

**TCP/11/16(468) – 16/02074/FLL – Erection of 8
dwellinghouses and associated works, land 60 metres
west of The Bothy Newburgh**

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**TCP/11/16(468) – 16/02074/FLL – Erection of 8
dwellinghouses and associated works, land 60 metres
west of The Bothy Newburgh**

**PAPERS SUBMITTED
BY THE
APPLICANT**

- William James Beatson Dip Arch (Mackintosh) RIBA ARIAS ~ Chartered Architect ~ 2 Island View Dundee Road Perth PH2 7HS
- tel/fax. 01738 633659 ~ e-mail - wjbeatson@gmail.com
- Royal Scottish Academy Gold Medal for Architecture 1989 ~ Dundas and Wilson Architectural Award Commendation - 1989



W J BEATSON · ARCHITECT ·

FAO Local Review Board
Perth and Kinross Council
Pullar House
Kinnoull Street
Perth
PH1 5GD

your ref. 16/02074/FLL
our ref. 415/
date 17 March 2017

Dear Sir or Madam,

Notice of Review -
Erection of 8 Dwellinghouses and Associated Works Land 60 Metres West of the Bothy
Newburgh

Please find attached completed Notice of Review Forms and statements in connection with the refusal of Planning Permission for the above.

Yours faithfully

W J Beatson Dip Arch RIBA ARIAS
encls.

Page 1 of 1

RIAS Energy Design Certification Scheme Approved Body
Approved Certifier of Design (Section 6 - Energy) Domestic
New Build Domestic Energy Assessor

379



Building Standards
Approved Certifier



The Scottish
Government



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100043562-001

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:	W J Beatson Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	William	Building Name:	
Last Name: *	Beatson	Building Number:	2
Telephone Number: *	01738 633659	Address 1 (Street): *	Island View
Extension Number:		Address 2:	Dundee Road
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 7HS
Email Address: *	wjbeatson@gmail.com		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Jamesfield Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Newburgh"/>
Company/Organisation	<input type="text" value="G & W Miller & Sons"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY14 6EW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
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

Northing	<input type="text" value="718023"/>	Easting	<input type="text" value="319787"/>
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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 8 dwellinghouses and associated works on Land 60 Metres West of The Bothy Newburgh

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.

Review by Local Review Board of the Refusal of application by appointed officer.

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)

Further to a Farm Inspection on 08 March 2017 the Soil Association have given Notice to G & W Miller & Sons that all buildings on the application site have been condemned as unsuitable for continued use for storage of farm produce. The inspection took place after the Decision Notice was issued but the condition of the application site was stated quite clearly in the planning application as fundamental to the reasons for redevelopment.

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)

Letter from W J Beatson Architect outlining the enclosures including - P&KC Delegated Report of Handling P&KC Planning Decision Notice Notice of Review Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/02074/FLL

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

06/12/2016

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

06/02/2017

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 *

Further written submissions 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)

Farm Inspection on 08 March 2017. The Soil Association have given Notice to G & W Miller & Sons that all buildings on the application site have been condemned as unsuitable for continued use for storage of farm produce. Final letter and report will be available upon its receipt.

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)

The condition of the application site and derelict buildings must be seen by Members of the Local Review Board however it will be unsafe for them to visit the site unless accompanied by the applicant.

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)

The condition of the application site and derelict buildings will be unsafe to visit unless accompanied by the applicant.

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 William Beatson

Declaration Date: 17/03/2017

Statement

Notice of Review

Erection of 8 dwellinghouses and associated works on Land 60 Metres West of The Bothy Newburgh. 16/02074/FLL

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 6 February 2017. The 3 reasons for refusal are outlined below relating to housing in the countryside policy guidance and impact on protected European species:-

1. In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).
2. In respect of the replacement of the existing, traditional non-domestic buildings, as the new build does not have the footprint of the existing traditional buildings at its core, the layout of this element is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 which both state that acceptable reconstruction of traditional building must have at its core, the footprint of the existing traditional steading.
3. As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Background to the review proposal

The background to the development proposals and this review need to be considered within the context of the wider business at Jamesfield. This is important and cannot be isolated from physical planning considerations, where the need to maintain existing employment and the future viability of the business at Jamesfield is an important material consideration.

Jamesfield is a well- established organic farm which has been run by the Miller family for over 70 years. Innovative organic farming practices introduced organic meat to the Scottish market and Jamesfield has become established in Scotland as a research centre for promoting the health benefits of new sustainable farming practices and the resulting organic produce including a wide range of vegetable, products, beef, lamb and poultry.

Jamesfield opened their organic farm shop and restaurant over 10 years ago and both the farm and the organic centre employ in excess of 40 employees, the majority of whom live in the local area. A proportion of the farm produce is sold direct through the Organic Farm Shop and is used in the restaurant. The organic centre has supported the development of new local businesses and has led to the location of the nearby garden centre, which attracts visitors to Abernethy. The applicant Mr Miller is an active member of the local community and the organic centre is an important asset to the village.

Bellfield Organics is a separate business which provides a home, vegetable box delivery service to households throughout the central belt. The business has approximately 1000 customers per week and employs 20 people and has been based at Jamesfield for a number of years and have until recently rented part of the steading building for their operations. Bellfield Organics are looking to expand their business to meet current consumer and market demand for more pre-prepared vegetables and are unable to do so at Jamesfield until such time as the new agricultural shed has been built.

The purpose of gaining planning consent for the housing site is to generate the funds required to build the new agricultural shed which is required in order to operate the farm and the vegetable production business. The new building will enable the business to be run more efficiently and safely in an up to date facility allowing production to expand and consequently employing more staff on a permanent basis.

The refusal of the review application and the previous application 15/01643/FLL has been devastating for both the farm business Miller and Sons and for Bellfield Organics and also for the local area. Without the finance generated by the sale of the housing plots, the new farm shed cannot be built which would have severe consequences for the businesses and their employees in the Abernethy area with the possible relocation of Bellfield Organics out of Perth and Kinross and the resultant loss of all the local jobs. Also without adequate up to date facilities the farm business would be likely to cease trading which would have an impact on local job

numbers and would also potentially affect the ability of the Organic Centre Shop and Restaurant to operate and employ existing staff numbers.

The Soil Association recently inspected Jamesfield Farm on the 8th March 2017 and have confirmed that none of the buildings on the farm are suitable for the storage of any farm produce. The need for the new agricultural building therefore becomes even more important.

The above background and context of the business therefore are extremely important factors in considering the housing development proposal and the crucial link between it and the farm business.

Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. The redevelopment of the redundant Jamesfield Farm Steading with the erection of 8 dwellinghouses will release capital funding which will allow the applicant to fund a new modern farm building to accommodate the re-structured farm operations and crucially provide funds to secure existing and future employment on the farm and Organic Centre to the benefit of the local economy and community.

Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:-

“where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

Economic, employment and business issues are important material considerations in the determination of a planning application, as stated above in Section 25 of the 1997 Act, and therefore these material issues need to be given appropriate weight in any assessment. The planning history of the site is also a material planning consideration where consent was granted in principle in 2007 under 07/00846/OUT.

Despite the conclusions reached by the Planning Authority in the refusal of the application it is concluded in this statement that the review proposal is in accordance with the main aims of the Housing in the Countryside Guidance where it will:-

- safeguard the character of the countryside;
- support the viability of communities;
- meet development needs in appropriate locations;
- and ensure that high standards of siting and design are achieved.

Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reasons for refusal which state that the proposed development for 8 dwellinghouses at Jamesfield is contrary to the Housing in the Countryside Guidance and will have an adverse impact on European protected species. The reasons for refusal are re-stated below along with the applicant's statement and argument against these reasons in support of the review.

- 1). In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).
- 2). In respect of the replacement of the existing, traditional non-domestic buildings, as the new build does not have the footprint of the existing traditional buildings at its core, the layout of this element is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 which both state that acceptable reconstruction of traditional building must have at its core, the footprint of the existing traditional steading.
- 3). As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Response to Reason for Refusal 1).

The existing steading at Jamesfield is a mixture of both modern (non-traditional) and traditional farm buildings, it is not exclusively non-traditional as implied in the reason for refusal. The majority of the buildings are traditional – i.e. approximately 57% traditionally built. Along with the traditional steading buildings, the more modern buildings outlying the traditional steading are still standing and are in a poor state of repair, as indicated in the previously submitted structural report.

The applicant has an implemented planning consent for the erection of a new agricultural shed under application 11/01824/FLL to replace the existing steading complex which is not suitable for the modern re-structured farm operations at Jamesfield. The new steading has not been built yet as this capital cost would be cross funded by the review proposal. The application for the new agricultural shed was made after the applicant gained planning consent in principle for the redevelopment of Jamesfield Steading for housing in 2007 under 07/00846/OUT.

The footprint of the review proposal is 2000 sq m which is 163 sq m greater than the traditional steading footprint (9% increase). The Housing in the Countryside Guide makes a general allowance in category 5, where no more than 25% should comprise new build or rebuilt development. In this case, this is almost 3 times greater than the 9% increase proposed in the review proposal. The proposed redevelopment therefore can be accommodated within the extended footprint allowed under category 5 of the Housing in the Countryside Guide without including any additional built footprint taken from any non- traditional buildings whether they are considered to be rural brownfield land or not.

With reference to the existing steading buildings remaining on site, this is solely down to financial/ funding reasons. Demolition is a costly process and should the applicant demolish the buildings at this stage and planning permission be refused again, he would not have the funds to build the new agricultural building consented or to clear the site and carry out costly decontamination and remediation works. The applicant therefore is in a “catch 22” situation which has been precipitated largely by the planning process and the inflexible interpretation of planning policy guidance, while giving no weight to the other relevant material considerations of business security and employment.

It is therefore suggested to the Review Board that a more pragmatic approach to the planning appraisal of the review proposal is adopted than that carried out more recently, where other material planning considerations are given appropriate weight over any fine detail in the interpretation of planning policy guidance. In this case these material considerations are the economic and financial context of Jamesfield Farm and securing employment and future viability of this important business.

The previous in principle consent in 2007 is also an important material consideration in establishing the principle of residential development over the application site and in setting the applicant's expectations towards securing future development funding for the Jamesfield business.

To this end if the review proposal is granted then a suspensive condition can be attached to the consent which requires the steading buildings to be demolished and the site remediated prior to commencement of works on site.

Response to Reason for Refusal 2).

As demonstrated in the previous outline consent and acknowledged in the Report of Handling for the last refusals, it is accepted that the principle of replacement of the traditional farm steading is acceptable in principle. It is considered therefore that the most relevant part of the guidance for the review proposal is under section 5 of this guidance where:-

“Conversion or Replacement of Redundant Non-Domestic buildings – where consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.

b) Any alteration and extension should be in harmony with the existing building form and materials

c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost. The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.*

** Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction, the Council will commission an independent expert opinion, at the applicant's expense, to evaluate the costs of alternative options.*

Consent will be granted for the conversion of redundant, traditional building complexes such as farm steadings and, in addition, consent may be granted for the extension or replacement of such buildings and for limited new build accommodation associated with the conversion where the following criteria are met:-

d) The conversion/reconstruction has, as its core, the footprint of the existing traditional steading.

e) Non-original features may be incorporated to adapt the steading to modern space requirements and building standards or to reflect a local architectural idiom,

f) Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external appearance of the original building and its grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It should not be assumed that the entire 'brownfield' area of a site is suitable for housing.

g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.

h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.

i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.

j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.

k) The development is in an accessible location ie in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

l) It can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion.

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business.”

In this case it is considered that the replacement of the former traditional steading rather than its renovation is appropriate within the guidance, given the dilapidated/derelict condition of the steading, (confirmed in the structural report) being of no particular architectural merit and that it has been redundant for a number of years. And following a recent inspection in March 2017 the Soil Association consider it unsuitable for the storage of farm produce. It is also no longer fit for purpose and is unsuited to the restructuring needs of Jamesfield Farm necessary to ensure and maintain the viability of the businesses into the future. It was on this basis that the planning consent for the new steading under 11/01824/FLL was granted.

How the proposed development meets the criteria of the guidance is considered below, where the guidance should be interpreted as ‘guidance’ and not purely prescriptive in its application, which has the effect of haltering business development opportunity and feasibility, contrary to the overall aims of the guidance.

The reconstruction does not replicate the traditional steading design, however it has its footprint at the core of the layout. The proposed layout is in a courtyard form around the former traditional steading footprint and it is a traditional rural layout. The guidance allows the incorporation of non-original features which allows the proposal

to adapt to modern space standards and building standards, which implies a wider footprint around the core footprint. It is neither appropriate or practical to replicate the historic layout of the traditional steading when it's reconstruction to modern standards and expectations is already considered to be acceptable by the local authority.

The marketability of the housing units is also important and recent trends suggest that detached rather than terraced dwellings within this context greatly improve the feasibility of the development. Feasibility of the development is an important material consideration in the planning process. The layout therefore does not replicate the original traditional steading footprint and is wider than it. The proposed layout however is within the wider footprint of the farm buildings at Jamesfield and the proposal would not extend the existing grouping. As noted above the new build is approximately 2000 sq m and the traditional steading footprint amounts to 1840 sq m which is a 9% increase over the traditional footprint.

The proposed dwellinghouses are rural in terms of their scale, design and character and are single storey with accommodation in the roofspace. External materials proposed are of good quality using natural stone, slate and render. The high-quality design and materials proposed is considered to be appropriate to this location. The natural stone shall be salvaged from the demolition of the traditional steading and incorporated in the new development providing a historic link to the former steading. High quality landscaping is proposed with rubble stone walling and hedging and indigenous tree planting to the boundaries.

With the removal of the derelict/dilapidated farm buildings and the development of a high-quality design of appropriate rural scale, the proposal will provide a marked improvement in the visual amenity and character of the site to the benefit of the surrounding countryside. The more modern farm buildings are very large in scale and their removal will improve the rural character in the immediate vicinity of the farm steading to the benefit of neighbouring properties. This is in accordance with the main aims of the guidance by safeguarding the character of the countryside and meeting the development needs at Jamesfield Farm, which will support the business viability and related employment opportunities into the future, to the benefit of the local community.

The proposed development is in a sustainable location in terms of access to both social, economic and community services being in close proximity to Abernethy and its associated transport infrastructure and public transport provision.

As demonstrated in the previous applications and the review application there were no objections to the proposal for residential use at the site from the main consultees in terms of traffic and road safety impact, residential amenity, visual amenity and drainage and flooding.

Response to Reason for Refusal 3

With regard to the third reason for refusal it is stated that there is no indication whether or not the review proposal will have an adverse impact on any European Protected Species. This reason it is assumed, refers to the demolition of the steading and whether it will impact on any protected species.

The previous refusal under 15/01643/FLL made no reference to this and SNH has made no objection to the review proposal or the 2 previous applications under 14/01651/FLL or 15/01643/FLL in terms of ecological impact.

The principle of demolition of the buildings has been accepted in the previous 'in principle' consent 07/00846/OUT and also in the Planning Officer's Delegated Report for the review application where it states that:-

Whilst no structural report on the condition of the traditional stone buildings has been submitted in support of this planning application, a report was prepared in support of a previous planning application which demonstrated that the traditional buildings were not capable of reasonable conversion. After a visual inspection of the buildings, I don't intend to challenge this position and to this end the replacement of some of the traditional building with new housing is acceptable in principle.

Given that demolition is acceptable in principle at the site, as supported above and by the former outline consent 07/00846/OUT and that there are no objections from SNH, it is recommended that if the Review Board are minded to approve the application, then a suspensive condition can be attached to any consent which requires an Ecological Assessment to be submitted including mitigation measures to be carried out, prior to demolition to ensure that there is no adverse impact on any European Protected Species.

Conclusions

The principle of residential development at Jamesfield Farm Steading has already been established with the granting of the previous outline application 07/00846/OUT.

Through the previous consent, structural report and the assessment of subsequent applications in 2015 and 2016 it is considered that the demolition of Jamesfield Steading is acceptable in principle.

It is considered that the review proposal is generally in accordance with the Housing in the Countryside Guidance and that the submitted residential scheme will satisfy the main aims of this guidance where it will:-

- safeguard the character of the countryside;
- support the viability of communities;
- meet development needs in appropriate locations;
- and ensure that high standards of siting and design are achieved.

As stated under Section 25 the Town and Country Planning (Scotland) Act 1997 appropriate weight should be given in the assessment of any proposal to other material considerations which are significant, and should not be assessed solely against the Development Plan or its Supplementary Guidance. It is considered in this case that the economic benefits of the review proposal are a relevant material consideration and crucial to the survival of the applicant's long standing farm business at Jamesfield, which has played an important role in supporting the viability of the Abernethy community and local economy.

It is considered therefore that the economic benefits of the review proposal, which is a significant material consideration, outweigh any discussion about the fine detail of the Supplementary Guidance. In any case the principle of development has already been established and there are no objections from the Planning Officer to the review proposal in terms of its impact on visual amenity where it was confirmed in the Delegated Report that :-

In terms of the visual impact on the area, the site at the present time is unsightly, and is dominated from the long views approaching the site by the large modern corrugated iron shed as well as the other buildings which are in various states of disrepair. To this end, the redevelopment of this for residential is not likely to have as much of a visual impact than the existing position, and if anything, the proposal would have a positive visual impact on the area, subject to appropriate finishing being used.

For the reasons outlined above it is requested that the Notice of Review be upheld for the erection of 8 dwellinghouses and associated works at Jamesfield Farm.

PERTH AND KINROSS COUNCIL

G W Miller And Sons
c/o W J Beatson Architect
William Beatson
2 Island View
Dundee Road
Perth
Scotland
PH2 7HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 06.02.2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/02074/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th December 2016 for permission for **Erection of 8no dwellinghouses and associated works Land 60 Metres West Of The Bothy Newburgh** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).
2. In respect of the replacement of the existing, traditional non-domestic buildings, as

the new build does not have the footprint of the existing traditional buildings at its core, the layout of this element is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 which both state that acceptable reconstruction of traditional building must have at its core, the footprint of the existing traditional steading.

3. As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Justification

The Proposal is not in accordance with the Development Plan and there are no material justifications which justify approving the planning application.

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

16/02074/1

16/02074/2

16/02074/3

16/02074/4

16/02074/5

16/02074/6

16/02074/7

16/02074/8

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16/02074/23

16/02074/24

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16/02074/27

16/02074/28

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/02074/FLL	
Ward No	N9- Almond And Earn	
Due Determination Date	08.02.2017	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of 8no dwellinghouses and associated works

LOCATION: Land 60 Metres West Of The Bothy Newburgh

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of 8 dwellinghouses at Jamesfield Steadings, Newburgh 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:

SITE PHOTOGRAPH



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the erection of eight dwellings on the site of Jamesfield Farm, Newburgh and is a resubmission of a previously refused detailed planning application (last year) for the same number of units.

The site includes a number of existing buildings, some of which are traditional (stone and slates) and others more modern. A large corrugated iron roofed building dominates the site, and this building was fire damaged some years ago but remains largely intact. On the southern part of the site is a modern pre-fab type of building which is seems to be currently in a commercial use.

At the northern end of the site, is an open sided dutch barn style of building, and a traditional steading is located on the eastern side of the site. In addition to this some other modern buildings are located to in between the operational commercial building to the south and the traditional steading.

In between all the buildings is a mix of hardstanding and overgrown ground.

Vehicular access to the site is via a private surfaced access.

SITE HISTORY

An outline planning permission for the demolition of the existing buildings and a residential development was approved in 2007 (07/00846/OUT). However, that permission has now expired with the required reserved matters not having been a) submitted or b) approved within the prescribed timescales.

An application for the erection of 12 dwellings and associated works (14/01651/FLL) was withdrawn in 2014 by the applicant prior to its determination after discussions with the Council, and a further detailed planning application for the erection of 8 dwellings (15/01643/FLL) was refused planning permission in 2016 on the ground that it was not compliant with the Council's Housing in the Countryside Policies.

PRE-APPLICATION CONSULTATION

No contact has taken place with the applicant since the previous refusal.

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect 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 specific relevance to this planning application are Paragraphs 74 - 83 which relate to promoting Rural Development.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

Within the LDP, the site lies within the landward area of the plan where the following policies are directly applicable,

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community

facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

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

Policy RD4 - Affordable Housing

Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met.

Developer Contributions and Affordable Housing 2016

This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances, and offers guidance on Affordable Housing provision. This supplementary guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

EXTERNAL CONSULTATION RESPONSES

Network Rail have commented on the planning application and raised no objections.

National Grid Plant Protection Team has commented on the planning application and raised no objections.

Scottish Environment Protection Agency have responded to the planning application and referred the Council to their standing advice.

Scottish Natural Heritage has commented on the planning application and raised objection in terms of their interests.

INTERNAL COUNCIL COMMENTS

Local Flood Prevention Authority has commented on the proposal and raised no objection in terms of flooding related matters.

Environmental Health have commented on the planning application and raised no objection to the proposal in terms of private water issues and land contamination, subject to appropriate conditions being attached to any consent.

Contributions Officer has commented on the planning application and indicated that as part of the proposal there will be a requirement for Affordable Housing, Primary Education and also Transport Infrastructure.

Community Waste Advisor has commented on the proposal and made comments and suggested conditions.

Transport Planning have commented on the planning application in terms of traffic and access matters and raised no concerns.

Bio-diversity Officer has commented on the proposal and raised some concerns regarding the lack of an ecology survey.

REPRESENTATIONS

Two letters of representations have been received from the local community council, objecting to the proposal. The main issues raised by the Community Council are,

- Traffic concerns
- limited public transport in the area
- Drainage issues
- Impact on residential amenity (from neighbouring wind turbine)
- Potential loss of agricultural land
- Contrary to Development Plan

These issues are addressed in the main section of this report.

ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Submitted
Report on Impact or Potential Impact	A supporting planning statement has been submitted.

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

Other material considerations include compliance with the Council's Housing in the Countryside Policy 2012, and the Council's policies on Developer Contributions.

Policy Appraisal

The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that plan the site is located within the landward area where *Policies RD3* and *PM1A* are directly applicable to new residential proposals. *Policy RD3* refers to the Housing in the Countryside Policy and is directly linked to the supplementary planning guidance of 2012 whilst *Policy PM1A* seeks to ensure that all new developments within the landward area do not have an adverse impact on the character or amenity of the area concerned.

For reasons stated below, I consider the proposal to be contrary to the Council's Housing in the Countryside Policies.

Land Use

In terms of land use acceptability, the key assessment for this proposal is ultimately whether or not the proposal is consistent with the Council's Housing in the Countryside Policies, as contained in the LDP (*Policy RD3*) and the

associated SPG, the HITCG 2012 - which is the most recent expression of Council policy towards new housing in the open countryside.

The application site is currently occupied by a range of buildings, some of which are traditional (stone walled and slated roofs) and others of a more modern structure - with profile sheeting and more modern brick construction. Whilst no structural report on the condition of the traditional stone buildings has been submitted in support of this planning application, a report was prepared in support of a previous planning application which demonstrated that the traditional buildings were not capable of reasonable conversion. After a visual inspection of the buildings, I don't intend to challenge this position and to this end the replacement of some of the traditional building with new housing is acceptable in principle.

