

TCP/11/16(621) – 19/01313/IPL – Erection of a dwellinghouse (in principle), land 40 metres north east of The Old Piggery, Blairforge

INDEX

- (a) Papers submitted by the Applicant (***Pages 7-40***)
- (b) Decision Notice (***Pages 43-44***)
 - Report of Handling (***Pages 19-30***)
 - Reference Documents (***Pages 45-78***)
- (c) Representations (***Pages 79-90***)

TCP/11/16(621) – 19/01313/IPL – Erection of a dwellinghouse (in principle), land 40 metres north east of The Old Piggery, Blairforge

**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 2013

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (If any)	
Title	<input type="text" value="Mr and Mrs"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Neil and Sylvie"/>	Forename	<input type="text"/>
Surname	<input type="text" value="McCleary"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text"/>	Town/City	<input type="text"/>
Postcode	<input type="text"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="Perth and Kinross"/>	
Planning authority's application reference number		<input type="text" value="19/01313/IPL"/>	
Site address			
<input type="text" value="Land 40mtrs North East of The Old Piggery, Blairforge."/>			
Description of proposed development			
<input type="text" value="Erection of one dwelling house (in principle)"/>			

Date of application

08/08/2019

Date of decision (if any)

25/09/2019

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

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

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)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Further written submissions

☐

One or more hearing sessions

☒

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, 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 necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☒

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

The site can be viewed entirely from public land.
An unaccompanied site visit is entirely possible

8. Statement

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

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

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

Please see attached 'Statement in Support of Review'.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Statement in Support of Review
Appendix 1 - Report of Handling (with marked areas of concern)
Appendix 2 - 1943 OS Map County Series
Appendix 3 - Neighbours and Cleish and Blairadam Community Council Consultation.

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



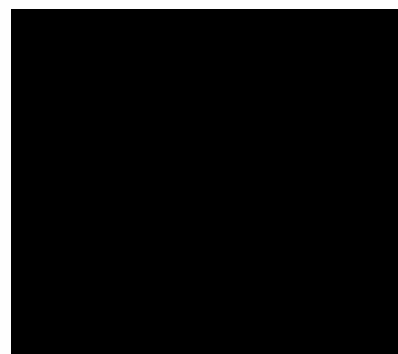
Name:

T.A. McCLEARY
S. McCLEARY

Date:

04/12/2019

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



1st December 2019

The Secretary
Local Review Body
Perth & Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

Dear Sir/madam

Application No. 19/01313/IPL

Planning in Principle for Erection of a dwelling house on land 40 metres North East of the Old Piggery, Blairforge

Please find enclosed our Notice of Review along with all pertinent documents for appealing against the refusal of our application for Planning in Principle at the above address.

Documents attached to the Notice of Review form

Document explaining our reasons for appealing the Planning Refusal

APPENDIX 1 - Report of Handling (with marked areas of concern)

APPENDIX 2 - 1943 OS County Series Map

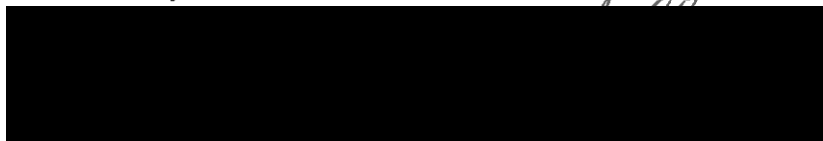
APPENDIX 3 – Neighbour Consultation

We would like to express our disappointment in the strongest possible terms. In particular the way the handling report was written and inferences it made regarding our honesty and integrity.

We have tried to make it as clear as possible in the attached documents as to why we are not happy with the way our application has been dealt with.

If you need any further information or any help with our appeal, please do not hesitate to contact us.
We will be only to pleased to help where we can.

Yours faithfully,

A large black rectangular redaction box covering the signature area. Above the box, there is a handwritten signature in blue ink that appears to read "Neil & Sylvie".

Neil & Sylvie McCleary

STATEMENT IN SUPPORT OF REVIEW

Background and Description of proposal

As mentioned in the Report of Handling, a similar application was put forward by ourselves and refused by planning in late 2018. We did intend to lodge a Notice of Review, but unfortunately, due to an accident and then following sickness, we missed deadline for Review.

This is why this application has been represented.

Inaccuracies within the Report of Handling

We are requesting a review of our application due to significant inaccuracies and contradictions within the Report of Handling:

- Contradiction between the report's conclusion and recommendation.
- Site history and topography
- Pre-application consultation
- Policy appraisal
- Issues of relocated trees
- Landscape and visual amenity
- Residential amenity

Because of the above inaccuracies, we would strongly recommend that Review Panel visit the proposed development.

Contradiction between the report's conclusion and recommendation.

The Report of Handling is completely contradictory and confusing in relation to its conclusion and its recommendation.

Within the conclusion, the Report states that 'the proposal is considered to comply with approved TAY plan 2016 and the adopted Local Development Plan 2014 and that 'the application is recommended for approval subject to conditions' (p10, last paragraph)

However, Recommendation contradicts the conclusion, recommending refusal of application (p11), leaving us as applicants, at a loss of understanding the planning officer's reasoning in this regard.

Copy of Report of Handling attached – Appendix 1

Site history:

The Report of Handling does not make it clear that this site **has always been part** of Blairforge settlement, from as far back as 1920, as this land initially belonged to the Blairforge property known as Garmonde Knowe, and is now included in deeds of The Old Piggery and can therefore be viewed as garden ground. The site has always been fenced off from the adjacent field and HAS NOT been used as agricultural land for over 50 years.

Please see attached 1943 OS County Series Map – Appendix 2

The current fence has been there for well over 70 years. In relation to topography, the hill land at the North of the property, forms a natural boundary and the plot in question is the last remaining piece of ground for potential development. In addition, in May 2018, we planted a Hawthorn hedge, using 250 saplings along the eastern and northern boundaries.

Pre-Application Consultation:

The report states that No Consultation was carried out.

We are strongly refuting that no consultation took place.

We, as applicants, consulted with every resident in Blairforge prior to lodging our application. Out of 12 residents, 11 replied stating that they had no objections and 1 did not respond as the property was vacant at that time.

We also consulted with our local Community Council, by attending meetings in person as well as consulting in writing. Again, a favourable response was received and included in our application.

We did this, as Blairforge is a small hamlet and we wanted to gauge our neighbours' views on the issue.

So we challenge the statement in the report that '**there were no letters of representation**' as 11/12 neighbours responses were included with our application, as well as the letter from Cleish and Blairadam Community Council.

Copies of letters sent and all responses received, were sent to the Planning Service with our application and are now attached for the avoidance of doubt – Appendix 3

3. Policy appraisal

It is our opinion that the site does comply with houses in countryside policy (Policy RD3a) in that it forms an extension to an existing building group (14 dwellings) and also forming an infill site between the current last property, the Old Piggery and Mill Hill .

Also, Policy PM4 does not apply to this proposal as Blairforge had its settlement boundaries removed from the previous Local plan.

We would suggest that as this site is the last portion of land belonging to Blairforge, if planning for a new dwelling house was granted, it would form a logical and aesthetic end to the settlement, as, at present, the land is unsightly and unused garden ground. This view is strongly supported by our neighbours.

As this is the last site in the settlement, it could also be argued that the ground could be considered 'infill site' (Policy RD3b) between the current end of settlement and the hill land.

In relation to ribbon development, our proposal does respect the pattern set by Perth and Kinross Council since 2004, as two new houses have since been built with planning approval.

4. Issue of relocated trees:

We strongly object to this issue being included in the report as in our view this questions our honesty and integrity.

We clearly explained this to the Planning Officer but we do not feel that the report reflects this. We also included photographs with our application clearly showing that there were no trees along that border at the time of our initial application.

These mature trees were uprooted and moved by Mr Adams of Blairfordel Farm **AFTER** we had lodged our initial planning application. We are unsure of the reasons for his actions but he uprooted and replanted mature trees along a neighbouring property as well (The Old Piggery, our current home and Arriscraig, our neighbours).

We were concerned about it on the grounds that the trees were mature trees that would probably die (although they seemed to have survived). We felt strongly about this and contacted our local councillor as well as various relevant authorities. We have evidence of this via emails that we sent.

Although the report states that we informed the Planning Officer that we did not move the trees ourselves, the tone of the report suggests that the 'trees were deliberately moved to form a defined boundary....' This statement questions our honesty and integrity.

Due to the above, we are asking the panel to disregard this issue.

5. Landscape & Visual Amenity (Site being considered 'exposed site')

We strongly challenge this and we would encourage the panel to visit the site.

The site is a significant distance from the Hill Road, approximately 350m and therefore would in no way be any more exposed/highly visible than other current houses in Blairforge.

Our proposal would respect the current housing in Blairforge, very similar to previous developments and as before, we will work in partnership with Perth and Kinross Council in relation to the type of building that would be complimentary to our hamlet and acceptable to the Planning Department, by following the council's Guidance on siting and design of houses in rural areas.

6. Residential Amenity

'Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours'.

There is absolutely no issue in relation to overlooking and overshadowing neighbouring dwelling houses. The new proposed development will be separated from The Old Piggery by a double garage and will have no windows overlooking the Old Piggery. All windows will be overlooking fields. There will be absolutely no issue regarding privacy for all parties.

