

**LRB-2021-17**

**Planning Application – 20/00950/IPL – Erection of a dwellinghouse and garage (in principle), land 80- metres south east of Keepers Cottage, Braco**

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**LRB-2021-17**

**Planning Application – 20/00950/IPL – Erection of a dwellinghouse and garage (in principle), land 80- metres south east of Keepers Cottage, Braco**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100406319-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	DM Hall		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	The Mill
Last Name: *	Houghton MRTPI	Building Number:	
Telephone Number: *	01786 833800	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	Bridge of Allan
Mobile Number:	07780 117708	Town/City: *	Stirling
Fax Number:		Country: *	Scotland
		Postcode: *	FK9 4JS
Email Address: *	Paul.Houghton@dmhall.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="The Mill"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Station Road"/>
Company/Organisation	<input type="text" value="Blackford Farms Ltd"/>	Address 2:	<input type="text" value="Bridge of Allan"/>
Telephone Number: *	<input type="text" value="01786833800"/>	Town/City: *	<input type="text" value="Stirling"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="07780 117708"/>	Postcode: *	<input type="text" value="FK9 4JS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="paul.houghton@dmhall.co.uk"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land 80 Metres South East Of Keepers Cottage Braco"/>	
Northing	<input type="text"/>
Easting	<input type="text"/>

## Description of Proposal

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

Erection of a dwellinghouse and garage (in principle)

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see attached statement

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

☐ Yes ☒ No

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

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

Application as submitted Report of handling Decision Notice Local review statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00950/IPL

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

16/07/2020

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

30/03/2021

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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

Only a site visit will allow councillors to properly consider the site, context and whether there is any impact on the scheduled ancient monument.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

To allow councillors to question the landscape architect about the garden design.

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Gated entry for vehicles.

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 03/05/2021



# **Local Review Statement**

## **Application Reference: 20/00950/IPL**

### **Erection of a dwellinghouse and garage (in principle)**

#### **Land 80 Metres South East of Keepers Cottage, Braco**

#### **Introduction**

This Statement has been prepared to accompany a Local Review following the refusal under delegated powers of Application Reference: 20/00950/IPL “*Erection of a dwellinghouse and garage (in principle)*” at land 80 Metres South East Of Keepers Cottage Braco. It seeks to follow a similar structure to the Report of Handling, so councillors can compare and contrast the two.

The Application was refused on 30<sup>th</sup> March 2021 for two reasons, as follows:

1. *“The proposal is the sub-division of a small portion of a larger walled garden and would include a significant amount of new landscaping / boundary treatments to create a residential curtilage. To this end, the proposal is contrary to Policy 19 of Perth and Kinross adopted Local Development Plan 2 2019 and the Council’s Housing in the Countryside Guide 2020 both of which require new developments within existing walled gardens to take place within an existing, identifiable site which separates the site naturally from the surrounding land.*
2. *As it has not been demonstrated that the proposal would not have an adverse effect on the setting of the Scheduled Monument to the north of the site (SM1601, Ardoch Roman military complex) the proposal is contrary to Policy 26A of Perth and Kinross adopted Local Development Plan 2 2019 which states that there is a presumption against development which would have an adverse effect on the settings of scheduled monuments.”*

As explained in the Report of Handling, an indicative layout has been submitted, which shows the proposed dwelling located at the north western corner of the walled garden. This position was identified as the best location for a new dwelling, with the least visual impact on any features outwith the garden, given the height of the wall, which is significant at up to 3 metres, and the further screening provided by the cottage that sits outside of the garden at the north western corner, and mature trees along the western and part southern side (and outside) of the garden.

That includes the possible impact on the Scheduled Ancient Monument (SAM) from which the new dwelling will not be visible from much of it. The limited extent of this impact can be judged by councillors for themselves by doing a

site visit. It should also be noted that Historic Environment Scotland have raised no concerns in relation to the impact on the SAM, and whilst Perth and Kinross Heritage Trust have mentioned this, we are not aware that they have seen the Site either, so assume this is simply them being precautionary, and basing their comments on the same (provided and online) imagery the case officer has used to make a decision.

Proposals for part re-creating/part creating a new garden setting within the walled garden are also proposed. These are based upon splitting the site into part formal and part informal areas.

The design takes its theme from what is known of the history of the walled garden, and indicator species still noticeable within it, and similar gardens across Perthshire and Scotland, where such areas are split between formal pleasure gardens (as here), and then have areas given over to a kitchen garden (not shown here, but with plenty of space available to add this) and areas that can be used by livestock offering produce to the large house (as here). It has also been laid out so that the principle features of the wider Estate, principally the walls and the pond, remain visually dominant, and are not overwhelmed by planting or ephemera.

It is not true to say that only part of the walled garden is being landscaped, as stated by the case officer. It is all being landscaped, and will all be part of the garden of the proposed new dwelling.

The landscape architect, who has designed the garden area, would be happy to take questions at a hearing on this issue.

### **The Application Site**

The Application Site is situated within Ardoch Estate that lies to the east of Braco. The Estate is accessed via a gate on the A822 at the northern end of the village.

The Estate comprises the landscaped grounds of Ardoch House, which was a substantial country house built at the latter end of the 18th Century, but which was demolished in the latter half of the 20th Century. The only physical remains of the Estate are the landscaped grounds, the pond and boathouse, the walled garden, which is the subject of this Application, a cottage at the north western corner (and outside) of the walled garden, and a shooting lodge on the eastern side (and outside) of the walled garden.

The Estate is also notable locally in that it includes the Ardoch Roman Military Complex SAM, which lies to the north of the walled garden.

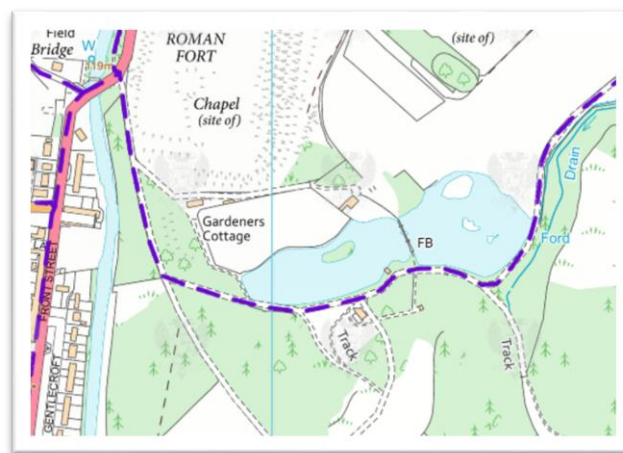
The buildings within the Estate are not listed nor are there any other heritage designations that relate to the walled garden itself.

The walled garden is nonetheless an attractive feature of the Estate, with substantially intact walls that vary in height up to 3 metres on three sides



(north, east and west) with the pond forming the fourth side. Historic plans show that it was once an attractive feature, and pleasure and kitchen garden for the Estate, although none of that remains and it is now overgrown.

The walled garden can be seen from Core Path BRAC/116 (see plan below), which runs along the first part of the Estate driveway, and then through the trees to the west of the walled garden, then along the southern side of the pond, and from where the new dwelling will be visible c. 140 metres away set against the garden wall, and with the attractive new formal garden in front. In our opinion, and that of the landscape architect who has designed the garden, this view will be enhanced by the new planting, offering added interest to any walk though the Estate, and a far better outlook than the currently overgrown scene that they presently experience.



Map courtesy of Perth & Kinross Council

The walls themselves need substantial remedial work doing to them, and the Applicant has had James Innes & Son, stonemasons, look at them to ascertain the extent of this. The work will involve:

- removal of vegetation that is undermining the wall;
- the re-building of three areas where trees have damaged the wall (c. 150m<sup>2</sup>);
- re-building of other collapsed areas;
- new copings; and
- re-pointing.

The cost of this remedial work will be substantial, but would be done as part of an overall package of works alongside a new dwelling and the landscaping being proposed within the walled garden. The case officer has not mentioned this, and should have done, as this is a material consideration in favour of planning permission being granted.

## **Policy Appraisal**

We agree that the appropriate guidance to consider the Application against is the Housing in the Countryside SPG, and as a new dwelling in a walled garden. It is at that point that we and the case officer cease to agree.

The case officer describes the Application Site as being “a small corner of a very large walled garden” whereas it’s the entire walled garden. It is likely the case officer has thought that because the Application Site has been split between formal and informal garden areas that this is somehow an attempt to delineate a smaller curtilage for the dwelling. That is not the case. Instead, following accepted landscape design principles for new countryside dwellings, the aim here has been to landscape (and repair the landscape) for the entire walled garden, with a variety of areas created as shown on the landscape proposals plan.

The garden also has fixed features on all boundaries (wall and pond) not just half, as the case officer suggests.

Finally, to say, as the case officer does, that the landscape has been ‘manufactured’ is to wholly misunderstand the proposals, and the landscape architect would be more than happy to explain them at a hearing, or the site visit, if that would help councillors.

## **Visual, Design and Layout**

It is accepted that no design or layout is under consideration. However, if councillors want to fix the location shown for the dwelling, then that is fine. They can also specify the number of storeys, if they like, although that is not considered necessary, as the limited visual impact will be seen by them on site. The Council will also have full control over the design at the Application for Matters Specified in Conditions stage, and can refuse it, if it doesn’t meet the high quality set by the proposed landscaping scheme, although they can be reassured that it will.

## **Residential Amenity**

We agree with the case officer the impact on existing residential amenity will be limited.

## **Roads and Access**

We agree with the case officer that the proposal raises no issues in relation to parking provision or vehicular access.

## **Drainage and Flooding**

We agree with the case officer that the proposal raises no issues with regards to these.

## **Conservation Considerations**

We have considered this above. There will be little or no impact on the SAM. Historic Environment Scotland has got it right in that regard, in our opinion, and we request again that councillors visit the site to understand this issue for themselves.

## **Natural Heritage and Biodiversity**

We agree that the proposal raises no issues in terms of natural heritage and biodiversity issues.

## **Core Path**

The core path is physically unaffected by the proposal. However, if a condition is suggested to protect that part along the driveway, that is fine.

## **Developer Contributions**

A standard condition in relation to primary education is acceptable. .

## **Conclusion**

The proposal is considered to accord with the Development Plan. This is a dwelling in a walled garden, which will be landscaped in its entirety to enhance it. There will be little, if any, impact on the SAM. There are no other impacts that have been raised by the case officer.

In terms of other material considerations, then the remedial works to the walls of the walled garden, and the landscaping of the whole walled garden, will be of considerable benefit to the heritage value, and landscape value, of Ardoch Estate. The case officer has not considered these in determining the Application and should have given them at least some weight. We say the weight should be significant.

It is, therefore, requested that councillors grant planning permission in principle.





















































Blackford Farms Ltd  
c/o DM Hall  
Paul Houghton  
The Mill  
Station Road  
Bridge Of Allan  
FK9 4JS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice : **30<sup>th</sup> March 2021**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **20/00950/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 14th August 2020 for permission for **Erection of a dwellinghouse and garage (in principle) Land 80 Metres South East Of Keepers Cottage Braco** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

- 1 The proposal is the sub-division of a small portion of a larger walled garden and would include a significant amount of new landscaping / boundary treatments to create a residential curtilage. To this end, the proposal is contrary to Policy 19 of Perth and Kinross adopted Local Development Plan 2 2019 and the Council's Housing in the Countryside Guide 2020 both of which require new developments within existing walled gardens to take place within an existing, identifiable site which separates the site naturally from the surrounding land.



- 2 As it has not been demonstrated that the proposal would not have an adverse effect on the setting of the Scheduled Monument to the north of the site (SM1601, Ardoch Roman military complex) the proposal is contrary to Policy 26A of Perth and Kinross adopted Local Development Plan 2 2019 which states that there is a presumption against development which would have an adverse effect on the settings of scheduled monuments.

