

**LRB-2022-19**  
**21/02146/FLL - Erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh**

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**LRB-2022-19**

**21/02146/FLL - Erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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 100554436-001

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:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Iona	Building Name:	Broxden House
Last Name: *	Sutherland	Building Number:	
Telephone Number: *	07471012595	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	iona.sutherland@bidwells.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Steve"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Lavery"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="iona.sutherland@bidwells.co.uk"/>	

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land 400 Metres South East Of Haugh Cottages East Haugh"/>
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Northing	<input type="text" value="755725"/>	Easting	<input type="text" value="296499"/>
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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 a dwellinghouse

## 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.

See appeal statement in 'Supporting Documents' section.

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

Yes  No

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

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

Decision notice, report of handling, all plans, appeal statement, supporting statement, design & access statement, compliance statement, information on woodland shade bearing vegetable growing, and consultee responses.

## Application Details

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

21/02146/FLL

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

01/12/2021

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

14/03/2022

## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

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

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

Though there are photographs and aerial images of the site, there is benefit in conducting a site visit to further understand how the proposed dwelling would be suitable on this site.

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Miss Iona Sutherland

Declaration Date: 11/05/2022



**ERECTION OF A  
DWELLINGHOUSE,  
EAST HAUGH  
NOTICE OF REVIEW  
APPEAL STATEMENT**

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## 1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Mr Stephen Lavery for the erection of a dwelling on land 400 metres south of Haugh Cottages, East Haugh, which was refused planning permission (21/02146/FLL) by Perth and Kinross Council on the 14<sup>th</sup> of March 2022.
- 1.2 The planning application was refused on the basis that the proposal is deemed to be contrary to Policy 19 'Housing in the Countryside'...Policy 39 'Landscape' as well as 'Placemaking' Policy 1A and 1B... and Policy 40A and 40B 'Trees and Woodland' of the adopted Perth and Kinross Local Development Plan 2.

## 2.0 Background

- 2.1 The proposal involves the erection of a dwellinghouse on land 400 metres south of Haugh Cottages, East Haugh. The purpose of the proposed dwelling was to deliver a low impact, sustainable dwelling which would allow the applicant to facilitate the ongoing and future management of the woodland.
- 2.2 This application follows on from a refused application of a similar nature (21/01218/FLL). The previously refused application was not taken to the Local Review Body as it was considered to be of greater benefit to resubmit a fresh planning application with the addition of further supporting information to address the specific issues that had been raised in the previous decision notice.
- 2.3 In refusing the proposal it is noted that a site visit has never been carried out by the Appointed Officer as part of the council's decision-making process.

## 3.0 Grounds for Appeal

- 3.1 We would draw the LRB's attention to the contents of our supporting planning statement dated November 2021 along with the additional supporting information that was submitted with the revised application (as set out in paragraph 2.4 of the supporting statement). Following the refusal of this revised application, Bidwells have carried out a review of the reasons for refusal presented by Perth and Kinross Council in order to appeal this decision.

### **Policy 19 Housing in the Countryside**

- 3.2 According to the Decision Notice, the proposal is contrary to Policy 19 Housing in the Countryside due to the proposed dwelling not complying with the categories which support proposals for housing in the countryside. However, the aim of the proposal is to deliver a low impact sustainable dwelling, therefore, conforming with category 3 subsection 3.5: new houses in the open countryside: houses for sustainable living.
- 3.3 The Report of Handling argues that the proposal does not meet the remit of category 3 subsection 3.5 on the basis of bespoke design and sustainable living.

- 3.4 However, the proposal has been specifically designed to thrive in the woodland setting, and therefore, is a bespoke dwelling. The proposal would be raised from the ground to preserve the ecology and wildlife beneath, and the green roof would promote the natural decomposition of the falling leaves. Furthermore, the design statement highlights that the proposal is deliberately cotemporary and would be the first of its kind in the area.
- 3.5 The cladding has been carefully considered to tie in with the surrounding woodland and the location of the proposed building ensures it would be largely invisible from the road.
- 3.6 Moreover, the proposal further conforms to this policy as the dwelling would be a single house with the objective of sustainability, the scale and construction materials would be low impact, and the house would be built to Passivhaus standards with triple glazing and utilise an MVHR system to distribute heat. As well as having a living roof, the house would be elevated off the ground and thermally broken at floor plate level to minimise any opportunity for cold bridging from ground level.
- 3.7 The dwelling would make use of raised beds and small livestock pens to cultivate food on site to allow the residents to be self-sufficient as far as possible. Though other essential items would be required to be purchased from a local supermarket, car travel would be significantly reduced as a result of the self-sufficiency in the proposed small-scale food production on site. The Design Statement and Compliance Statement provide further detailed information on the sustainable living and lifestyle approach proposed by the applicant.
- 3.8 The proposed dwelling would be sympathetic yet innovative in its design whilst promoting a sustainable and largely self-sufficient lifestyle that is linked to the full-time management of the woodland; therefore, the proposal is in compliance with Policy 19 Housing in the Countryside and the Housing in the Countryside Supplementary Guidance.

### **Policy 39 Landscape and Policy 1 Placemaking**

- 3.9 The Decision Notice addresses secondly, that the proposal is contrary to Policy 39 Landscape as the siting of the proposed dwelling and its curtilage would not be considered as respecting the character of the area or contributing to the quality of the natural environment.
- 3.10 The quality of the natural environment associated with this site would be maintained and improved through the facilitation of the full-time management of the woodland. The applicant is a forester and an expert in woodland management and therefore would ensure the site would contribute positively to the surrounding environment. Furthermore, the proposed dwelling would be raised from the ground allowing the ecology beneath to be unimpacted.
- 3.11 The siting and curtilage would allow the proposed dwelling to be largely invisible from the main road. Therefore, having very little detrimental impact on the natural environment or the surrounding area.
- 3.12 The proposal conforms to Policy 1 Placemaking as the dwelling would contribute positively to the surrounding natural environment and would be designed consciously in regard to climate change mitigation and adaptation. Moreover, the design would complement the surrounding woodland landscape, be sensitive to this landscape, and promote resource efficiency.

## **Policy 40 Forestry, Woodland and Trees**

- 3.13 Policy 40A specifies that the council will support proposals which protect existing trees/woodland and encourage the protection and good management of trees; the aforementioned woodland management that the client aims to achieve through residing on the site would ensure not only the protection of the woodland, but also the long term enhancement in the overall ecological value of the woodland.
- 3.14 The Report of Handling suggests that the drainage infrastructure installation would have a detrimental impact on the woodland. The drainage infrastructure would be installed in a way which would cause the least detrimental impact to the surrounding woodland. Moreover, the tree survey does not highlight any issue with the installation of the drainage infrastructure. The trees proposed to be removed (12 would be removed, though normal thinning operations are already covered by an existing felling licence) would be more than compensated by the 25 new oak trees (seeds gathered from Croft Wood itself) that are to be planted to the south of the proposed house site on areas of open ground within the wood as was shown on the plans accompanying the revised application.

## **4.0 Conclusions**

- 4.1 For the reasons set out in Section 3 above and within our supporting planning statement dated November 2021, it is considered that the revised application had addressed each of the reasons for refusal of the earlier planning application and the new reasons for refusal set out in decision notice for application 21/02146/FLL. The proposed dwellinghouse is in accordance with the development plan and would result in a sustainable and self-sufficient dwelling which would provide for the long-term management and enhancement of the existing woodland.
- 4.2 The aim of this proposed dwelling is to make a positive contribution to the surrounding landscape by creating a sustainable home in which the applicant can live to provide ongoing full-time support and management to the surrounding woodland.
- 4.3 We would therefore respectfully request that the LRB agrees with our assessment and allows this appeal subject to any conditions that may be considered necessary.



BIDWELLS



## Web site bibliography to support vegetables growing in woodland and shady conditions

[www.gardenersworld.com](http://www.gardenersworld.com) – 10 Best vegetable crops for shade

[www.growagoodlife.com](http://www.growagoodlife.com) – 30+ vegetables that grow in shade

[www.gardeningknowhow.com](http://www.gardeningknowhow.com) – Vegetables that grow in shade/ How to plant a woodland Garden

[www.mothereartnews.com](http://www.mothereartnews.com) – Best shade tolerant vegetables – organic gardening

[www.rhs.uk](http://www.rhs.uk) – Shade gardening

[www.growveg.co.uk](http://www.growveg.co.uk) – Gardening with vegetables that grow in shade

The screenshot shows the top navigation bar of the GrowVeg website with a search bar and links for Garden Planner, Journal, Guides, GrowVeg TV, Plants, Pests, About, and Contact. The main article is titled "Gardening With Vegetables That Grow in Shade" and is dated 19 October 2012, written by Barbara Pleasant. It features a large image of leafy greens. The article text discusses the preference of most vegetables for full sun, but notes that many can thrive in shade with the right techniques. It lists several vegetables that do well in shade, such as Rocket, lettuce, chard, kale, and various leafy greens. It also mentions that many shade-tolerant vegetables have broad leaves and can unfurl like large solar collectors. The article provides tips on how to maximize available light in shaded areas, such as using reflective surfaces and mulching. A "More For You" sidebar on the right lists related articles like "Tips to Help You Overcome 3 Difficult Growing Conditions", "Harvest the Power of Microclimates", "Plan Your First Vegetable Garden in 5 Easy Steps", and "5 Tips for Planning Your Vegetable Garden".

### Growing Shade Tolerant Vegetables

In addition to choosing vegetables known to grow in shade, there are several techniques that will improve the quality of your crops.

- Whenever possible, work with seedlings grown in bright light. The worst time for a veggie to be deprived of light is during its juvenile period. If you have only a little full sun, use it for a cold frame or nursery bed where you can grow leafy greens to transplant size.
- Shade tolerant vegetables cannot be crowded. Wide spacing promotes good air circulation and light penetration, which in turn reduces problems with diseases.
- Anticipate that slugs and snails will be a problem, because they are naturally attracted to moist shade. Plan to trap them often (even when plants are not present) using beer-baited traps. To reduce mollusc habitat, limit mulching until the weather becomes warm and dry in summer.



You can also use human ingenuity to maximise available light. Paint the sides of nearby buildings white, or erect white panels in summer to reflect light back onto plants. Metallic surfaces also can be used, for example small boards wrapped in aluminum foil, placed between plants or on nearby walls. Inexpensive mirror tiles mounted on boards can have similar light-boosting effects.

Even shade tolerant vegetables grow more slowly in shade than they would in sun due to their reduced supply of solar energy. But because leafy greens are short-lived plants, beds comprised of vegetables that grow in shade need frequent updating. For example, spring salad greens may give way to summer chard, and then be followed by mustard in the fall. Gardens planted with shade tolerant vegetables progress slowly, but still undergo constant change.

[www.thewoodlandwife.co.uk](http://www.thewoodlandwife.co.uk) – A woodland Vegetable Garden

by WoodlandWife

### A Woodland Vegetable Garden

When we first received planning to convert the woodland office into a dwelling, our home – it was September 2013. Autumn was setting in so our plans to start creating a garden were put on hold until the Spring.

By Spring 2014 we had a 9 month old daughter and we were keen to create a space for her and us to enjoy. We set out to create a lawn, a space for her to run around without falling over bushes and weeds! This was a mammoth task. The ground here is hard, solid clay so we bought in four lorry loads of top soil and set about creating the lawn. Once finished and we had a safe space to enjoy, plans began for our vegetable garden.

Like with everything we have done here, drawings are done, discussions (heated debates!) as well as countless visits to the space to try and visualise how it would work. Two beds were made in the front corners for me to grow flowers, my small putting garden, full of all sorts of blooms for us to enjoy both outside and cut in vases indoors.

Then came the raised beds, a decent height to save my back and made using offcuts from my husband's oak framing work. A lot of work went into creating the perfect growing soil, lots of nutrients are needed to grow vegetables so we knew it had to be right. We also knew that we didn't want to grow more than we needed, or what we would never eat, so we carefully selected our first year we wouldn't know what grew well here overnight, however we made a list of most of the fruit and vegetables we enjoy the most, those in our daily diets, and those seasonal treats that we look forward to every year.

We had blueberries and strawberries in pots from rental properties we had lived in however these were becoming pot bound so we planted the in a bed and planned to create a fruit bed at a later date.

Over the years we have whittled things right down, courgettes, mixed lettuce, spinach, rocket, carrots, potatoes, cucumbers, and with the addition of the green house (we found in a local auction for £200) finally a successful crop of peppers and tomatoes! We grew kale and brassicas in the early days, however the caterpillars devoured them, as this year we are planning on adding frames around each raised bed with butterfly netting to avoid the same issue.

One of the hardest parts of growing your own fruit and vegetables is the 'trial and error' element, however since those early days I refer to my gardening as 'trial and development' as I am a complete novice in growing food. It has been four years now and I have learnt that works well one year might not do so well the next, worse still, there are years like this, particular one where I felt so on top of things, our daughter helping us with sowing seeds in the greenhouse, getting things out in good time, only to have seemingly everything devoured by the slugs. Thanks to the hot, wet weather we have been experiencing.

All but three of the berries in our strawberries, as well as my sweet-pea seedlings, carrots etc etc have been completely demolished by the slugs, a real tick in the teeth, however the frames for the beds are coming, as well as some slug/organic control which in the hope of keeping the slugs off our vegetables.

The fruit bed has also now been set up, the strawberries in an amazing structure my husband made with the brick to keep them off the ground, warm and wet. This bed took to the fruit bed, containing blueberries, raspberries, gooseberries and a currant. This bed also has my husband's pumpkins in, as he is eagerly growing them for a competition he has with one of his oldest friends! The net needs to go up on the chestnut frame we have built, with some walk-boards so that we don't disturb the soil under foot too much.

The screenshot shows the Garden Organic website with a navigation bar for Home, Growing Advice, Our Work, and Support Us. The main article is titled "Growing vegetables in shade" and is part of a "Question and Answer" series. The question asks for vegetable crops suitable for growing in shade, given the site's orientation and limited light. The answer lists several options: growing early vegetables like spring cabbage, winter lettuce, and broad beans; growing shade-tolerant vegetables like beetroot, calabrese, kale, and chard; and growing fruit like raspberries, gooseberries, and currants. It also provides tips on improving growing conditions, such as increasing light levels by pruning trees, improving the soil, and using mulch. A sidebar on the right offers a link to a fact sheet on growing in shade, which requires a membership password. The footer of the page includes the text "Garden Organic members can see our experts fact sheets for further advice on organic gardening. Access to fact sheets requires a membership password."





Mr Stephen Lavery  
c/o Bidwells  
Mark Myles  
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Lamberkine Drive  
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PH1 1RA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **14th March 2022**

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

Application Reference: **21/02146/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 12th January 2022 for Planning Permission for **Erection of a dwellinghouse Land 400 Metres South East Of Haugh Cottages East Haugh**

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

### **Reasons for Refusal**

1. The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.
2. The siting of the dwellinghouse and the creation of its associated curtilage is not considered to respect the character or contribute positively to the quality of the natural environment or the wider landscape character of the area contrary to Policy 39: Landscape as well as placemaking Policy 1A and 1B of the adopted Perth and Kinross Local Development Plan 2 (2019).
3. The siting of the dwellinghouse and the creation of its associated curtilage along with the installation of drainage infrastructure is considered to have a detrimental impact on the woodland resource at the site contrary to Policy 40A and 40B of the adopted Perth and Kinross Local Development Plan 2 (2019).

## Justification

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

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

### Plan Reference

01	07	13
02	08	14
03	09	15
04	10	16
05	11	17
06	12	18



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	21/02146/FLL	
Ward No	P4- Highland	
Due Determination Date	11th March 2022	
Draft Report Date	9th March 2022	
Report Issued by	JHR	Date 14.03.2022

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 400 Metres South East Of Haugh Cottages East Haugh

### **SUMMARY:**

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

### **SITE VISIT:**

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

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

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This is a resubmission of the previous proposal which was refused (21/01218/FLL). Additional information has now been provided which seeks to address the four previous reasons for refusal.

### **SITE HISTORY**

21/01218/FLL Erection of a dwellinghouse 15 September 2021 Application Refused

### **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 20/00192/PREAPP

A formal pre-application consultation was undertaken where it was identified that there were potential concerns in relation to the principle of the proposed development.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 39: Landscape

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

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

Policy 41: Biodiversity

Policy 52: New Development and Flooding

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

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

#### OTHER POLICIES

Developer Contributions SPG  
Housing in the Countryside SPG

#### CONSULTATION RESPONSES

Scottish Forestry – No objection received within timescale.

NatureScot – No objection received within timescale.

Planning And Housing Strategy - Still of the view that the proposals do not go far enough in demonstrating that this new house in the countryside is essential as an integral part of an overall scheme for the management of the land which will allow the occupants of the house to be largely self-sufficient as is required by section 3.5 of the SG.

Environmental Health (Private Water) – No objection.

Transport Planning – No objection received within timescale.

Scottish Water – No objection.

Environmental Health (Noise Odour) – No objection informative recommended.

Development Contributions Officer – No objection.

Biodiversity/Tree Officer – No objection on biodiversity grounds. Concerns raised regarding impact on trees.

#### REPRESENTATIONS

None

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required (Refusal)
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## APPRAISAL

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

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

### Policy Appraisal, Design Layout and Landscape

As the site lies within the landward area in the adopted Perth and Kinross Local Development Plan 2 2019, the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 SPG on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside.

The Policy and SPG recognises that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

- (1) Building Group.
- (2) Infill sites.
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (4) Renovation or replacement of houses.
- (5) Conversion or replacement of redundant non-domestic buildings.
- (6) Development on rural brownfield land.

The proposal for the new dwelling should be assessed under criterion (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. The supplementary guidance was adopted by the Council in March 2020, which assists with the assessment of Policy 19.

From my review it does not meet 3.1 Existing Gardens, 3.2 Houses in areas of Flood Risk or 3.4 Houses for Local People.

Category 3.3 can provide for housing where there is a clear agricultural need or other rural business justification for key worker accommodation. However, there is no existing business on the site that could justify operational need in this location and the management of a 5.0-hectare woodland does not require an on-site presence.

Category 3.5 Houses for Sustainable Living can provide support to pilot projects creating eco-friendly houses where a rural setting is required, and the project is linked to the management of land or use of land for sustainable living. It is this criterion that the application should be assessed against.

Accordingly, it is important to drill down on whether this proposal is a pilot project creating an eco-friendly house which requires to be located in this part of the countryside. The assessment then needs to look at how the project is linked to the management of land or use of land for sustainable living.

Is the house Design a one-off, bespoke single house which is at the forefront of sustainability?

The supporting statement confirms that the proposed dwelling will be insulated to Passivhaus Standards. A heat recovery ventilation system will be installed along with triple glazing and a living roof.

However, the SPG confirms that proposals under this category will be for one-off, bespoke single houses which are at the forefront of sustainability. They will be low impact in terms of their scale, construction materials and methods, and sources of energy and heating. The use of renewable technologies such as solar panels, ground and air source heat pumps, and passive heating are now commonplace. To be acceptable under this category therefore, it must be demonstrated that the proposals go beyond those technologies which are widely available, and instead include new or innovative elements which are over and above what is already expected in modern building projects.

The intention to meet passivhaus standards is noted however this is not a new concept. The passivhaus standard was developed in Germany in the early 1990s and the first dwellings to be completed to the passivhaus Standard were constructed in Darmstadt in 1991. The (BRE) British Research Establishment now confirms that 30,000 buildings are now constructed to the passivhaus standard with Passivhaus buildings constructed in every major European country, Australia, China, Japan, Russia, Canada the USA and

South America. The passivhaus standard is therefore well tested and developed.

In this case, the proposal does not meet this test. It is not a one-off, bespoke single houses which is at the forefront of sustainability.

How the project is linked to the management of land or use of land for sustainable living.

The assessment has already confirmed that this proposal is not one-off, bespoke single house which is at the forefront of sustainability which requires a location in the countryside. This alone means the proposal cannot be supported under criterion 3.5 of the SPG. However, for fullness the information submitted on land management or use of land for sustainable living will also be reviewed.

The Planning and Housing Strategy were previously consulted on the refused application. They have also been asked to provide updated comments. They confirm the following: -

*As with the previous application a statement has been submitted with this new application which sets out how the proposal is considered to comply with policy 19 and the SG. Specifically in relation to section 3.5, however, I can see no change other than additions to the site plan to indicate a hen coup and beehives (both located outwith the application boundary) and six raised vegetable beds.*

*In the previous application I was concerned that the raised beds and livestock pens did not form a particularly significant or integral part of the application. I also questioned whether the raised beds could be located in a position where there would be enough direct sunlight for the growing of crops. The SG states that 'whilst there are some everyday goods which cannot be produced locally, proposals must include the cultivation of land to produce crops and rear livestock at a scale so as to ensure that the household will not be dependent on car travel elsewhere in order to meet the majority of their basic food shopping needs'. I acknowledge that additional information has been submitted detailing those crops which can grow in a woodland or shaded setting and whilst I do not dispute this my concern is whether this, together with a single hen coup and beehives, is really of a significant and broad enough scale to allow the occupants of the house to be largely self-sufficient across all the seasons. In this regard I am still of the view that the proposals do not go far enough in demonstrating that this new house in the countryside is essential as an integral part of an overall scheme for the management of the land which will allow the occupants of the house to be largely self-sufficient as is required by section 3.5 of the SG.*

Taking the above into account the proposal also fails to sufficiently link the management of land or use of land for sustainable living.

### Siting Criteria

The design of the dwellinghouse is relatively unintrusive. It is of an appropriate scale for a woodland setting such as this and the materials complement the surrounding environment. However, proposals for a new house falling within category 3 are required to demonstrate that they meet the siting criteria of the SPG.

The scale, layout and design of the proposal must be appropriate to, and have a good fit with, the landscape character of the area in which it is located. It must demonstrate a specific design approach that not only integrates the development within its setting but also enhances the surrounding environment. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space and garden ground associated with the proposal should be considered as an integral part of the development.

Existing trees (Ancient Woodland) will require to be felled to accommodate the building and access. While there is an intention to provide supplementary planting the formation of drainage (septic tank and soakaway) will also increase the extent of removal/tree loss depicted in the tree survey.

The creation of and use of the remaining woodland as garden ground with associated garden paraphernalia will also have a detrimental impact on this woodland landscape.

Overall, the siting and relationship of the proposal to the landscape is not considered to comply with the overarching aims of the Placemaking policies 1A/1B, Policy 39 Landscape and Policy 40A and 40B Forestry, Woodland and Trees.

### **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding land uses has to be taken into account.

This proposal would not have any detrimental impact on residential receptors. An acceptable level of residential amenity would be achieved for the occupants of the proposed dwelling. This impact on the formation of garden ground and relationship to the landscape has been discussed under the 'siting criterion'.

## **Roads and Access**

Conditional control can secure parking and turning within the site along with improvements to the junction with the public road to ensure compliance with Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

## **Drainage and Flooding**

### Flooding

The Council's Structures & Flooding Team were consulted on the previous application, and they had no objection to the proposed development. In light of this the resubmission does not conflict with Policy 52 'New Development and Flooding'.

### Foul Water

Disposal of foul flows are to land rather than a watercourse. On this basis, conditional control could be utilised to comply with Policy 53B and Policy 47: River Tay Catchment Area. However, the installation of this infrastructure would result in further tree loss.

### Surface Water

The disposal of surface water to ensure compliance with policy 53C could also be dealt with by condition. Again, the installation of this infrastructure would result in further tree loss beyond what is identified in the tree survey.

### Private Water Supply

The proposal confirms the intention to connect to the public water supply however Scottish Water confirm that they do not have any infrastructure in the area. If this is the case, then a private water supply will be required. Depending on the private water supply strategy deployed this could have implications on the application site boundary delineation as detailed in the HOPS validation Guidance. Further information would be required to assess the acceptability of a private supply under Policy 53E if a public connection cannot be achieved.

## **Natural Heritage and Biodiversity**

When determining a planning application, the planning authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts.



Following receipt of the ecological surveys consultation with the bio-diversity officer confirms that they are content with the findings in the report but note the need for monitoring prior to works commencing. Accordingly, conditional control could be applied to ensure the proposal would comply with Policy 41: Bio-diversity.

## **Developer Contributions**

### Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Pitlochry Primary School and Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contribution is required.

## **Economic Impact**

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

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

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

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

Accordingly the proposal is refused on the grounds identified below.

## **Reasons**

1. The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.
2. The siting of the dwellinghouse and the creation of its associated curtilage is not considered to respect the character or contribute positively to the quality of the natural environment or the wider landscape character of the area contrary to Policy 39: Landscape as well as placemaking Policy 1A and 1B of the adopted Perth and Kinross Local Development Plan 2 2019.
3. The siting of the dwellinghouse and the creation of its associated curtilage along with the installation of drainage infrastructure is considered to have a detrimental impact on the woodland resource at the site contrary to Policy 40A and 40B of the adopted Perth and Kinross Local Development Plan 2 2019.