It is ironic that this is noted in the report as we took great consideration in consulting with all our neighbours regarding the proposed development, when we were not required to do so.

Neil and Sylvie McCleary

The Old Piggery, Blairforge

Date: 4th December 2019

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/01313/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	07.10.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle).

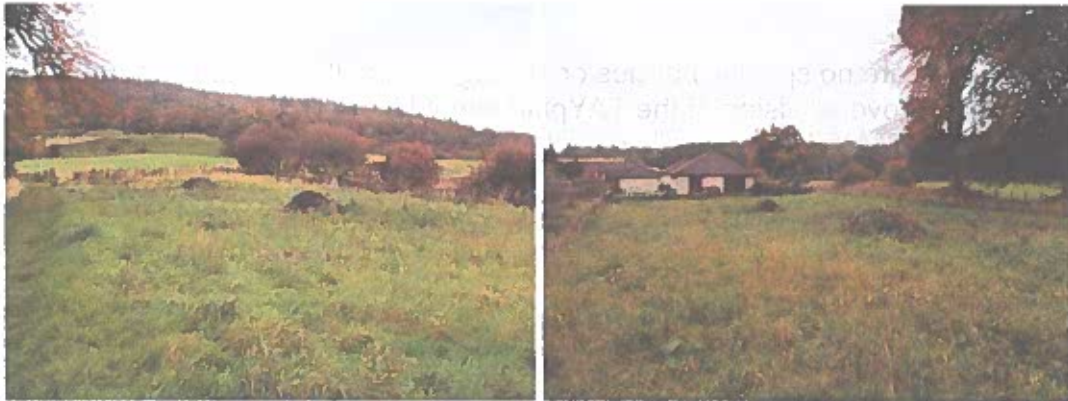
LOCATION: Land 40 Metres North East of The Old Piggery, Blairforge.

SUMMARY:

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

DATE OF SITE VISIT: 15th August 2019

SITE PHOTOGRAPHS (taken on previous site visit on 8th October 2018)



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 40metres North East of The Old Piggery, Blairforge, by Kinross. The application seeks planning permission in principle for a single dwellinghouse. The proposed site in full is approximately 844m² and is currently utilised for agricultural use. The site is bound to the south by The Old Piggery (a residential unit), to the west by a small access track and mature trees and to the north and east by low level wooden fencing / post and wire fencing.

The application replicates an application which was submitted in late 2018 and was refused (18/01460/IPL). The refused application was not appealed to the Local Review Body. Updated photos of the site have been included as part of this submission.

SITE HISTORY

18/01640/IPL - Erection of a dwellinghouse (in principle) 12 November 2018:
Application Refused

PRE-APPLICATION CONSULTATION

No formal pre-application consultation undertaken.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

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

Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

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

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

CONSULTATION RESPONSES

External

The Coal Authority:

No objection to the proposed development subject to conditional control.

Scottish Water:

There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development however there is no Waste Water Infrastructure available.

Scottish Gas Network (SGN):

SGN did not respond to the consultation, although it is noted that they had no objection to the previous application on the site in 2018.

Internal

Environmental Health (Contaminated Land):

Environmental Health stated informally no comment to make on the application, as per the previous application.

Transport Planning:

No objection to the proposed development, subject to conditional control regarding roads and access.

Development Negotiations Officer:
The Development Negotiations Officer recommended conditional control regarding education contributions.

REPRESENTATIONS

No letters of representation were received regarding the proposed development.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The local plan through Policy PM4 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This policy applies to this proposal as the site is not located within a designated settlement boundary.

However, through Policy RD3 'Housing in the Countryside', it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will

be supported.

Having had the opportunity to undertake a site visit and assess the plans, as per the previously refused application (18/01640/IPL), I consider the application does not relate to any of the required categories:

- (a) Building Groups
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

As no design or justification statement was submitted with the application, it is unclear what criterion that the applicant would like the application to be considered under. Regardless, I have assessed all relevant criteria and find none which could offer support of the application. The most relevant would be criterion (a) building groups and criterion (f) development on rural brownfield land. These will be discussed in further detail below.

At this point it should be made clear that during the assessment of the previously refused application (18/01460/IPL) the applicant was invited into a meeting in Pullar House on Monday 1st October 2018 where the housing in the countryside policy was explained in detail. The applicant confirmed that they would like to proceed with a recommendation for refusal rather than have the application withdrawn. The applicant for this current application is the same as the previous application.

Building Groups

In relation to criterion (a), building groups, an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case the neighbouring buildings can be considered as a building group as there are more than 3 existing buildings which stand together.

Notwithstanding the above, I therefore again turn to supplementary guidance, 'The Housing in the Countryside Guide' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

'Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).'

Proposals which contribute towards ribbon development will not be supported.'

In this case, the proposal constitutes an unacceptable extension to the existing grouping which would result in sprawl into the countryside in the form of ribbon development, which would detract and destroy the character of the area. Furthermore, the site does not have suitable definable boundaries on the northern and eastern boundaries, as stated as a requirement in the guidance, this therefore in itself makes the site contrary to the policy. The existing fencing is not considered to make a definable site. The below photograph shows the said existing boundary treatments which clearly shows that the site is not 'definable' as required by the policy:



During the assessment of the previous application, it was also noted that some trees have been relocated in what is considered an effort to make the site more definable. The below photograph, which was submitted by the applicant with the previous application, shows clearly that there were no trees present on the eastern boundary:



However, on conducting a site visit, as seen from the below photograph of the same boundary fence, some trees have now been relocated along this boundary. These trees have been assessed by my colleagues with experience in tree planting who have confirmed that the trees are now dead due to the poor quality of the replanting. The applicant has stated that the relocation of the existing trees was not by the applicants themselves but by the neighbouring land owner without any consultation.



Regardless of who moved the trees and how they were moved, it is clear that this is an effort to make the site more definable as required by the policy. As these trees are now dead and have been artificially placed, they are now of no amenity or landscape value to the site and as such are not considered to be 'definable' boundary treatments. After conducting an additional site visit as part of this application, the state of these trees has not improved.

Rural Brownfield Land

During the above mentioned meeting in Pullar House, the applicant requested that the application should also be considered under criterion (f) development on rural brownfield land. This is due to the former use of the site being for a piggery.

Whilst the former use of the site is noted, it cannot be considered under rural brownfield land as the policy specifically states that land is only considered as rural brownfield land where it is clear that the land was formerly occupied by buildings. In this case, there are no records of any buildings on this site and its use as a piggery is therefore considered as an agricultural field. Pig sheds are not considered to be 'buildings' as defined by the policy. The proposal can therefore not be assessed against criterion (f).

Summary

In summary, consistent to the previous refusal on the site, the principle of housing development on the site is contrary to Policy RD3. No material considerations are evident that would justify setting aside the relevant provisions of the aforementioned Local Development Plan.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout would be considered under a detailed application. An indicative plan has however been submitted which shows that an acceptable scheme may be achievable.

Landscape and Visual Amenity

The site is on a relatively exposed piece of land and therefore highly visible from the surrounding area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area.

In this case, due to the exposure of the site from the lack of a definable site and the proposed siting of the plot being highly visible upon the landscape, it is therefore considered that the development of this site into a residential development could negatively impact upon the landscape character of the area. As this application is in principle only and full details have not been submitted, I am unable to comment on the complete visual impact of the proposal.

Residential Amenity

It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, 'The Old Piggery' in particular. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouse.

Roads and Access

As this application is in principle, full details of the proposed roads and access have not been submitted, although it is indicated that access will be obtained from the existing track. My colleagues in Transport Planning were consulted as part of this application and stated that they have no objection to make on the proposed development, subject to conditional control regarding roads and access. I therefore have no concerns in relation to roads and access.

Drainage and Flooding

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application.

Coal Mining

The Coal Authority was consulted as the site is located within the defined Development High Risk Area. The Coal Authority identified that the content and conclusions of the Coal Mining Risk Assessment submitted are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Conservation Considerations

The site is not in close proximity to any listed building, conservation area or any other designated site of historical interest. It is therefore considered that the proposed development will have no adverse impact upon the historic environment.

Developer Contributions

Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Cleish Primary School. The Developer Negotiations Officer was consulted as part of this application and recommended conditional control to be added to any consent granted to reflect this.

Economic Impact

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken

account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application.

Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it constitutes ribbon development.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the siting of the development on an exposed site with little landscape containment.