However, the HITCG clearly states that any such replacement should be limited to the footprint of those existing (traditional) buildings. Plots 6 and 7 are the only plots which are located within the vicinity of what could reasonably be described as traditional buildings and their location doesn't particularly reflect the character and layout of the existing traditional building either – an issue (and requirement) which was raised with the applicant prior to this resubmission.

The remainder the site accommodating six further units, is land which is currently occupied by a series of modern buildings and in the case of the land associated with plots 4 and 1 – simply, vacant, unkempt land. It is the applicant's view that with the exception of plots 6 and 7, the rest of the site is *rural brownfield* land, which aligns itself positively with the requirements of the rural brownfield section of the HITCG.

I disagree with this position.

The *rural brownfield* section of the HITCG is relevantly explicit in its requirements, as it looks to offer support for the redevelopment of sites which were formerly occupied by buildings when a proposal would remove dereliction and provide a significant net environmental benefit to the surrounding environs. As the existing buildings are still standing and the land isn't 'formerly occupied', there is an obvious conflict with the requirements of this section of the HITCG as the site cannot be described as being formerly occupied by buildings.

I do have some sympathy with the applicant as the overall site is obviously significantly past its best in terms of the quality of the buildings, and the applicant does have structural reports available (albeit not submitted with this planning application) which demonstrate that the modern buildings are failing, and in some cases structurally unsafe; however the requirements of the HITCG is fairly explicit in relation to buildings still being in existence. The applicant was clearly made aware of this prior to the submission of previously planning applications, however there has not appeared to have been any removal of 'redundant' buildings (either in whole or in part) since the previous planning application was refused from what I can see.

To this end, I do not consider it necessary to assess whether or not the proposal would provide a significant net environmental benefit as the proposal fails to accord with the core requirements of an acceptable *rural brownfield* site i.e. large parts of the site are not formerly occupied by buildings, and therefore contrary to the Council's Housing in the Countryside Policies.

Note - The issue of the replacement of modern farm buildings which are perhaps not fit for modern purposes, but are still physically capable of being used is a common issue. A similar residential proposal at Newhill Farm, Glenfarg (15/00188/IPL) was refused by the Council in 2015 on the grounds that the as the building were still in existence (and in use) the site could not reasonably be classed as an acceptable rural brownfield site in the context of the HITCG. This decision was endorsed by the Council's Local Review Body.

Design and Layout

In terms of design and layout matters, this element is somewhat secondary to the overall principle of a residential development on the site, however some elements do overlap. The layout of the replacement of the traditional buildings does not reflect the existing pattern of development, which means the layout submitted is ultimately unacceptable as it doesn't accord with the layout requirements of the HITCG and Policy RD3 of the Local Development in relation to the replacement of traditional buildings. In relation to the rest of the layout, in isolation I don't have a particularly issue with it – however, as the principle of residential development on this area is unacceptable it is a side issue at the present time.

Residential Amenity

In terms of the impact on any existing residential amenity, the proposal will have little impact. There are several residential properties within the area, however the separation distances between these existing properties and the proposed houses is such that an unacceptable degree of overlooking, loss of privacy should not occur. I also note that no letters of representations have been received from any of the directly affected neighbours.

In terms of offering a suitable residential environment for future residents, the internal separation between the proposed dwellings is acceptable and so is the level of amenity space offered for each of the dwellings.

I am aware of the presence of a fairly new wind turbine in the area, however I do not consider this turbine to have any impact on the residential amenity of any potential residents in this area and I note that my colleagues in Environmental Health have not raised this as an issue.

Visual Amenity

In terms of the visual impact on the area, the site at the present time is unsightly, and is dominated from the long views approaching the site by the large modern corrugated iron shed as well as the other buildings which are in various states of disrepair. To this end, the redevelopment of this for residential is not likely to have as much more of a visual impact than the existing position, and if anything, the proposal would have a positive visual impact on the area, subject to appropriate finishing being used.

Roads and Access

In terms of access and parking related issues, the proposal raises no concerns. I note the concerns raised by the local Community Council in relation to both traffic increases and the lack of public transport in the area, however my colleagues in Transport Planning have no concerns in relation to either aspect and I have no reason to offer a different view on this matter.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters which cannot be resolved or controlled via appropriately worded conditions.

Impact on Bats

The proposals are to demolish the existing farm buildings, some of which may provide suitable roost sites for bats and nest sites for birds. It is therefore essential that consideration is given to the protection of birds and bats. No ecological survey work has been submitted to support the application therefore there is insufficient information to assess the ecological impact of the proposals. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission can be granted. As the principle of planning consent is unacceptable, it was not considered necessary at this stage to request an ecology survey.

Developer Contributions

Affordable Housing

As the development comprises 5 or more residential units there is a requirement for affordable housing provision. Considering the rural location of the site, a commuted payment in lieu of on-site provision is considered appropriate. The development attracts a affordable housing requirement of 2 units (8 / 25%) which means a commuted payment of £53,000 (2 x £26,500) is required.

Primary Education

As the local primary school is operating at over 80% capacity, there is a requirement for developer contributions on the non-affordable housing (6). To this end, a developer contribution of £38,370 (6 x £6,395) is required as part of this proposal.

Transport Infrastructure

The site lies within the reduced contributions area for contributions. To this end, Transport Contributions of £18,472 (6 x £2,639, 2 x £1,319) are required.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014, and there are no material considerations that would justify overriding the adopted Development Plan.

On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required as the application is recommended of refusal.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reasons,

- 1 In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).
- 2 In respect of the replacement of the existing, traditional non-domestic buildings, as the new build does not have the footprint of the existing traditional buildings at its core, the layout of this element is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 which both state that acceptable reconstruction of traditional building must have at its core, the footprint of the existing traditional steading.
- 3 As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Justification

The proposal is not in accordance with the Development Plan and there are no material justifications which justify approving the planning application.

Informatives

None

Procedural Notes

None required as the application is recommended of refusal.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/02074/1 - 16/02074/28 (*inclusive*)

Date of Report 06.02.2017

TCP/11/16(468) – 16/02074/FLL – Erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy Newburgh

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 397-399)*

REPORT OF HANDLING *(included in applicant's submission, see pages 401-413)*

REFERENCE DOCUMENTS



500 METRES

LOCATION PLAN 1/10,000

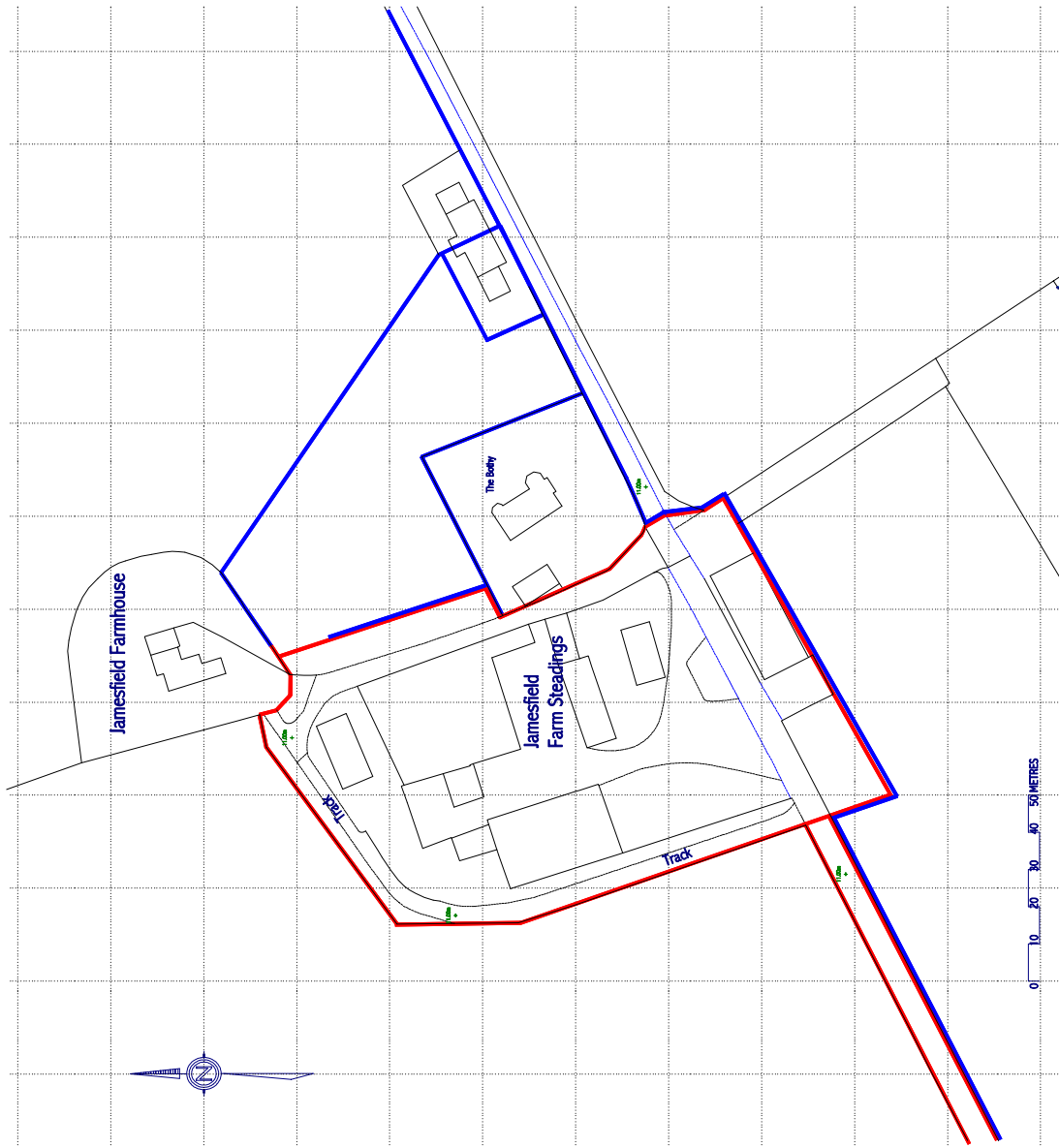
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TITLE
PROPOSED HOUSING DEVELOPMENT AT
JAMESFIELD FARM, NEWBURGH KY14 6EW

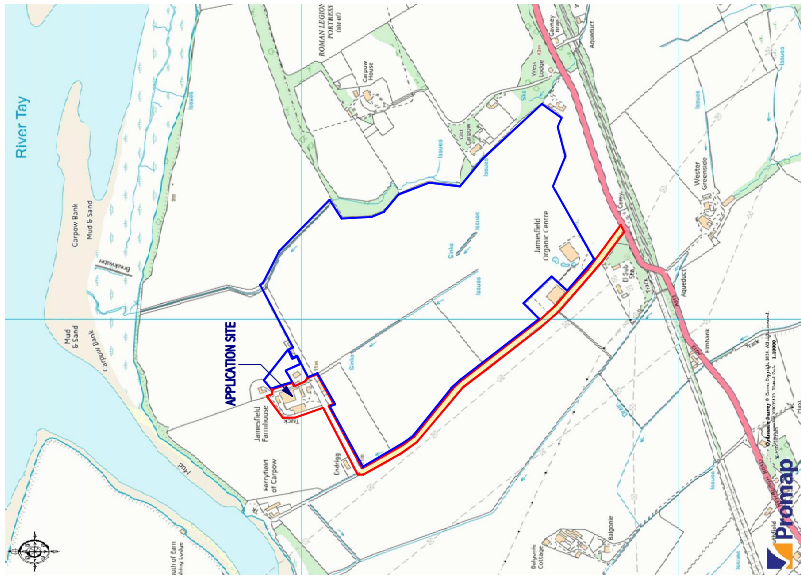
JOB/DRG.NO. 415-3/00
SCALE
DATE 30/11/16

- W J BEATSON - ARCHITECT -
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - tel. 01738 633659



EXISTING SITE PLAN 1/1000

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LOCATION PLAN 1/10,000

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JOB TITLE
PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM,
NEWBURGH KY14 6EW

SCALE @ A2
1/1000; 1/10,000

DATE
30 November 2014

DRAWING TITLE
EXISTING SITE AND LOCATION PLANS

JOB NUMBER
415/3-00

W J DEATSON - ARCHITECT
2 ISLAND VIEW, DUNDRE ROAD, PERTH PH2 7HS - TEL 01738 433497



W J BEATSON · ARCHITECT ·
2 ISLAND VIEW, DUNDEE ROAD, PETH PH2 7HS · Tel. 01738 433459



420

Jamesfield Farmhouse

The Bothy

proposed new Bio-Dec
FW treatment plant
with effluent outfall
taken into existing SW drain
discharging to River Eam

Site of Stone Fanks, Loading Bays
and Livestock Pens

20TH CENTURY
STEADINGS BUILDINGS
(DERELICT)

PLOT 5

PLOT 4

PLOT 3

PLOT 2

PLOT 1

PLOT 8

PLOT 7

PLOT 6

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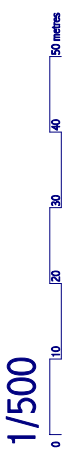
PLOT 5

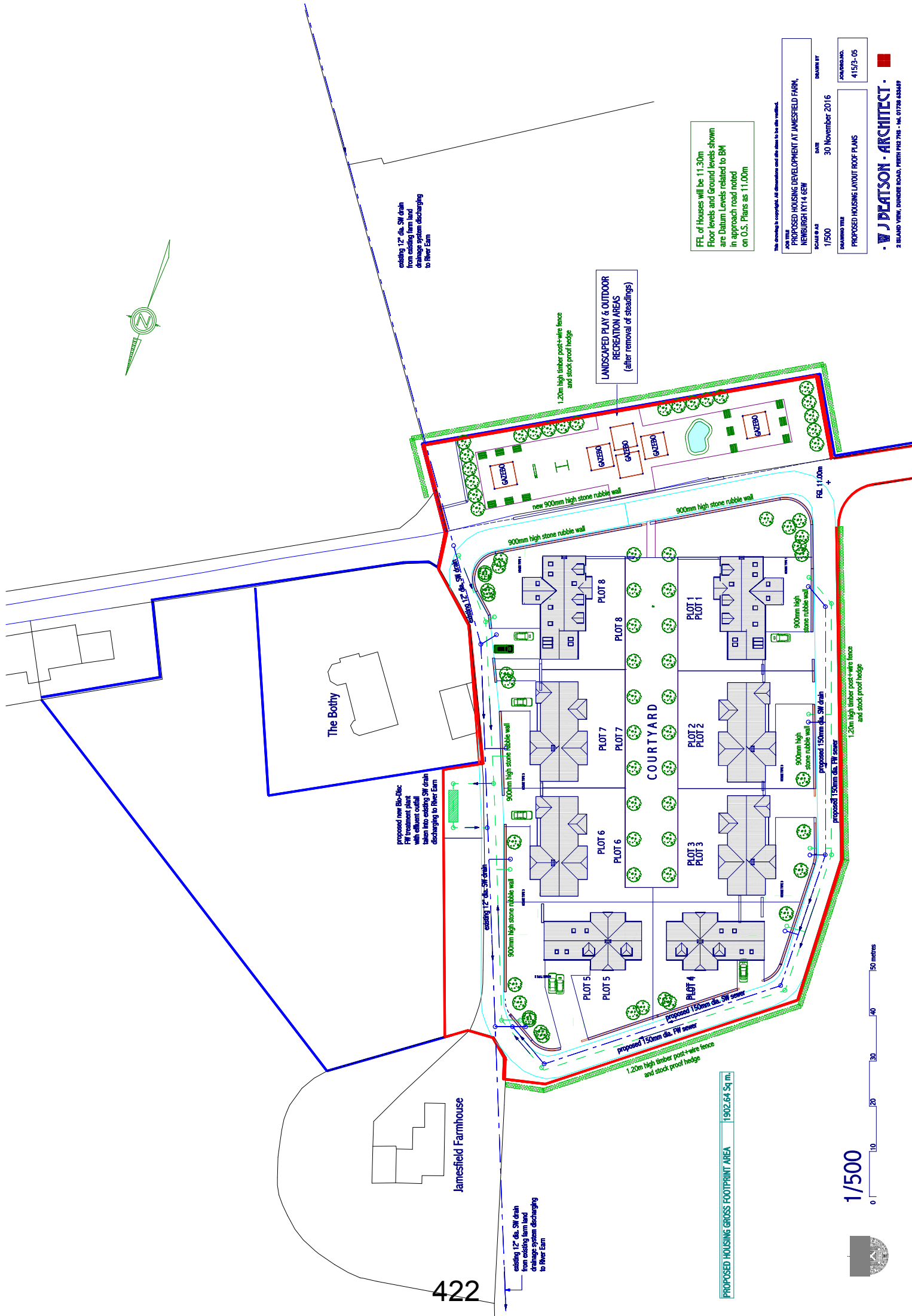
PLOT 4



FFL of Houses will be 11.30m
Floor levels and Ground levels shown
are Datum Levels related to BH
in approach road noted
on O.S. Plans as 11.00m

This drawing is copyright. All dimensions and details to be fully verified.			
JOB TITLE	PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM, NEWBURGH NY 4 GEN	DATE	30 November 2016
SCALE & A3	1/500	DRAWING NO.	41573-08
DRAWING TITLE	PROPOSED HOUSING LAYOUT PLAN	DESIGNED BY	





FFL of Houses will be 11.30m
Floor levels and Ground levels shown
are Datum Levels related to BM
in approach road noted
on O.S. Plans as 11.00m

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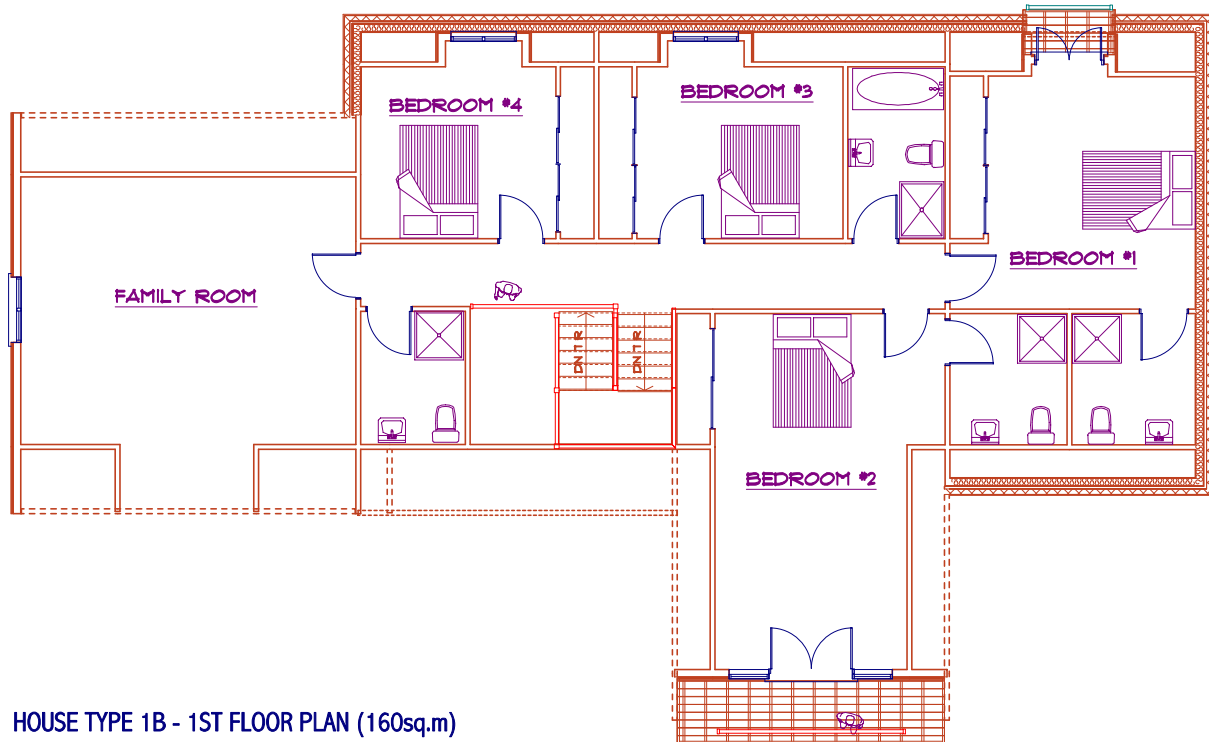
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SCALE @ A3	1/500
DATE	30 November 2016
DRAWING BY	
DATE	4/15/05
PROJ TITLE	PROPOSED HOUSING LAYOUT ROOF PLANS

J PLATSON - ARCHITECT
2 ISLAND VIEW, DUNDRE ROAD, PERTY P15 7HS - TEL 01728 628489

PROPOSED HOUSING GROSS FOOTPRINT AREA 1902.64 Sq m.