### **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**

- 1 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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

### **Notes**

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

#### **Plan Reference**

01

02

03

04

05

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/00950/IPL	
Ward No	P7- Strathallan	
Due Determination Date	13th October 2020	
Draft Report Date	29th March 2021	
Report Issued by	AMB	Date 29 March 2021

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

**LOCATION:** Land 80 Metres South East Of Keepers Cottage, Braco

#### SUMMARY:

This report recommends **refusal** of a planning in principle application for a new dwelling 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:** In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by Streetview, aerial/satellite photographs and pictures submitted by the applicant, and this is considered sufficient to bring this planning application to a conclusion.

#### BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle permission for the erection of a new dwelling on a site outside of Braco, within a very large walled garden. An indicative layout has been submitted which shows the dwelling located at the north western corner of the walled garden, and 'new' walled garden features are proposed to be created around the site to form a new curtilage.

The wall of the garden is historic but is not listed.

To the north of the site is a former roman fort which is a scheduled monument.

#### SITE HISTORY

None relevant to this proposal.

## **PRE-APPLICATION CONSULTATION**

A pre-application response was issued for the proposal (19/00458/PREAPP), which raised some concerns regarding the proposal and compliance with the Council's Housing in the Countryside Policies.

## **NATIONAL POLICY AND GUIDANCE**

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

Of relevance to this planning application is,

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on June 2014, and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 109 - 134, Enabling Delivery of New Homes
- Paragraphs 135 – 151, Valuing the Historic Environment

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area will be sustainable, more attractive, competitive*



*and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

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

The site lies within the landward area of the LDP2, where the following policies would be applicable to a new residential development,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments

Policy 41: Biodiversity

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing 2020**

This is the most recent expression of Council policy towards developer contributions.

### **Placemaking Guide 2020**

This is the most recent expression of Council policy towards placemaking standards.

### **Housing in the Countryside 2020**

This is the most recent expression of Council policy towards housing in the countryside.

## **EXTERNAL CONSULTATION RESPONSES**

**Historic Environment Scotland** have commented on the proposal and highlighted the issues of the proximity of the scheduled monument but at this stage they have raised no objection.

**Scottish Water** have commented on the proposal and raised no objections.

**Perth And Kinross Heritage Trust** have commented on the proposal and raised a concern that the proposal would have an adverse impact on the setting of the schedule monument.

## **INTERNAL COUNCIL COMMENTS**

**Community Greenspace** have commented on the proposal in terms of the impact on the core path and recommended that any detailed proposal includes measures to protect the core path network.

**Transport Planning** have commented on the proposal and raised no objections at this stage.

**Structures & Flooding** have commented on the proposal in terms of flood risk and have raised no objections.

**Development Contributions Officer** has commented on the proposal and indicated that in the event of an approval being forthcoming, a standard condition should be attached to any permission in relation to primary education.

**Biodiversity/Tree Officer** has commented on the proposal and reviewed the ecology report, and at this stage she has no concerns.

## **REPRESENTATIONS**

No letters of representations have been received.

## **ADDITIONAL STATEMENTS**

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not required.
Report on Impact or Potential Impact	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

In terms of other material considerations, consideration of the Council's SPG on Housing in the Countryside is the key material consideration.

## **Policy Appraisal**

In terms of land use policies, the key policies are found within the LDP2.

Within that plan, the site lies within the landward area, close to a scheduled monument. To this end, *Policies 1 (Placemaking), 19 (Housing in the Countryside), and 26A (scheduled monuments)* are all directly applicable to the proposal.

*Policy 1* seeks to ensure that all new developments do not have an adverse impact on the environs in which they are set, whilst *Policy 19* is the LDP2 version of the HITCP and needs to be read in conjunction with the SPG of 2020.

*Policy 26A* of the LDP2 seeks to protect both scheduled monuments and their settings from inappropriate new developments.

For reasons stated below, the proposal is considered to be contrary to these policies.

## **Land Use Acceptability**

In terms of land use policies, the key issue is whether or not the proposal complies with the housing in the countryside policies as contained within the LDP2 and the SPG of 2020.

By definition of what is proposed, the site is not part of an existing building group, not an infill opportunity, not a conversion or replacement of an existing building(s) and is not a brownfield site. The dwelling is also not intended for a local person, a replacement of a flood risk house, a sustainable living dwelling or a dwelling linked to an established operational need.

The only section of the housing in the countryside policies which is reasonably applicable to this proposal would be development within exiting gardens.

Acceptable proposals under this category must blend in sympathetically with existing landform, be within an identifiable site and make a positive contribution to the surrounding area.

The application site is a small corner of a very large walled garden, with little in the way of natural landscape or topographical features that make an acceptable site containment on approx. ½ of its boundaries, with new boundaries being proposed to the east and south – required to create a residential curtilage. To this end this site is not be considered to be a natural site, but is being manufactured from the bigger walled garden.

The specific criteria for acceptable development within walled gardens goes on to say that *'Proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site'*.

As previously stated, the application site, as brought forward, does not have a good landscape setting but it a small part of a much wider walled garden area. To create a manageable residential curtilage, significant new landscape features and boundary treatments would be required (and have been proposed) which is not in line with the requirements of the policy.

Whilst it is accepted that the site is part of an established walled garden, that does not automatically mean that a residential development will (or should be) supported. The natural walled garden is extensive, and development in a small part of it is not inline with the policy as the site would not have an existing landscape framework which is capable of absorbing the development proposed.

### **Visual, Design and Layout**

At this stage no design or layout of the dwelling are under consideration, however an indicative location at the northern end of the walled garden as been tabled. To ensure that the impact on the setting of the scheduled monument is not adversely affected consideration of sites levels, scale and design are critically important.

### **Residential Amenity**

In terms of the impact on existing residential amenity, the proposal would have limited impact due to its likely location and relationship with other existing properties, and the natural screening of the wall around the garden area.

In terms of being able to provide an acceptable level of residential amenity for future occupiers, this also raises no concerns.

### **Roads and Access**

The proposal raises no issues at this stage in relation to parking provision or vehicular access to the site.

### **Drainage and Flooding**

At this in principle stage, the proposal raises no issues with drainage or flooding matters.

## **Conservation Considerations**

There is a scheduled monument immediately to the north of the site, and the setting of that monument could be adversely affected by the development - if a suitable design is not advanced.

Both Historic Scotland (no objection) and the PKHT (objection), have been consulted on the proposal and offered comments. From both sets of comments, it is clear that there is a potential for visual disruption to the setting of the scheduled monument to occur. In light of this, and in the absence of detailed plans, the proposal is potentially contrary to Policy 26A of the LDP2 which seeks to ensure that the setting of scheduled monuments are protected.

## **Natural Heritage and Biodiversity**

The proposal raises no issues in terms of bio-diversity issues, subject to appropriate conditions being attached to any permission.

There does look like one significant tree which is directly affected by the proposal, but this is not considered a major issue, and the trees retention can be fully assessed during the consideration of any detailed submission.

## **Core Path**

There is a core path affected by the proposal.

In the event of any approval being forthcoming, a condition which requires the core path to fully considered within any detailed submission should be attached to any in principle permission.

## **Developer Contributions**

### Affordable Housing

As this proposal is for a single dwelling, there is no requirement for any affordable housing provision.

### Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

### A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

### Primary Education

In the event of any approval being forthcoming, a standard condition should be attached to any permission in relation to Primary Education.

### **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

There have been no variations in the application.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **CONCLUSION AND REASONS FOR DECISION**

To conclude, the planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

- 1 The proposal is the sub-division of a small portion of a larger walled garden and would include a significant amount of new landscaping / boundary treatments to create a residential curtilage. To this end, the proposal is contrary to Policy 19 of Perth and Kinross adopted Local Development Plan 2 2019 and the Council's Housing in the Countryside Guide 2020 both of which require new developments within existing walled gardens to take place within an existing, identifiable site which separates the site naturally from the surrounding land.
- 2 As it has not been demonstrated that the proposal would not have an adverse effect on the setting of the Scheduled Monument to the north of the site (SM1601, Ardoch Roman military complex) the proposal is contrary to Policy 26A of Perth and Kinross adopted Local

Development Plan 2 2019 which states that there is a presumption against development which would have an adverse effect on the settings of scheduled monuments.

**Justification**

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

**Informatives**

None, refusal.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01-05 (*inclusive*)





17 July 2020

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

Our Ref.: PH

Dear Sirs

**Land 80m South East of Keepers Cottage, Ardoch Estate, Braco**

DM Hall have been instructed by Blackford Farms Ltd (hereinafter the Applicant) to submit an Application for Planning Permission in Principle (hereinafter PPP) for a *"Single dwelling house and garage in principle"* at land 80m south east of Keepers Cottage, Ardoch Estate, Braco (hereinafter the Site).

The Application comprises the following:-

- Planning Application Form;
- Location Plan;
- Site Plan;
- Detailed Landscaping and Maintenance Proposals; and
- Preliminary Ecological Appraisal.

The Site is situated within Ardoch Estate that lies to the east of Braco. The Estate is accessed via a gate on the A822 at the northern end of the village.

The Estate comprises the landscaped grounds of Ardoch House, which was a substantial country house built at the latter end of the 18<sup>th</sup> Century, but that was demolished in the latter half of the 20<sup>th</sup> Century. The only physical remains of the Estate are the landscaped grounds, the pond and boathouse, the walled garden, which is the subject of this Application, and a shooting lodge.

The Estate is also notable locally in that it includes the Ardoch Roman Military Complex SAM, which lies to the north of the walled garden. The buildings themselves are not listed nor are there any other heritage designations that relate to the walled garden itself.

The walled garden is an attractive feature of the Estate, with substantially intact walls that vary in height up to 3 metres on three sides (north, east and west) with the pond forming the fourth side. Historic plans show that it was once an attractive feature and kitchen garden for the Estate, although none of that remains and it is now overgrown.



DM Hall LLP, a Limited Liability Partnership registered in Scotland with Registration number SO301144  
Registered office, 17 Corstorphine Road, Edinburgh, EH12 6DD.

A full list of members can be obtained from the Head Office, 17 Corstorphine Road, Edinburgh, EH12 6DD. Tel: 0131 477 6000. Fax: 0131 477 6016.

Aberdeen, Ayr, Bridge of Allan, Cumbernauld, Cupar, Dumfries, Dundee, Dunfermline, Edinburgh, Elgin, Falkirk, Galashiels, Glasgow (North and South), Hamilton, Inverness, Inverurie, Irvine, Kirkcaldy, Livingston, Musselburgh, Oban, Paisley, Perth, Peterhead, Stirling.

The Mill  
Bridge of Allan,  
Stirling FK9 4JS  
DX556210 Bridge of Allan  
T: 01786 833800  
F: 01786 834382  
[www.dmhbl.co.uk](http://www.dmhbl.co.uk)

Regulated by RICS

The walls themselves need substantial remedial work doing to them and the Applicant has had James Innes & Son, stonemasons, look at them to ascertain the extent of this. The work will involve:

- removal of vegetation that is undermining the wall;
- the re-building of three areas where trees have damaged the wall (c. 150m<sup>2</sup>);
- re-building of other collapsed areas;
- new copings; and
- re-pointing.

The cost of this will be a substantial expense, but would be done as part of an overall package of works alongside a new dwelling and landscaping being proposed within the walled garden.

The proposal for a new dwelling has been the subject of a pre-application enquiry (ref: 19/00458/PREAPP). The report received from the Council sets out a number of issues that would need to be addressed within a planning application, and raises some concerns regarding the size of the possible plot and the landscaped framework within which a new dwelling would be set.

I have sought to address each concern by the way the proposals are being presented, and by including appropriate technical studies. The rest of this covering letter deals with the issues raised in the Council's report in the order they appear therein.

#### Principle

The Council's Housing in the Countryside Policies support development within existing gardens and, in particular, within walled gardens. This is provided, as here, that the development would not impact on the structural integrity of the wall and will help preserve it. This proposal achieves both of these by siting a new dwelling near the rear wall, but far enough way not to structurally affect it, and by including proposals to repair the wall, which can be a condition of planning permission being granted.