Justification

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

Informatives

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/01313/1

19/01313/2

19/01313/3

19/01313/4

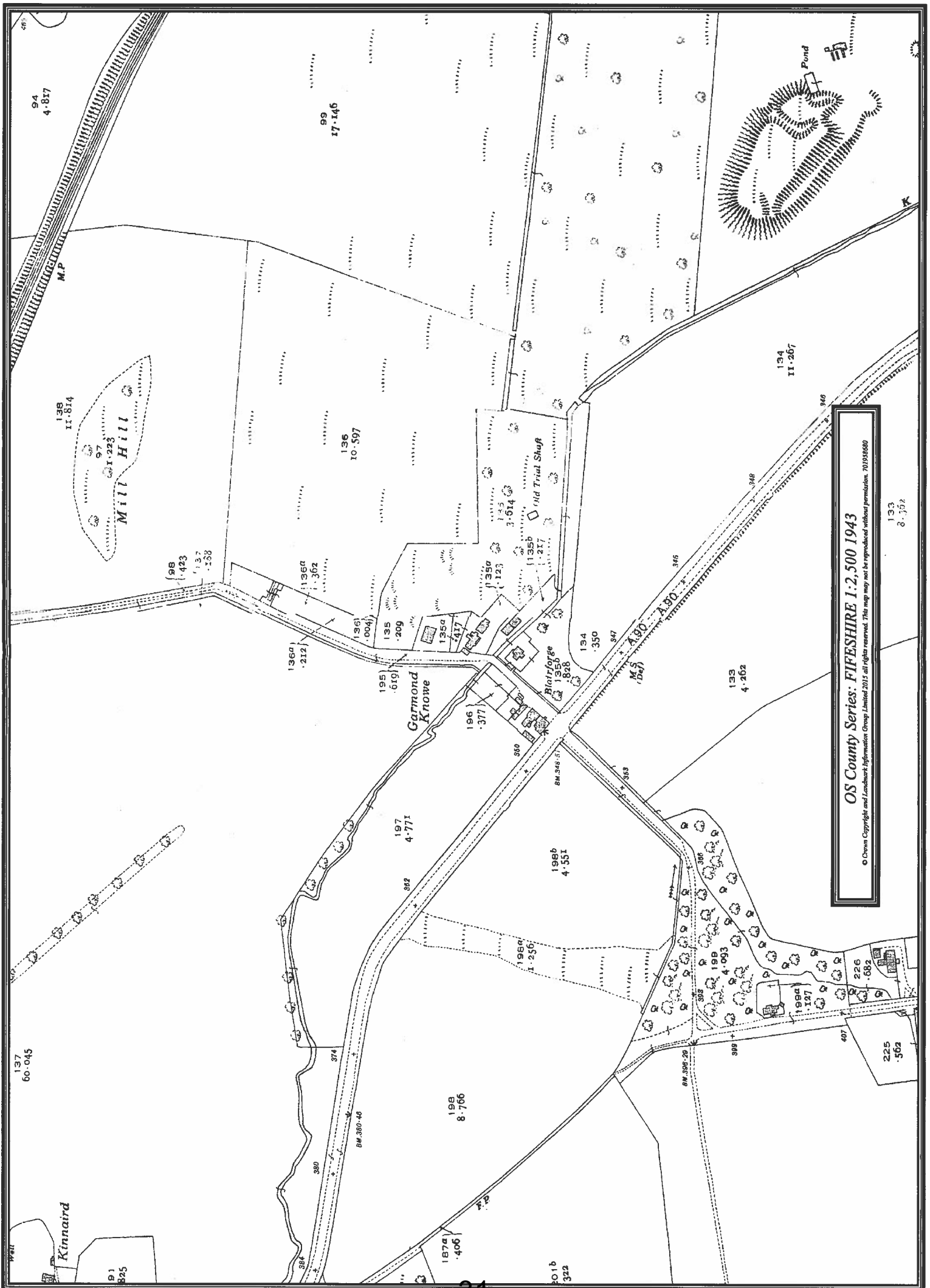
19/01313/5

19/01313/6

19/01313/7

19/01313/8

Date of Report 25th September 2019



OS County Series: FIFE SHIRE 1:2,500 1943
© Crown Copyright and Landmark Information Group Limited 2015 all rights reserved. This map may not be reproduced without permission. 701916800

APPENDIX 3

The Old Piggery
Blairforge
By Kelty
Fife
KY4 0JD



28th November 2017

Dear

Application for Planning in Principle on the remaining ground at The Old Piggery

Sylvie and I are writing to all residents in Blairforge to let you know that we are thinking of applying for Planning in Principle on the remaining ground at The Old Piggery.

We are contacting you because we feel you have a right as part of our small community to know what we are hoping to do. We are keen to hear your views on this issue and to listen to any concerns you may have.

Please let us know what you are thinking by completing the tear off at the bottom of this letter and returning it to us. Or you can reply by email to the above email address.

We value your opinion and we look forward to hearing from you.

Many thanks,

Neil and Sylvie

.....
We agree/disagree

The reasons for our answer is as follows

(All replies are attached to the back of this letter)

APPENDIX 3

Please find below 11 replies from 12 letters sent to residents in Blairforge

"We have no objections & hope it all goes well"

Nicola & Dale
[REDACTED]

"Do not think it will have any adverse effect on the community"

Jim & Liz Dallas
[REDACTED]

"We have no problem with this planning application"

Tom & Sheena Mathieson
[REDACTED]

"Rather have neighbour building new home. Rather than developer and not knowing the new neighbour."

Robert & Erna Neilson,
[REDACTED]

"I have no objections to the above application. It will have no adverse affect on me"

Keith Bennetto
[REDACTED]

Dear Neil & Sylvie,

"Neither Teen or myself have any concern what so ever in you applying for planning on your remaining ground at The Old Piggery. We both wish the best of luck with it.

Best wishes Jimmie & Teen"
[REDACTED]

Hi Neil & Sylvie,

"Sorry this is so late in response. I waylaid your letter over the Xmas period but have picked it up today. We have no objections to your intentions over the development at the Old Piggery and would support your application".

Regards
Graeme & Susan Stephen
[REDACTED]

Hi Neil & Sylvie,

"Thanks for your letter. Craig and I have no objections to your plans".

Hope all goes well
All the best
Dorothy
[REDACTED]

Hi Neil & Sylvie,

I just popped round to discuss but unfortunately no one answered. Thought it easier as I've been off on annual leave and not got round to writing your reply.

It would be good to be kept informed regarding type of house you are proposing for your remaining plot at the end of the road, although as not directly next door it will not effect our property to any great extent - therefore can't foresee any material objection.

Although one point, I'm sure other neighbours will raise with you is the condition of the lane/access into the properties - this is deteriorating already as it is and will need addressed before, during and even after a new build.

The increased traffic & turning is also an issue - don't know if a turning bay/space to turn could be considered at the same time as planning?

My last point is to ensure that a new build will have it's own sewage system and not be tapped into our existing.

Other than that, enjoy the process and let us see what you are proposing !!!
Kind regards

Gillian
[REDACTED]

Dear Neil and Sylvie,

Thank you very much for seeking our opinions regarding the above proposal. Any concerns we have mainly relate to the construction phase for any new building. The heavy lorries used by the people that own the junk yard at the back of our properties have caused considerable damage to the road surface and there is also evidence of subsidence. Given the fact that we have key pipes running beneath the road this is of particular concern and the management of construction vehicles and materials would be a key factor in our views on any further building works.

We are also concerned about the bridge. We are aware that it has been stated that was reinforced for previous building works but it is very narrow and there is a crack in the wall just now.

A further issue is the lack of turning space for vehicles in our part of Blairforge. We notice through the week, when we are working from home, that a number of vans and cars use our drive for reversing into which has led to cracked paving and lights being smashed. We have, in fact, not replaced these due to a reluctance to waste further money.

We hope that this information is of use to you when considering the way forward,

Regards

Sara and Ian.

[REDACTED]

Taken from a conversation I had with Garry Mercer.

I have absolutely no problems with you going for planning.

Garry & Jane Mercer

[REDACTED]

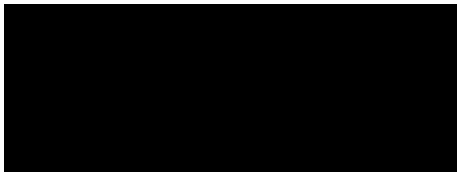
The Old Piggery

Blairforge

By Kelty

Fife

KY4 0JD



Dear Community Council Committee members,

Application for Planning in Principle on the remaining ground at the Old Piggery

We mentioned at the last community council meeting that we were going to apply for Planning in Principle on the final piece of land at the Old Piggery.

But before we did that we decided to canvass all our neighbours to gauge opinions.

There is a copy of the canvassing letter attached along with 11 out of 12 replies from people living in Blairforge. 5 tear off slips were returned and 6 replies were by email. The replies have not been altered in any way they have been copied verbatim from the originals and they can be seen at anytime should you wish to view them.

In light of the favourable results we have received from our neighbours, we would also like to ask you as our local community council for your views, any concerns you may have. And whether or not you would support this application

We look forward to hearing from you in the near future

Kind regards

Neil & Sylvie McCleary

 Reply

 Reply All

 Forward

 Delete

 Spam

More ▾



As sent on 9th Feb.

 **Ron Kitchin** (chair@cleishandblairadam.org.uk)

 39

To: you + 1 more [Details](#) ▾



Sylvia, please see below email as sent to you on 9th Feb, could you please confirm receipt?

 5

Many thanks



Regards



Ron

 12



From: Ron Kitchin <chair@cleishandblairadam.org.uk>
Sent: 09 February 2018 18:46
To: [REDACTED]
Subject: Land at the Old Piggery, Blairforge





Dear Sylvie,

Many thanks for the opportunity to comment on your proposal.