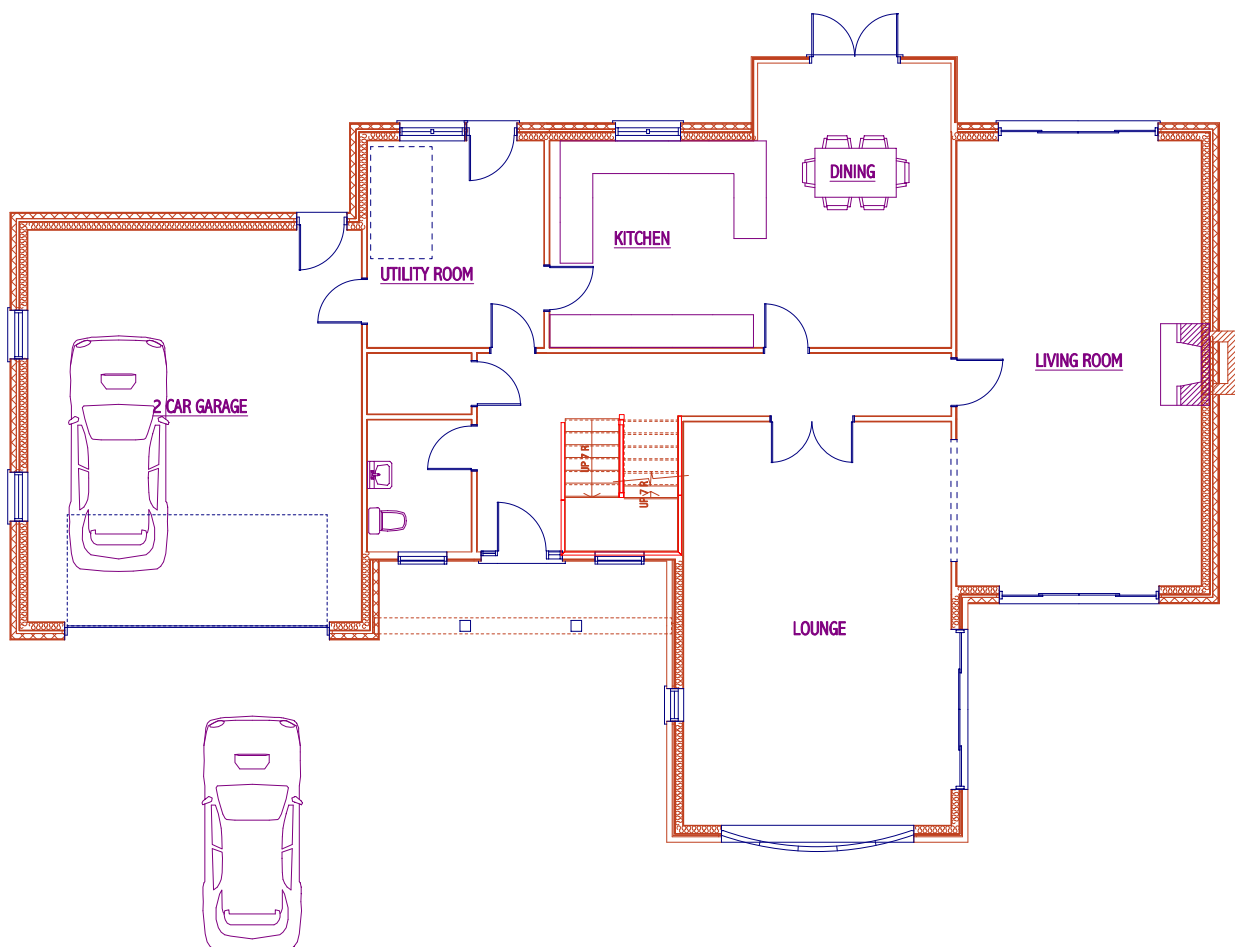
1/500





HOUSE TYPE 1B - 1ST FLOOR PLAN (160sq.m)

1 2 3 4 5 METRES



HOUSE PLOT 1 - TYPE 1B - GROUND FLOOR PLAN (150sq.m + Garage 46sq.m)

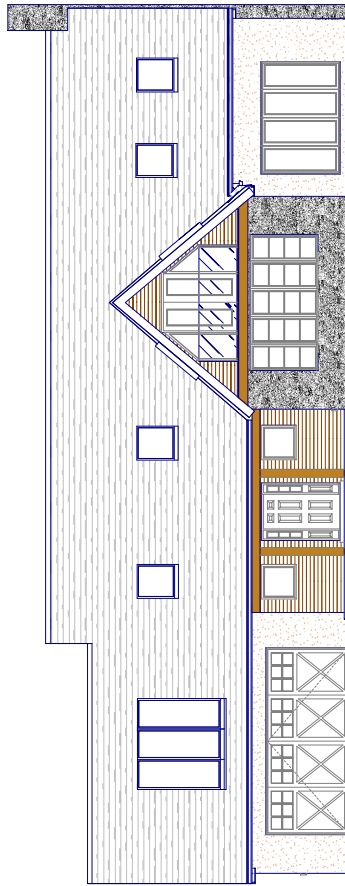
1 2 3 4 5 METRES

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TITLE
PROPOSED HOUSING DEVELOPMENT
AT JAMESFIELD FARM NEWBURGH

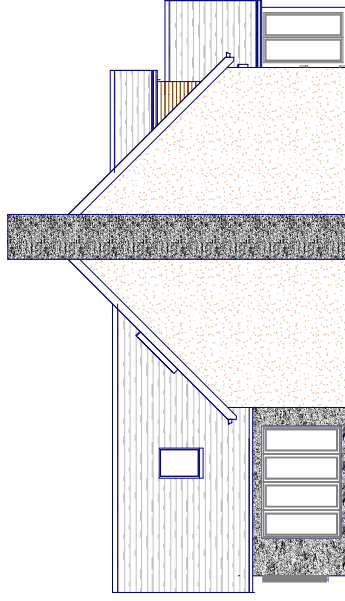
JOB/DRG.NO. 415/3
SCALE @ AS 1/100
DATE 30/11/16

W J BEATSON - ARCHITECT - 
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - tel. 01738 633659

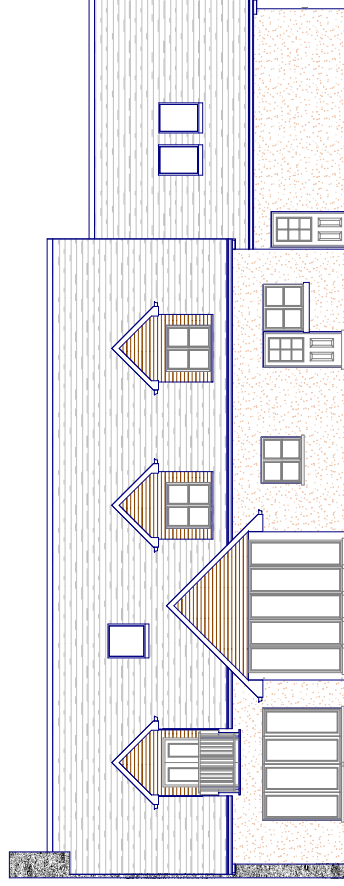


FRONT ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings

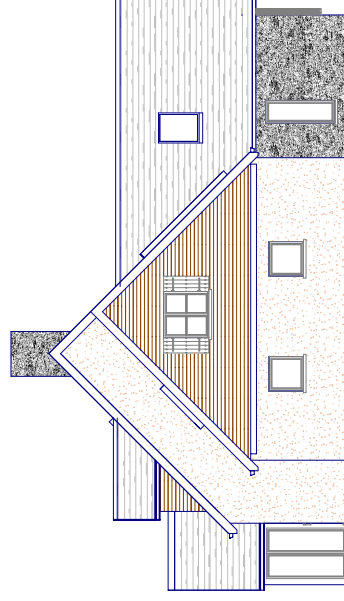


SIDE ELEVATION - RIGHT



REAR ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings



SIDE ELEVATION - LEFT

0 2' 3' 4' 5 METRES

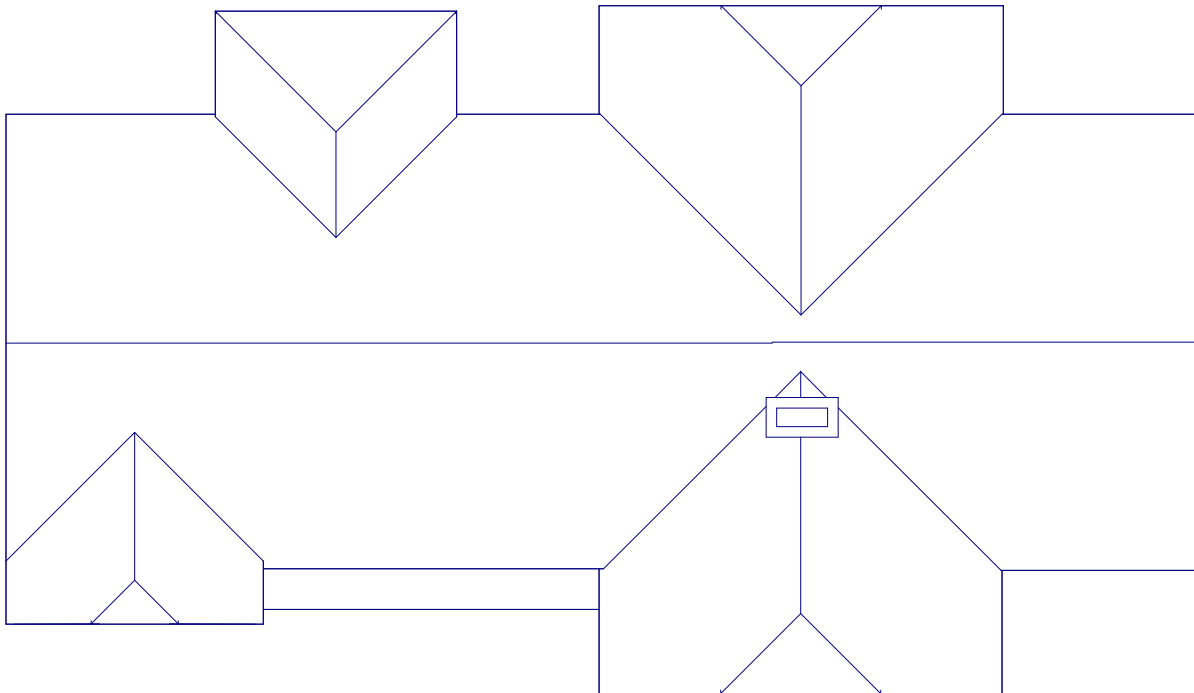
This drawing is copyright. All dimensions and details are to be as indicated.

FOR INFO
PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM,
NEWBURGH KY14 6BN

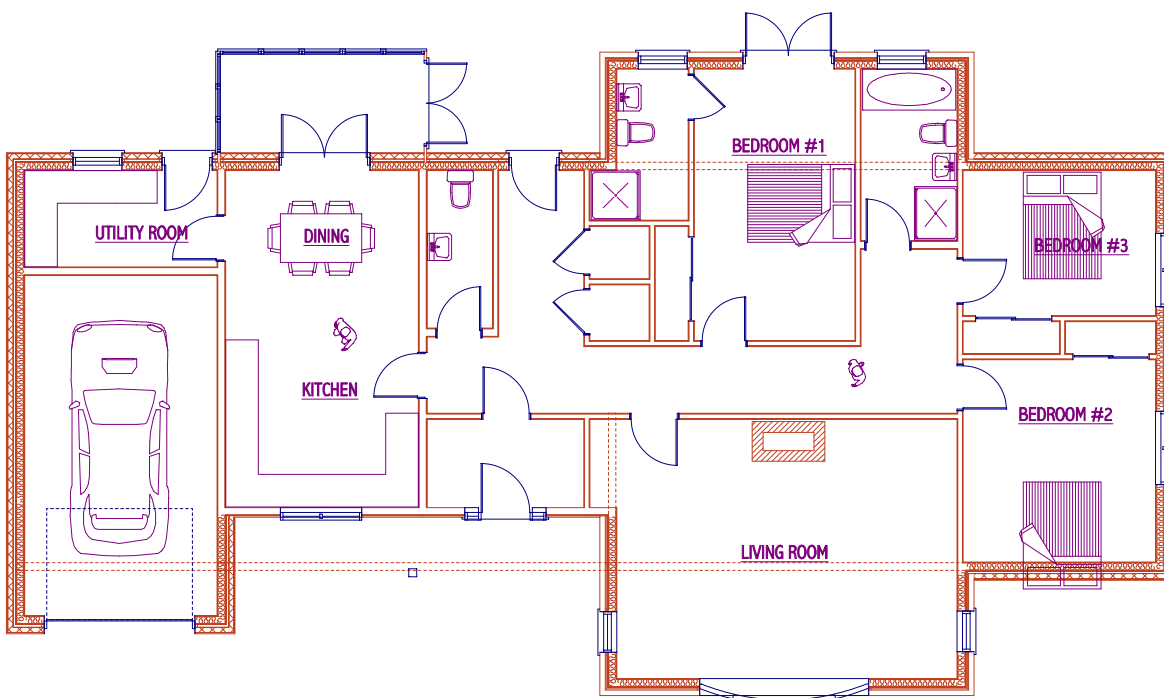
SCALE 1/100
DATE 30 November 2016
DRAWN BY

DRAWING TITLE
HOUSE PLOT 1 - TYPE 1A - ELEVATIONS
4153-Plot 1

W J DEATSON - ARCHITECT
2 ISLAND VIEW, DUNDEE ROAD, FRESHFORD, WILMSTON, WY14 6BN



HOUSE TYPE 3A - ROOF PLAN



HOUSE PLOTS 2 and 3 - TYPE 3A - GROUND FLOOR PLAN (168sq.m + Garage 24sq.m)

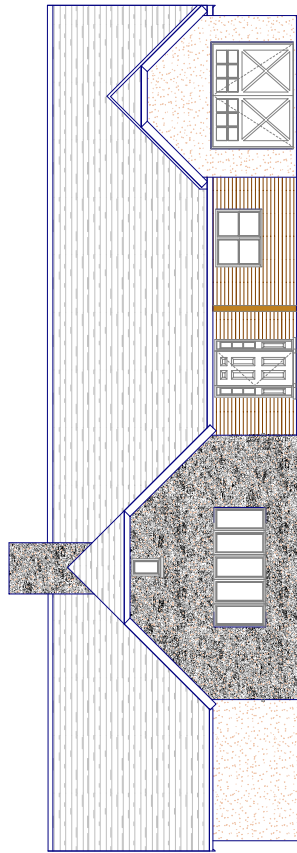
1 2 3 4 5 METRES

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TITLE
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AT JAMESFIELD FARM NEWBURGH

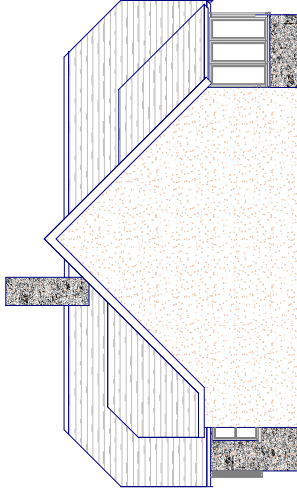
JOB/DRG.NO. 415/3
SCALE @ AS 1/100
DATE 30/11/16

W J BEATSON - ARCHITECT
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - Tel. 01738 633459

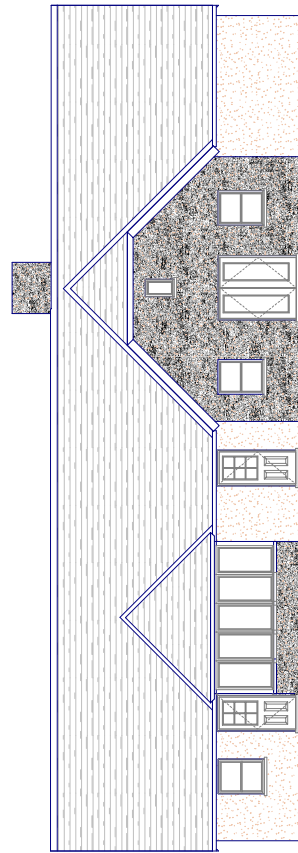


FRONT ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings

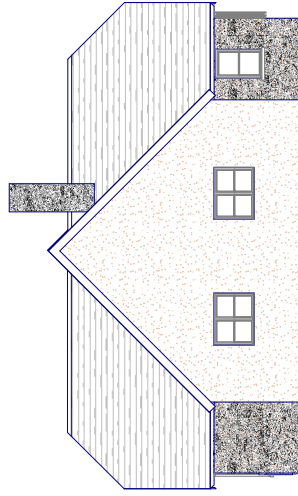


SIDE ELEVATION - RIGHT



REAR ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings



SIDE ELEVATION - LEFT

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JOB TITLE
PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM,
NEWBURGH NT14 6EW

SCALE OF A3
1/100

DATE
30 November 2016

DRAWN BY

0 2 3 4 5 METRES

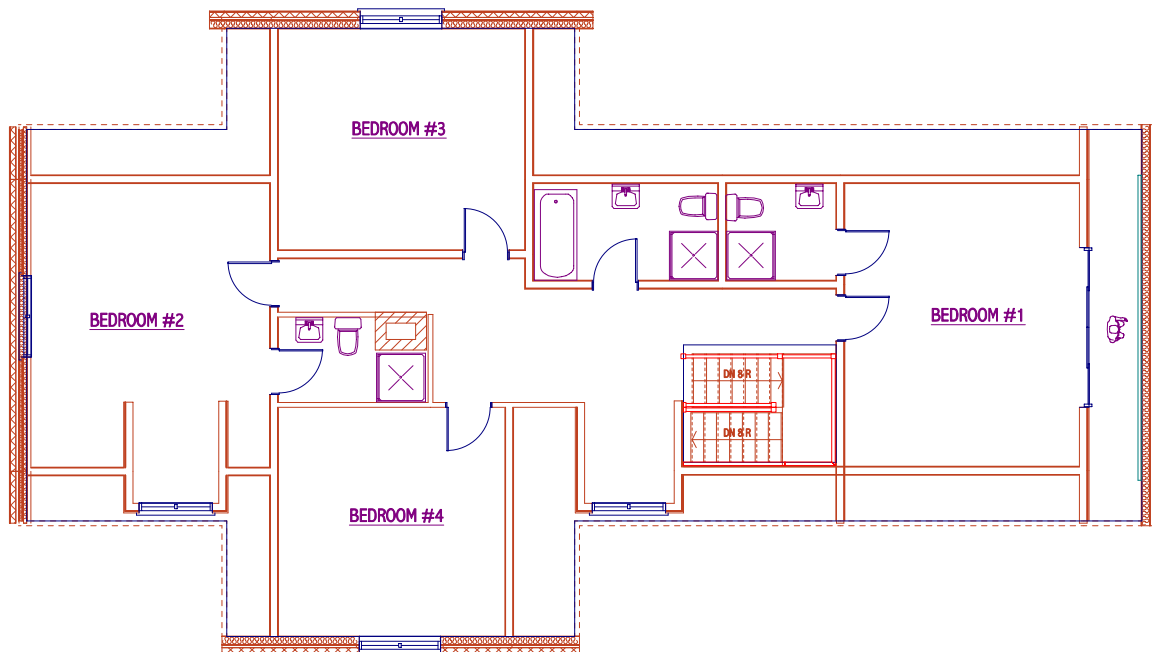
DRAWING TITLE

HOUSE PLOT 2 and 3 - TYPE 3A - ELEVATIONS

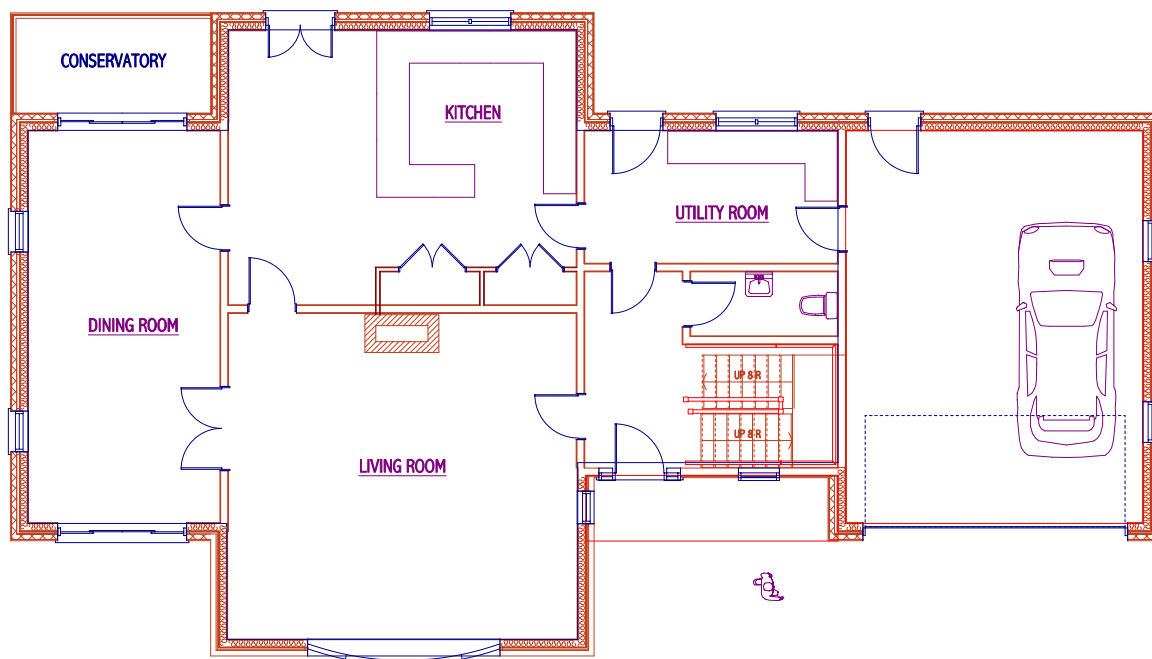
415/3-3A

W J BEATSON - ARCHITECT
2 BLAND VIEW, DUNDEE ROAD, PERTH PH1 7YS - TEL 01738 633489





HOUSE TYPE 2A - 1ST FLOOR PLAN (140sq.m)



HOUSE PLOT 5 - TYPE 2A - GROUND FLOOR PLAN (130sq.m + Garage 42sq.m)

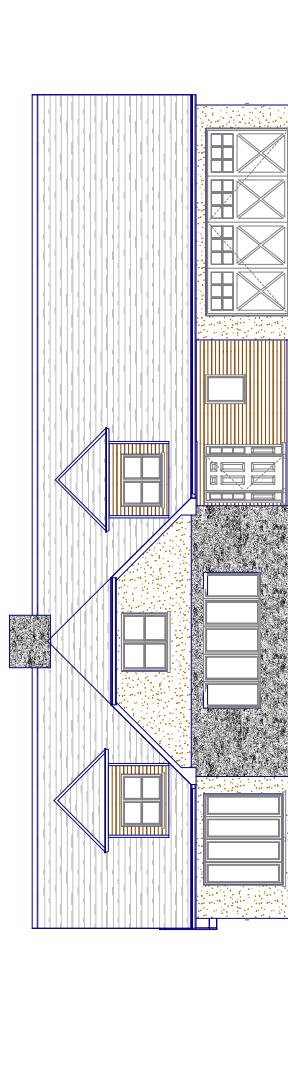
1 2 3 4 5 METRES

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TITLE
PROPOSED HOUSING DEVELOPMENT
AT JAMESFIELD FARM NEWBURGH

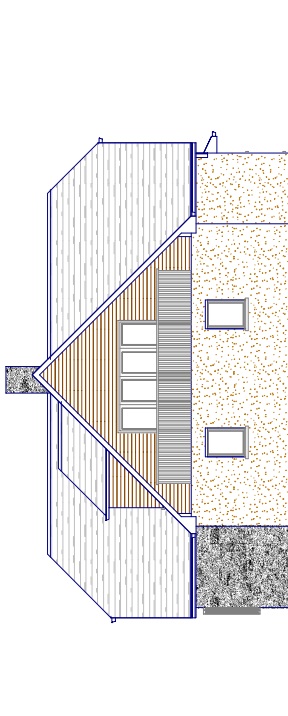
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SCALE @ A3 1/100
DATE 30/11/16

W J BEATSON - ARCHITECT -
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - tel. 01738 633659

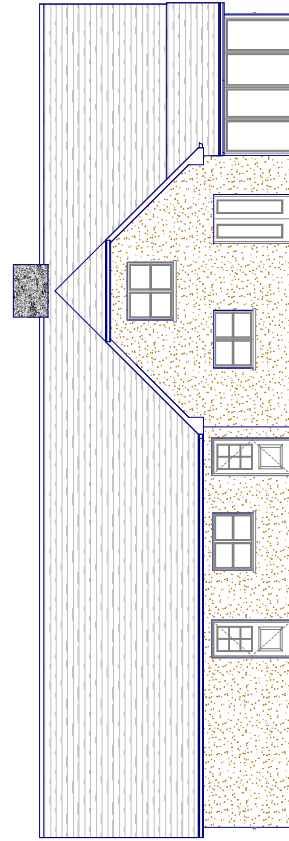


slate effect roof tiles
 painted timber cladding
 dry-dash roughcast
 timber windows and doors
 natural stone findings

