

LRB-2022-01 - 21/01918/IPL – Erection of a dwellinghouse and garage/store (in principle), land 200 metres north east of Tomgarrow, Trochry

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LRB-2022-01 - 21/01918/IPL – Erection of a dwellinghouse and garage/store (in principle), land 200 metres north east of Tomgarrow, Trochry

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100491008-002

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Houghton Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	Houghton MRTPI	Building Number:	10
Telephone Number: *	07780117708	Address 1 (Street): *	Tarmangie Drive
Extension Number:		Address 2:	Dollar
Mobile Number:		Town/City: *	Clacks
Fax Number:		Country: *	Scotland
		Postcode: *	FK14 7BL
Email Address: *	paul@houghtonplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text" value="Lagmhor, Little Dunkeld"/>
First Name: *	<input type="text" value="Rob and Gabrielle"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Clamp"/>	Address 1 (Street): *	<input type="text" value="Dunkeld"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perthshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07780 117708"/>	Postcode: *	<input type="text" value="PH8 0AD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="paul@houghtonplanning.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land 200 Metres North East Of Tomgarrow Trochry"/>	
Northing	<input type="text"/>
Easting	<input type="text"/>

Description of Proposal

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

Erection of a dwellinghouse and garage/store (in principle)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached local review statement

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

☐ Yes ☒ No

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

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

Application as submitted Report of Handling Decision Notice Local Review Statement

Application Details

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

21/01918/IPL

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

23/10/2021

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

18/01/2022

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

To allow the LRB to speak to the applicants about their businesses and reasons for wishing to live on the application site.

Please select a further procedure *

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

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

To view the site and understand its relationship with the adjoining woodland.

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

The applicants would be useful to have at the site visit to show the LRB around the woodland.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 31/01/2022

LOCAL REVIEW STATEMENT

INTRODUCTION

This Local Review Statement has been prepared in response to the refusal under delegated powers of Application of Planning Permission in Principle ref: 21/01918/IPL for 'Erection of a dwellinghouse and garage/store (in principle)' at land 200 metres North East of Tomgarrow, Trochry, near Dunkeld.

If Planning Permission in Principle is forthcoming, the Application Site will be the new home for Mr and Mrs Clamp (the Applicants), and the centre of their business operations related to Birken Tree Highland Birchwater, Birken Tree Woodland Management and Caledonian Wildlands. These businesses are explained in detail in the various documents that were submitted with the Application. Mr and Mrs Clamp hope that they will also be granted a hearing, so that they can explain the background to their businesses; how they function; and their attachment to the land and the Application Site in question.

The Applicants are firmly of the view that without a dwelling being supported on the Application Site, they may be unable to further grow their businesses and provide the new employment they wish to.

This Local Review Statement has otherwise been written in the same order as the Report of Handling to assist councillors.

NATIONAL POLICY AND GUIDANCE

No comment.

DEVELOPMENT PLAN

No comment.

OTHER POLICIES

No comment.

CONSULTATION RESPONSES

All conditions recommended by consultees are acceptable to the Applicants.

In relation to the comments from Transport Planning, the traffic that will be generated will be low, and only a little above what is currently experienced on the track.

Although the Applicants do not see a need for passing places, these can be provided, if necessary, as the Applicants have good relations with the Estate.

REPRESENTATIONS

No comment.

ADDITIONAL STATEMENTS

No comment.

APPRAISAL

It is agreed that the determining issues *“are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.”*

Principle

It is agreed that the most relevant policy is Local Development Plan 2 Policy 19: ‘Housing in the Countryside’, which is explained in detail in ‘Housing in the

Countryside Supplementary Guidance’ (March 2020). Specifically, the Application is being submitted in compliance with Category “(3) *New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance*”. The main argument is being made in relation to Category 3.3 ‘Economic Activity,’ although Category 3.5 ‘Houses for Sustainable Living’ is also considered relevant.

Category 3.3 requires that Applicants must “*demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Where an alternative site is chosen by the applicant the reasons for this need to be clearly set out and justified. Applicants must also provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement.*”

The Applicants explain why they have chosen this site in the ‘Business and Domestic Case for Residing on Site.’ There are no buildings in the locale that can be renovated, or sites that can be redeveloped, and which would meet the Applicant’s needs.

The guidance continues that where the dwelling is supporting a new or expanded business, the Council requires to be reassured that the business will succeed. In that regard, the various businesses being run by the Applicants are established, as explained in the various submissions. They are financially sound, and are economically viable, and financial information has been provided to the case officer, in confidence, to prove this. Therefore, the Applicants are asking for a permanent dwelling rather than temporary accommodation. They would prefer there not to be any restriction on occupancy because this will severely restrict their ability to borrow to build the dwelling,

and anyway Scottish Planning Policy now directs against the use of occupancy restrictions in such cases.

Category 3.5 states that ‘Houses for Sustainable Living’ are acceptable where *“a person or household seek to reduce their carbon footprint by changing the ways in which they use energy and natural resources.”* That is directly applicable here and explained in the ‘Business and Domestic Case for Residing on Site.’ It is not being argued that this category alone would support the dwelling. However, it complements the main argument under Category 3.3, and would support the dwelling being granted consent, even if a modicum of doubt remains as to whether the proposals fully comply with Category 3.3.

Contrary to what is said in the Report of Handling, it is considered that these businesses more than justify a dwelling being built on the Application Site, and it is essential and critical for a dwelling to be located here. If councillors wish to explore this issue further, the Applicants are more than happy to answer any questions on that, or explain in more detail the case they have made.

As for it being *“a dangerous precedent,”* then that seems an extreme response. These businesses are unusual and unique, that is true. However, someone being able to replicate these circumstances somewhere else is extremely unlikely.

As already stated, the applicability of Category 3.5 is not being put as a justification on its own, merely to say that the Applicants are committed to living a sustainable life on the land and to build sustainably. They have not, as yet, produced a management scheme for the land, but that can be a condition of planning permission being granted, or the Local Review Body, if minded to support this dwelling in principle, could ask for that information as a further written submission. The proposals for the dwelling have not been totally designed yet, but it will be a one off, bespoke house, which will use renewable technologies that are suitable for the site and its environment. This can be a condition of planning permission being granted.

The Applicants appreciate the case officer's comments on potentially supporting a storage building on the Application Site, independent of a dwelling under Policy 8, but their focus currently is on living on the site, and they wish to explore (and exhaust) that opportunity before considering what to do next.

Design and Layout

The Local Review Body are invited to visit the Application Site, which will hopefully persuade them that whatever is built here will not have a wide, or in any way significant, landscape or visual impact.

As for other design issues, then the Council will have full control over these through a future Application for Matters Specified in Conditions.

Residential Amenity

The views of the case officer are accepted and agreed with.

Trees

As required by the case officer, a further tree survey can be carried out and conditioned as part of a planning permission.

Ecology and Bio Diversity

The Applicants are content to undertake further species surveys, as required, as a condition of planning permission.

Drainage and Flooding

The Applicants agree that such details can be conditioned.

Access

The Applicants are content to upgrade the bell mouth.

Otherwise, the road, as councillors will be able to see for themselves, can accommodate the small levels of traffic that the businesses will generate.

The events that the Applicant's are referring to are small group events, and they will be doing their utmost to ensure that anyone attending chooses green travel options to get to the site. That includes walking, cycling, or the Applicants doing pick ups from the railway station, for example. They will also encourage car sharing.

If passing places are required, then these can be provided, although vehicular traffic, cyclists and walkers already share the track successfully now and, because of the state of the track, vehicle speeds are exceptionally low.

Archaeology

The Applicants are content do an archaeological investigation as a condition of planning permission being granted.

Developer Contributions

The Applicants are agreeable to making whatever developer contributions are required by guidance.

Economic Impact

The economic impact of the proposal is not minimal, but is significant because it provides employment to the Applicants; will support the local economy; and has the potential for further jobs to be created and spin out benefits in the future. In that regard, the Applicants are already speaking to the Council's Enterprise,

Trade and Investment team and are seeking their support to further their business ambitions and to align those with the Council's.

CONCLUSION

For the above reasons, it is considered that a robust case has been made that a dwelling here would comply with policy and guidance and, therefore, it is requested that Planning Permission in Principle is granted.



Mr Rob And Mrs Gabrielle Clamp
c/o Houghton Planning Ltd
Paul Houghton MRTPI
10 Tarmangie Drive
Dollar
FK14 7BL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/01918/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 22nd November 2021 for permission for **Erection of a dwellinghouse and garage/store (in principle) Land 200 Metres North East Of Tomgarrow Trochry** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group, is not an infill site, does not involve the renovation or replacement of a house, does not involve the conversion or replacement of a traditional non domestic building and does not involve development on brownfield land. Furthermore, the proposal is not considered to meet the requirements under Category 3.3 Economic Activity as it has not been demonstrated that there is a critical and essential need for a dwelling. The proposal also fails to meet the criteria within Category 3.5 Houses for Sustainable Living as the proposal does not involve an overall scheme for the management or use of land which allows its occupants to be largely self-sufficient.

2. As the application is in principle, there is a lack of information as no topographical survey, no site levels, no detailed design and site layout and no cross sections based on a fixed datum point have been submitted. Consequently, the proposal cannot be adequately scrutinised against Policies 1A and 1B: Placemaking, Policy 19: Housing in the Countryside and Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020.

Justification

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

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

Plan Reference

01

02

03

04

05

06

07

08

09

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01918/IPL	
Ward No	P5- Strathtay	
Due Determination Date	21st January 2022	
Draft Report Date	14th January 2022	
Report Issued by	JW	Date 14 January 2022

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

LOCATION: Land 200 Metres North East Of Tomgarrow Trochry

SUMMARY:

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

SITE VISIT:

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

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

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse and associated garage/store/workshop at Tomgarrow near Trochry. The proposal relates to a business called Birkentree Highland Birchwater/Birken Tree Woodland Management and Caledonian Wildands which harvests birch water from Birch trees which grow in and around Tomgarrow. The submission states that these trees have a lifespan which is unique to Highland Perthshire and produce birch sap which complements single malt whiskies. The Birchwater product has recently been launched and information is presented in the submission regarding the discussions with suppliers which have been undertaken to date. The submission also indicates that the proposal involves engagement with local community groups and individuals to aid learning of woodland and tree skills and to host and plan events on site at Tomgarrow.

