

TCP/11/16(406)
Planning Application – 15/00577/IPL – Residential
development (in principle) on land 40 metres north west of
Burnside House, Benarty Road, Kelty

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TCP/11/16(406)
Planning Application – 15/00577/IPL – Residential
development (in principle) on land 40 metres north west of
Burnside House, Benarty Road, Kelty

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

26 APR 2016

RECEIVED

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

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

| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|---|--|-----------------------------|---------------------------------|
| Title | Mr. | Ref No. | |
| Forename | James | Forename | Andrew |
| Surname | Thomson | Surname | Bennie |
| Company Name | c/o Agent | Company Name | Andrew Bennie Planning Ltd |
| Building No./Name | | Building No./Name | |
| Address Line 1 | | Address Line 1 | 3 Abbots Court |
| Address Line 2 | | Address Line 2 | |
| Town/City | | Town/City | DULLATUR |
| Postcode | | Postcode | G68 0AP |
| Telephone | | Telephone | |
| Mobile | | Mobile | 07720 700210 |
| Fax | | Fax | |
| Email | | Email | andrew@andrewbennieplanning.com |
| 3. Application Details | | | |
| Planning authority | Perth & Kinross Council | | |
| Planning authority's application reference number | 15/00577/IPL | | |
| Site address | <div>Land 40 metres north west of Burnside House, Benarty Road, Kelty.</div> | | |
| Description of proposed development | <div>Residential Development (in principle).</div> | | |

Date of application

8th April 2015

Date of decision (if any)

30th March 2016

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

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

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

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

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

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

Further written submissions

☐

One or more hearing sessions

☒

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Please refer to the attached Statement in Support of Review.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☐

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

In order that the Local Review Body may be made fully aware of those salient considerations relating to the site and its surroundings, an accompanied site inspection is considered to be both necessary and appropriate.

8. Statement

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

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

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

Please refer to the attached Statement in Support of Review.

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

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

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to the attached Schedule of Review Documents.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

I, the ~~applicant~~ agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Andrew Bennie on behalf of Andrew Bennie Planning Limited

Date:

25th April 2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

STATEMENT IN SUPPORT OF LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
15/00577/IPL

3 Abbots Court
Dullatur
G68 0AP

Tel: 07720 700210

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April 2016

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1.0 INTRODUCTION

1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. J Thomson in support of his request that the Planning Authority, under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 15/00577/IPL.

1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference 15/00577/IPL, planning permission in principle was sought for the formation of three house plots on that land which comprises the application site.
- 2.2 Other than the dimensions of the three proposed house plots, no details of the proposed houses were put forward for consideration as part of the application submission, with all details of the siting, design and external finishes of the proposed houses being reserved for future consideration at the "matters specified" stage.
- 2.3 The application site itself extends to some 0.2703 ha (0.668 acres) in area and is bounded to the north by the line of Benarty Road, to the south and west by areas of existing woodland, which in turn are bounded by the line of a small water course which runs to the south and west, and to the east by a number of existing residential properties which lie on the south side of Benarty Road.
- 2.4 The central part of the site comprises an open area of land formed by remains of spoil heaps associated with former mining activity in the area.
- 2.5 Notwithstanding the in principle nature of the application, it is intended that the proposed houses will be constructed on the existing open sections of the site which will enable the large mature trees which are located toward the south and west sides of the site to be retained.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the appointed person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 Rather, it is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development would not give rise to any demonstrable adverse impacts upon the established amenity of the surrounding area.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an accompanied inspection of the application site.
- 4.2 Given the nature of the application proposals, it is considered that the carrying out of an accompanied site inspection represents the best means of allowing the Local Review Body to gain a full and proper understanding of the nature of the proposed development when considered within the context of the adjacent building group and of the lack of impact that the application proposals would have upon the surrounding area and in turn the extent to which the proposals can be reasonably justified against the relevant provisions of the adopted Local Plan.
- 4.3 It is further considered that in light of statements made by the Appointed Person during the consideration of this application that a Hearing Session is required in order to allow the Appointed Person to properly explain and articulate the basis upon which their apparent support for the proposed development changed, without proper explanation, to one of opposition to the development which ultimately resulted in the refusal of the application.

5.0 GROUNDS OF REVIEW

5.1 The application which forms the basis of this Review, was refused planning permission on the basis of the reasons set out below:

- 1. By virtue of the sites lack of suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place within a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.**
- 2. As the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.**

5.2 A full copy of the Decision Notice on this application is provided at Document 5, within Appendix 3 of this Statement.

5.3 Our response to the stated reason for the refusal of planning application reference 15/00577/IPL is set out below.

5.4 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

5.5 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

5.6 For the purposes of the determination of this Review, the current, approved development plan covering the application site comprises the approved TAYplan Strategic Development Plan and the adopted Perth and Kinross Local Development Plan (adopted 3rd February 2014).

5.7 Given the scale of the development to which this Review relates and as it does not give rise to any issues, which are a strategic consequence to the provisions of the TAYplan Strategic Development Plan, the terms of the TAYplan are not considered further within this Statement.

Reason for Refusal 1

5.8 The first stated reason for the refusal of this planning application states that:

"By virtue of the sites lack of suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place within a definable site formed by existing topography and or well established landscape features which would provide a suitable setting."

5.9 The application site is noted to fall out with any of the identified settlement boundaries which are detailed within the Plan and consequently, as is confirmed by the terms of the Kinross-shire Area Plan which appears on page 201 of the Plan, the application site falls within the boundary of the identified countryside.

5.10 Policy RD3: Housing in the Countryside, provides the basis against which applications for residential development within the defined countryside will require to be assessed and to this end advises that:

"The Council will support proposals for the erection, or creation through conversion, of single and groups of houses in the countryside which fall into at least one of the following categories:

(a) Building Groups.

(b) Infill sites.

- (c) *New houses in open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*
- (d) *Renovation or replacement of houses.*
- (e) *Conversion or replacement of redundant non-domestic buildings.*
- (f) *Development on rural brown field sites.*

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversion or replacement buildings.

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 Forests of Clunie SPAs and Dunkeld-Blairgowrie Loch and River Tay SACs.

Note: *For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide."*

5.11 The Housing in the Countryside Guide was approved, by the Council, in November 2012.

5.12 This guide reaffirms the support provided for under the terms of Policy RD3 for the development of single and groups of houses in association with, amongst other things, "Building Groups".

5.13 The guide also states that developments should meet the requirements of a list, (a)-(m), of specified criteria.

5.14 Under the sub-heading "Building Groups", the guide advises that:

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

5.15 Within the policy context which is created under the terms of Policy RD3 of the adopted Local Development Plan and the matters which are set out with the terms of the Housing in

the Countryside Guide, it is clear that the Council have adopted a fairly permissive approach in relation to the development of new housing in the countryside.

5.16 It is beyond doubt that the existing residential properties, which lie to the immediate east and north of the application site, meet the definition of a "Building Group" as set out within the Housing in the Countryside Guide and that as such, the application proposals pass this first "qualifying" requirement.

5.17 Given the specific nature of the application site to which this proposed development relates, it is considered that support for its development as proposed, can be drawn from those aspects of Policy RD3 and the Housing in the Countryside Guide, which relate to additions to "Building Groups".

5.18 The Guide makes clear that additions to existing building groups, either in the form of single or multiple houses, will be permitted where such houses extend the existing group into definable sites.

5.18 In referring to the requirement for any extensions to existing building groups to relate to definable sites, neither Policy RD3 or the Housing in the Countryside Guide seek to suggest that such developments will only be acceptable when the nature of the "definable site" is such that any new housing will be fully or otherwise screened from views from the surrounding area. Rather, it simply states that definable sites are those that are defined either by existing topography of landscape features.

5.19 In the case of the application site, it is submitted that on its southern and western sides this required level of definition is created by the route of the existing watercourse and by the existing woodland associated therewith

5.20 The application site abuts directly with the western boundary of the existing dwelling house known as Burnside House, and benefits from a well defined and contained boundary to the south, which is formed by an area of existing mixed woodland that extends southwards to the line of a minor water course, with the route of this water course being such that it also creates a natural and defensible boundary to the west of the site. To the north the site is defined by the private roadway, that serves the wider building group.

5.21 To the west, the application site is defined by existing woodland, with an additional level of both definition and containment being provided by the line of the small watercourse which

runs to the south of the site and which runs in a north westerly direction and which as a consequence thereof provides a natural level of containment to the west of the site.

- 5.22 The requested site visit will allow the members of the Review Body to see first hand these aspects of the application site.
- 5.23 Consequently, it is considered that the site benefits from natural landscape containment on all sides and accordingly it is submitted that the application proposals can be fully and reasonably justified against this requirement both of Policy RD3 and the associated Housing in the Countryside Guide.
- 5.24 Recent planning decisions taken by the Council in respect of the erection of those dwelling houses that abut the application site on its eastern boundary are considered to add further weight to our submission as regards the acceptability of the sites landscape containment. Detailed submissions on this specific matter are set out below in respect of those "other material considerations" which are of relevance to this Request to Review.
- 5.25 Turning now to the provisions of the Housing in the Countryside Guide and with specific regards to the consideration of the application proposals against the requirements of those criteria (a)-(m), listed within the Guide and in respect of which it is stated that all proposals must meet, it is submitted that, in light of the "in principle" nature of the application proposals, criterion (a), (b), (c), (j), (k) and (m) are of relevance to the determination of this Request to Review.
- 5.26 When the application proposals are considered against the above noted criterion, the following conclusions are drawn:
- (a) As this application seeks merely to establish the principle of the residential use of the application site, it is not possible to assess any specific design related aspects of the proposed development, with it being considered that given the nature of the application, it would be inappropriate for any such assessment to be undertaken at this stage. This having been said, there is no reasonable basis upon which it could be concluded that the dwelling houses/development proposed under this application could not be brought forward in a manner which would meet in full the requirements of this stated guidance.
 - (b) The general context of this proposed development has been the subject of discussions with planning officials of the Council.

