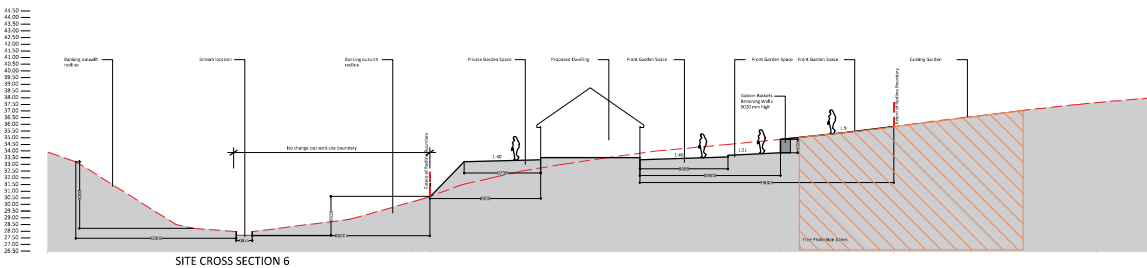
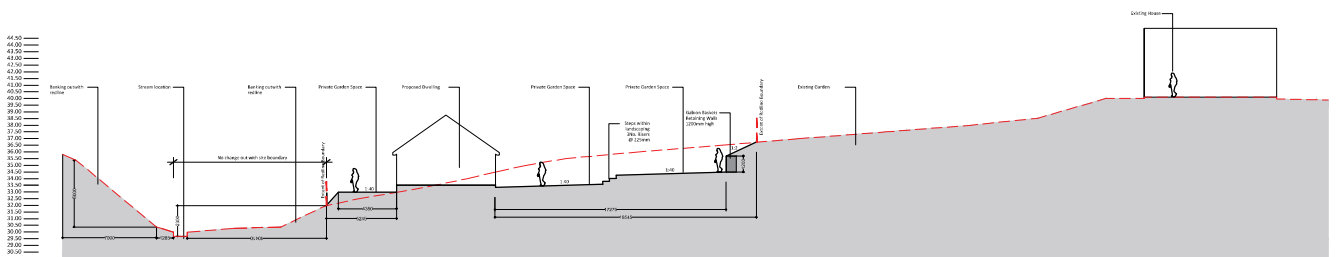
6.0 Sustainability

The approach to sustainable design is a holistic one where all aspects are integrated into a single design approach rather than a fragmented piece meal one, as we believe that simple solutions are better than over complicated solutions, which rely upon bolt-on technologies.

Wind and Solar

The building sits well in it's context and does not overwhelm the surrounding landscape. The proposed orientation provides a sheltered, milder microclimate along the north elevation and the proposed landscaped garden.

The building will be well insulated and the adoption of timber-framed construction will achieve an excellent level of air tightness. Cross ventilation is provided in the main living spaces to avoid overheating in summer.



5m survey staff at section line 2 NTS @ A1



5m survey staff at section line 6 NTS @ A1



Images of the stream in the den area



Project:	Castlecroft, Forquardenny, Perth, Perthshire, PH12 9HS
Client:	Mr & Mrs Black
Title:	Stream and Bank Site Sections - Photos
Status:	For Planning
Ref:	PL(80)105
Scale:	1:500/200@A1
Date:	09/06/2021



Castlecroft,
Forgandenny,
Perth,
Perthshire,
PH2 9HS

Junction Levels

Scale: 1:200@A4 Date: 09/06/2021

1:200 @ A4

Construction Method Statement

Proposed New Build Retirement Bungalow

Castlecroft

Forgandenny

Perthshire

The purpose of this document is to aid in the protection of the trees on the site above which are being retained throughout the construction process. These trees can easily be protected during this process by clearly setting out tree protection methods, construction techniques and working practices that are appropriate to the site, this document provides this information in line with the recommendations of BS 5837: 2012 "trees in relation to design, demolition and construction - recommendations".

1.0 Summary

2.0 Introduction

3.0 Sequenced Methods of Tree Protection

Appendix 1 Default Tree Protection Fencing

1.0 Summary

1.1 The points listed below are explained in more detail in this report and it is intended that this summary is for quick reference only. I advise that the report is read fully before any actions are decided and undertaken. This is in order to avoid breach of the tree protection legislation whether by a planning condition, Area planning designation, or specific tree preservation order that may apply to the trees on this site.

1.2 This document will give specific site instructions on the methods required to protect the trees to be retained on the site during the construction of the proposed new dwelling at Castlecroft. The following is a list of identified tree protection measures that are appropriate to the proposed construction at the above site.

- 1 Pre Construction Meeting - A pre construction meeting will be undertaken to run through the Construction Method Statement (CMS) to ensure all parties are familiar with the tree protection measures and what trees are to be protected on the site.
- 2 Execute Tree Works Details of these trees works are contained within this document and should be undertaken before construction work starts and should be in accordance to BS 3998:2010 Tree Work - Recommendations
- 3 Tree and Ground Protection Implementation of tree protection fencing and or ground protection to protect the trees retained from direct and indirect damage of the proposed construction.
- 4 General Principles of Tree Protection To aid in the effective protection of the trees identified for retention on site.
- 5 Excavation for retaining structure underground Construction Where the dismantling of an existing building needs to occur near to tree/trees to be retained on or adjacent to the site, a careful approach conforming to the current Health and Safety guidelines with a consideration to the presence of trees should be undertaken.
- 6 Erection/dismantling of scaffolding (if required) Avoiding damage in the erection and dismantling of scaffolding to the retained trees.
- 7 Site inspections will be undertaken to check and confirm the specified tree protection methods in this CMS are in place. Further site inspections i.e. site monitoring on a monthly basis carried out to confirm that the tree protection measures have not been breached during construction and that the conditions of the trees on the site have remained intact (undamaged).
- 8 Hand Dig Method of Excavation within the Root Protection Area of the Tree or Trees for Installation of retaining structures needs to be undertaken within the root protection zone of the trees, a hand dig method of excavation will be undertaken. Where re-instatement needs to be undertaken within the root protection area of the trees retained care should be undertaken to avoid damage to the trees root system. The following equipment being prohibited within the root protection area; rotavator, roller, digger, mini diggers etc, with only hand tools allowed.

2.0 Introduction

2.1 The following detailed methods are in accordance with BS 5837:2012 “trees in relation to design, demolition, and construction – recommendations” and are designed to aid in the protection of the trees and groups of trees retained at this site.

2.2 An assessment to BS 5837:2012 has been undertaken to the trees and groups of trees. The trees to be retained have been given a root protection area (RPA).

2.3 The RPA has been used to allow a Construction Exclusion Zone (CEZ) to be designated; this is the area to be protected during development by the use of barriers, ground protection measures, and specialised construction techniques or other agreed measures to ensure the protection of the trees and roots of the trees from the construction processes.

2.4 The following methods have been designated as appropriate measures for tree protection on this site in connection to the construction and are set out in a sequence to which they should be undertaken.

3.1 Phase 1

Pre Construction Meeting with all relevant parties such as the design team, contactor, the appointed arboriculture supervisor, and the client.

The purpose of this meeting is to agree and record the location of site features and site information such as

- Current tree condition
- Agree tree works (detailed in proposed tree works)
- Locations of site access
- Location of site storage
- The location of tree protection barriers/fencing and ground protection

3.2 Phase 2

Execute Agreed Tree Works to facilitate the proposed construction/landscape design

3.3 Phase 3

Tree Protection Barriers Tree protection barriers should be erected to protect the construction exclusion zone of the retained trees. Barriers should be fit for purpose and be appropriate to the proximity of work taking place around the retained trees.

The following specification should be used as the default specification for a tree protection barrier. It is suggested however that braced Heras fencing would be an appropriate alternative for tree protection at this site, as it would provide the necessary temporary protection, as opposed to the default tree protection fencing detailed below.

Once the agreed barriers are in position they should not be moved and should be considered as a permanent structure on the site until construction of the proposed dwelling and associated works is completed.

All personnel on the site should be informed of the barriers role in protecting the trees and their importance. This should be enforced during usage of the site.

Default Tree Protection Barrier Specification The barrier should consist of vertical and horizontal scaffold framework, well braced to resist impacts. The vertical tubes should be spaced at a maximum interval of 3m and driven securely into the ground (where the ground surface such as concrete or tarmac prevents ground intrusion an alternative method of fixing the verticals poles should be adopted and agreed by the local planning authority). Onto the framework, welded mesh panels should be securely fixed. Bracing poles should be used to support the framework however care should be taken to avoid contact with structural roots, (Please see Appendix 1 Default tree protection fencing for diagram)

To aid in the protection of the trees and the none admittance to the tree protection area signs should be used. These signs should be clear and straight forward and fixed upon the barrier. An example of the wording is as follows "EXCULSION ZONE – NO ACCESS" Where an area of existing hard standing such as an area of concrete or tarmac is in place and over a proportion of or all of the root protection area of a tree or trees to be retained on the site, this hard standing area may form existing tree/ground protection and may circumvent the requirement to fully fence off the trees root protection area.

3.4 Phase 4

General Principles of Tree Protection Copy of this Method Statement and Tree Protection Plan should be retained on site at all times for ease of reference. No fires should be lit next to or adjacent to the tree protection barriers. If a fire is required the position on site should be agreed by the supervising Arboriculturalist. There are to be no fires on site during construction. If heavy plant is required in the construction process such as a JCB or 360 excavator care should be taken that the excavating arm does not encroach over the tree protection barriers.

A designated storage area should be created and the position agreed upon (away from the trees). All materials for construction should be stored in this compound.

Care must be taken to avoid any leakages or spillages of toxic materials into the soil. The gradient of the site has been taken into consideration when agreeing the location of the storage area to stop any run off entering the tree protection area. As the existing hard standing such as the road construction is in place and within the RPA of the retained tree or trees then this should remain in situ and act a tree protection during construction of the building. This hard standing should only be removed (if required) once all major construction work at the site has finished.

3.5 Phase 5

When undertaking the excavation operations below ground level within the root protection area (RPA) of the trees extreme care should be taken to ensure additional disturbance to the ground other than necessary should be undertaken. If roots above 25mm in diameter within the RPA of the tree are uncovered then the following procedure should be followed; Excavate carefully around the root/roots uncovered, avoid de-barking, breaking, splitting, splintering, or shattering the roots. Once uncovered the roots which will have to be removed to accommodate the construction or further dismantling should be cut back to a point 100mm beyond the nearest edge of the construction, they must be pruned back cleanly with sharp, clean pruning saws or bypass loppers making level, smooth right angle cuts with no ragged edges. Shuttering should be used 100mm away from the cut root ends to keep the construction edge. The void should be backfilled with an approved tree planting compost mix finished to the surface.

Substances toxic to roots should be kept away from roots, i.e. tars, fuels, oils, bitumen, cement etc. Each operator of machinery who is undertaking excavation operations shall be briefed on the above by the site agent before commencing operations.

3.6 Phase 6

Erection and Dismantling of Scaffolding Care should be taken when constructing and dismantling scaffolding not to breach the tree protection barriers. The assembly of scaffolding should not be undertaken prior to the tree protection measures being installed and disassembled before the tree protection measures are removed.

3.7 Phase 7

Site Monitoring Once the listed tree protection measures are in place, a site visit will be undertaken; by the appointed arboricultural supervisor to check and confirm that the tree protection measures are correct and in accordance to this CMS (This site visit maybe combined with the pre construction meeting).