The business also provides forestry consultancy services. The company manages 8100 acres of woodland with an annual felling programme of 8000 tonnes of timber and a replanting programme of 200 acres and new woodland creation of 2300 acres. The submission indicates that the growth of the business is hampered by a lack of local presence, equipment storage and office space.

The application site is located within the Murthly and Strathbraan Estate within a field which was formerly part of the Tomgarrow township. The site is bound on three sides by mature Birch trees with an existing access track located on the south side of the site. A set of indicative plans of the proposed dwellinghouse have been submitted which indicated a log built building.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 21/00371/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 8: Rural Business and Diversification

Policy 15: Public Access

Policy 19: Housing in the Countryside

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 39: Landscape

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

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

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

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

OTHER POLICIES

Housing in the Countryside Supplementary Guidance 2020

Developer Contribution and Affordable Housing Supplementary Guidance 2020

CONSULTATION RESPONSES

INTERNAL

Environmental Health (Private Water) – informative recommended regarding protection of private water supplies

Environmental Health (Contaminated Land) – no objection

Transport Planning – concerns regarding extent of traffic generation and lack of passing places on access

Structures And Flooding – no comments

Development Contributions Officer – condition recommended

Biodiversity/Tree Officer – information sufficient and further conditions recommended.

EXTERNAL

Perth And Kinross Heritage Trust – condition recommended

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Access requires passing places

The issue above is addressed within the appraisal section below.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Tree Survey Ecology Survey Policy Justification Business Statement

APPRAISAL

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

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

Principle

The Perth and Kinross Local Development Plan 2019 (LDP2) through Policy 6 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy 19 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while

safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories as outlined within the Supplementary Guidance (SG)

- o Building Groups
- o Infill site
- o New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- o Renovation or replacement of houses
- o Conversion or replacement of redundant non-domestic buildings
- o Development on rural brownfield land

The application site does not meet the definition of a building group, is not an infill site, does not involve the renovation or replacement of a house, does not involve the conversion or replacement of a redundant non domestic building and is not considered to be brownfield land.

The only remaining category of the SG is 3. This section of the SG allows for a "New House to Support an Existing Business" under category 3.3 and is subject to detailed criteria. In this instance there is a requirement to demonstrate that a dwellinghouse is required on the site which relates to economic activity and that housing is essential to the continued operation of a farm/estate for animal welfare reasons. It also allows for houses which are not associated with farming where it demonstrated that there is a need for an additional to worker to live on site and that the dwelling is essential to the operation of the business and that there is a need for a worker to live on-site.

It is noted that reference is made to the fact that the proposal relates to the Birken Tree Highland Birchwater and Birken Tree Woodland Management business as part of the Strathbraan Estate, Cardney Estate, Riemore Estate, Cardney House, Trochry and Dalhullich Forests and that the applicant currently travels from Perth to manage these estates and operate the business. The applicant was advised in a pre application response that detailed evidence is required to demonstrate why it is absolutely essential for a new dwellinghouse to be provided on the site to allow the business to operate.

The SG requires detailed evidence as to why a new house is required to serve an existing business and to detail why it is essential to the operation of the business. This can often be in the form of animal welfare or security when a presence on site at all times is critical to the welfare of animals and the operation of a farm or business. The majority of approvals within Perth and Kinross under this category of the SG have been granted on this basis.

The submission states that the applicant requires to live on site in order to manage the woodland and protect the resource. This includes deer and

sheep control. The intention is also to host "group foraging and woodland skills events" and that the site is ideal for this purpose and living on site would enable the applicant to plan and host visiting groups and prepare woodland skills set ups. The submission goes on to state that a local presence to manage woodland estates is key as they are required to work out of hours or at short notice to deal with deer drives, ingress by deer, wildfires, meetings with estate staff and owners, supervising forestry operations and dealing with windblown trees. The office for the business is currently based in Little Dunkeld and it is stated that there is limited space and storage for equipment and machinery which is a constraint in growing the business. The applicant also currently lives in Perth which increases travel associated with the business.

The justification put forward regarding the management of woodland and associated activities are not considered to be the type of activity and business operation where it is absolutely essential and critical for a dwelling to be located on site to assist in the operation of the business and it would appear that the business has operated successfully without living on site previously. This view was indicated to the applicant during pre application discussions and no evidence has been submitted with this application which alters this view. It is accepted that it would be easier to operate the business from Tomgarrow than it would be from Perth and Little Dunkeld but this in itself is not sufficient to demonstrate that there is a critical essential need for a dwelling on the site. The type of activity indicated in the submission could be carried out sufficiently from a nearby existing property in the local area.

Whilst the business operation is commended, the management of woodland resources and related activities is not considered to be the type of business operation where it is essential that an operator lives on site adjacent to the woodland. If this application was to be approved it could set a dangerous precedent which would allow for the erection of dwellinghouses associated with the management of substantial woodland resource through Perth and Kinross which is not considered to be appropriate.

It is also noted that reference is made within the submission to category 3.5 which relates to houses for sustainable living. The SG requires an overall scheme for the management or use of land which allows its occupants to be largely self sufficient. This should involve the cultivation of land to produce livestock and rear livestock at a scale so as to ensure that the household will not be dependant on car travel elsewhere in order to meet the majority of their basic food shopping needs. The proposals also require to be one off, bespoke single houses which are at the forefront of sustainability. The proposals require to go beyond normal use of renewable technologies as detailed within category 3.5 of the SG. The submission solely references a particular section of the SG which states that proposals under category 3.5 are acceptable where a "person or household seek to reduce their carbon footprint by changing the ways in which they use energy and natural resources". The submission then states that "it is not being argued that this category alone would support the dwelling". From the information provided the proposal would not fall under the category of Houses for Sustainable Living as

whilst it may reduce the applicants need to travel the submission does not demonstrate an overall scheme for the management and use of land which allows the applicants to be self sufficient.

Furthermore, the SG also indicates that for category 3 there is a requirement to demonstrate that the proposal blends sympathetically with the land form, uses an identifiable site and makes a positive contribution to the landscape. It also states that given the particular importance of siting and design for new houses under this section of the policy, applications in principle will not normally be acceptable.

Therefore, the principle of a house on the site fails to adhere to Policy 19 of the LDP2 and the associated Housing in the Countryside Supplementary Guidance.

Policy 8 relates to rural business and diversification and states that the Council will give favourable consideration to the expansion of existing businesses and creation of new ones in rural areas. There is a preference that these be located within or close to existing settlements but sites outwith settlements may be acceptable where they are related to a site specific resource or opportunity. Policy 8 also requires a number of criteria which require to be considered including a requirement for development to achieve a high quality of design and to integrate into the landscape. As this is an application in principle it is not possible to assess the impact of any building on the visual amenity and landscape character of the area. Therefore, there is considered to be potential scope for a storage building associated with the operation of the business under policy 8 but the application requires to be considered as a whole. If a separate application for a garage/store is submitted where it is demonstrated that this relates to a rural business and diversification and a site specific resources and that it has an appropriate design, scale and siting there may be scope for this being supported alone provided no housing element is included. The criteria within policy 8 would require to be met in any submission.

Design and Layout

The Housing in the Countryside Guide 2020 includes detailed siting criteria which require to be considered in any proposal and these criteria are echoed by the requirements of Policy 1A and B of the LDP2 which relate placemaking and as stated above category 3 of the SG indicates that there is a requirement to demonstrate that the proposal blends sympathetically with the land form, uses an identifiable site and makes a positive contribution to the landscape. It also states that given the particular importance of siting and design for new houses under this section of the policy, applications in principle will not normally be acceptable.

As this is an application in principle no detailed design or scale of dwelling or workshop/store has been submitted, together with associated levels although some indicative plans have been submitted. Given that this application is in principle no full details of the proposal have been submitted and therefore it is

not possible to conclude the extent of impact on landscape character or visual amenity.

Residential Amenity

The site is of sufficient footprint and there is an opportunity to position any dwelling in a location which ensures that the neighbouring properties are not overlooked given the distance which would be apparent between windows of the new house and the existing properties. As this application is only in principle there is no opportunity to assess this in detail, at this stage, however this can be assessed if a detailed application is received.

The orientation of the house and its height, together with the window positions would be an important consideration should any detailed application come forward. Nevertheless, the principle of erecting a dwelling on this site is not considered to be acceptable and is not in accordance with LDP2 policy.

Trees

The submitted tree survey indicates that trees on the site are proposed to be retained although the survey work is not of the level of detail required to support a detailed application and would require further information and to accord with BS 5837:2012 Trees in Relation to Demolition, Design and Construction and include reference to tree protection.

Ecology and Bio Diversity

The submitted Protected Species Walkover Survey Report is in accordance with best practice though undertaken late in the survey season. The survey report notes the potential for bat roosts in mature trees, and I would advise that works within 30m of a bat roost may cause disturbance, not 10m as stated in the report. The Bio Diversity Officer recommends undertaking further survey to establish if the trees contain bat roosts to inform future plans and avoid risk of disturbance to protected species.

Further ecological survey in the form of an Ecological Impact Assessment (EcIA) is required as part of a full planning application with further investigation and evaluation of the possible ground water dependant terrestrial ecosystem (GWDTE) ground downslope of the site to the north, east and west of the site (detailed in section 3.2.1 of the Protected Species Walkover Survey Report). Evaluation of mature trees with bat roost potential is also required. Implementation of the mitigation hierarchy of avoid, mitigate, and compensate must be demonstrated. This could all be secured by appropriate conditions should any planning permission be granted.

Drainage and Flooding

A private foul drainage system would be proposed and details of this should be submitted with any detailed application, a surface water drainage proposal

would also be required. This is generally considered to comply with policies 53B and 53C of the LDP2.