- (c) It is submitted that there is no reasonable basis upon which it could be concluded that the application site cannot be provided with a satisfactory means of both pedestrian and vehicular access, with it being noted that the stated reasons for the refusal of the planning application, no criticism of the proposed development based upon roads related considerations is put forward in justification for the refusal of the application.
- (j) The proposed development is not considered too be in conflict with any other policies and proposals contained within the Plan, with it being noted that with the exception of Policy RD3, no other policies of the adopted Plan are referred to within the stated reasons for the refusal of the application.
- (k) The proposed development will have no adverse impact upon any identified biodiversity assets, with it being further submitted that as a direct consequence of the retention of the large mature tree on the site and through the provision of that planting which will feature as part of the gardens of the proposed dwelling houses, the overall biodiversity value of the site will be increased as a result of the proposed development.
- (m) In terms of the scale, orientation and relationship of the proposed house plots to the existing building group, it is considered that the proposed development is wholly in keeping with the character of the surrounding area, and as such, it is considered that the proposed development will have no adverse impact upon the established (residential) amenity of the surrounding area.

5.27 Given the matters set out above, it is considered that the proposed development can be fully and reasonably justified against the relevant criterion set down under the provisions of the Housing in the Countryside Guide.

5.28 Consequently, it is submitted that the proposed development can be fully and reasonably justified against the provisions of Policy RD3 of the adopted Perth & Kinross Local Development Plan and the associated Housing in the Countryside Guide.

5.29 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, in determining this Review, it is necessary also to give due consideration to any other relevant material considerations.

5.30 To this end, it is submitted that the matters set out within the consultation responses, which have been received in relation to the application proposals and the planning history, which relates to the recent development of those dwelling houses which are located to the immediate east side of the application site, are of material relevance to the determination of this Review.

- 5.31 With regards to the first of these issues, it is of significance to note that none of the parties who have been consulted with as part of the Appointed Persons consideration of this application have offered any objection thereto. Consequently, it is reasonable to conclude that there are no "technical" issues, which would support the refusal of the application, with this conclusion being supported by the specific terms of the stated reasons for the refusal of the application.
- 5.32 With respect to the second of these two issues, it is considered that the planning permission granted by the Council, and the planning considerations which supported the same, in respect of those recently constructed dwelling houses which lie to the immediate east side of the application site are of direct material relevance to the determination of this Request to Review.
- 5.33 It is clear from the pre-development nature and characteristics of the site of these adjacent houses, which themselves were granted planning permission as an extension to the original building group on the north side of Benarty Road, that said site was striking similar to the site of the application which forms the basis of this Request to Review, with it being submitted that said site benefited from no greater degree of definition or containment when compared with the site of my clients application.
- 5.34 This being the case, it is submitted that it is wholly unreasonable for the Appointed Person to seek to impose a higher standard of site assessment in respect of this application when compared to that which was applied during and as part of the considerations which led up to the granting of planning permission in relation the adjacent houses to the immediate east side of my clients site.
- 5.35 Given the matters set out above, it is considered that having regard to the terms and provisions of Policy RD3 and the Housing in the Countryside Guide, the proposed development can be fully and reasonably justified.

Reason for Refusal 2

- 5.36 The second stated reason for the refusal of this planning application states that:

"As the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments

which extend an existing building group to respect the character, layout and building pattern of the existing group."

5.37 As has been noted above, the original building group on Benarty Road, which in its "original" form lay on the north side of the road only, has been extended at various points in the past, both on the north side of the road, as is evident from the age range of the housing on this side of the road, and more recently, in line with the development which was granted planning permission under the terms of planning permission reference 11/01683/FLL.

5.38 It is clear therefore that historically, the building group on Benarty Road has extended in a linear fashion first of all on the north side of the road and then more recently, and similarly in a linear fashion to the south side of the road.

5.39 The nature of the development, which is proposed under this application can therefore be reasonably and justifiably be considered to represent a logical and natural continuation of the manner in which this building group has extended over time.

5.40 It is as a consequence of this that it is submitted that there is no reasonable or justifiable basis upon which it can be asserted that the proposed development would be in any way at odds with or detrimental to the character, layout and building pattern of the existing building group.

5.41 As such, it is submitted that on any reasonable measure, the proposed development is respectful of the existing building pattern in the area and that as such, the proposed development can be appropriately justified against the provision of Policy RD3 and the Housing in the Countryside Guide with regards to this specific issue.

6.0 SUMMARY

- 6.1 It is my respectful submission that the Appointed Person has failed to adequately demonstrate that the proposed development cannot be fully and reasonably justified against the relevant provisions of the adopted development plan and that accordingly the decision to refuse the application cannot be reasonably or unjustifiably supported.
- 6.2 Furthermore, it is submitted that when a full and proper assessment of the merits of the application proposal is undertaken against the relevant provisions of the development plan, the principle of the development of the application site for residential development purposes can be fully and reasonably justified, and having had regard to those material considerations which are considered to be of relevance to the determination of this Review, no matters have been identified which would outweigh the acceptability of the proposed development based upon the provisions of the development plan.
- 6.3 The proposed development can also be fully and reasonably justified against the provisions of the Council's "Housing in the Countryside Guide", which adds further weight to the acceptability of the proposed development based upon development plan considerations.
- 6.4 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission in principle pursuant to planning application reference 15/00577/IPL.**

APPENDIX 1

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

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| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|------------------------|-----------|-----------------------------|---------------------------------|
| Title | Mr. | Ref No. | |
| Forename | James | Forename | Andrew |
| Surname | Thomson | Surname | Bennie |
| Company Name | c/o Agent | Company Name | Andrew Bennie Planning Ltd |
| Building No./Name | | Building No./Name | |
| Address Line 1 | | Address Line 1 | 3 Abbots Court |
| Address Line 2 | | Address Line 2 | |
| Town/City | | Town/City | DULLATUR |
| Postcode | | Postcode | G68 0AP |
| Telephone | | Telephone | |
| Mobile | | Mobile | 07720 700210 |
| Fax | | Fax | |
| Email | | Email | andrew@andrewbennieplanning.com |

| 3. Application Details | |
|---|-------------------------|
| Planning authority | Perth & Kinross Council |
| Planning authority's application reference number | 15/00577/IPL |
| Site address | |
| Land 40 metres north west of Burnside House, Benarty Road, Kelty. | |
| Description of proposed development | |
| Residential Development (in principle). | |

Date of application

8th April 2015

Date of decision (if any)

30th March 2016

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

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

Further written submissions

☐

One or more hearing sessions

☒

Site inspection

☒

Assessment of review documents only, with no further procedure

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If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Please refer to the attached Statement in Support of Review.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☐

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

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10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Andrew Bennie on behalf of Andrew Bennie Planning Limited

Date:

25th April 2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

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

In order that the Local Review Body may be made fully aware of those salient considerations relating to the site and its surroundings, an accompanied site inspection is considered to both necessary and appropriate.

8. Statement

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

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

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

Please refer to the attached Statement in Support of Review.

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

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

APPENDIX 2

LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
15/00557/IPL
SCHEDULE OF DOCUMENTS

- Document 1: Decision Notice
- Document 2: Report of Handling
- Document 3: Applications Forms and associated Certificates
- Document 4: Block & Locations Plans
- Document 5: Flood Risk Assessment Report
- Document 6: Coal Authority Consultation Response
- Document 7: Transport Planning Consultation Response
- Document 8: Development Negotiations Consultation Response
- Document 9: TES/Flooding Consultation Response
- Document 10: Education Consultation Response

DOCUMENT 1

PERTH AND KINROSS COUNCIL

Mr James Thomson
c/o DX2 Consultancy Ltd
Derek Grubb
317 Rona Place
Glenrothes
KY7 6RR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 30.03.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 15/00577/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 8th April 2015 for permission for **Residential development (in principle) Land 40 Metres North West Of Burnside House Benarty Road Kelty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.
2. As the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

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

Plan Reference

15/00577/1

DOCUMENT 2

REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|-------------------|------|
| Ref No | 15/00577/IPL | |
| Ward No | N8- Kinross-shire | |
| Due Determination Date | 07.06.2015 | |
| Case Officer | Andy Baxter | |
| Report Issued by | | Date |
| Countersigned by | | Date |

PROPOSAL: Residential development (in principle)