## **Justification**

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

## **Informatives**

None

## **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04

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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 100508699-001

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

### Type of Application

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

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

### Description of Proposal

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

Erection of a dwellinghouse

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

### Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Myles"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="[REDACTED]"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text" value="[REDACTED]"/>
Last Name: *	<input type="text" value="Lavery"/>	Address 1 (Street): *	<input type="text" value="[REDACTED]"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="[REDACTED]"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="[REDACTED]"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="[REDACTED]"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="[REDACTED]"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 400 metres South East of Haugh Cottages, East Haugh

Northing

755675

Easting

296527

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

Pre-app response referred to the relevant policy considerations and recommended submission of a detailed application. This planning application is also a resubmission following on from the refusal of a previous application (ref 21/01218/FLL).

Title:

Mr

Other title:

First Name:

Andy

Last Name:

Baxter

Correspondence Reference Number:

20/00192/PREAPP

Date (dd/mm/yyyy):

10/08/2020

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

## Site Area

Please state the site area:

5.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Woodland that is managed by the applicant

## Access and Parking

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

Yes  No

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

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

Yes  No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? \*

New/Altered septic tank.

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

Other private drainage arrangement (such as chemical toilets or composting toilets).

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

Discharge to land via soakaway.

Discharge to watercourse(s) (including partial soakaway).

Discharge to coastal waters.



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

New septic tank for foul water and soakaway for surface water. A green roof is proposed so surface water run off will be minimal.

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Waste and recycling area located on 'grasscrete' zone to road side of property

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mark Myles

On behalf of: Mr Stephen Lavery

Date: 30/11/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

3D model images

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> ≤	<input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A

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

Ecology Report (August 2021) and Ecology Survey Addendum (November 2021); Planning Policy Statement; Compliance Statement and Woodland Shade bearing vegetable growing

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Myles

Declaration Date: 30/11/2021

**NOTES**

1. This drawing is to be read in conjunction with all other drawings and specifications.
2. Scale for planning purposes only.
3. Any alterations to this drawing and other drawings and specifications in the construction documents must be referred to the architect.
4. This drawing must not be copied in whole or in part without prior written consent of Studio IMA Ltd.

**DRAWING INFORMATION BASED UPON**

**CDM INFORMATION**

Issue	Revision	Initial	Date

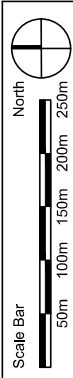


**EDINBURGH** 25 Edinburgh Road | Newhales | Musselburgh | East Lothian | EH21 6EA  
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Registration number: 25 Edinburgh Road | Musselburgh | East Lothian | EH21 6EA

**Client**  
**MR STEPHEN LAVERY**

**Project**  
**CROFT WOOD**  
**PITLOCHRY**

**Drawing Title**  
**LOCATION PLAN**



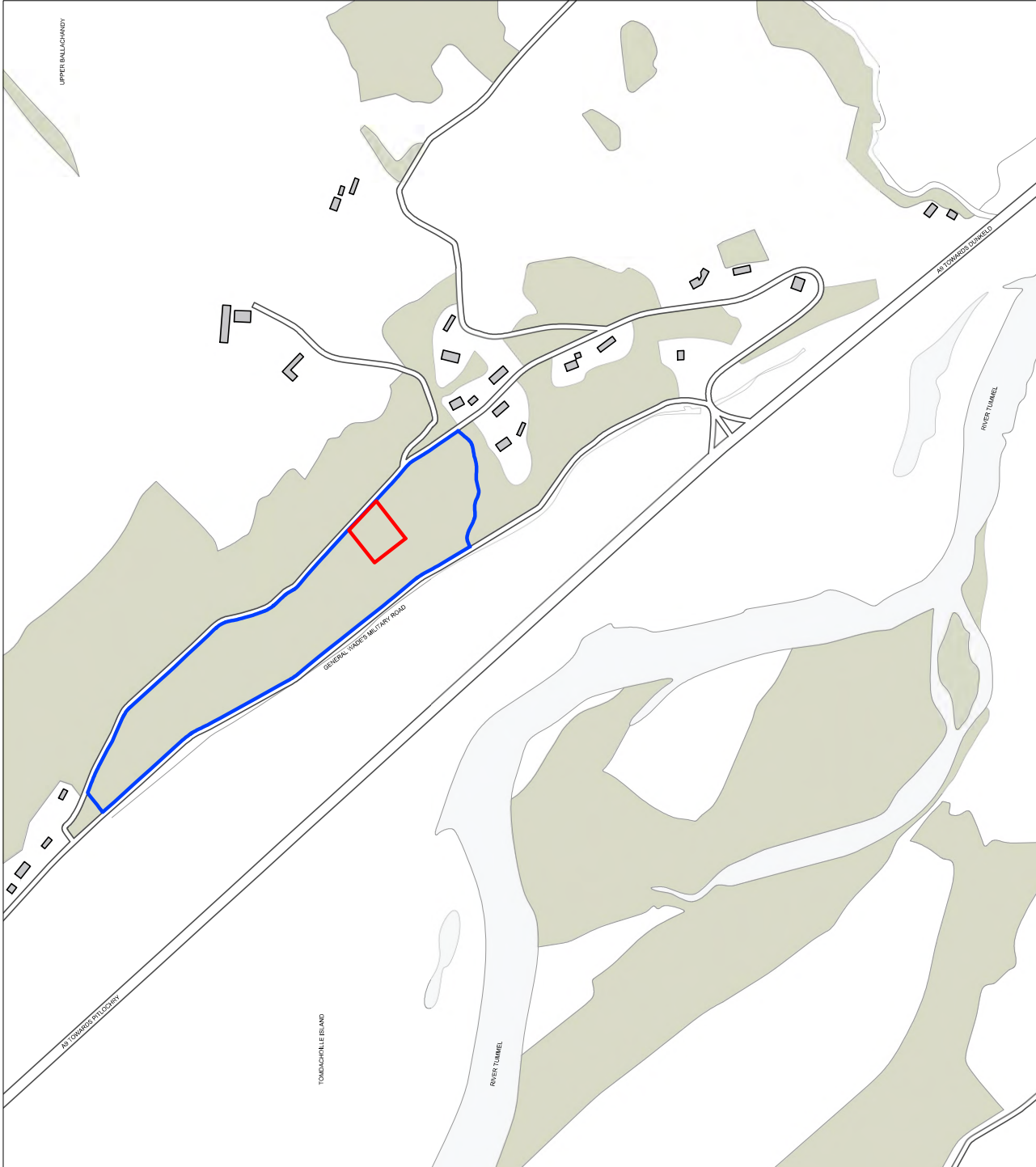
**Scale:** 1:5000@A3 **Date:** 19/07/21

**By:** YS **Status:** PLANNING

**Checked:** IM **Approved:** IM

**Drawing Number**  
**2101\_PL01**

**Rev**  
**A**



- - - APPLICATION SITE BOUNDARY
- LAND OWNED BY APPLICANT OUTWITH THE APPLICATION
- SITE BOUNDARY

**NOTES**

1. This drawing is to be read in conjunction with all other drawings and specifications.
2. Scale for planning purposes only.
3. Any alterations to this drawing and other drawings and specifications in the construction documents must be referred to the design team.
4. This drawing must not be copied in whole or in part without prior written consent of Studio IMA Ltd.

**DRAWING INFORMATION BASED UPON**

**CDM INFORMATION**

Issue	Revision	Initial	Date

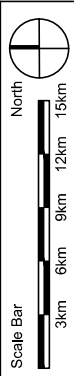


**STUDIO IMA**  
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Registration number: 22537466 (Scotland) | Incorporated in: Scotland | VAT number: 112 07 16

Client  
**MR STEPHEN LAVERY**

Project  
**CROFT WOOD  
 PITLOCHRY**

Drawing Title  
**LOCATION PLAN**



Scale: **1:30000@A3** Date: **19/07/21**  
 By: **YS** Status: **PLANNING**  
 Checked: **IM** Approved: **IM**

Drawing Number	Rev
<b>2101_PL00</b>	<b>A</b>



Bing Maps, 2021, Croft Wood Location Plan, Bing Maps [online]. [Accessed 10 May 2021].

- APPLICATION SITE BOUNDARY
- LAND OWNED BY APPLICANT OUTWITH THE APPLICATION SITE BOUNDARY

**NOTES**

1. This drawing is to be read in conjunction with all other drawings and specifications.
2. Scale for planning purposes only.
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**CDM INFORMATION**

Issue	Revision	Initial	Date



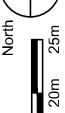
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Client  
**MR STEPHEN LAVERY**


Project  
**CROFT WOOD  
 PITLOCHRY**

Drawing Title  
**EXISTING SITE PLAN**

Scale Bar

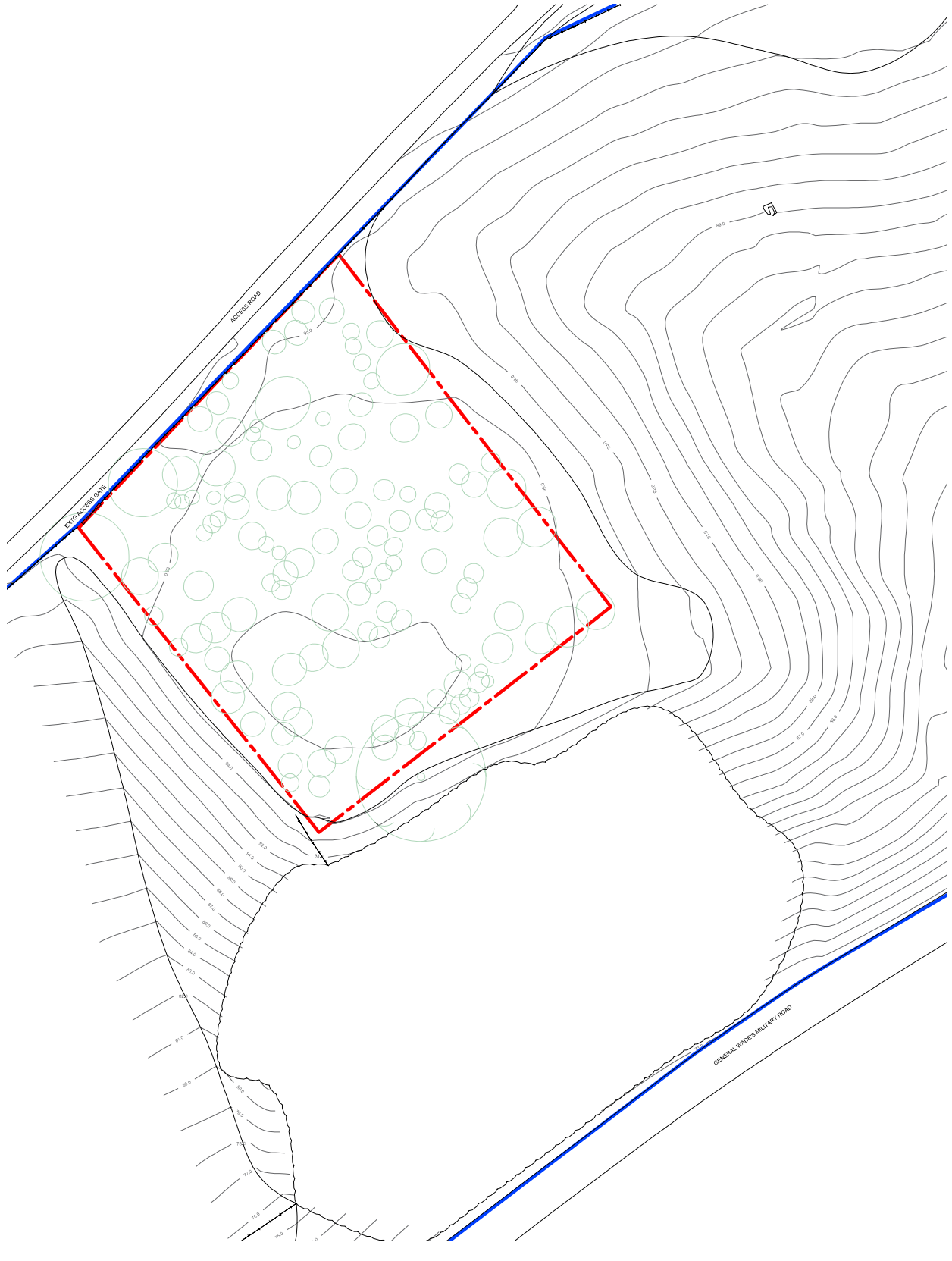


North



Scale: **1:500@A3** Date: **12/01/22**  
 By: **YS** Status: **PLANNING**  
 Checked: **IM** Approved: **IM**

Drawing Number	Rev
<b>2101_EX01</b>	<b>A</b>



- APPLICATION SITE BOUNDARY
- LAND OWNED BY APPLICANT OUTWITH THE APPLICATION SITE BOUNDARY
- TREE (INCLUDING CANOPY SPREAD)



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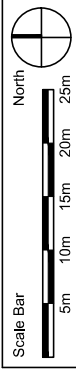


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Registration number: 25 Edinburgh Road | Musselburgh | East Lothian | EH21 8EA

**Client**  
**MR STEPHEN LAVERY**

**Project**  
**CROFT WOOD**  
**PITLOCHRY**

**Drawing Title**  
**SITE PLAN**



**Scale:** 1:500@A3 **Date:** 24/11/21

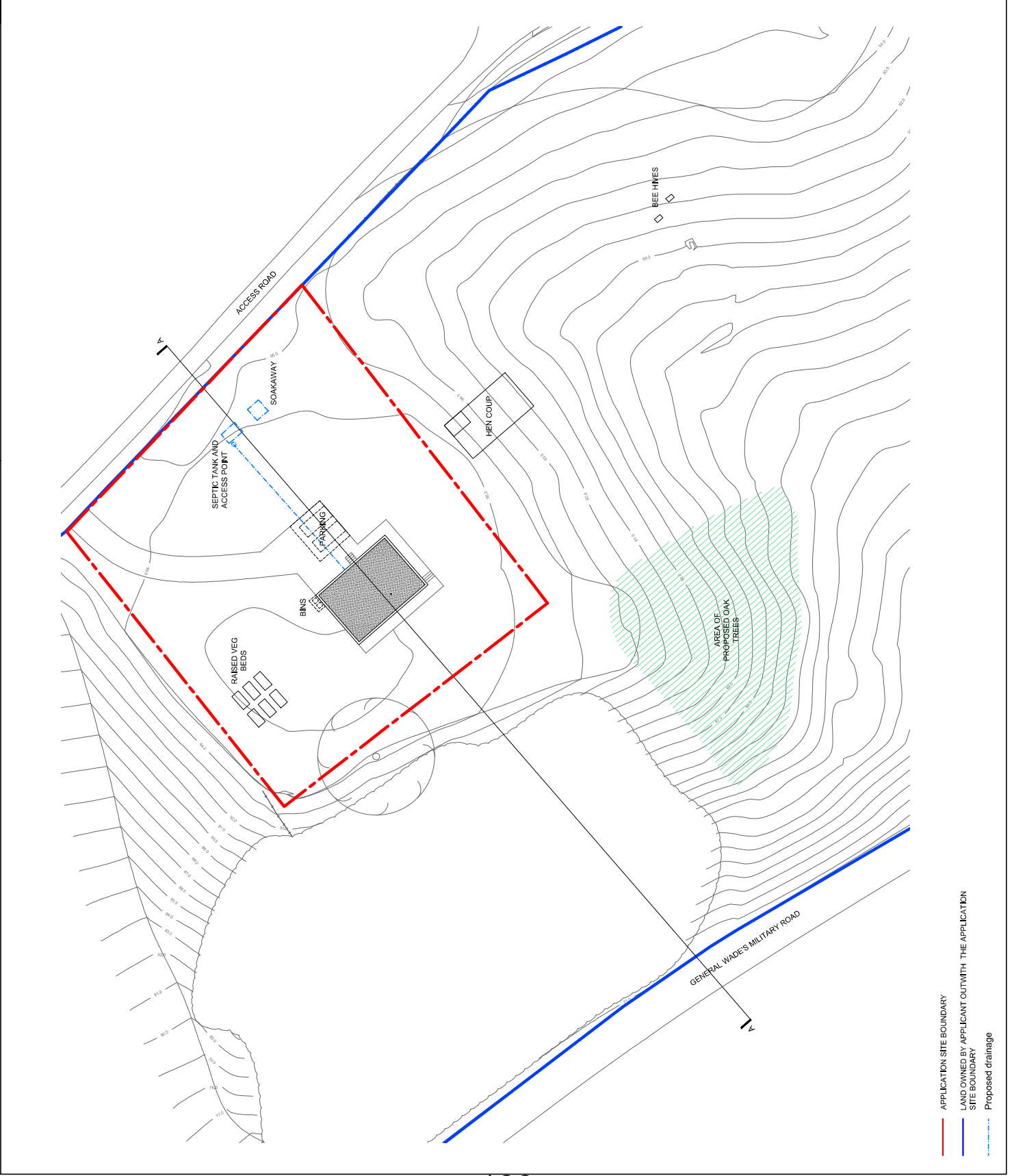
**By:** YS **Status:** PLANNING

**Checked:** IM **Approved:** IM

**Drawing Number**  
**2101\_PL02**

**Rev**

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Client  
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Project  
**CROFT WOOD  
 PITLOCHRY**

Drawing Title  
**PROPOSED NORTH WEST  
 ELEVATION**

Scale Bar North  
 0.5m 1.0m 1.5m 2m 2.5m

Scale: 1:50@A3 Date: 19/07/21  
 By: YS Status: PLANNING  
 Checked: IM Approved: IM

Drawing Number  
**2101\_PL07**

Rev  
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Client  
**MR STEPHEN LAVERY**

Project  
**CROFT WOOD  
 PITLOCHRY**

Drawing Title  
**PROPOSED SOUTH EAST  
 ELEVATION**

Scale Bar North  
 0.5m 1.0m 1.5m 2m 2.5m

Scale: 1:50@A3 Date: 19/07/21  
 By: YS Status: **PLANNING**  
 Checked: IM Approved: IM

Drawing Number  
**2101\_PL08**  
 Rev  
**A**





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Client  
**MR STEPHEN LAVERY**

Project  
**CROFT WOOD  
 PITLOCHRY**

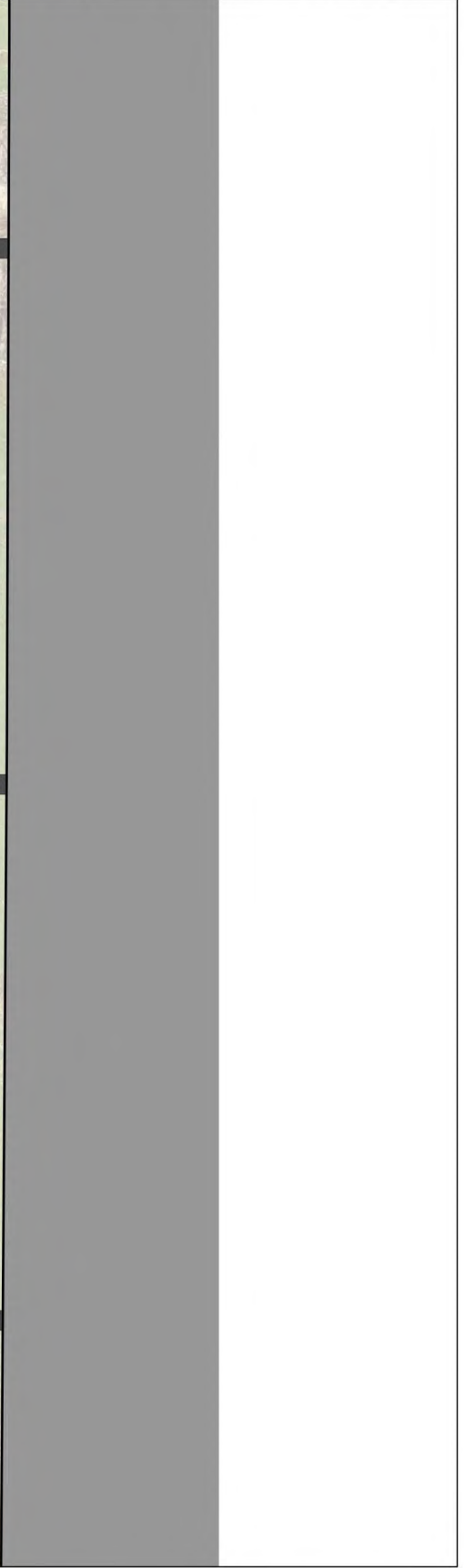
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**PROPOSED SOUTH WEST  
 ELEVATION**

Scale Bar North



Scale: **1:50@A3** Date: **19/07/21**  
 By: **YS** Status: **PLANNING**  
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Drawing Number	Rev
<b>2101_PL06</b>	<b>A</b>