Confirmation of the exact condition of the trees prior to commencement of the construction should also take place and the findings reported to the local planning authority. Further visits if conditioned will be undertaken while the construction is taking place to check if the tree protection measures are intact and to report on any changes to the trees conditions. After completion of the construction a further check should be undertaken to confirm that no damage has been sustained to the trees. After each site visit by the appointed arboricultural supervisor a site inspection form should be produced detailing the findings/checks of each site visit (Please see Appendix 2 Site Inspection Form)

3.8 Phase 8

Hand Dig Method of Excavation within the Root Protection Area of the Trees for Installation of retaining structure Where purposes needs to be undertaken within the root protection zone of the tree or trees the following hand dig method or excavation should be undertaken.

Hand Dig Specification Where excavations have to take place within root protection areas of trees the first operation shall be to move tree protection fencing back (if required) to a line 150mm inside the nearest edge of the proposed excavation, where it shall be immediately re-erected in full accordance with BS 5837 2012 and specification of the CMS. Hand dig excavations inside the root protection area shall then be carried out by hand very carefully, avoid de-barking, breaking, splitting, splintering or shattering the roots.

The expected roots will be under 25mm in diameter and will require to be severed they will be cut back to a point 150m beyond the nearest edge of the construction towards the tree, they must be pruned back cleanly with a sharp clean pruning saw or bypass loppers making level, smooth right angle cuts with no ragged edges. Timber shuttering shall then be erected as the excavation proceeds both to protect the cut ends of the roots and to retain the edge of the excavation. Construction of the permanent retaining (if being used) can then commence, at all times keeping substances toxic to roots away from roots and the root protection area, i.e. tars, fuels, oils, bitumen, cement, plaster etc.

At completion of the construction works the shuttering shall be removed and the 150mm void between the back edge of the construction and the face of the excavation shall be backfilled with an approved purpose-made tree planting compost mix, properly consolidated to prevent subsequent settlement and finished up to adjacent surface levels.

3.9 Phase 9

Landscape Re-instatement within the Root Protection Area Where re-instatement of the ground, landscaping and, or planting including the applications of top soil or mulch needs to be undertaken within the root protection areas of the retained trees. Care should be taken to avoid damage to the trees root system. Access to the area should only be undertaken once all construction work has finished. Levelling, top dressing, and cultivation should be undertaken with manual handheld equipment only, with the use of rotavators, mini diggers, rollers and other mechanical equipment being prohibited within the root protection area of the trees.

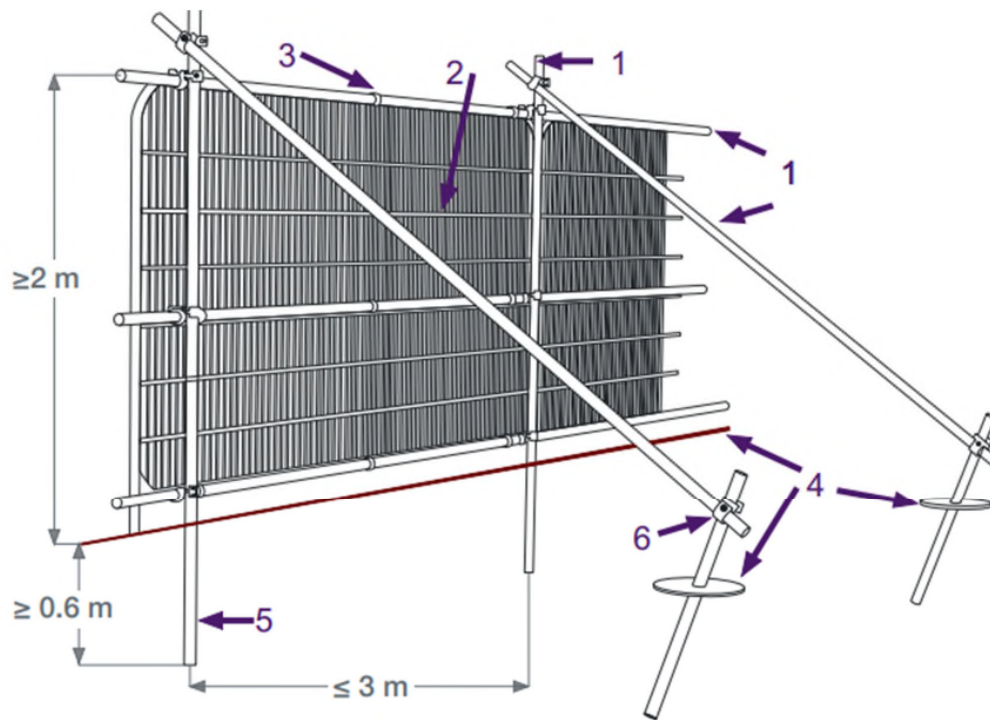
Clearance of vegetation should be undertaken by hand held equipment such as strimmers, chainsaws, power loppers only etc with tractor mounted equipment being prohibited within the root protection area of the trees. The clearance of vegetation within 1 meter of the stem (trunk) of the trees should be undertaken by hand without the use of powered machinery.

Where levelling of the site is required within the root protection area and involves the incorporation of additional top soil or mulch. The soil used should meet the standards of BS 3882: 2007 Specification for topsoil and requirements for use. There must only be a maximum of 100mm increase in soil level and no reduction to the existing soil level. Only minimal excavation to prepare the soil is permitted.

Additional In the event that the appointed contractor is uncertain of the correct course of action when undertaking construction/installation processes that may affect a tree or trees protected on site, or a situation that is unexpected arises that affects the tree or trees, the appointed arboricultural consultant should be contacted and the process discussed to find an agreeable approach.

Appendix 1

Default Tree Protection Fencing (superseded by the use of braced Heras fencing, diagram for reference only) Key



- 1 Standard scaffold poles
- 2 Heavy gauge 2m tall galvanised tube welded mesh infill
- 3 Panels secured to uprights and cross-members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6m)
- 6 Standard scaffold clamps

Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan

For Proposed Dwelling at Castlecroft, Forgandenny

Revision B Thursday 1st July 2021



Author Emma O'Shea BSc, PG Dip Env Mgmt.

Tay Ecology
Fairway
Golf Course Road
Pitlochry
PH16 5QU
Tel: 01796 472715
Mob: 07747 883464
Email: info@tayecology.co.uk
Web: www.tayecology.co.uk

CONTENTS

PART 1 – EXECUTIVE SUMMARY	3
PART 2 – GENERAL INFORMATION	4-5
2.1 Brief from Client	4
2.2 Proposed Works	4
2.3 Documents referred to	4
2.4 Documents received	4
2.5 Limitations	4-5
2.6 Personnel	5
PART 3 – TREE SURVEY	6-10
3.1 Methodology	6
3.2 Analysis	7
3.3 Tree Survey Schedule	8-9
3.4 Tree Constraints Plan	10-11
3.5 Site photographs	11
PART 4 – ARBORICULTURAL IMPACT ASSESSMENT	12-14
4.1 Loss of Trees	12
4.2 Incursion into RPAs	12-13
4.3 Above Ground Constraints	13
4.4 Conclusions	13-14
PART 5 – TREE PROTECTION PLAN	15-19
5.1 General	15
5.2 Tree Protection Plan	16
5.3 Protective Barriers and Ground Protection	17
5.4 Arboricultural Method Statement for Work Within RPA	17-19
PART 6 – REFERENCES	19
PART 7 – APPENDICES	19-25
Appendix 1 – Terms and Definitions	20
Appendix 2 – Tree Category Codes	21
Appendix 3 – Protective Fencing Specification	22-23
Appendix 4 – Example No-Dig Surface Method	24
Appendix 5 – Tree Protection Notice	25

PART 1 - EXECUTIVE SUMMARY

1.1 Proposal

It is proposed to construct a dwelling house in the grounds of Castlecroft, Forgandenny. A tree survey written in accordance with British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' is required.

1.2 Tree Survey

A tree survey was carried out by the surveyor on 14th March 2021. The trees were recorded as T801-T835, a total of 34 trees and 1 group of rhododendron shrubs were surveyed. All trees surveyed were assigned to the category A, B, C or U classification.

1.3 Arboricultural Impact Assessment

It is proposed to fell one Category C tree and relocate one Category C and the rhododendron shrubs as part of works. As regards category C trees, under normal circumstances these would not normally be required to be retained in a development context, unless in a location where they do not represent a significant constraint on the proposal. It is proposed to retain all other trees at the site and in the wider surrounding area. The impact to the tree cover is low.

The RPAs of three trees to be retained will be impacted by the development, this is calculated to be less than 7.5% of each individual RPA. Where excavation is required within the RPAs non-mechanical excavation is proposed, roots of up to 2.5cm can be cut, where any larger roots are found these must be assessed by the supervising tree consultant. Protective fencing is proposed to avoid negative impacts in other areas. As the proposed work requiring excavation within the RPAs is at the outer edge of each respective RPAs on the downhill topography of each tree it is considered that the long-term health and longevity of the trees will not be detrimentally impacted in the long-term by the proposed works.

1.4 Tree Protection

Tree protection specifications for tree protection barriers are provided, together with general advice on tree retention, working in RPAs, and an arboricultural method statement for tree works.

1.5 Conclusion

The impact of the proposed development can be satisfactorily mitigated against to ensure that there is no long-term detrimental impact to trees at the site. The arboricultural impact is low as demonstrated in the arboricultural impact assessment.

PART 2 - GENERAL INFORMATION

2.1 Brief From Client

A tree survey is required written in accordance with British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.

2.2 Proposed Works

It is proposed to construct a dwelling house in the grounds of Castlecroft, Forgandenny. The site is at an altitude of 30m above sea level at grid reference NO 087184.

2.3 Documents Referred To

The British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' is referred to throughout this report. This is a nationally recognised standard typically used by Local Planning Authorities (LPAs) to assess planning applications. It is frequently referred to in planning conditions to enforce protection or control of works that may be harmful to trees both on and off the site.

2.4 Documents Received

List of documents received from client or a representative of the client:

PL_90_002_A0 Existing and Proposed Site Plans

SK_90_200 Sketch Site Plans_Tree Plans

2.5 Limitations

2.5.1 This report was prepared for use by our client in accordance with the terms of the contract and for planning purposes only. Information provided by third parties used in the preparation of this report is assumed to be correct.

2.5.2 All trees have been inspected from ground level only using established visual assessment methodology. This is primarily a survey to assess the general health, condition, value, and life expectancy of existing trees as part of the planning and design process. This report is not a detailed document on tree safety.

2.5.3 The morphology of tree roots is influenced by past and present site conditions and tree management, eg. soil type, drainage, and local topography. The RPAs of trees may be exaggerated. RPAs are indicated on the plans as being centred around each stem, note that the actual protection area is often skewed because localised features (such as local topography etc.) make rooting conditions unfavourable on one or more sides of the tree.

2.5.4 Trees are dynamic living organisms, whose health and condition can be subject to rapid change, depending on a number, of external and internal factors. The conclusions and recommendations contained in this report relate to the trees at the time of inspection. The findings and recommendations are valid for twelve months and it is strongly recommended that trees are inspected at regular intervals and after extreme weather events for reasons of safety.

2.5.5 Whilst every effort has been made to detect defects within the trees inspected, no guarantee is given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.

2.5.6 The findings and recommendations contained within this report are based on the current site conditions. The construction of roads, buildings, service wayleaves, removal of shelter, and alterations to established soil moisture conditions can all have a detrimental impact on the health and stability of retained trees. Accordingly, a re-inspection of retained trees is recommended on completion of any development operations.