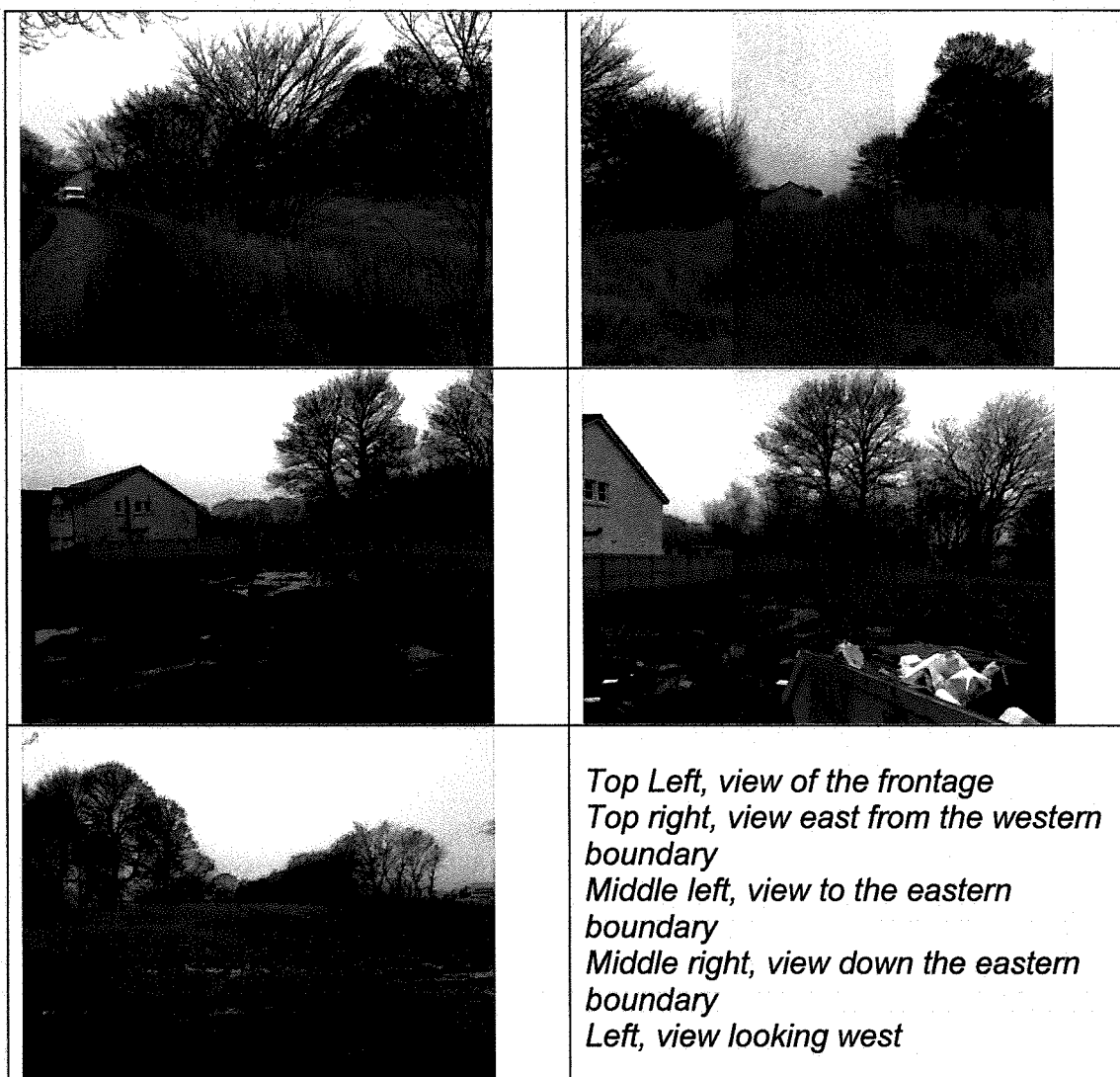
LOCATION: Land 40 Metres North West Of Burnside House, Benarty Road, Kelty

SUMMARY:

This report recommends **refusal** of a planning in principle application for a small residential development on a site adjacent to Benarty Road, Kelty as the development is considered to be contrary with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: Various, last of which Feb 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for a small residential development on Benarty Road, outside Kelty. The site lies adjacent to Benarty Road and sits to the west of a run of existing dwellings. Along the frontage of the site (north) and along the sites southern and western boundaries are a number of existing trees.

The main part of the site lies within an existing opening with no significant trees within the central area. On the site at present is some evidence of spoil heaps (now partly vegetated over) which I believe are previously associated with coal mining activities in the area. The area to the east of the site, adjacent to the existing dwelling has some informal hardstanding lain down and appears to have been used as a site compound area associated with the construction of the new dwellings to the east.

An indicative layout showing three dwellings has been submitted by the applicant.

Some of the smaller trees along the frontage of the site will have to be removed to accommodate the proposed accesses to any new plots; however the larger trees which are located to the rear south and to the west of the site should not be affected by the development proposed.

SITE HISTORY

A detailed planning application for the erection of a dwelling on the east most plot (16/00001/FLL) has been also been recommended for refusal.

PRE-APPLICATION CONSULTATION

None undertaken.

NATIONAL POLICY AND GUIDANCE

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

Of specific relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

Of relevance to this application are,

- Paragraphs 74 – 83, which relates to Promoting Rural Development
- Paragraphs 109 – 134, which relates to Enabling Delivery of New Homes

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The application site lies within the landward area, where the following policies are applicable,

Policy RD3 - Housing in the Countryside

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

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions

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

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This policy is the most recent expression of Council Policy towards new residential development within the landward area and offers support for new housing in certain instances. One of the acceptable criteria is new development which extends existing building groups into definable sites.

Developer Contributions 2014

This policy seeks to secure both A9 junction contributions and education contributions in certain circumstances. As the site benefited from a detailed planning consent (when this application was made, there is no requirement for an education contribution. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

This following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

EXTERNAL CONSULTATION RESPONSES

The Coal Authority has confirmed that they subject to conditions; they have no objection to the planning application.

INTERNAL COUNCIL COMMENTS

Environmental Health have commented on the planning application and raised no objections.

Transport Planning have commented on the planning application and raised no objections.

Contributions Officer has indicated that the Councils Developer Contributions policies should be applied to this proposal

Community Greenspace where consulted on the planning application but have made no specific comment.

Local Flood Prevention Authority initially raised an objection to the proposal, however after the submission of further information they have rescinded their objection.

Community Waste Advisor has made general comments on the planning application.

REPRESENTATIONS

One letter of representation has been received from the local Community Council, raising an objection to the planning on the grounds that the proposal is contrary to the HITCG 2012 and that the proposal would have an adverse impact on local wildlife of the area, existing trees and an adjacent watercourse.

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

ADDITIONAL STATEMENTS RECEIVED

| | |
|---|--|
| Environment Statement | Not Required |
| Screening Opinion | Not Required |
| Environmental Impact Assessment | Not Required |
| Appropriate Assessment | Not Required |
| Design Statement or Design and Access Statement | Not Required |
| Report on Impact or Potential Impact | Additional information in relation to a) flooding was submitted, after discussions with SEPA and the Council's Flooding Team and b) coal mining report, after the initial consultation was made from the Coal Authority. |

APPRAISAL

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

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

In terms of other considerations, the requirements of the Council's other approved policies in relation to HITCG and Developer Contributions are all material contributions.

Policy Appraisal

In terms of land use policy issues, the key policies are contained within the Local Development Plan. Within that plan, the site is located within the landward area where *Policies RD3 and PM1A* are directly applicable to all new residential proposals in the open countryside. *Policy RD3* refers specifically to the Council's Housing in the Countryside Policy and interlinks with the associated SPG, the Housing in the Countryside Guide 2012.

Both *Policy RD3* of the Local Development Plan and associated SPG offer support for new housing which extends existing building groups into definable sites when the extension of the existing building group takes place into a definable site which has a good landscape framework which is capable of successfully absorbing the development propose, and can be done so without compromising the character or amenity of the existing building group.

Policy PM1A of the Local Development Plan is also relevant to new proposals, and this policy seeks to ensure that all new developments across the landward area do not have an adverse impact on the local environment

For reasons stated below, I consider the proposal to contrary to these policies.

Land Use Acceptability

In terms of land use acceptability, the key consideration for this proposal is whether or not the erection of a new dwelling on this site would be consistent with the requirements of the Council's Housing in the Countryside Policies, as contained with *Policy RD3* of the Local Development Plan and the associated supplementary guidance 2012.

Within these policies, support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. The policies also state that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Within the area, there have been a number of recent developments (as well as older, existing properties) which now means that there is a clear existing building group of dwellings. To this end, the key test of the acceptability of this proposal is whether or not the site is suitable for an extension (of that existing group) and whether or not the extension would have an adverse impact on the character or amenity of the existing group.

I shall address these issues in turn.

The sites natural, existing landscape to the west and to the south is not sufficient enough to constitute a defined site. Whilst there are some trees along these boundaries, the random nature of these trees are such, that they do not provide a natural definable site which is capable of absorbing the development which is proposed.

In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road. Any further development in the area subject of planning application would essentially create a new run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group.

To this end, I consider the proposal to be contrary to the Council's Housing in the Countryside Policies.

Visual Amenity, Design and Layout

This is a planning in principle application; therefore there are no specific designs or layout to consider at this stage. However, considering the regular shape of the site I do not foresee any obvious issues rising from design and layout matters and that the visual amenity of the area is unlikely to be affected if an appropriate detailed scheme is brought forward.

Residential Amenity

Subject to appropriate siting of the dwelling on the plot, the development of this site will have limited impact on the residential amenity of existing properties to the east. In terms of offering a suitable level of residential amenity for the future occupiers of the new dwellings, subject to the appropriate density and siting of the new development, I see no reason why suitable levels of private amenity space cannot be achieved as well as suitable window to window separation.

Roads and Access

In terms of road and access related issues, the proposal raises no issues. The local road network is capable to accommodating the development proposed. In terms of the individual accesses and parking provision for the proposed dwellings, this will be further accessed once a detailed submission is lodged.

Drainage and Flooding

In terms of drainage issues, the site lies outwith a public sewered area so a private system would be required and I have no objection to this. In terms of flooding issues, my colleagues in the Council's Flooding Team initially raised some concerns over the proposal however the applicant has since been in positive dialogue with both the Council and SEPA and submitted additional information which addressed the initial concerns. As part of any detailed submission, the effect of flooding on this site and the impact that development on this would have on flooding elsewhere would be considered in more detail, however at the present time (at the planning in principle stage) there is no flooding objections from the relevant authorities.

Impact on Trees

The mature trees which are located along the southern and western edges of the site, are to be retained as part of the development. Some of the smaller trees which align the road frontage would need to be removed to allow for access(es) to be formed, however these trees don't offer any degree of visual amenity value and are not of sufficient quality to be collectively retained.

Impact on Local Wildlife

It is noted that the local community council have commented on the planning application in terms of the impact on the local wildlife on the site. There are no known protected species on the site, and whilst some tree removals are likely to facilitate the development I do not see their removal as having a significant impact local wildlife. However, it is noted that similar concerns were raised in relation to the application affecting the adjacent site to the east and it was the view of the Council then that it would be appropriate for an ecological report to be lodged with any detailed submission to ensure that local wildlife (and any required mitigation) is adequately addressed. I consider this precautionary approach to be sensible, and to this end any approval of this planning application should have a similar condition imposed.