Access

The applicant is proposing to access the A822 public road network via an existing private access 300 metres to the east of the U159 Rumbling Bridge junction. The bellmouth of the private access is potholed and requires to be upgraded to current standards to support the development. Given the applicants supporting information that advises the applicant will be looking to host events on site, bringing members of the public to the site (Section 5 of the Supporting Statement), this will increase the number of vehicle movements accessing and egressing the private access from the public road network.

As mentioned above, the applicant has provided supporting information for the dwellinghouse, stating that they will be operating a business from the site and have storage facilities, along with hosting events. The size and scale of the business operations is unknown at this time; therefore, it is difficult to predict or understand the level of traffic generation that will be associated the development. It is noted that in Section 6 of the Supporting Statement, the applicant will be hosting visiting groups and preparing woodland skills set ups. Further detail is required in order to understand the level of traffic to be generated but given that the principle of development is unacceptable there is no intention to request this additional information from the applicant.

The proposed route to the site forms part of the Core Path network, so there is scope for members of the public to be walking along this route. There is also the potential for vehicles to interact with other vehicles, and the current track does not provide suitable passing places, and these would be required to ensure there is no conflict between core path users and vehicles accessing the site. Again, it is not the intention to request this information given that the principle of development is contrary to the Development Plan. A condition should be applied to any planning permission granted to ensure the core path is not obstructed during construction operations.

Archaeology

The site is considered to be potentially archaeologically sensitive and therefore PKHT have recommended that should any permission be granted, it should be subject to a condition which ensures that an archaeological investigation is undertaken as required by Policy 26B of the LDP2.

Developer Contributions

Education

The Council Developer Contributions Supplementary Guidance (SG) requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity

constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Royal School of Dunkeld Primary School and a condition would be required to ensure this element of the guidance is adhered to should any planning consent be granted.

Transportation

The site is located ouwith the area where a transportation contribution is required.

The requirement to meet the above SG could be secured by condition.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Reasons or Refusal

The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group, is not an infill site, does not involve the renovation or replacement of a house, does not involve the conversion or replacement of a traditional non domestic building and does not involve development on brownfield land. Furthermore, the proposal is not considered to meet the requirements under Category 3.3 Economic Activity as it has not been demonstrated that there is a critical and essential need for a dwelling. The proposal also fails to meet the criteria within Category 3.5 Houses for Sustainable Living as the proposal does not involve an overall scheme for the management or use of land which allows its occupants to be largely self sufficient.

As the application is in principle, there is a lack of information as no topographical survey, no site levels, no detailed design and site layout and no cross sections based on a fixed datum point have been submitted. Consequently, the proposal cannot be adequately scrutinised against Policies 1A and 1B: Placemaking, Policy 19: Housing in the Countryside and Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

06

07

08

09

10

11

12

13

22nd October 2021

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

Our Ref:

Dear Sirs,

Tomgarrow, Strathbraan, near Dunkeld

I have been retained to submit an Application for Planning Permission in Principle for a single dwelling and garage at land at Tomgarrow, Strathbraan, near Dunkeld, which is addressed as 'Land 200 Metres North East of Tomgarrow Trochry' in the pre application enquiry response.

The Application is accompanied by the following:

- (this) Covering Letter;
- Completed Planning Application Form;
- Completed Certificate;
- Location Plan (1:5000);
- Site Plan (1:1250);
- Business and Domestic Case for Residing on Site;
- Birken Tree Business Plan Summary;
- Birken Tree Woodland and Land Management Business Summary;
- Protected Species Walkover;
- Tree Survey Plan;
- Tree Survey Data Sheet;
- Photographs; and
- Indicative Drawings of Proposed Dwelling.

The Applicants are Rob and Gabrielle Clamp, and their case for why they hope to be allowed to reside on the land is explained in their 'Business and Domestic Case for Residing on Site', which also describes the Application Site; sets out the business case; and explains the sustainability and green credentials of the overall proposals and businesses.

The proposals have been the subject of a pre application enquiry; whilst Rob and Gabrielle have also engaged with local residents, the local community council, and Ward councillors, to explain their proposals. They have been encouraged by the positive responses they have received.



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

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

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Regulated by RICS

The pre application enquiry response sets out all the relevant policies and guidance; possible consultees; and goes on to consider the applicability of Category 3.3 'Economic Activity', and Category 3.5 'Houses for Sustainable Living', as explained in the Council's 'Housing in the Countryside Supplementary Guidance' (March 2020) (see further below). It is fair to say that the information presented with the pre application enquiry did not convince the case officer that there was a case under these two categories, but the response does explain what further information would potentially change that view, and the Applicants hope that this has now been prepared for submission with this Application.

The pre enquiry response then comments on a number of material planning issues, as follows:

- Design and Layout – Although the actual siting and design of the dwelling are not being submitted for approval, indicative designs have been prepared, and are considered to respect the surroundings.
- Core Path – The proposals will not obstruct the core path.
- Trees – A detailed 'Tree Survey' is included with the Application. Protecting the trees is fundamental to the Birken Tree business plan, and no trees within the red line site area are proposed for felling, or will be impacted upon by way of root protection areas.
- Ecology and Bio Diversity – A 'Protected Species Walkover' has been prepared, which has found no evidence of protected species within the site, or the 150 metre buffer zone also surveyed.
- Residential Amenity – There are no immediate neighbours, so no amenity issues are anticipated.
- Roads, Transport and Access - The layout and parking arrangements will comply with the requirements of the National Roads Development Guide. That will include parking for two vehicles, and turning facilities to allow cars to enter and leave the site in a forward gear. Access to the public road is available, which has appropriate visibility splays.
- Drainage and Flooding - Foul and surface water drainage will adhere to all policy requirements.
- Developer Contributions – The Applicants are content to pay developer contributions.

Turning more specifically to the argument in favour of allowing a dwelling in the first place, then the relevant policy is Local Development Plan 2 Policy 19: 'Housing in the Countryside', which is explained in detail in 'Housing in the Countryside Supplementary Guidance' (March 2020). Specifically, the Application is being submitted in compliance with Category "(3) *New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance*". The main argument is being made in relation to Category 3.3 'Economic Activity', although Category 3.5 'Houses for Sustainable Living' is also considered relevant.

Category 3.3 requires that Applicants must "*demonstrate that the site they have chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. It must also be demonstrated that every possible effort has been made to meet the Siting Criteria and For All Proposals criteria. Where an alternative site is chosen by the applicant the reasons for this need to be clearly set out and justified. Applicants must also provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement*".

The Applicants explain why they have chosen this site in the 'Business and Domestic Case for Residing on Site' whilst I go through the relevant remaining 'Siting Criteria and For All Proposals' criteria below. There are no buildings in the locale that can be renovated, or sites that can be redeveloped, and which would meet the Applicant's needs.

The guidance continues that where the dwelling is supporting a new or expanded business, the Council requires to be reassured that the business will succeed. In that regard, the various businesses being run by the Applicant are established, as explained in the various submissions. They are financially sound, and are economically viable, and financial information can be provided to the case officer, in confidence, to prove this. Therefore, the Applicants are asking for a permanent dwelling rather than temporary accommodation. They would prefer there not to be any restriction on occupancy because this will severely restrict their ability to borrow to build the dwelling, and anyway Scottish Planning Policy now directs against the use of occupancy restrictions in such cases.

Category 3.5 states that 'Houses for Sustainable Living' are acceptable where *"a person or household seek to reduce their carbon footprint by changing the ways in which they use energy and natural resources"*. That is directly applicable here, and explained in the 'Business and Domestic Case for Residing on Site'. It is not being argued that this category alone would support the dwelling. However, it complements the main argument under Category 3.3, and would, in my view, support the dwelling being granted consent, even if a modicum of doubt remains, as to whether the proposals fully comply with Category 3.3.

Turning finally to the 'Siting Criteria and For All Proposals' criteria, not so far considered, I can comment as follows:

- Travel patterns – The justification here outweighs the small disbenefit of the dwelling being in a remote location albeit it is walkable from Dunkeld on a core path, and takes even less time on a bicycle.
- Homeworking – The dwelling will include space for homeworking.

For all the above reasons, my hope is that the Council will support Rob and Gabrielle Clamp in their hope to live on the Application Site.

I look forward to the Application being validated, but please get in touch with me, if you require any further information to allow that to happen.

Yours faithfully

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



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100491008-001

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

Type of Application

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

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

Description of Proposal

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

Single dwelling and garage

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DM Hall		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	The Mill
Last Name: *	Houghton MRTPI	Building Number:	
Telephone Number: *	07780 117708	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	Bridge of Allan
Mobile Number:	07780 117708	Town/City: *	Stirling
Fax Number:		Country: *	Scotland
		Postcode: *	FK9 4JS
Email Address: *	Paul.Houghton@dmhall.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Rob and Gabrielle	Building Number:	
Last Name: *	Clamp	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 200 Metres North East Of Tomgarrow Trochry

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐

Meeting

☐

Telephone

☒

Letter

☐

Email

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

Title:

Mr

Other title:

First Name:

John

Last Name:

Williamson

Correspondence Reference
Number:

21/00371/PREAPP

Date (dd/mm/yyyy):

07/07/2021

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

Site Area

Please state the site area:

0.20

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)

Open land within woodland.