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Client

**MR STEPHEN LAVERY**

Project

**CROFT WOOD**

**PITLOCHRY**

Drawing Title

**PROPOSED GROUND FLOOR PLAN**

Scale Bar



North

Scale: 1:50@A3 Date: 12/01/22

By: YS Status: **PLANNING**

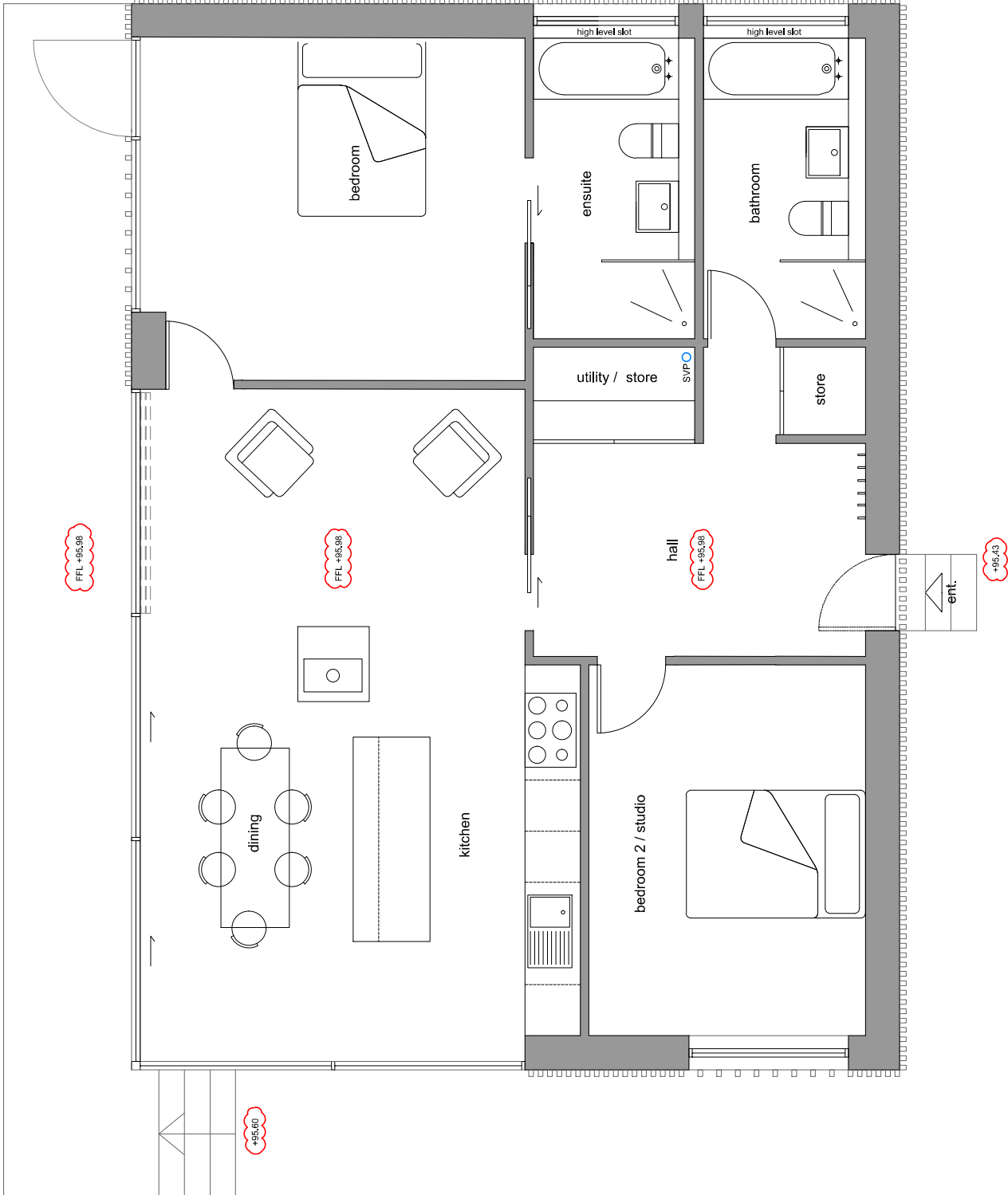
Checked: IM Approved: IM

Drawing Number

**2102\_PL03**

Rev

**B**



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Client

**MR STEPHEN LAVERY**

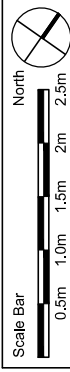
Project

**CROFT WOOD**

**PITLOCHRY**

Drawing Title

**PROPOSED ROOF PLAN**



Scale: 1:50@A3 Date: 19/07/21

By: YS Status: PLANNING

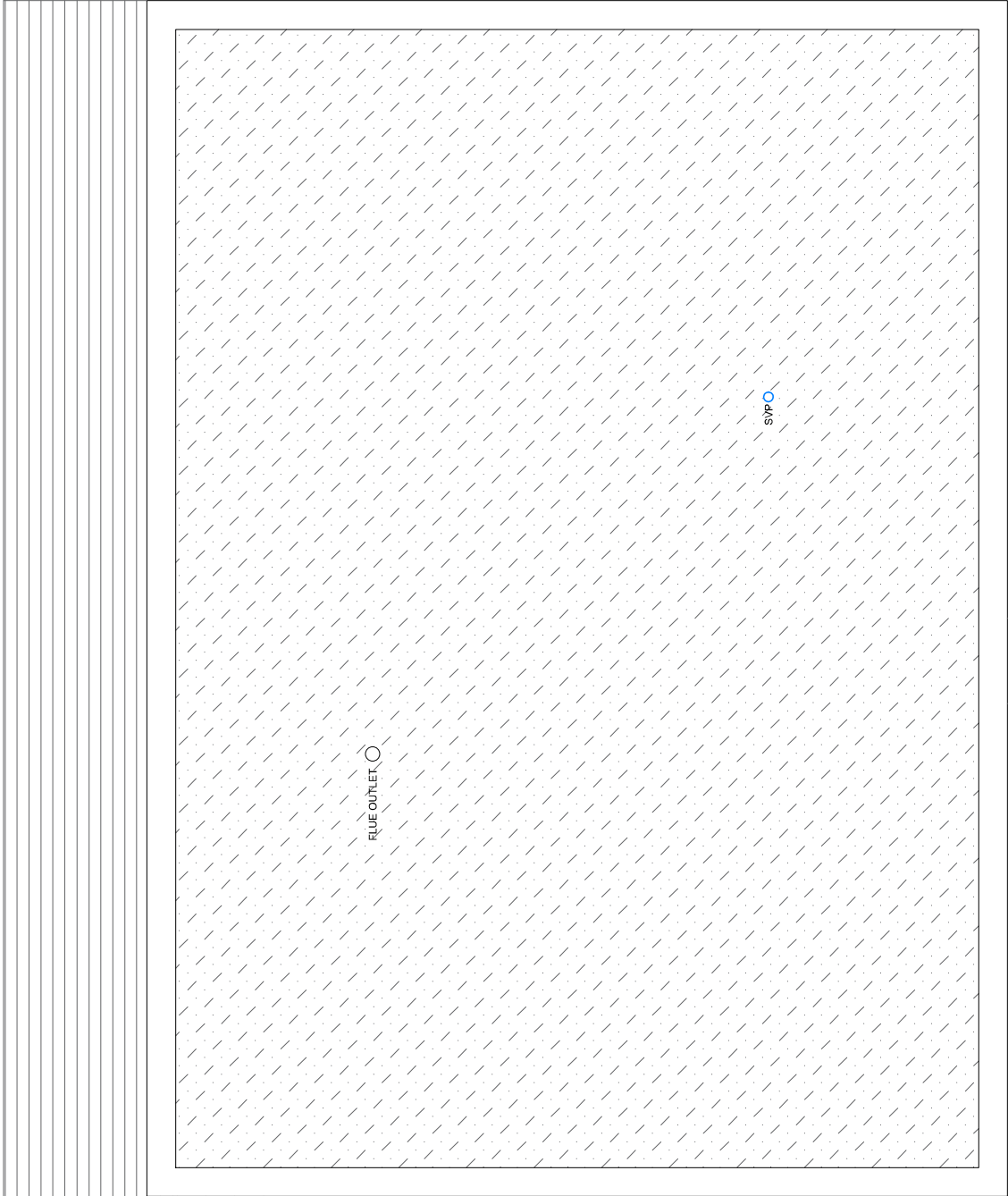
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Drawing Number

**2101\_PL04**

Rev

**A**






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Client

**MR STEPHEN LAVERY**

Project

**CROFT WOOD  
PITLOCHRY**

Drawing Title

**PROPOSED SECTION A-A**

Scale Bar



Scale: 1:100@A3 Date: 19/07/21

By: YS Status: **PLANNING**

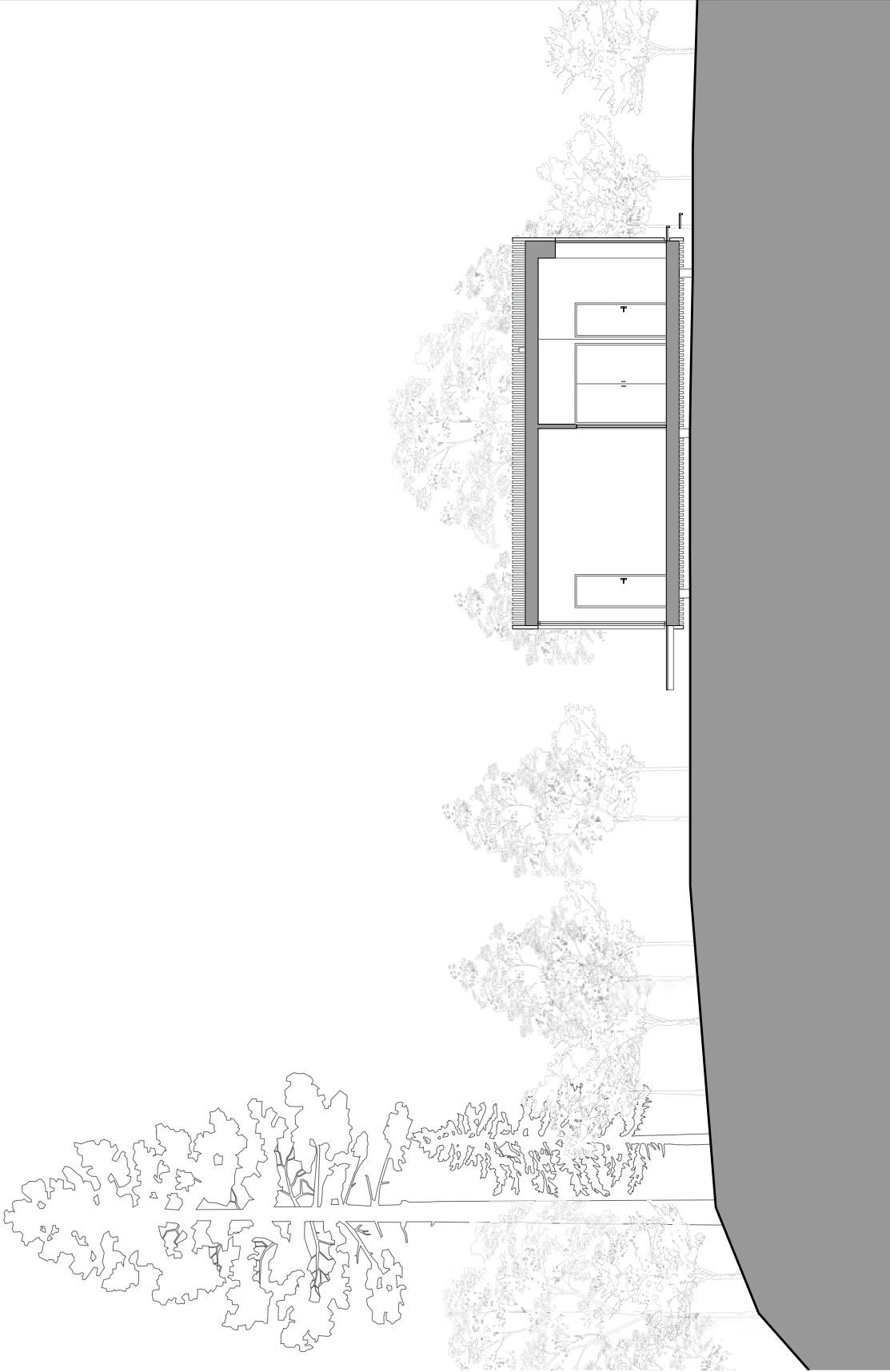
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Drawing Number

**2101\_PL09**

Rev

**A**









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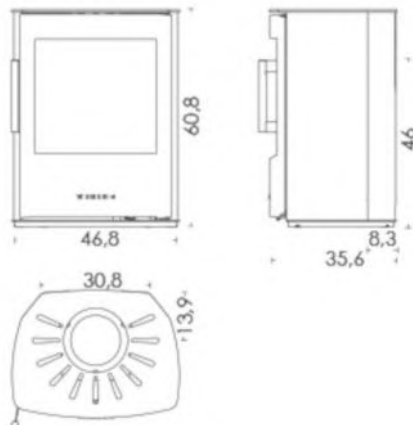
# WIKING Mini 2 on a plinth

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Welcome to WIKING Mini 2, the newest and to date smallest member of the family.

WIKING Mini 2 offers four beautiful variants – two on legs in different heights, wall mounted and one on a plinth.

Even though the WIKING Mini 2 is the smaller than our other WIKING-models, we have made no compromise on either burn technique, quality or environmental standards



## Data

Energy efficiency class WIKING®Automatic™	
Operating range	3-7 kW
Nominal output	4,5 kW
Net efficiency 83%	83%
Flue outlet, Ø 125 or Ø 150 mm	5"/6"
Combustion chamber width front/rear	35/32 cm
Chimney draught, min.	12 Pa
Connection from floor to topoutlet, plinth	56,9 cm
Connection from floor to topoutlet, low legs	61,3 cm
Connection from floor to topoutlet, high legs	79,3 cm
Connection from lower edge of stove to topoutlet, wall mounted	55,0 cm



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Distance to combustible material	
Rear/Side	12,5/32,5 cm
Distance from furniture, front	100 cm
If placed in corner, 45°	7,5 cm
Above combustible flooring	22 cm
Weight	
Weight without plinth/legs	71,2 kg
Weight with a plinth	72,1 kg
Weight with low legs	72,0 kg
Weight with high legs	73,5 kg

#### Approvals

- EN 13240 (Europe)
- NS 3058/3059 (Norway)
- Art. 15a (Austria)
- DEFRA (England)
- HETAS (England)

#### Options

- Flue outlet top or rear
- Colour: black
- Combustion air kit (rear/floor connection, (Ø100mm), when fitted with plinth, air can only be taken through the floor.
- On a plinth, with low or high legs



#### Contact

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 Nydamsvej 53  
 DK-8362 Hørning  
 Denmark

[info@hwam.com](mailto:info@hwam.com)

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**ERECTION OF A HOUSE  
ON LAND 400 METRES  
SOUTH EAST OF  
HAUGH COTTAGES,  
EAST HAUGH  
PLANNING POLICY  
STATEMENT**

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## Table of Contents

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## 1.0 Introduction

- 1.1 This supporting planning statement should be read in conjunction with a detailed planning application that has been submitted to Perth & Kinross Council on behalf of Mr Stephen Lavery.
- 1.2 The application seeks permission to erect a sustainable low impact dwelling house to facilitate the ongoing management of the wider woodland (Croft Wood).
- 1.3 The site is located on the north eastern side of the A9 and River Tummel and sits between Ballinluig to the south and Pitlochry to the north.
- 1.4 This planning application has been submitted as a 'local application' under the Town & Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

## 2.0 Planning History

- 2.1 This planning application follows on from the refusal of a previous similar application (21/01218/FLL) in September 2021.
- 2.2 Following the receipt of the refusal notice the applicant appointed Bidwells to review the reasons for refusal. Accordingly, rather than taking the decision straight to the Local Review Body for review, this resubmitted planning application is for a development of the same character and description but also includes additional supporting information and reports all aimed at specifically addressing those previous reasons for refusal.
- 2.3 The reasons for refusal of the previous application can be summarised as follows;
- Contrary to the council's housing in the countryside policy and supplementary guidance;
  - Insufficient information provided in respect of the location of a badger sett;
  - Insufficient information provided with regards to tree protection;
  - Proposal is not in keeping with the character and amenity of the area and would detract from the qualities of the Ancient Woodland.
- 2.4 In direct response to those reasons for refusal, the following new information is therefore presented with this revised application;
- This supporting planning policy statement which provides an overview of the relevant policy considerations including material considerations and assessment against the previous consultee responses and reasons for refusal;
  - Additional supporting information regarding the siting of the raised beds, bee hives and poultry pens within the curtilage,

- Further information on the growing of vegetables within a woodland environment,
- Additional compensatory oak tree planting within the applicant's ownership at Croft Wood;
- Amended site layout plan that clearly identifies all the above; and
- Ecological Survey Addendum Report (ESAR) and Annex dated 15 November 2021 which provide further information and assessment on the perceived impact on the Ancient Woodland, ground disturbance, a suitable tree protection plan and further detail on the location of the badger setts and the mitigation proposed.

## 3.0 Planning Policy

### National Policy and Guidance

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

### National Planning Framework (NPF)

- 3.2 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities. A replacement NPF4 is expected to be published in draft in Autumn 2021.

### Draft NPF 4 (November 2021)

- 3.3 Draft NPF4 was published on 10 November 2021 and now incorporates 35 universal Scottish Planning Policies (up until now this has always been a separate document (SPP) with some of the key policy areas being:
- Policy 2: Climate emergency – all development proposals will be required to give significant weight to the global climate emergency;
  - Policy 3: Nature crisis – Development plans and development proposals of any scale should facilitate biodiversity enhancement (although no specific targets are set);
  - Policy 8: Infrastructure First - LDP's and delivery programmes will need to align with relevant infrastructure plans and policies including National Transport Strategy;
  - Policy 19: Green energy – recognises that a wide range of renewable technologies are capable of delivering significant reduction in carbon emissions.
  - Policy 31: Rural Places – encouragement to development that helps to support, sustain and grow rural areas and stimulate a greener, fairer and more inclusive wellbeing economy including rural housing outwith more accessible or pressurised rural areas;
  - Policy 34: Trees, Woodland and Forestry – support for expansion of woodland cover and protection to existing woodland.

- 3.4 The draft is available for consultation until 31<sup>st</sup> March 2022 and is expected to be finalised and approved by Scottish Parliament during Summer 2022 when it is also expected to be accompanied by a delivery programme.

## Scottish Planning Policy 2014

- 3.5 Scottish Planning Policy (SPP) was originally published in June 2014 and later updated in December 2020, however in a decision issued by the Court of Session in July 2021 it was ruled that the Scottish Government's consultation process on the updated version had been unlawful. SPP 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.
- 3.6 The following sections of the SPP are of importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74-83
- 3.7 SPP is an important material consideration as it predates adoption of the Local Development Plan. Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.8 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that '*plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.*'
- 3.9 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character.

## Scottish Government Advice – Creating Places and Planning Advice Note 72

- 3.10 The Scottish Government advice contained with Creating Places was published in 2013 and is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.
- 3.11 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but is an important material consideration as it highlights the opportunities that exist from

the changing circumstances created by the rise in the number of people wishing to live in the countryside.

- 3.12 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'* The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*
- 3.13 The council's Supplementary Guidance on Housing in the Countryside acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

## 4.0 Development Plan

- 4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2 (LDP2) (adopted November 2019).
- 4.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application and these are set out in more detail in sections 3.
- 4.4 The principle of erecting a house on this site is required to be considered under the terms of Policy 19 in LDP2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the open countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.
- 4.5 This proposal requires to be considered under the terms of Section 3 on 'new houses in the open countryside' of Policy 19 within LDP2 and the associated Supplementary Guidance in respect of category 3.5 – houses for sustainable living.
- 4.6 Policy 1 Placemaking of the LDP2 also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place.
- 4.7 The Development Plan policy position covering this site is therefore up to date and relevant. Having regard to the provisions of the development plan the main policy considerations raised by the proposal are considered to be;



- Whether the proposal can be considered compatible with the council's housing in the countryside policy in compliance with Policy 19 of the LDP2 and the council's associated Supplementary Guidance on Housing in the Countryside which was adopted in March 2020;
- Whether the proposed design and layout respects the landscape, character, and amenity of the area in accordance with Policy 1A - Placemaking of the LDP2 and the council's associated Supplementary Guidance on Placemaking adopted in March 2020; and
- Whether the proposed development addresses the requirements of Policy 41 (Biodiversity) and Policy 40B (Forestry, Woodland and Trees) within LDP2.

## 5.0 Planning Assessment

5.1 Policy 19 in LDP2 states that the Council '*will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:*

*(1) building groups;*

*(2) infill sites;*

*(3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;*

*(4) renovation or replacement of houses;*

*(5) conversion or replacement of redundant non-domestic buildings;*

*(6) development on rural brownfield land.*

*Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs. Applications shall be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.'*

5.2 Under the houses for sustainable living (category 3) of the policy, the council's supplementary guidance (category 3.5) confirms that;

*'Proposals for a new house under this category are about more than the building itself. Sustainable living is a lifestyle approach where a person or household seek to reduce their carbon footprint by changing the ways in which they use energy and natural resources.*

*To be acceptable under this category it must firstly be demonstrated that a new house in a rural setting is essential as an integral part of an overall scheme for the management or use of land which will allow its occupants to be largely self-sufficient. Whilst there are some everyday goods which cannot be produced locally, proposals must include the cultivation of land to produce crops and rear livestock at a scale so as to ensure that the household will not be dependent on car travel elsewhere in order to meet the majority of their basic food shopping needs.*

*Proposals under this category will be for one-off, bespoke single houses which are at the forefront of sustainability. They will be low impact in terms of their scale, construction materials*

*and methods, and sources of energy and heating. The use of renewable technologies such as solar panels, ground and air source heat pumps, and passive heating are now common place. To be acceptable under this category therefore, it must be demonstrated that the proposals go beyond those technologies which are widely available, and instead include new or innovative elements which are over and above what is already expected in modern building projects.*

*Detailed plans and full information are essential to making an informed assessment as to whether the proposal can be classed as a house for sustainable living. As such, applications in principle will not normally be acceptable under this category.'*

- 5.3 When assessing the main policy criteria, the previous application was accompanied by a Design Statement and a Compliance Statement providing further information on the sustainable living and lifestyle approach proposed by the applicant.
- 5.4 The supporting information also highlights that the applicant would manage the wider 5.0 hectares of woodland 'Croft Woods' on a full time basis. The applicant is a qualified forester and expert in woodland management and would be able to sustain their basic needs through the growing of vegetables in beds, and the keeping of bees and poultry and further information is provided in support of this application and on the site layout plan.
- 5.5 In terms of impact on the landscape and the general character and visual amenity of the area, Policy 1A – Placemaking states that *'Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.'*
- 5.6 Policy 1B also states that all proposals should meet all the following placemaking criteria:
- (a) *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
  - (b) *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
  - (c) *The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
  - (d) *Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
  - (e) *All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
  - (f) *Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*
  - (g) *Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

- 5.7 The proposed house has been designed to be sustainable in terms of its scale, construction materials and methods of energy use and heating. The house would be built to Passivhaus standards and utilise an MVHR system to distribute heat. Triple glazing is proposed and a PHPP calculation will inform the precise specification of glazing and insulation. As well as having a living roof, the house would be elevated off the ground and thermally broken at floor plate level to minimise any opportunity for cold bridging from ground level.
- 5.8 The proposed high quality contemporary designed house would also be of low impact in a visual sense to fully respect its woodland setting and the landscape character of the area. The detailed design, finishes and materials, siting of the development, respect for the site topography and the woodland floor, landscape and woodland protection and enhancement, and protection of the character and amenity of the wider surroundings, all contribute to help define a proper setting and as such the proposal contributes positively to the quality of the surrounding natural environment and is able to achieve compliance with all of the relevant criteria of Policy 1 of LDP2.
- 5.9 As noted earlier a number of issues were raised in response to the initial Ecological Survey Report (ESR) concerning Policy 40B and 41 in LDP2. The ESAR and Appendices that accompany this revised application have therefore been prepared with the aim of addressing the specific issues previously raised by the Tree and Biodiversity Officer at PKC.
- 5.10 A key point raised by the Tree & Biodiversity officer and which then fed through into reason for refusal no.4, was that the proposal was considered to be detrimental to the Ancient Woodland covering the site. The issue of the Ancient Woodland status for the whole wood in the ownership of the applicant was assessed in some detail in the original ESR (August 2021). As noted in the ESAR an accepted definition of Ancient Woodland in Scotland presupposes a continuity of woodland cover since 1750. Through several sources including historical maps, aerial photographs and ground survey from the Native Woodland Survey of Scotland (NWSS), the proposed development site has not been continuously wooded. It is almost certainly a secondary Upland Birchwood (confirmed by NWSS) and cannot therefore be set against Policy 40 and its presumption in relation to Ancient Woodland. It is recognised that the area further to the north and west of the development site is consistent with the Ancient Woodland designation but due to its differing historical land use, the site area and the woodland at the eastern end has a tree cover of young suppressed, pole stage birch. The development site is therefore not an established area of Ancient Woodland as previously described in the consultation response to the earlier planning application. Rather it forms part of a woodland mosaic that includes areas (outwith the development footprint) considered to be of ancient origin where the presence of veteran oaks and Ancient Woodland indicators in the ground layer noted in the field survey is a good indicator of this status.
- 5.11 As further noted in the ESAR, only 0.008% of the total woodland area in Croft Wood is affected by the proposed development. The volume of removals has been measured and is estimated to be the equivalent of 3 large bags of firewood. The significance of potential impacts on the overall wood (number/age of trees felled and area of proposal) is therefore judged to be very minimal and thus an extremely low ecological impact. In fact, the improved woodland management regime and full time husbandry will almost certainly provide an improvement in the overall ecological value of the woodland.
- 5.12 Annex 1 and Annex 2 in the ESAR provide a detailed tree survey and associated plans covering the site. The siting for the development utilises an existing access which also helps to minimise the tree removal required which is in part already covered by an existing felling licence. Of the 22

trees proposed to be removed (12 would be removed through normal thinning operations and 2 already have root issues and present a safety risk). The proposed tree removal would therefore be more than compensated by the 25 new oak trees (seeds gathered from Croft Wood itself) that are to be planted to the south of the proposed house site on areas of open grounds within the wood, currently occupied by bracken, as shown on the revised plans accompanying this application.

- 5.13 Ground disturbance had also been raised as an issue that might adversely impact on the woodland. As noted above the proposal accounts for 0.008% of the total wood so the scope for disturbance is limited to a very small area and the nature of the design and construction is such that no heavy equipment would be required other than normal agricultural machinery and a small scale excavator. The proposed design also ensures that the proposed house would be elevated slightly above the existing woodland floor to minimise ground works.
- 5.14 Annex 3 in the ESAR also identifies the 11 trees that require protection on the site during construction and table 2 sets out the recommended management (stem or root protection measures) that would be required, with Annex 4 providing further details of the proposed ground protection systems to be employed.
- 5.15 Due to the nature of the proposal and its setting there is no proposal to form a conventional domestic garden or defined curtilage and the aim is to retain the existing woodland cover. The raised beds will reduce the risk of the spread of non-natives to the wider woodland. Planning conditions can be used to ensure that no domestic fences, walls, hedges etc are formed and if required they could also be used to remove permitted development rights to prevent any domestic scale outbuildings from being erected without planning permission being sought first.
- 5.16 The ESAR also clearly identifies the badger sett locations in the vicinity of the site following two further surveys. The plan at Annex 5 shows the badger sett entrances relative to the proposed site boundary although none of them were found to be active. Notwithstanding that, Annex 6 in the ESAR then sets out the detailed description of the mitigation measures proposed to protect and minimise disturbance to badgers and their setts, should there ever be any activity in the future.

## 6.0 Conclusions

- 6.1 The Development Plan policy position covering this site is up to date and relevant.
- 6.2 Having regard to the provisions of the development plan, the proposed revised plans, the additional supporting information and reports that accompany this application and the assessment against Development Plan policy as set out above, the proposal is considered to be;
- Complaint with the council's housing in the countryside policy Policy 19 of the LDP2 and the council's associated Supplementary Guidance on Housing in the Countryside which was adopted in March 2020;
  - The proposed high quality design and layout respects the landscape, character, and amenity of the area in accordance with Policy 1A - Placemaking of the LDP2 and the council's associated Supplementary Guidance on Placemaking adopted in March 2020; and

- Subject to the mitigation outlined in the ESAR and appropriately worded conditions, the proposed development addresses the requirements of Policy 41 (Biodiversity) and Policy 40B (Forestry, Woodland and Trees) within LDP2.