One issue raised in the report relative to the principle of a dwelling is the potentially large size of the dwelling plot (curtilage) i.e. the red line. This is understood, but the aim here is to landscape the entirety of the land enclosed by the walled garden as shown. Only that part shown as formal gardens need be curtilage and the Council can condition the planning permission accordingly. The curtilage is shown with a blue line on the landscaping plan.

In terms of the landscape for the new dwelling, this has been designed in such a way as to create a formal garden to go with the as yet undersigned house with more informal planting throughout the remainder of the walled garden.

#### Visual Layout

It is agreed that a dwelling will have limited visual impact and, if it helps, the dwelling could be conditioned to be one or one and a half storey.

#### Flooding

The dwelling has been sited well away from the pond and outside of any area that is identified as at risk of surface water flooding.

#### Drainage

A private drainage system will be designed to meet all SEPA requirements and Building Standards.

#### Access and Parking

The access to Ardoch Estate is considered suitable and there is plenty of space for parking cars within the walled garden. There is already an existing gap in the wall that can act as a vehicular access to the plot and an indicative parking area is shown on the Landscaping Plan.

#### Residential Amenity

The proposed dwelling will have the wall between it and the Keepers Cottage and shooting lodge. This prevents any intervisibility.

### Biodiversity

The Application is accompanied by an • Preliminary Ecological Appraisal, which concludes that there are no protected species on site.

The landscaping proposals also include habitat creation so the biodiversity value of the site will actually increase with this overall development being supported.

### Archaeology

The Site itself is not identified as a heritage interest site on PastMap, although it is accepted that it lies close to a SAM and in a wider area of archaeological interest. The Applicant will accept any reasonable conditions that require investigation of the Application Site prior to the commencement of development.

For all of the above reasons, it is hoped that this proposed development will be supported. The proposals have been carefully considered in light of the pre-application enquiry report and the Application includes the information requested therein.

It is appreciated that the planning officer raised some concern as to whether a dwelling would wholly fit within Housing in the Council Policies, but that would appear to have been solely related to the size of the potential plot (curtilage) of the dwelling and the landscape setting. These have both been addressed in the scheme being presented by showing a smaller garden (curtilage) for the dwelling and including a comprehensive landscaping scheme for the walled garden. Even were lingering concerns to remain, it is considered that the biodiversity and heritage sympathetic landscaping proposals, in conjunction with the repairs to the wall, represent material considerations that anyway justify the grant of planning permission.

I look forward to this Application being validated, but, in the meantime, please get in touch if you require anything further to allow that to happen.

Yours faithfully

Paul Houghton MRTPI  
Director and Head of Land Development and Planning  
for DM Hall





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100282762-001

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

## Type of Application

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

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

## Description of Proposal

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

Single dwelling house and garage in principle

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	DM Hall		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	The Mill
Last Name: *	Houghton	Building Number:	
Telephone Number: *	01786833800	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Bridge of Allan
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK9 4JS
Email Address: *	paul.houghton@dmhall.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Mill
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Station Road
Company/Organisation	Blackford Farms Ltd	Address 2:	
Telephone Number: *	01786833800	Town/City: *	Bridge of Allan
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	FK9 4JS
Fax Number:			
Email Address: *	paul.houghton@dmhall.co.uk		

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 80m South East of Keepers Cottage, Ardoch Estate, Braco

Northing

Easting

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

.

Title:

Other title:

First Name:

Andy

Last Name:

Baxter

Correspondence Reference  
Number:

19/00458/PREAPP

Date (dd/mm/yyyy):

17/09/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1.08

Please state the measurement type used:

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

## Existing Use

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

Walled garden

## Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network  
☒ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.  
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☐ Discharge to land via soakaway.  
☒ Discharge to watercourse(s) (including partial soakaway).  
☐ Discharge to coastal waters.



Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

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

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \* ☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \* ☒ Yes ☐ No

Is any of the land part of an agricultural holding? \* ☐ Yes ☒ No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Paul Houghton

On behalf of: Blackford Farms Ltd

Date: 16/07/2020

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☒ Yes ☐ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Paul Houghton

Declaration Date: 16/07/2020

## Payment Details

Pay Direct

Created: 21/07/2020 09:13

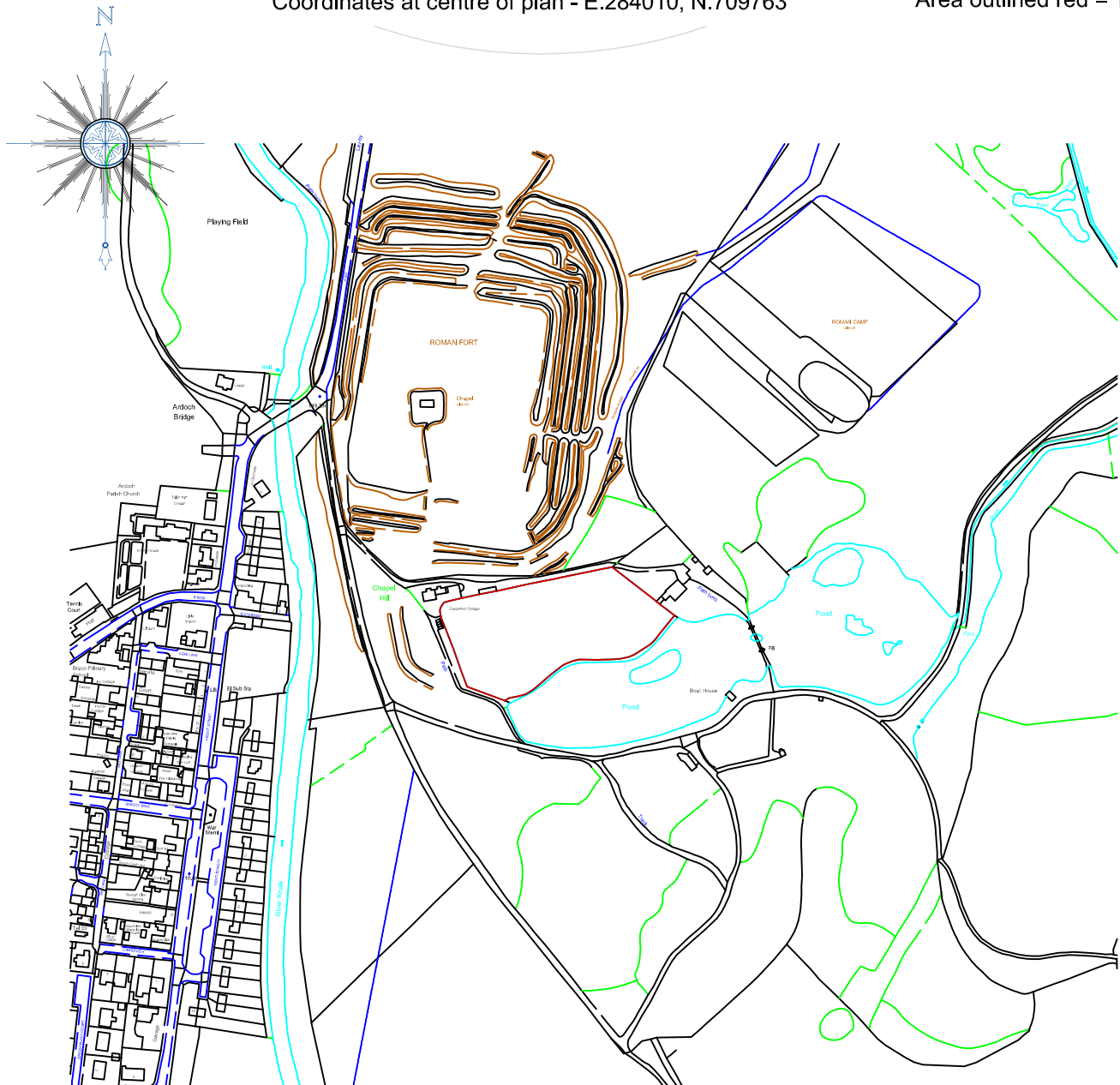
THIS IS THE PLAN REFERRED TO IN THE FOREGOING  
DISPOSITION

Land at Ardoch Estate, Braco

Ref. PP-19-00744 PM  
Date. 27/08/2019

Coordinates at centre of plan - E:284010, N:709763

Area outlined red = 1.121 ha



Ordnance Survey (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

Scale 1/10000



@ A4 Size

m - meters  
c - centre line

o.t. - or thereby  
u/d - undefined

**DM HALL**  
CHARTERED SURVEYORS

27 Canmore Street, Dunfermline  
Tel: 01383 621262  
Email: architecture@dmhall.co.uk









1. Prior to commencement of any work on site, protective fencing must be erected around existing trees to be retained in accordance with BS 5837:2012).
2. Prior to any deep cultivation or excavation of planting pits the landscape contractor must check with the site manager / engineer for exact locations of any underground services.
3. Some tree positions may have to be amended to accommodate any amendments to locations of services.
4. No information with regard to levels, drainage & underground services was available to us at time of preparation of drawing.
5. For Planting Notes and Maintenance & Management Proposals refer to separate A4 document.

## WETLAND and POND AREAS (WFGg) WILDFLOWERS - POLLINATOR'S PARADISE (WF19)

FROM GERMINAL OR SIMILAR APPROVED	FROM GERMINAL OR SIMILAR APPROVED
Trifolium repens	5.00%

<i>Festuca rubra litoralis</i>	25.0%	FROM GERMINAL OR SIMILAR APPROVED
<i>Festuca arundinacea</i>	10.0%	

TREE WITHIN WALLED GARDEN

# 1

Copyright © 2007 by The McGraw-Hill Companies, Inc.

1

Urtica	<i>Lonicera nitida</i> 'Magnum'
--------	---------------------------------

TO	FROM
----	------

APCa	Artemisia Foeniculae Casta <sup>1</sup>
------	---

Ch	Contingent liability
----	----------------------

V03	Volk cognac/jae
-----	-----------------

Modern India: Classier

CODE	SPECIES

Age	Acute Compartment
-----	-------------------

See drawing 1465 / 01

See drawing 1465 / 02

15 No. Ac  
15 No. Bpe  
15 No. Crno

30 No. P3  
15 No. P5  
30 No. Or  
35 No. Pfr  
7 No. Ac  
7 No. Bpe

15 No. Sau  
14 No. Fs  
7 No. P<sub>Syl</sub>  
14 No. Or

Stone aorta

Low clipped hedging surrounding ornamental beds

Stone pavilion with sheltered bench seating



brindley  
ASSOCIATES

is Industrial Estate, Broom Barn, West Lothian EH52 5AU  
01875 8757 [www.brindleyassociates.co.uk](http://www.brindleyassociates.co.uk)  
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# Ardoch Estate, Braco, Perth and Kinross

## Preliminary Ecological Appraisal

November 2019



creative • environmental





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## Appendices

Appendix A: Phase 1 Habitat and Ecological Observations Drawing

Appendix B: Target Notes & Observed Species Lists

Appendix C: Photographs

## 1.1 Executive Summary

Brindley Associates Ltd was commissioned by Blackford Farms Ltd to undertake a Preliminary Ecological Appraisal (PEA) of a proposed development site at Ardoch Estate in Braco, Perth and Kinross. Residential development is proposed at the site with associated infrastructure and landscape.

The PEA survey aimed to identify all broad habitat types within the site boundary and included a search for suitable habitat for protected species and provides recommendations for further survey, where appropriate.

The site is located to the east of Braco and includes an area of tall ruderal vegetation and scattered trees enclosed within a high stone wall to the north, west and east with a small loch immediately to the south. The habitats and plant species recorded within the site boundary are widespread and common throughout the central belt.

The stone wall boundary displayed features in its structures which provide suitable roosting opportunities for bats (Target note 1). Should any direct works be required to the stone wall, then further bat assessment would be recommended, prior to the works commencing. Please refer to Table 1 below for further details.