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

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

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

What private arrangements are you proposing? *

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

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

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

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

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☒ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr TS Fotheringham

Address:

[REDACTED]

Date of Service of Notice: *

22/10/2021

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Paul Houghton MRTPI

On behalf of: Mr and Mrs Rob and Gabrielle Clamp

Date: 22/10/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☒ Yes ☐ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 22/10/2021

Payment Details



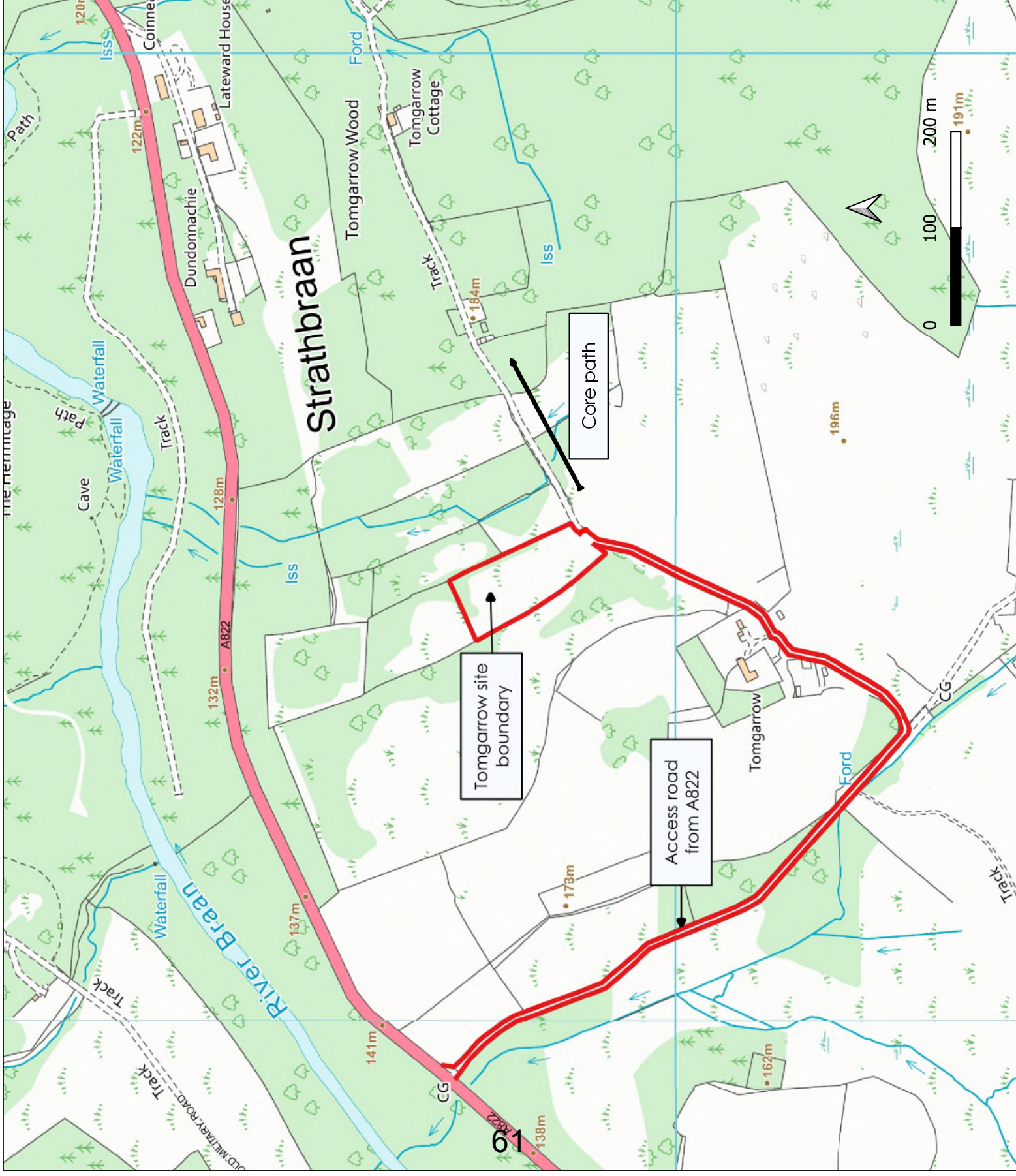
Created: 22/10/2021 15:35

Planning application
Tomgarrow,
Strathbraan,
near Dunkeld

Tomgarrow
Site boundary Map

Scale 1:5,000 @ A4

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Ordnance Survey Licence
Number 100048957.



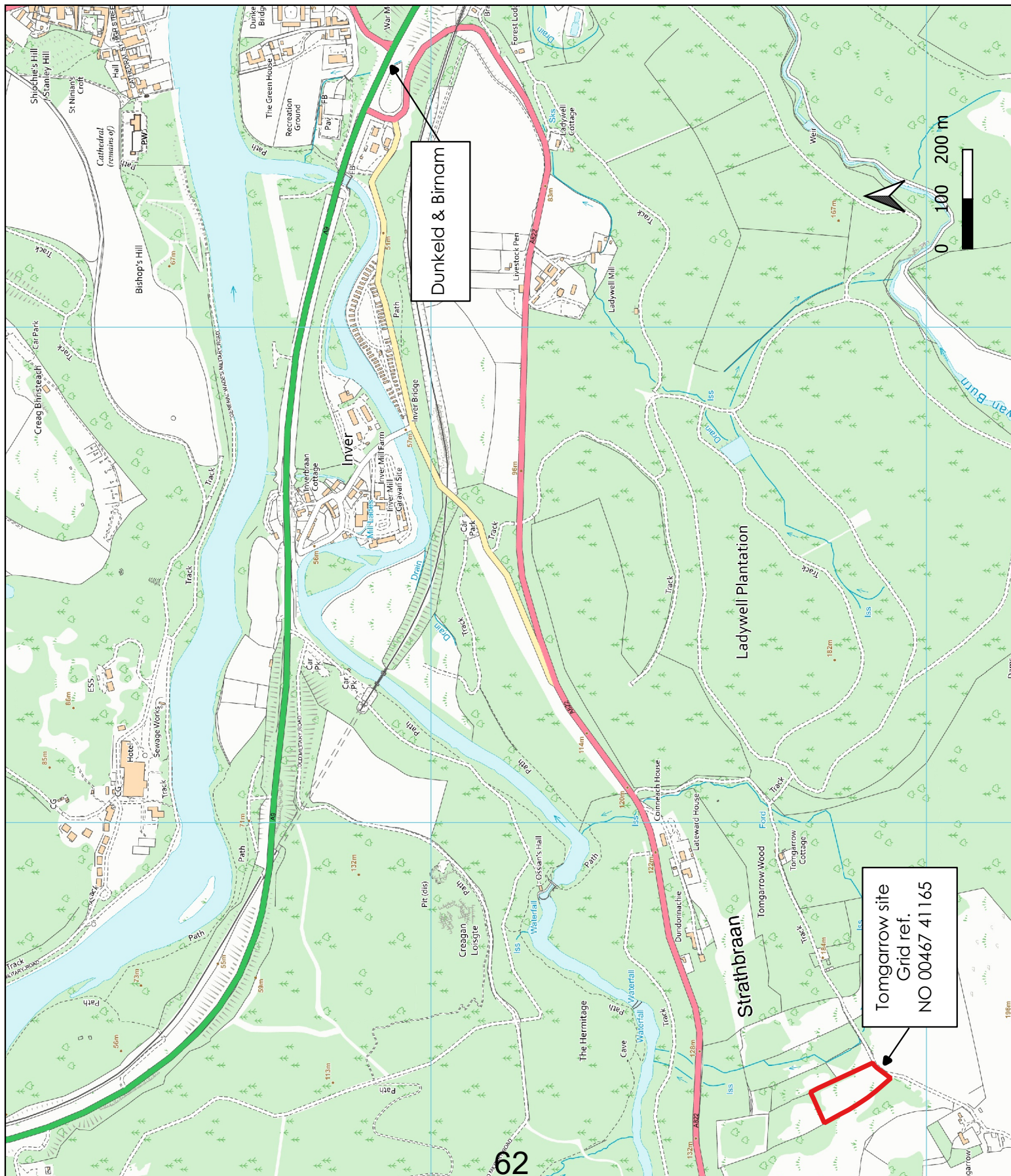
Planning application

Tomgarrow,
Strathbraan,
near Dunkeld

Tomgarrow
Location Map

Scale 1:10,000 @ A4

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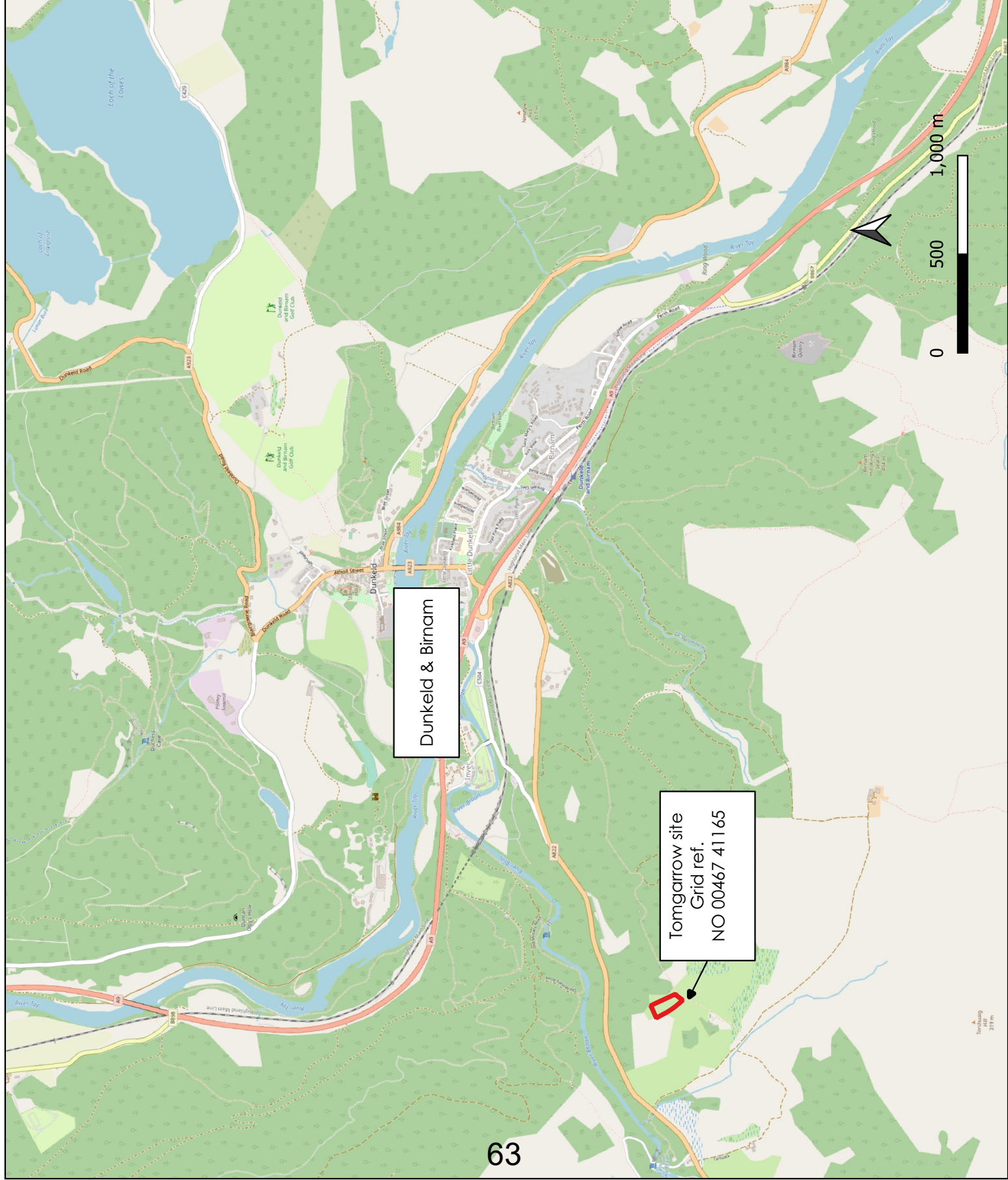
Planning application