2.5.7 This report has been prepared for the sole use of the client and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

2.6 Personnel

Emma has worked in the environmental sector for seventeen years, including twelve years predominantly focused on woodland management, during which time she has gained a wealth of experience and expertise. Emma has been qualified in arboriculture and ground level tree operations for fifteen years, has carried out tree surveys for nine years, and holds the Lanta Tree Survey and Inspection Award. During the last seven years she has worked as an ecological and arboricultural consultant for Tay Ecology with lead responsibility for development projects. She graduated with a BSc from University of Edinburgh, has a Postgraduate Diploma in Environmental Management and is a member of the Arboricultural Association and Institute of Environmental Management and Assessment.

PART 3 – TREE SURVEY

3.1 METHODOLOGY

3.1.1 Trees on and adjacent to the proposed development site where these trees may be impacted by the proposed work have been recorded. Trees are numbered T801-T835, this includes one tree group comprising 5 rhododendron shrubs. Tree species T801-810 include Norway maple, sycamore, ash, silver birch, cherry sp., rowan, lime, spruce, and a monkey puzzle. T811-835 in the wider grounds include Norway maple, sycamore, Lombardy poplar, silver birch, beech, ash, sessile oak, lodgepole pine and Douglas fir.

All trees surveyed were assigned to the category A, B, C or U classification.

3.1.2 Data was collected in accordance with the requirements of British Standard 5837:2012. All observations were from ground level, with the aid of binoculars, without detailed or invasive investigations. Measurements were taken using a tape measure, clinometer, and laser measure. Where this was not possible or reasonably practical, measurements have been estimated by eye.

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

3.1.4 BS 5837:2012 requires retention of better quality (category A and B trees) where possible. Planning permission overrides a Tree Preservation Order and Conservation Area. Furthermore, trees are a material consideration in the UK planning system irrespective of their legal status. It is therefore not considered necessary to highlight or give additional merit to trees that have legal protection.

3.1.5 All category A, high & B moderate quality and value trees will, where possible, be retained on development sites, and should influence and inform the design, site layout, and in some cases the specific construction methods to be used. The root protection areas of these trees will generally form a construction exclusion zone, although under certain circumstances it may be possible to build within these areas providing that appropriate, specifications have been agreed between the local planning authority, the consulting arboriculturist and the developer/client.

3.1.6 As regards category C trees; under normal circumstances these would not normally be required to be retained in a development context, unless in a location that they do not represent a significant constraint on the proposal. See relevant note at foot of Cascade diagram BS 5837:2012.

3.1.7 All category U trees should be removed for reasons of sound arboricultural practice or health & safety, irrespective of any development proposals.

3.1.8 Trees may be recorded as group or woodland where:

- i) The canopies touch.
- ii) The trees have more group value than individual merit.
- iii) They are part of a formal landscape feature like an avenue.
- iv) It is impractical to record them individually.

3.1.9 Where trees within groups or woodlands etc. are recorded together, it may be necessary to record individual trees where it is necessary to distinguish them from others, this may be required initially, eg. if a tree is in category U, or at a subsequent stage as the design process evolves.

3.2 ANALYSIS

3.2.1 Site Description

It is proposed to construct a dwelling house in the grounds of Castlecroft, Forgandenny. The site is at an altitude of 30m above sea level at grid reference NO 087184. The area is dominated by open lawn, with a small number of trees and shrubs around the perimeter both within and out-with the proposed site boundary. Trees range in age from young to mature and comprise deciduous and coniferous species.

3.2.2 Species

Immediately around the site are a small number of young to mature deciduous and coniferous trees. The tree survey included the trees to the south-west along the existing access drive and in the southern part of the existing garden. Tree species include Norway maple *Acer Platanoides*, Sycamore, *Acer psuedoplatanus*; Monkey puzzle, *Araucaria Araucana*; Silver birch, *Betula pendula*; Hornbeam, *Carpinus betulus*; Beech, *Fagus sylvatica*; Ash, *Fraxinus excelsior*; Sitka spruce, *Picea stichensis*; Lodgepole pine, *Pinus contorta*; Lombardy poplar, *Populus nigra Italica*; Cherry sp., *Prunus sp.*; Douglas fir, *Pseudotsuga menziesii*; Sessile oak, *Quercus petraea*; Rhododendron, *Rhododendron sp.*; Rowan, *Sorbus acuparia* and Common lime *Tilia x europaea*.

3.2.3 Categories

The trees recorded are category C 29%, B 60%, and A 11%. The distribution of categories of individual trees is as follows:

BS 5837 Category	Number of Trees	% Trees
A	4	11
B	21	60
C	10	29
U	0	0
Total	35	100

3.2.4 Life stage

60% mature, 14% early-mature, and 23% young trees recorded.

The life stages recorded for individual trees are summarised as follows:

Life Stage	Number of trees	% of Trees
Young	8	23
Early-mature	5	14
Mature	21	60
Over-mature	1	3

3.3 Tree Survey Schedule

Ref.	Species	Hgt. (m)	DBH (mm)	Branch spread (m)				Clr (m)	Life stage	General observations	Condition & Vigour	ERC	Cat.	RPA (m)	Proposed Work
				N	E	S	W								
801	Rowan	3	70;40	2	2.5	1	1.5	0.5E	Y	Bifurcates at 0.5m	Fair	10+	C2	1.4	Retain
802/1		2	60;60	1	1	1	1					10+		1.4	
802/2		2	40;50;60	1	1	1	1							1.8	
802/3		2	80;70	1	1	1	1							1.8	
802/4	Rhodo-	2	60;80	1	1	1	1							1.6	
802/5	dendron	2	40;40;50	1	1	1	1	n/a	Y	Group of 5 rhododendron shrubs	Good		C2	1.5	Relocate
803	Prunus sp.	6	120;60	3	2.5	2	2.5	1N	Y	Bifurcates at 1m	Good	10+	C2	1.6	Fell
										Splits into 4 stems at 2m, 2 compression forks, substantial increment strips, helical cracking indicated.		20+			Retain/ Prune as required
804	Lime	14	770	6	6	5	5	2W	M		Fair		B2	9.3	
805	Monkey puzzle	2	<100	1	1	1	1	1E	Y	Young tree	Good	10+	C2	1.2	Relocate
	Norway maple	7	130;130	2	2	2	1.5	1E	EM		Good	10+	C2	2.2	Retain
807	Silver birch	22	320	3	3	3	3.5	3W	M	Bifurcates at 1m	Good	20+	B2	3.8	Retain
808	Sitka spruce	31	840	4	5	6.5	5	2S	M		Good	40+	A2	10.2	Retain
809	Sycamore	23	780	5	5	6	8	3W	M		Good	20+	B2	9.4	Retain
810	Ash	7	270	2	1	2	6	4W	EM	45 degree leaning west	Poor	20+	B2	3.2	Retain
811	Sessile oak	18	700	3	3	3	3	8W	OM		Poor	10+	C2	8.4	Retain
812	Sycamore	19	890	5	5	8	4	4S	M		Good	20+	B2	10.6	Retain
813	Ash	12	250	2	2	2	2	2N	EM		Good	20+	B2	3.0	Retain
814	Sycamore	14	200;180	4	4	4	4	1E	EM	Ivy cover	Good	20+	B2	4.5	Retain
815	Sycamore	12	250	2	2	2	2	2N	EM	Ivy cover	Good	20+	B2	3.0	Retain
816	Hornbeam	14	660	6	6	6	6	1N	M	East side of drive	Good	20+	B2	7.9	Retain
	Lombardy poplar	30	450	4	4	4	4	2.5E	M	East side of drive	Good	40+	A2	5.4	Retain
818	Lombardy poplar	30	450	4	4	4	4	2S	M	East side of drive	Good	40+	A2	5.4	Retain
819	Cherry sp.	14	300	2	3	2	2	4E	M	East side of drive, limited crown	Fair	20+	B2	3.6	Retain
820	Acer sp.	7.5	150	2	2	2	2	2S	Y	West side of drive	Good	10+	C2	1.8	Retain
821	Acer sp.	7.5	150	2	2	2	2	2S	Y	West side of drive	Good	10+	C2	1.8	Retain
822	Acer sp.	7.5	150	2	2	2	2	2S	Y	West side of drive	Good	10+	C2	1.8	Retain
823	Acer sp.	7.5	150	2	2	2	2	2S	Y	West side of drive	Good	10+	C2	1.8	Retain
824	Acer sp.	14	380	4	4	4	4	2W	M		Good	20+	B2	4.5	Retain
825	Silver birch	16	310	3	3	3	3	2E	M		Good	20+	B2	3.7	Retain
826	Cherry sp.	18	450	3	3	3	3	1E	M	Along church wall, decay in removed limb	Fair	20+	B2	5.4	Retain
827	Ash	17	450	4	4	4	4	1.5W	M		Good	20+	B2	5.4	Retain
828	Beech	18	450;150	5	5	5	5	1.5N	M		Good	20+	B2	7.2	Retain
829	Ash	17	580	4.5	4.5	4.5	4.5	2.5S	M	Along church wall	Good	20+	B2	6.9	Retain
830	L.Pine	20	4x200	4	4	4	4	1S	M	Along church wall, multi-stemmed	Fair	20+	B2	4.8	Retain

831	L.Pine	21	450;180	4	4	4	4	4	4	4	1S	M	Along church wall, bifurcates at 1m	Fair	20+	B2	7.5	Retain
832	Douglas fir	19	730	5	5	5	5	5	5	5	2.5W	M	Along church wall	Good	40+	A2	8.7	Retain
833	Acer sp.	14	400	4	4	4	4	4	4	4	2S	M		Good	20+	B2	4.8	Retain
834	Silver birch	16	300;370	4.5	4.5	4.5	4.5	4.5	4.5	4.5	3E	M		Good	20+	B2	8.0	Retain
835	Silver birch	16	430	4	4	4	4	4	4	4	2.5W	M		Good	20+	B2	5.1	Retain

KEY

Ref: Reference number assigned to that item with a code to help identification such as T = tree

Hgt: Height of the tree in metres rounded up to the nearest half metre.

DBH: 'Diameter at Breast Height' – the stem diameter measured in millimetres at 1.5m above ground level, to the nearest 10mm. Where the ground around the base of the tree is not level this is taken 1.5m above the upper side of the slope.

Crown Spread: The crown spread is given to four cardinal points, rounded up to the nearest half metre.

Clr: 'Crown clearance' is the height of the lowest branch above ground level, with the general direction it is growing to a cardinal point.

Life Stage: Recorded with codes as follows, and relative to the species of the tree: Y – Young; EM – Early-mature; M – Mature; OM – Over-mature; D – Dead.

General observations: includes notes on structural defects, physiological problems, special features, decay and management recommendations. Please note that management recommendations do not constitute a specification for any required works.

Condition: Good = Healthy tree with no major defects, considerable life expectancy, with good shape or form; Fair = Healthy tree with easily remedied defects, shorter life expectancy, with reasonable shape or form; Poor = Tree with significant structural defects and/or decay, low vigour, under stress, limited life expectancy and with inferior shape and form; Dead = Dead, dying, and dangerous trees, very low vigour, severely limited life expectancy, serious structural defects and/or decay.

ERC: 'Estimated remaining contribution', recorded in a range of years is the amount of time the tree can realistically be retained for.
<10 - Unsuitable for retention; 10-20 - Can be retained in the short term; 20-40 - Will continue to offer benefits for the foreseeable future; 40+ - Good longevity potential

Cat: 'Category grading', a full explanation of the categories is given in an excerpt from BS 5837:2012 in the cascade chart, appendix 2.