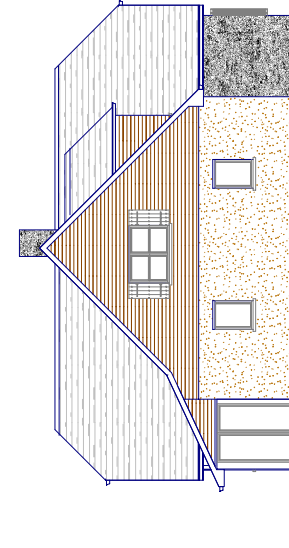
FRONT ELEVATION



SIDE ELEVATION - RIGHT



REAR ELEVATION



SIDE ELEVATION - LEFT

slate effect roof tiles
 painted timber cladding
 dry-dash roughcast
 timber windows and doors
 natural stone findings

0 1 2 3 4 5 METRES

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JOB TITLE
 PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM,
 NEWBURGH KY14 6EW

DATE
 30 November 2016

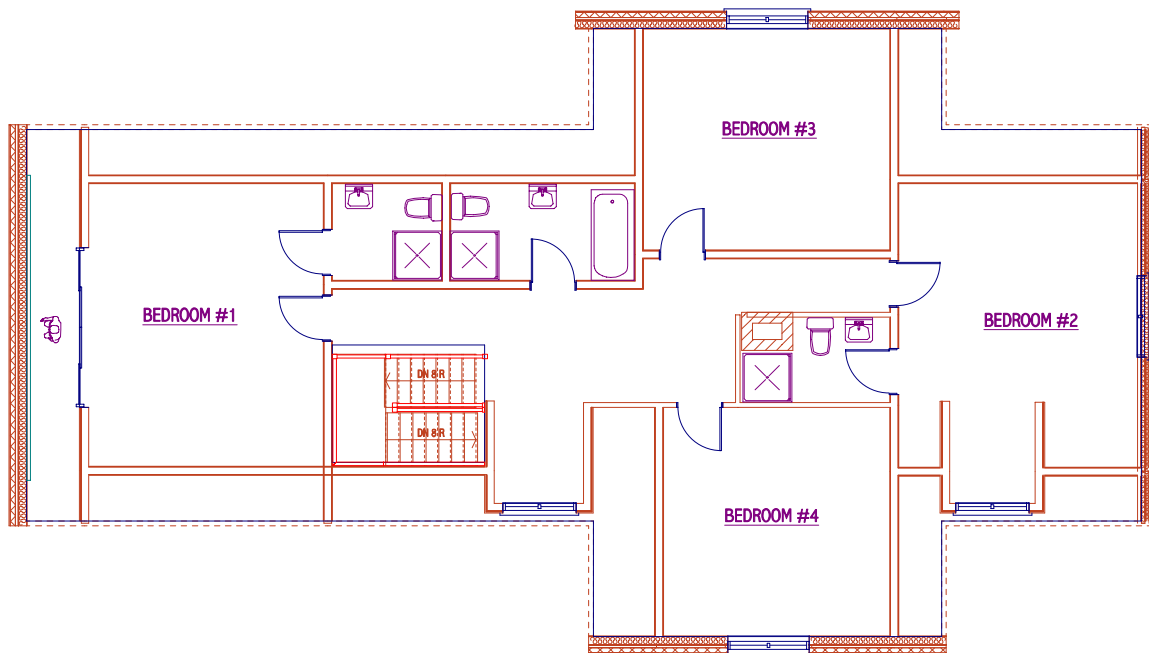
SCALE
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DRAWING TITLE
 HOUSE PLOT 4 - TYPE 2A - ELEVATIONS

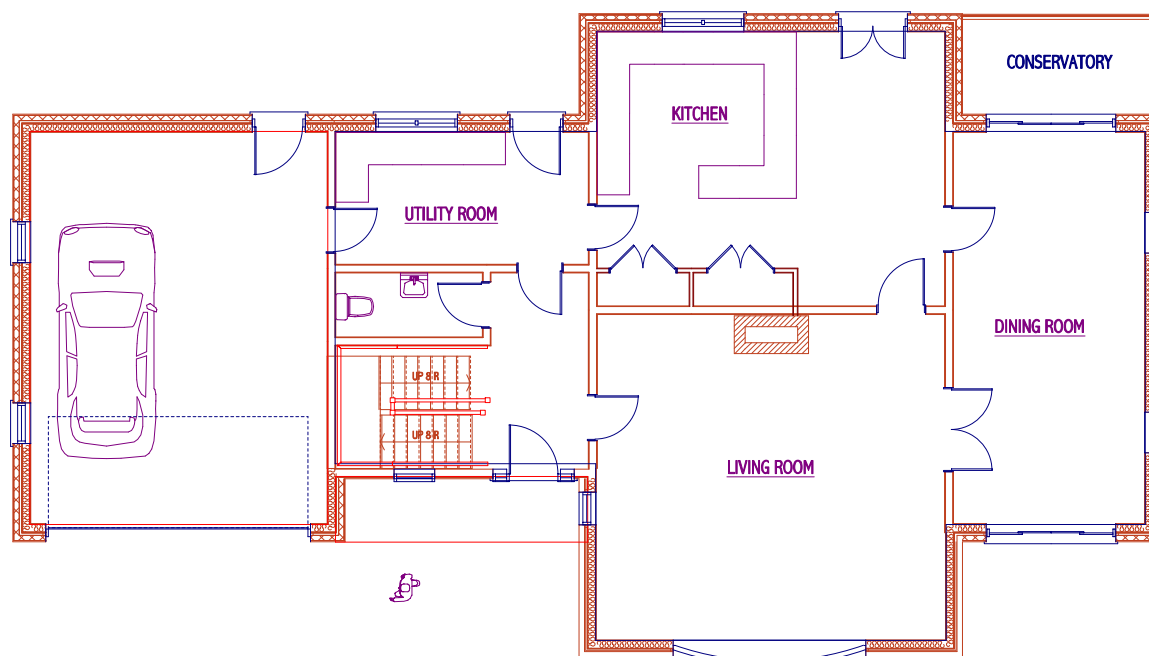
DATE
 30 November 2016

415/3-Plot 4

W J BEATSON - ARCHITECT
 2 ISLAND VIEW, DUNDEE ROAD, FORTH PH2 7HS - Tel: 01778 655497



HOUSE TYPE 2A - 1ST FLOOR PLAN (140sq.m)



HOUSE PLOT 5 - TYPE 2B - GROUND FLOOR PLAN (130sq.m + Garage 42sq.m)

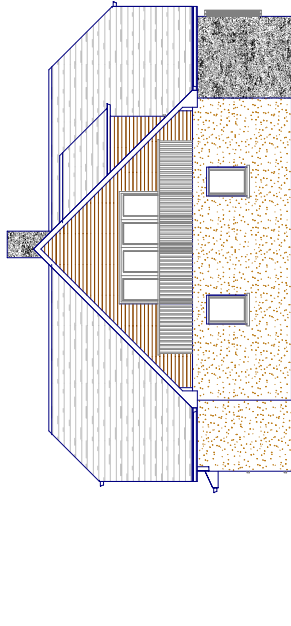
1 2 3 4 5 METRES

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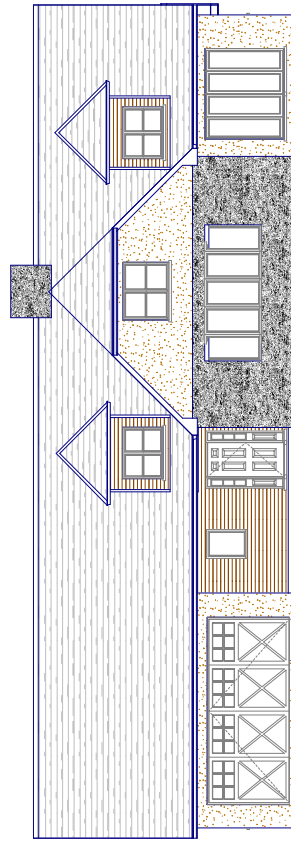
TITLE
PROPOSED HOUSING DEVELOPMENT
AT JAMESFIELD FARM NEWBURGH

JOB/DRG.NO. 415/3
SCALE @ A3 1/100
DATE 30/11/16

W J BEATSON - ARCHITECT ■
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - tel. 01738 633659

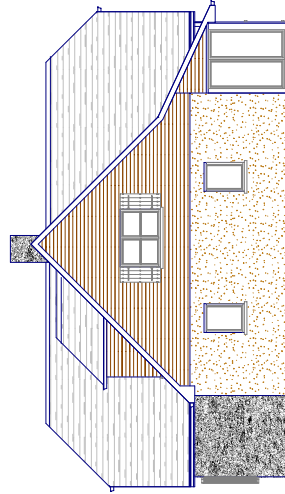


SIDE ELEVATION - RIGHT

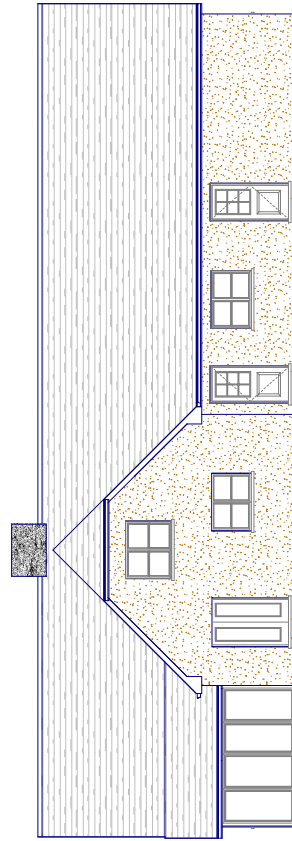


FRONT ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings



SIDE ELEVATION - LEFT



REAR ELEVATION

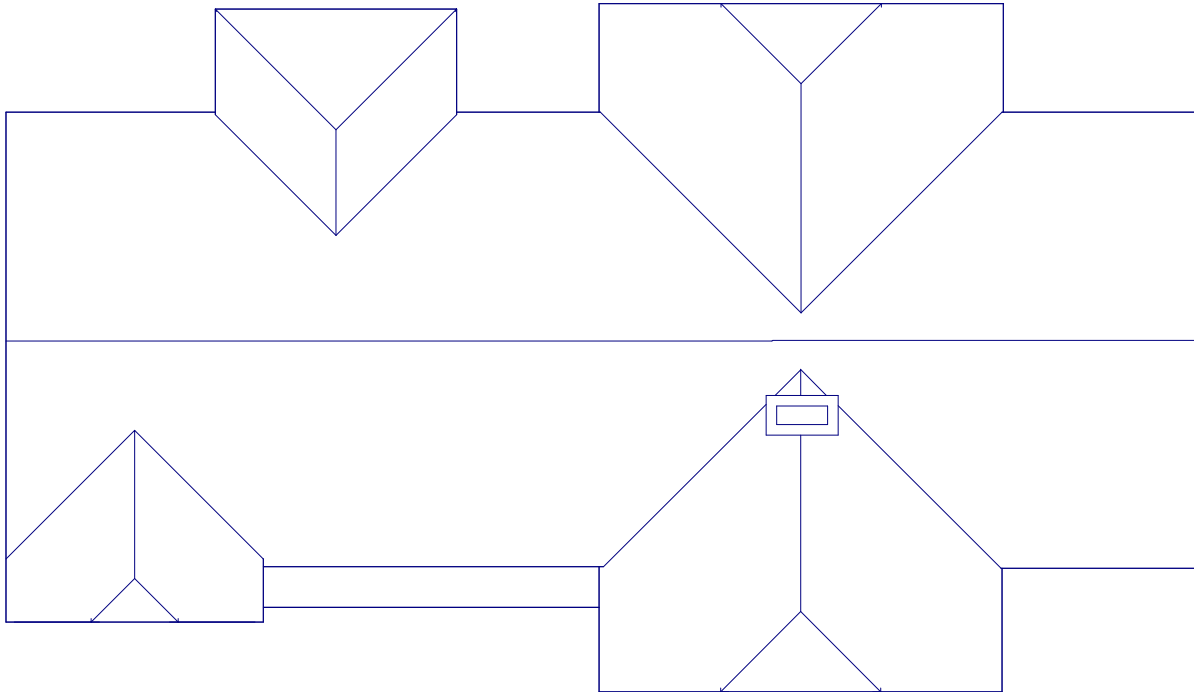
slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings

0 2 3 4 5 METRES

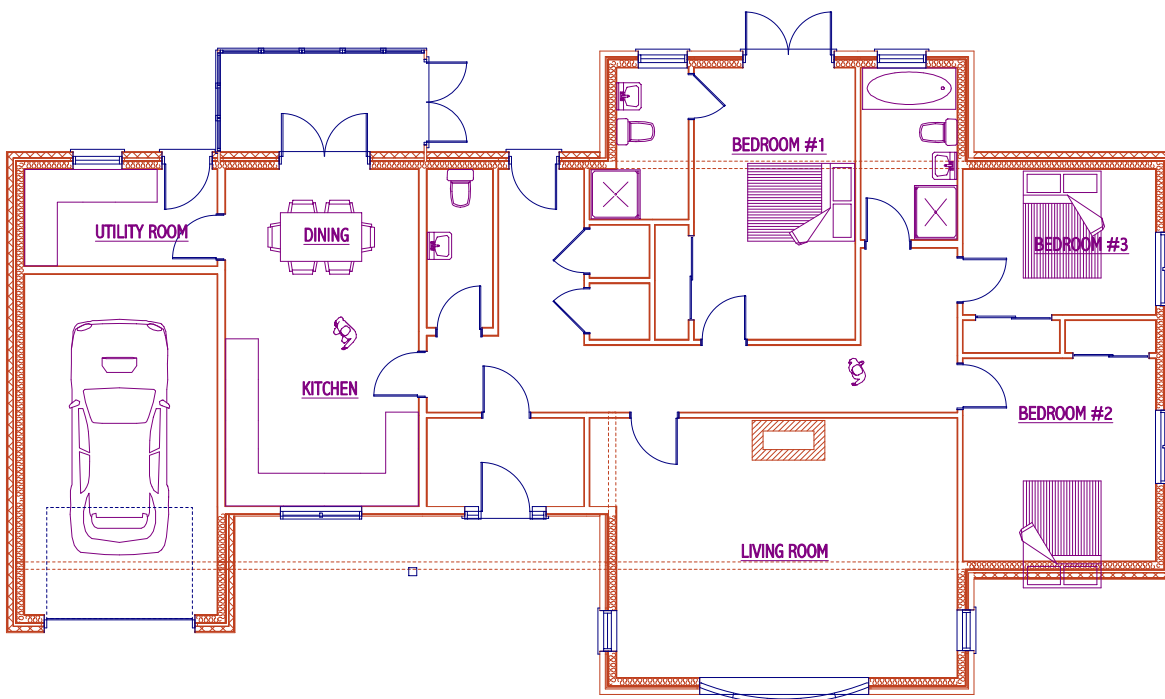
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JOB TITLE PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM, NEWBROUGH KT14 6EW	DATE 30 November 2016	DRAWN BY JACOB BLOOM
SCALE @ AS 1/100	DATE 30 November 2016	DRAWN BY JACOB BLOOM
DRAWING TITLE HOUSE PLOT 5 - TYPE 2B - ELEVATIONS		
DRAWING NO. 415/3-PLOT 5		

W J BEATSON - ARCHITECT
2 BELAND VIEW, DUNDRE ROAD, PERTH PH2 7NS - TEL: 01738 658497



HOUSE TYPE 3A - ROOF PLAN



HOUSE PLOTS 6 and 7 - TYPE 3A - GROUND FLOOR PLAN (168sq.m + Garage 24sq.m)

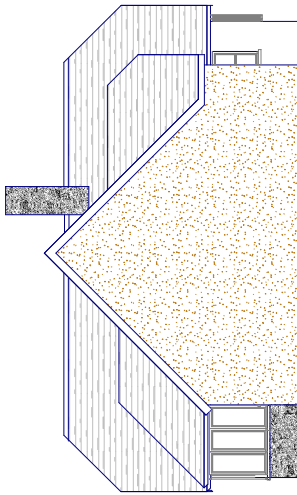
1 2 3 4 5 METRES

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TITLE
PROPOSED HOUSING DEVELOPMENT
AT JAMESFIELD FARM NEWBURGH

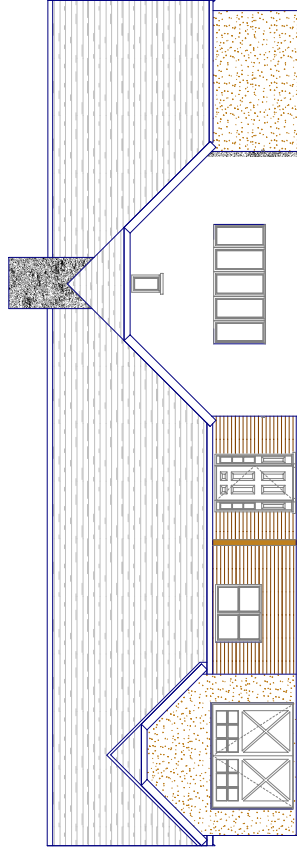
JOB/DRG.NO. 415/3
SCALE @ AS 1/100
DATE 30/11/16

W J BEATSON - ARCHITECT
2 ISLAND VIEW, DUNDEE ROAD, PERTH PH2 7HS - tel. 01738 633459

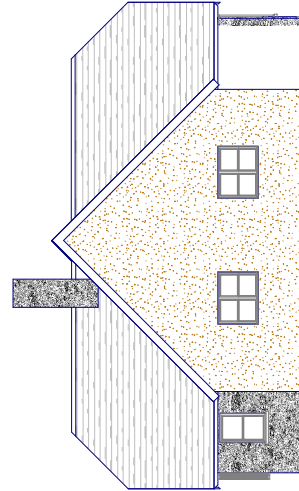


slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings

SIDE ELEVATION - RIGHT

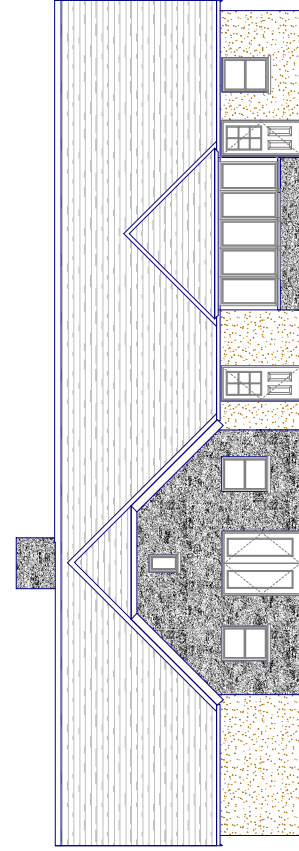


FRONT ELEVATION



slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings

SIDE ELEVATION - LEFT



REAR ELEVATION



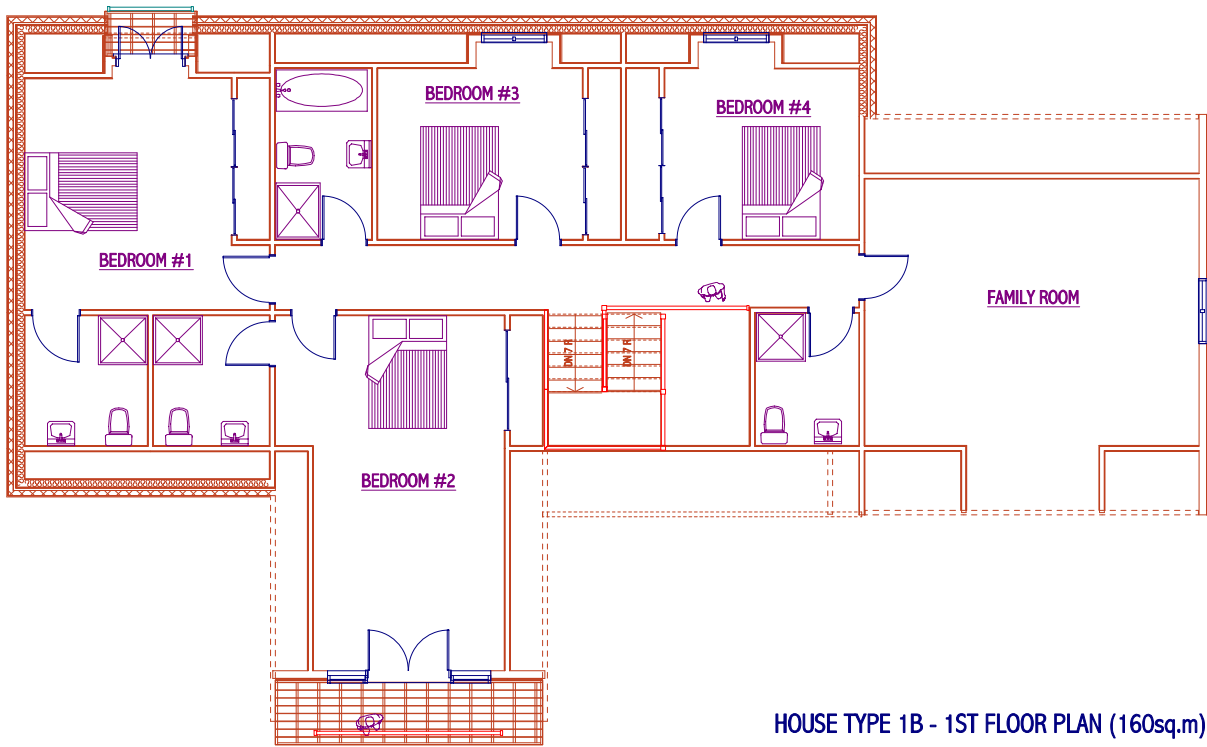
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OWNER
PROPOSED HOUSING DEVELOPMENT AT JAMESFELD FARM,
NEWBURGH KY14 6BN