Impact on Watercourse

I note that within the Community Council's comments, they have commented on the potential for the development to affect a water course to the rear of the site. Whilst it's not clear what there objection relates too, it is assumed that their concerns relate to pollution incidents which could in turn affect the integrity of the watercourse and / or flooding. The water course to the south is located outwith the site, and there is no reason why construction works should affect the water course. Nevertheless, in the event of any approval being forthcoming, a condition which requires a Construction and Environmental Management Plan should be attached to any permission.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan.

On that basis the application is recommended for refusal.

DEVELOPER CONTRIBUTIONS

Affordable Housing

Whilst it is unlikely that the site could accommodate 5 or more dwellings, as the proposal is for planning in principle with no numbers approved, a standard condition is to be attached to this permission which requires compliance with the Affordable Housing Policy.

Primary Education

As this is a planning in principle application, a standard condition will be attached to the consent requiring compliance with the Developer Contribution 2014 document.

Transport Infrastructure

As this site is located outwith the catchment area for Transport Infrastructure, there is no requirement for any Transport Contributions.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application based for the following reasons,

- 1 By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.
- 2 As the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

Justification

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

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00577/1

Date of Report 30.3.2016

DOCUMENT 3



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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000106380-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- ☐ 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)

Three residential building plots

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Have the works already been started 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: DX2 Consultancy Ltd

Ref. Number:

First Name: * Derek

Last Name: * Grubb

Telephone Number: * 07925 372034

Extension Number:

Mobile Number:

Fax Number:

Email Address: * derek.grubb@DX2consultancy.com

You must enter a Building Name or Number, or both:*

Building Name:

Building Number: 317

Address 1 (Street): * Rona Place

Address 2:

Town/City: * Glenrothes

Country: * UK

Postcode: * KY7 6RR

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: * Mr

Other Title:

First Name: * James

Last Name: * Thomson

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

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)

Access and Parking

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

☒ Yes ☐ No

If Yes please detail

on your drawings to

existing, altered or

highlighting the changes

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

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: * (Max 500 characters)

Klargester Biodisc (or similar), leading to gravel trench, with high-level overflow to Kinnaird Burn

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 withi risk of flooding? *

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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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:

jb

Checklist - Application for Planning Permission

Town and County 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 developments (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 County 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 section

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

Flood Risk Assessment

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☒ Yes ☐ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

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

Declare - For Application to Planning Authority

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

Declaration Name: Derek Grubb

Declaration Date: 03/04/2015

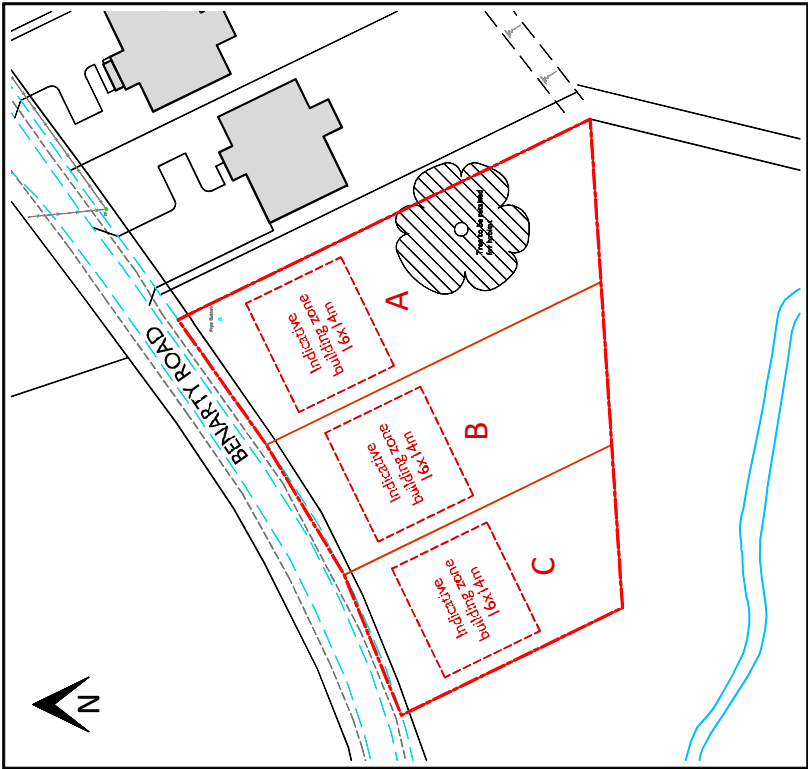
Submission Date: 08/04/2015

Payment Details

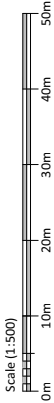
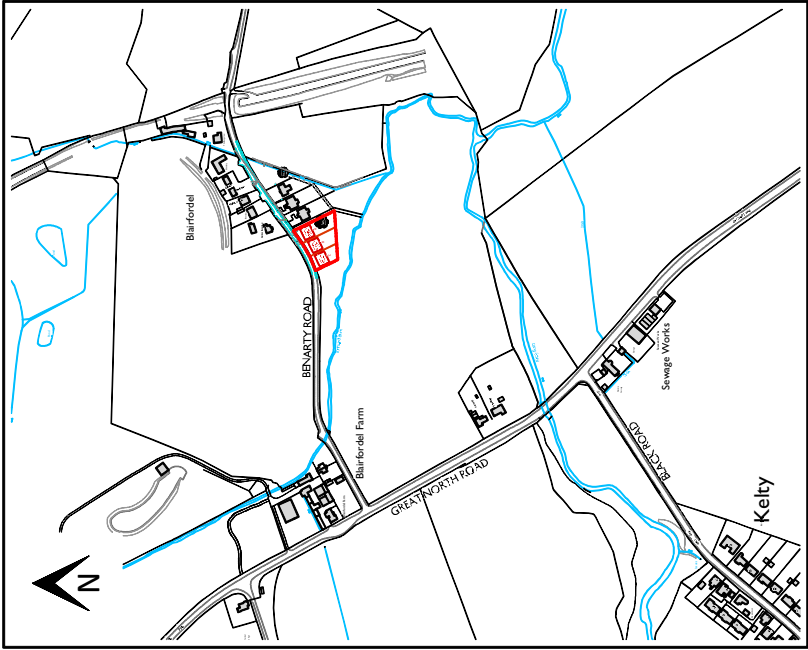
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DOCUMENT 4

Block Plan



Location Plan



| Rev'n | Date | Description | By |
|-------|------|-------------|----|
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Project / Client:
**Proposed Three Building Plots
at Blairford, near Kelty
for Mr James Thomson**

Drawing Title:
Block and Location Plans



DX2
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| Project Reference: 13-010-Blairford 2 | Scales: 1:500, 1:5000 | Date: 05 Nov 14 |
| Drawing Number: 14-13/010-162 | Sheet size: A2 | Drawn: d.v. |
| | Revision: | Checked: d.d.g. |

DOCUMENT 5

BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT REPORT
FOR
JAMES THOMSON

| | | | |
|-------------------|------------|--------------------|----------------------------|
| Report No. | 1441-204 | Version: | FINAL |
| Revision: | Revision 1 | Issue Date: | 3 rd April 2015 |
| Author | WH | | |

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

SITE SUMMARY INFORMATION

| | |
|---------------------------------|-------------------------------------|
| Name of Site: | Blairfordel |
| Ordnance Survey Grid Reference: | NT 14707 95815 |
| Site Address: | Blairfordel, Benarty Road, nr Kelty |
| Local Authority: | Perth & Kinross Council |
| Current Site Use: | Thin woodland with rough grasses |
| Proposed Site Use: | Residential Development |
| On site buildings: | No |
| Type of Investigation: | Level 3 Flood Risk Assessment |

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

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**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

Figure 1 - Site Location Plan

Figure 2 – Model Long Sections & Structure Parameters

Drawings Terrenus Drawing No. 1441-204-001

Terrenus Drawing No. 1441-204-002

Terrenus Drawing No. 1441-204-003

Tabulated Flood Model Inputs & Results

Photographic Plates

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

1 INTRODUCTION

1.1 BACKGROUND

The development of a site in the hamlet of Blairfordel near Kelty is currently under consideration.

The Kinnaird Burn flows close to the southern site boundary with a smaller watercourse designated the Leuchars Burn flowing at a short distance to the east of the site. An outline flood risk assessment was carried out for the adjacent development in 2010.

Due to the proximity of the watercourses Terrenus Land & Water Ltd was appointed by Harley Haddow to undertake a flood risk assessment of the site.

1.2 OBJECTIVES OF INVESTIGATION

The principal aim of the assessment is to develop an understanding of the flood risk to the site and to model the fluvial flood risk to the proposed development from the local watercourses.

1.3 SCOPE OF STUDY

The following tasks were undertaken during the course of this investigation:

- Collation of data including survey;
- Site walkover inspection;
- Assessment of data & fluvial model;
- Analysis of flood effects; and
- Production of an Interpretative Report.

The flood risk analysis uses modified Flood Estimation Handbook data, together with the MIKE11 (HD75+FEH) software modelling tool. This hydrodynamic software provides a fully dynamic solution for open channel flow.

1.4 PROPOSED SITE END-USE

It is understood that the development of the site will involve the construction of a number of residential properties with associated access road and infrastructure.

1.5 LIMITATIONS OF REPORT

Terrenus Land & Water Ltd. has prepared this report for the sole use of the Client, in accordance with generally accepted consulting practice and for the intended purpose as stated in the related contract agreement. No other warranty, expressed or implied, is made as to the professional advice included in this report. Should any third party wish to use or rely upon the contents of the report, written approval must be sought from Terrenus Land & Water Ltd; a charge may be levied against such approval.