Tomgarrow,
Strathbraan,
near Dunkeld

Tomgarrow
Location Map

Scale 1:25,000 @ A4

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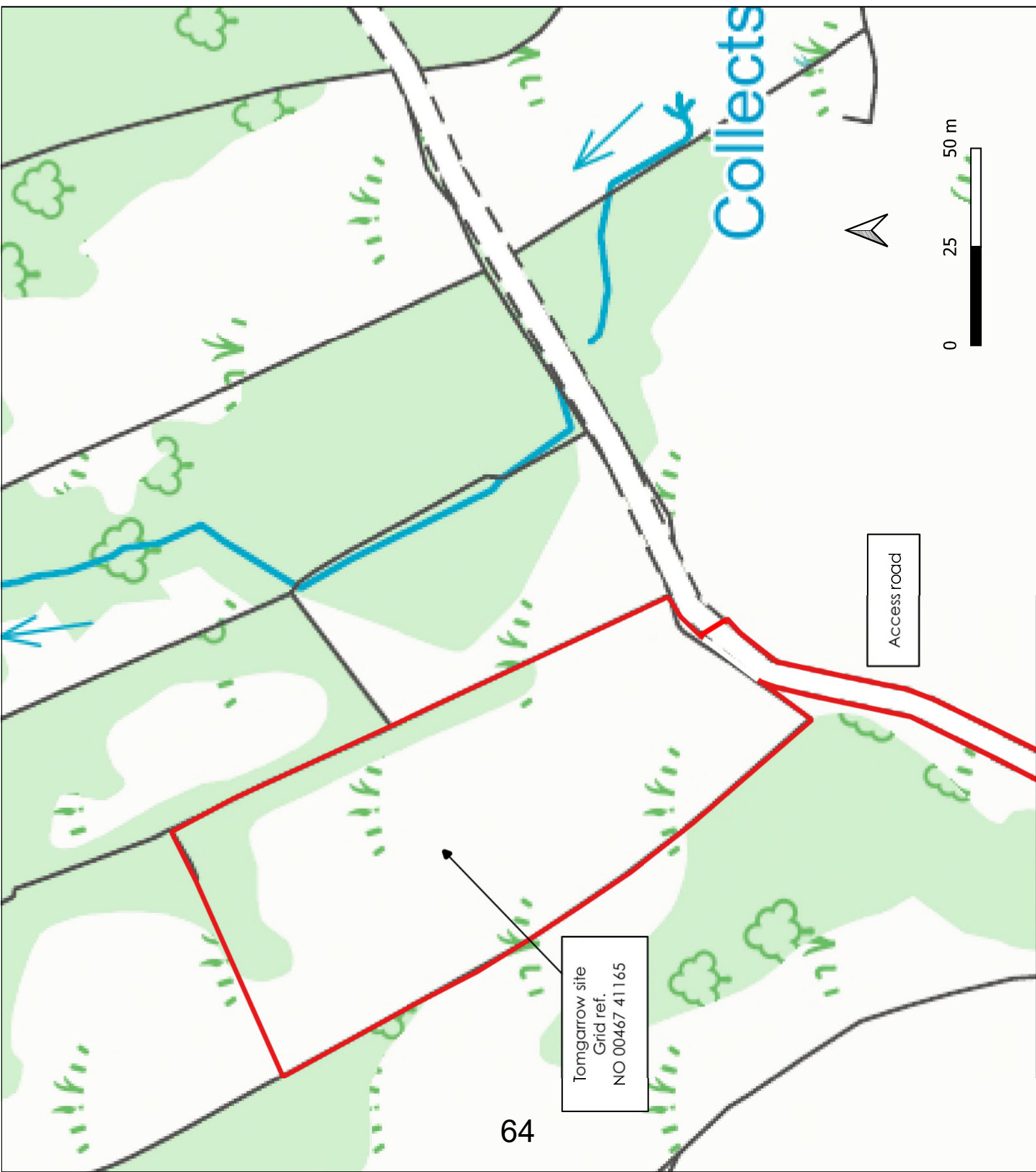
Planning application

Tomgarrow,
Strathbraan,
near Dunkeld

Tomgarrow
Site boundary Map

Scale 1:1,250

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Planning application supporting information for a proposed new residence/ home office and workshop at :-
Tomgarrow, Strathbraan, near Dunkeld.

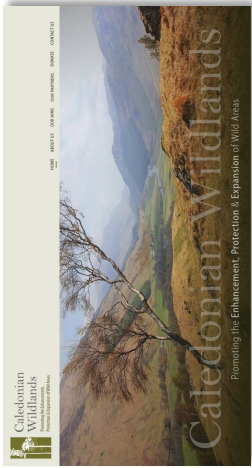
Business and domestic case for residing on site.



BIRKENTREE Highland Birchwater
(Scotland Ltd)



Birken Tree Woodland
Management LLP



Caledonian Wildlands (not for profit
company limited by guarantee)

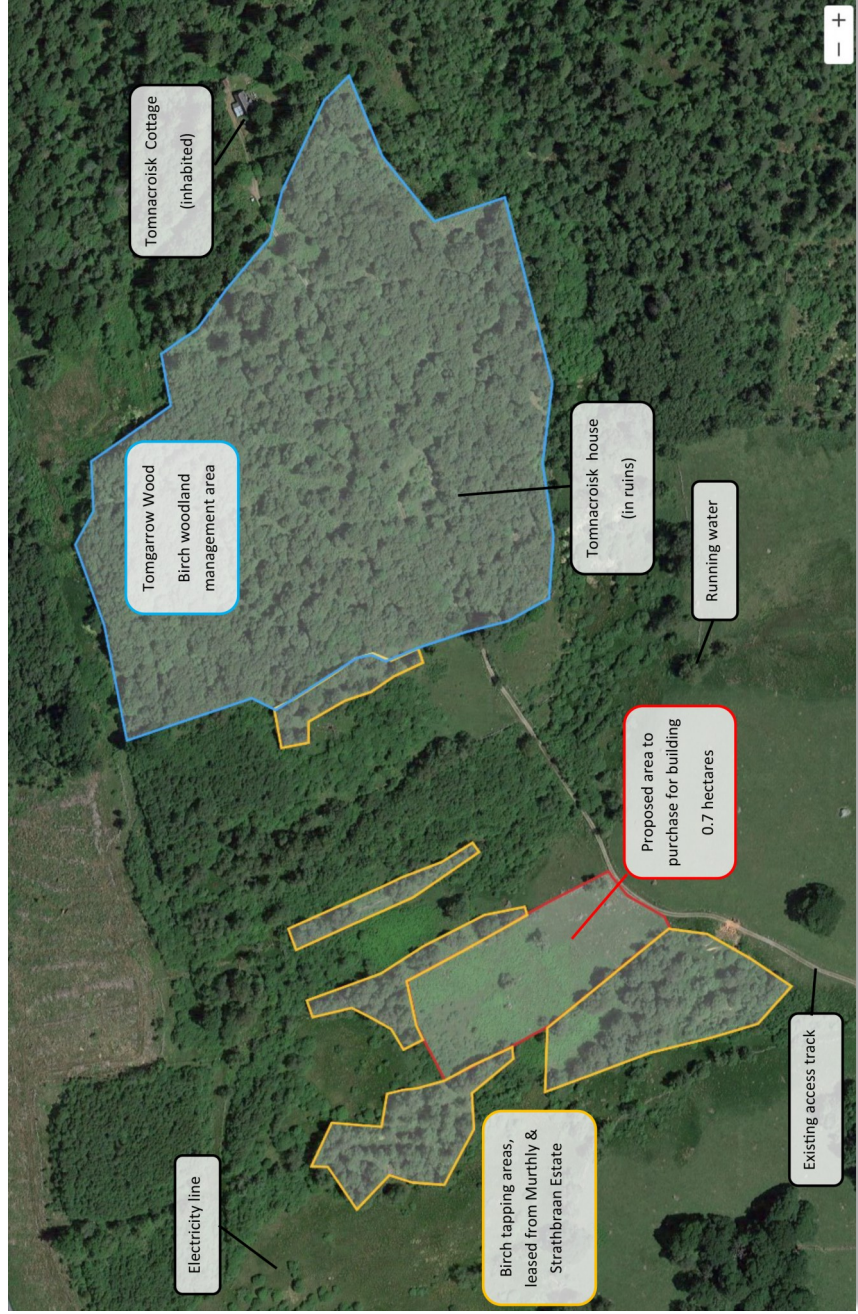
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- 4. Introduction to Birken Tree Woodland Management.
- 5. Introduction to Caledonian Wildlands.
- 6. Business needs for residing at this location.
- 7. Building design, sustainability and green credentials.
- Appendix 1 BIRKENTREE Highland Birchwater Business Plan.
- Appendix 2 Birken Tree Woodland Management Business Plan.
- Appendix 3 Caledonian Wildlands Articles of Association and Aims and Objectives.
- Outline detail of proposed house build.
- Tree Survey and map.
- Ecology Survey.