SCALE 1/100
DATE 30 November 2016
DRAWN BY

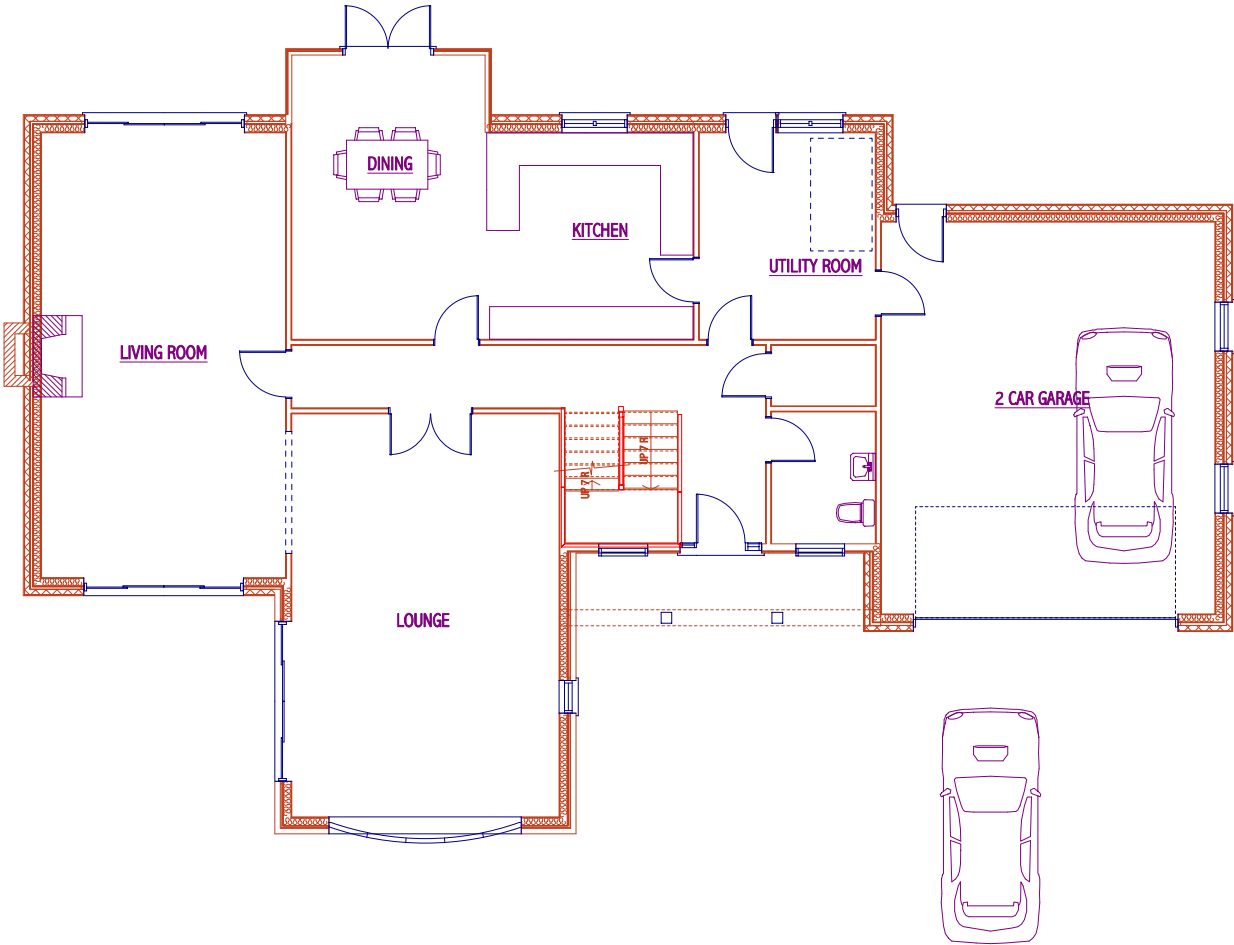
DRAWING TITLE
HOUSE PLOT 6, 7 - TYPE 3B - ELEVATIONS

W J DEATSON - ARCHITECT -
2 ISLAND VIEW, DUNDEE ROAD, PETERHEAD P12 7UG - TEL 01724 633497



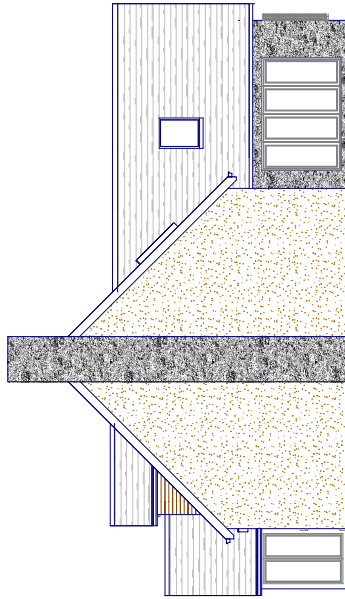
HOUSE TYPE 1B - 1ST FLOOR PLAN (160sq.m)

5 METRES 4 3 2 1

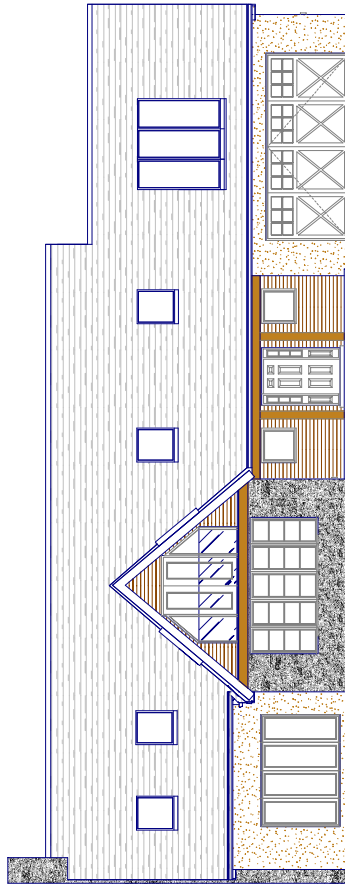


HOUSE PLOT 8 - TYPE 1B - GROUND FLOOR PLAN (150sq.m + Garage 46sq.m)

1 2 3 4 5 METRES

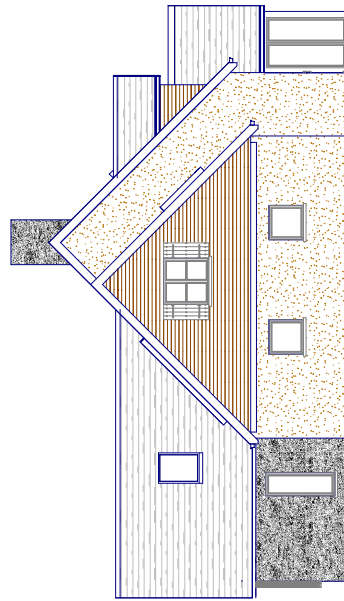


SIDE ELEVATION - RIGHT

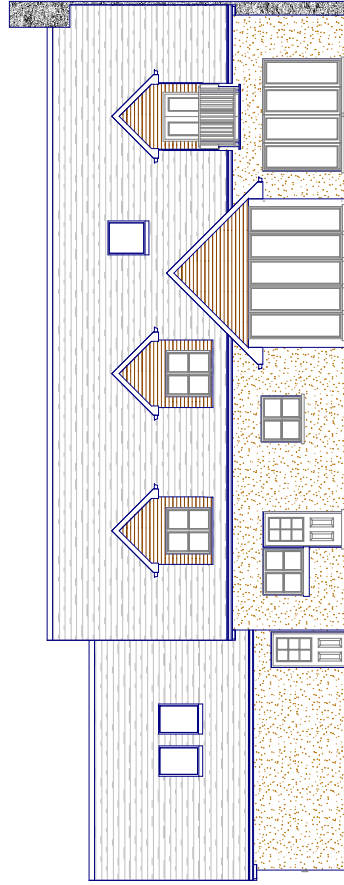


FRONT ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings



SIDE ELEVATION - LEFT



REAR ELEVATION

slate effect roof tiles
painted timber cladding
dry-dash roughcast
timber windows and doors
natural stone facings



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ARCHITECT
PROPOSED HOUSING DEVELOPMENT AT JAMESFIELD FARM,
NEWBURGH KY14 6EW

SCALE @ A2
1/100

DATE
30 November 2016

DRAWN BY

DRAWING TITLE
HOUSE PLOT 8 - TYPE 1B - ELEVATIONS

4153-Plot 8

JOHN GILKINSON

4153-Plot 8

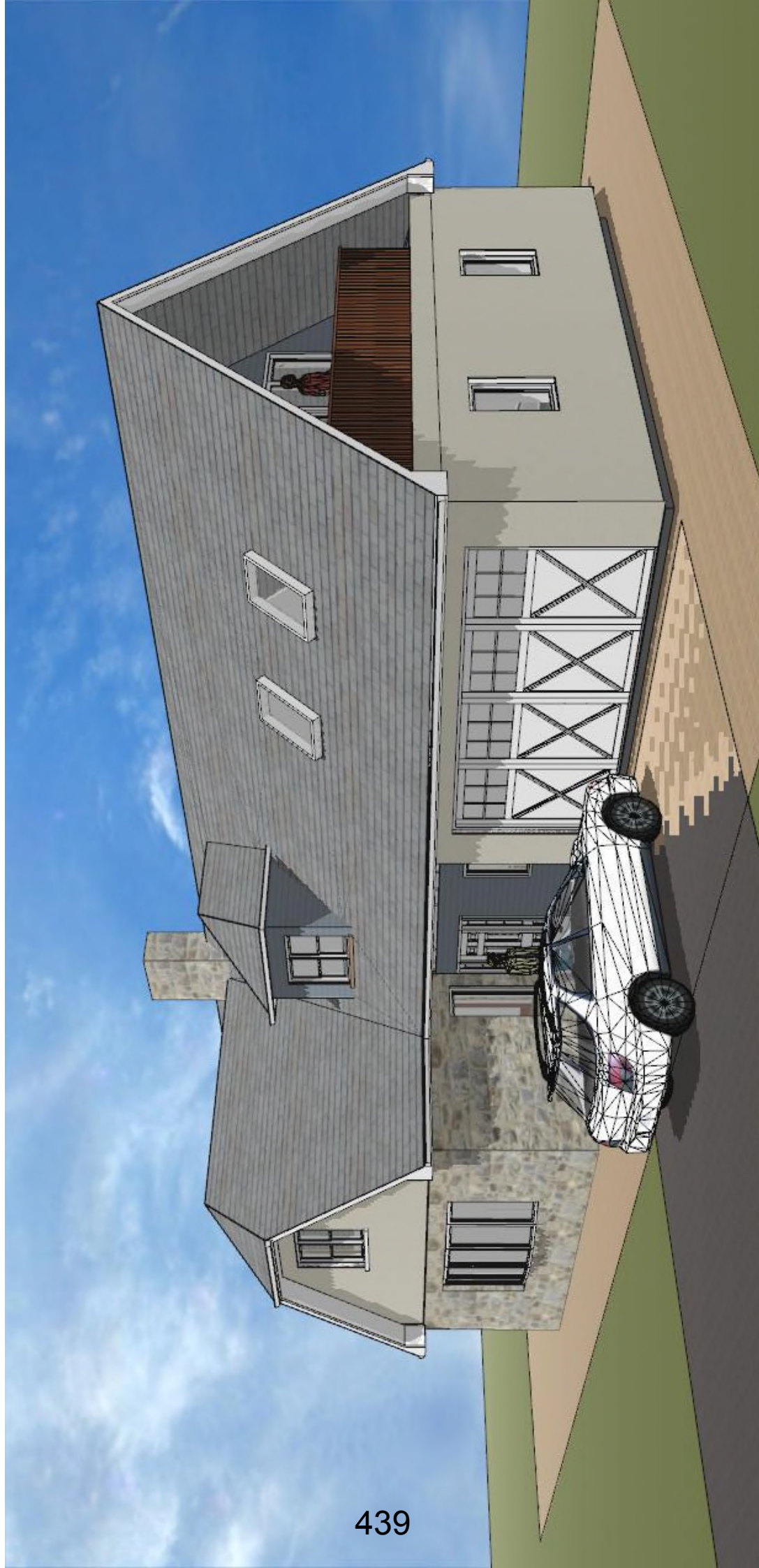
W J PLATSON - ARCHITECT
2 ISLAND VIEW, DUNDIE ROAD, FREDRIK 795 - TEL 01726 433497





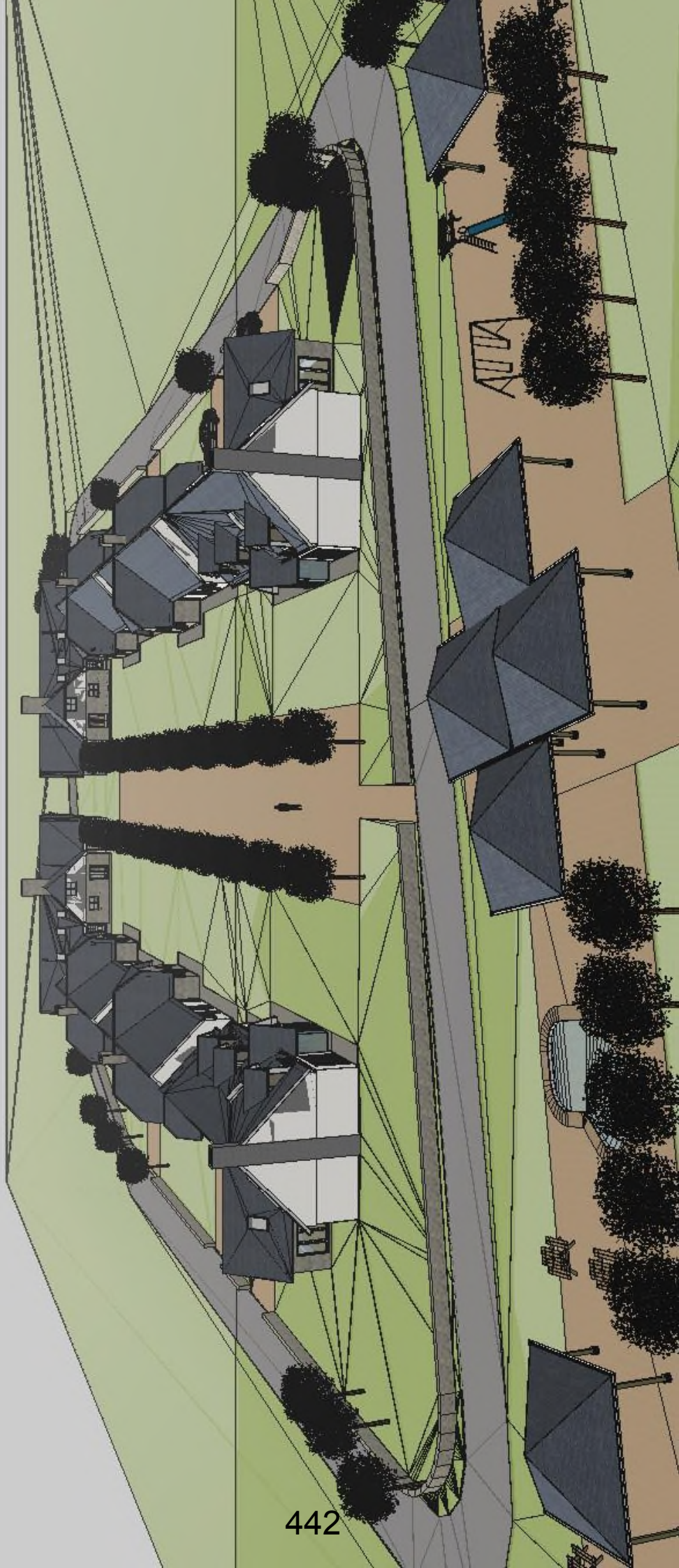
















**Supporting Statement
for
The Erection of 8 Dwellinghouses and Associated Works
at
Jamesfield Farm, Newburgh.**

Introduction

This application is a re-submission following a recent refusal for the demolition of an existing redundant steading and erection of 8 dwellinghouses at Jamesfield Farm, Abernethy under application 15/01643/FLL. There was a previous consent in principle granted in 2007 under application 07/00846/OUT for the demolition of the redundant steading and a residential development with an indicative layout for 20 units. A Structural Survey was submitted in support of the in principle consent which concluded that only short lengths of existing wall could be retained and in the engineer's opinion the conversion of the existing buildings to modern housing was not considered to be economically viable. Planning permission was granted in December 2011 under application 11/01824/FLL for a new agricultural shed to replace the existing farm buildings. This consent has been implemented, however the new shed has not been built yet and the proposed housing development is required to finance the new agricultural building.

The previous application 15/01643/FLL was refused in January 2016. There were 2 reasons for refusal relating to the Council's Housing in the Countryside Guide 2012. Firstly, in relation to the rural brownfield section of the guidance where the proposal was considered to be contrary to the guidance as the buildings were still standing and considered to be in use and not redundant. The second reason for refusal was in relation to the replacement of the existing traditional non domestic steading buildings where the proposal was considered to be contrary to this section of the guidance as the new build does not have the footprint of the existing traditional steading buildings at its core. It was accepted in the Officer's Report of Handling for this application that the traditional farm steading buildings were not capable of reasonable conversion and that the principle of replacing the traditional steading buildings was acceptable. This of course was established in the previously approved in principle consent 07/00846/OUT.

- - - - -

Description of development

This is a detailed application for the demolition of an existing redundant farm steading and the erection of 8 single storey detached dwellinghouses and associated road access and landscaping at Jamesfield Farm. External materials include natural slate and a mixture of natural stone and render to complement the local area. The existing traditional farm steading is in a derelict state of repair and is not suitable for modern farming practices and does not suit the restructuring needs of Jamesfield Farm which are necessary to ensure a viable farm business.

- - - - -

Background to the proposal

The background and the context of the proposal and the wider business at Jamesfield is important and cannot be isolated from any physical planning

considerations, where financial feasibility is an important material consideration in the development process.

Jamesfield is a well established organic farm which has been run by the Miller family for over 70 years. Innovative organic farming practices introduced organic meat to the Scottish market and Jamesfield has become well established as a research centre for promoting the health benefits of new sustainable farming practices and the resulting organic produce including a wide range of vegetable, beef, lamb and poultry products.

Jamesfield opened their organic farm shop and restaurant over 10 years ago and both the farm and the organic centre employ in excess of 40 employees, the majority of whom live in the local area. A proportion of the farm produce is sold direct through the Organic Farm Shop and is used in the restaurant. The organic centre has supported the development of new local businesses and has led to the location of the nearby garden centre, which attracts visitors to Abernethy. The applicant, Mr Miller, is an active member of the local community and the organic centre is an important asset to the village.

Bellfield Organics is a separate business which provides a home vegetable box delivery service to households throughout the central belt. The business has approximately 1000 customers per week and employs 20 people and has been based at Jamesfield for a number of years and has until recently rented part of the steading building for their operations. Bellfield Organics are looking to expand their business to meet current consumer and market demand for more pre-prepared vegetables and are unable to do so at Jamesfield until such time as the new agricultural shed has been built.

The purpose of gaining planning consent for the housing site is to generate the funds required to build the new agricultural shed which is required in order to operate the farm and the vegetable production business. The new building will enable the business to be run more efficiently and safely in an up to date facility allowing production to expand and consequently employing more staff on a permanent basis.

The refusal of the previous application 15/01643/FLL has been devastating for both the farm business, Miller and Sons, and for Bellfield Organics, and also for the local area. Without the finance generated by the sale of the housing plots, the new farm shed cannot be built which would have severe consequences for the businesses and their employees in the Abernethy area with the possible relocation of Bellfield Organics out of Perth and Kinross and the resultant loss of all the local jobs. Also, without adequate up to date facilities the farm business would be likely to cease trading which would have an impact on local job numbers and would also potentially affect the ability of the Organic Centre Shop and Restaurant to operate and employ existing staff numbers.

The above background and context is important in considering the housing development proposal and the business links between them.

- - - - -

Planning Policy Context

The application site is within the designated countryside and in planning policy terms requires to be assessed under the Council's Housing in the Countryside Guide 2012.

This policy guidance aims to: "safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs."

As demonstrated in the previous outline consent and acknowledged in the Report of Handling for the recent refusal it is accepted that the principle of replacement of the traditional farm steading is acceptable in principle. It is considered therefore that the most relevant part of the guidance for this proposal is under section 5 of this guidance where:-

"Conversion or Replacement of Redundant Non-Domestic buildings – where consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

- a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alteration and extension should be in harmony with the existing building form and materials
- c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.* The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.

* Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction, the Council will commission an independent expert opinion, at the applicant's expense, to evaluate the costs of alternative options.

Consent will be granted for the conversion of redundant, traditional building complexes such as farm steadings and, in addition, consent may be granted for the extension or replacement of such buildings and for limited new build accommodation associated with the conversion where the following criteria are met:

- d) The conversion/reconstruction has, as its core, the footprint of the existing traditional steading.
- e) Non-original features may be incorporated to adapt the steading to modern space requirements and building standards or to reflect a local architectural idiom,
- f) Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external

appearance of the original building and its grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It should not be assumed that the entire 'brownfield' area of a site is suitable for housing. g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials. h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development. i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location. j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application. k) The development is in an accessible location i.e. in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

l) It can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion.

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business."

In this case it is considered that the replacement of the former traditional steading rather than it's renovation is appropriate within the guidance given the dilapidated/derelict condition of the steading, (confirmed in the structural report) being of no particular architectural merit and that it has been redundant for a number of years and is no longer fit for purpose and is unsuited to the restructuring needs of Jamesfield Farm necessary to ensure and maintain the viability of the businesses into the future. It was on this basis that the planning consent for the new steading under 11/01824/FLL was granted.

How the proposed development meets the criteria of the guidance is considered below - where the guidance should be interpreted as 'guidance' and is not overly prescriptive in its application which has the effect of stifling development opportunity and feasibility, contrary to the overall aims of the guidance. The reconstruction does not replicate the traditional steading design, however it has its footprint at the core of the layout. The proposed layout is in a courtyard form which is a traditional rural layout. The guidance allows the incorporation of non-original features which allows the proposal to adapt to modern space standards and building standards, which implies a wider footprint. It is neither appropriate or practical to replicate the historic layout of the traditional steading when it's reconstruction to modern standards and expectations is already considered to be acceptable by the local authority. The marketability of the housing units is also important and recent trends suggest that detached rather than terraced dwellings within this context greatly improve the feasibility of the development. The layout therefore does not replicate the original traditional steading footprint and is wider than it. The proposed layout however is within the wider footprint of the farm buildings at Jamesfield and the proposal would not extend the existing grouping. The new build is approximately 1900 sq m and the traditional steading footprint amounts to 1870 sq m which is a 1% increase over the traditional footprint. There are other more modern redundant farm buildings within

the wider farmyard which extend to approximately 1300 sq m. The site of an old sawmill, traditional stone fanks, loading bays and livestock pens, account for the other pre-existing uses within the application site amounting to a further 1000sq.m.

The proposed dwellinghouses are rural in terms of their scale, design and character and are single storey with accommodation in the roof space. External materials proposed are of good quality using natural stone, slate and render. The high quality design and materials proposed are considered to be appropriate to this location. The natural stone shall be salvaged from the demolition of the traditional steading and incorporated in the new development providing a historic link to the former steading. High quality landscaping is proposed with rubble stone walling and hedging and indigenous tree planting to the boundaries.