6.3 This revised planning application has therefore addressed each of the reasons for refusal of the earlier planning application in that;

- The proposal has been shown to be consistent with the council's housing in the countryside policy and supplementary guidance;
- Sufficient information has now been provided in respect of the location of badger setts and details of appropriate mitigation put forward;
- Sufficient information has also been provided with regards to tree protection;
- The ESAR along with the amended site layout plan, compensatory oak tree planting, and any appropriately worded conditions that would prevent a typical domestic curtilage from being created, provide further evidence to show that the proposal is in keeping with the character and amenity of the area and would not detract from the qualities of the Ancient Woodland.

6.4 The proposal is also consistent with the Scottish Government's stated aim of promoting appropriate rural development within the countryside as set out in SPP, draft NPF4 and is also considered appropriate to its setting and location (in accordance with Creating Places and PAN 72).

6.5 Accordingly, the council are requested to approve the application subject to any conditions that may be considered necessary and appropriate.



## **POLICY 19 ' HOUSING IN THE COUNTRYSIDE' COMPLIANCE STATEMENT**

In support of Application for Planning Permission for:

**21/01218/FLL – Erection of a dwelling house on land 400metres SE of Haugh Cottages, East Haugh.**

**August'21**

### **PURPOSE**

The purpose of this statement is to provide information to support a planning application for the erection of a dwelling house in Croft Wood, near Pitlochry.

This statement is to be read in conjunction with all submitted information and specifically the previously submitted Design and Access statement.

To prepare this document we have referred to the supplementary guidance 'Housing in the Countryside Supplementary Guidance, March 2020' by Perth and Kinross Council.

The submitted design for a new dwelling is compliant with LDP2 Policy 19 – Category 3 'New Houses in the Open Countryside' for the following reasons:

### **'A SUCCESSFUL, SUSTAINABLE PLACE'**

- i) Proposals comply with Policy 1: Placemaking and the guiding principles. The proposed building is high quality design that intentionally captures the character and essence of the woodland setting in which it sits. The design is innovative, sustainable and uses materials that are evident in the woods and surrounding areas thus homogenous to its surroundings.
- ii) The building eliminates the need for unsustainable travel patterns as it would allow the applicant and owner/manager of the land to inhabit the site eliminating the need to travel to the site on a daily basis.
- iii) The scale, layout and design of the building is in keeping with the landscape character of the area. This has been achieved by using locally sourced timber cladding to blend in with it's surrounding, creation of a slender 'floating' form and no boundary border treatment is proposed to minimise disruption to the land. The building has a small footprint and low height again supporting the minimal impact approach.
- iv) There are no outbuildings associated with this application.
- v) Any eligibility for Policy 5: infrastructure or developer contribution will be duly honoured by the applicant.
- vi) As this is a one off house there will be no affordable housing allocation.

- vii) A key purpose of this building is to facilitate home working and management of the surrounding land.
- viii) No existing buildings, listed or otherwise, are affected by this proposal.

### **'A LOW CARBON PLACE'**

As the aim is to keep any disturbance of the natural habitat here to a minimum, no timber is to be used from the site itself - no trees, out-with the approved thinning regime are to be felled as a result of this proposal. Locally sourced timber will be sourced to blend in as far as possible with the surrounding woodland. It is proposed however that any small areas of affected groundcover will be retained and laid on the green roof to encourage a natural habitat in keeping with its surroundings.

### **A NATURAL, RESILIENT PLACE:**

Please refer to enclosed Woodland and Ecological Report stating that there will be no meaningful impact on biodiversity on the site or surrounding area.

### **SITING CRITERIA**

- The proposed building blends in seamlessly and sympathetically with the existing land formation. The proposed building is single story, has a flat green roof and is elevated to minimize any visual or physical impact on the forest. This slender, 'floating' horizontal form is influenced and in keeping with the flat area of 'plateau' it occupies.
- The proposed building uses existing trees to provide a backdrop. The building is to be clad in locally sourced Scottish timber to create a natural, textured, timber façade allowing the building to blend in completely to the wooded surroundings. Note the building is entirely clad in timber to the road side and is therefore virtually invisible.
- It uses an identifiable and established site set out by a historic access point (thought to be used by previous farm development immediately adjacent to the site) and flat 'plateau' area of land within an undulating site.
- It will make a largely invisible but positive contribution to the surrounding landscape. The proposed building is of high quality design however has been designed sympathetically so as to essentially disappear in the woodland setting. It will have a positive influence as it enables the ongoing management of the surrounding woodland.



## **COMPLIANCE WITH 'CATEGORY 3 - 3.5 HOUSES FOR SUSTAINABLE LIVING'**

- The applicant and owner of the site is an experienced professional forester and currently manages the circa. 5 ha. woodland. The proposed dwelling is to enable this management process to be continued as daily travel to the woodland is unsustainable in terms of carbon expenditure and time available.
- It is proposed the occupant will be largely self-sufficient through the implementation of some raised beds for the cultivation of crops and some small livestock pens. This will mean the household is not be dependent on car travel to meet the majority of basic shopping needs.
- It is proposed that rather than be detrimental to the woodland setting, the development will therefore benefit the immediate surroundings by accommodating the ongoing management of the surrounding woods.
- The design of the building is high quality and contemporary and is small scale.

### **LOW IMPACT, SUSTAINABLE TECHNOLOGIES:**

The proposed house is to be built to Passivhaus standards in that it will be over-insulated, benefit from solar gain and utilise an MVHR system to distribute heat. A PHPP calculation will inform the precise specification of glazing and insulation.

Triple glazing is to be installed throughout.

A living roof is to be installed to allow natural decomposition of falling leaves. Sedum is to be provided during construction however, naturally occurring mosses, lichen and insect life will be encouraged to inhabit the roof essentially creating an elevated forest floor.

The house is to be elevated off the ground and thermally broken at floor plate level to minimise any opportunity for cold-bridging from ground level.

Given the above, we propose the application is in line with the spirit of Policy 19, Section 3 of the council's 'Housing in the Countryside Policies'.





# DESIGN STATEMENT PLANNING

Proposal for new small sustainable dwelling at  
Croft Wood, Pitlochry

June '21



STUDIO IMA



# INTRODUCTION



## PURPOSE:

THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE BACKGROUND INFORMATION AND PRESENT DESIGN PROPOSALS FOR A SMALL SCALE RESIDENTIAL DEVELOPMENT ON THE APPLICANT'S SELF MANAGED WOODLAND AT CROFT WOOD, NEAR PITLOCHRY.

## SCOPE:

SITE ANALYSIS AND HISTORY

GENERAL CONSIDERATION OF SITE LOCATION

DESIGN

PRECEDENT

DEVELOPMENT GUIDELINES

DELIVERABILITY

## KEY ASPIRATIONS:

- THE APPLICANT WISHES TO REALISE A HIGH QUALITY CONTEMPORARY DEVELOPMENT
- THE APPLICANT WISHES TO DELIVER A LOW IMPACT, SUSTAINABLE DWELLING
- THE APPLICANT WISHES TO HAVE A DWELLING ON SITE TO FACILITATE THE ONGOING MANAGEMENT OF THE WOODLAND



# SITE ANALYSIS - KEY POINTS

## WIDER AREA:

- THE SITE LIES AROUND 2 MILES SOUTH EAST OF PITLOCHRY NR THE SETTLEMENT OF TOMNBRACK
- SITE IS WITHIN 'CROFT WOODS' - A 5.0 HA WOODLAND WHICH THE APPLICANT MANAGES. IT SHOULD BE NOTED THE APPLICANT IS A FORESTER AND EXPERT IN WOODLAND MANAGEMENT
- SITE IS TOWARD THE SOUTH EAST POINT OF THE WOODS AS CLOSE IS REASONABLY PRACTICABLE TO AN EXISTING BUILDING GROUP
- GIVEN THE LOW DENSITY NATURE OF THE SITE THERE IS NO ONE PARTICULAR DOMINANT ARCHITECTURAL STYLE IN THE IMMEDIATE VICINITY
- NEARBY HOUSES ARE GENERALLY 2 STOREY FAMILY DWELLINGS WITH PITCHED SLATE ROOVES AND WELL MAINTAINED MANICURED GARDEN CURTILAGE
- PREDOMINANT MATERIALS: EXPOSED RUBBLE, DRESSED STONE, PAINTED STONE, SLATE AND PAN TILE ROOVES

## IMMEDIATE:

- SITE IS AROUND 32 METRES FROM ADJACENT ROADSIDE. ROAD IS A MINOR 'C' ROAD.
- SITE IS WITHIN WOODLAND HOWEVER NO MATURE TREES ARE TO BE AFFECTED BY PROPOSALS. 3 OR 4 YOUNG WILD SEEDED BIRCH TREES WILL BE REMOVED WHOLLY IN LINE WITH GOOD WOODLAND MANAGEMENT PRACTISE.
- NATURAL VEGETATIVE GROUND COVER. PROPOSED DEVELOPMENT IS TO BE WHOLLY ELEVATED ABOVE GROUND LEVEL TO MINIMISE IMPACT TO EXISTING GROUND.
- SITE IS AROUND 2350 SQM IN FOOTPRINT AND THE BUILDING IS AROUND 112 SQM IN FOOTPRINT
- THERE IS UNDULATING TOPOGRAPHY WITHIN THE WOOD HOWEVER THE SITE ITSELF IS ON A RELATIVELY LEVEL 'PLATEAU':
- NO CHANGE IN LOCATION IS PROPOSED TO EXISTING VEHICULAR ACCESS POINT







View looking from south west

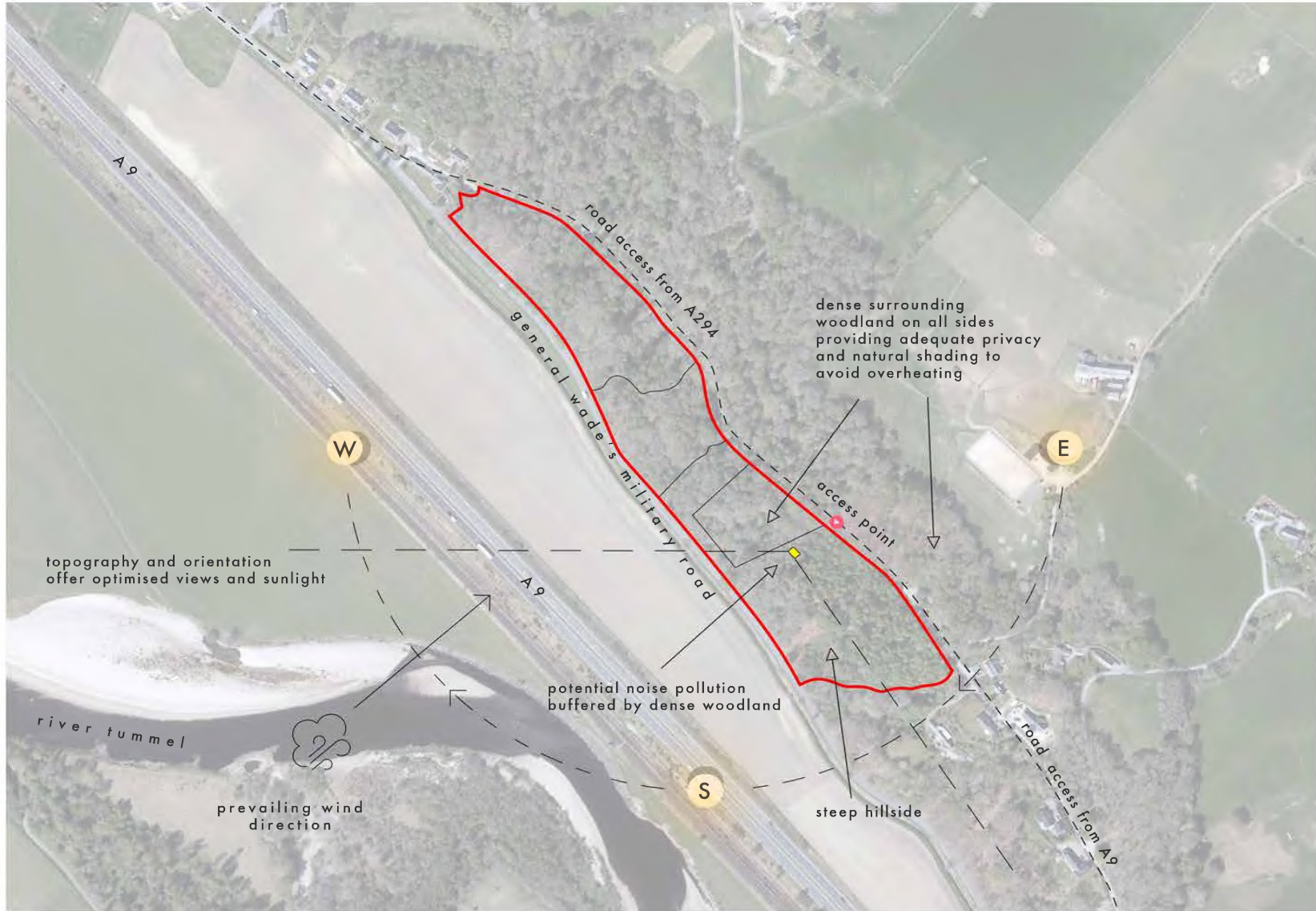


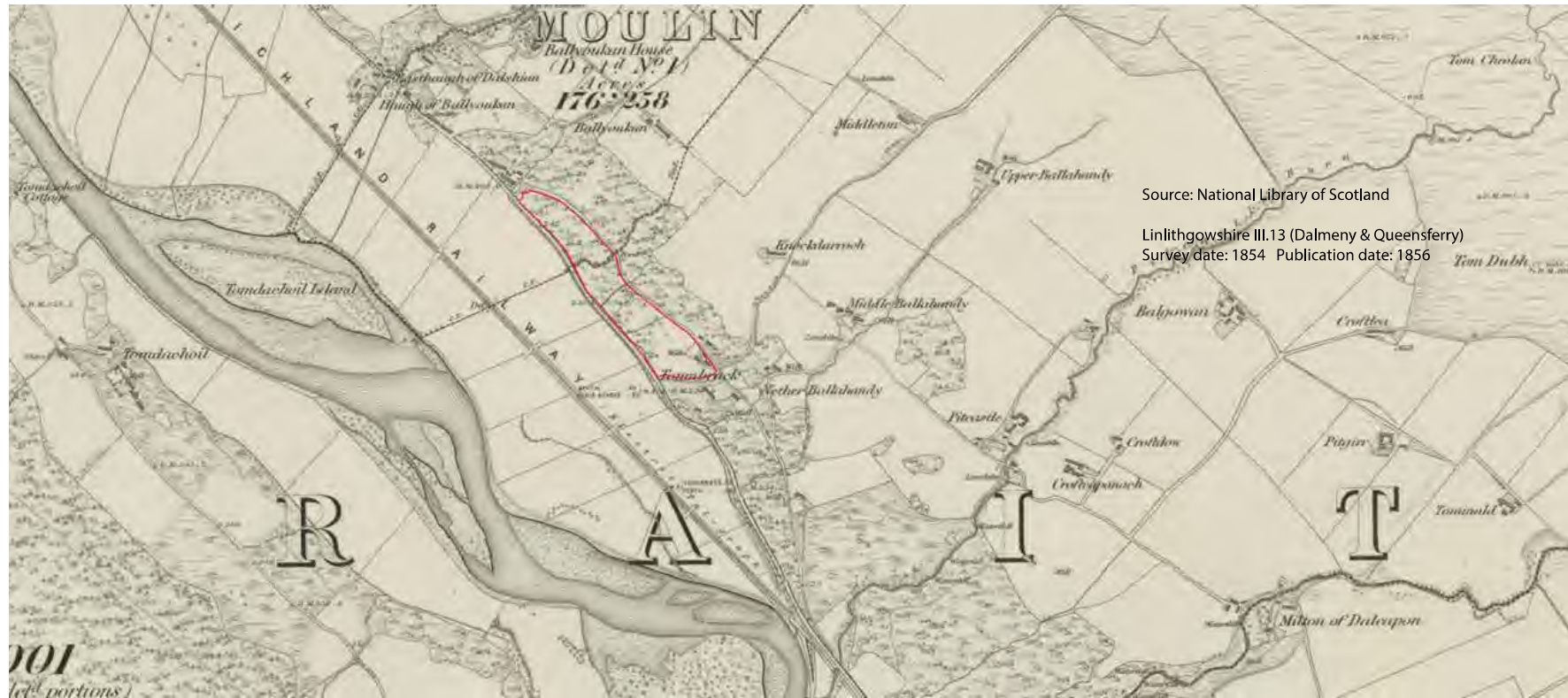
View looking west toward site



Existing landrover access







HISTORIC MAP CLEARLY SHOWING HISTORIC LOW DENSITY, SPORADIC, RESIDENTIAL DEVELOPMENT THAT HAS GROWN INCREMENTALLY OVER TIME.





## PROPOSAL - GROUND FLOOR LAYOUT:

- PROPOSED BUILDING LARGELY INVISIBLE FROM ROAD TO NORTH EAST AND WHOLLY INVISIBLE FROM ROAD TO SOUTH WEST

- BUILDING OPENS UP TO THE SOUTH WEST, OPTIMISING ORIENTATION TOWARD VIEWS AND MAXIMISE HOURS IN DIRECT SUNLIGHT (ALTHOUGH DAPPLED THROUGH THE FOREST CANOPY PREVENTING OVERHEATING)

- SUSTAINABLE MATERIALS AND HIGH ENERGY EFFICIENCY IS PROPOSED TO ACHIEVE A TRUE SUSTAINABLE DWELLING

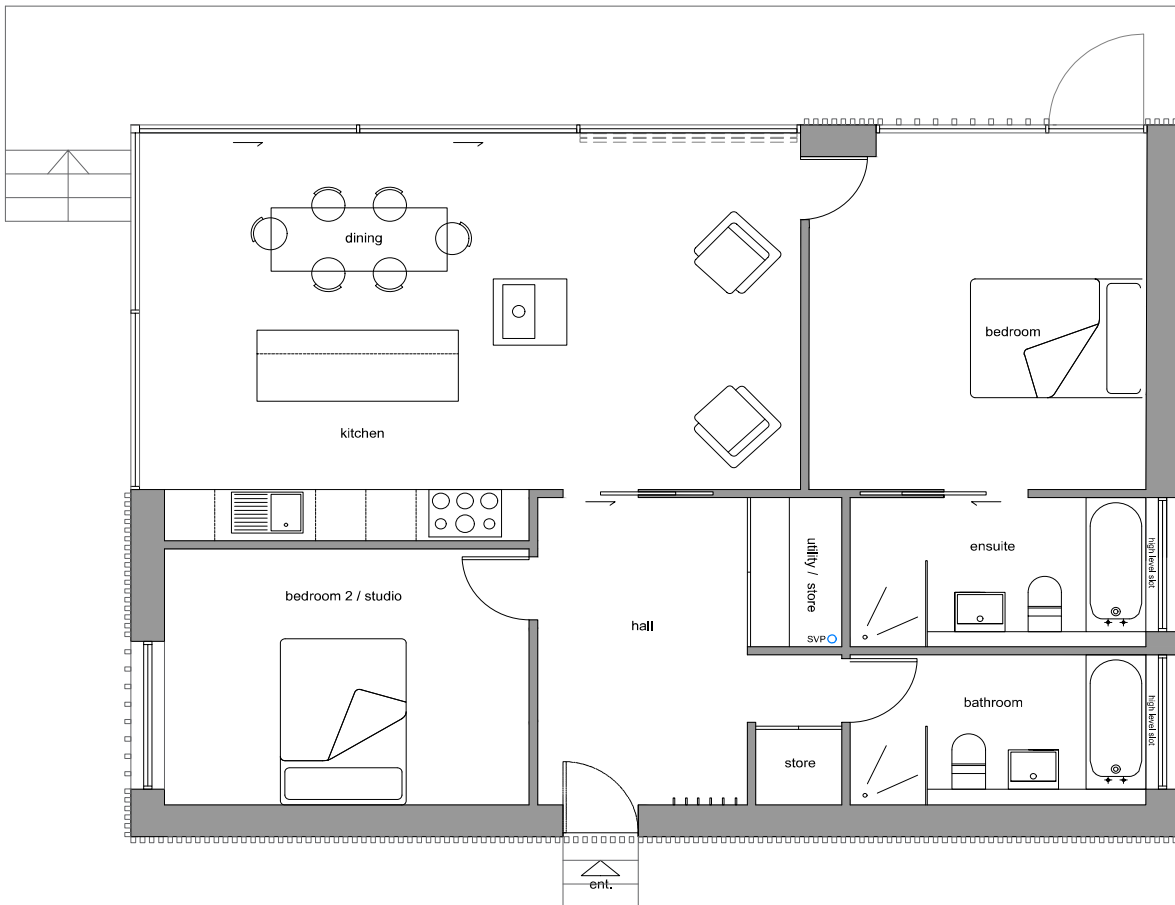
- AN EXTERNAL DECKING AREA TO THE SOUTH WEST SIDE IS PROPOSED

- BUILDING IS TO BE ELEVATED AROUND 600MM FROM EXISTING WOODLAND FLOOR TO MINIMISE IMPACT ON EXISTING VEGETATION AND WILDLIFE

- CLADDING MATERIAL HAS BEEN CAREFULLY CONSIDERED TO TIE IN WITH SURROUNDING WOODLAND

- A SUSTAINABLE DWELLING IS PROPOSED AND THE INHABITANT WILL HAVE VEGETABLE BEDS IMMEDIATELY ADJACENT FOR MAXIMUM SELF SUFFICIENCY

- PROPOSED DWELLING IS SINGLE STOREY WITH A FLAT ROOF TO MINIMISE VISUAL IMPACT AND ACCOMMODATE A GREEN ROOF WHICH WILL ENCOURAGE NATURAL DECOMPOSITION OF FALLING LEAVES



## KEY DESIGN ASPIRATIONS:

- MODEST FOOTPRINT, HIDDEN LOCATION, AND LOW OVERALL HEIGHT TO MINIMISE VISUAL AND PHYSICAL IMPACT ON FOREST
- CONTEMPORARY 'CLEAN' AND MINIMAL DESIGN PROPOSED
- HIGH QUALITY DESIGN. A BUILDING WITH ARCHITECTURAL MERIT AND DESIGN INTEGRITY BEFITTING OF ITS LOCATION
- DELIBERATELY CONTEMPORARY - NO ATTEMPT AT PASTICHE

## INDICATIVE VIEW FROM SOUTH WEST



(not to scale as presentation printed/distributed in varying formats)



INDICATIVE VIEW FROM NORTH EAST



(not to scale as presentation printed/distributed in varying formats)



## EXPLODED AERIAL VIEW SHOWING INTERNAL LAYOUT



(not to scale as presentation printed/distributed in varying formats)













# OTHER SITE CONSIDERATIONS

## LAND USE ACCEPTABILITY

We suggest that the proposals are in line with LDP2 Policy 19 - Section 3 and associated supplementary guidance of 2020 for the following reasons:

- The applicant and owner of the site is a forester and currently manages the woodland.
- A small residence on the site would directly benefit the overall management of Croft Wood
- The development itself is small and every effort has been taken to ensure minimal impact on the existing bio-diversity, woodland floor and trees.
- It is proposed the occupant will be largely self sufficient through the implementation of some raised beds for the cultivation of a small number of crops and some small livestock pens.
- Although some provisions will likely still come from a supermarket 2 miles to the north in Pitlochry, it is proposed as much sustenance as possible will come from the land.
- Car travel to and from the site will be minimal given the level of self sufficiency being achieved.
- A sustainable living lifestyle is therefore accommodated and encouraged by the construction of this dwelling.
- It is proposed that rather than be detrimental to the woodland setting, the development will therefore benefit the immediate surroundings.

Given the above, we propose the application is in line with the spirit of Policy 19, Section 3 of the council's 'Housing in the Countryside Policies'.

## SITING CONSIDERATIONS

We propose the siting of the new dwelling is in line with 2020 supplementary guidance to Policy 19 of HITCP or the following reasons :

- It blends in seamlessly and sympathetically with the existing land formation.
- It uses existing trees, buildings, slopes or other natural features to provide a backdrop.
- It uses an identifiable site set out by a historic access point and flat 'plateau' area of land within an undulating site.
- It will make a largely invisible but positive contribution to the surrounding landscape.