RPA: 'Root protection area', appears on the survey plan and is calculated by multiplying the stem diameter using one of three methods specified in BS 5837:2012 depending on the number of stems the tree has. This should be considered an indication only as various factors may influence the size and shape of the RPA, such as past and present site conditions, and ground constraints such as roads, underground services, soil type, drainage, and topography.

Tree Constraints Plan

Castlecroft, Forgandenny

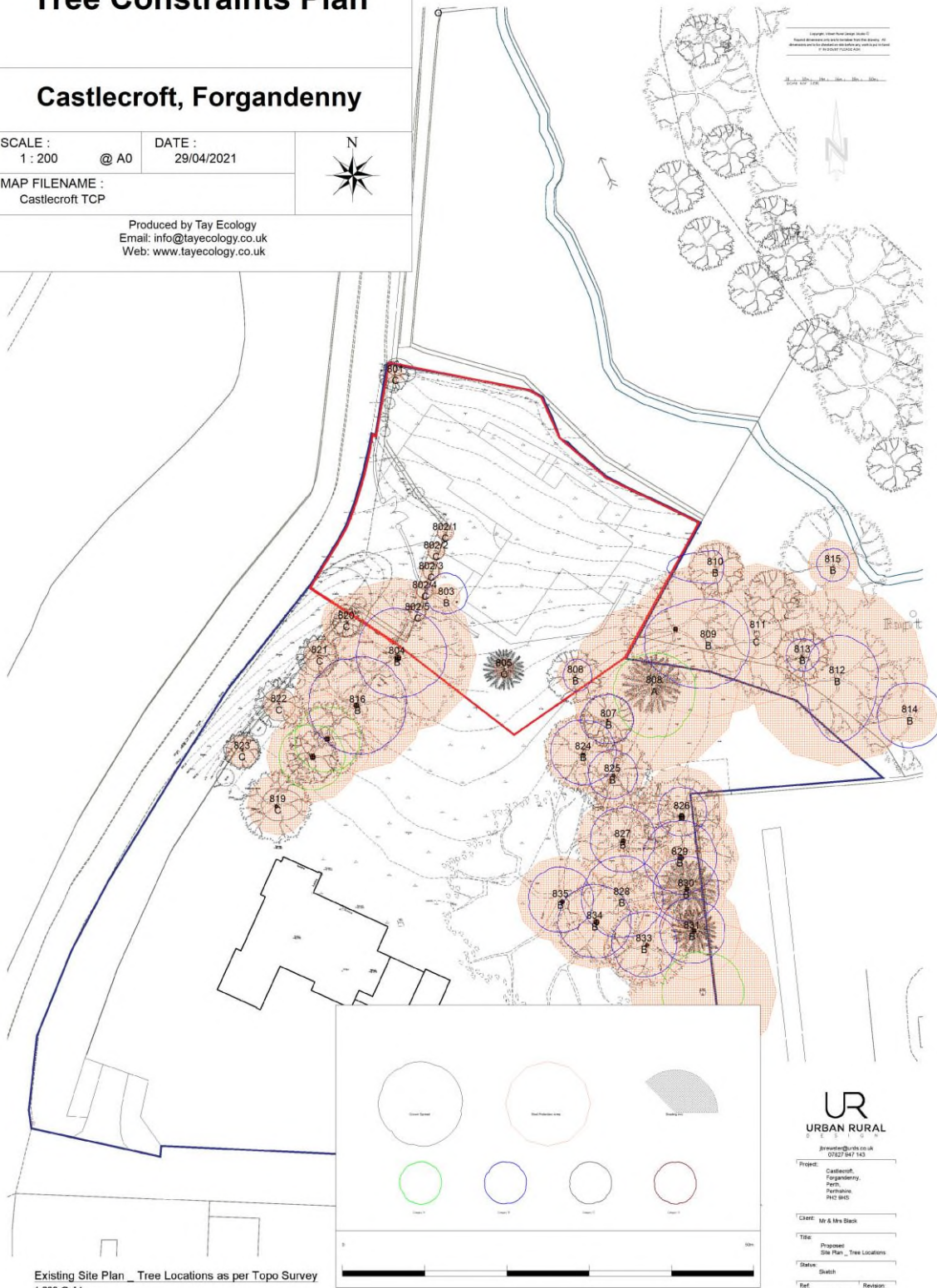
SCALE :
1 : 200 @ A0

DATE :
29/04/2021



MAP FILENAME :
Castlecroft TCP

Produced by Tay Ecology
Email: info@tayecology.co.uk
Web: www.tayecology.co.uk



Existing Site Plan _ Tree Locations as per Topo Survey
1:200 @ A1

3.4 Tree Constraints Plan

A tree constraints plan has been produced for the site. The trees were recorded as T801-T835, a total of 34 trees and 1 tree group of rhododendron shrubs were surveyed across the site.

The morphology of tree roots is influenced by past and present site conditions and tree management, eg. soil type, drainage, and local topography. The RPAs of trees may be exaggerated.

3.5 Site Photographs Trees

T808



T803



T805, TG802 and T806



Site looking NW



PART 4 – ARBORICULTURAL IMPACT ASSESSMENT

4.1 LOSS OF TREES

The development footprint proposes the loss of one Category C tree, 803. It is proposed to relocate one category C tree, 805 and the rhododendron shrubs, 802. As regards category C trees, under normal circumstances these would not normally be required to be retained in a development context, unless in a location where they do not represent a significant constraint on the proposal. It is proposed to retain all other trees at the site and in the wider surrounding area and plant a replacement tree to compensate for the loss of 803. The impact to the tree cover is low.

4.2 INCURSION INTO ROOT PROTECTION AREAS

The RPAs of three trees to be retained, 804 lime, 808 spruce, 806 Norway maple will be impacted by the development, this will be less than 7.5% of each individual RPA. For tree 804 7.3% of RPA, tree 808 5.2% and tree 806 6.3%. Where excavation is required within the RPAs non-mechanical excavation is proposed, roots of up to 2.5cm can be cut, where any larger roots are found these must be assessed by the supervising tree consultant. Protective fencing is proposed to avoid negative impacts in other areas. As the proposed work requiring excavation within the RPAs is at the outer edge of each respective RPAs on the downhill topographical of each tree it is considered that the long-term health and longevity of the trees will not be detrimentally impacted in the long-term by the proposed works.

It is not anticipated that the RPAs of other retained trees at the site will be directly impacted by the development. However, in the event work is required which may encroach into any RPA, work must be non-mechanical excavation using hand tools or using a no dig surface method which can cover up to 20% of the RPA. Arboricultural methodology must be adopted for any works in the RPAs of retained trees in case tree roots are discovered. It is anticipated that the impact of the proposed development can be satisfactorily mitigated against to ensure that there is no detrimental long-term impact to RPAs at the site.

The RPAs of all trees on the site which are in the vicinity of, but out-with, the proposed development footprint can be safely protected from compaction or other disturbance by ground marking. Ground protection requirements will depend on the intensity of work around any individual tree in this area. RPAs are indicated on the plans as being centred around each stem, note that the actual protection area is often skewed because localised features (such as local topography etc.) make rooting conditions unfavourable on one or more sides of the tree.

4.2.2 Protective Fencing

BS 5837 requires the installation of protective fencing to protect trees to be retained during construction operations. The fence creates a physical barrier between the construction area and the Construction Exclusion Zone (CEZ). The line that a protective fence takes is based upon the calculation of Root Protection Areas but also requires the physical constraints of the site to be taken into consideration. The provisional Tree Protection Plan gives an indicative positioning for the placement of protective fencing and construction exclusion zones. A specification for protective fencing is given in Appendix 3.

4.2.3 Changes in Ground Level and Surfaces

Changes in ground levels and surfaces within the RPAs of trees to be retained can be detrimental to tree health and stability. Excavations which result in root severance and soil compaction can have serious implications for the long-term future health and stability of the tree. Increasing levels and changing surfaces within root protection areas can be equally damaging as this may result in anaerobic conditions at rooting level resulting in tree root disease and death. Therefore, it is

essential that trees to be retained must have their RPAs protected from any changes in levels. Permeable surfacing materials are recommended to be used in the construction of any surfacing that encroaches on RPAs to allow for percolation of water and gas diffusion.

Where excavation is required within RPAs non-mechanical excavation is proposed, roots of less than 2.5cm can be cut, larger roots must be retained, and advice sought from the supervising tree consultant. A no dig surface methodology is proposed to avoid negative impacts to RPAs in other areas. This would raise the level of the ground in the identified area. A no dig surface can cover a maximum of 20% of any RPA. Where the ground level is raised in any RPAs a permeable surface material is recommended to allow air and water to percolate.

4.2.4 Installation of Services

Traditionally the installation of underground services is carried out by the digging of open trenches and installation of the service(s) prior to backfilling. It is widely recognised that this methodology is detrimental to the health of trees where the digging of trenches involves the severance of tree roots. Overhead services can also come into conflict with tree canopies resulting in unnecessary pruning or tree removal. To minimise any impact on trees all services should, wherever possible, be located out-with the root protection areas and crown spreads (for overhead cables) of retained trees. Where services must be installed in root protection areas excavation must be non-mechanical and where feasible roots greater than 2.5cm diameter retained.

4.2.5 During Construction

All construction vehicles will use the existing road access. Where construction vehicles are required to enter any RPA, a preference will be given to the use of small construction vehicles and ground protection will be used. Ground protection requirements will depend on the intensity of work around any individual tree in such areas. Where materials storage is required, this will be outside of any RPAs of trees to be retained.

4.3 ABOVE GROUND CONSTRAINTS

4.3.1 Canopies and Shading

The canopies of retained trees can be protected with barriers where any work takes place or where any machinery to be used on site which may impact the canopies. Shade is not considered to be an issue at this site.

4.3.2 Landscaping

Landscaping, tree relocation and tree-planting at the site will be planned to enhance the existing habitat.

4.3.3 Future Tree Inspections

Due to the time lapse between the initial survey and start of any development work a further inspection of the trees should form part of the formal risk assessment process carried out prior to commencement. This initial assessment of the trees was carried out on the basis that a follow-up inspection would be undertaken within one year and the advice given on tree condition reviewed on an annual basis.

4.4 CONCLUSIONS

The proposed development results in the loss of one Category C tree. It is proposed to relocate one category C tree and the rhododendron shrubs. As regards category C trees, under normal circumstances these would not normally be required to be retained in a development context, unless in a location where they do not represent a significant constraint on the proposal. It is

proposed to retain all other trees at the site and in the wider surrounding area and plant a replacement tree to compensate for the loss of 803.

The development will result in an incursion into RPAs of 3 trees, however as most of the rooting area is beyond the site of work, it is considered that the long-term health and longevity of the trees will not be detrimentally affected. Arboricultural methodology must be adopted for any works in the RPAs and non-mechanical excavation is proposed. The RPAs of the other trees on the site can be protected by ground protection and protective fencing.

It is anticipated that the impact of the proposed development can be satisfactorily mitigated against to ensure that there is no detrimental long-term impact to tree cover at the site. The arboricultural impact is low.

PART 5 – TREE PROTECTION PLAN

5.1 GENERAL

5.1.1 The client and agent shall ensure that:

- ☐ the site manager and all other personnel are provided with this document.
- ☐ all planning conditions relating to underground works, services, trees, and landscaping are cleared before development commences.
- ☐ all requirements of this Tree Protection Plan are adhered to.
- ☐ the site manager is updated of any approved changes or variations to this document.