Having considered the information provided and the noted support from neig inclined to look favorably on a proposal that met the Housing in the Countrys

As suggested it might be worth considering a Pre-application Consultation w process being on their website. This may identify any areas of concern they n

Kind Regards

Ron



--



Ron Kitchin



Chair

Cleish & Blairadam Community Council

TCP/11/16(621) – 19/01313/IPL – Erection of a dwellinghouse (in principle), land 40 metres north east of The Old Piggery, Blairforge

PLANNING DECISION NOTICE

REPORT OF HANDLING *(included in applicant's submission, pages 19-30)*

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr And Mrs Neil And Sylvie McCleary
The Old Piggery
Blairforge
Kelty
KY4 0JD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 25th September 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01313/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 8th August 2019 for permission for **Erection of a dwellinghouse (in principle) Land 40 Metres North East Of The Old Piggery Blairforge** for the reasons undernoted.

Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it constitutes ribbon development.
3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the siting of the development on an exposed site with little landscape containment.

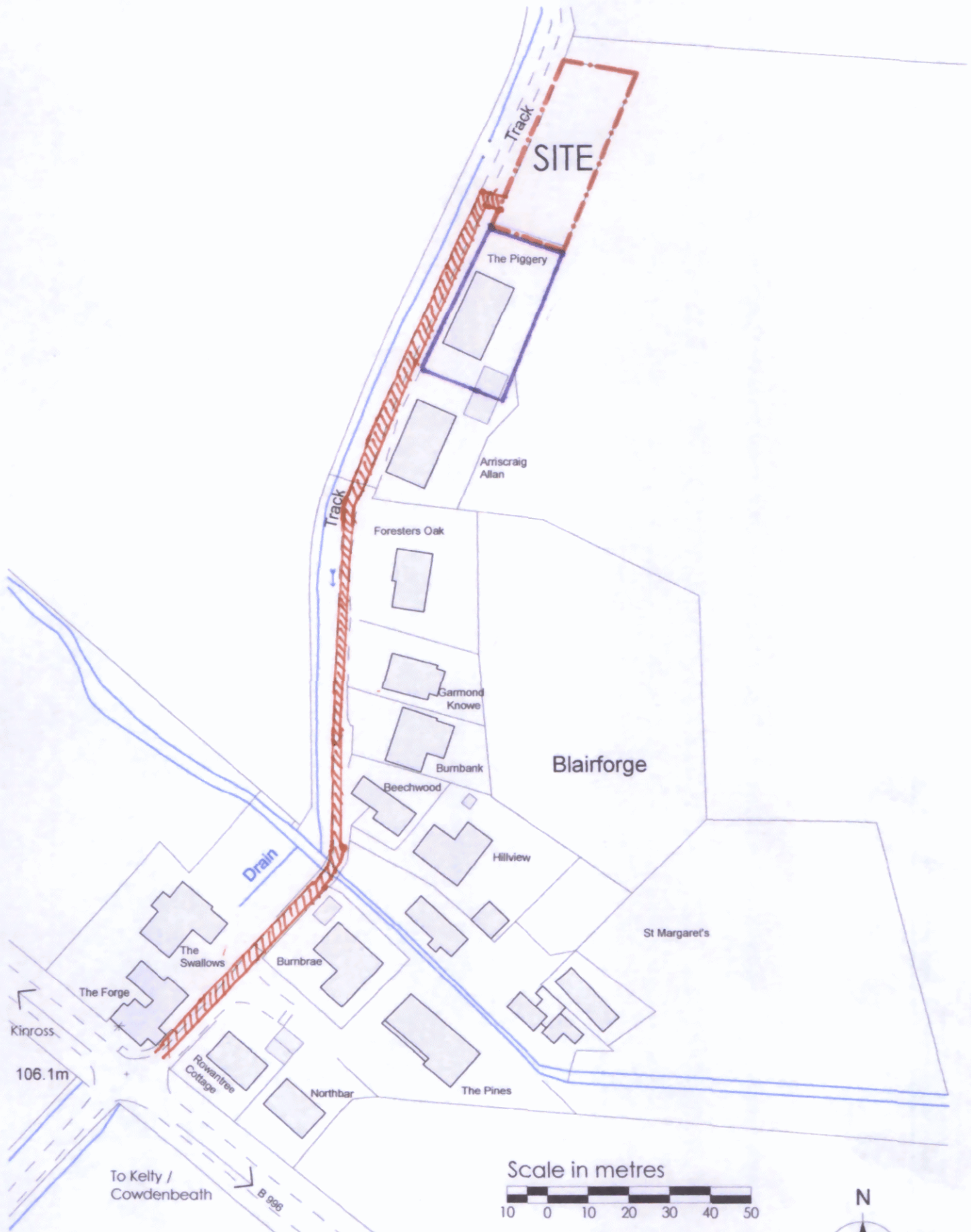
Justification

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

The plans 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 Reference

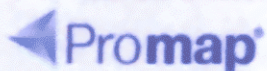
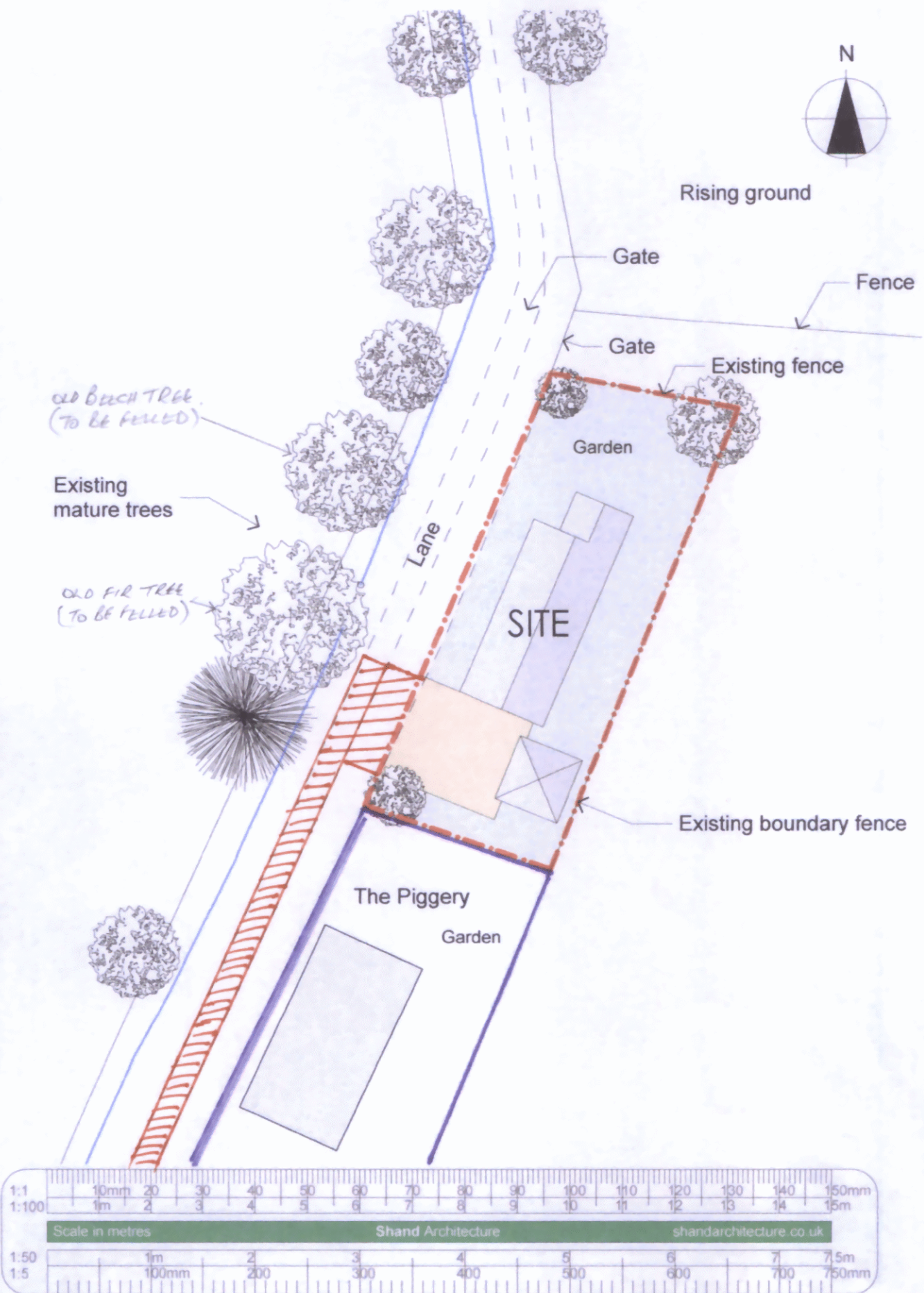
19/01313/1	19/01313/5
19/01313/2	19/01313/6
19/01313/3	19/01313/7
19/01313/4	19/01313/8



Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432
All Ordnance Survey products, mapping or data are subject to the Copyright, Designs and Patents Act 1988.



Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail : stuart@shandarchitect.co.uk	Project Proposed House at The Piggery, Blairforge, Kinross Drg. Title SITE LOCATION	Date November 2015 Drg. No. 15/44-02	Scale 1:1250 A
--	--	---	------------------------------------



Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail - stuart@shandarchitect.co.uk	Project Proposed House at The Piggery, Blairforge, Kinross Drg. Title SITE PLAN	Date November 2015 Drg. No 15/44-03	Scale 1:500 A
--	---	---	----------------------------



Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- stuart@shandarchitect.co.uk	Project Proposed House at The Piggery, Blairforge, Kinross	Date November 2015	Scale NTS
	Drg. Title SITE LOCATION - Aerial View	Drg. No. 15/44-01	

ConcreteTanks

Water Tank Accessories

WATER TANK ACCESSORIES

As well as supplying septic tanks, water treatment tanks and rainwater harvesting tanks, Turley Bros also supply a range of accessories including risers, lids and percolation boxes.

Please contact us with your requirements for new build, renovation or extension. We are more than happy to assist you with any technical queries and quote you for any of our products and services.

Tel: +44 (0)28 3026 6421

www.turleybros.com

www.resinbondedireland.com

Why not come and visit our showroom and experience our products and finishes.

ConcreteTanks

Septic and Water Treatment Tanks



/TurleyBros



ACCESSORIES



LIDS



PERCOLATION BOXES

Plastic Risers:

150ht x 550 diameter

150ht x 650 diameter

Concrete riser (for percolation box only):

150ht x 550 diameter

ConcreteTanks

Septic and Water Treatment Tanks

Turley's Precast Concrete Septic and Water Treatment Tanks are

Built to Last

• Certified to EN 12566-3

• Up to 99% BOD rating

• Easy Installation

• Superior to Plastic Tanks

Hundreds
already sold
throughout
Ireland



Turley Bros. 7 Corraedy Road, Sheepbridge, Newry, Co Down BT34 1LP
Tel: +44 (0)28 3026 6421 Fax: +44 (0)28 3025 0542 info@turleybros.com www.turleybros.com



Call Turley Bros: +44 (0)28 3026 6421 www.turleybros.com

Turley's Precast Concrete Septic Tanks:

- Are strong, durable and watertight
- Are easy to install
- 45 N concrete strength
- Utilise large volume capacities



Turley's septic tanks are built to last. Unlike plastic and fibreglass alternatives, our precast concrete tanks are strong, durable and watertight. Furthermore, due to the nature of precast concrete, our tanks gradually strengthen over time.

Meeting all the definitions and mandatory standards of a septic tank in the European Union, our EN125661 certified Turley septic tank has a capacity of 3,400 litres. That's enough to solve the sewage disposal problem of an eight person home.

Concrete septic tanks are the ideal preferred storage vessel for on-site septic storage and treatment.

The Turley Septic Tank is made up of high strength 45 Newton concrete, and weighing in at 4.7 tonnes, is manufactured and supplied from Turley's state of the art facility in Newry Co. Down. Whilst you can be reassured as to the robustness and effectiveness of our tanks, you don't need to worry about installation. Turley Bros will make the installation process easy and will install on site.

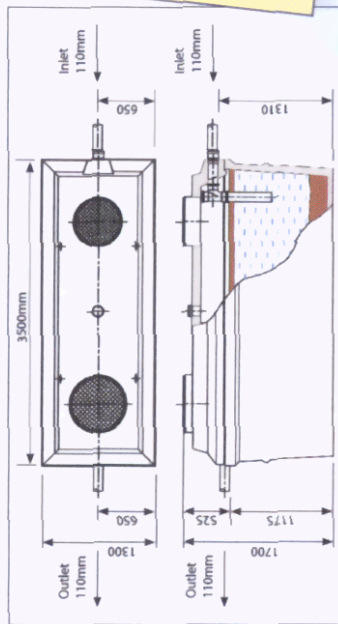
The high strength concrete tank design makes it free from seepage, leaking, and intrusion risks commonly

SPECIFICATIONS

- The Turley Septic Tank**
- Certified to EN12566-1
 - 3400 Litre Capacity
 - 45 Newton Concrete
 - 4.7 Tonnes In Weight
 - Up to 8 PE
 - Length 3500mm
 - Width 1300mm
 - Height 1700mm (including lid and riser)
 - Inlet 1310mm from bottom of tank (invert level)

caused by roots from the vegetation in the vicinity and the acidity of the sewage. The Turley Septic Tank is designed with access covers, ten millimetre steel loops for handling, ventilation access, bitumen seal and pipe seal facilities at the inlet and outlet ends, is an ideal choice for not only new installations, but also is the tank of choice for replacement or upgrading of an existing tank.

Turley Bros are proud to announce that our Tank conforms to the current Standards of Environmental Practice as per the EPA Code of Practice and has achieved European EN 12566-1 certification.



Turley's waste water treatment system tanks are durable and easy to install and can be utilised in those areas where the percolation area of the septic system does not meet the filtration requirements in terms of soil porosity.

The modern water treatment plant system fitted inside the concrete tank is protected by the robust concrete exterior.

PROCESS

Waste water enters through a calming inlet, minimizing disturbance. Inflowing wastewater is being intermittently aerated in both chambers.

This process reduces the overall sludge production. The total tank volume is being utilized as Reactor/ Sludge storage/ and buffer at different times within the 12 hour cycle.

This same 12 hr cycle enables the system to minimize the probability of hydraulic peaks occurring during sedimentation or clearwater discharge.

Systems available for both 97.5% and 95% BOD removal

SPECIFICATIONS

- The Turley Advanced Water Treatment Tank**
- Certified to EN12566-3
 - 3400 Litre Capacity
 - 45 Newton Concrete
 - 4.7 Tonnes In Weight
 - Up to 8 PE
 - Length 3500mm
 - Width 1300mm
 - Height 1700mm (including lid and riser)
 - Inlet 1310mm from bottom of tank (invert level)

Turley Advanced Water Treatment System – EN 12566-3

Turley's Advanced Waste Water Treatment Systems combine the benefits and the durability from a concrete tank and the trusted performance of our SBR treatment kit.

Certified to be in compliance with the EN 12566-3 and the recent SR66 regulations.



Turley Bros can carry out all your site assessment needs as required for your planning application. Our sales advisers can prepare site assessments and percolation tests and complete your consent to discharge forms. To give you peace of mind we also provide a service maintenance contract of your wastewater treatment system ensuring its high efficiency results with yearly inspections and reports to the household owner.



The Coal
Authority

Coal Mining Risk Assessment Report

For development at:

Land northeast of the Old Piggery, Blairforge, KY4 0JD

For proposal:

Erection of a single storey residential dwelling and garage

Assessment Summary

Assessment Result	MEDIUM RISK
Recommended Further Work	ADVISORY COAL GAS RISK ASSESSMENT

The Coal Authority works to resolve the impacts of mining by growing its expertise, innovation, organisational capability and efficiency.

It manages the effects of past coal mining, including subsidence damage claims which are not the responsibility of licensed coal mine operators and is an executive non-departmental public body, sponsored by the Department of Business, Energy and Industrial Strategy. This report is valid for 90 days.

Limit of liability

This report is provided for the applicant and is in respect of the property identified on its face. Any conclusions or recommendations made are those based on information obtained for the report and our current knowledge and practices. The information and data set out in this report is based on information provided by or obtained from third parties which is held by the Coal Authority. Any limitations of the data are identified within the report. The Coal Authority does not accept liability for the accuracy of third party data. Should new data or information become available these results, conclusions and recommendations may require amending. The Authority is not and cannot be liable for any harm, loss or damage of whatever nature, including consequential loss, occasioned to any third party by the inaccuracy of the information set out in this report and any person seeking to rely upon it should if necessary undertake their own investigations and professional advice. The report should only be used in the stated context.

Copyright

Copyright in materials supplied is owned by the Coal Authority. You may not copy or adapt this publication, or provide it to a third party, without first obtaining the Coal Authority's permission © The Coal Authority 2017. All rights reserved.

Maps and diagrams that use topography based on Ordnance Survey mapping contains Ordnance Survey date © Crown copyright and database right 2011.

Any advice provided in this report does not prejudice our position as a statutory consultee.