Mature trees, within the site's outer 50m Zone of Influence (Zoi) to the west and north-east (Target note 1), and residential properties within the Zoi to the west and east (Target note 2), displayed features which have potential suitability to support roosting bats. The client has confirmed that no heavy engineering, such as piling or blasting, is currently anticipated for the development, therefore disturbance to any potential roosting bats is considered to be minimal. However, should high impact construction activities be planned at a future date, further assessment of these features would be recommended.

A red squirrel (*Sciurus vulgaris*) was observed in the trees immediately to the west of the site during the survey. Should construction works be planned within proximity of the woodland, it is recommended that a pre-construction survey for red squirrel is undertaken. Please refer to Table 1 below for further details.

Tall ruderal vegetation, scrub and scattered trees, present within the site, provide suitable nesting habitat for breeding birds. Old nests were also observed within the lean-to structure on the north aspect of the wall along the north boundary (Target note 3). Table 1 details further survey recommendations.

Rhododendron (*Rhododendron* sp.) was identified outwith the site but within the 50m Zoi to the west and south (Photograph 6, Target note 5). It is an offence to allow non-native species to spread into the wild, therefore care should be taken during the construction process to ensure that the plant is not spread beyond the client's ownership boundaries.

Optional biodiversity measures have been provided. While these are not considered obligatory, the incorporation of these measures within the development design, where possible, has the potential to encourage wildlife to the site and include aspects of biodiversity value within the overall site design.

If works at the site do not commence prior to 08/05/2021 and there has been no change to the site or its use, then further surveys should be commissioned in order to ascertain that the situation regarding protected species at the site has not changed and thus the conclusions of this report are still valid.

Table 1 provides further survey recommendations only. Table 6 within section 1.6 of the full report provides all survey and good practice recommendations relevant to the study.

**Table 1: Further Recommended Studies**

Ref No.	Action	Target Date
<b>1</b>	<p><b>Bats (within site)</b></p> <p>Should direct works (such as demolition or alteration) to the stone boundary wall be required as part of the proposed development, then two bat activity surveys (comprising one emergence and one re-entry survey) should be completed prior to any works taking place on the section of wall to be worked upon.</p> <p>The surveys should be undertaken during the bat activity season (May to September, inclusive), with at least one survey completed during the optimal activity season (May to August, inclusive).</p>	During the appropriate survey season and prior to any direct works on the stone boundary wall.
<b>2</b>	<p><b>Bats (within 50m Zol)</b></p> <p>High impact construction activities, such as piling or blasting, can cause disturbance at greater distances.</p> <p>The client has confirmed that piling or blasting is not anticipated during the site's development, however, should high impact construction activities be planned at a future date, an assessment of a wider zone of influence may be required, prior to construction commencing.</p>	Prior to any future heavy engineering works commencing.
<b>3</b>	<p><b>Red Squirrel</b></p> <p>Works which may have the potential to disturb red squirrels should be avoided within 50m of an active drey during the breeding season (February to September inclusive).</p> <p>During the non-breeding season, works which have the potential to disturb red squirrels should be avoided within 5m or one tree's distance to dreys (whichever is less).</p> <p>Should construction works be planned within 50m or 5m (depending on the time of year) of the woodland immediately west of the site then it is recommended that a pre-construction survey for red squirrel is undertaken prior to construction works commencing.</p>	No earlier than 2 months prior to construction commencing
<b>4</b>	<p><b>Nesting Birds</b></p> <p>Due to the presence of suitable nesting habitat, it is recommended that, if required, any vegetation</p>	Prior to works between March to September inclusive

Ref No.	Action	Target Date
	<p>maintenance/clearance works or demolition /renovation of the lean-to structure are undertaken outside the bird nesting season which occurs from March to September, inclusive.</p> <p>If this is not possible, and works are due to take place between March to September, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to the tree or vegetation works commencing.</p> <p>The results of each check are valid for three days including the date of survey, after which further checks will be required to ascertain that the situation with regards to nesting birds has not changed.</p> <p>Please note, feral pigeon can nest throughout the year, including the winter months.</p>	

## 1.2 Introduction

### 1.2.1 Introduction to Survey

Brindley Associates Ltd was commissioned by DM Hall on behalf of Blackford Farms Ltd to undertake a Preliminary Ecological Appraisal (PEA) of a proposed development site at Ardoch Estate in Braco, Perth and Kinross. Residential development is proposed at the site with associated infrastructure and landscape.

The 'site' refers to the area within the red line boundary. The 'survey area' encompasses the area of the site plus an outer 50m Zone of Influence (Zoi). Please refer to the drawing provided in Appendix A.

The scope of the PEA study comprised:

- A 'phase 1 habitat survey' of the site boundary as per JNCC methodology (JNCC, 2010), which aimed to identify and map all broad habitat types present;
- An ecological assessment of the habitat's suitability to support protected and notable species of flora and fauna, undertaken within the site boundary and its outer Zoi, safe public access permitting;
- Recording of any incidental sightings of priority or notable species, or field signs of such species;
- Recommendations for further survey and/or species licensing requirements where necessary; and
- Good practice recommendations and optional biodiversity measures.

The assessment was carried out and reported by Karen Hassard BSc (Hons) MCIEEM MCEEW (Brindley Associates) and reviewed by Troy Paterson (CIEEM Qualifying Member, Brindley Associates) and Victoria Hughes BSc (Hons) MCIEEM (Brindley Associates).

### 1.2.2 Legislation and Policy

The following European and national legislation and policies are relevant to this report:

- The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- Nature Conservation (Scotland) Act 2004;
- The Wildlife and Natural Environment (Scotland) Act 2011 (WANE);
- Scottish Biodiversity List (SBL); and
- Tayside Local Biodiversity Action Plan (LBAP).

#### 1.2.2.1 Bats

Bats and their roosts are protected under UK and European Legislation. In Scotland, this is mainly provided by the Conservation (Natural Habitats, &c.) Regulations 1994, as amended. Under this legislation, bats are regarded as European Protected Species (EPS).

It is an offence to deliberately or recklessly disturb a bat (including injuring, capturing and/or killing), or damage, obstruct, alter or destroy a bat roost. A bat roost is protected at all times, regardless of whether bats are in residence.

It is also advised that no heavy engineering works, such as drilling or piling, are undertaken within 30 m of a bat roost. If such works are required, a licence application to disturb a bat roost must be applied for from Scottish Natural Heritage (SNH).

If the work proposed affects bats or their roosts, a Habitats Regulations licence, issued by SNH will be required. In the event that a Habitats Regulations licence is required, there are three tests that must be satisfied before it will be granted (refer to Table 2), in addition to which mitigation and/or compensation will almost certainly be required.

**Table 2: The Conservation (Natural Habitats, &c.) Regulations 1994, as amended**

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994, AS AMENDED
<p>Under the 1994 Regulations it is an offence to kill, capture or disturb European Protected Species, and/or damage or destroy a breeding site or resting place of such an animal.</p> <p>Habitats Regulations licences can be granted under Regulation 44 for certain purposes including preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Test 1).</p> <p>Licences will only be granted under the Conservation (Natural Habitats, &amp;c.) Regulations 1994, as amended, if Scottish Natural Heritage is satisfied that:</p> <ul style="list-style-type: none"><li>• There is no satisfactory alternative (Test 2); and</li><li>• The action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (Test 3).</li></ul>

If an application for a licence is required to be made, it should be noted that this will usually take a minimum of six weeks to conclude and there are no guarantees that such an application will be successful.

#### 1.2.2.2 Red Squirrel

Red squirrels (*Sciurus vulgaris*) are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The following provides a summary of the offences in the Wildlife and Countryside Act 1981 (as amended) in relation to wild squirrels. It is an offence to intentionally or recklessly:

- kill, injure or take a red squirrel;
- damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection (a drey);
- disturb a red squirrel when it is occupying a structure or place for that purpose; and
- possess or control, sell, offer for sale or possess or transport for the purpose of sale any live or dead red squirrel or any derivative of such an animal.

Knowingly causing or permitting any of the above acts to be carried out is also an offence

### 1.2.2.3 Birds

All wild bird species are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly;

- Kill, injure or take a wild bird;
- Take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built obstruct or prevent any wild bird from using its nest;
- Take or destroy an egg of any wild bird;
- Disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking; and
- Disturb the dependant young of any wild bird listed on Schedule 1.

Those species listed on Schedules A1 and 1A receive additional protection which makes it an offence to intentionally or recklessly:

- At any time take, damage, destroy or interfere with any nest habitually used by any wild bird included in Schedule A1; and
- At any time harass any wild bird included in Schedule 1A.

Section 1(5C) of the Act states that "Any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section" could be committing an offence.

If nesting is identified, an appropriate exclusion zone (size dependent on bird species identified) should be erected around the nest. No vegetation within this exclusion zone should be maintained or removed until the chicks have fledged, or the nest has been abandoned. No works should take place within the exclusion zone to ensure disturbance is kept to a minimum and there is no breach of the Wildlife and Countryside Act, until the chicks have fledged, or the nest has been abandoned.

### 1.2.2.4 Invasive and Non-native Species

The Wildlife and Natural Environment (Scotland) Act 2011, as amended, sets out several offences relating to invasive and non-native species, such as Japanese Knotweed (*Fallopia japonica*). The legislation states that it is an offence to plant or otherwise cause to grow any plant in the wild outwith its native range.

## 1.2.3 Conservation Initiatives

### 1.2.3.1 Scottish Biodiversity List

The Scottish Biodiversity List (SBL) (Scottish Government, 2013) is a list of habitats and species that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. Both scientific and social criteria were used to define the list. Those listed using social criteria were identified through a survey of the Scottish public and some common and widespread species and habitats are included. Only those listed for scientific reasons are considered relevant to this report.



### 1.2.3.2 Local Biodiversity Action Plans

Local Biodiversity Action Plans (LBAPs) operate at a local authority level and identify priority habitats and species for which conservation/enhancement measures are underway or planned.

### 1.2.4 Scottish Biodiversity Planning Policy

Scottish Planning Policy (SPP) (Scottish Government, 2014) outlines several policies which planning authorities should take into account when considering the impact of development on natural heritage. The policy states the following:

*"194. The planning system should: ...seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and... .."*

*195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. This duty must be reflected in development plans and development management decisions".*

### 1.2.5 Mitigation Hierarchy

The mitigation hierarchy (CSBI, 2015) is a framework for managing risks and potential impacts related to biodiversity. It aims to provide a logical and effective approach to protecting and conserving biodiversity and maintaining important ecosystem services. As defined by the Cross-Sector Biodiversity Initiative (CSBI), the mitigation hierarchy is the sequence of actions to anticipate and avoid impacts on biodiversity and ecosystem services. Where avoidance is not possible, to minimise these impacts and, when impacts occur, to rehabilitate or restore the affected receptor. Finally, where significant residual impacts remain, to offset the impacts elsewhere, as appropriate.

The hierarchy of mitigation priority can therefore be broken down into the following sequential stages:

1. Avoidance;
2. Reduction;
3. Restoration;
4. Offset / compensation; and
5. Enhancement.

## 1.3 Methodology

### 1.3.1 Desk Study Methods

To ascertain the potential ecological sensitivities associated with the site, a series of desk-based reviews were undertaken using publicly available databases, pooled data and where appropriate, purchasing of biological records from specific organisations. The information gained is used to identify any potential ecological constraints to the proposed development and inform an appropriate level of survey effort. The following studies were undertaken:

- Desk study to identify notable and designated areas of protection within the vicinity of the site, with a search radius of 1km;
- Desk study to identify biological records of protected species within the vicinity of the site, with a search radius of 1km; and
- Desk-based review of the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity List.

### 1.3.2 Field Survey Methods

Relevant guidance was referred to when deciding upon the survey methodology to be adopted in this case. An overview of survey methods is shown in Table 3.