1. Location and character of the Tomgarrow site

The subject area has been contained within Murthly & Strathbraan Estate on a field that was in historical times part of the Tomgarrow township field system. This area has only been occasionally and lightly grazed in past years resulting in it reverting to Bracken and scrub Willow.

The site is bounded on three sides by mature Birch trees which have been selected by BIRKENTREE as ideal for our Birch tapping and foraging activities. The wider area has a good abundance of Birch giving good scope to expand the amount of production of birchwater as required.



2. Rationale for choice of this site

Situated in the upland landscape that forms much of Highland Perthshire, the site and surrounding woodland are the ideal situation for our BIRKENTREE Highland Birchwater/ Birken Tree Woodland Management and Caledonian Wildlands businesses, providing the place-setting, backdrop and raw materials that we need to operate our businesses in. We harvest the Birchwater only from veteran Birch trees, which are present in and around Tomgarrow. These trees have a lifespan fairly unique to the Highland Perthshire area and form part of our USP as they produce the finest Birch sap which complements the best single malt whiskies.

Being in close proximity to the woods will be necessary as deer protection will be needed to be able to allow new growth of Birch trees for the future, replacing the current veteran trees when they will fall. Checking that the deer are kept out will be an everyday task necessary for the survival of this neglected woodland.

We will also have a horse to carry out horse logging, a tradition that was commonly used before in Scotland for timber extraction and woodland management, reducing our impact on the soil that heavy machinery creates and operating on sensitive sites such as ancient woodland and designated areas. There is a growing demand for this service.

The land, in historical times, formed part of the Tomgarrow township grazing and was at one point good quality, but bracken and willow scrub is invading. Another reason for our need to be located on the site is to reverse this process, manage the land competently and to better protect the surrounding ancient Birch woodland which is currently in major decline due to herbivore browsing levels.

Our need to live on site is further strengthened by our ethos of being as self-sustainable as possible through keeping livestock – approximately 10 egg laying hens, 6 ducks also for eggs and 2 goats for grazing, milk and cheese making. The tending and care of these animals will be a daily routine involving around 4 hours of work each day every day.

The scale of the land that will be acquired for this project also means that we will be able to grow a significant amount of fruit and vegetables all year round, which also need a high degree of input and maintenance on a daily basis.

We propose to use a wood burning heating system fuelled by timber from our woodland management activities and use an air source heat pump. We will also use solar power to boost the system and on-site water for our supply. A mains electricity line is only 250 metres away and will be undergrounded to supply the new house.

2. Rationale for choice of this site (continued)

Part of our woodland management service involves supporting sporting estates in rough shoots and deer management. To enable this, we will also have 2 retrieving dogs, who would be housed in an outdoor kennel and obviously also require open space for exercise and our constant care.

The nature of our work and the presence of animals and crops means it is critical for us to live in a rural location on the site where we will be constantly working with Birch trees, foraging for wild foods, managing the adjacent woodland, caring for over 12 animals and growing our own food.

Referring to the preplanning enquiry response dated 7th July 2021 Ref No 21/00371/PREAPP, we have endeavoured to take into account all the points raised and the relevant policy documents.

In respect of our rationale for wishing to build at the Tomgarrow location we referenced -

TAYplan 2016

Policy 1: Locational Priorities; Policy 2: Shaping Better Quality Places; Policy 3: First Choice for Investment; Policy 4: Homes; Policy 5: Town Centre First; Policy 6: Developer Contributions; Policy 7: Energy, Waste and Resources; Policy 8: Green Networks; Policy 9: Managing TAYplan's Assets; Policy 10: Connecting People, Places and Markets

Local Development Plan 2, Supplementary Guidance

Policy 1A: Placemaking; Policy 1B: Placemaking; Policy 1C: Placemaking; Policy 1D: Placemaking; Policy 2: Design Statements; Policy 5: Infrastructure Contributions; Policy 6: Settlement Boundaries; Policy 8: Rural Business and Diversification; Policy 15: Core Path and Right of Way; Policy 19: Housing in the Countryside; Policy 26: Archaeology; Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development; Policy 38A: International Nature Conservation Sites; Policy 39: Landscape; Policy 40B: Forestry, Woodland and Trees; Policy 41: Bio Diversity; Policy 42: Green Infrastructure; Policy 52: Flooding; Policy 53B: Water Environment and Drainage; Policy 53C: Water Environment and Drainage; Surface Water Drainage; Policy 56: Noise Pollution; Policy 60B: Transport Standards and Accessibility; Requirements: New Development Proposals;

3. Introduction to BIRKENTREE Highland Birchwater

BIRKENTREE Highland Birchwater has been in development for over 2 years. We recently launched our new birchwater for whisky pairing product, which we believe to be a world first. At the centre of our story is Highland Perthshire and it's magnificent Birchwoods. A combination of geology, soils, remnants of ancient woodland and land management practices have resulted in Highland Perthshire having some of the oldest known Birch trees in Europe. These are the trees we work with and manage at Tomgarrow.

We are also the only commercial producer of birchwater (the Spring sap) in Scotland and are very proud to promote Perth and Kinross at every opportunity.

We are already in discussion with international distributors such as Compass Supply Solutions [Compass Supply Solutions | Travel Retail Experts \(css-group.co.uk\)](#) who supply luxury cruises, yachts, airports amongst sectors. At a national and international level we are also in dialogue with Harrods, Harvey Nichols, Master of Malt and Skibo Castle to name a few. Through the Scottish Business Network and Scottish Chamber of Commerce, we are participating in a range of virtual trade missions with Japan, British Columbia, Nova Scotia and Dubai.



BIRKENTREE Highland Birchwater



BIRKENTREE Highland Birchwater with whisky

4. Introduction to Birken Tree Woodland Management

Following 15 years of service with the Forestry Commission as a District Forester, Rob set up Birken Tree Woodland Management to offer a high level, personalised forestry consultancy service to landowners.

Beginning with managing Cardhey Estate, near Butterstone, this business is growing rapidly. Riemore Estate, Trochry Hill woodland creation project, Dalhulich Forest Estate, Newton Castle are now all under our management as well as providing forestry consultancy to Forestry and Land Scotland, Scottish Mines Restoration Trust and Hargreaves plc and a number of small to medium sized farm owners.

We have recently taken on a full-time member of staff in the form of a works supervisor to help manage on-site operations as the programme of work is growing. We now manage over 8,100 acres, with an annual timber felling programme of 8,000 tonnes of timber, replanting programme of 200 acres and new woodland creation of 2,300 acres. There is great potential to grow this business but is hampered by lack of a local presence, equipment storage and office space.



Kenny Michie, Birken Tree Works Supervisor



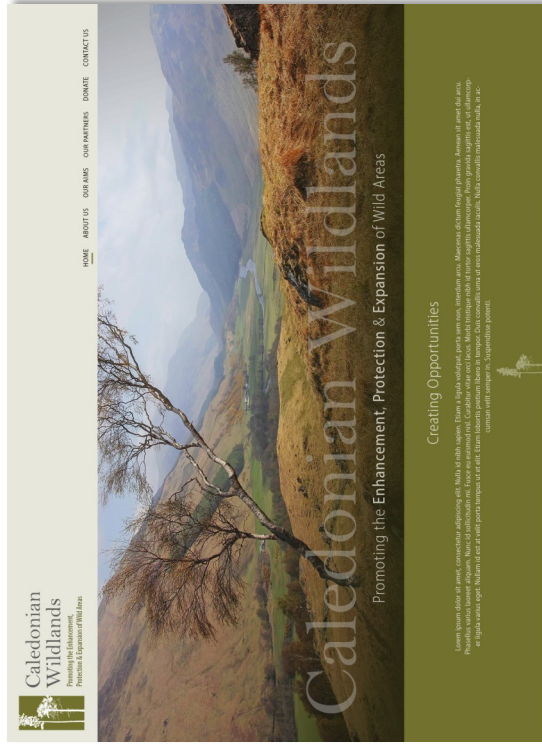
Rob Clamp, Birken Tree Forestry Consultant

5. Introduction to Caledonian Wildlands

Caledonian Wildlands (not for profit company limited by guarantee), was formed following several years of approaches by individuals and groups who expressed an interest in Birch tapping, wild food foraging and learning outdoor and woodland skills. It was also borne out of a desire to do more to help restore degraded ancient woodlands and landscapes.

Our aims are to engage with community groups, schools and individuals in learning skills such as Birch tapping, foraging, coppicing trees, thinning and tree and species identification. Specifically we aim to hold events in and around the Tomgarrow site, which is ideal in terms of it's location, proximity to ancient woodland and Birch trees and the adjacent Forestry Commission Ladywell Forest.

Having a residence/ home office/ workshop at Tomgarrow would enable us to host, plan and organise events on site and have ready access to woodland, equipment and wild raw materials.



6. Business needs for residing at this location

Veteran Birch tapping, foraging for wild foods, giving guided tours, active group participation and carrying out woodland management are all labour intensive, all require a great deal of preparation and to be present on site for extended periods over most of the year.

BIRKENTREE Highland Birchwater

As mentioned previously, the exceptional age of the trees present at Tomgarrow is at the core of our USP for our Highland Birchwater, giving the best smoothness and complexity to the single malt pairing.

With the recent launch of our birchwater for whisky product, we are seeing a growing demand not only for our product but also for interactive experiences. We are collaborating with companies such as McLean & Bruce [Maclean & Bruce | Luxury Scottish Travel & Events Experts \(macleanandbruce.com\)](#), who offer luxury tours of Scotland and interactive experiences. Also Nc'Neen Organic Whisky <https://ncneen.com>, who are collaborating with us by using our birchwater for pairing with their whisky but also in us hosting team-building foraging and Birch tapping events.

In and around the Tomgarrow site are plants such as Juniper, Meadowsweet, Bog Myrtle, Blaeberry, Douglas Fir, Lingonberry, all of which we need to gather as ingredients for our products. These plants all have their own seasonality and to be viable, we need to be on site to both harvest and forage for these.