To the best of our knowledge, information contained in this report is accurate at the date of issue. There may be conditions pertaining at the site not disclosed by the study, which might have a bearing on the recommendations provided if such conditions were known. We have, however, used our professional judgement in attempting to limit this during the assessment.

It is important therefore that these implications be clearly recognised when the findings of this study are being interpreted. In addition, this should be borne in mind if this report is used without further confirmatory investigation after a significant delay.

2 SITE DETAILS

2.1 DATA SOURCES

The following data sources were consulted during the course of the Flood Risk Assessment:

- Data provided by Client including site surveys and outline layout;
- Additional topographic survey information
- Current Maps;
- Available additional information.

2.2 SITE LOCATION & DESCRIPTION

The following site description is based on a walkover inspection undertaken on the 15th March 2015. A photographic record of the visit is included in the appendix to this report together with an overview of the site in drawing 1441-204-001.

A survey for model purposes was undertaken for the site by Phoenix Surveys in March 2015 and, together with survey information supplied by the client forms the basis of the understanding of the site topography. This survey was augmented with additional available information and measurements taken during the site walkover.

The site forms an irregular shaped plot of land some 0.4Ha in area lying to the north east of Kelty close to the boundary between Perth and Kinross and Fife Councils. The Kinnaird Burn flows from west to east close the southern site boundary. This watercourse is joined from the north by the Leuchars Burn some 90m to the south east of the site. The Kinnaird Burn is a tributary of the Kelty Burn which flows into Loch Ore further to the east.

The site is generally un-bound with the northern site boundary defined by Benarty Road. The southern site boundary lies close to the Kinnaird Burn. The site falls gently from a high of about 100.0m OD near Benarty Road to a low of about 97.8m OD near the Kinnaird Burn. The landform within the site is generally flat lying with a distinct but discontinuous levee or bund noted along the banks of the Kinnaird Burn. The site is occupied by a number of mature and semi-mature trees together with rough grasses.

2.3 SITE NEIGHBOURS

A small number of recently built residential properties lie immediately to the east of the site. Further properties lie to the north east of the site beyond Benarty Road. Elsewhere to the north and south of the site there are open fields.

2.4 HYDROLOGY AND DRAINAGE

The Kinnaird Burn flows to the south of the site within a well formed channel. A metal pipe was noted to cross the watercourse downstream of the site. The Leuchars Burn joins the Kinnaird Burn further downstream with these watercourses being a tributary of the Kelty Burn. The Kelty Burn flows to the east and enters Loch Ore some 1000m further downstream. Portions of the Leuchars Burn appear to be canalised to the east of the site. It is further noted that the landform to the south of the Kinnaird Burn falls gently towards the Kelty Burn and away from the site suggesting that the path of this watercourse may also have been adapted in the past.

The Scottish Environment Protection Agency (SEPA) has recently updated its indicative River and Coastal Flood Map for Scotland. The new 'Flood Maps' are enhanced and show potential flooding from coastal, rivers (fluvial) and surface water (pluvial) sources. In addition the maps provide a breakdown of flood likelihood in broad agreement with the Scottish Planning Policy Risk Framework.

A review of the map suggests a risk of flooding along the line of the Kinnaird Burn with wider flooding likely as a result of the Kelt Burn. Leuchars Burn is not represented by the SEPA map fluvial element due to its small catchment size. Surface water (pluvial) flood risk is noted along the line of the Kinnaird Burn with a wider risk of flooding in the field to the south. Minor areas of surface water flood risk may be present to the east of the site around the Leuchars Burn.

SEPA makes the following statement about the Flood Map:

"The river flood map was developed using a nationally consistent approach to producing flood hazard information, such as depth of water and speed of flow arising from river flooding. It is based on a two dimensional flood modelling method applied across Scotland to all catchments greater than 3km². The river flood map includes hydraulic structures and defences such as bridges, culverts and flood storage areas where appropriate information was available.

and

The surface water flood map combines information on rainfall and sewer model outputs. It incorporates data from a national surface water study, a regional surface water study with increased resolution in selected areas and a Scottish Water sewer flooding assessment."

The flood map should be treated with caution and SEPA makes the following general comment:

"The flood maps are designed to provide a community level assessment of flooding and its impacts. They model flooding at a national scale. As with any approach of this scale, there are limitations and assumptions made to enable modelling and a consistent approach to be applied across Scotland. Limitations arise from the data used to create the maps, the modelling techniques applied and the ability to incorporate datasets from local studies into a national approach."

Additional background details of the SEPA flood map can be found on the SEPA website:
http://www.sepa.org.uk/flooding/flood_maps.aspx

Underground drainage within the site is not expected. Drainage from the site follows the local topography towards the Kinnaird Burn. Surface water drainage is present along Benarty Road which will collect local runoff from the road and the small element of runoff from the land to the north of the road.

3 FLOOD RISK ASSESSMENT

3.1 GENERAL

Flooding occurs when the amount of water arriving on land exceeds the capacity of the land to discharge that water (by infiltration, overland flow, groundwater rise or a failed drainage system). It can occur on any level or near-level areas of land but the main concern in inland areas is with land adjacent to watercourses (fluvial flooding) and the possibility of overland flow (surface water flooding).

3.2 OVERLAND FLOW & LOCAL DRAINAGE

Within the site, local rainfall runoff via surface and ground water flow is directly to the Kinnaird Burn. Significant ponding within the site is unlikely due to the local topography. Any runoff from the land to the north of the site will follow the Benarty Road drainage system to the west and is not likely to impact the site itself.

A failure of the road drainage system may lead to increased overland flow along the road but is unlikely to affect the site. The risk of widespread overland flow affecting the site is considered to be low.

3.3 GROUNDWATER RISE

Given the local geology and landform the risk of groundwater rise in the area is considered to be insignificant.

3.4 FLUVIAL FLOOD RISK

3.4.1 General

The Kelt Burn lies at a considerably lower level than the site with wide areas of available flood plain between the site and this watercourse. The risk of flooding from this source or an impact on the Kinnaird Burn at the site is considered to be insignificant.

Due to the nature of the flood risk assessment the risk model runs along the centre line of the Kinnaird Burn from upstream of the site to beyond the confluence with the Leuchars Burn; a reach of 300m. The Leuchars Burn is included in the model forming an additional reach of 160m. This model is inclusive of the natural flood plain of the watercourse as well as any topographical features that would affect the modelling result. It is noted from the local landform that if the watercourses overtop, overland flow will preferentially pass to the south of Kinnaird Burn and to the east of Leuchars Burn. The sections of the watercourse modelled are shown on Drawing 1441-204-002 included in the Appendix.

The modelling of the watercourses, including the extent and location of the related cross sections, is relative to the key features identified during the site walkover and by the review of the available maps and survey data.

The model length was established to be long enough to avoid any adverse effects on the water flow from any significant features along the watercourse. Cross sections through the burn were obtained from the survey carried out in March 2015, from an understanding of the local area and from information collated during the site walkover. The number of cross sections utilised in the model is in relation to areas of restriction in flow and to construct a suitably representative analysis.

Information from the above sources indicates the upstream bed surveyed (at 74m chainage) to be at 97.76m O.D., while the downstream section (at chainage 300m) is recorded to be 93.97m O.D. Thus a fall of about 2.75m is anticipated over the entire reach of the modelled section resulting in a bed slope of 0.012m/m.

In order to fully analyse the water course, runs were carried out at a variety of Manning numbers, peak flow rates and downstream boundary slopes.

3.4.2 Structures

An important feature for the modelling of all structures with the hydrodynamic software used is that they must impose a constriction to the flow. That is, an inlet and an outlet loss must be present over the structure and the structure's geometry definition (with respect to flow-area) must be smaller than both the up and downstream cross sections for all levels defined in the structure.

Two structures associated with the Kinnaird Burn are present in the vicinity of the site. The first is the Benarty Road bridge some 200m upstream of the site. Should this structure overtop any overland flow will pass directly to the watercourse further downstream or enter the field to the south of the site. Should this structure be undersized or become blocked it will not present a risk of flooding to the site and has therefore not been included in the model.

The second structure on the Kinnaird Burn is a 500mm pipe which crosses the burn a short distance downstream of the site. Due to its proximity to the site this structure is included in the model with additional analysis of possible blockage.

A minor culvert allows the Leuchars Burn to pass below Benarty Road. Whilst this structure may be undersized any overtopping will flow directly over the road and will not impact the site itself. This structure has hence not been included in the fluvial model.

3.4.3 Downstream River Boundary

The location of the downstream boundary corresponds with the final cross section on the Auchengree Burn. In this case the boundary has been placed sufficiently far downstream to be remote from the site and any structures in the vicinity. The downstream boundary conditions for the site have been set in hydrodynamic mode with an open boundary. The Hydrodynamic (HD) Module has been applied to the boundary and is defined by the Time Series (TS). The Q-h relationship at the downstream boundary is computed using a Manning's value of 0.045 and a slope of 0.012.

3.4.4 River Flow

Rainfall records and catchment descriptors have been obtained from the Flood Estimation Handbook (FEH) CD ROM. Flow rates have been calculated using the FEH methodology and others. Relevant direct gauging station data is not available for the local watercourses. Flow rates were calculated using the following methodologies.

- FEH (2007) QMED (Index Flood) calculation;
- Improved FEH estimate of QMED (2008);
- IHR 124 calculation; and,
- FEH Rainfall Runoff method.

A summary of the possible peak design flows for the two watercourses is provided in Table 1 in the Appendix.