# STANDARDS FOR HOUSING

It is proposed that the new development would seek to comply as far as possible in all respects with recognised Council standards and guidance for housing development.

## DEVELOPMENT IDENTITY

Designs will seek to create a high quality, robust development appropriate to the context of its environment. Innovative and high quality design solutions will be integral to proposals.

The eventual proposal will seek to maintain a scale and massing which addresses both the rural woodland setting, continues the step down in scale from the properties to the south east and importantly echoes the footprint, mass, and orientation of the nearby sporadic building group at Tomnbrack. As shown, although modest in size, the design achieves the requisite floor area and accommodation to make it a viable project.

It is suggested that, whilst contemporary in style, the design is wholly respectful of established rural form, character and materiality evident in the surrounding area, whilst also creating a building with architectural design integrity that is homogenous and complimentary of its setting.

## RESIDENTIAL AMENITY

Provision of natural light, privacy and general amenity are key considerations. Given its position in the heart of woodland it is suggested that the proposed scheme clearly does not adversely effect any natural light or general amenity to any neighbours or users of the woodland.

# OTHER SITE CONSIDERATIONS

## PARKING STANDARDS

The development will seek to comply with all parking requirements via the provision of 2 no. parking spaces. The access strip and area of hardstanding for parking purposes will be constructed using a 'grasscrete' style product again to enable safe access for a vehicle but minimise any impact on the woodland floor. It is proposed that with a sedum roof and grasscrete a continuous vegetative cover is achieved across the site. It is therefore suggested that the area of woodland floor being disrupted is so small that there will be no detrimental impact on bio-diversity/habitats. The applicant currently manages the land in order to actively encourage a healthy ecosystem in the woods.

## CYCLE STORAGE

Provision for cycle parking will be accommodated on site again encouraging a sustainable lifestyle.

## WASTE MANAGEMENT

The development will seek to comply with all waste management requirements, addressing provision as an integral aspect of the design.

## SERVICES

Research has been undertaken to ensure new services connections could be made readily available to the proposed new development without excessive disruption to the land. In line with the sustainable dwelling policy, renewable technologies, including airtightness, air/ground source will be used where practicable.

## FLOODING

Given the elevated nature and location of the proposed dwelling on a 'plateau' area, it is proposed that there is no risk of flooding to the development.

## CONCLUSION

It is suggested that detailed design of the residential unit could be readily developed to deliver a building capable of being of genuine benefit to the woodland whilst making very minimal impact on the existing community, views or wildlife.

It is proposed that appropriate massing, scale, materiality and form could be achieved to create a high quality innovative building that is respectful and complimentary to its immediate and wider surroundings and can support the sustainable lifestyle desired by the inhabitants.



**Croft Wood, Perthshire.**  
**Woodland & Ecological Survey Report**  
**for proposed dwelling**

August 2021



**Approximate location of proposed dwelling within area composed of pole-stage birch and bracken**

**Document Prepared for the woodland owner, Steve Lavery.**

Report compiled by John Gallacher BSc, CEnv, MCIEEM

Main contact: John Gallacher, Ecologist, Tilhill Forestry Ltd, Unit 1, Duckburn Park, Dunblane, Stirling FK15 0EW [john.gallacher@tilhill.com](mailto:john.gallacher@tilhill.com) 07836 226501

Report date: 10<sup>th</sup> August 2021

## SUMMARY

An ecological survey of circa 6.5 ha of semi-natural broadleaved woodland was undertaken on the 2<sup>nd</sup> of August 2021. The survey comprised the whole woodland area with particular detail on the access to and the footprint of the proposed dwelling house.

The site location is shown on Map 1.

The aim of the survey, to identify any ecological constraints likely to apply to the proposed works, will allow any adverse ecological impacts to be avoided or minimised wherever possible. The site falls close to the River Tummel, a tributary of the River Tay Special Area of Conservation (see Map 6).

The survey identified a mix of semi-natural woodland, planted specimen conifers and areas of *Rhododendron* infestation.

Use of the site by protected species of breeding bird or mammal, i.e. raptors, bats, red squirrel, reptiles, amphibians, otter, water vole, pine marten, and/or badger was also assessed.

No signs of otter or pine marten were recorded although it is considered possible that these species may intermittently utilise the site. Old feeding signs of red squirrel were noted as was an active badger sett. No signs of raptor nests were found. The site was considered unsuitable for water vole and no signs of this species was recorded.

Pole stage birch (circa 50 years old) will require to be thinned/felled (under an existing felling authorisation) to allow for the placement of the proposed dwelling. These are considered to have very low bat potential

Where appropriate, recommendations to avoid potentially negative ecological effects of the proposal upon habitats or species are made. These include pre-operational checks for breeding birds should any works take place during the breeding season (March – August), pre-operational checks for otter, badger, red squirrel and the presence of an ecologist when ground works commence to include monitoring for diffuse pollution.

In conclusion, with the recommendations made above, effects upon habitats and protected species by the proposal are likely to be limited and the local population of each species considered in this report is unlikely to be significantly affected.

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# 1. INTRODUCTION

## 1.1 THE PROPOSED DEVELOPMENT

John Gallacher, Senior Ecologist at Tilhill Forestry, was commissioned by Mr Steve Lavery, the owner of Croft Wood (NN964 557), to undertake an ecological survey to inform a proposal to develop a dwelling within the woodland.

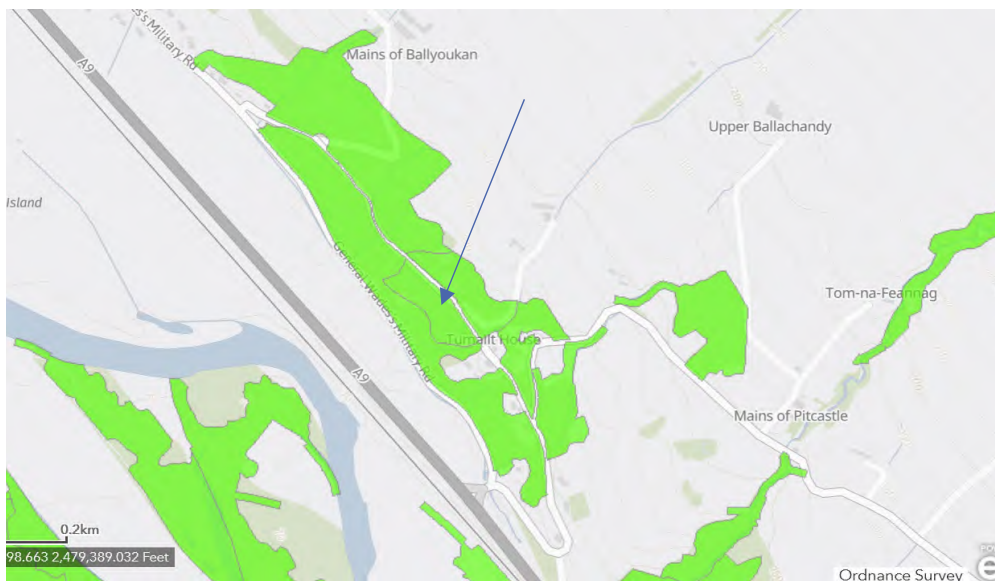
Map 1: Site location.



## 1.2 SITE DESCRIPTION AND HISTORY

Croft Wood was surveyed by the Native Woodland Survey of Scotland which identified two distinct woodland types: mature semi-natural Upland Oakwood and young/pole stage semi-natural Upland Birchwood. The survey of 2<sup>nd</sup> August 2021 confirms these findings.

Map 2: Extract from Native Woodland Survey of Scotland. The arrow shows the polygon of pole-stage birch which coincides with the proposed development site.

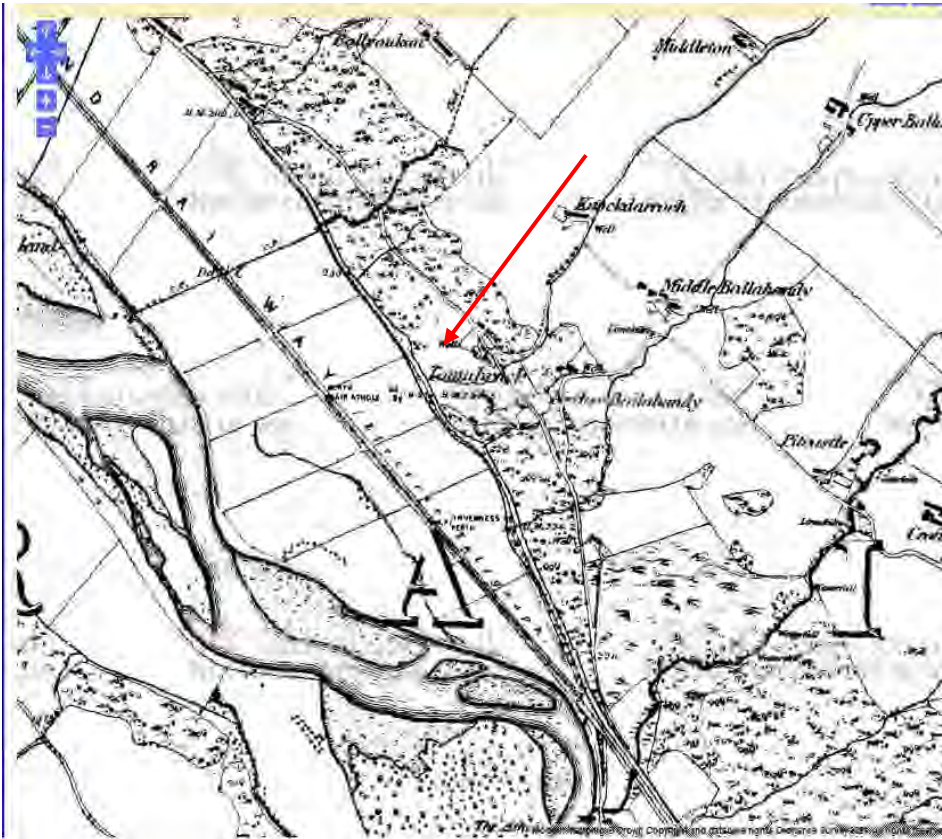




Analysis of historic data sources reveals the development of secondary birch woodland within Croft Wood over the last 150 years as follows:

The OS 1:2,500 County Series Map of 1867 (Map 2) shows the southern area of the wood to be a mix of woodland and pasture (wood pasture) around the well and former structures associated with Tomnack:

Map 3: Extract from the OS County Series Map 1867 (surveyed 1863).



Mid-20<sup>th</sup> Century aerial photographs, sourced from the National Library of Scotland, show the open pasture areas to be established conifer woodland. Evidence of this period remains within the wood as single stems of mature Douglas Fir (see Map 4).

Following the felling of the Douglas Fir sometime after 1950, it would seem the area was left to recolonise with birch resulting in the area of single-stemmed birch as described by the Native Woodland Survey of Scotland. and as shown in the attached ground photographs (Appendix B).

Map 4: Air photo of Croft Wood taken in 1950. The dark areas are Douglas Fir.



Map 5: 1:2,500 OS map from 1977 showing areas of conifer woodland within the south end (proposed development area) of Croft Wood. This map helps verify the interpretation of the aerial above.

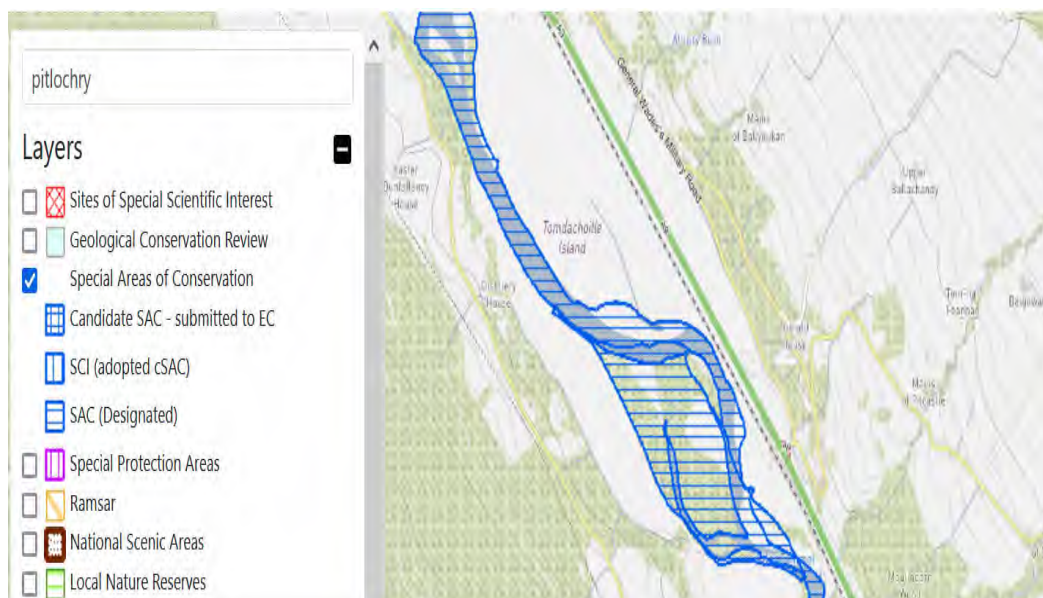


In summary, the historical data confirms the finds of the NWSS; namely the proposed development site is secondary even-aged Upland Birch woodland in the south east, grading to mature semi-natural Upland Oakwood in the north west.

The Ancient Woodland Inventory (AWI) classes all of Croft Wood as Ancient Semi-Natural Woodland. In Scotland this means continuous woodland cover since 1860 (1750 in England and Wales). The AWI was a desk exercise and has rarely been ground-truthed – it identifies woodland thought to be of ancient origin. Analysis of Croft Wood using historic map sources, NWSS and recent ground survey indicates that the Upland Birch area to be of more recent origin. There is no doubt that the area to the north west, defined as Upland Oakwood is of ancient origin as defined above.

Several small watercourses and a spring connect to the River Tummel which forms part of the River Tay SAC.

Map 6: Proximity of Croft Wood to the River Tay Special Area of Conservation.



### 1.3 SCOPE OF REPORT

Phase 1 habitat categories were identified, and their ecological value assessed. This will help inform any ecological constraints likely to apply to the proposed development, allowing any significant ecological effects to be avoided or mitigated wherever possible. Where appropriate, further ecological surveys, mitigation or compensation measures are recommended.

The site was also assessed for:

- Otter
- Water vole
- Pine marten
- Badger
- Breeding birds
- Red squirrel
- Bats
- Amphibians and reptiles

Survey methodologies are detailed in Section 2. Survey results are presented in Section 3 with associated site photographs provided in the Appendices. Recommendations are outlined in Section 4.

Compilation of this report is in line with recommendations outlined in the Chartered Institute of Ecology and Environmental Management (CIEEM) publication 'Guidelines for Ecological Report Writing' (2017).



## 1.4 PLANNING POLICY AND LEGISLATION

### 1.4.1 PLANNING POLICY

The Perth and Kinross Local Development Plan (2014) contains policies directly relating to biodiversity.

With relevance to this proposal and its proximity to an SAC Policy NE1A states:

*Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:(a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or (b) there are no alternative solutions, and(c) there are imperative reasons of overriding public interest, including those of social or economic nature.*

Policy NE1B states:

*Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:(a) the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or (b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

### 1.4.2 ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (SCOTLAND) REGULATIONS 2017

Tree removal and track construction may be a relevant project in relation to the Environmental Impact Assessment (Forestry) Regulations 2017. Scottish Forestry should be consulted about the requirement for an EIA Determination. In relation to any access into or egress from the proposed development site the Local Authority will require Prior Notification.

### 1.4.3 PROTECTED SPECIES LEGISLATION

The often-complex legal protection of habitats, mammals and birds is covered by both European and UK legislation & regulation, to varying degrees.

Key legislation includes:

- Conservation (Natural Habitats, &c.) Regulations 1994 (European Protected Species [EPS]). Transposed Habitats Directive 92/43/EEC into UK (criminal) law
- Wildlife & Countryside Act 1981
- Nature Conservation (Scotland) Act 2004
- The Protection of Badgers Act (1992)
- Planning legislation, including the Local Development Plan.

A detailed list of legislation relevant to this site is provided in Appendix A.

## 2. METHODOLOGY

### 2.1 DESK STUDY

A desk study was undertaken to identify any sites of nature conservation importance within 10 km of the site or any records of protected and/or notable species within 1 km of the site. The following sources were consulted:

- National Biodiversity Network Atlas (<https://scotland.nbnatlas.org/>)
- SNHi (<https://www.nature.scot/information-library-data-and-research/snhi-data-services>)

The NBN Atlas holds several records for Badger from Croft Wood. The presence of Badgers was noted during the survey of 2 August 2021. Other mammal records included Roe Deer.

A verified record for Common Prickly Sedge (*Carex muricata*) dates from 1977 and is located in or near the arrowed yellow dot in Map 7. It is assumed this record is still extant. Across GB, this is a species rarer northwards to mid Scotland.

Map 7: Approximate location (arrowed) for historical record of *Carex muricata*.



## 2.2 FIELD SURVEY

### 2.2.1 HABITAT ASSESSMENT

The woodland was walked on the 2<sup>nd</sup> April 2021 by John Gallacher BSc CEnv MCIEEM who has 38 years of experience in conducting vegetation surveys and assessing nature conservation values.

Timing to assess vegetation was considered acceptable in terms of identifying habitats and associated plant species. Dry conditions prevailed prior to, and during, the survey. Features of interest were plotted using the Avenza Maps app on an iPad. Where appropriate Placemarks (Target Notes) were used which included photographs to help illustrate the features of interest.

### 2.2.2 PROTECTED SPECIES ASSESSMENTS

Protected species assessments were undertaken. Where present, signs, structures or any other resting places of protected species were recorded using the Avenza Maps app on an iPad.

Dry conditions and low winds were prevalent prior to and during the assessment. Water levels were low.

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#### 2.2.2.1 Otter

Three un-named burns run through Croft Wood. These were surveyed for signs of otter including:

- Sprainting sites
- Footprints
- Holts (enclosed resting sites)
- Resting up sites (temporary rest sites above ground)
- Slides
- Feeding remains

Methodology followed relevant guidance in Chanin (2003).

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#### 2.2.2.2 Water vole

The watercourse was also checked for evidence of the presence of water vole *Arvicola terrestris*, including:

- Footprints
- Runways
- Burrows
- Lawns
- Droppings
- Nests
- Feeding stations
- Latrines

Suitable habitat is slow-flowing or still waterbodies with soft banks and vegetation suitable for foraging and shelter. Assessment followed relevant guidance in Strachan *et al.* (2011).

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#### 2.2.2.3 Pine marten

Suitable areas of the site were assessed for the presence of pine marten *Martes martes*, including:

- Scats
- Footprints
- Dens
- Resting places
- Feeding remains

Suitable habitat included broadleaved and conifer woodland, with a focus during the assessment on linear features such as boundaries, paths and tracks, and raised features likely to be used for territory marking or shelter, e.g. tree stumps, windblown trees, moss hummocks, rock/rubble piles.

Assessment followed relevant guidance in Cresswell *et al.* (2012).

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#### 2.2.2.4 Badger

All woodland habitat suitable for badger *Meles meles* was assessed, including checks for:

- Latrines
- Setts, classified as main, annex, subsidiary or outlier
- Footprints
- Paths

- Foraging signs and feeding remains
- Scratching trees

Assessment followed relevant guidance in Harris *et al.* (1989).

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### 2.2.3 BREEDING BIRDS

The woodland and open ground areas were checked for bird breeding activity and nests.

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### 2.2.4 HABITAT SUITABILITY ASSESSMENT

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#### 2.2.4.1 Red squirrel

No specific assessment was conducted for red squirrel *Sciurus vulgaris* although an assessment of the suitability of the woodland habitat for this species was carried out e.g. evidence of dreys, feeding signs.

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#### 2.2.4.2 Bats

A ground level appraisal of trees (using binoculars where necessary) within the survey area was conducted to assess 'bat roost potential'. Suitable features included rot holes, cavities, split limbs, flaking bark and dense ivy and dense epicormic growth and any evidence of bat use in the form of droppings and scratch marks, staining and/or flies around entry points.

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#### 2.2.4.3 Reptiles & Amphibians

Suitability of habitats for reptiles and amphibians were assessed including waterlogged areas, suitable broadleaved woodland with fallen deadwood and leaf litter, and open areas for basking.

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### 2.2.5 SURVEY LIMITATIONS

The 2<sup>nd</sup> of August is well out-with the bird breeding season. This element of the survey was confined to checking for nest locations.

There are no other limitations to the surveys described in this report.

## 3. ECOLOGICAL BASELINE

### 3.1 DESIGNATED SITES

The three small burns within Croft Wood discharge into the River Tummel a tributary of the River Tay SAC. The qualifying interest is Atlantic Salmon, Sea Lamprey, River Lamprey, Brook Lamprey and Otter.

Map 6 shows the proximity of the wood to the SAC.

### 3.2 HABITATS

#### 3.2 Habitats

Although a Phase 1 survey was not conducted, the following alphanumeric Phase 1 communities were noted:

**A1.1.1** Broadleaved woodland – semi-natural. Stands of semi-natural woodland (some coppiced) occur across the site. These are mostly composed of mature Upland Oakwood and even-aged Upland Birch. The Native Woodland Survey of Scotland described canopy cover in excess of 80%.

The ground layer within the Upland Oakwood has several ancient woodland indicators including Dog's Mercury (*Mercurialis perennis*), Bugle (*Ajuga reptans*), Greater Stitchwort (*Stellaria holostea*), Primrose (*Primula*

*vulgaris*), Wood Sorrel (*Oxalis acetosella*), Oak Fern (*Gynocarpium robertianum*) and Yellow Pimpernel (*Lysimachia nemorum*).

The ground layer within the Upland Birch wood (see B2.2 below) is typically composed of grasses and scattered bracken.

**A1.1.2** Broadleaved woodland – plantation. Small area of planted mature Beech. No groundlayer.

**A1.2.2** Coniferous woodland - plantation. Scattered mature Douglas Fir.

**B2.2** Neutral grassland.

Vegetation composed of Sweet vernal grass (*Anthoxanthum odoratum*), Yorkshire fog (*Holcus lanatus*), Germander speedwell (*Veronica chamaedrys*), Cocksfoot (*Dactylis glomerata*), Sheep's fescue (*Festuca ovina*), Pignut (*Conopodium majus*), *Medicago* sp, Bulbous buttercup (*Ranunculus bulbosus*), Sheep's sorrel (*Rumex acetosella*) and Broad-leaved dock (*Rumex obtusifolius*).

**C.1** Dense bracken covers the steep slopes to the east of the site.

The wood has been adversely impacted by *Rhododendrum ponticum* which has spread and colonised from adjoining properties.

### 3.3 SPECIES AND SPECIES GROUPS

Species considered include:

- Protected species.
- Species on the Scottish Biodiversity List (SBL), which are of principle importance for conservation in Scotland.

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#### 3.3.1 PLANTS

No rare, scarce or threatened plant species were noted during the field survey although an old record for *Carex muricata* exists as noted under Section 2.1.

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#### 3.3.2 MAMMALS

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##### 3.3.2.1 Otter

No holts or lying up sites or signs of otter were recorded within Croft Wood.

Despite the lack of signs, otter is considered likely to utilise the site given the proximity of the River Tummel (where otter is one of the qualifying interests of the River Tay SAC) and the likelihood of seasonal food availability.

In terms of their conservation status, otter is listed as a SBL and an LBAP species. As a European Protected Species (EPS), they are afforded protection from being accidentally or deliberately killed, injured or disturbed under European and UK Law. Their resting places are also protected from damage or destruction (even when not in use) and from disturbance. Refer to Appendix A for full details of relevant legislation.

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##### 3.3.2.2 Water Vole

No signs of water vole were recorded within the site. Habitat was generally unsuitable as the burns are too fast-flowing to provide suitable habitat.



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### 3.3.2.3 Pine Marten

No signs of pine marten were recorded.

Pine marten may utilise the wood as part of their territory. In terms of den availability, semi-natural broadleaved within the Upland Oak have elevated cavities potentially of use to pine marten for denning. Pine marten will, will also use disused bird nests (e.g. disused Buzzard nests) which may provide resting up opportunities.

Pine marten is listed as a SBL and LBAP species. They are afforded protection from being accidentally or deliberately killed, injured or disturbed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which applies to the animal itself and its resting places. Refer to Appendix B for full details of relevant legislation.

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### 3.3.2.4 Badger

An active badger is located within the property (and out with the proposed development area) within the steep eastern bank in areas of dense bracken. One outlying (active) hole was noted.

Refer to Appendix A for full details of relevant legislation.