Many Birchwoods are under-utilised or under-managed unfortunately and are often subject to high deer numbers and have no under-storey of new growth due to browsing pressure. In order to protect the resource that we have in the ancient Birch trees at Tomgarrow, this requires constant tending and care and ensuring deer and sheep are kept out of the woodland here.

Caledonian Wildlands

In addition to the many collaborations that we have with BIRKENTREE, we will be running organised events throughout the year through our not for profit company — Caledonian Wildlands. This venture is to cater for the many requests that we have received to host group foraging and woodland skills events. The site at Tomgarrow is ideal for hosting a wide range of events with the surrounding Birch woodland, adjacent Ladywell Forest and open hill ground. As for the species mentioned above that are available in the vicinity, it also important for us to be residing on site to enable us to plan and host visiting groups and prepare woodland skills set ups.

6. Business needs for residing at this location (continued)

Birken Tree Woodland Management

At the core of all that we do is our woodland management and forestry consultancy work. We manage several Perthshire estates - Cardney Estate, Riemore Estate, Dalhullich Forest Estate, Trochry Hill woodland creation project, Newton Castle. A local presence is key for managing these estates and working with the landowners. Often out of hours work or work at short notice is required to deal with deer drives, ingress by deer, wildfires, meetings with estate staff and owners, supervising forestry operations and dealing with issues such as windblown trees.

On the site itself, daily supervision of deer fencing outbreak will be needed, and constantly making sure that no other grazing animals such as rabbits, hares, sheep do not access the saplings.

Currently based in the Community Co-working office in Lagmhor, Little Dunkeld currently, we are now experiencing the limiting factor of not having enough office space or any storage space for equipment and machinery. This has become a major constraint on our ability to grow the business. In addition we are travelling from the southern edge of Perth to Dunkeld on a daily basis, which is compromising our ability to provide an on-hand service to the local estates, forests and farms that we manage.

The equipment we have and will be requiring storage for is :-

2 4x4 pick-ups

1 trailer

1 quad off-road ATV

1 off-road trailer

1 horse trailer

4 chainsaws

Assorted tree measuring equipment, waterproofs and protective clothing

At the moment we are travelling from Perth to manage these estates with average road miles of 950 miles/ month. If we were based at the proposed site at Tomgarrow which would house office space, this would reduce our road miles by 900 miles/ month.

7. Building design, sustainability and green credentials.

The outline design of our intended build is by Caledonian Log Homes, who specialise in constructing high quality, bespoke timber homes from Scottish Douglas Fir, and Larch which will blend in beautifully with the surrounding landscape with its mix of conifer, broadleaf woodland and open land. The timber for the proposed build will be selected from mature Larch and Douglas Fir on one of our managed forest estates at Dalhullich, Trochry, 3 miles west of the Tomgarrow site. This provides a great opportunity to have a very low carbon footprint and to use sustainable locally sourced wood.

In terms of visibility of the proposed residence, due to the ground sloping northwards and being located approximately 80 metres away from the core path, it will be barely visible. The roof could have a grass sward for insulation and blending into the surrounding landscape which would help further with visibility.

Renewable and low energy solutions will be used in the design and construction of the project. A sustainable grass covered roof is proposed to minimise heat loss, provide insulation and to blend into the surrounding landscape. We will also use solar power to provide an additional power source to the new building.

The proposed outline build is for a 1.5 storey house of log timber construction with sloping, grass covered roof for insulation and landscape aesthetics with a small adjacent workshop. The current footprint of the outline design is 150m² over both floors.

All of the above considerations have taken into account the Siting Criteria in Section 3 of the Supplementary Guidance by blending into the landscape, using and preserving existing trees, using existing boundary features—stone dykes and making a positive contribution to the local landscape.

BIRKENTREE™

Highland Birchwater

Business Plan Summary 2021—2024

Whisky's Natural Companion



Business Plan Summary 2021-2024

- 1. Introduction**
- 2. Summary**
- 3. What we do**
- 4. Company details**
- 5. Key personnel**
- 6. Business goals**

Appendix 1 Business cashflow forecast

BIRKENTREE™

Highland Birchwater

I. Introduction

BIRKENTREE is the old Scots word for Birch tree and the original Birchwater dedicated to whisky. It has been created by - Rob and Gabrielle to fill a gap in the market as a natural mixer for whisky.

Birchwater from Japan and America has been used to good effect to complement their fine single malts but, surprisingly, there is little evidence of Scotch Whisky being combined with Scottish Birchwater. BIRKENTREE aims to remedy this.

Our Birchwater imparts a smoothness and elegance in a way which complements and enhances whisky.

Our Founder Directors, Rob Clamp (a professional forester) and his wife Gabrielle (a herbalist), have an intimate knowledge of forestry, native Scottish species and plants. They select carefully only the most venerable birch trees which range in age from one hundred to two hundred and fifty years old.

Other than the exciting prospect of a new dedicated natural mixer for the world of whisky, one of the most compelling aspects of our product is its ancient place within Scottish history.

2. Summary

Birken Tree is a first-to-the-market business that harvests and produces Highland Birchwater and currently the only commercial producer in Scotland.

Birchwater is the mineral rich sap produced by Birch trees during a short period in early Spring and was harvested traditionally in Scotland for many centuries. The global Birchwater market is worth over \$1 billion and in the UK £5.4 million per year and rising at a rate of 19% annually. All Birchwater production in the world to date has come from Finland, Latvia, the Russian states and some in North America.

There are over 200 million Birch trees in Scotland most of which are under-managed or not utilised with much focus being on growing conifers for timber.

Birken Tree have access to over 500 hectares of Birch woodland in Highland Perthshire, equating to over 500,000 Birch trees and last year harvested and produced 8,000 litres of Birchwater from only 180 trees.

The ethos at Birken Tree is to continue to target the premium end marketplace, to emphasise our 'Produced in the Highlands of Scotland' branding and to promote the economic and sustainable use of native Birch.

BIRKENTREE™

Highland Birchwater

3. What we do

Birchwater is harvested straight from the tree in its purest, most natural, form. These ancient birch trees are unique to Scotland due to our geographical position, climate and topography. As a result, we have discovered that these trees produce the smoothest, most delicate, Birchwater.

Harvesting only lasts for three to four weeks during early Spring when the Highland forests awake from their Winter slumber. Nutrient-rich water is drawn up through the tree's capillary structure and converted into mineral-rich sap to enable the tree to come back into leaf again. Like our ancestors, we carefully hand tap the trees and collect the Birchwater. We only take 1-2% of the liquid the tree draws up on a daily basis. This process, which has been carried out for generations, is sustainable, non-invasive and completely harmless to the tree itself. We 're-plug' the small holes with birch wood after tapping has been completed.

At BIRKENTREE, not only do we produce the finest Birchwater, we also actively manage our ancient birch woods in Highland Perthshire to ensure that these woodlands are cherished and thriving for generations to come.

BIRKENTREE™

Highland Birchwater

4. Company details

Company name: Birken Tree Ltd

Address: Lagmhor, Little Dunkeld, PH8 0AD

Telephone number: 07872 974989

Legal status: Limited company

The nature of the business:

Produce bottled Birchwater, a natural drink directly tapped from Highland Birch trees for use as a mixer with whisky.

Manage Native Birch woodland and promote the sustainability of native Birch woodland.

5. Key personnel

Name: Rob and Gabrielle Clamp, Position/main responsibilities:

Rob Clamp – Founding Director, Operations, Spokesperson.

Gabrielle Clamp – Founding Director, Operations, E-commerce lead.

Max McFarlane - Whisky ambassador.

BIRKENTREE™

Highland Birchwater

6. Business Goals

Harvest and sales

2021/22 - max 12,000 litres (120,000 bottles)

2022/23 - max 16,000 litres (160,000 bottles)

2023/24 - max 20,000 litres (200,000 bottles)

Excellence in Production

Adherence to latest Food safety and traceability requirements. 100% consistency.

Plan for production i.e. produce 500 Litres. Once 200l sold (MOQ) then re-order further 500l.

Max McFarlane (master whisky maker) involved in sign off of all production.

Birken Tree Woodland and Land Management



Forestry consultancy Woodland Management

Natural Capital & Carbon

Business Plan 2020 - 2030



Business Plan Summary

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2. Company Overview 4
3. Business Description 4
4. Market Analysis
5. Operating Plan.....
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Executive Summary

The Executive Summary should be written last after the remainder of the plan has been finished. It is an overview (with a suggested length of no more than one page) of the business, including the problem the business aims to solve, why this business' solution is different, the business' ideal customer, and the expected results. The Executive Summary should provide a high-level and optimistic description of the company.

If the business requires outside investment or external investors, include how much is needed, how it will be used, and how it will make the business more profitable. Think of this section as the first thing a potential investor reads, thus, it must capture their interest quickly.

Suggested headings to organize this business plan include the following.

- **Opportunity:** The forest industry currently lacks small to medium sized consultancies that can offer attention to detail and good client care. At Birken Tree we offer a level of care and attention that is hard to find.
- **Mission:** We will provide a level of service that is hard to find in the forest industry, focusing on client care and finding creative solutions and ideas for woodland and land management.
- **Solution:** Our business model is not based on low cost/ high volume but on lower volume and realistic charge out rates.
- **Market focus:** We are targeting estate owners, farmers and land owning organisations, who are all looking to diversify into woodland or alternate income streams.
- **Competitive advantage:** Birken Tree offer a bespoke, tailored, personal forestry and woodland consultancy as an alternative to the many large, corporate forestry companies who have dominated much of the market.
- **Ownership:** The company is 40% owned by Rob Clamp, 40% owned by Gabrielle Clamp and 20% owned by Kenny Michie.
- **Expected returns:** We plan to turnover, in excess of £100,000 in Year 1, rising in 100% increments thereafter.

Company Overview

Birken Tree Woodland and Land Management is Perthshire based forestry, woodland and coalfield regeneration consultancy.