Taking into consideration the differing methods of flow calculation the design 0.5% probability (1 in 200 year event) peak flow for the Kinnaird Burn at the site is estimated to be in the order of 10.3m³/s. The Leuchars Burn peak flow during the same storm event is estimated to be 2.3m³/s

3.4.5 Climate Change Allowance

The Scottish Executive guidance 'UKCIP02 Update (2003)' suggests that peak river flows may increase by between 15% and 20% in Scotland by the mid 2080's due to global climate change. The UK Climate Projections (UKCP09) support the above percentage increase and therefore is in line with the current SEPA guidelines for the whole of Scotland. As such an additional allowance of 20% has been added to the estimated 0.5% probability flood event. This increases the design flow just downstream of the site to the following:

| | | 1 in 200 year flow (m ³ /s) | 1 in 200 year plus 20% flow (m ³ /s) |
|---------------------|---|---|--|
| Estimated Peak Flow | Combined Kinnaird Burn & Leuchars Burn | 12.6 | 15.1 |

3.4.6 Model Results under Existing Ground Conditions

Using standard hydrodynamic software modelling techniques for open channel flow, information between cross sections is interpolated through the Mike 11 hydrodynamic software and the watercourse flood levels calculated accordingly.

The water flow analysis assumes a generally conservative estimate of watercourse bed and banking roughness (Manning 'n' of 0.045). Further analysis of the watercourse was undertaken with a variety of roughness coefficients (Manning's 'n' of 0.040 and 0.050) and this indicates that the watercourse is not unduly sensitive to such changes. Table 2, contained within the appendix to this report, shows the variation between the different Manning's 'n' values used under existing ground conditions. Table 2 also shows the peak water levels under existing ground conditions for a variety of flood hydrographs and downstream slope values.

As with all fluvial flood models, uncertainties remain regarding the channel roughness that affects the relationship between flow rate and water level. The analysis must, therefore, be regarded as approximate.

The model indicates that the Kinnaird Burn remains within its banks during the design storm event and that the flow below the pipe crossing is not impeded. In the unlikely event that the Kinnaird Burn overtops due to a sever blockage at the pipe crossing overland flow will occur to the south and away from the site. The model also indicates that the Leuchars Burn eastern bank will overtop and surface flow will occur to the east of the site. It is noted that the site will not be affected by such an occurrence.

The surface water flow paths are shown on Drawing 1441-204-002.

4 DISCUSSION AND RECOMMENDATIONS

4.1 GENERAL

For new developments the acceptable risk of flooding should take into account various factors including risk to human health and the direct and indirect financial losses relating to flooding.

The assessment indicates that the risk to the site from overland flow due to direct rainfall runoff, groundwater rise and failure of existing drainage is low.

The fluvial model indicates that the Kinnaird Burn does not present a risk of flooding to the site during the design storm event and that the existing watercourse channel is sufficient to convey the peak 1 in 200 year storm event plus potential global climate change. Potential overtopping of the Leuchars Burn to the east will not adversely impact the site.

Whilst there are differences with the previous flood risk assessment carried in 2010 for the adjacent area to the east of the site the broad conclusions are similar.

4.2 DEVELOPMENT AND POSSIBLE MITIGATION MEASURES

It is recommended that a final ground level of 99.0m OD or above be adopted for the proposed development with a final floor level of 99.3m OD or above. This will provide an available freeboard of over 1000mm throughout the development.

Possible limited flow from Benarty Road to the north of the site is expected and should be considered in the design of the local drainage along the entrance to the site.

4.3 PHYSICAL WORKS ASSOCIATED WITH THE EXISTING WATERCOURSE

In relation to flood risk, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) may be affected by the proposed development. It is recommended that discussions with SEPA are held with respect to CAR at an early stage of the design process.

4.4 EFFECTS ON SITE NEIGHBOURS

The site lies outwith the functional flood plain of the local watercourses and the proposed development will have a neutral effect on any site neighbours.

4.5 OVERALL FLOOD RISK ASSESSMENT CONCLUSION

The Scottish Planning Policy notes that new developments should be free from significant flood risk from any source and that such development should not:

- materially increase the probability of flooding elsewhere;
- add to the area of land which requires protection by flood prevention measures;
- affect the ability of the functional flood plain to attenuate the effects of flooding by storing flood water;
- interfere detrimentally with the flow of water in the flood plain; or
- compromise options for future river management.

It is established that the site is currently at low to medium risk of flooding according to the SPP flood framework and that pedestrian and vehicular access will be available throughout the design storm event. It is concluded that the proposed development is feasible and in broad accordance with the general principles of the Scottish Planning Policy.

-oo000oo-

Terrenus Land & Water Ltd wishes to thank James Thomson for the opportunity to prepare this report and trust that it meets with your requirements. However, should you wish to discuss the contents of the report then please do not hesitate to contact the undersigned.