With the removal of the derelict/dilapidated farm buildings and the development of a high quality design of appropriate rural scale the proposal will provide a marked improvement in the visual amenity and character of the site to the benefit of the surrounding countryside. The more modern farm buildings are very large in scale and their removal will improve the rural character in the immediate vicinity of the farm steading to the benefit of neighbouring properties. This is in accordance with the main aims of the guidance by safeguarding the character of the countryside and meeting the development needs at Jamesfield Farm, which will support the business viability and related employment opportunities into the future, to the benefit of the local community.

The proposed development is in a sustainable location in terms of access to both social, economic and community services being in close proximity to Abernethy and its associated transport infrastructure and public transport provision.

As demonstrated in the previous application there were no objections to the proposal for residential use at the site from the main consultees in terms of traffic and road safety impact, residential amenity, visual amenity and drainage and flooding.

- - - - -

Conclusion

As indicated previously the proposed development should be considered in relation to the wider development needs of Jamesfield Farm and the viability of the business and employment provision into the future, which in turn helps to sustain the viability of the local Abernethy community. The existing traditional steading complex is redundant, in a very poor state of repair and is not suitable for modern farming practices. The proposed demolition and redevelopment of the steading for residential use will improve the visual amenity and character of the site and the overall amenity of the surrounding countryside.

- - - - -

Jamesfield

Abernethy

Structural Appraisal

McGregor  **McMahon**
& ASSOCIATES
CONSULTING ENGINEERS

**Jamesfield
Abernethy
Structural Appraisal**

9886
May 2007

INTRODUCTION

McGregor McMahon and Associates were commissioned by Mr Miller to carry out a structural appraisal of the existing farm steading complex at Jamesfield by Abernethy. It is understood that the purpose of the survey is to determine the structural condition of the steading buildings and to comment of their suitability for conversion into modern housing units. Whilst every care has been taken in the preparation of this report no intrusive investigations were carried out and no responsibility can be taken for any defects which were not exposed or were hidden. We must point out also that we are not infestation specialists although obvious outbreaks of rot are noted where encountered. Finally there may be some asbestos present but this would also need to be the subject of a separate specialist report.

SURVEY

A site location plan is enclosed in Appendix No 1.

A plan of the existing buildings was provided by the Project Architects, Messrs W J Beatson and this is enclosed in Appendix No 2. This plan has been coloured to distinguish the modern buildings from the original stone steadings. The buildings have been numbered and the notes which follow refer to each building in turn.

The photographs in Appendix No 3 illustrate the building descriptions.

BUILDING No 1

Modern corrugated iron clad steel framed storage shed. Photograph No 1.

BUILDING No 2

Storey and a half stone built steading building with pitched slated roof. Still in use as a store. Rotted timber beam on front elevation. Front wall of different ages and construction, reasonably plumb. Rear wall random stonework, rotted timber lintol; gable wall reasonable condition with old opening blocked up. Ref Photographs 2-4.

Building No 3

Continuation of Building No 2. Most of this building is of modern construction built off an original stonewall on part of the rear elevation. This stone wall has been built up with brickwork at the wall head and runs approximately half the length of the rear elevation. The remainder of the rear elevation is of modern construction. This building has a partially collapsed asbestos cement roof. Ref Photographs No 5.

Building No 4

Single storey brick and stone building with corrugated iron roof currently in use for vegetable preparation. Some original stonework on front elevation with stone buttress, gable in brickwork. Rear wall is in stonework. Ref Photographs No 6, 7, 8 and 9.

Building No 5

Storey and a half stone built building with pitched and slated roof. Still in use. The front wall has been much altered with new openings formed in brickwork. Courtyard wall and return wall lean out quite noticeably. Ridge line dips to west. Ref Photograph No 10.

Building No 6

Abuts rear of return from Building No 5. Single storey stone walls with pitched and slated roof. West wall quite dilapidated and timber roof trusses exposed along wallhead. Pronounced cracks in wall and grass growing from joints in places. Stonework unconsolidated on west elevation. Timber lintols; rot evident in roof truss ends. Ref Photographs 11,12,13 and 14.

Building No 7

This is essentially a modern brick building with corrugated roof sheeting. The courtyard wall is of stone but the wall head has been built up in brickwork. Ref Photographs 15 and 16.

Building No 8

Original looking stone built single storey steading building with pitched slated roof. Massive foundation stones evident in pend. Building still in use as store. Timber roof trusses, ridge and gutter line uneven. Ref Photographs 17,18 and 18A.

Building No 9

Stone built building runs along south of steading complex 600mm thick stone walls up to 2.8 m high in generally reasonable condition, timber roof trusses and sarking and slate roofing. Timber lintol over door. This building is still in use. Large door opening at west end. Ref Photograph No 19.

Building No 10

Stone built cottage with pitched slated roof. Building in use. Stonework looks in reasonable condition.

Building No 11

Modern open side corrugated roof barn. Ref Photograph No 20

Building No 12

Modern brick built store with dilapidated timber roof, partially collapsed. Ref Photographs No 21 and 22.

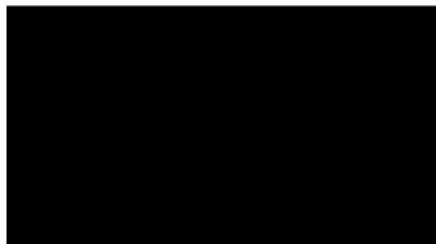
DISCUSSION

Looking at the plan in Appendix No it is evident that more than half the buildings in this steading complex are of quite modern construction (Buildings 1, 3, 7, 10 and 12). The remainder form the original stone built farm complex. These original buildings have themselves been clearly considerably altered at different periods to suit the changing uses to which they have been put. Although still in use most of these "original" buildings are in varyingly dilapidated conditions. This is particularly the case with Building No6 where the walls are quite poor and unconsolidated and the roof truss ends are rotted. Building 4 has a large stone buttress and has been extended in brickwork.

CONCLUSION

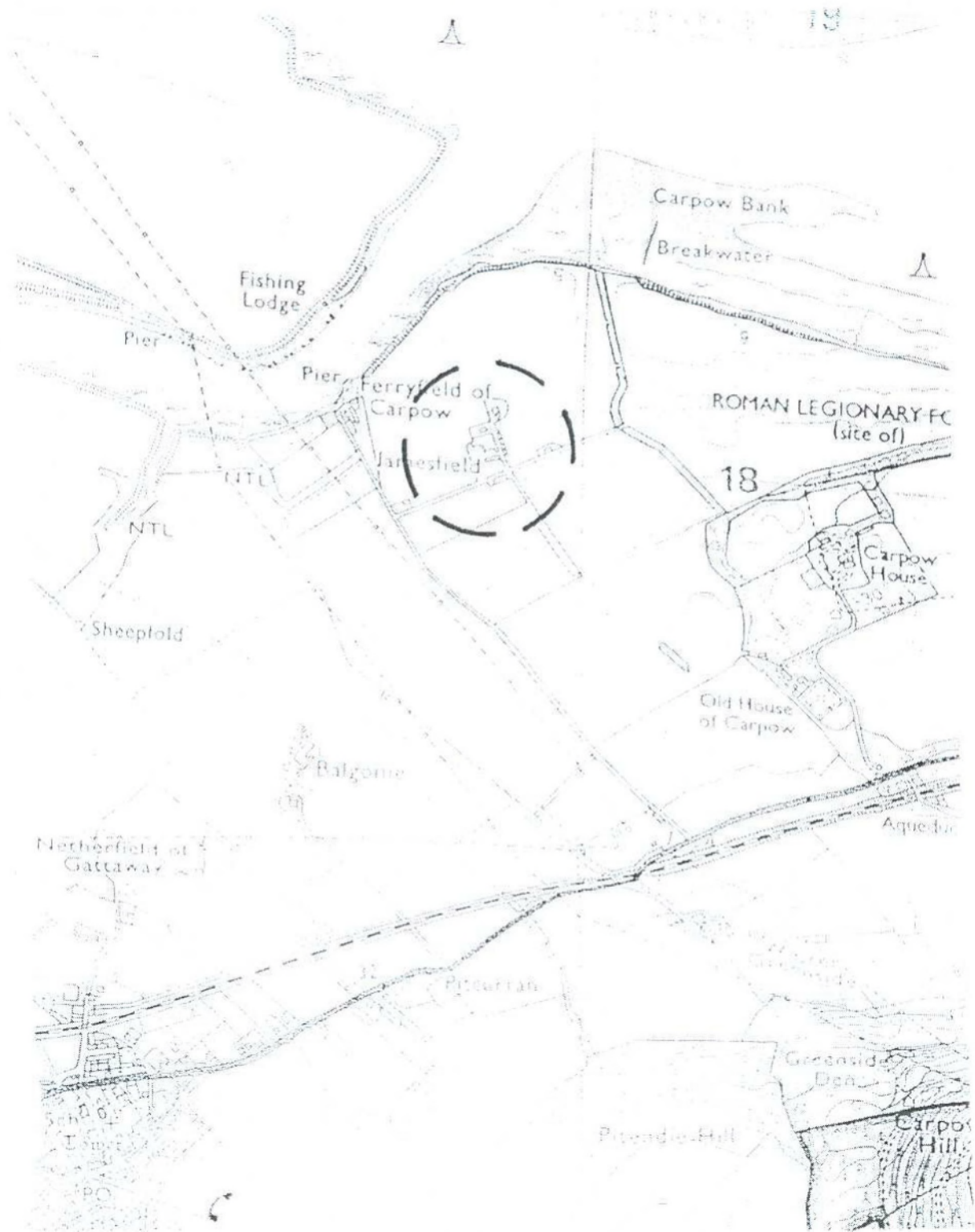
Any proposal to redevelop this steading for housing would require that all the existing timber in the roofs, the floors and the walls is removed and the walls themselves reconsolidated with new openings for doors and windows being formed where necessary. Some underpinning of the walls would also be necessary. We do have a considerable amount of experience in this field having acted as Consulting Engineers for a large number of steading developments. From our experience we would advise that any development of this steading will involve extensive rebuilding of walls and indeed it is likely that in some of the buildings only relatively short lengths of existing stone wall could be retained.

In our Professional Opinion the economics of attempting to utilise and convert these buildings to modern housing standards is simply unviable.



Tom McGregor
BSc CEng, FICE FStructE

APPENDIX No 1
SITE LOCATION PLAN



McGregor & McMahon
 & ASSOCIATES
 CONSULTING ENGINEERS

Canal Court, Carnegie Campus, Dunfermline, Fife KY11 6PB
 Tel: 01383 734995 Fax: 01383 731591
 email: info@mcg-m.com web: www.mcg-m.com
 website: mcgregor-mcmahon.co.uk

PROJECT

PROPOSED DEVELOPMENT
 AT JAMESFIELD, ABERNETHY

TITLE

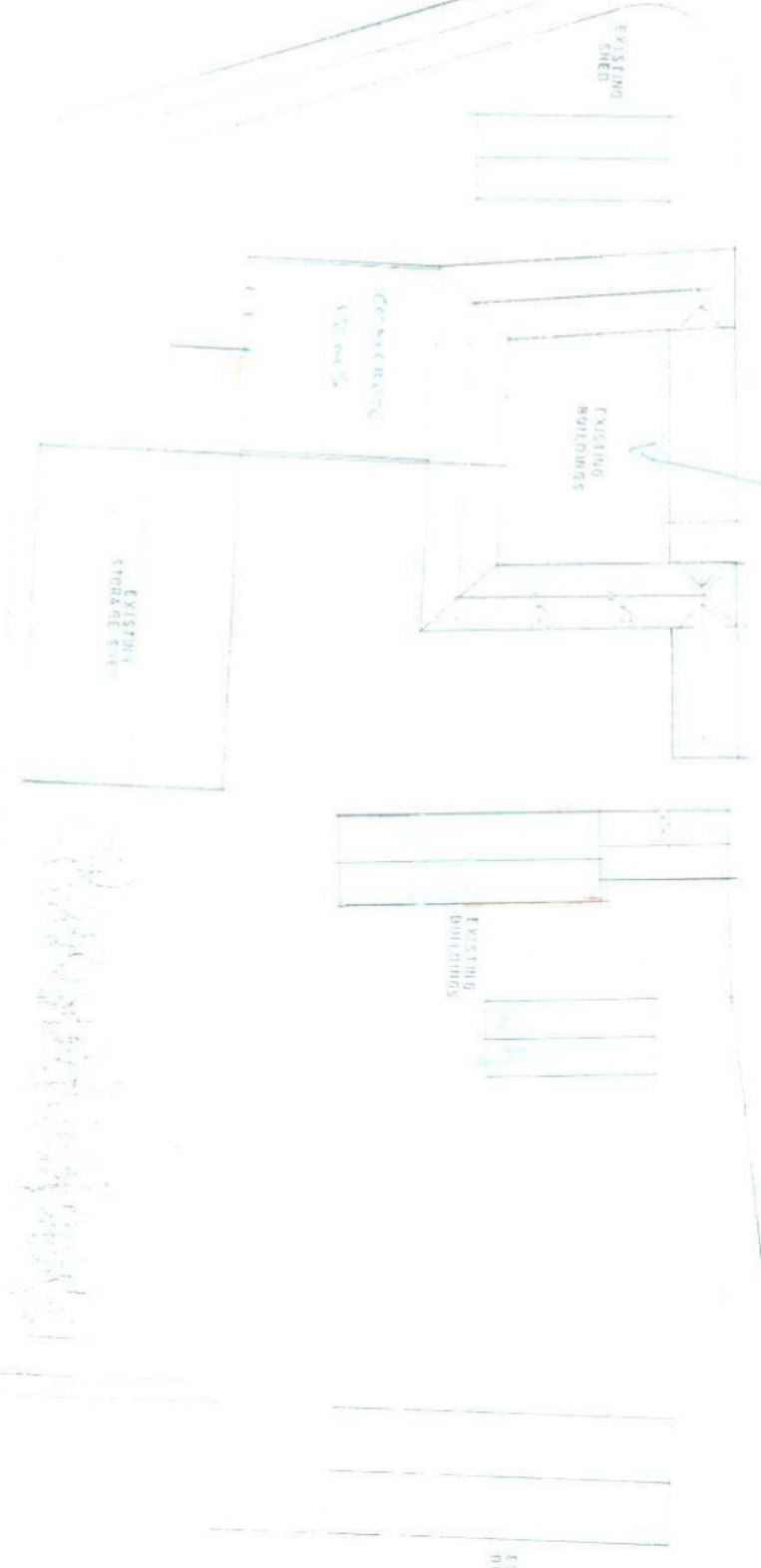
SITE LOCATION PLAN

DATE	DRAWN	APPROVED	SCALE	DRAWING No.	REV
JUN 07	MJL	TMcG	NTS	9886-Sk01	

APPENDIX No 2
STEADING PLAN

EXISTING
BUILDINGS
EXISTING
STORAGE

STEAMING GAZOOL CAN.



APPENDIX No 3
ILLUSTRATIVE PHOTOGRAPHS



1. Building No 1 - Storage Shed



2. Building No 2 - Front and Gable



3. Building No 2 - Rear and Gable



4. Building No 1 - Front Elevation



5. Building No 3 - Adjoining Building No 2



6. Building No 4 - Front Elevation



7. Building No 4 - Front elevation



8. Building No 4 - Gable



9. Building No 4 and 8 Elevations



10. Building No 5 - Front Elevation



11. Building No 6 - West Elevation



12. Building No 6 - West Elevation



13. Building No 6 - West Elevation



14. Building No 6 - West Elevation



15. Building No 7



16. Building No 7 - Front Elevation



17. Building No 8 - Rear Elevation



18. Building No 8 - Rear



18a. Foundation stones in Pend



19. Building No 9 – South Elevation



20. Building No 10



21. Building No 12



22. Building No 12 - Rear

**TCP/11/16(468) – 16/02074/FLL – Erection of 8
dwellinghouses and associated works, land 60 metres
west of The Bothy Newburgh**

REPRESENTATIONS

From:Julia Quin

Sent:Tue, 13 Dec 2016 17:18:35 +0000

To:Development Management - Generic Email Account

Subject:16/02074/FLL - Erection of 8no dwellinghouses and associated works

Attachments:CPP133798 - Jamesfield Proposal for 12 houses 14.01651.FLL - response 21 Nov 2014.pdf

Dear Sir/Madam

Erection of 8no dwellinghouses and associated works, Land 60 Metres West Of The Bothy Newburgh

As the proposal is in the same footprint, but for fewer houses, our advice from the previous consultation (14/01651/FLL) remains the same. Please find a copy attached.

Kind regards

Julia

Julia Quin

Tayside & Grampian Operations Officer

Scottish Natural Heritage





Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Andrew Baxter
The Development Management Team
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
DevelopmentManagement@pkc.gov.uk

Date: 21 November 2014
Our ref: CPP133798
Your ref: 14/01651/FLL

Dear Andrew

Town and Country Planning (Scotland) Act 2006 Erection of 12 Dwellinghouses at Land 60 Metres West Of The Bothy Newburgh

Thank you for your e-consultation on 24 October 2014 requesting comments from Scottish Natural Heritage (SNH), and for agreeing to a one week extension for our response.

Summary

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests of the NATURA sites, either directly or indirectly. An appropriate assessment is therefore not required.

There are also natural heritage interests of national importance on the site, but these will not be affected by the proposal.

Appraisal of the impacts of the proposal and advice

European Sites

The proposal is adjacent to the:

- Firth of Tay and Eden Estuary Special Area of Conservation (SAC) selected for its Intertidal mudflats and sandflats, Subtidal sandbanks, Estuaries and Harbour seal (*Phoca vitulina*), and;
- Firth of Tay and Eden Estuary Special Protection Area (SPA) classified for its aggregations of breeding and non-breeding birds, and;
- Firth of Tay and Eden Estuary Ramsar site, classified for its waterfowl assemblage (the interests of this designation are fully addressed as part of the consideration of the European sites).

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Perth and Kinross Council is required to consider the effect of the proposal on the SAC/SPA before it

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW
Tel 01738 444177 Fax 01738 45 8611 www.snh.gov.uk



INVESTOR IN PEOPLE

can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

From the information available the proposal is not connected with or necessary for the conservation management of the European sites affected, hence further consideration is required.

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

Our assessment considered that the main impacts from the proposal could be from disturbance to bird species and habitats in the area of the Tay estuary closest to the proposed development. However, as there is a 400m distance between the proposed development and the designated sites no likely significant effect was concluded. The other qualifying habitats and species are found elsewhere in the estuary therefore will be unaffected.


Nationally Protected Sites

The Inner Tay Estuary Site of Special Scientific Interest (SSSI) follows the same boundary of the European sites along the southern shore, to a point. It is designated for many of the same bird species as the SPA, including marsh harrier, goldeneye, and cormorant; as well as for breeding water rail and bearded tit populations, and saltmarsh habitats.

The same conclusion was made as per the above assessment.

Yours sincerely

[by email]

Julia Quin
Operations Officer
Tayside & Grampian


Our ref: PCS/150504
Your ref: 16/02074/FLL

If telephoning ask for:
Sheena Jamieson

14 December 2016

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

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sir/Madam

**Town and Country Planning (Scotland) Acts
Erection of 8no dwellinghouses and associated works
Land 60 Metres West of The Bothy, Newburgh**

Thank you for your consultation email which SEPA received on the 14 December 2016.

On your reason for consultation list/sheet, you have not completed the specific reason for consulting us, and the scale and nature of the development falls below that on which we provide site-specific advice.

To assist with streamlining the consultation process, we now focus our site specific advice where we can add best value in terms of enabling good development and protecting Scotland's environment.

This consultation is below the threshold where we would provide bespoke advice. Please therefore refer to [SEPA standing advice for planning authorities and developers on development management consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#).



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

483

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

If you have any queries relating to this letter, please contact me by telephone on 01738 627989 or by e-mail to [REDACTED]

Yours faithfully

Sheena Jamieson
Senior Planning Officer
Planning Service



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

484

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
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www.sepa.org.uk • customer enquiries 03000 99 66 99

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK16/02074/FLL	Our ref	LJA/MA
Date	16 December 2016	Tel No	

The Environment Service

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

Consultation on an Application for Planning Permission

PK16/02074/FLL RE: Erection of 8no dwellinghouses and associated works Land 60 Metres West of The Bothy Newburgh for G W Miller and Sons

I refer to your letter dated 13 December 2016 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 16/12/2016)

Recommendation

I refer to the above application and have the following comments to make in respect of the proposed development.

A previous land use that has led to the contamination of a site is generally identifiable from historical records. However consideration needs to be given to situations where this is not so apparent and there is the potential for contamination to cause a constraint in the redevelopment of specific sites. A good example of this is where there is a proposed use change from agricultural to residential.

Under the contaminated land research programme administered by the Department of the Environment, Food and Rural Affairs, Science Reports 2, 3, and 7 set out the framework for deriving Soil Guideline Values or SGV's for proposed changes in land use and sets targets based on the sensitivity of receptors and the land use function. Originally these soil guideline values were restricted to what was considered to be "priority pollutants" but the research programme has now been extended to include other contaminants and respective toxicological data. These soil guideline values are based on risk evaluation in specific circumstances which are a standard function of land use i.e. residential with plant uptake, residential without plant uptake and commercial and industrial.

The most sensitive land use recognised by the soil guideline values is "residential with gardens", where there is likely to be a greater contact between those at risk, in this case the residents and any contaminants contained within the soil. SGV's for this land use type are therefore at their most conservative and the potential for contaminants to be present and cause a constraint to development are greater.

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of

buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. In addition mapping indicates that there is an underground tank at the site from which there may have been leaks or spills. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

Therefore if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

Condition

Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Water (assessment date – 15/12/16)

Recommendation

I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.

Comments

The development is for 8 dwelling houses in a rural area with private water supplies (including Jamesfield Farm and Jamesfield Borehole) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. No public objections relating to the water supply were noted at the date above.

Condition

Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Informative 2

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

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

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 16/12/2016
Our Ref: XX_TS_Z2_3NWP_006369
Your Ref: 16/02074/FLL (JH)
RE: Formal Planning Application, KY14 6EW, Land 60 Metres West Of The Bothy Newburgh

Thank you for your enquiry which was received on 13/12/2016.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to National Grid Electricity Transmission plc's, National Grid Gas plc's and National Grid Gas Distribution Ltd's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.
Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Please let us know whether National Grid can provide you with technical or other information that may be of assistance to you in the determination of the application.