**Table 3: Overview of Survey Methods adopted**

Overview of Survey Methods adopted			
Number and Type of Surveys	1x survey visits	Surveyors	Karen Hassard, SNH Bat Licence 121685
Survey Dates	08/11/2019		
Methods Used	<p><b>Preliminary Ecological Appraisal</b></p> <p>The Preliminary Ecological Appraisal (PEA) was carried out in accordance with recommended methodology (CIEEM, 2017; JNCC, 2010).</p> <p>All habitats within the site boundary were surveyed. Habitats were mapped and given alphanumeric classification codes (Appendix A).</p> <p>Target notes were used to identify the presence and location of features of particular interest or those too small to map (Appendix B).</p> <p>Any fields signs of, or habitats suitable for, protected species within the site and outer 50m Zone of Influence (Zoi) were noted in order to provide recommendations for further survey. Any notable or highly invasive non-native flora species were also noted if present.</p> <p><b>Preliminary Roost Assessment (PRA) Survey:</b></p> <p><u>Bat Survey, Structures (adapted from Collins, 2016):</u></p>		

## Overview of Survey Methods adopted

A Preliminary Roost Assessment (PRA) was carried out, inspecting the stone wall structure surrounding the site, to assess its suitability for use by bats, and to look for any evidence of bats, such as corpses, droppings and feeding remains. Any suitable roosting locations (e.g. cracks, crevices, holes) were noted, using a torch and endoscope where appropriate.

### Bat Survey, Trees (adapted from Collins, 2016):

Trees within the site were inspected from ground level, looking for features which could be used by roosting bats, such as holes, cracks and crevices. Features found were then examined, where possible, for signs of bat usage, including bats, droppings and feeding remains, using a torch and endoscope where appropriate.

According to their suitability to host roosting bats, the building and the trees are categorised as follows:

- High - a building/tree with one or more potential roost features that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat;
- Moderate - a building/tree with one or more potential roost features that could be used by bats due to their size, shelter, protection, conditions and/ or surrounding habitat but unlikely to support a roost of high conservation status;
- Low - a building/tree with features that could be used by individual bats opportunistically; PRFs not suitable for use on a regular basis or by larger numbers of bats; and
- Negligible - a building/tree with negligible features which is unlikely to be used by bats.

## 1.4 Assessment and Limitations

### 1.4.1 Desk Study

#### 1.4.1.1 Notable and Designated Areas of Protection

A search for designated sites and sites afforded protections by local authorities within 1km of the proposed site was undertaken using Scottish Natural Heritage's (SNH) Sitelink (SNH, 2019), Tayside Strategic Development Plan (Tayplan, 2016) and Scotland's Environment Map (Scottish Government, n.d) websites. These areas of protection include:

- Ancient Woodlands (AW).

No designated sites are present within the site or its outer 50m Zone of Influence (ZoI). There are several designated sites within 1km of the site boundary, please refer to Table 4. It is not considered that there will be any effect on these areas due to their distance from the proposed development site and lack of structural or functional connectivity.

**Table 4: Notable and Designated Sites within 1km of the Proposed Development**

Site Name	Designation	OS Grid Reference	Approximate distance from site	Additional Information
Ancient Woodland	AW	NN 839 096	0.03km south-west of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 842 096	0.1km south-east of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 842 094	0.3km south-east of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 843 092	0.6km south-east of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 841 087	1.0km south of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 846 092	0.8km south-east of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 836 090	0.7km south-west of the boundary	Long established of plantation origin
Ancient Woodland	AW	NN 832 098	0.6km west of the boundary	Long established of plantation origin

#### 1.4.1.2 Biological Records

Due to the lack of a centralised biological records centre for the site's location, NBN Gateway was accessed for protected and priority species records, available under the creative common no rights reserved licence (CCo), recorded within 1km of the site within the last 10 years. The results are provided in Table 5.

**Table 5: Protected and notable species within 1km of the proposed site from the last 10 years**

Taxon Group	Species	Common Name	No. of Records
Terrestrial Mammal	<i>Erinaceus europaeus</i>	Hedgehog	5
Terrestrial Mammal	<i>Pipistrelles pygmaeus</i>	Soprano pipistrelle	2
Terrestrial Mammal	<i>Sciurus carolinensis</i>	Red squirrel	2

A wide range of bird and plant species were also recorded within 1km of the site within the last 10 years.

#### 1.4.1.3 Local Biodiversity Action Plan

The Tayside Local Biodiversity Action Plan (LBAP) 2<sup>nd</sup> Edition 2016-2026 (Perth and Kinross Council, 2016) follows an ecosystem approach, to promote the integrated management of habitats to enhance biodiversity. The following LBAP ecosystems may be relevant to the site and its outer Zone of Influence (Zoi):

- Farmland; and
- Woodland.

##### Farmland

The following are listed as priority habitats within the farmland ecosystem, that may be relevant to the site and its outer Zoi:

- Lowland meadows;
- Wet grassland; and
- Hedgerows and treelines.

The following are listed as priority species within the farmland ecosystem, that may be relevant to the site and its outer Zoi:

- Bat species;
- Farmland bird species including:
  - Barn owl (*Tyto alba*);
  - Tree sparrow (*Passer montanus*);
  - Grey partridge (*Perdix perdix*);
  - Linnet (*Linaria cannabina*);
  - Lapwing (*Vanellus vanellus*);
  - Corn bunting (*Emberiza calandra*); and
  - Skylark (*Alauda arvensis*).
- Hirundine bird species including;



- Swallow (*Hirundo rustica*);
  - House martin (*Delichon urbicum*);
  - Sand martin (*Riparia riparia*);
  - Swifts (*Apus apus*).
- Common lizard (*Zootoca vivipara*); and
- Slow worm (*Anguis fragilis*).

## Woodland

The following are listed as priority habitats within the woodland ecosystem, that may be relevant to the site and its outer Zol:

- Native conifers including:
  - Scottish pinewoods;
  - Yew (*Taxus baccata*); and
  - Juniper (*Juniperus communis*);
- Lowland mixed broadleaf woodlands;
- Aspen (*Populus tremula*); and
- Planted coniferous woodlands.

The following are listed as priority species within the woodland ecosystem, that may be relevant to the site and its outer Zol:

- Red squirrel;
- Pine marten (*Martes martes*);
- Scottish crossbill (*Loxia scotica*);
- Nightjar (*Caprimulgus europaeus*);
- Woodland invertebrates including:
  - Scottish wood ant (*Formica aquilonia*);
  - Moths.
- Woodland plants including:
  - Juniper;
  - Blaeberry (*Vaccinium myrtillus*);
  - Small cow-wheat (*Melampyrum sylvaticum*);
  - Coral-root orchid (*Corallorhiza trifida*); and
  - Twinflower (*Linnaea borealis*).
- Woodland lower plants and fungi.

#### 1.4.1.4 Scottish Biodiversity List

The following are listed within the Scottish Biodiversity List as species that may be relevant to the site and outer Zol:

- European hedgehog;
- Bat species; and
- Breeding birds.

A wide variety of invertebrate species are also included on the Scottish Biodiversity List.

#### 1.4.2 Ecological Appraisal

The results of the field survey and an assessment of the findings are provided below. Please refer to the Phase 1 Habitat and Ecological Observations drawing in Appendix A, target notes and observed flora and fauna species lists in Appendix B and photographs in Appendix C.

##### 1.4.2.1 Habitats

The habitats and plant species recorded within the survey area are widespread and common throughout the central belt. No further habitat assessment is currently recommended.

The site is located within the Ardoch Estate the east of Braco. It comprises an area of regenerating vegetation (Photograph 1), dominated by tall ruderals, enclosed within a high stone wall to the north, east and west (Photograph 2) with a small loch adjacent to the south boundary (Photograph 3). Common nettle (*Urtica dioica*), common thistle (*Cirsium vulgare*), broadleaf dock (*Rumex obtusifolius*), rosebay willowherb (*Chamaenerion angustifolium*), common hogweed (*Heracleum sphondylium*), cocksfoot (*Dactylis glomerata*), soft rush (*Juncus effusus*), creeping buttercup (*Ranunculus repens*), springy turf-moss (*Rhytidiadelphus squarrosus*), bramble (*Rubus fruticosus*) and raspberry (*Rubus idaeus*) were all recorded with canary reed grass (*Phalaris arundinacea*) present along the south boundary of the site, adjacent to the loch.

Several scattered semi-mature acer (*Acer* sp.) trees are present in the north and east of the site (Photograph 4).

##### 1.4.2.2 Protected and Notable Species

###### Bats

The high stone wall which surrounds the site to the north, west and east has cracks and gaps its structure which have the potential to support small numbers of roosting bats (Target note 4, Photograph 2). The surrounding habitats are also suitable to support foraging and commuting bats. The wall was therefore considered to have moderate bat roost potential. Should direct works to the wall be required as part of the proposed development, then further bat assessment, including activity surveys, would be recommended prior to the works commencing. Please refer to Section 1.6 for further details.

The trees within the site are semi-mature and multi-stemmed and were assessed to have negligible potential to support roosting bats.

Outwith the site, but within the 50m Zone of Influence (Zol), mature trees to the west and north-east (Target note 1), and residential properties to the west and east (Target note 2) display features which have potential

suitability to support roosting bats (Appendix A, Target Note 1). High impact construction activities, such as piling or blasting, undertaken within 30m of a tree may cause disturbance to any roosts present. The client has confirmed that piling or blasting is not anticipated during the site's development, however, should high impact construction activities be planned at a future date, further assessment of these features is recommended, prior to construction commencing.

The habitats within and adjacent to the site provide a foraging resource for bats with the surrounding tree lines and woodland edges providing green networks for commuting. Good practice recommendations have been provided to reduce potential negative impacts to foraging and commuting bats during and post-construction.

### Red Squirrel

The desk study identified two records of red squirrel within 1km of the site within the last 10 years. A red squirrel was also observed feeding within the woodland, outwith the site but immediately to the west, during the survey (Photograph 5). The woodland is therefore considered suitable to support red squirrel.

Works which may have the potential to disturb red squirrels should be avoided within 50m of an active drey during the breeding season (February to September, inclusive). During the non-breeding season, works which have the potential to disturb red squirrels should be avoided within 5m or one tree's distance to dreys (whichever is less).

Should construction works be planned within 50m or 5m (depending on the time of year) of this woodland then it is recommended that a pre-construction survey for red squirrel is undertaken prior to construction works commencing. Please refer to Section 1.6 for further details.

### Birds

The tall ruderal, scrub and scattered trees provide suitable nesting habitat for breeding birds. Old nests were also observed inside the lean-to structure (Target note 3), immediately outwith the site, on the north aspect of the wall along the northern boundary. It is recommended that any required vegetation maintenance or clearance works or demolition /renovation of the lean-to structure are undertaken outside the bird nesting season, which occurs from March to September (inclusive). If vegetation maintenance/removal or demolition/renovation works are planned during the nesting season, a pre-construction/enabling works nesting bird check should be completed by a suitably qualified ecologist, immediately prior to the works commencing. Please refer to Section 1.6 for details on further survey recommendations.

The nesting bird check comprises a thorough search of the vegetation and/or lean-to structure within the site boundary for signs of active nests. If nesting is identified, an appropriate exclusion zone for that particular bird species should be erected around the nest. No vegetation within this exclusion zone should be maintained or removed until the chicks have fledged or the nest has been abandoned. No works should take place within the exclusion zone to ensure disturbance is kept to a minimum and there is no breach of the Wildlife and Countryside Act. Recommendations are provided in Section 1.6.

### Great Crested Newts

The loch, which lies immediately south of the site, is approximately six acres in size. It is considered too large to be suitable to support a great crested newt population. It also well stocked with wildfowl, further reducing

its suitability for great crested newts. No further survey work is therefore currently recommended, with regards to this species.

#### 1.4.2.3 Invasive and Non-Native Species

Rhododendron (*Rhododendron* sp.) was identified outwith the site but within the 50m ZOI to the west and south (Target note 5, Photograph 6). It is an offence to allow non-native species to spread into the wild, therefore care should be taken during the construction process to ensure that the plant is not spread beyond the client's ownership boundaries.

#### 1.4.3 Limitations

The assessment was undertaken outwith the optimal botanical survey period, however, the species and habitats identified provide sufficient information to define the broad Phase 1 habitats present as per JNCC methodology (JNCC, 2010), in addition to their potential to support protected species.