**Signed for and on behalf of
Terrenus Land & Water Ltd**



William Hume

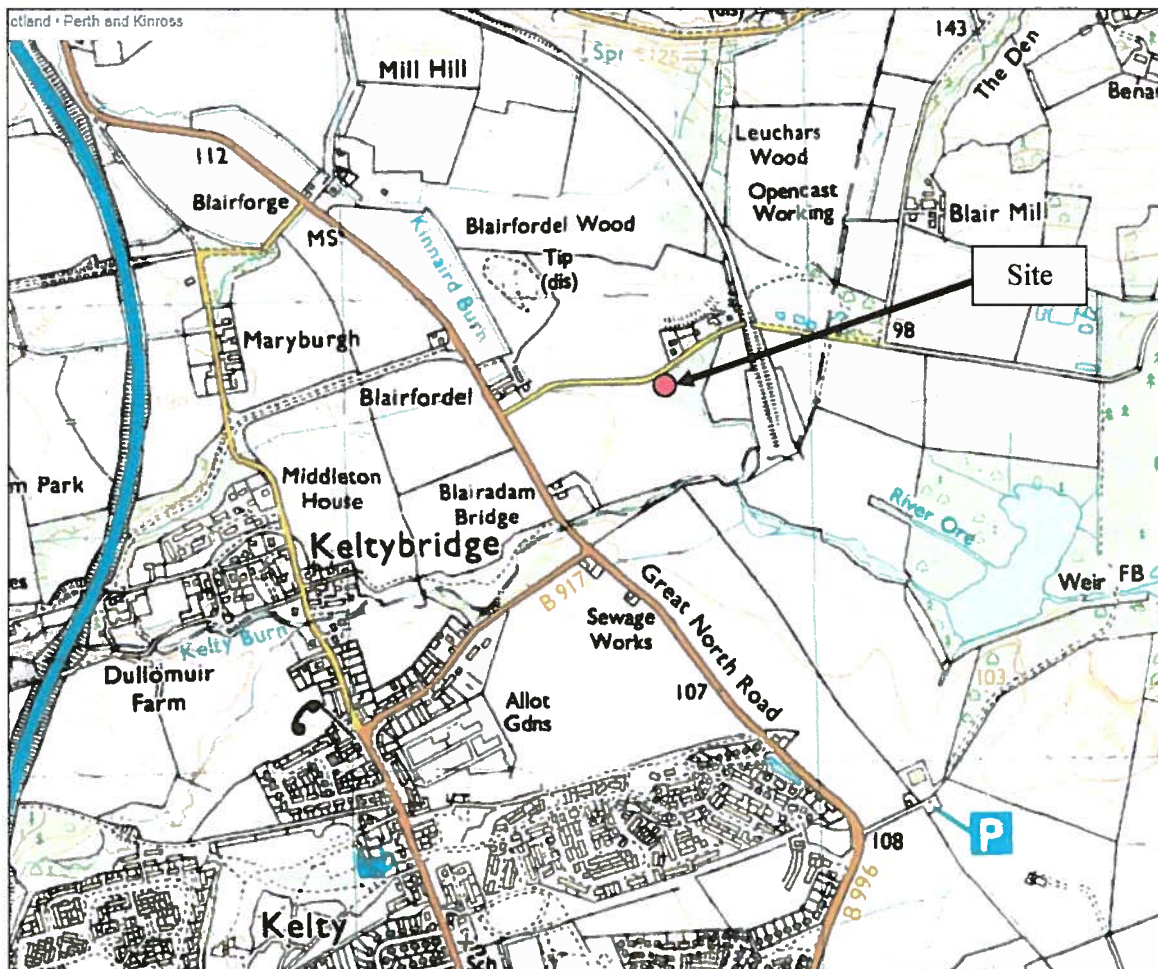
Director

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**


APPENDICES

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

FIGURES



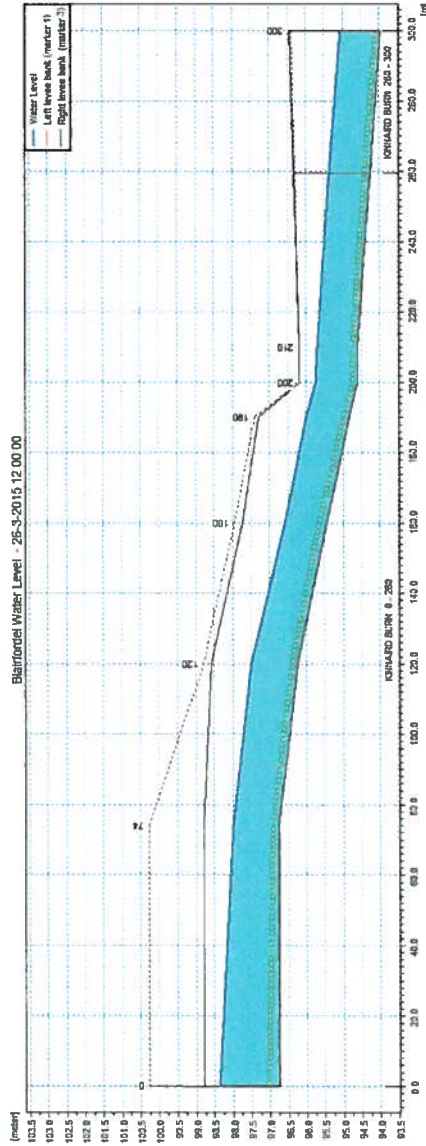
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| Project: Blairfordel, Kelty | | |
| Date: 15 th March 2015 | | |
| Grid Ref: NT 14682 95795 | | |
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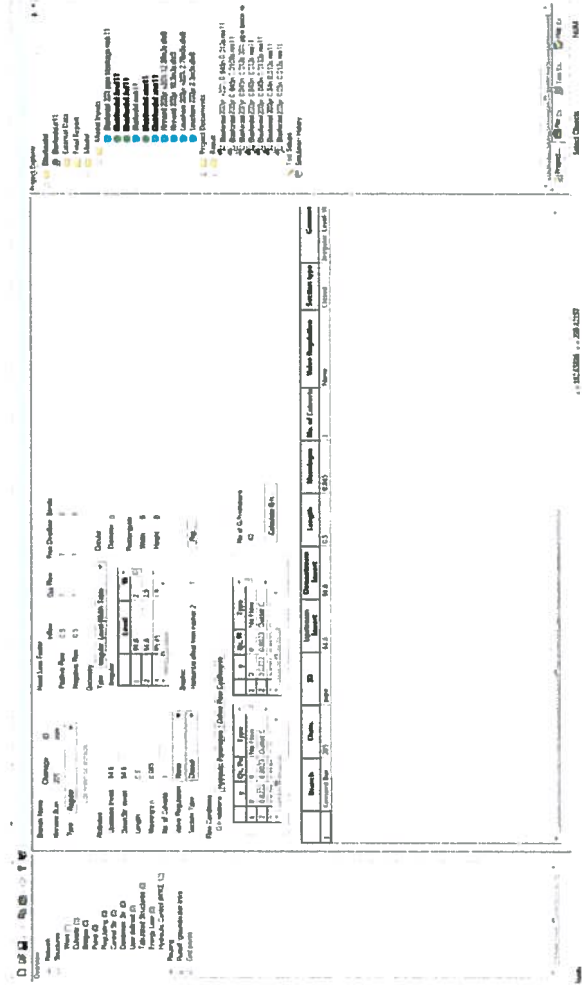
BLAIRFORDEL, KELTY FLOOD RISK ASSESSMENT FOR

JAMES THOMSON

Figure 2 – Model Long Section & Structure Parameters



Kinnaird Burn Long Section.



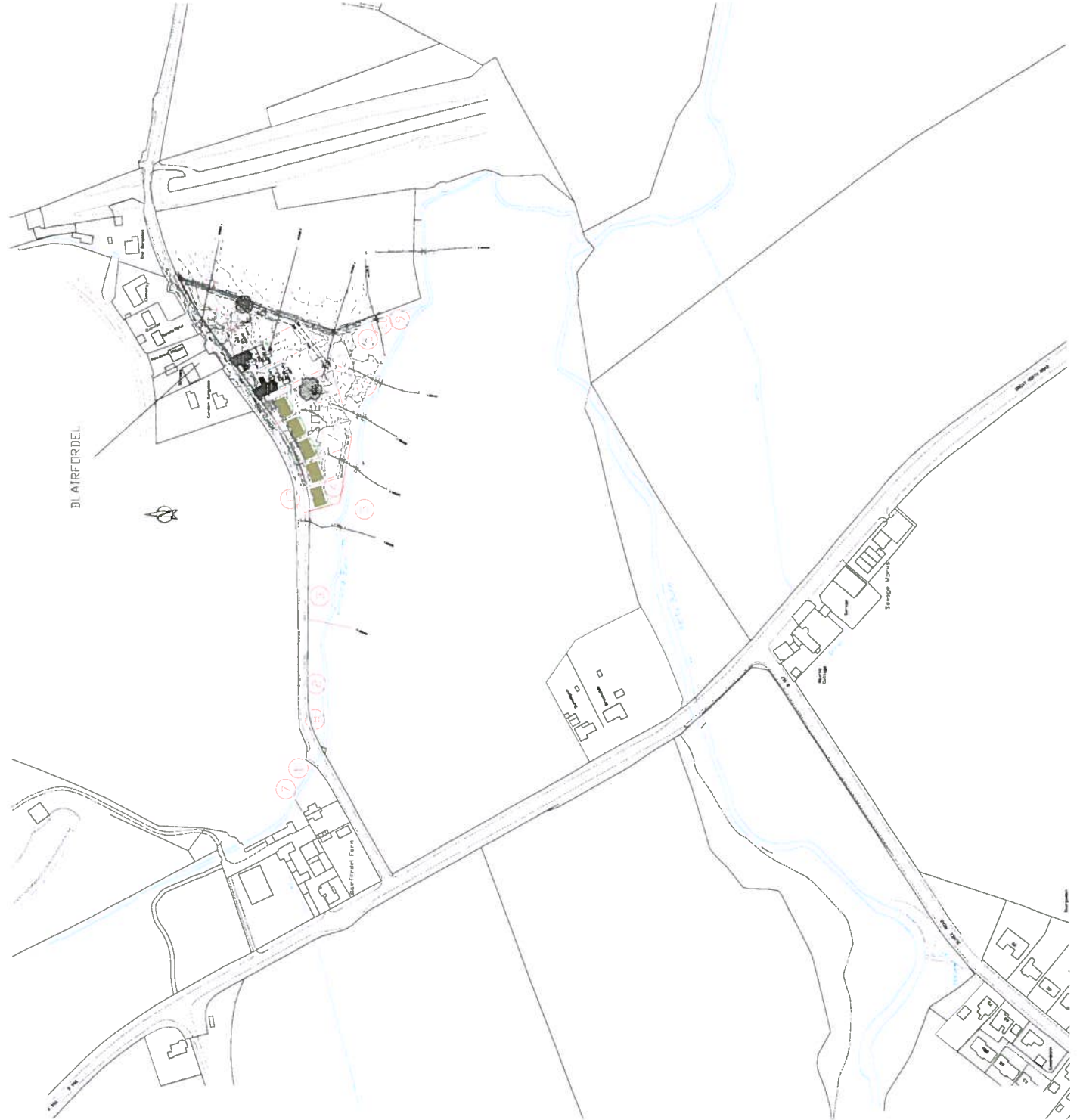
Pipe Structure Model Parameters.

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

DRAWINGS

LEGEND

① : PHOTOGRAPH



| Rev | Description | By | App | Date |
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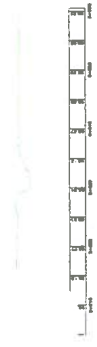
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| Client | JAMES THOMSON | | |
| Project | BLAIRFORD, KELTY | | |
| Drawing Title | SITE OVERVIEW & SURVEY | | |
| Drawn | WH | Checked | AFD |
| Date | 26/03/15 | Approved | WH |
| Scale | NTS | 1441-204-001 | |

ORIGINAL A3



KINNAIRD BURN

LEUCHARS BURN



SECTION A

SECTION B

SECTION C

SECTION D

LEGEND

| | | | | |
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| Rev | Description | By | App | Date |
| | | | | |
| | | | | |

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Client
JAMES THOMSON

Project
BLAIRFORD, KELTY

Drawing Title
MODEL SECTIONS

| | | | |
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| Drawn | Checked | Approved | WH |
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| Date | 26/03/15 | Scale | 1441-204-003 |
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ORIGINAL A3

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

TABULATED FLOOD MODEL INPUTS & RESULTS

Table 1 - Summary of Peak Flow Volumes

| All flow volumes are expressed in m3/s | | | | | | |
|--|---|---|--|--|---|------------------------|
| | FEH QMED (using 2007 methodology) | FEH QMED (using 2008 methodology) | IHR 124 Rural (Catchments <25km2) | IHR 124 Urban (Catchments <25km2) | Rainfall Runoff Methodology (MIKE) | Estimated Peak Flow |
| | 0.7 | 1.6 | 1.6 | 1.6 | 2.3 | 2.30 |
| 200 year plus potential Global Climate Change (GCC) of 20% | 0.86 | 1.95 | 1.97 | 1.97 | 2.72 | 2.76 |
| 200 year | 6.1 | 9.2 | 9.3 | 9.3 | 10.3 | 10.30 |
| 200 year plus potential Global Climate Change (GCC) of 20% | 7.36 | 11.08 | 11.11 | 11.11 | 12.36 | 12.36 |

Note: FEH CD-ROM 3 Dataset used

Table 2 - FRA Model Outputs

| Peak Water Level (mOD) for Existing Ground Levels | | | | | | | | | |
|---|---------------------------------|--|--|--|---|---|---|--|----------|
| Section number | Cross Section with chainage (m) | 1 in 200 yr at Mannings of 0.040 & ds slope of 0.012 | 1 in 200 yr at Mannings of 0.045 & ds slope of 0.012 | 1 in 200 yr at Mannings with 30% blockage at Pipe Crossing & ds slope of 0.012 | 1 in 200 yr plus 20% GCC at Mannings of 0.045 & ds slope of 0.012 | 1 in 200 yr at Mannings of 0.045 & ds slope of 0.0132 | 1 in 200 yr at Mannings of 0.045 & ds slope of 0.0108 | Approximate Level of river bank adjacent to site (mOD) | Comments |
| | | | | | | | | | |
| Kinnaird Burn | 1a | 98.29 | 98.38 | 98.46 | 98.38 | 98.50 | 98.38 | 98.38 | |
| | 1* | 97.93 | 98.00 | 98.07 | 98.00 | 98.10 | 98.00 | 98.00 | 98.92 |
| | 2* | 97.45 | 97.50 | 97.56 | 97.50 | 97.60 | 97.50 | 97.50 | 98.74 |
| | 3* | 96.55 | 96.60 | 96.65 | 96.61 | 96.70 | 96.59 | 96.60 | 97.54 |
| | 4* | 95.99 | 96.01 | 96.06 | 96.05 | 96.12 | 96.01 | 96.01 | 97.62 |
| | 4a | 95.77 | 95.74 | 95.80 | 95.84 | 95.87 | 95.74 | 95.75 | |
| | 4b | 95.67 | 95.71 | 95.76 | 95.71 | 95.82 | 95.71 | 95.71 | |
| | 5 | 95.07 | 95.06 | 95.06 | 95.06 | 95.13 | 95.05 | 95.08 | |
| | A | 98.10 | 98.13 | 98.16 | 98.13 | 98.19 | 98.13 | 98.13 | |
| | B | 97.26 | 97.29 | 97.32 | 97.29 | 97.34 | 97.29 | 97.29 | |
| Leuchars Burn | C | 96.83 | 96.85 | 96.88 | 96.85 | 96.89 | 96.85 | 96.85 | |
| | D | 96.33 | 96.36 | 96.40 | 96.36 | 96.43 | 96.36 | 96.37 | |
| | Da | 95.34 | 95.38 | 95.42 | 95.38 | 95.46 | 95.37 | 95.38 | |

Legend:

denotes where peak water level exceeds level of river bank at site

* Cross-sections affecting Site

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**

PHOTOGRAPHIC PLATES

**BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT**

**FOR
JAMES THOMSON**



Plate 1 – View of Kinnaird Burn bridge over Benarty Road looking south east with site beyond.