5.1.2 The client and site manager shall ensure that:

- ☐ a copy of this document with the tree protection plan is easily accessible for site personnel to refer to before and during the time construction activity is taking place.
- ☐ all personnel working on the site are made aware of the tree protection plan and arboricultural method statements covering any activities they will undertake. This duty includes delegating the task of briefing personnel in the absence of the site manager.
- ☐ The tree protection measures are left in place until the construction phase of development is completed.
- ☐ site personnel are updated of any approved changes to approved tree protection measures.

5.1.3 Procedures for incidents

If any breach of the approved tree protection measures occurs:

- ☐ The LPA Tree officer or other Planning Officer and Tay Ecology are informed.
- ☐ The site manager must be informed immediately.
- ☐ Swift action must be taken to halt the breach and prevent any further breach.
- ☐ Damage mitigation measures appropriate to the scale of incident, deployed where required.

5.1.4 Prohibited Activities

The following must not be carried out under any circumstances:

- ☐ Cutting down, uprooting, damaging or otherwise destroying any retained tree.
- ☐ Lighting a fire within 10 metres of the canopy of any retained tree.
- ☐ Equipment, signage, fencing, tree protection barriers, materials, components, vehicles, or structures shall not be attached to or supported by a retained tree.
- ☐ Mixing cement, chemical toilets and other use or storage of anything that would be harmful to trees shall not take place within, or close to a Root Protection Area (RPA). The distance away from the RPA must be sufficient, and site slope must be such that contamination of soil in the RPA would not occur if there were spillage, seepage, or displacement.
- ☐ No plant or vehicle with a hydraulic arm such as a mini digger shall be operated within striking distance of the stem and branches or the RPA of any retained tree unless otherwise specified.

5.1.5 No alterations or variations shall be made to the approved tree protection measures without written approval from the LPA.

5.1.6 Timing and order of operations

The development must be carried out in the following order unless otherwise agreed in writing with the LPA. Each step must be completed before moving onto the next:

- i. Tree/shrub relocation/felling and mark out RPAs of retained trees.
- ii. Installation of tree protection barriers and temporary ground protection in areas indicated on plan.
- iii. Construction.
- iv. Removal of the remaining ground protection and barriers.



5.2 PROTECTIVE BARRIERS AND GROUND PROTECTION

5.2.1 Protective barriers, ideally at the limit of the RPA, or in positions to be agreed within the RPA once further detailed proposals are available, are required to enclose a sufficient RPA to ensure that trees to be retained survive the development process. The aim of any barrier is to exclude any construction activity which may damage tree health. Appropriate distances to be measured from the base of trees are as in the Tree Survey Schedule, RPA.

5.2.2 Any barriers shall be installed and removed in accordance with the timing of operations above and laid out in accordance with the Tree Protection Plan. The appended notice, Appendix 5 Tree Protection Notice, should be used to create all weather notices that must be added to the tree protection barriers or suitable intervals. In the event of any panel or support becoming damaged, this must be immediately reinforced by adding panels with the designs below as appropriate.

5.2.3 Tree protection barriers

The default specification is a vertical and horizontal scaffold framework, braced to resist impacts, Appendix 3. The vertical tubes are spaced at a maximum interval of 3m, and these are driven securely into the ground. Welded mesh panels are securely attached to the frame. During installation it is important to consider the position of below ground services and structural roots, which must not be damaged. Where these constraints prevent the use of this specification, an alternative specification is given.

5.2.4 Alternative tree protection barrier design

2 metres high welded mesh panels standing in rubber or concrete feet joined using a minimum of two anti-tamper couplers installed so they can only be removed from inside the protected area. The fence couplers should be at spaced least 1m apart, but uniformly across the whole barrier. These panels must be supported within the protected area with struts attached to a base plate secured by ground pins, Appendix 3.

5.2.5 Protective barriers should be adapted to fit the site requirements and may include improvised structures around specific trees.

5.2.6 The supervising tree consultant should confirm that the tree protection barriers have been installed as agreed before any significant site work starts.

5.3 ARBORICULTURAL METHOD STATEMENT FOR WORK WITHIN RPAS

5.3.1 Where it has been agreed during the design stage, and shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the RPAs, the possible effects of construction should be addressed by a combination of barriers and ground protection. The position of the barrier may be shown within the RPAs at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the RPAs should be protected with ground protection. Where intermittent work within the RPA occurs on existing hard surfaces no additional root protection is required.

5.3.2 BS 5837:2012 allows for the use of ground protection in conjunction with protective fencing. Where temporary access for small scale machinery is needed within the RPAs ground protection should be used. Ground protection should be of sufficient strength and rigidity to prevent soil disturbance and compaction. A geotextile membrane should be used to prevent contamination of soil below by toxic substances.

5.3.3 For pedestrian movements within the RPAs the installation of ground protection in the form of a single thickness of scaffold boards on top of a compressible layer laid onto a geotextile or supported by scaffold is acceptable. For wheeled or tracked movements within the RPAs the

ground protection should be designed by an engineer to accommodate the likely loading and may involve the use of proprietary systems or reinforced concrete slabs.

5.3.4 The supervising tree consultant should confirm that the ground protection has been installed as agreed before any significant site work starts.

5.3.5 Where excavation in RPAs is required do not mechanically excavate.

5.3.5.1 Any tree roots found up to 25mm diameter can be pruned back with sharp secateurs leaving a wound of the smallest diameter possible. If any roots over 25mm are found, these must be retained undamaged, and further advice sought from the supervising tree consultant. Cut exposed roots to be removed cleanly 10-20cm behind the final face of the excavation. Protect roots temporarily exposed, but to be retained, from drying out by covering with damp hessian sacks or boards. Use an inert granular material mixed with top-soil or sharp sand around retained roots greater than 25mm width before light compaction.

5.3.6 Where the surfacing encroaches into the RPAs and no excavation is required, a no-dig surface is preferentially recommended where 20% or less of the RPA will be impacted. The design of such a construction needs to be sensitive to the requirements of tree roots, and substantial enough to withstand the proposed structure and practicable in terms of ease of fabrication. The no-dig method involves construction of a surface with no excavation or soil stripping. All construction takes place above ground level. Appendix 4 Example of no-dig surface installation method.

5.3.6.1 BS 5837 recommends that three-dimensional cellular confinement systems are an appropriate sub-base for installing surfacing in RPAs. Most products are made from heavy duty plastic that is pulled apart to open into cells. These are then filled with washed stone, after the product is spread over the ground and pinned in place. This forms a base layer that acts as a floating raft, spreading the load across the whole construction width. The base layer can be topped with a variety of finishes.

5.3.6.2 Tay Ecology is not qualified to recommend any specific construction method in terms of durability or structural integrity and any proposed construction should be approved by a structural engineer prior to implementation, however, with regards to trees, the following comments are made:

- Severance of roots and soil compaction should be avoided.
- Air and water must be able to diffuse into the soil beneath the engineered surface. Toxic substances which could leach into the ground must be avoided, as should substances which affect the pH value of the soil, for example limestone.

5.3.6.3 Existing ground vegetation may be killed using a suitable herbicide. Care must be taken to select a herbicide which does not damage the tree roots within the treated area. Once the vegetation has died, the dead organic matter should be removed. This helps prevent the future build-up of anaerobic conditions or settlement due to decomposition.

5.3.7 For any landscaping in RPAs avoid soil compaction around existing trees and in areas where new planting is proposed. Any cultivation within RPAs should be undertaken by hand, but no heavy mechanical cultivation should occur. Decompaction measures if required include forking, spiking, soil augering, and tilted radial trenching.

5.3.8 To prevent pollution in RPAs make provision for emergency spillage clean-up; mix cement and wash vehicles as far away from RPAs as possible; use bunding and impermeable membranes to prevent liquid contaminants reaching RPAs; use impermeable membranes to prevent leachates

from poured concrete contaminating RPAs; keep pollution control measures in place until there is no significant risk of RPA contamination.

5.3.9 Summary of arboricultural supervision

Ensure that the tree protection barriers are installed and fixed to the ground in the correct position and as specified.

Oversee any excavation required within any RPAs.

Ensure that any cellular containment system is installed as per the manufacturers' recommendations.

Undertake site visits to ensure that the works are in accordance with the Tree Protection Plan and Arboricultural Method Statement.

PART 6 – REFERENCES

British Standard 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'

British Standard 3998:2010 'Tree work – Recommendations'

PART 7 – APPENDICES

Appendix 1 – Terms and Definitions p.19

Appendix 2 – Tree Category Codes p.20

Appendix 3 – Protective Fencing Specifications p.21-22

Appendix 4 – Example of No Dig Surface Method p.23

Appendix 5 – Tree Protection Notice p.24

APPENDIX 1 TERMS AND DEFINITIONS

1.0 Arboricultural Method Statement

Guidelines for specified working operations near trees to avoid any harmful impact as defined within BS 5837:2012, may cover works from tree work to operating cranes, installing foundations or services and guidelines for engineering performance to function as a tree protection measure.

1.1 Ground Protection

In this context the term refers to a method for preventing the ground from being disturbed, usually within the Root Protection Areas of retained trees. Other uses include protection areas to be planted. The way ground protection should be designed to perform is typically described within an Arboricultural Method Statement.

1.2 Root Protection Area (RPA)

A minimum recommended area for tree protection in 'BS 5837:2012 Trees in Relation to Construction'. In these areas works should be avoided where possible. Where work in these areas cannot be avoided, it should be carried out in accordance with a Tree Protection Plan and / or Arboricultural Method Statement.

1.3 Tree Constraints Plan

As defined within BS 5837:2012. This plan shows above and below ground constraints that may impact on a planning proposal such as the tree branch spread and Root Protection Area.

1.4 Tree Preservation Order (TPO)

A type of land charge which specifies certain trees for protection under the Town and Country Planning Act (1990) that makes it necessary to make an application to the LPA to work on them (with notable exceptions) and a criminal offence to otherwise damage or destroy them.

1.5 Conservation Area

Normal TPO procedures apply, if a tree is not covered by a TPO, written notice to the LPA detailing any proposed work must be given at least 6 weeks before work starts. Notice of work is not required where the tree has a diameter of less than 75mm, measured 1.5m above the ground, or 100mm diameter if thinning to enable the growth of other trees.