The field survey also was undertaken outwith the active growing season for invasive species such as Japanese knotweed. The absence of invasive plant species above ground does not guarantee the absence of the species from the proposed development site. The associated rhizomes and seed banks can lay dormant underground for several years and may become active if soils containing them are disturbed.

It should be noted that the desk study is limited by the reliability of third-party information and the geographical availability of biological and/or ecological records and data. The absence of a species from biological records cannot be taken to represent actual absence. Species distribution patterns should be interpreted with caution as they may reflect survey/reporting effort rather than actual distribution.

Faunal species are transient and can move between favoured habitats regularly throughout and between years. This survey provides a snapshot of field signs present in the survey area on the dates of survey, during November 2019.

## 1.5 Optional Biodiversity Measures

The following are presented as optional measures to provide features of biodiversity value within the site boundary. The incorporation of these measures within the development, where appropriate, has the potential to encourage wildlife to, and support wildlife within, the site:

- Hedgerows and tree lines are included as priority habitats within the Tayside LBAP. Including linear tree, shrub and hedgerow planting within the final design will provide green networks for commuting wildlife, such as bats, and nesting habitat for breeding birds, both of which are included on the Tayside LBAP. Where these habitats are proposed, locally sourced and appropriate species should be considered. The following species are locally appropriate:
  - aspen (*Populus tremula*) (LBAP species);
  - beech (*Fagus sylvatica*);
  - yew (*Taxus baccata*);
  - oak (*Quercus robur*); and
  - rowan (*Sorbus aucuparia*).
- Tree lines, shrub beds and hedgerows can be further diversified by enhancing the understorey vegetation. Planting additional fruit and berry-producing shrubs will support a variety of wildlife. The following species are locally appropriate:
  - bramble (*Rubus fruticosus*);
  - juniper (*Juniperus communis*) (LBAP species);
  - dog-rose (*Rosa canina*);
  - holly (*Ilex aquifolium*); and
  - raspberry (*Rubus idaeus*).
- Moths are included in the Tayside LBAP. Incorporation of wildflower-rich seed mixes within appropriate areas of open grassland will help support a wide range of invertebrate species;
- Including a variety of plant species with a range of flowering times throughout the year will provide a valuable food resource for a wide range of invertebrate species which will in turn support many birds and small mammal species, including bats;
- Leaving areas of longer unmanaged grassland, where possible and appropriate, will provide suitable habitat for ground-nesting bird species; and
- Birds and bats can be further encouraged to the site by installing nest and roost boxes on proposed suitable mature trees, or appropriate locations within the site. It is recommended that a variety of bird box designs are used so as to attract an assemblage of bird species.

### Wildlife and Artificial Lighting

Artificial lighting can disturb the commuting and foraging behaviour of wildlife species and may increase the chances of predation. Many species may therefore modify their behaviour to respond to this threat. It is recommended that the lighting guidelines (ILP, 2018) are adhered to, to reduce potential negative impacts (whilst these guidelines are written with specific reference to bats, the effects would be considered beneficial to wildlife in general):

- Avoid any lighting on any key habitats and features present. In particularly linear features such as hedgerows, tree lines, watercourses and woodland habitats; and

- Where lighting is required, the following lighting specifications are recommended:
  - All lighting should lack UV elements when manufactured;
  - Metal halide, fluorescent sources should not be used;
  - LED lighting should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability;
  - A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component;
  - Internal lighting can be recessed where installed in proximity to windows to reduce glare and light spill;
  - The use of specialist bollard or low-level downward directional lighting to retain darkness above can be considered;
  - Column heights should be carefully considered to minimise light spill;
  - Lighting should always be mounted on the horizontal, i.e. no upward tilt;
  - Any external security lighting should be set on motion-sensors and short (1min) timers; and
  - As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.



## 1.6 Recommendations

Based on the results, the following further surveys and mitigation measures are recommended.

**Table 6: Recommendations**

Ref No.	Action	Target Date	Owner
1	<p><b>Bats (within site)</b></p> <p>Should direct works (such as demolition or alteration) to the stone boundary wall be required as part of the proposed development, then two bat activity surveys (comprising one emergence and one re-entry survey) should be completed prior to any works taking place on the section of wall to be worked upon.</p> <p>The surveys should be undertaken during the bat activity season (May to September, inclusive), with at least one survey completed during the optimal activity season (May to August, inclusive).</p>	During the appropriate survey season and prior to any direct works on the stone boundary wall.	BFL
2	<p><b>Bats (within 50m Zol)</b></p> <p>Should high impact construction activities, such as piling or blasting, be planned at a future date, further assessment for bats of the mature trees within the 50m Zol to the west and north-east and residential properties within the 50m Zol to the west and east is recommended, prior to construction commencing.</p>	Prior to any future heavy engineering works commencing.	BFL
3	<p><b>Red Squirrel</b></p> <p>Works which may have the potential to disturb red squirrels should be avoided within 50m of an active drey during the breeding season (February to September inclusive).</p> <p>During the non-breeding season, works which have the potential to disturb red squirrels should be avoided within 5m or one tree's distance to dreys (whichever is less).</p> <p>Should construction works be planned within 50m or 5m (depending on the time of year) of the woodland immediately west of the site then it is recommended that a pre-construction survey for red squirrel is undertaken prior to construction works commencing.</p>	No earlier than 2 months prior to construction commencing	BFL

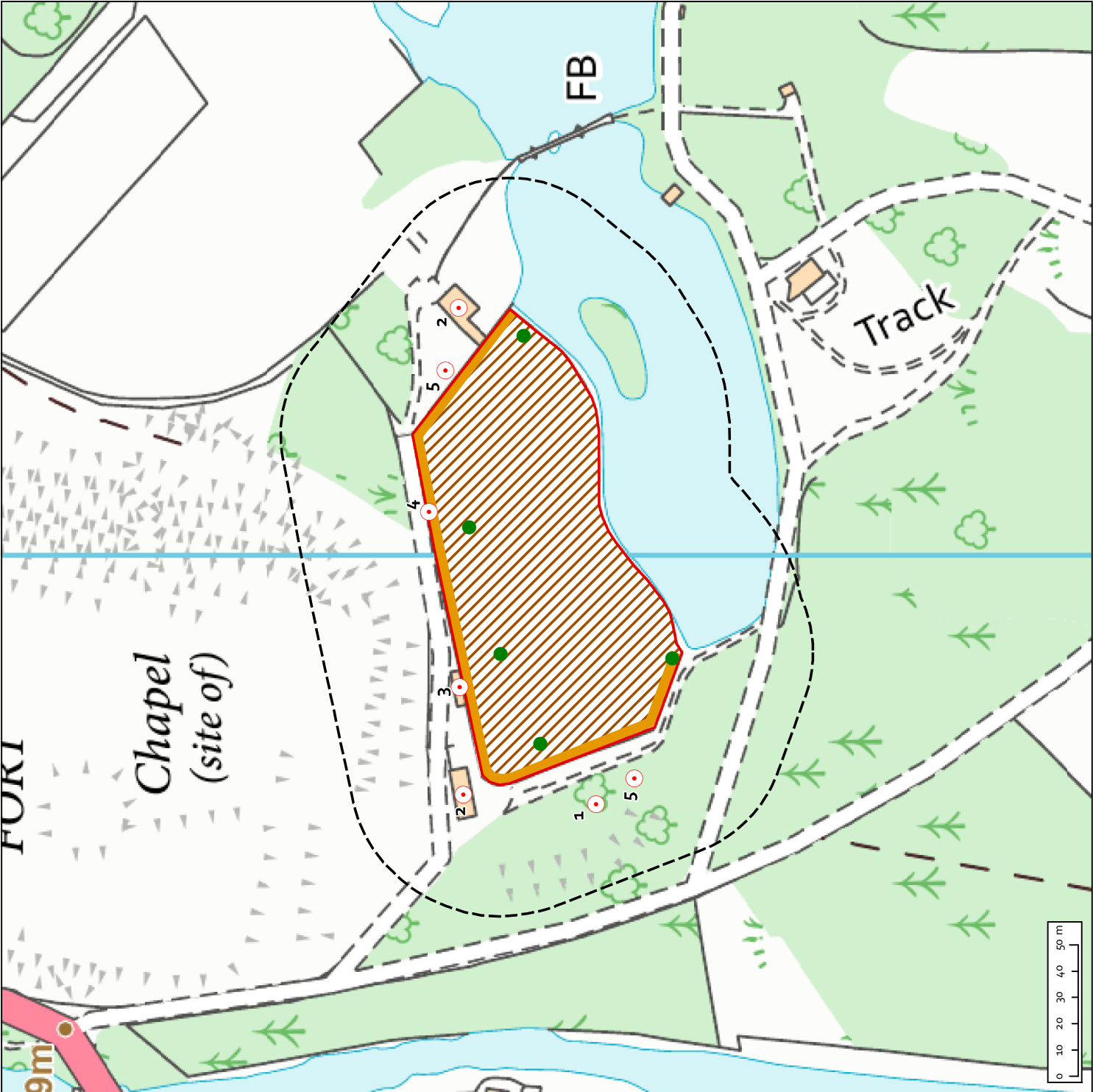
Ref No.	Action	Target Date	Owner
4	<p><b>Nesting Birds</b></p> <p>Due to the presence of suitable nesting habitat, it is recommended that, if required, any vegetation maintenance/clearance works or demolition /renovation of the lean-to structure are undertaken outside the bird nesting season which occurs from March to September, inclusive.</p> <p>If this is not possible, and works are due to take place between March to September, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to the tree or vegetation works commencing.</p> <p>The results of each check are valid for three days including the date of survey, after which further checks will be required to ascertain that the situation with regards to nesting birds has not changed.</p> <p>Please note, feral pigeon can nest throughout the year, including the winter months.</p>	Prior to works between March to September inclusive	BFL, CTR
5	<p><b>Watercourse</b></p> <p>Due to the site's proximity to an open waterbody, it is recommended that the Guidance for Pollution Prevention (GPP 5) (NetRegs, 2018) are followed during construction.</p>	During Development	BFL, CTR
6	<p><b>General Good Practice</b></p> <p>Any artificial/security lighting used during and after construction works should be fitted with shades to prevent light spillage outside the working area.</p> <p>Temporary lights must not illuminate the tree lines, hedgerows or woodland as lighting can affect wildlife commuting and foraging success. For more information please refer to the guidance note 'Bats and artificial lighting in the UK' (ILP, 2018).</p>	During and after construction	BFL, CTR
7	<p><b>General Good Practice</b></p> <p>All holes and excavations greater than 1m deep should be covered whilst unattended to prevent animals from falling in, or ramps should be used in order to provide a means of escape. Where this is not possible these</p>	During works	BFL, CTR

Ref No.	Action	Target Date	Owner
	areas should be fenced off to prevent accidental entry by mammals.		
<b>8</b>	<b>General Good Practice</b> Pipework and the like, if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.	During works	BFL, CTR
<b>9</b>	<b>Zone of Influence (Zol) Distance</b> High impact construction activities, such as piling or blasting, can cause disturbance at greater distances. Should high impact construction activities be planned, an assessment of a wider zone of influence may be required, prior to construction commencing.	Prior to works starting	BFL, CTR
<b>10</b>	<b>Survey Validity</b> If works at the site do not commence and there has been no change in the land-use prior to 08/05/2021, then further surveys should be commissioned in order to ascertain that the situation regarding protected species at the site has not changed and thus the conclusions of this report are still valid.	08/05/2021	BFL
<b>Key</b>			
<b>BFL</b>	Blackford Farms Ltd		
<b>CTR</b>	Appointed Contractor(s)		