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### 3.3.2.5 Red squirrel

No dreys were noted and only old signs of feeding were evidenced. The NBN Atlas does not contain any historic records for this species.

In terms of habitat available on site, the limited extent of conifers would limit utilisation by red squirrel.

In terms of their conservation status, red squirrel is listed as a SBL and LBAP species. They are afforded protection from being accidentally or deliberately killed, injured or disturbed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which applies to the animal itself and its resting places. Refer to Appendix A for full details of relevant legislation.

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### 3.3.2.6 Bats

The mature Upland Oak woodland is generally considered to be suitable for roosting bats where there is a range of holes, cracks and flaking bark. The pole stage Upland Birch woodland is considered to have very low bat potential. No records for bats were noted from the NBN dataset.

In terms of foraging habitat, the woodlands, woodland edge and open space are likely to provide suitable sheltered conditions for foraging bats.

In terms of their conservation status, all bat species are listed on the SBL. As a European Protected Species (EPS), all bat species are afforded protection from being accidentally or deliberately killed, injured or disturbed under European and UK Law. Their resting places are also protected from damage or destruction (even when not in use) and from disturbance. Refer to Appendix B for full details of relevant legislation.

### 3.3.2.7 Other notable species

The invertebrate assemblage on site was not surveyed although habitats available are likely to be suitable for a range of woodland invertebrate species.

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### 3.3.3 BREEDING BIRDS

Given the timing of this survey, no breeding birds were noted, nor any raptor nests found.

The bird breeding season runs from March to August inclusive, during which all wild birds, their nests, eggs and young are afforded legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). All nests of wild birds are protected when in use or whilst being built (be aware that some species may nest earlier or later than these dates and some species may have more than one brood in a nesting season). Schedule 1 species are further protected from disturbance during this period.

Refer to Appendix A for full details of relevant legislation.

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### 3.3.4 AMPHIBIANS AND REPTILES

No amphibians or reptiles were recorded during the site assessment. Wetter areas of the site, such as the water courses and spring line offer suitable habitat for amphibians such as common frog *Rana temporaria*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus*. If present on site, viviparous lizard *Zootoca vivipera* (also known as common lizard) is likely to utilise such sites to bask on sunny days where the substrate is not shaded by trees or shrubs.

In terms of their conservation status, viviparous lizard is listed as a SBL species. They are afforded legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which protects them from being accidentally or deliberately killed or injured. Common frog and newts are not afforded this protection.

Refer to Appendix A for full details of relevant legislation.

## 4. POTENTIAL IMPACTS AND RECOMMENDATIONS

Habitat value on site and the potential impact of the proposal is considered below.

The potential impact to protected species that may result from this proposal is considered, which includes direct impacts from additional noise, vibration, human activity, construction traffic and tree felling.

Recommendations to avoid or mitigate negative impacts are outlined.

### 4.1 DESIGNATED SITES

The River Tay SAC lies downstream from Croft Wood which has three small burns which discharge to the River Tummel. The risk of diffuse pollution is low, but this risk should be captured within a Diffuse Pollution Control Plan to be agreed with Nature Scot/SEPA and ensure compliance with the General Binding Rules. All contractors should have, and be aware of, [Know the Rules](#) (Edition 2)

### 4.2 Habitats

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#### 4.2.1 POTENTIAL IMPACTS

The small footprint of the proposed development including access means that adverse impacts on habitats will be limited in extent and relate to:

- Thinning/Felling of 10-20 pole-stage birches to accommodate the building plot, access and parking.

The area proposed for the development is of low ecological value with limited species diversity.

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#### 4.2.2 RECOMMENDATIONS

- Any felling works should be checked prior to any operational works for breeding birds and bats.
- If there is any risk of diffuse pollution then a Diffuse Pollution Control Plan should be implemented.

### 4.3 OTTER

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#### 4.3.1 POTENTIAL IMPACTS

In addition to direct impacts listed in 4. above, indirect impacts such as a change to water quality that may result from development near to waterbodies (thereby affecting food resources) may have an impact upon otter (and other species listed in the SAC citation).

As no holts, resting places or signs of otter were recorded on site during the site check, negative impacts of development upon otter are unlikely. However, a precautionary approach should be taken as otter territory size can be large and the species is known from the River Tay system and is part of the notified interest of the SAC.

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#### 4.3.2 RECOMMENDATIONS

- Pre-construction checks of all works in proximity to water courses should be conducted to re-check for holts or resting places that have appeared since the survey of 2<sup>nd</sup> August 2021. If any holts or resting places are recorded, NS species licensing should be contacted and if appropriate a licence obtained.
- A Diffuse Pollution Control Plan should be agreed with NS and SEPA covering control of silt from the site and the appropriate location and storage of fuel and oils.
- Where appropriate, excavations left open overnight should be ramped to allow a means of escape to any otter which may become trapped. Excavations should be back-filled as soon as practicably possible. Temporarily exposed pipe systems should be capped out of work hours.
- Workers on site should be fully briefed regarding the possibility of otter on site, the legal status of the animal, its holts and resting places. Any sightings of otter or discovery of a holt or resting place on site should be reported immediately to the site supervisor. If appropriate, contact should be made with a suitably experienced ecologist or NS within 24 hours for advice.

### 4.4 WATER VOLE

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#### 4.4.1 POTENTIAL IMPACTS

Water vole is considered unlikely to be present on site.

### 4.5 PINE MARTEN

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#### 4.5.1 POTENTIAL IMPACTS

Pine marten are a possibility within the wider area and therefore a precautionary approach is recommended.

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#### 4.5.2 RECOMMENDATIONS

- Workers on site should be fully briefed regarding the possibility of pine marten on site, the legal status of the animal, its dens and resting places. Any sightings of pine marten or discovery of a den or resting place on site should be reported immediately to the site supervisor. If appropriate, contact

should be made with a suitably experienced ecologist or NS within 24 hours for advice. Where any dens or resting places are recorded, NS species licensing should be contacted and if appropriate a licence obtained before work recommences.

## 4.6 BADGER

### 4.6.1 POTENTIAL IMPACTS

An active badger sett (and an outlying active hole) is located within Croft Wood. Any tree felling, use of heavy machinery or excavation works within 30 m of the main (breeding) sett or within 20 m from outliers during the breeding season (November to June) must be avoided. Note NS are unlikely to provide a licence during the breeding season for any works within the described buffer zones.

### 4.6.2 RECOMMENDATIONS

- Seek Badger Licence if any groundworks or tree felling is proposed within 30 m of the main sett or 20 of any outliers.
- Where appropriate, excavations left open overnight should be ramped to allow a means of escape to any badger which may become trapped. Excavations should be back-filled as soon as practicably possible. Temporarily exposed pipe systems should be capped out of work hours.
- Workers on site should be fully briefed regarding the possibility of badger on site, the legal status of the animal and their setts. Any sightings of badger or discovery of a sett/hole on site should be reported immediately to the site supervisor. If appropriate, contact should be made with a suitably experienced ecologist or NS within 24 hours for advice. Where any setts/holes are recorded, NS species licensing should be contacted and if appropriate a licence obtained.

## 4.7 RED SQUIRREL

### 4.7.1 POTENTIAL IMPACTS

The mix of woodland types provides an area of low value to red squirrel – confirmed by lack of historic records and old signs of feeding noted during the site check.

### 4.7.2 RECOMMENDATIONS

- Where trees are to be felled, a pre-construction survey by a suitably experienced person to identify dreys is recommended. If no dreys are present, trees should be felled as soon as possible following the survey. Where any dreys are recorded, NS species licensing should be contacted and if appropriate a licence to fell the drey tree obtained before felling commences. Note: a confirmed breeding drey during the breeding season (February to September) will require a 50m buffer.
- Workers should be fully briefed regarding the possibility of red squirrels on site, the legal status of the animal and their dreys. Any sightings of red squirrel or discovery of a drey should be reported immediately to the site supervisor. Contact should be made with a suitably experienced ecologist or NS within 24 hours for advice.

## 4.8 BATS

### 4.8.1 POTENTIAL IMPACTS

Formal surveys were not carried out although potential roost features were assessed from the ground in any suitable trees. Trees proposed for felling are considered to have very low bat potential.

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#### 4.8.2 RECOMMENDATIONS

- If any mature trees are to be felled, a pre-construction survey by a suitably experienced person to identify 'potential roost features' is recommended. If no potential roost features are present, trees should be felled as soon as possible following the survey. Where required, the presence of bat roosts (active or otherwise) in trees should be confirmed by a NS bat-licensed professional tree climber or with a licence holder present. If a bat roost is confirmed, NS species licensing should be contacted to discuss licensing requirements.
- Site workers should be fully briefed regarding the possibility of bats in mature trees on site, their legal status and that of their roosts. Discovery of a suspected bat roost should be reported immediately to the site supervisor. Contact should be made with a suitably experienced ecologist or NS within 24 hours for advice.

#### 4.9 BREEDING BIRDS

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##### 4.9.1 POTENTIAL IMPACTS

All nests are protected from destruction during the breeding season (March to August).

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##### 4.9.2 RECOMMENDATIONS

- Where trees are to be felled it is recommended that this is carried out prior to the start, or after the end of, the bird breeding season (September to end of February). Any tree works during the bird breeding season (March to August inclusive) will require a pre-operational survey by a suitably experienced person. If no nests are present, trees should be felled as soon as possible following the survey. Note that there is no licencing arrangement to fell trees containing active bird nests, felling would be delayed until chicks have fledged.

#### 4.10 AMPHIBIANS AND REPTILES

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##### 4.10.1 POTENTIAL IMPACTS

In addition to impacts listed in 4. above, any loss of waterlogged ground and pools is likely to have a negative impact upon amphibians.

Although surveys were not carried out for amphibians or reptiles, they may be present on site and a precautionary approach should be taken during works.

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##### 4.10.2 RECOMMENDATIONS

- Checks for reptiles should be made prior to operations.
- If amphibians or reptiles are found, they should be carefully moved to a similar habitat in a safe location out with the development footprint.
- Where practicable, residue left on site from felled broadleaved trees should be heaped into piles within the remaining woodland to create deadwood habitat.

## 5. CONCLUSIONS

An ecological desk-based study and site visit was conducted for Croft Wood to help ensure legal compliance with environmental legislation and to inform mitigation measures for any identified sensitivities. The check was carried out in August 2021.

An assessment of the current habitat and potential impact of the proposal on habitats and species that may utilise the site has been conducted. Protected species and species of conservation concern that may utilise the site are otter, badger, red squirrel, bats, breeding birds, reptiles and amphibians.

Recommendations to avoid potentially negative ecological effects of the proposal upon habitats and/or species on site are outlined below:

- The appointment of a suitably qualified ecologist to conduct a site inspection prior to the commencement of any operations. The site inspection should consider the presence of all protected species outlined above and be carried out within the appropriate timescale to allow for free movement of machinery thereafter.
- Excavations left open overnight should be ramped to allow a means of escape to any animal which may become trapped and should be back-filled as soon as practicably possible.
- Workers on site should be fully briefed regarding the possibility of each protected species on site and their legal responsibilities.
- General good site management measures should be implemented to ensure avoidance of diffuse pollution and the appropriate location and storage of fuels and oils. This is best captured in a Diffuse Pollution Control Plan and agreed with NS/SEPA as appropriate.
- During the bird breeding season (March to August inclusive) any works will require pre-operational checks to confirm the presence/absence of active nests. Active nests must be buffered and/or works rescheduled to ensure compliance with the Wildlife and Countryside Act 1981.
- Checks for reptiles should be made prior to removal of wood piles or other suitable debris should be checked for amphibians and reptiles prior to work commencing. Where found, animals should be carefully moved to a similar habitat in a safe location out with the work area.
- Pre-construction surveys specific to the proposed development area should be undertaken for otter, badger, bats and red squirrel.

Protected species licences may be required subject to the results of pre-operational checks for otter, badger, bats and red squirrel.

Otherwise, recommendations for mitigation of potential impacts should ensure that effects upon habitats and protected species by the proposals are likely to be low. The local population of each species considered in this report is unlikely to be significantly affected.

## 6. REFERENCES

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## 8. APPENDIX A: RELEVANT ECOLOGICAL LEGISLATION

### 11.1 EUROPEAN PROTECTED SPECIES

European Protected Species (EPS) that may potentially be affected by development on site are **otter** and **bats**.

#### 11.1.1 LEGISLATION

Otter and bats are classed as European Protected Species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is therefore an offence to deliberately or recklessly:

- Kill, injure, capture or harass an EPS
- Disturb an EPS whilst it is occupying a structure or other place it uses for shelter or protection, or while it is hibernating; or while it is rearing or otherwise caring for its young, or in any way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of the species;
- Obstruct access to a breeding site or resting place of an EPS, or otherwise prevent their use;

and whether or not deliberately or recklessly:

- Damage or destroy the breeding site or resting place of an EPS.

This means that if bats or otters could be affected in these ways by development on site, and no action is taken to prevent it, there is the risk of committing an offence.

Where impacts that would result in an offence cannot be avoided, a species licence can be issued in some cases to allow the works to proceed. Such licences will only be issued if certain tests are met (see licensing section below). It is important that any licensing issues are considered as part of the planning application. This is to avoid a situation where planning permission is secured but the lack of a species licence prevents the development from proceeding.

#### 11.1.2 LICENSING

If development cannot avoid an offence, an EPS licence will be required from Nature Scot to allow work to proceed. Such a licence can only be issued if it can be demonstrated that:

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

**Nature Scot is responsible for issuing licences to permit development that might affect protected species. The Nature Scot Licensing Team can be contacted on 01463 725 364 or at [licensing@nature.scot](mailto:licensing@nature.scot).**

### 11.2 WILDLIFE AND COUNTRYSIDE ACT, 1981

#### 11.2.1 LEGISLATION

When introduced, the Wildlife and Countryside Act 1981 was a fairly simple source of wildlife law in Great Britain when it was enacted to implement the Birds Directive and Bern Convention. But the legal picture is now more complex.



- Firstly, the Habitats Regulations 1994 introduced a separate set of rules for those species (and habitats) protected under the Habitats Directive
- Secondly, devolution resulted in changes to the 1981 Act, through the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011

Part 1 of the Wildlife and Countryside Act 1981 details offences in relation to the killing and taking of wild birds, other animals and plants. Schedules attached to the Act categorise species and the level of legal protection given to a species depends on the schedule it's listed on. The main schedules relate to:

- **Birds** - Schedules 1, 1A, A1, 2, 3 and 4
- **Animals** - Schedules 5 and 6
- **Plants** - Schedule 8

#### 11.2.1.1 Birds

All wild bird species on site have the potential to be affected by development. **Common crossbill**, a Schedule 1 species of the Wildlife and Countryside Act (1981) receive additional protection from disturbance during the breeding season.

ALL wild birds in Great Britain are protected under the Wildlife and Countryside Act 1981 (as amended). This includes even common species like pigeons and blackbirds. Further protection is given to some rarer species and to species vulnerable to disturbance and/or persecution.

For any wild bird species, it is an offence to intentionally or recklessly:

- Kill, injure or take a bird
- Take, damage, destroy or interfere with a nest of any bird while it is in use or being built
- Obstruct or prevent any bird from using its nest
- Take or destroy an egg of any bird

For any wild bird species listed on Schedule 1, it's an offence to disturb:

- Any bird while it is building a nest
- Any bird while is in, on, or near a nest containing eggs or young
- The dependent young of any bird

It is also an offence to:

- Possess or control a living or dead wild bird
- Possess or control an egg of a wild bird (or any such derivatives)
- Knowingly cause or permit any of the above acts to be carried out

#### 11.2.1.2 Animals

W&CA 1981 species that may potentially be affected by development on this site **pine marten, red squirrel and bats**.

- Schedule 5 prohibits the killing, injuring or taking by any method of wild mammal listed by the Act, which includes **pine marten, red squirrel and bats**. In addition, it is also an offence to damage, destroy, or obstruct access to any structure or place used by **pine marten, red squirrel or bats** for shelter or protection or to cause disturbance of these species when occupying such a structure or place.

Furthermore, all UK bats are termed **European Protected Species** (EPS) and are listed on Annex IV of EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ("The Habitats Directive") as species of European Community interest and in need of strict protection.

It is therefore an offence to deliberately or recklessly capture, kill or disturb any such animal. It is also an offence to damage or destroy their "breeding sites" or "resting places" (this does not have to be deliberate, reckless or intentional for an offence to have been committed). Therefore, for example, resting places or nursery roosts used by bats are protected even when there are no bats present, provided it can be demonstrated that bats use them some of the time.

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## 11.2.2 LICENSING

### 11.2.2.2 Birds

**It is not possible to license for the purpose of development actions that would otherwise be an offence in relation to wild birds.**

Most development works are unlikely to result in the intentional or reckless killing of wild birds, but if carried out during the breeding season (broadly considered to be March to August inclusive), such works could damage or destroy nests or eggs of wild birds and/or disturb nesting Schedule 1 bird species. Any development that could result in these actions should not proceed until the breeding season is over.

### 11.2.2.3 Animals

Nature Scot can license activities for social, economic or environmental reasons (including development) that might affect Schedule 5 species, so long as:

- the licensed activity will contribute to significant social, economic or environmental benefit
- there is no satisfactory alternative
- there is no significant negative impact on the conservation status of the species

**Nature Scot is responsible for issuing licences to permit development that might affect protected species. The Nature Scot Licensing Team can be contacted on 01463 725 364 or at [licensing@nature.scot](mailto:licensing@nature.scot).**

## 10.3 PROTECTION OF BADGERS ACT 1992

**Badger** may potentially be affected by development on site.

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### 11.3.1 LEGISLATION

Badger and their setts are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011. The 1992 Act defines a badger sett as "any structure or place which displays signs indicating current use by a badger".

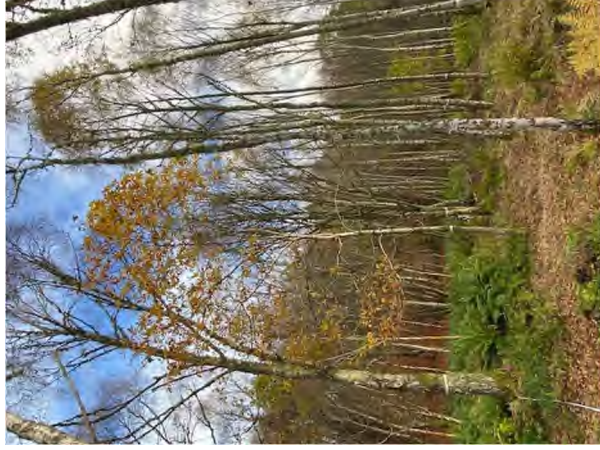
Offences relevant to development works include:

- Wilfully injuring or killing a badger
- Disturbing a badger while it is in a sett
- Intentionally or recklessly damaging or destroying any part of a badger sett
- Obstructing access to a sett

This means that if badgers could be affected in these ways by development, and no action is taken to prevent it, there is the risk of committing an offence.

**Addendum to:**  
**The Croft Wood, Perthshire.**  
**Woodland & Ecological Survey Report (August 2021)**  
**Author: Ecologist John Gallacher BSc, CEnv, MCIEEM**

15th November 2021



Pole stage birch typifies the area of the proposed dwelling.

## **Introduction**

This Addendum should be read in conjunction with Croft Wood, Perthshire, Woodland & Ecological Survey Report (August 2021) submitted as part of the planning application for a proposed dwelling within the wood.

## **Response of planning authority**

A number of issues were raised in the response to the initial Ecological Survey Report as part of the PKC planning application process (21/01218/FLL dated 13<sup>th</sup> September 2021). This Addendum, (also prepared by the original author John Gallacher) aims to address those issues raised by the Tree and Biodiversity Officer in relation to Policies 40 Forestry, Trees and Woodland and 41 Biodiversity.

## **Response of applicant's ecologist.**

Policy 40: Forestry, Woodland and Trees.

*Presumption in favour of protecting woodland resources.*

The applicant and his ecological advisor agree that the woodland resource must be protected. Woodland continuity and improved structure are being developed as part of a wider management programme. This includes thinning undertaken by the applicant and as agreed with Scottish Forestry (SF). The applicant also has an on-going programme of *Rhododendron ponticum* control. Both are intended to improve the ecological value and resilience of the wood.

The significance of potential ecological impacts on the wood also needs to be set within the context of the footprint of the proposal in relation to the overall woodland area. From a total woodland area of 5.0 ha, the development footprint (house/parking area = 22x15m; access = 35x2.5m) is calculated to occupy approximately 420m<sup>2</sup>. This represents only **0.008% of the total woodland area**. Whilst 22 trees are proposed for felling to accommodate the development footprint these are predominantly pole-stage birch and 2 small oaks, many of which are likely to have been felled as part of the SF agreed thinning programme. The details of the felling requirements have been reviewed and fully documented at an individual tree level in this Addendum

The volume of removals has been measured (using SF standard tariff tables) to provide the volumetric quantity of felled trees and is estimated to be 4.27m<sup>3</sup>. Under the existing SF felling/thinning permission 1.12m<sup>3</sup> of this would be removed in any event, thus the actual impact of genuinely additional removals would be as little as 3.15m<sup>3</sup> in total, to put this into context, this approximates to something like 3 large bags of firewood.

The significance of potential impacts on the overall wood (number/age of trees felled and area of proposal) is therefore judged to be very minimal and thus an extremely low ecological impact. In fact, the improved woodland management regime and husbandry will almost certainly provide an improvement in the ecological value of the woodland. The details of all trees within the development footprint, those identified for felling and post-build trees remaining are detailed in Annexes 1, 2 and 3 and illustrated in Table 2.



### *Compensatory planting*

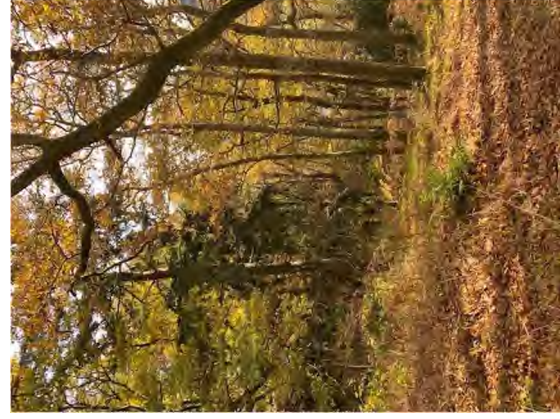
To offset the removals, areas of open ground within the wood, currently occupied by bracken, have now been identified for compensatory planting of local provenance broadleaves (seed gathered from Croft Wood itself) as part of ensuring and developing the woodland continuity according to site type. Specifically, the banking to the south-east of the site has been ear-marked for compensatory Oak planting in the context of meeting requirements of Policy 40.

### *Ancient woodland*

The issue of the Ancient Woodland status for the whole wood, in the ownership of the applicant, was assessed in some detail in the original Woodland & Ecological Survey Report.

An accepted definition of Ancient Woodland (in Scotland) presupposes a continuity of woodland cover since 1750. Using several sources including historic maps, aerial photographs and ground survey from the Native Woodland Survey of Scotland (NWSS), the proposed development site has evidently **not been continuously wooded**. As described in the Woodland & Ecological Survey Report, it is almost certainly a secondary Upland Birchwood (confirmed by NWSS) and cannot therefore be set against Policy 40 and its presumptions in relation to Ancient Woodland.

Photos: The area to the west of the development site is consistent with the ancient woodland designation





One cannot assume that entire site listed in the Ancient Woodland Inventory is in fact of ancient origin and there is a reason why it is described as “provisional”. The Inventory was carried out as a desk-based exercise involving interpretation of difficult-to interpret map sources (e.g. Roy Maps) and was never been ground-truthed before publication by the then Nature Conservancy Council (NCC). The Inventory can best be described as woodland thought to be of ancient origin.

Photos: Due to its differing historical land use, the site area and the woodland to the eastern end has a tree cover of young suppressed, pole stage birch



**The specific development site is, of itself, therefore not an “established Ancient Woodland”** as described in the response to the planning application. Rather, it forms part of a woodland mosaic that includes areas (out with the development footprint) considered to be of ancient origin (continuously wooded since 1750). The presence of veteran oaks and ancient woodland indicators in the ground layer noted in the field survey is a good indicator of this status. (see photos on previous page).

*Ground disturbance*

Ground disturbance has also been raised as an issue that might adversely impact on the woodland. As noted above, the development proposal accounts for only 0.008% of the total wood so the scope for disturbance is again limited to a very small area. Furthermore, the applicant has confirmed that the nature of the build is such that heavy equipment will not be required other than normal agricultural machinery.

The groundwork will be performed using a locally operated Kabuto KX018 Mini excavator, with a machine width of only 1.3m and a total weight of 1.8 tonnes, it is ideal for working in the woodland. The machine has been used previously to provide draining and ditching work with no issues with regard to tree stem damage or ground compaction.