APPENDIX 2 TREE CATEGORY CODES

Cascade chart for tree quality assessment from BS 5837:2012

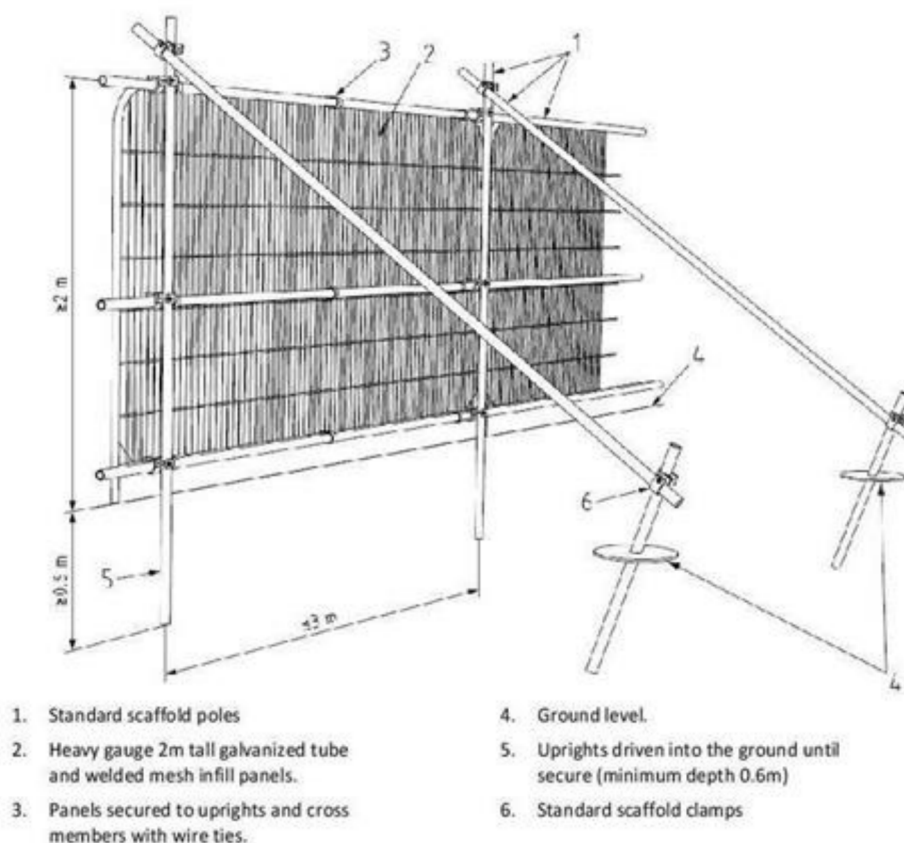
Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.	Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (eg. Where, for whatever reason, including the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate and irreversible overall decline. Trees infected with pathogens of significance to tree health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality. <i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i>			Dark red
Trees to be considered for retention				
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (eg. The dominant and/or principal trees within in an avenue).	Trees groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (eg. Veteran trees or wood-pasture).	Light green
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.	Trees that might be included in category A but are downgraded because of impaired condition (eg. Presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.	Mid blue
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter of below 150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.	Trees with no material conservation or other cultural value.	Grey
NOTE: Whilst 'C' category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150 mm should be considered for relocation.				

APPENDIX 3 PROTECTIVE FENCING SPECIFICATION

5.2.3 The default specification is a vertical and horizontal scaffold framework, braced to resist impacts, as per figure 1 below. The vertical tubes are spaced at a maximum interval of 3m and these are driven securely into the ground. Welded mesh panels are securely attached to the frame. During installation it is important to consider the position of below ground services and structural roots, which must not be damaged. Where these constraints prevent the use of this specification, an alternative specification is given below.

Figure 1 is taken from BS5837:2012 'Trees in Relation to Design, Demolition & Construction – Recommendations' and illustrates the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS5837:2012 for further details.

Figure 1 – default tree protection barrier specification



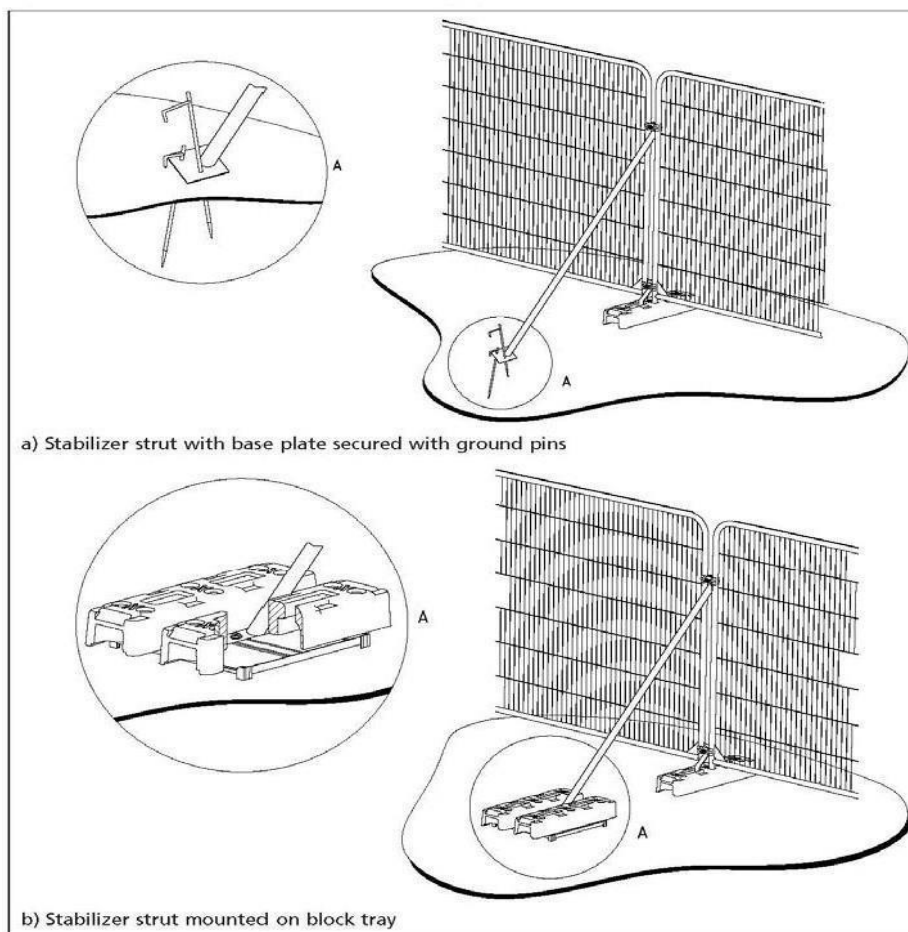
5.2.4 Alternative tree protection barrier design

2 metres high welded mesh panels standing in rubber or concrete feet joined using a minimum of two anti-tamper couplers installed so they can only be removed from inside the protected area. The fence couplers should be at spaced least 1m apart, but uniformly across the whole barrier. These panels must be supported within the protected area with struts attached to a base plate secured by ground pins as per figure 2a.

Where the fencing is installed above retained hard surfacing and/or it is otherwise not feasible to use ground pins (e.g. due to underlying services or structural roots), the struts can be mounted on a block tray as per figure 2b.

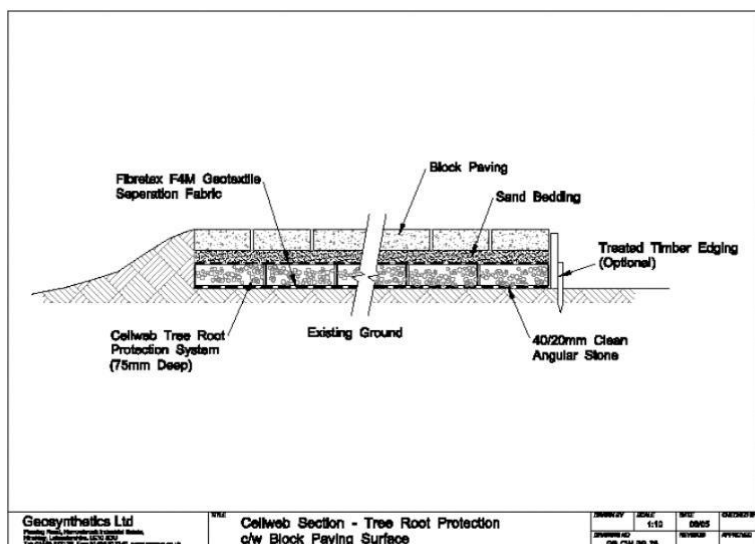
Figure 2 is taken from BS5837:2012 Trees in Relation to Design, Demolition & Construction – Recommendations and illustrates the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS5837:2012 for further details.

Figure 2 – above ground stabilising systems



APPENDIX 4 Example of 3-Dimensional ‘No-dig’ Installation Methodology

- a. Lay G4 Geotextile over existing ground between pegged timber edgings if used, ensuring overlaps of 300mm minimum. Temporarily retain G4 Geotextile with either stakes or weights.
- b. Install 8 Number 12mm diameter steel pins across the area to be covered by one panel of the confinement system (the product). The pins shall be orientated in order that each panel of the product may be laid over and remain in an expanded state.
- c. Install the product over steel pins; where necessary, remove surplus product with a craft knife.
- d. Immediately adjacent panels of the product shall be connected by providing four staples at each overlap.
- e. The expanded product panels shall be infilled with 40/20mm clean angular stone using a Mini Excavator. The product shall be overfilled by 50mm to create a surcharge over the product which protects the leading edges of the cells. The Mini Excavator may track over areas of infilled product panels only ie. it must not be operated/driven/stored outside the area over which the product is installed and within the RPA.
- f. The infilled aggregate shall be rolled and whacked to ensure compaction.
- g. Apply final surface eg. gravel, block paving, tarmac etc.



TREE PROTECTION BARRIER – ACCESS PROHIBITED

DO NOT TAMPER WITH THIS BARRIER OR REMOVE IT



This area contains trees which must be retained as part of the planning permission. Additional legal protection may also apply e.g. a Tree Preservation Order. Removing or damaging trees in this area may be a breach of planning permission. Damage to protected trees may lead to a criminal conviction and / or a fine.

Only the site manager may permit for the removal or moving of tree protection measures. This should always be in accordance with the planning permission.

Copyright, Urban Rural Design Studio, 2021
Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.
IF IN DOUBT PLEASE ASK



Scale bar: 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m

Area to form site entrance
(perimeter wall to be finished once
house is complete)



1200mm clear zone
around perimeter as construction
zone is easily accommodated



1 Laydown Area 1. is on existing tarred
entrance road and will therefore
offer protection to tree roots
Approx' 27.00 sqm

2 Laydown Area 2. is on existing tarred
entrance road and will therefore
offer protection to tree roots
Approx' 30.25 sqm