## 1.7 References

- CIEEM (2017). **Guidelines for Preliminary Ecological Appraisal** (2<sup>nd</sup> edition). Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (ed.) (2016). **Bat Surveys for Professional Ecologists: Good Practice Guidelines** (3rd edition). Bat Conservation Trust, London.
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- Gurnell, J., & Lurz, P. (2012). Cresswell, W.J., Birks, J.D.S., Dean, M., Pacheco, M., Trehwella, W.J., Wells, D. and Wray, S. Red Squirrel. Chapter of **UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation**. The Mammal Society, Southampton.
- ILP (2018). **Guidance Note 08/18 - Bats and artificial lighting in the UK**. Institution of Lighting Professionals. Warwickshire.
- JNCC (2010). **Handbook for Phase 1 Habitat Survey - A Technique for Environmental Audit**. Joint Nature Conservation Committee, Peterborough.
- NetRegs (2018). **Guidance for Pollution Prevention**. Accessed at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/> on 4<sup>th</sup> November 2019.
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- Scottish Government (2014) **Scottish Planning Policy**. Accessed at <https://www.gov.scot/publications/scottish-planning-policy/> on 4<sup>th</sup> November 2019.
- Scottish Government (n.d). **Scotland's Environment Map**. Accessed at <https://map.environment.gov.scot/sewebmap/> on 4<sup>th</sup> November 2019.
- SNH SiteLink website - <https://gateway.snh.gov.uk/sitelink/>. Accessed on 4<sup>th</sup> November 2019.
- Tayplan (2016). **Tayside Strategic Development Plan**. Accessed at [https://www.tayplan-sdpa.gov.uk/strategic\\_development\\_plan](https://www.tayplan-sdpa.gov.uk/strategic_development_plan) on 4<sup>th</sup> November 2019.
- Tayside Biodiversity Partnership (2016). **Tayside Local Biodiversity Action Plan 2016-2026**. Perth and Kinross Council, Perth. Accessed at [www.taysidebiodiversity.co.uk/action-plan/action-plan-new-lbap-2015](http://www.taysidebiodiversity.co.uk/action-plan/action-plan-new-lbap-2015) on 4<sup>th</sup> November 2019.

## Appendix A Phase 1 Habitat and Ecological Observations Drawing



**Legend**

Site boundary

50m buffer to site

A3.1 Scattered broad- leaved trees

C3.1 Tall ruderal

J2.5 Stone wall

Target Notes:  
 1. Trees with potential suitability to support roosting bats  
 2. Buildings with potential suitability to support roosting bats  
 3. Lean-to shelter with old bird nests  
 4. Stone wall with potential to support roosting bats  
 5. Rhododendron

Project: Ardoch Estate, Braco	Client: Blackford Farms Ltd
Drawing Title: Phase 1 Habitat and Ecological Observations	
Scale: 1:1,500 @ A3	Date: 19 / 11 / 2019
Figure No: 01	Status: Final
Drawn by: J Ashworth	Checked by: K Hassard
<small>           Axwell House, East Mains Industrial Estate, Broxburn, West Lothian EH52 9AU            t: 01506 858 757 w: <a href="http://brindleyassociates.co.uk">brindleyassociates.co.uk</a>            © Brindley Associates Ltd.         </small>	



## Appendix B Target Notes and Observed Species Lists

Table 7: Target Notes

Target Note	Description
1	Trees with potential suitability to support roosting bats
2	Buildings with potential suitability to support roosting bats

Table 8: Dominant and Notable Floral Species Recorded During Survey (within site)

Common Name	Latin Name
Acer	<i>Acer</i> sp.
bramble	<i>Rubus fruticosus</i>
broadleaf dock	<i>Rumex obtusifolius</i>
canary reed grass	<i>Phalaris arundinacea</i>
cocksfoot	<i>Dactylis glomerata</i>
common hogweed	<i>Heracleum sphondylium</i>
common nettle	<i>Urtica dioica</i>
common thistle	<i>Cirsium vulgare</i>
creeping buttercup	<i>Ranunculus repens</i>
raspberry	<i>Rubus idaeus</i>
rosebay willowherb	<i>Chamaenerion angustifolium</i>
soft rush	<i>Juncus effusus</i>
springy turf-moss	<i>Rhytidiadelphus squarrosus</i>
rhododendron	<i>Rhododendron</i> sp.

Table 9: Fauna Species Observed (within site and Zol)

Common Name	Latin Name
blackbird	<i>Turdus merula</i>
blue tit	<i>Cyanistes caeruleus</i>
chaffinch	<i>Fringilla coelebs</i>
dunnock	<i>Prunella modularis</i>
house sparrow	<i>Passer domesticus</i>
linnet	<i>Linaria cannabina</i>
great tit	<i>Parus major</i>
magpie	<i>Pica pica</i>
red squirrel	<i>Sciurus vulgaris</i>

## Appendix C Photographs



Photograph 1: Tall ruderal vegetation which dominates the site. Recorded 08/11/2019



Photograph 2: The high stone wall which bounds the site to the north, west and east. Recorded 08/11/2019





Photograph 3: The loch adjacent to the south site boundary. Recorded 08/11/2019



Photograph 4: Scattered trees present within the site boundary. Recorded 08/11/2019





Photograph 5: Red squirrel observed within the woodland to the west of the site. Recorded 08/11/2019



Photograph 6: Rhododendron observed within the woodland to the west of the site. Recorded 08/11/2019



**a:** Axwel House  
East Mains Industrial Estate  
Broxburn  
West Lothian  
EH52 5AU  
**t:** 01506 858 757  
**w:** [brindleyassociates.co.uk](http://brindleyassociates.co.uk)

**LRB-2021-17**

**Planning Application – 20/00950/IPL – Erection of a dwellinghouse and garage (in principle), land 80- metres south east of Keepers Cottage, Braco**

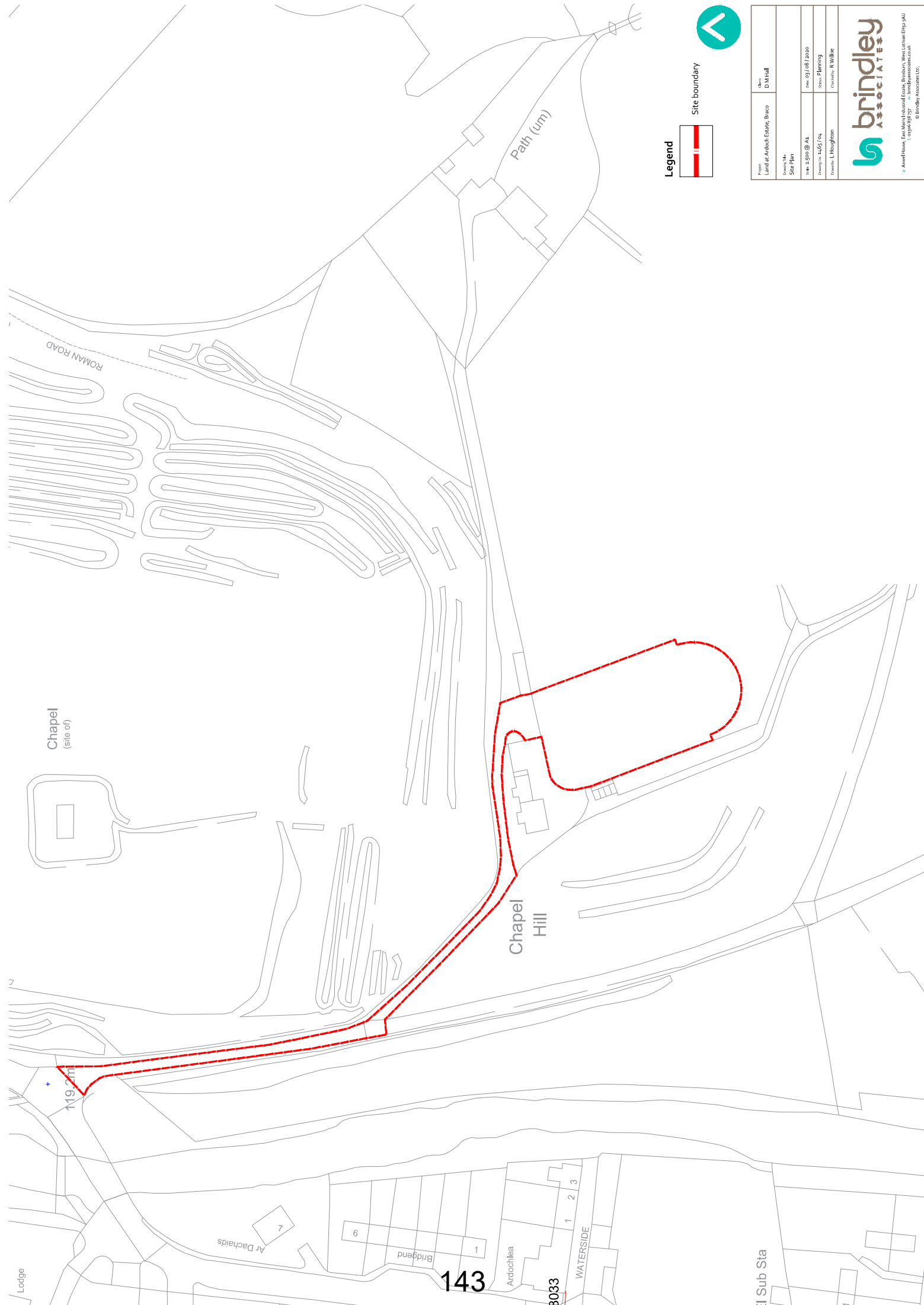
**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 83-84)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 85-93)*

**REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 108-140)*








Legend



Site boundary



Project:	Land at Ardoch Estate, Braco	Client:	D M Hall
Drawing Title:	Site Plan		
Scale:	1:500 @ A1	Date:	03/08/2020
Drawn by:	LJS/OL	Drawn by:	Planning
Checked by:	L Houghton	Checked by:	R Willie
 <b>brindley</b> ASSOCIATES			
Ardoch House, East Main Industrial Estate, Braco, West Lothian EH31 3AU t: 01896 887 527 e: <a href="mailto:brindleyassociates.co.uk">brindleyassociates.co.uk</a> © Brindley Associates Ltd.			



**LRB-2021-17**

**Planning Application – 20/00950/IPL – Erection of a dwellinghouse and garage (in principle), land 80- metres south east of Keepers Cottage, Braco**

## **REPRESENTATIONS**





Local Planner  
Planning and Development  
Perth and Kinross Council  
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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land 80 Metres South East Of Keepers Cottage, , Braco, FK15 9PY**  
**PLANNING REF: 20/00950/IPL**  
**OUR REF: DSCAS-0020856-N5Y**  
**PROPOSAL: Erection of a dwelling house and garage (in principle)**

**Please quote our reference in all future correspondence**

---

## **Audit of Proposal**

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 Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

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

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by BRACO Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

---

**Please Note**



- ▶ 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 from the customer taking account of various factors including legal, physical, and technical challenges.