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at assetprotection@nationalgrid.com if you have not had a response within this time frame.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET), National Grid Gas plc (NGG) and National Grid Gas Distribution Ltd (NGGD) apparatus. This assessment does NOT include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG, NGET and NGGD or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the National Grid Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

National Grid Plant Protection Team

ASSESSMENT

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- **National Gas Transmission Pipelines and associated equipment**

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- **Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)**

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- **Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.**
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from:
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

National High Pressure Gas Pipelines Guidance:

<http://www.nationalgrid.com/NR/rdonlyres/9934F173-04D0-48C4-BE4D-82294822D29C/51893/Above7barGasGuidance.pdf>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

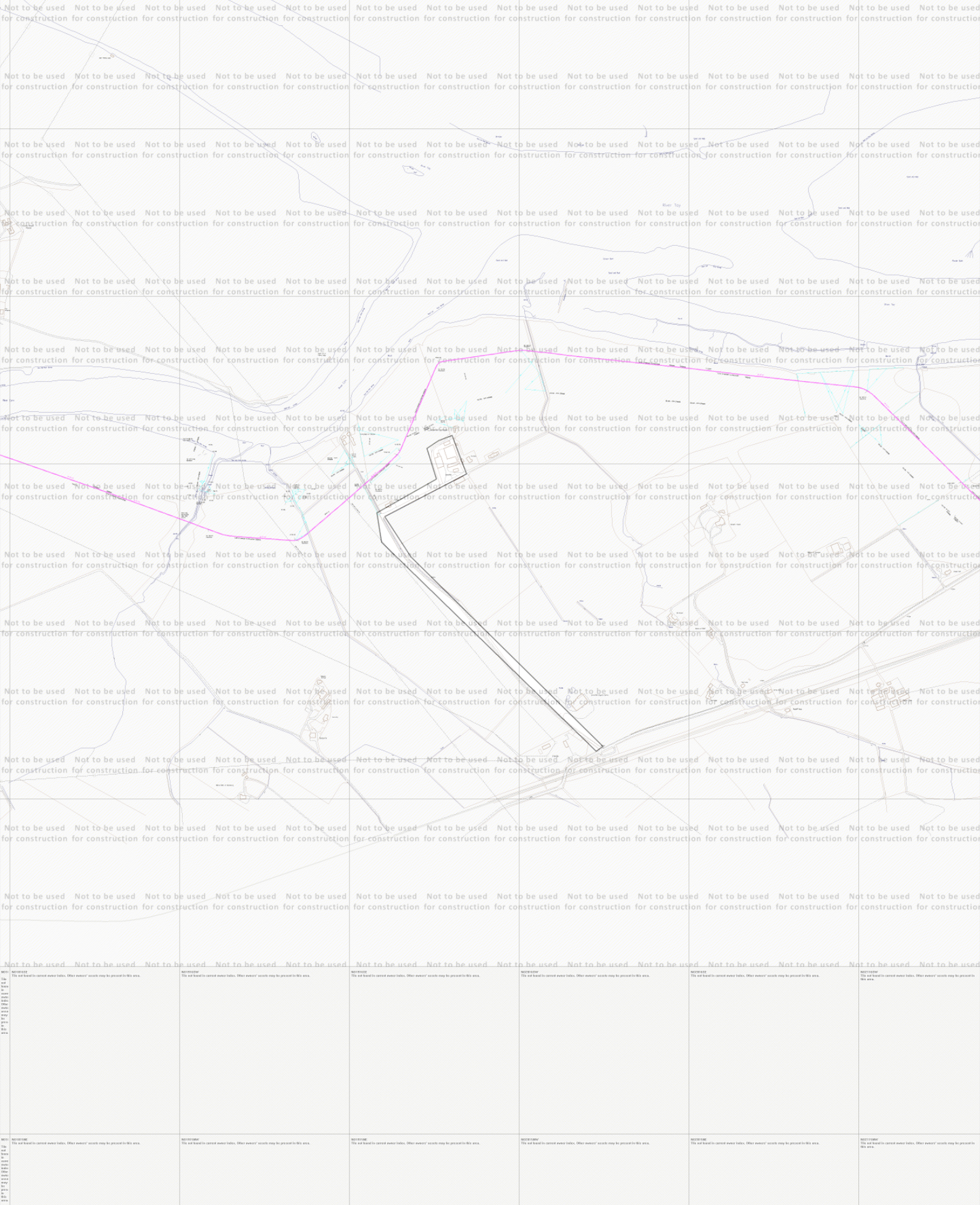
<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>



ID: XX_TS_Z2_3NWP_006369		View extent: 2890m, 3670m		Do not proceed without further consultation		Map 1 of 1 (GAS)	
USER: Jodie.Hunter		LP MAINS		<p>This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>		MAPS Plot Server Version 1.9.0	
DATE: 16/12/2016		MP MAINS					
DATA DATE: 15/12/2016		IP MAINS					
REF: 16/02074/FLL (JH)		LHP MAINS					
MAP REF: NO1917		NHP MAINS					
CENTRE: 319914, 717614		 Approximate scale 1:10000 on A3 Colour Portrait				Requested by: Perth and Kinross Council	
Some examples of Plant Items:						This plan is reproduced from or based on the OS map by National Grid Gas plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886	

ENQUIRY SUMMARY

Received Date

13/12/2016

Your Reference

16/02074/FLL (JH)

Location

Centre Point: 319914, 717614

X Extent: 670

Y Extent: 946

Postcode: KY14 6EW

Location Description: KY14 6EW, Land 60 Metres West Of The Bothy Newburgh

Map Options

Paper Size: A3

Orientation: PORTRAIT

Requested Scale: 10000

Actual Scale: 1:10000 (GAS)

Real World Extents: 2890m x 3670m (GAS)

Recipients

pprsteam@nationalgrid.com

Enquirer Details

Organisation Name: Perth and Kinross Council

Contact Name: Nick Brian

Email Address: DevelopmentManagement@pkc.gov.uk

Telephone: 01738 475 310

Address: Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Description of Works

p/a Erection of 8no dwellinghouses and associated works (DB)

Enquiry Type

Formal Planning Application

Development Types

Development Type: Development for use by General Public

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/02074/FLL	Comments provided by	D.Lynn
Service/Section	TES - Flooding	Contact Details	
Description of Proposal	Erection of 8no dwellinghouses and associated works		
Address of site	Land 60 Metres West Of The Bothy Newburgh		
Comments on the proposal	No Objection		
Recommended planning condition(s)	DC01		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	19/12/2016		

From:Henderson Martin
Sent:Mon, 19 Dec 2016 16:48:59 +0000
To:Development Management - Generic Email Account
Subject:REF: 16/02074/FLL - Erection of 8no dwellinghouses and associated works at Land 60 Metres West Of The Bothy Newburgh

For the attention of Andrew Baxter

Andrew,

Thank you for consulting Network Rail regarding the above development. After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application.

Regards

Martin Henderson



Martin Henderson
Town Planning Technician
1st Floor George House

36 North Hanover Street

Glasgow, G1 2AD



www.networkrail.co.uk/property

Please send all Notifications and Consultations to [redacted] or by post to Network Rail, Town Planning, 1st Floor George House, 36 North Hanover Street, Glasgow, G1 2AD

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/02074/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of 8 dwellinghouses and associated works		
Address of site	Land 60 Metres West Of The Bothy Newburgh for G W Miller And Sons		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Affordable Housing</p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The proposal is for 8 dwellings. The affordable housing requirement is 2 units (8 x 0.25). A commuted sum payment is considered acceptable. The commuted sum for the Perth HMA is £26,500 per unit.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Abernethy Primary School.</p> <p>Affordable housing is not required to make a contribution towards primary education. The contribution will be calculated on 6 units (8 – 2).</p> <p>Transport Infrastructure</p>		

	<p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal is within the reduced contribution area.</p>
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Affordable Housing: £53,000 (2 x £26,500) Education: £38,370 (6 x £6,395) Transport Infrastructure: £18,472 (6 x £2,639 & 2 x £1,319)</p> <p><u>Total: £109,842</u></p> <p>Phasing</p> <p>It is advised that the preferred method of payment would be upfront of release of planning permission.</p> <p>Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.</p> <p>If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after occupation.</p> <p>Payment for each open market unit will be £13,730.25 (£109,842/ 8 = £13,730.25).</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75</p>

Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

Other methods of payment

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

Remittance by Cheque

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH15GD

Bank Transfers

All Bank Transfers should use the following account details;

Sort Code: 834700

Account Number: 11571138

Affordable Housing

For Affordable Housing contributions please quote the following ledger code:
1-30-0060-0000-859136

Education Contributions

For Education contributions please quote the following ledger code:
1-30-0060-0001-859136

Transport Infrastructure

For Transport infrastructure contributions please quote the following ledger code:
1-30-0060-0003-859136

Direct Debit

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

	<p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	21 December 2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/01643/FLL	Comments provided by	David Williamson
Service/Section	Strategy and Policy	Contact Details	
Description of Proposal	Erection of 8 dwellinghouses and associated works		
Address of site	Land 60 Metres West of The Bothy, Newburgh		
Comments on the proposal	<p>Part 214 of the Scottish Planning Policy states:</p> <p>The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.</p> <p>The RTPI GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance:</p> <p>The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species.</p> <p>In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally</p>		

dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats).

The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance:

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a **Protected Species Survey and Assessment**.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternatives designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

	<p>Biodiversity Officers Comments</p> <p>There is insufficient information provided with this application to enable an assessment of the ecological impact of the proposed development</p> <p>The proposals are to demolish the existing farm buildings, some of which may provide suitable roost sites for bats and nest sites for birds. It is therefore essential that consideration is given to the protection of birds and bats.</p> <p>No ecological survey work has been submitted to support the application therefore there insufficient information to assess the ecological impact of the proposals.</p> <p>The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission can be granted.</p> <p>I recommend that the application be withdrawn until all the relevant information can be submitted in one package to allow full assessment of the impact of the application.</p> <p>BS42020 – Code of Practice for Planning and Development gives guidance on the information required to be submitted by applicants to satisfy the Natural Environment requirements of the Scottish Planning Policy.</p>
<p>Recommended planning condition(s)</p>	<p>My recommendation is that there insufficient information to assess the ecological impact of the proposals and I suggest the following course of action.</p> <p>If you are still minded to approve the application against the above advice and recommendations then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • Prior to determination of the planning application a phase 1 bat roost potential survey shall be submitted to the planning authority for approval. <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <ul style="list-style-type: none"> • Prior to commencement of the works a full bat activity survey shall be submitted to the planning authority for approval. <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act</p>

	<p>(1981).</p> <p>NE00 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.</p> <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <p>NE01 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.</p> <p>RNE02 Reason - In order to prevent animals from being trapped within any open excavations.</p>
Recommended informative(s) for applicant	The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning application is made.
Date comments returned	23 December 2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/02074/FLL	Comments provided by	Shona Alexander
Service/Section	Waste Services	Contact Details	
Description of Proposal	Erection of 8no dwellinghouses and associated works		
Address of site	Land 60 Metres West Of The Bothy Newburgh		
Comments on the proposal	<p>These properties will be on a road end collection.</p> <p>No garden and food waste collection is available for these properties..</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant	<p>It is recommended that the developer upgrade the current bin collection area by installing hard standing and fencing to enclose the bins and allow for extra capacity which will be required for this development.</p>		
Date comments returned	23/12/2016		

Tracy McManamon

From: Lesley Riddoch [REDACTED]
Sent: 15 January 2017 21:16
To: Development Management - Generic Email Account
Subject: Objection to Planning Application 16/02074/FLL
Attachments: planning objection lriddoch.docx

Hello there. I hope this objection is in order.

Yours aye

Lesley Riddoch

Lesley Riddoch

[REDACTED]

ENTERED IN COMPUTER

16 JAN 2017

Jamesfield Farmhouse

Newburgh

Fife

KY14 6EW

13.1.17

Objection to Planning Application 16/02074/FLL

To PKC Planning

I live in Jamesfield Farmhouse about 50 metres from the proposed development for 8 new executive homes.

1. My main worry is the impact of increased traffic on the narrow road down from the Garden Centre and the possibility that the track skirting the steadings that leads to Jamesfield and our neighbours will be further damaged by construction traffic, potentially leaving us stranded.
2. The single-track road from the main road down to the edge of the proposed development site is already unsatisfactory. As one of the few people who walks regularly, it's a daily occurrence to have to jump off the road into the verge. Recovering from a recent foot operation I had to walk up to the bus stop on crutches -- a very dodgy experience. There is a blind corner half way up the road and no passing places -- just the recess points for two farm gates and wider bits of verge which are often so boggy only tractors and 4x4s can go up on the verge without getting stuck. Water currently courses down each side of the road when there's been heavy rain -- every year someone eventually cuts a few diagonal trenches through the verge to the burn to try and divert it. But that DIY effort doesn't work for long and when the surface water ices over, the "road" is a skating rink. I don't see any details in the application for how this road will be improved but if the number of people using it is set to be 150% greater, it would have to be vastly upgraded and widened. The number of extra private dwellings proposed means the whole access route should really be constructed to adoptable standards and that includes the present track round the steadings to our house and the Bothy which should also be of a standard to allow for service and emergency vehicles.
3. My biggest worry is the track round the steadings to our house and the Bothy whose annual maintenance costs are meant to be split between the Bothy (Gordon and Susanne Miller) ourselves at Jamesfield and the farmer (and applicant) Ian Miller. In the 15 years we have lived here, Ian has not contributed to those costs. This doesn't fill me with confidence that our access rights will be uppermost in the minds of any new developer. Yet our access and our ability to sell our house (it's currently on the market) both depend on having decent access. I can't see how we can be sure our rights of private access will be observed unless a developer is obligated to upgrade the present track to adoptable road standard BEFORE any work begins -- otherwise the

present track will be ruined by the weight of lorries needed to carry the stone from demolished bothies away.

4. I also question the proposed location of the bio plant for effluent. Why is this located within the envelope of the two existing private properties where any spillage or smell will have a big impact and not where the existing vegetable packing shed stands? The main argument for building the steadings is to transform an unsightly site. It seems extraordinary then that this very unsightly shed is to remain. I see that the applicant says development of the housing site will generate the funds required to build a new agricultural shed to which the vegetable production business will presumably transfer. But this isn't spelled out. This dilapidated building occupies land adjacent to the proposed development which could be used for the sewerage plant -- away from all existing houses.

Yours Lesley Riddoch

Tracy McManamon

From: Chris Smith [REDACTED]
Sent: 15 January 2017 22:05
To: Development Management - Generic Email Account
Subject: Planning Application - 16/02074/FLL - Erection of 8 Dwelling Houses

ENTERED IN COMPUTER

16 JAN 2017

I am writing to object and raise material considerations about this planning application. I am a neighbour and affected by this proposed development.

Whilst I note this particular application is for 8 dwellings, I am also aware that this steading has already been marketed as 13 dwelling development opportunity. One of my concerns is that outline planning permission for 8, if granted, will be further enhanced to become 13 or more dwellings over time. Although I will comment only on a proposed development of 8; the detrimental effects will only be further exacerbated by any subsequent increase in dwellings numbers.

It is clear this proposed development does not sit well with Local Development Strategy in principle. The housing proposed does not meet existing local housing needs and doesn't support local employability; no key agricultural workers will be residents. The properties are likely to be (and already have been) marketed as a commuter dormitory for Edinburgh, Glasgow and Dundee. When there are similar properties for sale in Abernethy, it seems perverse to think community resilience is going to be served by this proposed development.

From a rural development perspective, it has been disappointing to note that Jamesfield Farm, in the past, was once 100% organic land and in recent years has become 'conventionally farmed'. From an organic centre to a wind turbine, a proposed solar farm, the trend seems to be towards establishing a small industrial estate. With this proposed development, the next logical step in its diversification will be further residential house building. This seems at odds with Perth and Kinross Council's LEADER aims which are to encourage more innovative approaches to using our rural spaces.

There are real practical issues with increasing the number of households from 4 to 12 and a consequential increase in population. The proposed development is at the centre and confluence of a road and tracks used by domestic, light and heavy business vehicles and agricultural traffic. There are a series of problems which clearly have not been thought through.

Infrastructure

Traffic

There is a single track from the A913 to the site and there are no passing places, no pavement and no curb. The road has a gradient and a poor camber which means it is subject to flooding. In freezing conditions, there is frequently black ice. In the winter of 2010, there was a period where it became impassable because of snow and ice. Except for tractors and 4x4, we were effectively cut off. If this development were to take place, the traffic and loading on this track would be increased with more frequent vehicles; residents, domestic fuel deliveries, couriers, bin lorries and so on. In addition, the agricultural traffic, which currently use the steadings as a base, would be added to this traffic mix. The residents' car population alone would be realistically expected to rise from 10 to 26.

Water

Currently, all the properties are supplied by the farm well/bore hole. This is regularly tested by PKC as a consequence of the Organic Centre being served by this supply. There has only been one instance of concern in the test results over the last ten years. Prudent advice has been to fit a UV filter, at houses level, and seems to work well. Given the potential age range and demographics of the development's residents; this issue will be problematic.

On the 4 May 2010, there was a fire in the steading caused by an agricultural accident. Diesel, bales and a variety of combustible material caught fire and there was a significant inferno. 5 fire appliances attended. They were unable to identify a water source with which to fight the blaze. After a delay, the fire crews pumped water from the Tay, some 600 metres away, to douse the flames. This would not be an acceptable solution for a community of 14 households.

Sewage

Current plans seem to indicate a sanitation plant will be placed between our property and the Bothy. This seems to be a case of locating a nuisance (smell and noise) away from the new residents and putting it between the two existing residents; one of whom has a young family.

Broadband

The existing broadband provision is just adequate for the existing community and there is no possibility of supporting an online business on this existing bandwidth. We are physically not close enough to either exchanges to realistically ever participate in super fast broadband. This proposed development will simply increase the number of users to a constrained service. The physical location for the BT equipment and cabinets will not change; it's a matter of geography. The location of development will increase the rural broadband blight.

Electricity

Over the years, there have been a series of power outages from outdated network transformers. There will be significant challenges to upgrade the transmission network to support the significant increase in consumption.

Continuing Agricultural Usage

The steadings provided a small piece of the local eco system from small mammals; including bats, to birds, notably house martins. The bio diversity of the farm is going to be further limited by this proposed development and will have a knock on effect for local eco system which includes all the raptors and birds of prey. Whilst SNH might be worried about the SSSIs, I worry about the small changes we make in natural habitat at a very local level. We have noticed a change in bird populations after the farm stopped being organic and went conventional and started spraying. This proposed development is just a trend to towards this restriction of habitat with little thought for the consequences.

However, the farm land will still be farmed. There will still be the need to store and move bales, seed, feed and other agricultural materials around in large quantities. The steadings, for very good historic reasons, were conveniently located at the centre of operations and access to the fields. The proposed development replaces this function but large vehicles will have to navigate around a residential place. There are any number of risks which can be identified with the mixture of residents who will want to make use of the rural amenity. This can range from youngsters cycling, more pets being let loose and people simply wanting to walk about the place. The main track up to join the A913 has no width for pedestrians or cyclists to be passed by motorists (of any size) without them jumping up on the grass' edge. With the increased mix of traffic; notably agricultural vehicles coming down to access the fields, this is an accident waiting to happen. There are already signs up urging 'Slow down - children around' - this proposed development can only make things worse.

I trust this submission is satisfactory for your purposes and online references for the marketing of the proposed development and the YouTube video of the 2010 blaze are available.

Thanks for your help,

Chris Smith

Jamesfield Farmhouse
Newburgh KY14 6EW

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/02074/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Erection of 8no dwellinghouses and associated works		
Address of site	Land 60 Metres West Of The Bothy Newburgh		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 January 2017		

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

Wayne Smith
Asset Protection Assistant
Business & Operation Support
Gas Transmission Asset Management
National Grid
Warwick

Planning Work?

Contact us on 0800 688 588*

Mon-Fri 8am-4pm

(*Calls may be recorded and monitored)

E-mail: [REDACTED]

Electricity Emergency Number:

0800 40 40 90*

National Gas Emergency Number:

0800 111 999*

*Available 24 hours, 7 days/week.

Calls may be recorded and monitored.

www.nationalgrid.com

Date : 1/3/2017

Our Reference: XX_TS_Z2_3NWP_006369

Your Reference: 16/02074/FLL (JH)

Dear Mr Brian,

Ref: KY14 6EW, Land 60 Metres West Of The Bothy Newburgh

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline.

I have enclosed a location map to show the location of National Grid high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below.

Yours sincerely
Wayne Smith

Asset Protection Assistant

EAGLES (Electricity And Gas Location Enquiry System)

Is now available to use simply click on the link to register www.beforeyoudig.nationalgrid.com, submit details of your proposed works and receive instant guidance and if appropriate maps showing the location of National Grid gas and electric apparatus.

PLEASE READ CAREFULLY

- No buildings should encroach within the Easement strip of the pipeline indicated above
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid.
- National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement.
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advice for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- To view the PADHI Document, please use the link below:
<http://www.hse.gov.uk/landuseplanning/padhi.pdf>
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website.
- To view the SSW22 Document, please use the link below:
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>
- A National Grid representative will be monitoring the works to comply with SSW22.
- To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.

All work should be carried out in accordance with British Standards policy

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures

TCP/11/16(457) – 16/01664/FLL – Change of use from open space to garden ground and formation of vehicular access, 37 and 38 Potterhill Gardens, Perth

FURTHER INFORMATION

Development of Jamesfield Steadings: Bat Survey and Assessment

September 2017

A Report to W.J. Beatson Architect

	DATE	PREPARED	REVIEWED	REMARKS
ISSUE 1	22/09/2017	MB	SK	~
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1 INTRODUCTION

1.1 Scope of Report

- 1.1.1 This independent report by Heritage Environmental Ltd. (HEL) presents the results of a survey and assessment for bats, in relation to the proposed development of Jamesfield Steadings, near Newburgh in Perth and Kinross Council (PKC) area. The survey was commissioned by W.J. Beatson Architects on 20 July 2017.
- 1.1.2 This report and initial suitability survey (undertaken on 3 August 2017) was completed by M. Bates MCIEEM (Director of Ecology), who has 18 years' experience of undertaking bat surveys. The subsequent bat emergence/re-entry surveys, involving 1-3 survey visits for each building depending on suitability to support bat roosts, were completed on 8, 10, 14, 15 and 16 August 2017 (Visit 1); 21, 22, 23, 24 and 29 August 2017 (Visit 2); and 6 and 7 September 2017 (Visit 3). An additional internal re-entry survey was completed on 18 September 2017 for Building 9.
- 1.1.3 The following experienced bat surveyors completed the surveys: M. Bates MCIEEM (Director of Ecology), S. Green MCIEEM (Principal Ecologist), S. Knowles MCIEEM (Senior Ecologist), G. Parry ACIEEM (Consultant Ecologist, SNH Licensed Bat Worker), Ian Woodman (Consultant Ecologist), Ailsa McKenzie (SNH Licensed Bat Worker) and Jonathan Daisley MCIEEM (Consultant Ecologist). All bat surveyors have more than 2 years' survey experience.
- 1.1.4 The Project will involve the demolition of existing buildings at Jamesfield Steadings and the construction of 8 dwellinghouses and associated infrastructure. In consideration of the planning application, PKC Local Review Body decision (of 14 July 2017) was as follows in relation to ecology:
- The applicant be requested to provide an ecological survey of the buildings in relation to European Protected Species.
- 1.1.5 European Protected Species that may be present within the buildings relate to bats.