3 Laydown Area 3. is on existing tarred
entrance road and will therefore
offer protection to tree roots
Approx' 30 sqm

UR

URBAN RURAL
DESIGN STUDIO

jbrewster@urds.co.uk
07827 947 143

Project: Castlecroft,
Forgandenny,
Perth,
Perthshire,
PH2 9HS

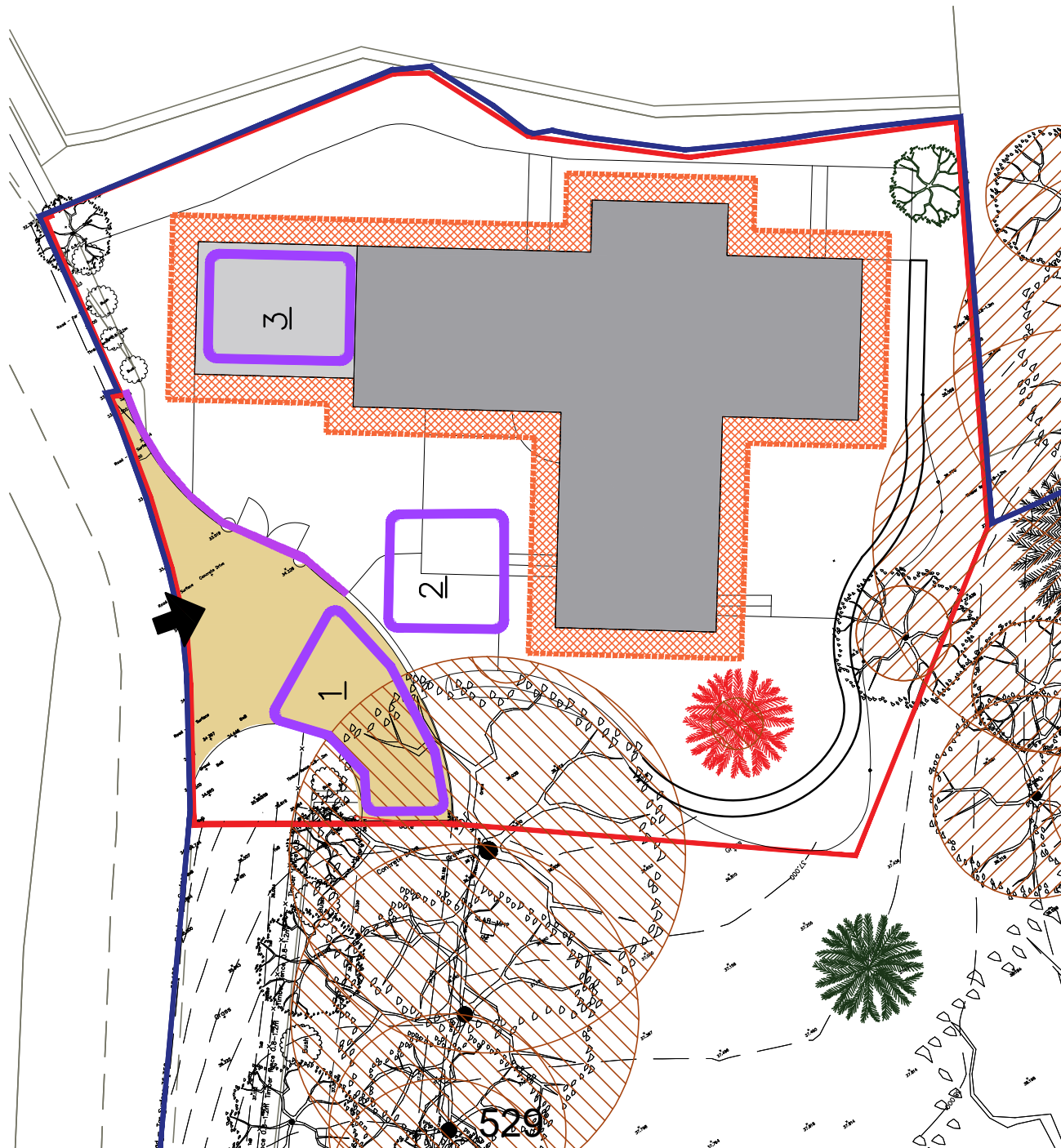
Client: Mr & Mrs Black

Title: Material Storage
And Access
Site Plan

Status: Sketch

Ref: SK(90)001
Revision:

Scale: 1:200 @ A3
Date: 22/06/2021



Storage Zones _ Site Plan

1:200 @ A3


LRB-2021-46

Review of Condition 3 on planning permission

**21/00165/FLL – Erection of a dwellinghouse, land 80
metres north of Castle Croft, Forgandenny**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner 
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft Forgandenny		
Comments on the proposal	<p>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.</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>Primary Education 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Forgandenny Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.</p> <p>Transport Infrastructure 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>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 Transport Infrastructure: 1 x £2,742 <u>Total: £2,742</u></p> <p>Phasing 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</p>		

	<p>considered to be cost effective to either the Council or applicant. 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. If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
Recommended informative(s) for applicant	<p>Payment 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.</p> <p>Methods of Payment On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement 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>NB: 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>Other methods of payment 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>Bank Transfers All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference. The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ol style="list-style-type: none"> Your card details. Whether it is a Debit or Credit card. The full amount due. The planning application to which the payment relates. If you are the applicant or paying on behalf of the applicant. Your e-mail address so that a receipt may be issued directly. <p>Transport Infrastructure</p>

	<p>For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Indexation All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures 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>
Date comments returned	04 March 2021

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft, Forgandenny		
Comments on the proposal	<p>Any works on site should not impact on the structural stability of the road. There is a steep embankment supporting the road in this location and a large culvert has recently been replaced.</p> <p>The vehicle access on to the public road network is making use of the existing vehicle access into Castle Croft, therefore no conditions are proposed to secure its construction.</p> <p>Insofar as the Roads matters are concerned I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	05 March 2021		



To:	John Russell, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	9th March 2021

21/00165/FLL Erection of a dwellinghouse Land 80 Metres North Of Castle Croft Forgandenny

Thank you for consulting PKHT on the above application. As per our memo for previous application 20/01629/FLL I can confirm that the proposed development site lies within an area that is considered to be archaeologically sensitive.

As already noted in our earlier response the development site lies directly north west of Forgandenny Parish Church and graveyard (MPK5546). This building is one of a handful of pre-Reformation Perthshire churches to survive abandonment or demolition in the 19th century. However, it has undergone alterations with only remnants of its early fabric surviving, for example, the Norman dog-toothed arch.

According to Roy's Military map of Scotland (1747-52) the Kirk sat north of the main village thoroughfare where dwellings were mostly located along the main road. However, given the close proximity to church grounds, the wealth of archaeology in the surrounding area and at nearby Forteviot there is a possibility that earlier occupation or archaeology relating to occupation associated with the earlier church or settlement may extend to within the development area. It is therefore recommended that a programme of archaeological works is undertaken, that may be an evaluation prior to works on site to ensure no archaeology is disturbed without record during the development.

The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 *Development shall not commence 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 and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**

2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft Forgandenny		
Comments on the proposal	<p>Policy 40: Forestry, Woodland and Trees The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>No tree survey was submitted alongside this application. From the information submitted, it appears all trees will be retained but no details on how the trees will be protected has been provided.</p> <p>To progress this application, more information regarding the trees/woodland currently on site, the impact of this development on trees and details of how these trees will be protected during construction is required. Any loss of trees will require to be replaced with compensatory planting of native species.</p> <p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>No ecological information has been submitted alongside this application. There are records of red squirrel in the area.</p> <p><u>Biodiversity Enhancement</u> Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. An ecologist will advise on this and measures may include:</p> <ul style="list-style-type: none"> • Planting native trees, orchards, hedgerows and wildflowers. • Providing nesting boxes, bricks or tubes for swallow, house martin and tree sparrows • Providing nesting boxes for kestrel and owls in woodland. <p>Confirmation of the biodiversity enhancement measures that will be included in this development is required.</p>		

Recommended planning condition(s)	More information is required to progress this application.
Recommended informative(s) for applicant	
Date comments returned	10 March 2021

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Gavin Bissett
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft Forgandenny		
Comments on the proposal	<p>We previously commented on this site under 20/01629/FLL, advising that an FRA was required to demonstrate that no loss of functional floodplain was occurring from proposed landraising.</p> <p>We note that the plans have been revised, however from Dwg Ref: 3L 90003 (rev B), it is noted that landraising is still proposed on lower parts of the site. The sections also do not clearly demonstrate the level of the water course in relation to the lower parts of the site.</p> <p>Our previous comments therefore still apply.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	30/03/2021		

Consultation Response to a Planning Application

Consultee	Planning App. Ref:	Request Date	Response Date
Paul Kettles Enforcement Officer (Trees) [REDACTED]	21/00165/FLL	01.06.21	02.06.21
Proposed Development	Erection of a dwellinghouse		
Site Address	Land 80 Metres North of Castle Croft Forgandenny		
Proposal	Proposed development of a single dwelling at Castlecroft, Forgandenny.		
Designations	Forgandenny Conservation Area		
Response	<p>The report records that 74% trees of the 35 trees represented at the site are of Cat A & B status, which is particularly high, and given the CA status, tree protection should be ensured.</p> <p>The site plan indicates that the existing drainage serving Castlecroft is to be redirected, but no details have been provided. As Castlecroft and the application site have a considerable number of trees, concerned over routing of redirected drainage, and impact on trees.</p> <p>The report places much emphasis on prevention of tree damage through informing of contractors of report contents, non-dig techniques, use of porous materials, etc. The report comments are entirely supported, however, in practice such ideals are rarely adopted.</p> <p>Concerns over potential impact in practice when construction underway, particularly given site constraints. My initial concerns are given the size of the building footprint of this single storey structure, is there a sufficient working area to build the structure (storage of materials/soil extraction) without pressure being made to move the proposed protective fence from the position marked on the Tree Protection Plan? We require to agree access/storage areas for works in practice.</p> <p>Are the services of the arboricultural consultant to be extended to provide an oversight of the project from commencement of development to completion?</p> <p>The report advises <i>The development will result in an incursion into RPAs of 3 trees, however as most of the rooting area is beyond the site of work, it is considered that the long-term health and longevity of the trees will not be detrimentally affected. Arboricultural methodology must be adopted for any works in the RPAs and non-mechanical excavation is proposed. The RPAs of the other trees on the site can be protected by ground protection and protective fencing.</i> <i>It is anticipated that the impact of the proposed development can be</i> </p>		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft Forgandenny		
Comments on the proposal	<p>Policy 41: Biodiversity</p> <p>The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>More information was requested in March 2021 and detailed ecological information has been submitted which is welcomed.</p> <p>The submitted Habitat Survey and Protected Species Assessment (March 2021) is comprehensive however, it was carried out early in the season on 14th March. JNCC (2010) Phase 1 guidance states that "the field season should be considered as starting in late March onwards ending in mid-October". Carrying out the survey in early March misses the bird breeding season as well as botanical interests.</p> <p>However, as long as all measures listed in Section 6: Recommendation and Mitigations are adhered to in full, the report is acceptable. Attention is drawn to the need for a pre-works survey for protected species.</p> <p>The submitted Red Squirrel Survey Report (March 2021) concludes it is not expected that the proposed works will have an adverse short, medium, or long-term impact on red squirrels as there will not be any loss of trees at the site and the wider surrounding area will remain favourable for red squirrels.</p> <p>All measures listed in Section 7: Recommendation and Mitigations must be adhered to in full. Attention is drawn to the need for a pre-works survey for red squirrels.</p> <p><u>Biodiversity Enhancement</u></p> <p>Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character.</p> <p>Tree and house sparrows are red listed as birds of conservation concern and providing nest bricks or boxes for these species would enhance the biodiversity value of the site. This would contribute towards the Sparrows on</p>		

	the Edge Project in the Tayside Local Biodiversity Action Plan.
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • NE00 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. <u>Particular attention is drawn to Section 6: Recommendations and Mitigation in the submitted Habitat Survey and Protected Species Assessment, Tay Ecology, 26 March 2021.</u>
Recommended informative(s) for applicant	<ul style="list-style-type: none"> • BIOS Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
Date comments returned	11 June 2021

John Russell

From: Paul Kettles
Sent: 13 July 2021 17:41
To: John Russell
Subject: Castlecroft Site - Forgandenny - 21/00165/FLL

Hi John

My response is as follows:-

I have looked over the documents submitted that being 24, 25, & 26.

24 – Construction Method Statement – This sets out the practices to be adopted on site which if undertaken on site will safeguard the root protection areas of trees represented at the site.

25 – Tree Survey Report – This report has been amended and certain changes made following a recent site meeting.

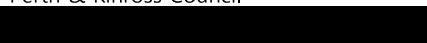
26 – Site Lay down Area – This provides an indication of identified storage areas at the site.


Having reviewed the above documents, I consider that the development construction issues which were previously raised have been satisfactorily addressed.

Recommendations: - Support application as the development is achievable without adverse impact to trees represented at the site, subject to the imposition of tree related protection conditions in accordance with BS5837:2012, and conformity to CMS & tree survey report.

Regards

Paul

Paul Kettles
Enforcement Officer (Trees)
Planning & Development
Corporate and Democratic Services
Perth & Kinross Council
 <https://www.pkc.gov.uk/treesandtpos>

From: John Russell 
Sent: 13 July 2021 08:51
To: Paul Kettles 
Subject: RE: Castlecroft Site - Forgandenny - 21/00165/FLL

Thanks Paul,

Agent has now submitted further drawings information based on your site discussions. Can you review the drawings 24,25 and 26 to ensure this in line with your discussions and advice on conditional control.