Version	Compiled	Checked	Date
1.1	HB	PB	12/10/18

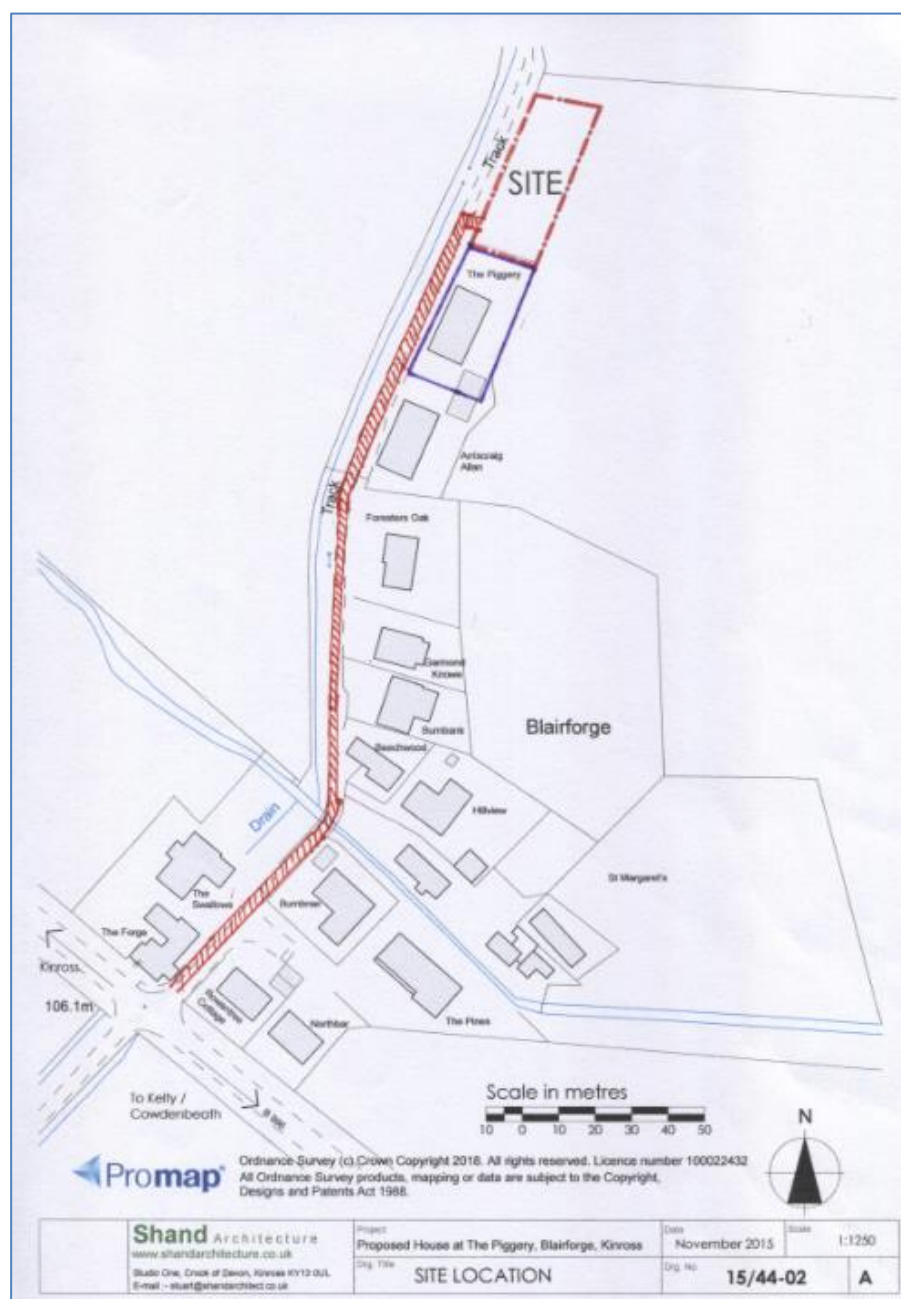
Section 1 – Description of site and proposed development

a) Site location and Description

The Coal Authority has been commissioned to prepare a Coal Mining Risk Assessment Report for a proposed development on land northeast of the Old Piggery, Blairforge, KY4 0JD (see Figure 1), in order to provide the Local Planning Authority with information on coal mining and an assessment of its impact on land stability.

The approximate site centre co-ordinates are 314030E, 696430N. The proposed development area requires access via an existing access track leading northeast from the B996. The site has an approximate elevation of 106m AOD.

Figure 1: Site location plan



b) Description and layout of proposed development

The Coal Authority understands that the developer plans to construct a single storey residential dwelling and garage (see Appendix A).

c) Scope of coal mining risk assessment

The purpose of this Coal Mining Risk Assessment Report is to:

- Present a desk-based review of all available information on the coal mining issues which are relevant to the application site.
- Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues.
- Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influenced the proposed development.
- Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

Any works that intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse. Coal Authority permission is required prior to any such works taking place. Further detailed advice can be provided upon request.

The Coal Authority's adopted policies regarding building over or close to mine entries and managing gas risks can be viewed at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

www.gov.uk/government/publications/guidance-on-managing-the-risk-of-hazardous-gases

Section 2 – Sources of information used to inform this report

Source reviewed	Yes	No	Remarks
Coal mining report	X		Non-Residential Coal Mining Consultants Report (see Appendix B)
Other mining records		X	
Historic OS plans		X	
Geological plans	X		OS Geological Sheet NT19NW (1958)
BGS Boreholes	X		NT19NW70
Other	X		BGS geology viewer

The above information sources have been used to provide an assessment of the potential mining risk within the remainder of the report.

Section 3 – Identification and assessment of site specific coal mining related risks

The Coal Authority's search of its detailed coal mining information identifies the following site specific coal mining legacy risks to the site.

Coal mining issue	Yes	No	Risk assessment	
			Rating	Comment
a) Underground coal mining (recorded at shallow depths)		X	Low risk	None recorded
b) Underground coal mining (probable at shallow depths)		X	Low risk	None recorded
c) Mine entries (shafts and adits)		X	Low risk	None recorded
d) Coal mining geology (faults and fissures)	X		Medium risk	A fault is recorded to pass through the southern corner of the development site, which could act as a conduit for mine gases
e) Record of past mine gas emissions or potential	X		Medium risk	All mine workings and geological faults pose a potential gas risk which should be considered in any future investigations and development.
f) Recorded coal mining surface hazard		X	Low risk	None recorded
g) Surface mining (opencast workings)		X	Low risk	Former opencast site approximately 250m southeast of development

A desk based study of the coal mining information has been used to risk assess the coal mining features above. A summary of the risk posed by these features is summarised after thorough analysis of the information sources by an experienced Coal Authority Mining Engineer. Comment on each specific coal mining issue follows below:

a) Underground Coal Mining (recorded at shallow depths)

Coal mining at depths shallower than 30m beneath ground level can typically pose challenges to ground stability at the surface. The magnitude of this effect depends upon

the exact depth of any workings, the thickness of competent rock cover and the extraction thickness of any coal mine workings.

The Coal Authority Coal Mining Consultant's report in Appendix B shows that the development site is not in an area of recorded coal mine workings at shallow depth or otherwise.

b) Underground coal mining (probable at shallow depths)

Areas of probable shallow coal mine workings have been identified as part of the Development High Risk Area for which no recorded plan exists, but where it is likely that workable coal at shallow depths has been mined before records were kept. The data has been estimated from available mining records by qualified mining surveyors. Since 1872 there has been a law that requires all coal mine operators to deposit working plans of the mine with the government following the cessation of operations. Prior to this date the plans were often destroyed or kept in private ownership.

Where the extraction of coal has occurred there is the potential for voids to remain long after mining has ceased. The depth of workings generally dictates the length of time that significant voids may remain, but other factors including the size of mine roof supports and the competency of overlying strata can influence the time for natural consolidation to occur. Waste material produced during mining was sometimes used to backfill abandoned sections of mine workings, therefore reducing the volume of open cavities or voids that remain. The method of backfilling workings is typically not recorded and cannot be relied upon as a satisfactory form of remediation.

The Coal Authority Coal Mining Consultant's report in Appendix B shows that the development site is in an area of probable shallow coal mine workings.

The OS Geological Sheet NT19NW (1958) records an east-west trending fault to clip the southern-most corner of the main development plot, downthrown to the south and locally displacing coal seams. This fault would appear to be laterally extensive, with no coal seams shown to the north of this fault in proximity to the site. The sheet conjectures the Kelty Main Coal and the Jersey Coal to outcrop to the south of the fault, approximately 130m and 170m southeast of the site, respectively.

No rate of dip is indicated on the geological sheet locally to the site, however a note on the plan approximately 180m south of the site records SUP (superficials) 6 (ft – 1.8m) and the Kelty Main seam to be 78in (1.98m) at 63 (ft – 19.2m – below ground level). Based on the distance from outcrop of this borehole location, this would equate to a rate of dip of 44°. This dip in turn would indicate that the Kelty Main seam would be present at approximately 125m below rockhead at the southern end of the development plot, to the south of the fault.

Even if a shallower dip is used to estimate the depth of the Kelty Main seam – for example 16° which has been estimated as a shallow rate of dip from the Glassee seam

at Blairfordel Farm opencast site (approximately 250m southeast of the proposed development and beyond further faults), this would still locate the Kelty Main seam at approximately 37m below rockhead and would therefore still have sufficient competent cover if the Kelty Main seam has been worked.

A further note on the geological plan approximately 1.2km southwest of the proposed development records a separation from the Kelty Main to the Jersey Coal of 57ft (17.4m) and a thickness for the Jersey Coal of 57in (1.44m). The Jersey Coal is therefore likely to have sufficient competent cover beneath the Kelty Main seam, if worked.

Although local seam thicknesses and separations may vary, it is considered that the risk to the proposed development from unrecorded shallow mine workings is low.

c) Mine entries (shafts and adits)

The Coal Authority Coal Mining Consultant's report in Appendix B shows no mine entries are recorded within 100m of the development site. The development site sits within a historical mining area and therefore there is a residual risk of unrecorded mine entries to be present on site. All site operatives should be made aware of this potential risk and a watching brief should be maintained during site works.

d) Coal mining geology (Faults and fissures)

A laterally extensive east-west trending fault, downthrown to the south, is recorded to pass through the southern corner of the development plot. To the north of this fault, the main development plot sits upon the Lower Carboniferous Calciferous Sandstone Measures. To the south of the fault is the Upper Carboniferous Limestone Coal Group.