1.2 Legislative Context

Bats

- 1.2.1 All Scottish bat species (*Chiroptera*) are European Protected Species (EPS) protected under Annex II and IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). The Habitats Directive is transposed in Scottish law by the Conservation (Natural Habitats &c.) Regulations 1994, as amended by The Conservation (Natural Habitats &c.) Amendment (Scottish) Regulations 2007. Bats are listed on Schedule 2 of the Conservation Regulations 1994. The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 enhanced this protection. As EPS, it is an offence to deliberately or recklessly¹ kill, injure or take (capture) bats, deliberately or recklessly disturb or harass bats, and damage, destroy or obstruct access to a breeding site or resting place of any bat.
- 1.2.2 This legislation means that bats are fully protected in Scotland, and that any planned activity, which may affect them, requires prior consultation with the appropriate statutory nature conservation organisation (Scottish Natural Heritage [SNH]). Licences may be granted for certain purposes that would otherwise be illegal; such licences for development work must be applied for from the SNH. Under Regulation 44 (2e) of the Conservation (Natural Habitats, &c.) Regulations 1994, licences may be granted for preserving public health or public safety or

¹ Reckless acts would include disregard of mitigation aimed at protecting bats, resulting in killing, injury, and/or disturbance of any bat or bat roost

other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. A licence will not be granted unless, under Regulation 44 (3), the appropriate licensing authority is satisfied there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

2 SURVEY & ASSESSMENT METHODS

2.1 Study Area

2.1.1 The study area comprised all buildings within the red line boundary shown in Drawing No. 415/3-03 prepared by W.J. Beatson Architects (refer to Appendix I). To aid planning of the survey, each building was numbered 1 – 9, as shown in Appendix I.

2.1.2 No other areas were included in the survey.

2.2 Initial Daytime Survey

2.2.1 An assessment of bat roost potential within the study area was undertaken according to current guidance as detailed in *Bat Surveys for Professional Ecologists – Good Practice Guidelines* produced by Bat Conservation Trust (Collins 2016).

2.2.2 The initial daytime survey included both an internal and external survey as described below:

Internal Survey

2.2.3 An internal inspection of all buildings were undertaken where safe to complete. The inspection included a systematic search of roof voids, wall, door/window frames, etc. to identify any signs of current or historic use by bats. All identified features were target noted.

2.2.4 Due to health and safety issues it was not possible to enter the roof spaces of several buildings, as floor joists and other timbers were subject to severe rot and/or water ingress had made the roof/walls structurally unsafe.

External Survey

2.2.5 All features that provide suitability for bat roosts were inspected from ground level (where possible) for signs of bats, such as droppings, worn entrances and staining. Inspections were aided by the use of binoculars and torchlight. All identified features were target noted.

2.2.6 During the internal/external survey the suitability of each building to support roosting bats was assessed, together with the number of vantage points that would be required to adequately cover all potential bat roost features associated with the study area were assessed. Assessment of roost suitability was based on guidance in Collins (2016) with each building graded as follows:

- No suitability for bat roosts - no further survey required;
- Low suitability for bat roosts - 1 night survey required;
- Moderate suitability for bat roosts – 2 night surveys required; and
- High suitability (or confirmed roost) – 3 night surveys required.

2.3 Emergence/Re-entry Roost Surveys

2.3.1 Emergence/re-entry roost surveys were completed over the following dates in 2017:

Building	Suitability Summary	No. of Survey Visits/No. of Surveyors	Survey Dates
Building 1	Moderate	2 surveys/2 surveyors	8 August (Dusk) 14 August (Dusk) 24 August (Dawn)

Development of Jamesfield Steadings:
Bat Survey and Assessment

Building	Suitability Summary	No. of Survey Visits/No. of Surveyors	Survey Dates
Building 2	Low	1 survey/1 surveyor	14 August (Dusk)
Building 3	None	-	-
Building 4	Low	2 surveys/1 surveyor	15 August (Dusk) 30 August (Dusk)
Building 5	Moderate	2 surveys/1 surveyor	15 August (Dusk) 30 August (Dusk)
Building 6	Moderate	2 surveys/1 surveyor	16 August (Dusk) 27 August (Dusk)
Building 7	High	3 surveys (2 surveyors)	10 August (Dusk) 27 August (Dusk) 6 September (Dawn)
Building 8	None	-	-
Building 9	High	3 surveys/4 surveyors, plus additional 1 internal survey/1 surveyor	8 August (Dusk) 10 August (Dusk) 21 August (Dusk) 22 August (Dusk) 23 August (Dusk) 24 August (Dusk) 6 September (Dawn) 18 September (Internal Dawn)
Building 10	None	-	-
Building 11	None	-	-

- 2.3.2 The roost surveys focused on the potential emergence/re-entry points of bats from potential roosts identified during the daytime survey of the building.
- 2.3.3 The surveyors were in position c. 15 minutes before sunset for emergence surveys, and the watch continued until at least 90 minutes hours after sunset. For re-entry surveys the surveyors were in position c. 90 minutes before sunrise, and the watch continued until 15 minutes after sunrise. These timings ensured that emergence/return times for all species that could potentially be found on the site were included.
- 2.3.4 The survey was undertaken using both heterodyne and Anabat II bat detectors. Recordings were made using the Anabat II detectors to allow for later analysis (using the Analook software) to ensure accurate identification of species.
- 2.3.5 Vision at night (to confirm roost locations) was gained using FLIR T640bx and FLIR E50bx infra-red thermal cameras and night vision goggles, therefore helping to ensure that bats were not missed exiting or entering roosts during the dark periods of the surveys.

3 RESULTS

3.1 General Description

3.1.1 Jamesfield Steadings include a combination of agricultural buildings of mixed age, type of construction and state of repair, as described below:

Building 1

3.1.2 This is a single storey 20th century agricultural building constructed of brick, measuring c. 30 x 10 m, with a pitched asbestos/cement sheeted roof on a steel frame (refer to Photograph 1). The single-skin brick walls are harled externally. Wooden sliding doors are present at both ends of the building. No windows are present on the side walls; however, boarded windows are present on both gable ends. A more recently constructed, single-storey toilet block (3 x 2.5 m) is attached with a mono-pitched steel clad roof. Internally, the majority of the building is open fully to the roof, with only a limited area with a framed-out ceiling. The building is currently used as a vegetable packing shed/farm shop, and for storage of agricultural machinery.

Photograph 1: Building 1



Photograph 2: Building 2



Building 2

3.1.3 This is a large 20th century agricultural steel-framed building with a mixture of block and steel sheeting cladding on 3 sides, measuring c. 35 x 20 m, with a pitched asbestos/cement sheeted roof (refer to Photograph 2). The building is open on the fourth side at the front, and is used for storage of large agricultural machinery such as tractors and combine harvesters.

Building 3

3.1.4 Formerly the location of old sawmills; this area is now rough grassland and no longer contains signs of any building.

Building 4

3.1.5 Formerly the location of old steadings, this area now contains only derelict remains comprising stone walls to 2.5 m and wooden lintels over doorways, and some steel work of the former roof structure (refer to Photograph 3).

Building 5

3.1.6 This is a small 20th century derelict shed, measuring c. 12 x 6 m, which abuts Building 2. The building is a mixture of stone and brick construction with a pitched asbestos/cement sheeting roof on a steel-frame (refer to Photograph 4). The building has been subject to a recent fire (within last 5 years) that has demolished c. 50% of the roof, making this an open structure.

Photograph 3: Building 4



Photograph 4: Building 5



Building 6

3.1.7 This is a 20th century hay barn, measuring c. 18 x 6 m, comprised of an open steel frame with a timber-framed pitched roof clad with corrugated iron. The corrugated iron cladding extends partially down both sides of the gable ends (refer to Photograph 5). The barn is currently unused.

Photograph 5: Building 6



Photograph 6: Building 7



Building 7

3.1.8 This is a 19th century traditional stone built two storey agricultural steading building, measuring c. 12 x 5.5 m, with a pitched slated roof (refer to Photograph 6). The building has a double, open entrance (cart bay) to the ground level and several windows and doorways are also present. The upper floor contains a traditional wall dormer-type doorway. A wooden staircase leads up to the upper floor.

3.1.9 The building has suffered from water ingress resulting in the upper floor timbers being rotten and therefore access was not possible during the initial survey.

Building 8

3.1.10 Formerly the location of the old sowhouse; this block-built building was subject to a recent fire in 2017 resulting in the building being completely burnt-out (refer to Photograph 7).

Building 9

3.1.11 This is a 19th century (possibly earlier) traditional stone built steading complex (refer to Photograph 8 and 9), in a rectangle shape measuring c. 35 x 32 m overall. Part of the steading is two-storey, although the majority is single storey that is open to the full height of the roof.

Photograph 7: Building 8



Photograph 8: Building 9



3.1.12 The upper floor contains two traditional wall dormer-type doorways, and there are numerous skylights and air vents throughout the roof. The roof is pitched with both gable and hipped styles, with mainly slates (and sarking) but some areas of corrugated tin roof is also present. The building has several double, open entrances (cart bays) to the ground level and several windows and doorways are also present. The central courtyard area would originally have been open; however, this has been roofed (with a double pitch) at a later stage with steel cladding, probably in the late 20th century and appears to have been used as a milking parlour. This central section is open to the full height of the roof.

3.1.13 The part of the building with an upper floor has suffered from water ingress resulting in the upper floor timbers being rotten and therefore access was not possible during the initial survey. Other parts of the building are also in a dilapidated condition, with some sections of slates missing and sarking rotted-out. The steading complex formerly contained farm offices as well as agricultural storage; however, the buildings are now largely un-used.

Photograph 9: Building 9



Photograph 10: Crack in brickwork and gap under barge board in Building 1



Building 10

3.1.14 Formerly the location of traditional steading buildings that abutted with Building 5; this area is completely derelict with only partial stone and brick walls now present.

Building 11

3.1.15 Formerly the location of old stone fanks, loading bays and livestock pens; this area is now rough grassland and no longer contains signs of any buildings/structures.

3.2 Internal/External Survey

3.2.1 Table 1 below summarises the results of the initial internal/external survey for each of the buildings at Jamesfield Steadings.

Table 1: Internal/External Inspection Details

Section	Description of potential roost features/access points
Building 1	
Cavities in the brickwork (refer Photograph 10)	Crack in harling and brickwork beneath above sliding door on northern gable end.
Gap under barge board (refer Photograph 10)	Gap between harling and asbestos/cement barge board on north and south gable end. Large gaps also present under all corner ends of barge boards.
Gaps under asbestos/cement sheeting at wall head	Gaps under asbestos/cement sheeting at wall head along eastern elevation.
Internal (refer Photograph 11)	Simple construction of brick walls with steel roof frame and asbestos/cement sheeting provides little opportunity for roosting bats. Apex of roof is generally very cobwebbed/
Building 2	
Gap under barge board (refer Photograph 12)	Gap between metal barge board and metal wall cladding present around three sides of structure.
Gap under metal cladding sheets (refer Photograph 12)	Gap between metal wall cladding present around all sides of structure.
Gaps under metal flashing	Gaps between metal flashing on roof apex over asbestos/cement roof sheeting.
Internal (refer Photograph 13)	Simple construction of block walls with steel roof frame and metal cladding and asbestos/cement roof sheeting provides little opportunity for roosting bats. Also building is open and bright.
Building 3 – not present and therefore unsuitable for roosting bats	
Building 4	
Gaps in stonework/flashing/ iron framework (refer Photograph 14)	Gaps in stonework and metal flashing where building abuts with Building 5, and gaps between iron framework.
Building 5	

Gaps in stonework and metal flashing	Gaps in stonework and metal flashing where building abuts with Building 4.
Gaps under roof flashing (refer Photograph 15)	Gaps present between flashing and asbestos/cement roof sheeting on roof apex.
Gaps between window lintel and brickwork	Gaps present between rotted out wooden window lintel and surrounding brickwork.
Gaps in internal stonework (refer Photograph 16)	Internal stonework with gaps that extend deep into wall.
Building 6	
Gaps between barge board and metal cladding (refer Photograph 17)	Gaps present between wooden barge board and metal corrugated cladding.
Gaps under metal roof sheets (refer Photograph 17)	Gap between overlapping metal wall roofing sheets.
Gaps between roof timbers	Timbers in roof apex form a cavity along length of hay barn.
Building 7	
Gaps in external stonework (refer to Photograph 18)	External stonework with gaps that extend deep into wall on southern gable end.
Roof with slipped/ raised slates	Roof with slipped/raised slates with gaps to sarking below.
Gaps between slates and flashing	Upper door entrance to first floor similar to wall dormer with hipped, slated roof with many slates missing and gaps under metal flashing.
Gaps in external stonework	External stonework with gaps that extend deep into wall on western elevation.
Gaps in external stonework (refer to Photograph 19)	External stonework with gaps into wall on northern gable end.
Gaps in door lintels	Doorway lintels formed from double timbers with gaps between allowing potential access into wall.
Broken skylight	Broken skylight allows potential access into upper floor of building.
Building 8 – building recently destroyed by fire and therefore unsuitable for roosting bats	
Building 9	

Gaps at wall-head (refer Photograph 20)	Gaps at wall-head beneath slates present along much of length of building.
Cracked lintel	Cracked stone lintel above doorway on north elevation providing potential access into wall.
Gaps under slates and raised flashing	Many slipped/missing slates and areas of raised flashing over much of roof.
Broken skylight	Broken skylight on roof of north elevation providing potential access to building.
Internal central roof (refer Photograph 22)	Internal central roof is a double gable comprised of metal cladding with no sarking, and is of limited suitability for bats. Open wooded slatted section at gable allows potential access.
Corrugated metal roof	Corrugated metal roof on hipped roof on northern elevation (eastern corner) has overlain sections along hipped ridge line and also gaps under metal flashing.
Open upper level door and broken skylight	Eastern elevation with upper door entrance open to first floor (construction similar to wall dormer), allowing potential access. Also broken skylight.
Open ground floor doorways	A number of open doorways present, allowing potential access to roosting bats.
Gaps in door lintel	Doorway lintel on eastern elevation with gap between stonework allowing potential access into wall.
Gaps in stonework	Gaps in stonework on south elevation.
Dilapidated roof (refer Photograph 21)	Two section of roof on eastern elevation, c.5 m and 3 m in length with many missing slates and rotted out sarking and roof timbers.
Internal roof	Sarking and roof timbers (where accessible) appear to be very cobwebbed throughout building.
Internal walls	Areas of wall painted white allowing easy search for bat faeces; however none noted.
Internal walls	Crack in stonework and gaps between old wooden doorway lintel on northern elevation.
Internal roof	Corrugated metal section of roof on northern elevation (north-east corner) with no sarking and very cobwebbed.
Building 10 – not present and therefore unsuitable for roosting bats	
Building 11 – not present and therefore unsuitable for roosting bats	

Photograph 11: Internal view of Building 1



Photograph 12: Gaps under metal barge board and metal cladding sheets in Building 2



Photograph 13: Internal view of Building 2



Photograph 14: Gaps in stonework, under flashing and between steelwork in derelict Building 4



Photograph 15: Gaps between flashing and roof sheeting in Building 5



Photograph 16: Gaps in stonework in Building 5



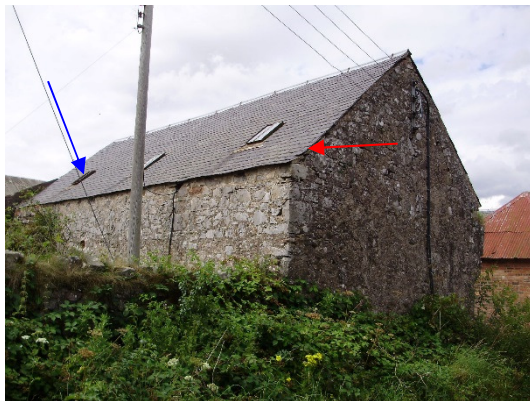
Photograph 17: Gaps between barge board and metal cladding and between overlapping sheets in Building 6



Photograph 18: Gaps in stonework and at gable end under slates in Building 7



Photograph 19: Gaps under slates at gable end in Building 7. Location of Roost 1 shown in red



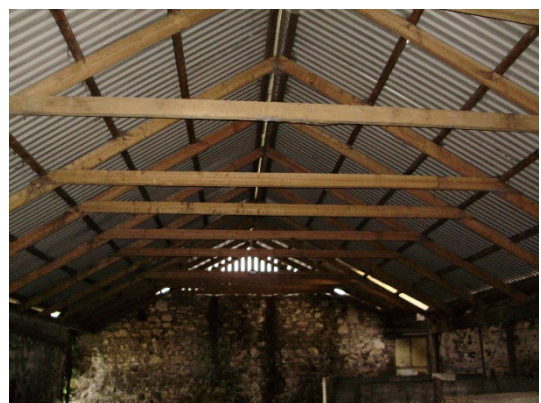
Photograph 20: Gaps under slates at the wall-head in Building 9



Photograph 21: Gaps under missing slates and metal flashing in Building 9



Photograph 22: Modern roof in centre of Building 9



Summary

3.2.2 No bat roosts were confirmed during the internal/external survey. However, based on the results of the initial internal/external survey, the buildings at Jamesfield Steading are assessed for their suitability to provide potential bat roost suitability as follows:

- Building 1 – Moderate Suitability;
- Building 2 – Low Suitability;
- Building 3 – None;
- Building 4 – Moderate Suitability;
- Building 5 – High Suitability;
- Building 6 – Moderate Suitability;
- Building 7 – High Suitability;
- Building 8 – None;
- Building 9 – High Suitability;
- Building 10 – None; and
- Building 11 – None.

3.2.3 The above buildings (excluding those with no bat roost suitability) were therefore subject to emergence/re-entry surveys as per the methods outlined in paragraph 2.2.6, with the results provided in Section 3.4 below.

3.3 Emergence/Re-entry Roost Surveys

3.3.1 During the emergence and re-entry surveys, low numbers of common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *P. pygmaeus* passes were recorded at each of the survey points around the building. However, a favoured foraging area was noted along the eastern boundary of the study area, with up to 6-10 common and soprano pipistrelle regularly recorded in this area. Many of the buildings, particularly Building 9, were noted to be used as a foraging resource by pipistrelles. The only other bat recorded during the surveys were Myotis (probably Natterer's bat *M. nattereri*), which was recorded on only two occasions.

3.3.2 The following roosts were identified within Jamesfield Steading (refer Figure in Appendix I showing their locations):

Roost 1 Common Pipistrelle, Max count: 1

3.3.3 The roost was identified during visit 1 on the 10 August 2017 on an emergence survey. The roost is situated on the eastern gable end wall-head of Building 7 (refer to Photograph 23). The use of the roost was not recorded during visit 2 or 3. Roost 1 is considered to be a non-breeding Summer roost.

Roost 2 Common Pipistrelle, Max count: 1

3.3.4 The roost was identified during visit 3 on the 7 September 2017 on a re-entry survey. The roost is situated on the wall-head under guttering above the left corner of an old window on the eastern elevation of Building 9 (refer to Photograph 24). The use of the roost was not recorded during visit 1 or 2. Roost 2 is considered to be a non-breeding Summer roost.

Roost 3 Soprano Pipistrelle, Max count: 10

3.3.5 The roost was identified during visits 1 and 2 on the 8 and 24 August 2017 on emergence surveys. The exact location of the roost could not be determined but is believed to be situated in the entrance corridor of the main doorway into Building 9 on the eastern elevation

7 (refer to Photograph 24). The use of the roost was not recorded during visit 3 or during the internal dawn re-entry survey completed for Building 9 on 18 September 2017, the latter aimed specifically at identifying the exact location of Roost 3. The inside of Building 9 (in particular) was noted as a foraging resource during the bat surveys. Roost 3 is considered to be a small summer breeding roost.

Roost 4 Soprano Pipistrelle, Max count: 3

3.3.6 The roost was identified during visit 1 on the 10 August 2017 on an emergence survey. This roost is located out with the Jamesfield Steading complex and therefore the development, but is situated immediately on the boundary. The roost is situated on the north gable end wall-head/base of the chimney of The Bothy. The use of the roost was not recorded during visit 2 or 3. Roost 4 is considered to be a non-breeding Summer roost.

Photograph 23: Location of Roost 1 shown in red



Photograph 24: Roost 2 shown in red and Roost 3 shown in bluer slates at the wall-head in Building 9



4 IMPACT ASSESSMENT

4.1 Introduction

4.1.1 The proposed development of Jamesfield Steadings, involving the demolition of existing buildings, will result in the following impacts on bats:

4.2 Destruction of Roosts

4.2.1 The proposed development will result in the destruction of three bat roosts; namely Roost 1, Roost 2 and Roost 3.

4.2.2 Key is the destruction of Roost 3 which is considered to be a summer maternity soprano pipistrelle roost, with a maximum count of 10. The exact location of the roost could not be determined but is believed to be situated in the entrance corridor of the main doorway into Building 9 on the eastern elevation of the building. Although considered to be a small maternity roost, the loss of Roost 3 is considered to be ecologically significant. Therefore Scottish Natural Heritage (SNH) licensing and mitigation of the development will be required (refer 5. Licensing & Mitigation).

4.2.3 Roosts 1 and 2 will also be destroyed by the proposed development. Both roosts are considered to be a non-breeding summer common pipistrelle roosts used opportunistically by very low numbers of bats (maximum 1 bat). The loss of these roosts is not considered to be ecologically significant; however, SNH licensing and mitigation of the works will be required (refer 5. Licensing & Mitigation) to ensure that the development is legally compliant with respect to EPS.

4.3 Disturbance of Roosts

- 4.3.1 Roost 4 is present in an adjacent building to the proposed development, approximately 4 m from Building 9. The roost will be subject to potential disturbance during the proposed works associated with the development (including initial demolition and construction) if completed during the active bat season of April –October (inclusive). The roost is considered to be a non-breeding summer soprano pipistrelle roost used opportunistically by low numbers of bats, and disturbance will be temporary during the works. The disturbance of Roost 4 is not considered to be ecologically significant; however, SNH licensing and mitigation of the works will be required to ensure that the development is legally compliant with respect to EPS (refer 5. Licensing & Mitigation).

5 LICENSING & MITIGATION

- 5.1.1 The proposed development at Jamesfield Steadings will require an EPS licence from SNH to allow the works to proceed. It should be noted that licensing for EPS is discretionary, and licences may be granted for 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. A licence will not be granted unless SNH is satisfied there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 5.1.2 As part of the licence application, a Bat Protection Plan (BPP) should be prepared, confirming the mitigation proposed as part of the development and describing the process to ensure that bats are not deliberately or recklessly killed or injured during the works.
- 5.1.3 At this juncture it is considered that the following key mitigation should be included within the BPP:
- Consideration of work timings to avoid reckless destruction and/or disturbance of bat roosts, importantly, summer maternity roost of soprano pipistrelle. The optimal period for demolition would be September to November inclusive and late March to May inclusive; and
 - Maintenance of roost function through provision of replacement roost sites prior to and during the development.

6 REFERENCES

Collins, J. (Ed.) 2016. *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.)*. The Bat Conservation Trust, London.

APPENDIX I – FIGURE 1

A.1 Location of Bat Roosts