Kabuto KX018 Excavator

Width: 1.3m

Tracks: 1.59M

Weight: 1.80 Tonnes

Similarly, the construction is of a scale and design that heavy lifting equipment will not be required during the build phase. Use of a teleporter is the likely type of equipment required.

*Spread of non-natives*

The risks to the wider woodland, including those areas of ancient origin, could include the spread of non-natives from the proposed garden area.

There is no proposal to establish a conventional garden, the aim is to retain the existing woodland floor cover. The installation of three raised beds will reduce the risk of any garden escapes from vegetable plantings. As noted above, the owner is also currently undertaking a programme of *Rhododendron* control with the aim of pushing the wood to a more semi-natural condition, which will also limit the impact of Sudden Oak Death (*Phytophthora ramorum*) currently active throughout the mature oaks.

*Tree protection plan.*

A gap identified in the planning application was a requirement for additional evidence of a suitable tree protection plan (BS Standard 5837 2012).

To address this issue, the site plan in Annex 1 has been prepared and shows the location of all trees on site, and those proposed for felling (22 in total) as per Annex 2, Table 2. In addition, those trees requiring either stem or root protection within the development footprint have also identified – see Annex 3.

The tree protection plan is based around those trees remaining close or adjacent to the intended site work and construction activity. Simple wooden tree guards will be used to protect vulnerable stems and a suitable site matting system to protect roots and reduce ground compaction will be employed. Guided by BS5837, root protection areas have been determined for all remaining trees close or adjacent to operations and appropriate protection will be installed, this data is provided in Annex 3 and Table 2.

Reference to the BS 5837 will inform the Tree Protection Plan. In particular Section 5.5 of the Standard provides guidance on appropriate best practice as detailed in Annex 4.

**Policy 41: Biodiversity**

An additional gap in the planning application relates to further detail required on badgers.

As a consequence, a further site visit was conducted on the 9<sup>th</sup> of November to provide detail in this regard. Field assessments followed relevant guidance in Scottish Badgers: Surveying for Badgers Good Practice Guidance (2018). The setts were lightly staked and revisited one week later to check for signs of any activity.

Annex 5 Plan shows sett entrances proximal to the proposed development. Table 1 below summarises distances and whether the setts are active or not.

Table 1: Distance of sett entrances from development and whether active.

Sett No.	Distance from edge of dwelling	Active?
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO.

For all sett entrances, the assessment on whether they were active or not could not be determined during field survey due to lack of field signs (prints, hair, recent digging, recent bedding, dung pits, runs). None were defined as main or breeding setts but rather a series of annexes or outliers. All were photographed (see photos below) and had sticks placed over the entrance (on the 9/11/21) to help determine whether they were active. These were rechecked on the 16 November 2021 and confirmed to be inactive as listed in Table 1 above. These sett entrances therefore do not fall into the definition provided in the Protection of Badgers Act 1992 as “a structure or place which displays signs indicating current use by a badger”.

Badger Sett Protection Zones:

Notwithstanding that the sett entrances are inactive; it is the intention to protect these by application of protection plan. This is predicated on the fact that the entrances might be used at some future date.

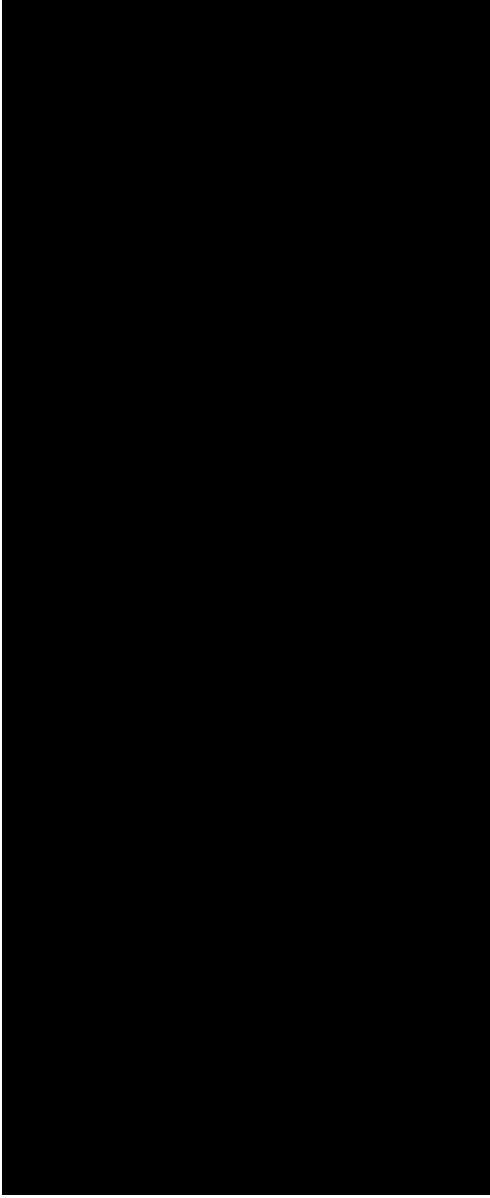
The response from the planning authority references 30 metres as the buffer zone for an active badger sett. However, the 30-metre buffer zone only applies to main/breeding setts. As noted above, the setts entrances shown in Annex 5 are annex or outlier setts in which case the 20-metre buffer zone applies. Based on the survey, the main/breeding sett would appear likely to be outside of Croft Wood.

As an ecologist for a forestry company, the author has advised on Badger Protection Plans and applied for, and ensured compliance with, standard and non-standard forestry operation licences over the last 20 years. Based on this experience and bearing in mind the nearest sett entrance to the development footprint is 21 metres with all entrances currently inactive, there is no need for a licence in this instance. Furthermore, all entrances are on the steep banks that fall away from the development site on three sides meaning the general woodland topography affords further protection. They are not accessible by any wheeled vehicles.

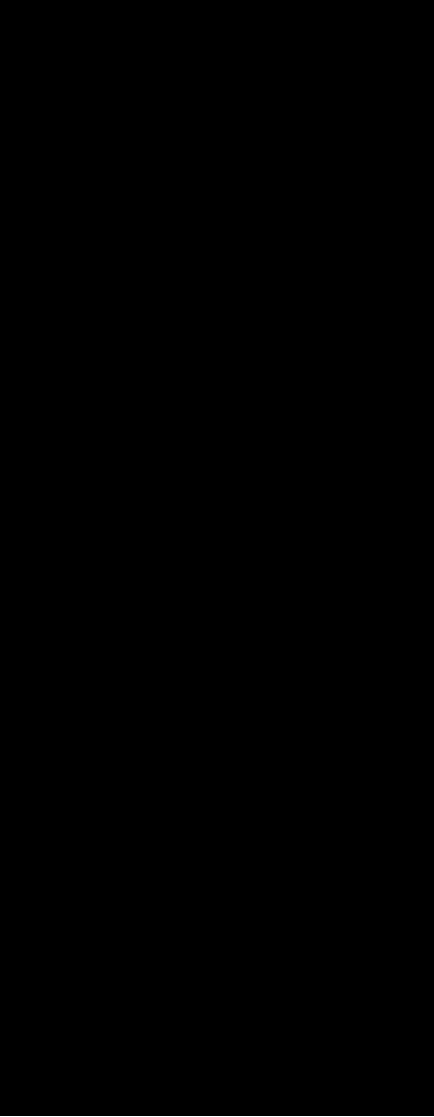
Annex 6 below provides details of the Croft Wood Badger Protection and Mitigation Plan (November 2021) for the site.

Photographic record of setts

Condition of setts as of 9<sup>th</sup> November 2021 – sticks still in place as of the 16<sup>th</sup> November







As noted in the initial Woodland and Ecological Survey Report, the appointment of a suitably qualified ecologist to conduct a site inspection for protected species prior to the commencement of any operations is recommended to and accepted by the applicant. The site inspection should consider the presence of all protected species especially if works coincide with the bird breeding season (March to August inclusive).



**Annex Listings:**

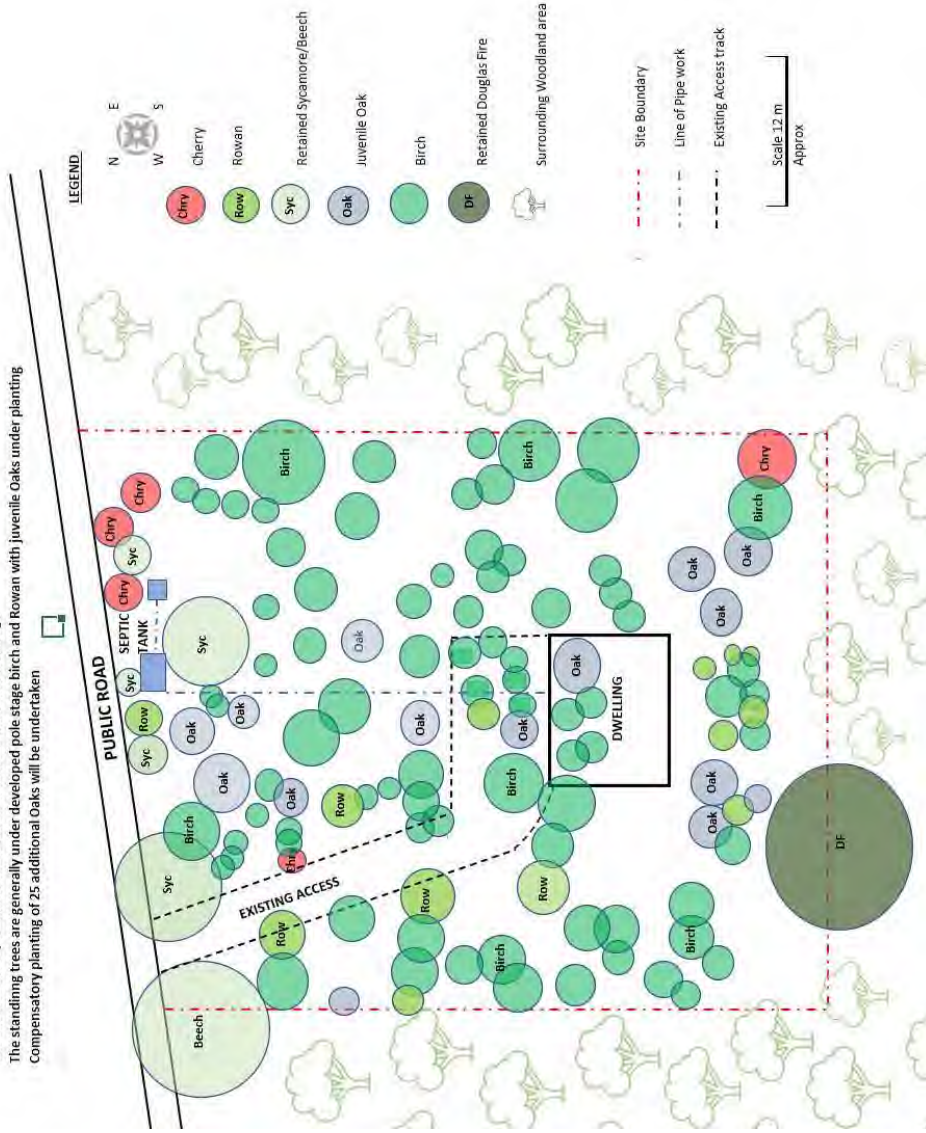
- Annex 1:** Trees to be felled and protected within development site
- A) Initial Tree Survey
  - B) Individual Tree Removals
  - C) Remaining Trees
- Annex 2:** Details of individual tree removals
- Annex 3:** Croft Wood Tree Protection Plan
- Table 2:** Individual Tree Protection Recommendations
- Annex 4** BSI:5837: Trees in relation to design, demolition and construction – Recommendations
- A) Extract, Section 5.5: General Approach
  - B) Intended Tree and ground protection systems to be employed:
- Annex 5** Croft Wood Badger Sett Locations
- Annex 6** Croft Wood: Badger Protection and Mitigation Plan
- Annex 7** Badger Toolbox Talk

**Annex 1: Trees to be felled and protected within the proposed development site.**

**A) Initial Tree Survey**

**CROFT WOOD - INITIAL TREE SURVEY (Pre commencement)**

The site tree survey identifies the location of all trees within the curtilage  
 The standing trees are generally under developed pole stage birch and Rowan with Juvenile Oaks under planting  
 Compensatory planting of 25 additional Oaks will be undertaken



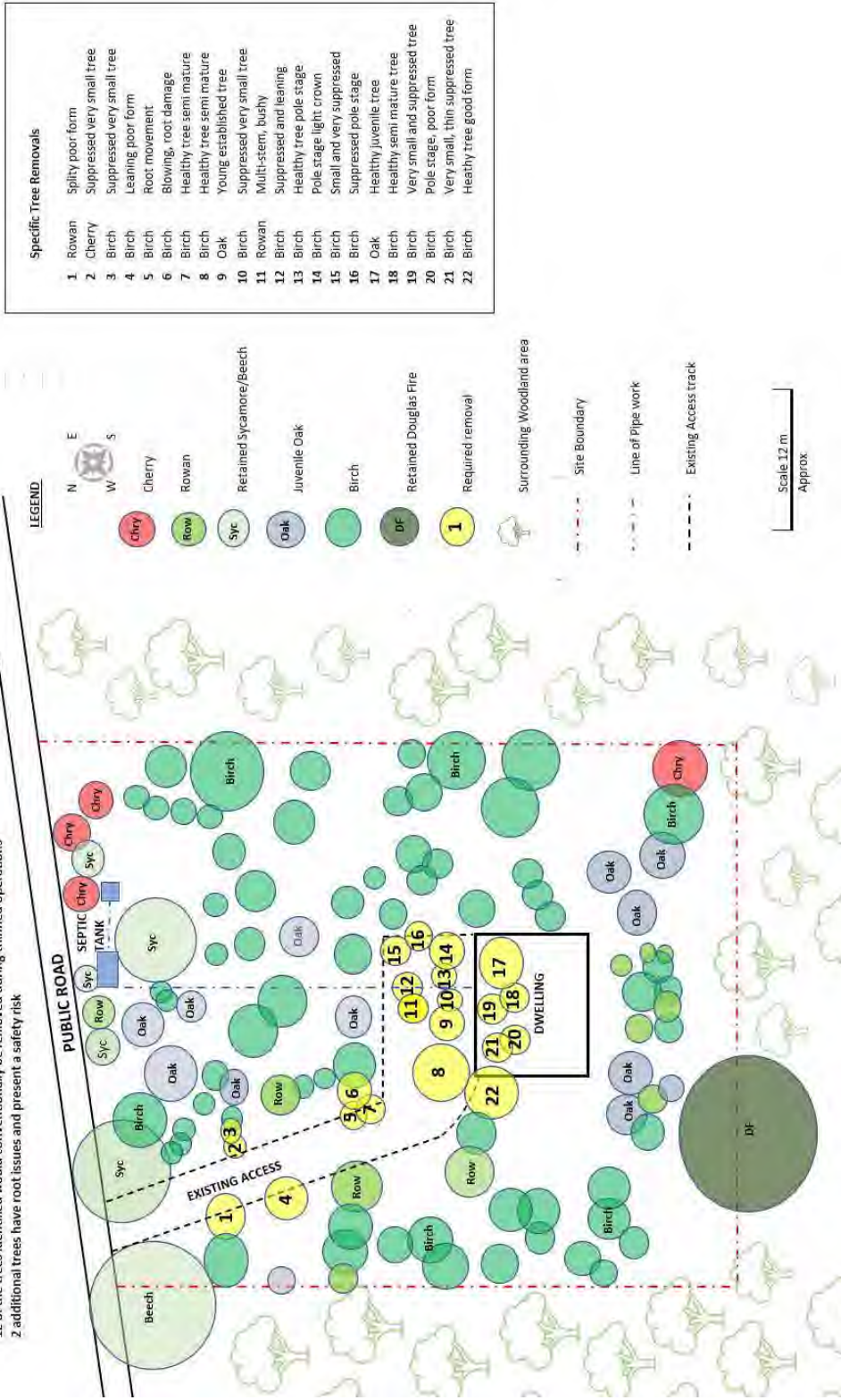
**B) Individual Tree Removals**



**CROFT WOOD - REQUIRED TREE REMOVALS FOR BUILD AND ACCESS**

Trees identified for removal

Specific trees are numbered and described in adjacent table  
 12 of the trees identified would conventionally be removed during thinned operations  
 2 additional trees have root issues and present a safety risk



**C) Remaining Trees**

**CROFT WOOD - TREE SURVEY POST BUILD**

Access route will be supported with open mesh slabbing to maintain vegetative cover

No clear access boundary will be introduced so as to maintain woodland landscape continuity

Location of septic tanks needs for heavy vehicles to enter site

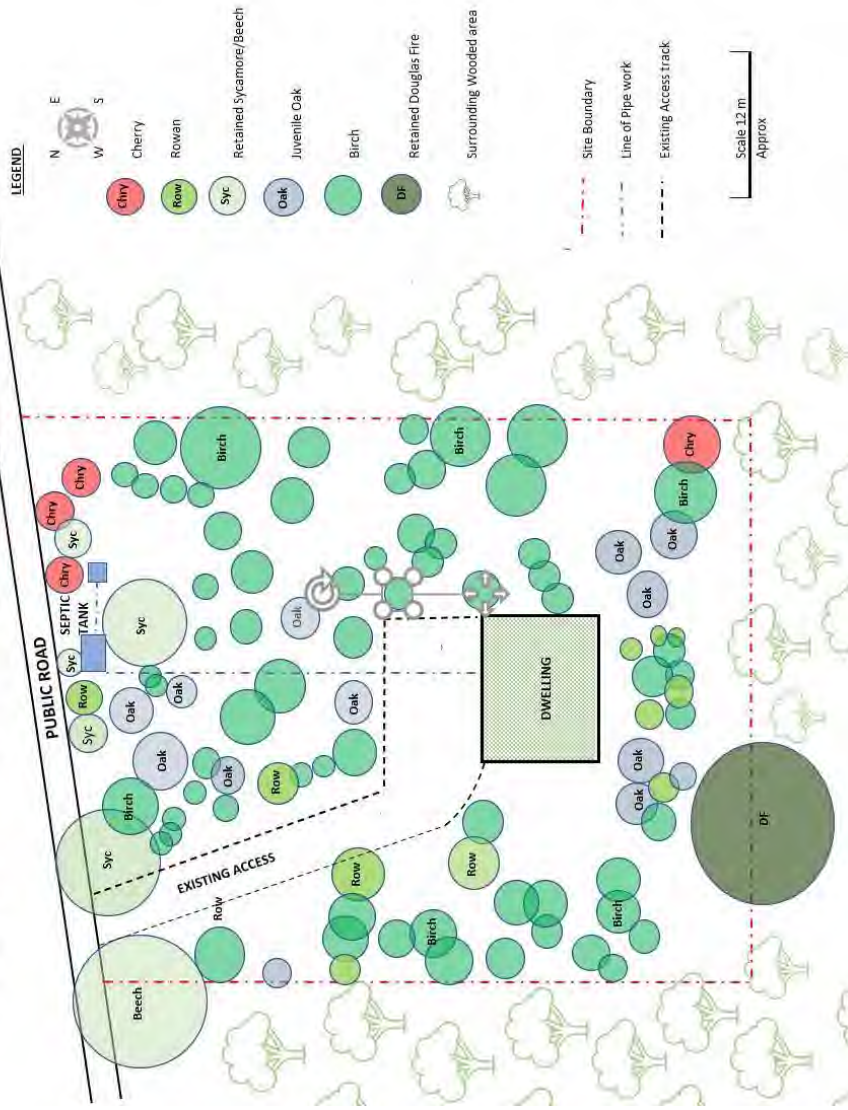










Table 2: Details of individual Tree for removals

Tree No.	Species	Age *	Description and Condition health/defects	Photo	Photo	Height	Stem Dia	Branch spread (NWSE)	Remaining useful life (Years)	Root Protection Area**	Management recommendation
1	Rowan	Young	A poor specimen of an understory tree Split stem Leaning over access track			13.0m	23cm	NSEW	10+yrs	N/A	Fell to improve access
2	Cherry	Young	Understorey young tree Poor health & very Suppressed. Crown dying out Close to access track			11.0m	11cm	Weak crown	2yrs	N/A	Fell to improve access  Would normally be removed in thinning programme









No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
3	Birch	Young	Understorey young tree Poor crown formation Suppressed Close to access track			14.0m	13cm	Weak crown	2yrs	N/A	<b>Fell to improve access</b>  Would normally be removed in thinning programme
4	Birch	Semi-mature	Established tree of low quality. Reasonably healthy crown  Leaning to track access area			15.0m	18cm	Full crown	5-10yrs	N/A	<b>Fell to improve access</b>
5	Birch	Young	Tree starting to lean over Poor root contact Risk of blow Poor form Leaning into access area			14.0m	16cm	West crown only	5yrs	N/A	<b>Fell will improve access</b> Root damage creates wind blow risk <b>Safety felling</b>

No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
6	Birch	Mature	Quite a large tree seriously leaning tree. High risk of windblow due to significant uplift of root plate. Requires early safe felling			14.5m	34cm	Full crown	1yr	N/A	Requires early felling <b>Hazard tree</b>
7	Birch	Semi-mature	A healthy tree of reasonable form Located in the access area			14.0m	20cm	Full crown	10-15yrs	N/A	<b>Fell to improve access</b>
8	Birch	Mature	A healthy tree with a good crown. A slight lean towards west possible root damage. Located in the site parking area.			17.0m	34cm	Full Crown	20+yrs	N/A	<b>Fell to provide parking access</b>





No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
9	Oak	Young	An established but small juvenile oak Good form impacted slightly by tree No8. Located in site parking area			10.0m	12cm	Full crown	50+yrs	N/A	Fell to provide parking access
10	Birch	Young	An understory tree. Small pole stage specimen Located in site parking area			14.5m	16cm	Poor crown	5yrs	N/A	Fell to provide parking access Should normally be removed in thinning programme
11	Rowan	Young	A small multi-stemmed tree with twin stems arising from low position Located in site park area			10.0m	2x 17cm	Full crown	5-10yrs	N/A	Fell to provide parking access

No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
12	Birch	Young	A suppressed small and leaning tree, pushed out by No11  Located in site parking area			13.0m	15cm	Poor crown	2yrs	N/A	<b>Fell to provide parking access</b>  Should normally be removed in thinning programme
13	Birch	Semi-mature	A good form pole stage tree  Located in site parking area			18.0m	17cm	Light Crown	10-15yrs	N/A	<b>Fell to provide parking access</b>
14	Birch	Young	A very small and suppressed tree  Located in site parking area			17.5m	14cm	Poor crown	5+yrs	N/A	<b>Fell to provide parking access</b>  Would normally be removed in thinning programme

No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
15	Birch	Young	A very small, suppressed tree Poor health and limited crown			13.5m	11cm	Poor Crown	2yrs	N/A	<b>Fell to provide parking access</b>  Would normally be removed in thinning programme
16	Birch	Young	A small, suppressed tree Poor crown health Located in site parking area			15.5m	13cm	Poor crown	2+yrs	N/A	<b>Fell to provide parking access</b>  Would normally be removed in thinning programme
17	Oak	Young	Established juvenile oak on edge of clearing. Slight lean. Stem split at 3m Healthy Located in build area			14.5m	23cm	Full crown	50+yrs	N/A	<b>Felling required</b>

No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
18	Birch	Mature	Established tree Good healthy crown Located in build area			18.5m	29cm	Full Crown	15+yrs	N/A	Felling required
19	Birch	Young	A very small struggling tree. Suppressed and dying Poor health Located in build area			13.0m	10cm	Weak crown	2yrs	N/A	Felling required Would normally be removed in thinning programme
20	Birch	Young	A small tree Bow in the stem Poor form Located in build area			17.5m	17cm	Weak crown	3yrs	N/A	Felling required Would normally be removed in thinning programme



No	Species	Age**	Health/ Condition	Photo	Photo	Ht	Diam	Crown	Expectancy	Protection	Action
21	Birch	Young	A very small and poorly developed tree Suppressed and dying Located in build area			13.0m	9cm	Weak crown	2yrs	N/A	<b>Felling required</b>  Would normally be removed in thinning programme
22	Birch	Semi-mature	Established birch tree Healthy crown Sited adjacent to build corner (see picture) Located in build area			17.5m	22cm	Full crown	5-10+yrs	N/A	Felling required