Plate 2 – Kinnaird Burn looking downstream with site on left.



Plate 3 – The site with Kinnaird Burn on the right.

**BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**



Plate 4 – View along site with Kinnaird Burn on right, (note lower lying field beyond).



Plate 5 – Looking south from the site to the field beyond.



Plate 6 – Looking west towards the site with Kinnaird Burn on left.

**BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**



Plate 7 – Kinnaird Burn looking north from the Benarty Road Bridge.



Plate 8 – Looking east along Kinnaird Burn with Benarty Road on left.



Plate 9 – Confluence of Leuchars Burn and Kinnaird Burn looking downstream.



Plate 10 – Leuchars Burn looking upstream with site approximately 50m to right.

**BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT
FOR
JAMES THOMSON**



Plate 12 – Leuchars Burn with site about 30m on the left.



Plate 12 – Kinnaird Burn looking upstream, note pipe crossing.



Plate 13 – View along Benarty Road with site on the left.

DOCUMENT 6



The Coal
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr A. Baxter – Case Officer
Perth and Kinross Council

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

18 December 2015

Dear Mr Baxter

PLANNING APPLICATION: 15/00577/IPL

Residential development (in principle) *Additional Information* at Land 40 Metres North West of Burnside House, Benarty Road, Kelty - RECONSULTATION

Thank you for your consultation email of 16 December 2015 seeking the further views of The Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

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

You will recall that The Coal Authority previously objected to the proposal in our initial consultation response of 27 April 2015 due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify risks posed to the proposed development by coal mining legacy.

The Coal Authority is therefore pleased to note that appropriate and up-to-date coal mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform a Coal Mining Risk Assessment Report (August 2015, prepared by Geovia), which now accompanies this planning application.

The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that a thick coal seam outcrops across the site and that historic unrecorded shallow mine workings are likely to be present beneath the site at shallow depth.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, historical mapping, and geological mapping and data. Based on a review of these sources of geological and mining information, the Report identifies that shallow mining related ground instability poses a medium level risk to development at the site.

The Report goes on to recommend that a targeted intrusive ground investigation is undertaken in order to ascertain the ground conditions at the site. Whilst not explicit in the Report, we consider that this will require the drilling of boreholes to suitable depths to adequately investigate the presence or otherwise of mine workings at shallow depth.

In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as the drilling and grouting of workings and foundation designs, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

* The submission of a scheme of intrusive site investigations for approval;

- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition to secure the above.**

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

Yours sincerely

James Smith

James Smith BSc. (Hons), Dip.URP, MRTPI
Planning Liaison Manager

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The

views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

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

DOCUMENT 7

Comments to the Development Quality Manager on a Planning Application

| | | | |
|---|---|-----------------------------|-------------|
| Planning Application ref. | 15/00577/IPL | Comments provided by | Niall Moran |
| Service/Section | Transport Planning | Contact Details | x76512 |
| Description of Proposal | Residential development (in principle) | | |
| Address of site | Land 40 Metres North West Of Burnside House Benarty Road Kelty | | |
| Comments on the proposal | Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety. | | |
| Recommended planning condition(s) | Prior to the occupation and use of the approved development all matters regarding access, car parking, turning and the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority. | | |
| Recommended informative(s) for applicant | | | |
| Date comments returned | 8 May 2015 | | |

DOCUMENT 8

Comments to the Development Quality Manager on a Planning Application

| | | | |
|---|--|-----------------------------|---|
| Planning Application ref. | 15/00577/IPL | Comments provided by | Euan McLaughlin |
| Service/Section | Strategy & Policy | Contact Details | Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk |
| Description of Proposal | Residential development (in principle) | | |
| Address of site | Land 40 Metres North West Of Burnside House Benarty Road Kelty for Mr James Thomson | | |
| Comments on the proposal | <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Cleish Primary School.</p> | | |
| Recommended planning condition(s) | <p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> | | |
| Recommended informative(s) for applicant | N/A | | |
| Date comments returned | 23 April 2015 | | |

DOCUMENT 9

Comments to the Development Quality Manager on a Planning Application

| | | | |
|---|---|-----------------------------|--------------------------------|
| Planning Application ref. | 15/00577/IPL | Comments provided by | Sarah King |
| Service/Section | TES/Flooding | Contact Details | Ex. 77388 sjking@pkc.gov.uk |
| Description of Proposal | Residential development (in principle) | | |
| Address of site | Land 40 Metres North West Of Burnside House Benarty Road Kelty | | |
| Comments on the proposal | (1) Site is within the medium probability river flood map | | |
| Recommended planning condition(s) | OBJECT to application in principle - Drainage impact assessment needs to be produced for this site prior to approval, due to the new dwelling houses and risk of flooding. | | |
| Recommended informative(s) for applicant | PKC Developers Guidance Note. June 2014. Scottish Planning Policy 2014 | | |
| Date comments returned | 20/04/2015 | | |

DOCUMENT 10

Comments to the Development Quality Manager on a Planning Application

| | | | |
|--|---|-----------------------------|------------------------|
| Planning Application ref. | 15/00577/IPL | Comments provided by | ECS |
| Service/Section | | Contact Details | Maureen Watt ext 76308 |
| Description of Proposal | | | |
| Address of site | | | |
| Comments on the proposal | <p>This development falls within the Cleish Primary School catchment area.</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> | | |
| Recommended planning condition(s) | | | |
| Recommended informative(s) for | | | |

| | |
|-------------------------------|--|
| applicant | |
| Date comments returned | |

TCP/11/16(406)
Planning Application – 15/00577/IPL – Residential development (in principle) on land 40 metres north west of Burnside House, Benarty Road, Kelty

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 155-156)*

REPORT OF HANDLING *(included in applicant's submission, see pages 159-169)*

REFERENCE DOCUMENT *(included in applicant's submission, see page 183)*

TCP/11/16(406)
Planning Application – 15/00577/IPL – Residential
development (in principle) on land 40 metres north west of
Burnside House, Benarty Road, Kelty

REPRESENTATIONS

*(part included in applicant's submission, see pages 217-220,
223, 227, 231, 235-236)*



The Coal
Authority



INVESTOR IN PEOPLE

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Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

For the Attention of: Case Officer
Perth and Kinross Council

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

27 April 2015

Dear Case Officer

PLANNING APPLICATION: 15/00577/IPL

Residential development (in principle) - Land 40 Metres North West of Burnside House, Benarty Road, Kelty

Thank you for your notification of 15 April 2015 seeking the views of The Coal Authority on the above planning application.

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

The Coal Authority Response: Fundamental Concern

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

The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, MRTPI
Planning Liaison Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at:
<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Guidance on how to produce a Coal Mining Risk Assessment and a template which the “competent body” can utilise is also contained at:
<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain

permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

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

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Memorandum

| | | | |
|----------|-----------------------------|---------|----------------------------|
| To | Development Quality Manager | From | Regulatory Service Manager |
| Your ref | PK15/00577/IPL | Our ref | LJA |
| Date | 1 May 2015 | Tel No | (4)75248 |

The Environment Service

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

Consultation on an Application for Planning Permission

PK15/00577/IPL RE: Residential development (in principle) Land 40 Metres North West Of Burnside House Benarty Road Kelty for Mr James Thomson

I refer to your letter dated 22 April 2015 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 01/05/2015)

Recommendation

The proposed development is on land within an area where there has previously been mining activity. Old mine workings can generate significant amounts of methane as well as other gases which may pose a high risk to any developments in the area. In addition the land around the mine may have been used for the disposal of mine spoil. As such I recommend the following condition be applied to any consent given and any site investigation conducted should include a gas survey.

I therefore recommend the following condition be applied to the application.

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

KG

Cleish and Blairadam CC
Patty Fraser
Cleish Castle Lodge
Cleish
Kineoss
KY13 0LW
20/05/15

Dear Sir

15/00/77/IPL

Cleish and Blairadam CC wish to object to the residential development in Pricipal on land 40m NW of Burnside House

The CC feel that this is over development of a rural location and as such is contrary to the Housing in the countryside policy, The proposed development would extend the area of development well beyond the existing building group and the developemtn can not be claimed to be an infill development, nor is is the site a brownfield development.

In addition the development location would involve significant amounts of tree clearance with no ecological information submitted to account for protected species which are known to be in area such as Red Squirrel and water vole.

In addition the proximity to the watercourse and lack of information relating to the adequate protection of the watercourse should be provided

Your faithfully

Ron Kitchen

Chair

Cleish and Blairadam CC