The OS Geological Sheet indicates superficial deposits locally to the site to be glacial sands and gravels and boulder clays. A note on this sheet approximately 180m south of the development site indicates superficial deposits to be 6 (ft - 1.8m - thick). The closest BGS borehole record to the site (NT19NW70, 180m southeast of site) details the findings of three separate bores. All three bores detail a horizon of 'sand stones', underlain by horizons of 'Sst soft' or fireclay. If the 'sand stones' horizons are considered to be unconsolidated, this would indicate a depth to rockhead of between 5fms (9.1m) and 6fms 2ft 6in (11.6m). Actual superficial deposits beneath the development footprint could vary.

The Kelty Main seam is known to be liable to spontaneous combustion. The presence of coal seams close to the site (specifically a seam known to be liable to spontaneous combustion) coupled with the presence of a pathway feature (a geological fault) should be considered as part of a gas risk assessment for the site.

e) Record of past mine gas emissions or potential

There are no recorded past gas emissions recorded in the surrounding area, however, coal seams and coal mine workings pose a potential gas risk which should be considered in any future investigations and development. At development sites with shallow coal workings, probable shallow coal mine workings, or pathway features such as mine entries and geological disturbances on or nearby the site, the Coal Authority recommends that a more detailed gas risk assessment to be undertaken in accordance with relevant guidance.

f) Recorded coal mining surface hazard

None recorded.

g) Surface mining (opencast workings)

A former opencast site (Blairfordel Farm), which ceased operations in 1998, is located approximately 250m southeast of the proposed development site. This site worked six seams in total and is not considered to pose a risk to the proposed development.

Section 4 – Proposed mitigation strategy

a) Site investigation and/or remediation

After a thorough desk based review of the available evidence, it is probable that the development site has not been subject to the influence of coal mining legacy features. However, due to the presence of a fault passing through the southern extent of the development footprint and coal seams at depth (including the Kelty Main seam, which is known to be liable to spontaneous combustion) it is advisable that a gas risk assessment is undertaken by an appropriately qualified party.

This risk assessment may recommend basic gas protection measures within the foundation design, which are resistant to permanent gases (carbon dioxide, methane, carbon monoxide) and comparable to that suggested in BR211, as commonly used to protect against radon in residential properties.

www.gov.uk/government/publications/guidance-on-managing-the-risk-of-hazardous-gases

Although it is unlikely that coal will be encountered at the site, should coal seams be found, at or near the depth of the development's foundations, they may pose a risk of spontaneous combustion if exposed to air or may act as pathways for ground gases to reach the development. A competent engineer should be consulted if coal is encountered in, or adjacent to, the foundations of the proposed development.

Concrete, cements and renders may be susceptible to attack from elevated levels of Sulfates in the ground. The Building Research Establishment reports that most cases of Sulfate attack occur in and adjacent to coal field areas and related industrial centres. It would be prudent for the issue of Sulfate attack to be considered during the foundation design to ensure they comply with the Building Regulations 2010.

You may also wish to refer to the Construction Industry Research and Information Association (CIRIA) publication Special Publication 32 "Construction over Abandoned Mine Workings".


b) Coal Authority permit

Any intrusive activities, including initial site investigation boreholes and any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority. Application forms for Coal Authority permission and further guidance on this matter can be obtained from the Coal Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

c) The development lifecycle and follow-on services

This risk assessment forms part of a much wider proposition to assist you in developing this land.



Phase 1	High-level risk overview
Phase 2	In-depth risk assessment report
Phase 3	Design of ground investigation
Phase 4	Supervision of ground investigation works

Follow on services can be requested using the details in the contacts section.

Section 5 – Conclusions

This report has identified that the proposed development site has not been subject to past coal mining activity, however coal seams are likely to be present at depth, which may contain gases. A fault is recorded to pass through the southern extent of the site, which may act as a conduit for gases. Accordingly the risk to the proposed development from these gases is currently medium.

It is advisable that an appropriate gas risk assessment is undertaken, as outlined in Section 4a of this report.

The recorded coal mining legacy issues present within the site do not pose any particular implications for the layout of the proposed development.

Section 6 – Contacts

Site Investigation and Remediation Services for Developers

Tel: 0345 7626848

To get advice on cost and design solutions for development.

Planning and Local Authority Liaison Service

Tel: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/planning-applications-coal-mining-risk-assessments

Surface Hazards Emergency Service

Tel: 01623 646 333 (open 24 hours a day, 7 days a week)

24-hour number for reporting public safety hazards and incidents associated with coal mining

Mining Reports Service

To purchase site specific coal mining information go to our website;

www.groundstability.com

Licensing and Permitting Service

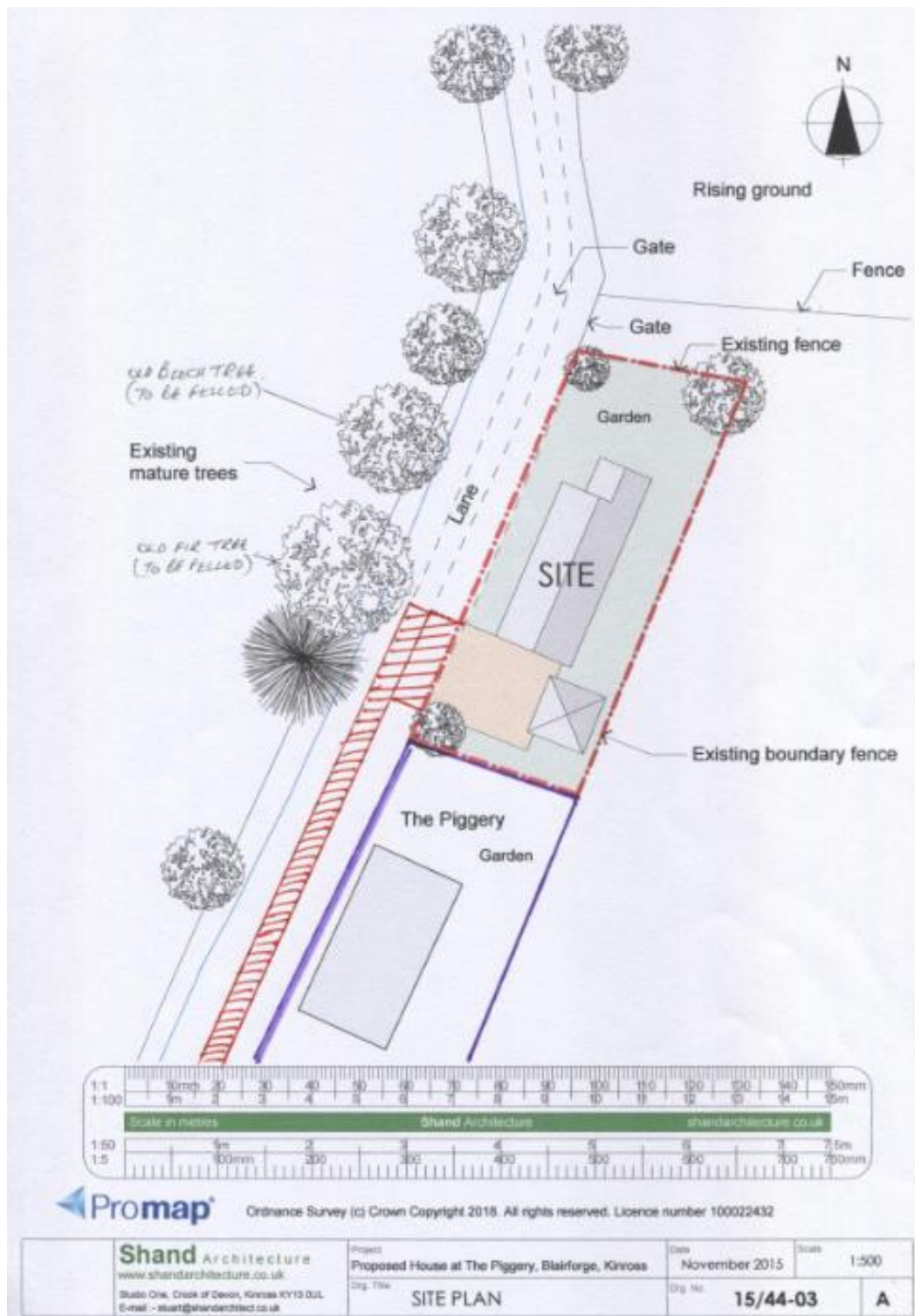
Email: permissions@coal.gov.uk

Tel: 01623 637 320

For permission to enter or disturb coal mine entries and coal seams.