Annex 3: Croft Wood Tree protection plan

**CROFT WOOD - IDENTIFIED TREES REQUIRING PROTECTION**

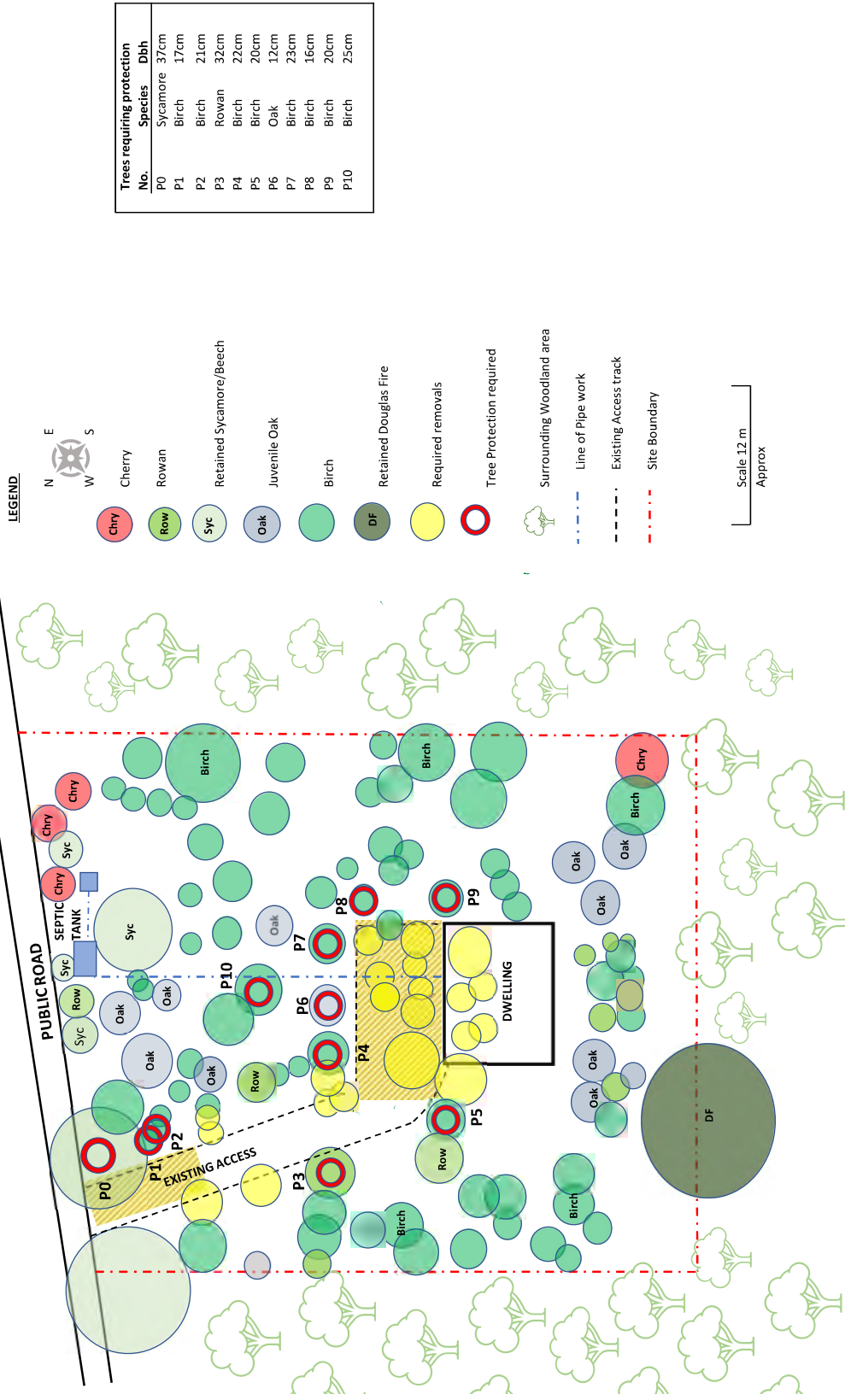
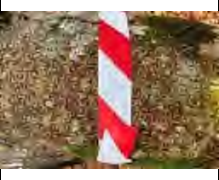








Table 2 : Individual Tree Protection Recommendations

Tree No.	Species	Photo	Photo	Height	Stem Dia	Branch spread (NWSE)	Age*	Condition health/ defects	Remaining useful life	Req'd) RPA radius **	Distance to work area (m)	Management recommendation
P0	Sycamore			18.0m	37cm	NSEW	Mature	Good health	20+yrs	4.4m	1.5m	Tree guard to be fitted Ground mat required at site entrance
P1	Birch			16.0m	17cm	NSEW	Young	Good health	10+yrs	2.0m	2.9m	Tree guard to be fitted RPA sufficient distance, no protection required
P2	Birch			17.5m	21cm		Semi mature	Healthy	10+yrs	2.5m	2.0m	Tree guard to be fitted Ground mat required adjacent to tree base
P3	Rowan			9.0m	32cm	NSEW	Mature	Multi stem	10+yrs	3.8m	2.0m	Tree guard to fit Ground mat required adjacent to tree

No	Species	Photo	Photo	Ht	Diam	Crown	Age	Health	Expectancy	RPA	Distance to Work to Area	Action Proposed
P4	Birch			15.0m	22cm	SE	Mature	One sided crown	10+yrs	2.6m	1.0m	Tree guard required Ground mat protection required adjacent to tree
P5	Birch			15.0m	20cm	NSEW	Semi Mature	Poor Crown	10+yrs	2.4m	4.0m	Tree guard required RPA Sufficient, no mat protection required
P6	Oak			10.0m	12cm	SEW	Young	Healthy	50+yrs	1.4m	1.0m	Tree guard required Ground mat required adjacent to tree
P7	Birch			13.5m	23cm	NSEW	Mature	Healthy Leaning	5-10yrs	2.7m	0.3m	Tree guard required Ground mat required adjacent to tree

No	Species	Photo	Photo	Ht	Diam	Crown	Age	Health	Expectancy	RPA	Distance to Work Area	Action Proposed
P8	Birch			16.5m	16cm	NSEW	Young	Slightly suppressed	5+yrs	1.9m	1.8m	Tree guard to be fitted  Sufficient RPA distance, no protection required
P9	Birch			15.5m	20cm	NSEW	Semi Mature	Poor crown	10+yrs	2.4m	2.5 m	Tree guard to be fitted  Sufficient RPA distance, no mat protection is required
P10	Birch			17.5m	25cm	NSEW	Mature	Healthy	10+yrs	3.0m	1.5m	Tree guard to be fitted  Mat required adjacent to tree

**Annex 4: BSI:5837: Trees in relation to design, demolition and construction – Recommendations**

**A) General Approach:**

**Section 5.5.6:** To avoid disturbance to the physical protection, it is essential to make allowance for, and plan, all construction operations which will be undertaken in the vicinity of trees. Factors that need to be considered include, but are not limited to:

- a) site construction access.
- b) the intensity and nature of the construction activity.
- c) contractors' car parking.
- d) phasing of construction works.
- e) the space needed for foundation excavations and construction works.
- f) the availability of special construction techniques.
- g) the location and space needed for all temporary and permanent apparatus and service runs, including foul and surface water drains, land drains, soakaways, gas, oil, water, electricity, telephone, television, or other communication cables.
- h) all changes in ground level, including the location of retaining walls, steps and making adequate allowance for foundations of such walls and backfillings; BRITISH STANDARD BS 5837:2012 © The British Standards Institution 2012 • 15 Licensed copy, Individual user, Company, Version correct as of 11.04.2012, (c) The British Standards Institution 2012
- i) working space for cranes, plant, scaffolding and access during works.
- j) space for site huts, temporary toilet facilities (including their drainage) and other temporary structures.
- k) the type and extent of landscape works which will be needed within the protected areas, and the effects these will have on the root system.
- l) space for storing (whether temporary or long-term) materials, spoil and fuel and the mixing of cement and concrete.
- m) the effects of slope on the movement of potentially harmful liquid spillages towards or into protected areas.



**B) Intended Tree and ground protection systems to be employed:**

(Also reference to Section 6.2: Barriers and Ground Protection)

Tree guarding



Ground protection



Refer Annex 4:

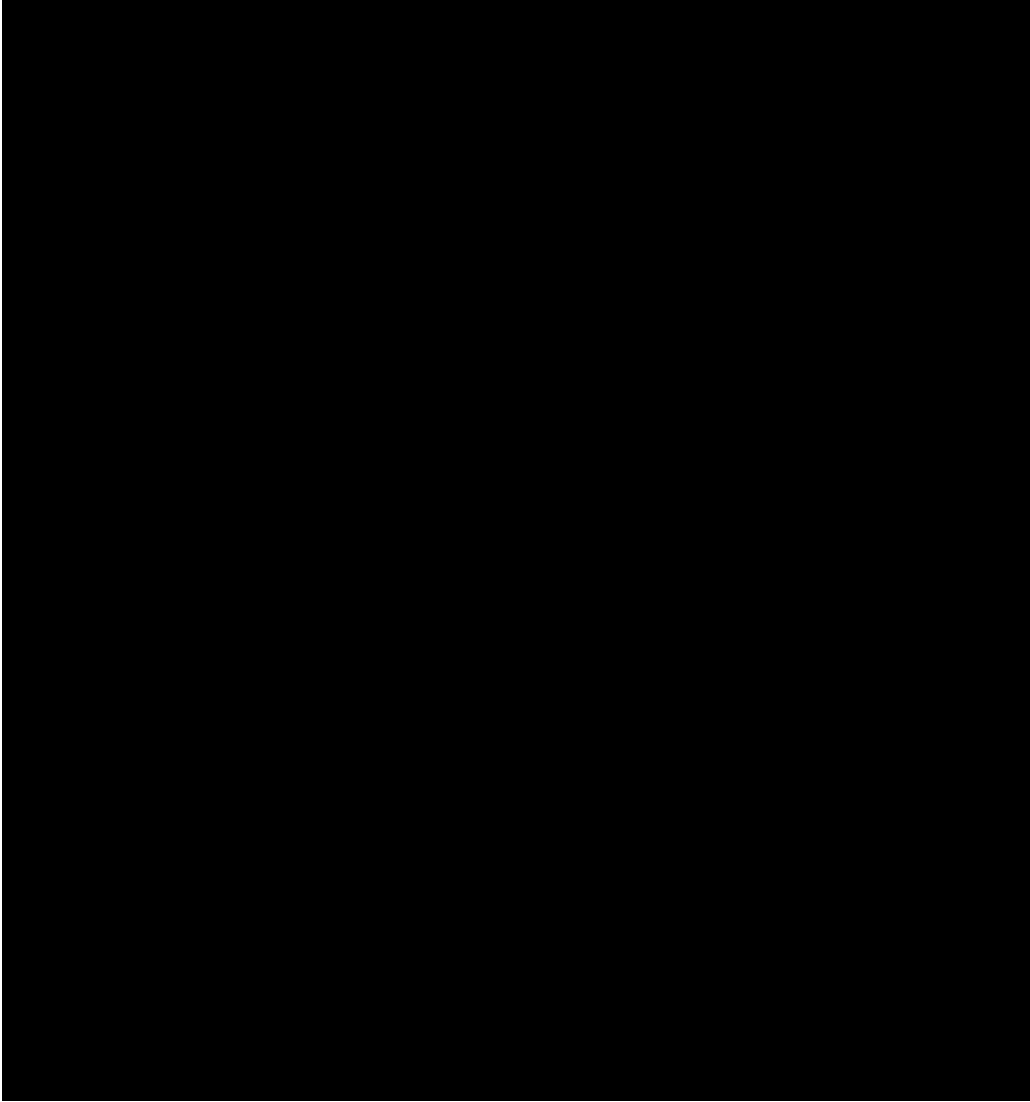
This shows those trees, in proximity to the development footprint, that will require protection from operational activities.

Reference Annex 3 Table 2

Lists/photographs and describes these trees, calculates their root protection area and provides management recommendations.

**Annex 5: Croft Wood: Badger Settl Locations**

**Plan showing existing badger sett entrances outside the boundary of the proposed development**



The site section to the left provides the location of setts entrances relative to the banking

## **Annex 6: Croft Wood Badger Protection and Mitigation Plan (November 2021)**

### **Detailed description of mitigation measures**

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This Badger Protection Plan clarifies the approach to minimise disturbance to badgers and their setts during proposed tree harvesting works at Croft Wood, Pitlochry, Perthshire This Plan is based on a Badger Sett Survey on the 9<sup>th</sup> and 15<sup>th</sup> November 2021 by John Gallacher.

- Operations will be carried out in accordance with Forestry Practice Guide No 9 – Forest Operations and Badger Setts, and all contractors will be made aware of the guide and its contents.
- All contractors, sub-contractors will be made aware of the setts.
- All operatives will be briefed using a Badger Toolbox Talk (see Annex 7 below) prior to work commencing. Briefings will be clear and unambiguous ensuring that all work stops and advice sought from an ecologist (or Nature Scot) where any concerns arise in relation to badgers or their setts. All briefings will be recorded as part of an evidence-based approach.
- No tree felling is proposed within 20 m of any badger sett.
- The site boundary will be clearly demarcated by coloured tape. This will ensure that the 20 m buffer from the development footprint (access track and the dwelling footprint) is maintained throughout operational activities.
- No machinery will move beyond the development footprint consisting of the access track and the dwelling footprint. All felling within this area will be carried out motor manually and the timber extracted manually.
- All cut material will be directionally felled away from sett entrances and likely run of underground tunnels and will be stacked away from the setts.
- No sett entrances will be blocked at any time.
- Any remaining brush will be stacked away from the setts and any badger paths.
- Any re-fuelling activities will take place away from the sett entrances.
- Lubricants used for power saws will be of vegetable origin.
- All work will be carried out during daylight hours only.

## Badgers

### What?

Badgers are a protected species.

Both the animals and their setts are protected by law.

It is illegal to carry out any forestry work close to a badger sett without taking steps to positively avoid damage and without an appropriate Licence.

It is no excuse in law to be unaware of the presence of Badgers.



### Look out for:

- **Badger Setts** – check the shape of the hole. Badger holes tend to be the shape of a capital 'D', with the flat side downwards, and are at least 20-30 cms wide.
- There may be signs of freshly excavated material at the entrance or piles of leaves, dry grass, straw or bracken, which the badgers take inside to use as bedding. Large spoil heap outside main sett. This may contain old bedding, bits of fur, and even small bones.
- Good foot-prints will show a prominent central pad, and either four or five toes, with good claw marks.
- Badger hair on barbed wire and other wire fences, or under fences



### Why?

Avoid prosecution: It is a criminal offence to:

- Kill, injure or take a badger.
- Disturb a badger when it is occupying a sett.
- Interfere with a badger sett by damaging or destroying it.
- Obstruct the access to, or any entrance of, a badger sett.



#### DO

- ✓ Immediately **STOP** work and inform your line manager if you see a badger on your site, discover a badger sett or see other evidence.



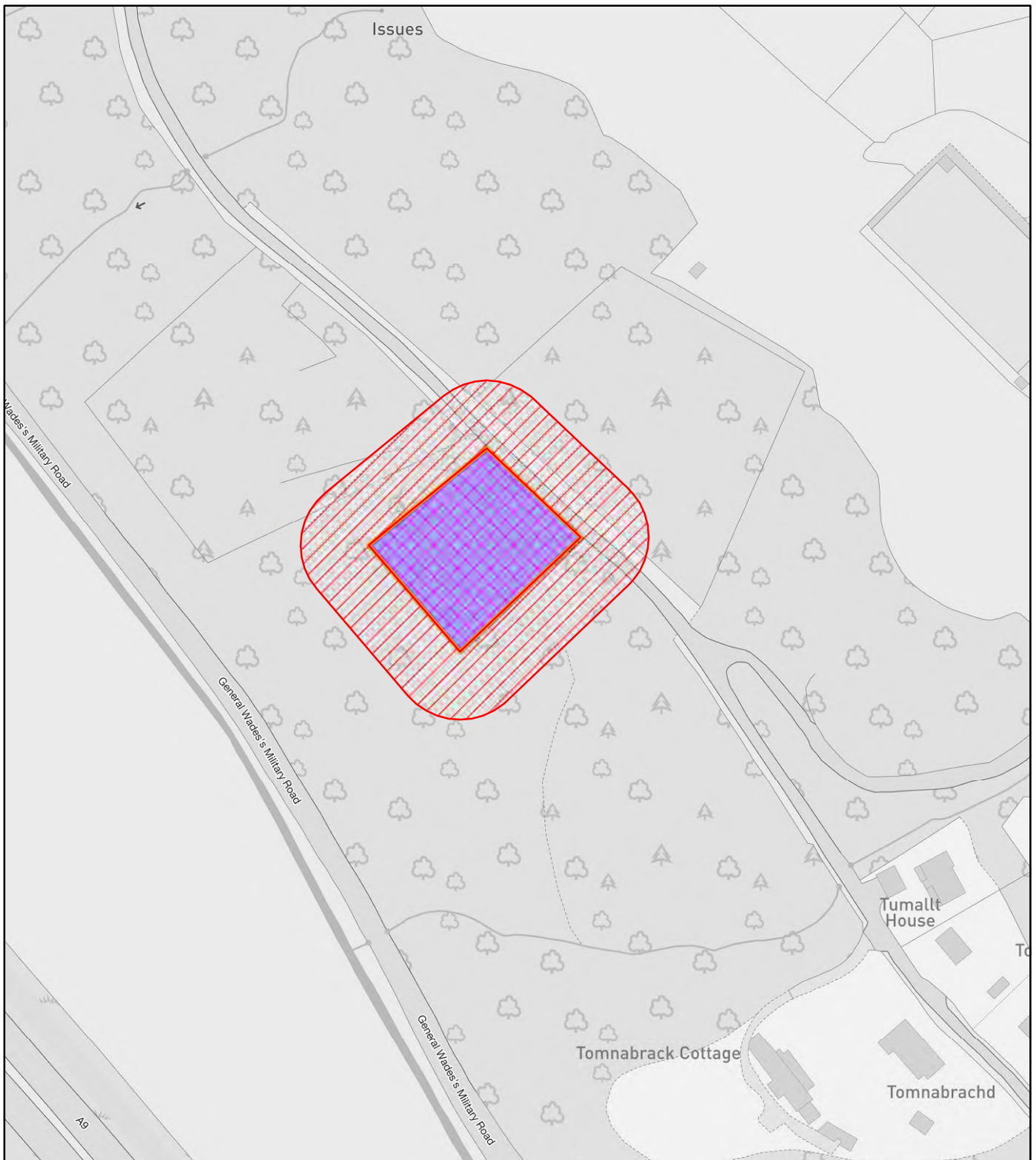
#### DON'T

- ✗ Use any machinery or fell trees within 20 metres of a sett.
- ✗ Proceed with any operations until advice has been sought.

# Perth & Kinross Council

## NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



This map is for Neighbour Notification ONLY. It must not be reproduced or used for any other purpose.

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Joanna Dick 10:38

Sorry off sick, yes redact any badger sett locations on the portal. Looking at report now

Joanna Dick 10:46

The info in the Addendum Report is correct, legally a badger sett is only a badger sett if it is proved to be in use, otherwise it is just a hole in the ground! So no legal restrictions however they can become used again at any time so they need to be monitored and checked prior to works commencing to ensure they are not active. I'm a tad concerned regarding the trees as the plan seems too tight to allow construction traffic, material storage ect and I think it's likely more trees would be affected/have to be felled. We would need info on how these trees will be protected through a Tree Protection Plan.

The Report lacks any proposed measures to compensate for loss of trees and lacks any enhancement measures as required in Planning for Nature Supp Guidance Planning Guidance - Planning & Biodiversity- Perth & Kinross Council (pkc.gov.uk)



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

<b>Planning Application ref.</b>	21/02146/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 400 Metres South East Of Haugh Cottages East Haugh		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0 <b>Total: £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	11 February 2022		





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

<b>Planning Application ref.</b>	21/02146/FLL	<b>Comments provided by</b>	Katrina Walker
<b>Service/Section</b>	Development Plans	<b>Contact Details</b>	Planning Officer [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 400 Metres South East Of Haugh Cottages, East Haugh		
<b>Comments on the proposal</b>	<p>This is a resubmission of the previous proposal which was refused (21/01218/FLL). Additional information has now been provided to address the reasons for refusal. I'm aware that the previous application was refused partly on the ground of policy 41 and 40B and I note that the Council's Tree and Biodiversity Officer has also been consulted on the application and will be better placed to provide more detailed assessment on these aspects. I have therefore confined my comments to the principle of the application and how it relates to policy 19 Housing in the Countryside.</p> <p>My concern with the previous application was that it was a proposal for a new house in open countryside which may include an element of home growing. On the basis of the information provided I concluded that, in my view, the proposals did not go far enough to meet the requirements of section 3.5 of policy 19 and the associated supplementary guidance.</p> <p>As with the previous application a statement has been submitted with this new application which sets out how the proposal is considered to comply with policy 19 and the SG. Specifically in relation to section 3.5, however, I can see no change other than additions to the site plan to indicate a hen coup and beehives (both located outwith the application boundary) and six raised vegetable beds.</p> <p>In the previous application I was concerned that the raised beds and livestock pens did not form a particularly significant or integral part of the application. I also questioned whether the raised beds could be located in a position where there would be enough direct sunlight for the growing of crops. The SG states that 'whilst there are some everyday goods which cannot be produced locally, proposals must include the cultivation of land to produce crops and rear livestock at a scale so as to ensure that the household will not be dependent on car travel elsewhere in order to meet the majority of their basic food shopping needs'. I acknowledge that additional information has been submitted detailing those crops which can grow in a woodland or shaded setting and whilst I do not dispute this my concern is whether this, together with a single hen coup and beehives, is really of a significant and broad enough scale to allow the occupants of the house to be largely self-sufficient across all the seasons. In this regard I am still of the view that the proposals do not go far enough in demonstrating that this new house in the countryside is essential as an integral part of an overall scheme for the management of</p>		

	the land which will allow the occupants of the house to be largely self-sufficient as is required by section 3.5 of the SG.
<b>Recommended planning condition(s)</b>	None
<b>Recommended informative(s) for applicant</b>	None
<b>Date comments returned</b>	23/2/22

# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 21/02146/FLL

Our ref OLW  
Tel No 01738 476958

Date 7 February 2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission PKC 21/02146/FLL RE: Erection of a dwellinghouse Land 400 Metres South East Of Haugh Cottages East Haugh for Mr Stephen Lavery**

I refer to your letter dated 25 January 2022 in connection with the above application and have the following comments to make.

### **Environmental Health**

#### **Recommendation**

I have no objections to the application but recommend the undernoted informative be included on any given consent.

#### **Comments**

This application is for the erection of a dwellinghouse which will include the provision of a single woodburning stove and associated flue.

#### **Air Quality**

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with the domestic sized stove in this case and therefore I have no adverse comments to make with regards to air quality.

#### **Odour**

Another matter pertaining to the stove which could cause an issue has the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

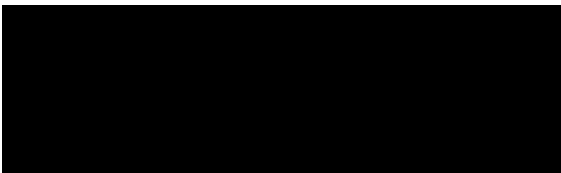
I note from the submitted plans that the flue will terminate above roof ridge height, which will aid in dispersion of emissions. I would advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

**Informative**

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.



Wednesday, 26 January 2022



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**400 M South East Of Haugh Cottages, , East Haugh, PH16 5TE**  
**Planning Ref: 21/02146/FLL**  
**Our Ref: DSCAS-0056946-F8V**  
**Proposal: Erection of a dwellinghouse**

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

### Audit of Proposal

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

### Water Assessment

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

### Foul Assessment

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

---

### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has



been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## **Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

### **General notes:**

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

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## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

### **▶ Non Domestic/Commercial Property:**

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

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

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for

separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Pamela Strachan**

Development Services Analyst

Tel: 0800 389 0379

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

### **Scottish Water Disclaimer:**

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

# Memorandum

To Development Quality Manager From Regulatory Service Manager  
Your ref 21/02146/FLL Our ref ALS  
Date 04/02/2022 Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse Land 400 Metres South East Of Haugh Cottages East Haugh for Mr Stephen Lavery**

I refer to your letter dated 01/02/2022 in connection with the above application and have the following comments to make.

**Water** (assessment date – 04/02/2022)

### Recommendation

**I have no objections to the application but recommend the undernoted informative be included in any given consent.**

### Comments

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply but should this prove to be impractical cognisance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water please note the following informative. No public objections relating to the water supply were noted at the date above.

### PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. 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.







**LRB-2022-19**

**21/02146/FLL - Erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 141-142)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 143-153)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, pages 163-264)*



**LRB-2022-19**

**21/02146/FLL - Erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh**

**REPRESENTATIONS**

*(included in applicant's submission, pages 269-279)*