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

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

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

<b>Planning Application ref.</b>	<b>20/00950/IPL</b>	<b>Comments provided by</b>	Joanna Dick Tree and Biodiversity Officer
<b>Service/Section</b>	Strategy and Policy	<b>Contact Details</b>	Email <a href="mailto:biodiversity@pkc.gov.uk">biodiversity@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of a dwelling house and garage (in principle).		
<b>Address of site</b>	Land 80 Metres South East Of Keepers Cottage, Braco, FK15 9PY		
<b>Comments on the proposal</b>	<p><b>Policy 40: Forestry, Woodland and Trees</b> The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>Extensive landscaping is proposed as part of this proposal to create a detailed designed garden. The species mix proposed for structure tree and shrub planting is welcomed as it contains mainly species native to Scotland which has enhanced biodiversity value. The inclusion of oak and Scots pine are particularly welcomed in line with the Tayside Local Biodiversity Action Plan to increase coverage of both species. Enhanced connectivity with the surrounding habitats is strongly encouraged.</p> <p><b>Policy 41: Biodiversity</b> The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>The submitted Preliminary Ecological Appraisal Report (PEAR) was completed in November 2019 which is out with the optimal time for botanical interests. Table 1 listing the further survey requirements is clear and useful.</p> <p><b>European Protected Species</b> <u>Bats</u> The submitted PEAR highlights that the stone wall boundary displayed features which provide suitable roosting opportunities for bats and recommends that if any direct works are required to the stone wall, then further bat assessment is required. Confirmation of whether any works are required to the stone wall is required and if so, a bat survey should be submitted alongside any full planning application.</p> <p><b>Nationally Protected Species</b> <u>Red Squirrel</u> A red squirrel was observed feeding within the woodland during the Preliminary Ecological Appraisal survey. The PEAR recommends that if</p>		

	<p>construction works are planned within 50m or 5m (depending on the time of year) of the woodland immediately west of the site, a pre-construction survey for red squirrel is undertaken prior to construction works commencing.</p> <p>The red squirrel breeding season runs from February to September and during this time, works should be avoided within 50m of an active drey. For this reason, it is recommended that a survey of the woodland for red squirrel dreys is undertaken and submitted alongside any full planning application.</p> <p><b>Biodiversity Enhancement Measures</b></p> <p>The Optional Biodiversity Measures listed in section 1.5 of the submitted PEAR should be integrated into any full planning application. The proposal to create hedgerows as part of the landscaping plan is particularly welcomed. Hedgerows are listed as a priority habitat under the UK Biodiversity Action Plan. Hedgerows are very important in providing corridors of semi-natural and structurally and floristically varied habitat.</p> <p>Biodiversity measures should be incorporated into the proposed new building by integrating bats bricks and bird nesting bricks. Such measures would be welcomed as part of a full planning application to maximise the biodiversity value of the proposal. Guidance is available on the Tayside Biodiversity Partnership website:  <a href="http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/">http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/</a></p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	1 September 2020



To:	Andy Baxter, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	2 <sup>nd</sup> September 2020

**20/00950/IPL | Erection of a dwellinghouse and garage (in principle) | Land 80 Metres South East Of Keepers Cottage Braco**

Thank you for consulting PKHT on the above application. The proposed development lies adjacent to Ardoch fort, considered by many as the best-preserved Roman fort in Scotland (SM1601) and is of national importance. The fort has a large annexe to the north and beyond this are a series of temporary marching camps. Given the proximity to these extensive remains, it is likely that archaeological evidence associated with the Roman occupation may survive within the development site.

Oblong on plan, Ardoch Roman Fort originally enclosed an area of a little more than 6 acres, but it was subsequently shortened at the northern end and the earlier ditches incorporated in a new and very elaborate system of defence. Excavations by the Society of Antiquities of Scotland in 1896-7 disclosed that the internal buildings had been reconstructed at least twice, while the finds attested occupation in both the Flavian and Antonine periods.

Various archaeological surveys, using mainly non-invasive methods, have been undertaken over the years often to provide more detail to the interior of the fort and building survival and layout. A development was proposed to the west in 2007 (07/00150/FUL) during which archaeological remains were identified. However, the planning application was refused therefore the remains were not fully assessed.

With regards to the monument and its position in the landscape we would strongly suggest that this development is refused in order to preserve the landscape context and future readability of the fort, and also to reduce the danger of potential development creep. The current residential properties in the vicinity are marked at locations on the first or second edition OS and are therefore likely to be historic in their own merit. We do note the development is in the site of a historic walled garden, which although part of a designed landscape maintains an open setting and is of less detrimental affect than if modern housing was contained within.

As set out in the Historic Environment Policy for Scotland 2019 (HEPS) there is a need to protect our historic assets in order to be secure them for future generations and also manage change according to importance. As a nationally important and potentially globally significant to the Roman Empire, we believe that the proposed housing development is detrimental and should be located elsewhere.

**For the reasons outlined above, PKHT recommends that the application is refused.**

However, should it be successful PKHT would require a programme of archaeological works to be undertaken as outlined in the condition below.

**Recommendation:**

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



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

Notes:

- 1. Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.



**By email to:**

[Developmentmanagement@pkc.gov.uk](mailto:Developmentmanagement@pkc.gov.uk)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300046123  
Your ref: 20/00950/IPL

04 September 2020

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
Land 80 Metres South East Of Keepers Cottage Braco - Erection of a dwelling house and  
garage (in principle)

Thank you for your consultation which we received on 24 August 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
SM1601	Ardoch, Roman military complex 900m NNE of Ardoch Bridge	Scheduled Monument

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

**Our Advice**

We have **no objection** to the principle of erecting a dwelling house in this location. However, the proposed site is in close proximity to the Roman fort at the south end of the scheduled monument and the development is likely to be partially visible over the existing wall. The scale and design of any dwelling house and garage will therefore be critical to whether there is a significant impact on the setting of the scheduled monument. We are content that this can be dealt with by condition and recommend an appropriate condition is set to ensure agreement is reached with Historic Environment Scotland when detailed information on the scale, design and layout of the proposed development is presented to the planning authority.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the



proposals do not raise historic environment issues of national significance and therefore we **do not object**. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response. The officer managing this case is Richard Heawood who can be contacted by phone on 0131 668 8624 or by email on [Richard.Heawood@hes.scot](mailto:Richard.Heawood@hes.scot).

Yours faithfully

**Historic Environment Scotland**

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

<b>Planning Application ref.</b>	20/00950/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage (in principle)		
<b>Address of site</b>	Land 80 Metres South East Of Keepers Cottage Braco		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating 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 Braco Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	17 September 2020		



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

<b>Planning Application ref.</b>	20/00950/IPL	<b>Comments provided by</b>	Anna Pover
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwelling house and garage		
<b>Address of site</b>	Land 80 Metres South East Of Keepers Cottage Braco		
<b>Comments on the proposal</b>	<p>We have reviewed this application and have no objection as the proposed development lies just outside the pluvial and fluvial extents shown on the SEPA flood maps.</p> <p>We would like to highlight that the garden area to the Southeast of the proposed development is shown to be at flood risk on the SEPA maps.</p>		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	The applicant is advised to refer to Perth & Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2014</a> as it contains advice relevant to your development.		
<b>Date comments returned</b>	28/09/2020		



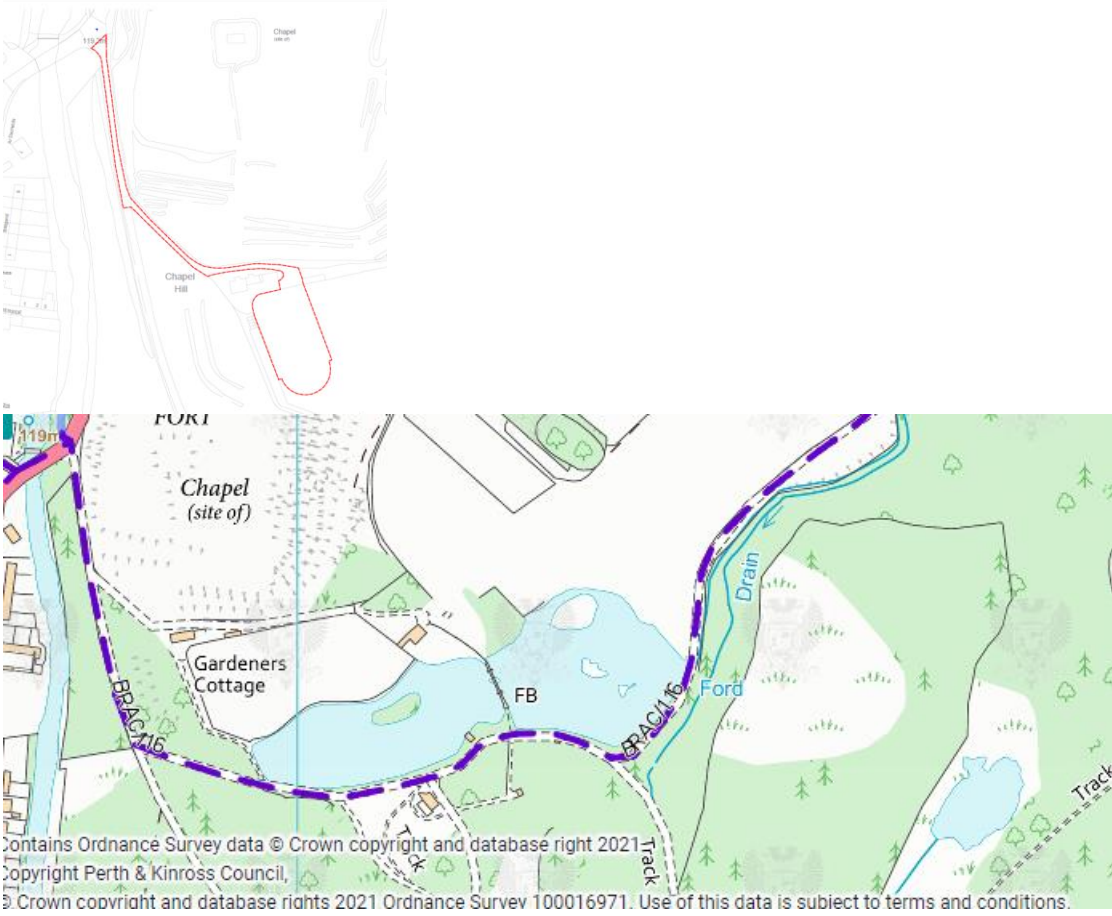


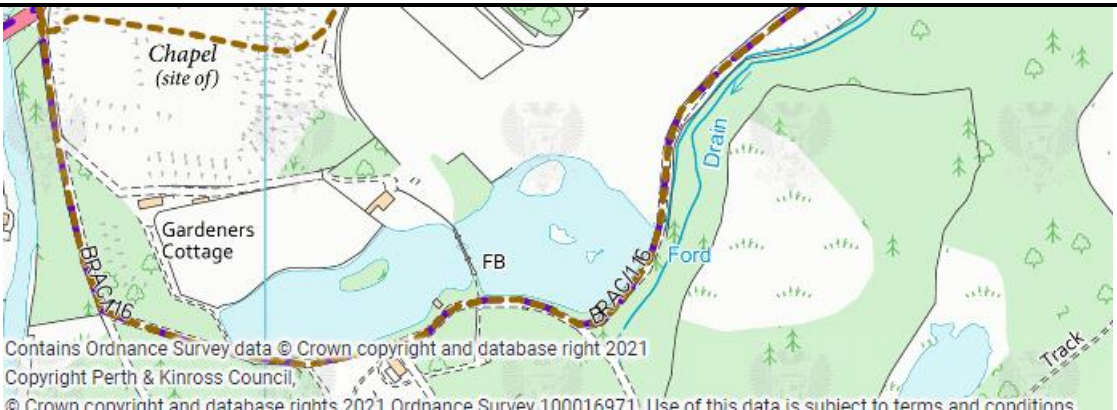
### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	20/00950/IPL	<b>Comments provided by</b>	Andrew de Jongh Technician – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage (in principle)		
<b>Address of site</b>	Land 80 Metres South East of Keepers Cottage, Braco		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	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.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	29/12/2020		



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

<b>Planning Application ref.</b>	20/00950/IPL	<b>Comments provided by</b>	Jane Pritchard
<b>Service/Section</b>	Community Greenspace	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwelling house and garage (in principle)		
<b>Address of site</b>	Land 80 Metres South East of Keepers Cottage Braco		
<b>Comments on the proposal</b>	 <p>The access to this proposed development is on core path BRAC/116 (shown in purple on the snip above) which must be respected. The core path is not marked on the plans which should be updated to show it and explain how the development may impact on it and public access along it, particularly at the gated entrance. The core path should be clearly signed.</p> <p>Revised or detailed plans should show clear boundaries between proposed garden ground and both the core path BRAC/116 and the established public access route to the north of the development (shown in brown on the map snip below). The core path must not be obstructed during construction or on completion and public access along the core path and the other established route to the north must not be obstructed or deterred.</p>		

	
<b>Recommended planning condition(s)</b>	The proposal must demonstrate how it will respect core path BRAC/116 and the established public access route to the north. Core path BRAC/116 must not be obstructed during construction or on completion and public access must not be obstructed or deterred.
<b>Date comments returned</b>	16.2.21