Section 7 – Appendices

Appendix A – Plan showing proposed development layout





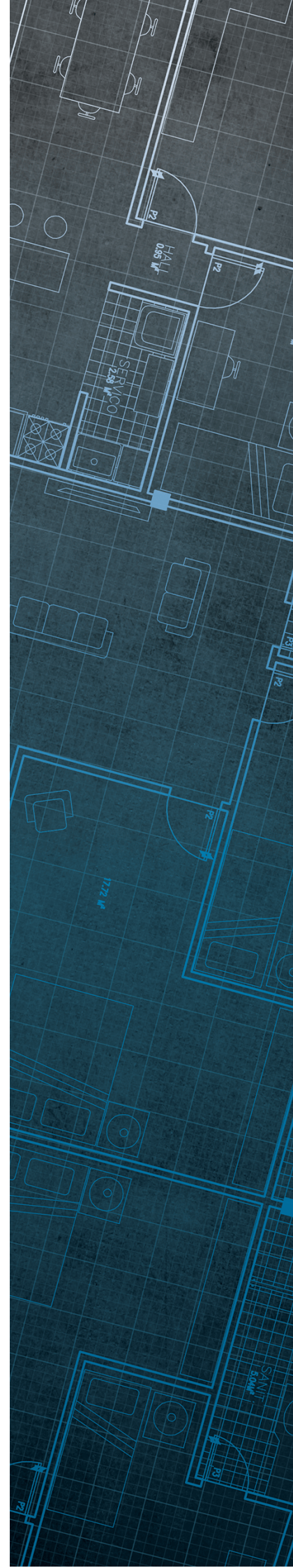
The Coal
Authority

Consultants Coal Mining Report

Land North East Of The Old Piggery
Blairforge
Fife
KY4 0JD

Date of enquiry:	3 October 2018
Date enquiry received:	3 October 2018
Issue date:	3 October 2018

Our reference:	51001954655001
Your reference:	CMRA1231



Consultants

Coal Mining Report

This report is based on and limited to the records held by the Coal Authority at the time the report was produced.

Client name

THE COAL AUTHORITY

Enquiry address

Land North East Of The Old Piggery
Blairforge
Fife
KY4 0JD


How to contact us

0345 762 6848 (UK)
+44 (0)1623 637 000 (International)

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

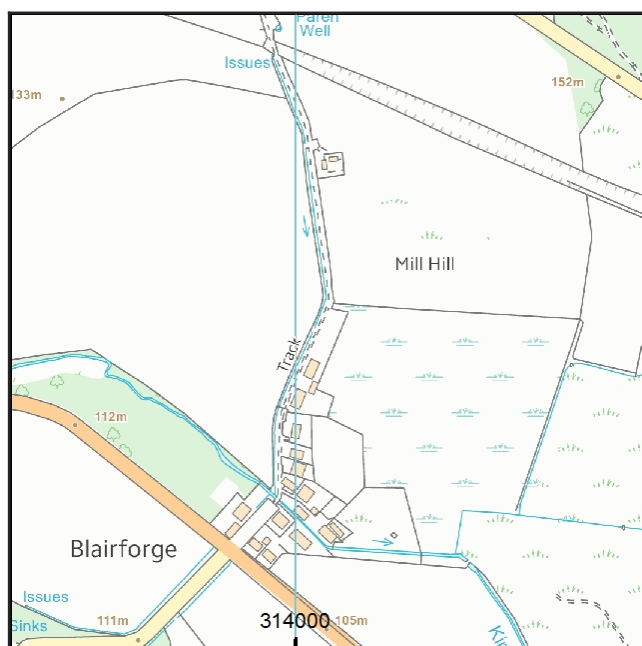
www.groundstability.com

 @coalauthority

 /company/the-coal-authority

 /thecoalauthority

 /thecoalauthority



Approximate position of property



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2018. All rights reserved.

Ordnance Survey Licence number: 100020315

Section 1 – Mining activity and geology

Past underground mining

No past mining recorded.

Probable unrecorded shallow workings

Yes.

Spine roadways at shallow depth

No spine roadway recorded at shallow depth.

Mine entries

None recorded within 100 metres of the enquiry boundary.

Abandoned mine plan catalogue numbers

The following abandoned mine plan catalogue numbers intersect with some, or all, of the enquiry boundary:

S4606	S4588	6282
S3037	S4568	S4509
17961		

Please contact us on 0345 762 6848 to determine the exact abandoned mine plans you require based on your needs.

Outcrops

No outcrops recorded.

Geological faults, fissures and breaklines

Please refer to the 'Summary of findings' map (on separate sheet) for details of any geological faults, fissures or breaklines either within or intersecting the enquiry boundary.

Fault under or close to the property recorded.

Opencast mines

Please refer to the "Summary of findings" map (on separate sheet) for details of any opencast areas within 500 metres of the enquiry boundary.

Coal Authority managed tips

None recorded within 500 metres of the enquiry boundary.

Section 2 – Investigative or remedial activity

Please refer to the 'Summary of findings' map (on separate sheet) for details of any activity within the area of the site boundary.

Site investigations

None recorded within 50 metres of the enquiry boundary.

Remediated sites

None recorded within 50 metres of the enquiry boundary.

Coal mining subsidence

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

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

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

Mine gas

None recorded within 500 metres of the enquiry boundary.

Mine water treatment schemes

None recorded within 500 metres of the enquiry boundary.

Section 3 – Licensing and future mining activity

Future underground mining

None recorded.

Coal mining licensing

None recorded within 200 metres of the enquiry boundary.

Court orders

None recorded.

Section 46 notices

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

Withdrawal of support notices

The property is not in an area where a notice to withdraw support has been given.

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

Payments to owners of former copyhold land

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

Section 4 – Further information

Based on the responses in this report, no further information has been highlighted.

Section 5 – Data definitions

The datasets used in this report have limitations and assumptions within their results. For more guidance on the data and the results specific to the enquiry boundary, please **call us on 0345 762 6848** or **email us at groundstability@coal.gov.uk**.

Past underground coal mining

Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.

Probable unrecorded shallow workings

Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).

Spine roadways at shallow depth

Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.

Mine entries

Details of any shaft or adit either within, or within 100 metres of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.

Abandoned mine plan catalogue numbers

Plan numbers extracted from the abandoned mines catalogue containing details of coal and other mineral abandonment plans deposited via the Mines Inspectorate in accordance with the Coal Mines Regulation Act and Metalliferous Mines Regulation Act 1872. A maximum of 9 plan extents that intersect with the enquiry boundary will be included. This does not infer that the workings and/or mine entries shown on the abandonment plan will be relevant to the site/property boundary.

Outcrops

Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.

Geological faults, fissures and breaklines

Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.

Opencast mines

Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.

Coal Authority managed tips

Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.

Site investigations

Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.

Remediated sites

Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures.

Coal mining subsidence

Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given.

Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice.

Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.

Mine gas

Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission.

Mine water treatment schemes

Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body.

These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial – mitigating the impact of existing pollution or Preventative – preventing a future pollution incident.

Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.

Future underground mining

Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.

Coal mining licensing

Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.

Court orders

Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.

Section 46 notices

Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.

Withdrawal of support notices

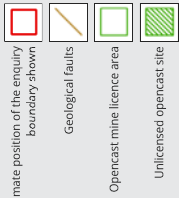
Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.

Payment to owners of former copyhold land

Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.

Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2018. All rights reserved.
Ordnance Survey Licence number: 100020315

Key





1. View from South West

- The site is rough garden ground, formerly part of a piggery.



1. View from South West

- The site is adjacent to an old lane.

Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- stuart@shandarchitect.co.uk	Project	Date	Scale
	Proposed House at The Piggery, Blairforge, Kinross	November 2015	1:1250
Drg. Title		Drg. No.	
PHOTOGRAPHS		15/44-04	







TCP/11/16(621) – 19/01313/IPL – Erection of a dwellinghouse (in principle), land 40 metres north east of The Old Piggery, Blairforge

REPRESENTATIONS

16th August 2019

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



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

KY4 Blairforge North East Of The Old Piggery Land
PLANNING APPLICATION NUMBER: 19/01313/IPL
OUR REFERENCE: 781270
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Glendevon Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison





The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr Sean Panton – Case Officer
Perth and Kinross Council

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

27 August 2019

Dear Mr Panton

PLANNING APPLICATION: 19/01313/IPL

Erection of a dwellinghouse (in principle); Land 40 metres North East of The Old Piggery, Blairforge, Perth and Kinross, KY4 0JD

Thank you for your notification of 14 August 2019 seeking the views of the Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the southern part of the site may have been subject to historic unrecorded underground coal mining likely to have taken place at shallow depth.

This planning application is accompanied by a Coal Mining Risk Assessment (12 October 2018) prepared for the construction of a single storey residential dwelling and garage at this site. It is noted that this Coal Mining Risk Assessment was submitted in support of a previous planning application (18/01640/IPL - erection of a dwellinghouse) at this site. The Coal Authority raised no objections to the proposal, based on the professional opinions

made by the report author of the Coal Mining Risk Assessment that the development site has not been subject to past coal mining activity. However as the report author identified that a fault is recorded to pass through the southern extent of the site, which may act as a conduit for gases, recommendations were made that a gas risk assessment should be carried out on the site.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment (12 October 2018) are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, as identified above, further more detailed considerations of gas protection measures may be required as part of any subsequent building warrant application.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01313/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED] [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres North East Of The Old Piggery, Blairforge		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating 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.</p> <p>This proposal is within the catchment of Cleish Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	30 August 2019		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01313/IPL	Comments provided by	Andrew de Jongh Technician – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres North East Of The Old Piggery, Blairforge		
Comments on the proposal	<p>The applicant should consider the following when submitting a formal planning application:</p> <ul style="list-style-type: none"> • The number of car parking spaces being provided for the dwellinghouse is in accordance with The National Roads Development Guide. • Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide. <p>Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.</p>		
Recommended planning condition(s)	<p>The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</p>		
Recommended informative(s) for applicant	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
Date comments returned	03/09/2019		