Cheers,

John Russell
Development Management Planning Officer - Planning and Development

www.pkc.gov.uk

[Follow us](#)

I am involved in urgent contingency planning for Coronavirus (COVID-19). We're sure you understand that this means routine enquiries will take longer than usual. Thank you for your patience.

For up to date information on Coronavirus, see:

www.NHSInform.Scot

www.pkc.gov.uk/coronavirus



Wash your hands.



Use a tissue for coughs and sneezes.



Avoid touching your face.

www.nhsinform.scot/coronavirus

From: Paul Kettles [REDACTED]

Sent: 02 July 2021 11:34

To: John Russell [REDACTED]

Subject: Castlecroft Site - Forgandenny - 21/00165/FLL

Hi John

I tried calling you on Teams. I am actually on a flexi today and annual leave next week, but wanted to contact you with regards to the above site.

I was contacted by Emma O Shea which led to them marking out the footprint of the building and retaining walls, and the root protection areas, and me agreeing to visit the above site, which I did yesterday.

I am of the opinion that certain factors concerning the trees at the site, and the relative juxtaposition of structures to trees does not present such a concern as previously thought. This view is primarily founded upon tree identification, tree condition, site topography, and appreciating the position of the build/development relative to the trees.

One of the best trees at the site (T804 – alder in survey) is actually a small leaved lime tree (situated at the south west corner), which is circa 9.0m from the property and structure, (outwith RPA), and will not present an issue subject to standard tree protection measures. As lime trees were the most common UK street trees they are for this reason one of the most resilient and tolerant tree species to pruning and in indeed root encroachment.

The Sitka spruce (T808) on the east side of the site will be safeguarded by the fact that its roots spread will have been influenced by adjacent competing trees, and by the fact that it is several metres higher than the proposed retaining structure. I do not now consider that the proposed structures will adversely affect the soil water availability for this or adjacent trees.

Tree T806 is not a sessile oak as indicated, but is *Acer platanoides Drummondii*, (a variegated form of Norway maple), which would be easily replaceable, but also unlikely to be adversely affected.

The smaller trees, namely, *Prunus avium* (T803), Monkey puzzle (T805), are also considered incidental, as any landscape scheme could redress their loss.

In terms of space to construct the build, I am confident that there would be sufficient ground at or adjacent to the site, particularly given that it is within the applicants control.

I am therefore of the opinion that having viewed the application site, and the footprint of the building and retaining structures in their proposed position, the trees at the site would not be prejudiced and the imposition of tree protection conditions would be both a practicable and appropriate means to safeguard the trees.

Happy to discuss.

Regards

Paul

Paul Kettles
Enforcement Officer (Trees)
Planning & Development
Corporate and Democratic Services
Perth & Kinross Council

 <https://www.pkc.gov.uk/treesandtpos>

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00165/FLL	Comments provided by	Gavin Bissett
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 80 Metres North Of Castle Croft Forgandenny		
Comments on the proposal	Following submission of further information we are satisfied with the details of this application. We therefore have no further comment.		
Recommended planning condition(s)			
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	26/07/2021		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	LRB-2021-46	Comments provided by	Katie Briggs
Service/Section	Strategy & Policy Development Plans	Contact Details	
Description of Proposal	Review of Condition 3 on planning permission 21/00165/FLL		
Address of site	Erection of a dwellinghouse, land 80 metres north of Castle Croft, Forgandenny		
Comments on the proposal	<p>Development Plan context</p> <p>Perth and Kinross LDP, Policy 53B: Foul Drainage states that ‘Foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks and applicants should also demonstrate suitable maintenance arrangements will be put in place for communal systems.’</p> <p>Scottish Government Planning Advice Note 79 states, ‘In rural areas private schemes can offer advantages in allowing development to take place in locations which are unlikely to be serviced by Scottish Water’s network at a reasonable cost or on a reasonable timescale.’ It also goes on to say that, ‘A prospective developer may propose to overcome a constraint by itself arranging for the provision of infrastructure as a temporary private measure until such time as Scottish Water makes the necessary strategic investment. In such cases a condition or legal agreement will be appropriate to ensure that such systems are designed and built to a standard to allow adoption by Scottish Water and that connection to Scottish Water’s network be made at the earliest possible date.’</p> <p>Comments</p> <p>I acknowledge the key points of the applicant’s submission are as follows:</p> <ol style="list-style-type: none"> 1. The connection to the mains system is considered financially unviable due to the expense for a one house domestic solution evidenced by an engineering report (which refers to 220m drainage pipe run to connect to the mains system, 8m change in level with mains connection 8m higher than foul invert level on site, and there is info that a domestic pumping station would not be sufficient for this) and 2. SEPA have authorised the discharge of the private system with conditions of authorisation to ensure it does not cause pollution to water environment <p>However this LRB case for proposed deletion of this public drainage condition does not refer to a Scottish Water pre enquiry process which would help ascertain whether connection is reasonable or not. PAN 69 states that ‘While the environmental and amenity impacts resulting from the drainage of individual small-scale developments in a rural area may not be a cause for concern, the proliferation of private systems may give rise to problems.’ There is no letter/pre enquiry</p>		

	documentation submitted from Scottish Water to support the applicant's assessment and to clarify if the connection to the mains system is feasible, or if future upgrades are planned for this area. A pre-enquiry to Scottish Water should have been submitted to help determine whether connection to the existing system could be achieved at a reasonable cost or timescale, or whether there is any programmed investment in expanding the limited network which would allow future connection. If this was relevant then the Council could as mentioned in the Scottish Government's PAN 69 place an appropriate condition to require that the system is designed such that it can easily be connected to a public sewer in the future.
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	13 December 2021

Application Number 21/00687/FLL

Erection of a Dwelling House at Land 80 Metres North Of
Castlecroft, Forgandenny

Please find below our response to the Comments received on the 22nd December 2021 to the Development Quality Manager on Application ref. LRB-2021-46

Comments provided by Katie Briggs Service/Section Strategy & Policy Development Plans

We submitted the planning application in February 2021 for the proposed house, clearly indicating a private drainage solution in line with the existing Castlecroft property. Scottish Water did respond to our application as statutory consultee with a fairly standard response, Relevant extract noted below:

This proposed development will be serviced by Forgandenny Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via our Customer Portal or contact Development Operations.

As we had demonstrated a private drainage solution, which was never questioned or raised as a concern through the application process, we didn't approach Scottish Water with a PDE at this time.

Through discussions prior to our planning application regarding the drainage; regardless of whether there may well be capacity, our engineers advised that a connection was not feasible hence the application for a private solution in this instance.

We feel it worth noting that we went through a seven-month planning process during which time the planning officer requested we addressed statutory consultee feedback as well as their specific requests relating to our application. We have outlined below the areas addressed during the application process:

- Squirrel Survey requested by statutory consultee – Duly prepared and submitted
- Tree survey requested by statutory consultee – Duly prepared and submitted
- Tree root protection zones scrutinised as requested by planning officer – plans and sections duly prepared and submitted - site visit took place with Ecologist.
- Usable Garden Ground assessments required by planning officer – plans and sections duly prepared and submitted along with area analysis information.
- Retaining and external wall details requested – plans and sections duly prepared and submitted
- Additional levels required out with the site / redline of the adjacent burn in relation to flooding, as requested by statutory consultee – Duly prepared and submitted
- Preparation of archaeology strategy.

Our clients enabled us to address any additional actions requested / additional works required / surveys required quickly, ensuring we responded promptly to any queries raised through the process in relation to our application.

We were therefore shocked to note the mains drainage connection condition appended when the application approval came through, given we were also mindful of a similar application in Forgandenny where a private drainage solution was approved, seemingly without question.

If we had been made aware that the drainage solution proposed was cause for concern then we would have endeavoured to respond to this through the process as we did with the other points outlined above.

We note the comments received on the 22nd of December, that the pre-development enquiry application should have been submitted to help determine whether a connection to the existing system could be achieved at a reasonable cost or timescale, or whether there is any programmed investment in expanding the limited network which would allow future connection. However following the issue of the approval in August we discussed our options with the engineers, given the 3 month period within which we had to respond to the condition.

We agreed that they would prepare a report outlining the reasons why the private drainage solution was submitted at the outset and why it is the most appropriate solution for the site given the site location, topography, potential associated costs and the physical distance to the current mains system.

Our engineers have subsequently confirmed in writing, that the pre-development enquiry would not confirm the feasibility of a connection at a reasonable cost or timescale, just the capacity. They have confirmed it would have been highly unlikely that a definitive response be received from Scottish water within the 3 month period post-approval. Extract noted below of email correspondence received from our engineers, copy of which is appended:

Scottish Water will only be able to provide feedback on whether or not there is sufficient capacity in their network to receive the effluent from the house. They will not provide any comment on whether it is viable to reach their network in order to make a connection. With regards to our previous report (602579-REP-0002-01), it is not feasible to reach the Scottish Water sewer which is approximately 220m away and 8m higher.

Consulting with Scottish Water will not provide any feedback on the feasibility of the proposals. Also, it is unlikely that Scottish Water would provide any sort of correspondence in the limited time that has been provided by Perth and Kinross Council.

We also note the comments in relation to the potential future expansion plans of the public system. If the mains system is to be extended in the future there is always an option to potentially explore a connection, however given the site is located on the periphery of the village, with no evident plans of expansion in this area in the foreseeable future, we think an extension is highly unlikely in the short term.

Given there is therefore a fully designed viable and feasible solution proposed for the site drainage, which is in line with that already present on the site, and one which SEPA have approved. We believe the condition should be either removed or reworded in this instance.

Our engineers, based on their extensive experience, have advised that it is not feasible to connect to the mains sewage system as it currently stands and would result in a solution that is potentially financially untenable given this is a single dwelling approval.

Castlecroft, Forgandenny

Grant Fyfe <grant.fyfe@allengordon.co.uk>
To: Jane Brewster <jbrewster@urds.co.uk>

Wed, Jan 12, 2022 at 1:49 PM

Ref: 602579

Dear Jane,

With reference to your email below and to the correspondence received from Perth and Kinross Council.

Scottish Water will only be able to provide feedback on whether or not there is sufficient capacity in their network to receive the effluent from the house. They will not provide any comment on whether it is viable to reach their network in order to make a connection. With regards to our previous report (602579-REP-0002-01), it is not feasible to reach the Scottish Water sewer which is approximately 220m away and 8m higher.

Consulting with Scottish Water will not provide any feedback on the feasibility of the proposals. Also, it is unlikely that Scottish Water would provide any sort of correspondence in the limited time that has been provided by Perth and Kinross Council.

Regards,

Grant Fyfe BEng MSc CEng MICE

Chartered Structural and Civil Engineer

Allen Gordon LLP



Allen Gordon LLP

Suite 3

Saltire House

Whitefriars Business Park

Perth

PH2 0PA

Tel. (01738) 639881 Ext: 2215

www.allengordon.co.uk

This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions presented are solely those of the author and do not necessarily represent those of Allen Gordon LLP. If you have received this e-mail message in error, please inform us by return e-mail. Please also destroy and delete the message from your computer.

Whilst we have taken reasonable precautions to ensure no viruses or other malicious software are included in this e-mail, Allen Gordon LLP cannot accept any responsibility for loss or damage arising from the use of this e-mail or contents however caused.