- **Company summary:** Birken Tree provide an intimate consultancy service to landowners and organisations on woodland management, forestry operations, natural capital and coalfield regeneration.
- **Mission statement:** We aim to provide a high level of personal service without cutting corners.
- **Company history:** Birken Tree was founded by Rob Clamp, utilizing his 25 years plus experience in the Forestry Commission and private sector. He has recently been joined by Kenny Michie, also formerly with the Forestry Commission, who also brings many years of experience in forestry, woodland management and coalfield regeneration.
- **Markets and services:** Birken Tree have a unique skillset, offering over 30 years combined experience in forestry operations, woodland management, coalfield regeneration, new woodland creation and natural capital funding.
- **Operational structure:** Birken Tree consists of Rob Clamp, founder and lead forestry consultant and Kenny Michie, forestry consultant.
- **Financial goals:** Birken Tree aims to have achieved over £100,000 in turnover in the first financial year of trading, with a projected surplus of £20,000 approximately.

Business Description

The private forestry management sector in Scotland has become dominated over the past 5 – 10 years by four key players – Scottish Woodlands, Tilhill, RTS and Fountain Forestry. These companies all have a similar business model – acquire as large a client base as possible and report growth to a board of directors and shareholders. This model can work well for the investor and absentee owners. For resident landowners who are looking for quality of service, continuity and a personal touch, this model does not function so well.

At Birken Tree, we are offering a more tailored consultancy service. Having spoken to many landowners over the years, common complaints regarding existing forestry

companies were – lack of continuity, changing staff, becoming too big and corporate, lack of personal service and cutting corners.

- **Opportunity:** Forestry and woodland management in Scotland is booming currently, thanks to record timber prices, a national imperative to plant trees and attractive grant system, woodland carbon financing being very lucrative and the global climate emergency pushing for more forest cover.
- **Services overview:** Advising clients on creating new woodland, managing existing woodlands, forestry operations, natural capital and carbon, coalfield regeneration and integration with other land-uses.
- **Key participants:** Current key clients are –

Hargreaves plc who own over 10,000 hectares of former coalfield land across Scotland and England.

Scottish Mines Restoration Trust who own over 1,000 hectares of former coalfield land across central Scotland.

Cardney Estate, a 780 hectare former sporting estate in Perthshire, now looking to diversify into woodland creation and management, sporting and farming.

Riemore Estate, 2,300 hectare former sporting estate in Perthshire, now looking to diversify into native woodland creation.

Dalhullich Forest, a 60 hectare commercial forest in Perthshire requiring thinning and woodland management.

Trochry Hill, a 140 hectare newly acquired woodland creation project this is being planted this year.

In addition woodland creation and management plans are being developed on 5 farm sites, totalling some 110 hectares of planting.

Pricing: Our pricing structure is based on client affordability, amount of effort and knowledge required and the scale of projects. Our hourly charge out rate for the larger corporate clients is £54.00/ hour plus mileage and for the smaller landowners £35.00/ hour plus mileage.







PROTECTED SPECIES WALKOVER

TOMGARROW

BIRKEN TREE

12/10/2021

Gavia Environmental

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Report prepared for

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Birken Tree
Lagmhor
Little Dunkeld
PH8 0AD

Project name

Tomgarrow

Project number

P21274

Prepared by

Andrew Taylor

Approved by

Christopher Baker

Revision History

Revision	Date	Comments	Reviewed	Approved
1	12/10/2021	First Draft		CB
2				
3				

Quality Assurance

This report has been prepared according to Gavia Environmental Quality Management Process. Gavia Environmental employs consultant scientists who are members of appropriate professional institutions and adhere to professional codes of conduct.

Disclaimer

This report is presented to Birken Tree in respect of Protected Species Walkover ,and may not be used or relied on by any other person or by the client in relation to other matters not covered specifically by the scope of this report.

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Executive Summary

Gavia Environmental Ltd. ('GEL') was commissioned Birken Tree ('the Client') to undertake a protected species walkover survey of the land adjacent to Tomgarrow, Dunkeld (approximate NGR NO 00463 41159). The survey work was required to inform the planning application to Perth and Kinross Council for the potential creation of a small residence/home office and small-scale tree planting.

A desk study was undertaken before the Site walkover, to identify any designated sites within 5km of the proposed development as well as identify any known protected species records within 2km of the site, recorded within the last 5 years.

No designated sites were recorded within the Site and the closest designated area is the River Tay Special Area of Conservation, located c. 350 m north of the Site. The desk study identified several records detailing that Eurasian beaver and red squirrel have been regularly recorded within 2 km of the Site within the last 5 years, however no records were identified within the Site boundary.

A walkover of the Site and a buffer of 150m to account for species in the wider area was undertaken on the 1st of October 2021 in clear and sunny conditions to identify the presence, or likely presence of protected species (including birds). Prominent features including trees, fence lines and woodland edges were searched, and all observations were target noted and mapped.

Several mature downy birch were recorded along the east and west Site boundary with features (rot holes, splits and cracks and crevices) which could provide bat roosting potential. Amphibian remains were recorded on a large boulder within the Site, potentially feeding remains left by an owl or raptor, however no birds nests were recorded within the trees on Site.

No other evidence of protected species within the site or the 150m buffer was identified. The habitats surrounding the site are wet and waterlogged; willow scrub and wet flush vegetation was recorded surrounding the site to the north, east and west indicating unsuitable burrowing conditions for species such as badger, and the thin branches of willow and the downy birch on site are unsuitable for squirrel dreys or pine marten dens.

At present it is not thought that any of the trees on Site will require to be felled as part of the proposed development, however, if trees are to be removed or limbed, then it is recommended that the potential roosting features are inspected (using an endoscope) to rule out presence of roosting bats prior to removal. General 'best practice' during construction is also advised, i.e. capping all exposed pipework when not in use, and installing escape ramps to excavations in case any species accidentally become trapped.

1 Introduction

Gavia Environmental Ltd. ('GEL') was commissioned Birken Tree ('the Client') to undertake a protected species walkover survey of the land adjacent to Tomgarrow, Dunkeld (approximate NGR NO 00463 41159), hereafter referred to as 'the Site'. The survey work was required to inform the planning application to Perth and Kinross Council for the potential creation of a small residence/home office and small scale tree planting.

The protected species walkover aims to:

- Identify any ecological constraints to the development of the Site;
- Inform design decisions;
- Identify the need for any further ecological surveys/monitoring, investigation or the presence of an Ecological Clerk of Work (ECoW) during any construction work; and
- Highlight opportunities for ecological enhancement.

The Site occupies an area of c. 0.74ha and is located c. 2.5km southwest from the town of Little Dunkeld, Perthshire and consists primarily of semi-improved grassland with large stands of bracken *Pteridium aquilinum* (particularly to the north of the Site) and mature downy birch *Betula pubescens* around the periphery. The site red-line boundary and a buffer of 150m to account for potential protected species in the wider area was surveyed. Redline boundary and buffer are presented in Figure 1, Appendix A.

The scope of this protected species walkover has been determined with due consideration for the best-practice guidance provided by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2021) and to the Biodiversity: Code of practice for planning and development (BS 42020:2013) published by the British Standards Institution (2013).

1.1 Protected Species Legislation

1.1.1 Mammals

Associated legislation for protected species considered for surveying within the Site is detailed in **Table 1** below.

Table 1 Protected Species Legislation

Species	Legislation
Badger	Badgers are protected by the Protection of Badgers Act (1992) that protects them against deliberate cruelty, and incidental effects of otherwise lawful activities.
Bats	All bat species in the UK are afforded full statutory protection as European Protected Species listed on Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended in Scotland, that are transposed into Scottish Law in the European Community's Habitats Directive (92/43/EEC).
Eurasian Beaver	European protected species and is fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
Mountain Hare	Legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
Eurasian Otter	Otters are legally protected by the EC Habitats Directive, that is transposed into domestic law by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 enhances this protection.
Pine Marten	Legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
Water Vole	Water Vole shelters (burrows) are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (Section 9(4) only), as amended by the Nature Conservation (Scotland)

Species	Legislation
	Act 2004 and the 2011 WANE Act. In Scotland, there is no legislation to directly protect water voles.
Wild Cat	European Protected Species and is fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

1.1.2 Birds

Under the Wildlife and Countryside Act (1981) as amended, a wild bird is defined as any bird of a species which is resident in or is a visitor to the European Territory of any Member State in a wild state. Game birds however are not included in this definition (except for limited parts of the Act). They are covered by the Game Acts, that fully protect them during the close season.

All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird;
- Have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act, or the Protection of Birds Act 1954;
- Have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act, or the Protection of Birds Act 1954;
- Use traps or similar items to kill, injure or take wild birds;
- Have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations (see Schedules); or
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

2 Methodology

2.1 Desk Study

An ecological desk study was undertaken in September 2021. This included a review of publicly available online resources (available for commercial use) to identify the presence of records for any legally protected or otherwise notable species within 2km of the Site. Data was primarily sourced from the National Biodiversity Network (NBN, 2021) Atlas and sourced from within the last 5 years.

A 5km radius was also used for a search of statutory international, national and local designations. This information was sourced from Scotland's Environment Map and NatureScot Sitelink (2021).

2.2 Field Survey

The walkover survey recorded evidence of all mammals with particular focus on species listed in Schedule 2 of the Habitat Directive (at time of UK exit) -European Protected Species (EPS) -, Schedule 5 of the Wildlife & Countryside Act 1981 (UK Protected Species), and/or the Scottish Biodiversity List/Local Biodiversity Action Plan; and Badger Protection Act, 1992. The walkover initially identifies any potential field signs or places of shelter of all protected species within 150m of the Site (where accessible).

The walkover did not constitute any individual species-specific surveys but followed general methodologies for mammal surveys outlined by MacDonald *et al.* (1998) and CIEEM '*Good Practice Guidelines for Habitats and Species*' (CIEEM, 2021).

Guidelines for Habitats and Species

Specifically, the searches sought to identify the features listed below:

- Trees with Bat Roost Potential (BRP);
- Faeces;
- Footprints;
- Hair, especially at all restricted passageways through undergrowth or fences;
- Scratch posts;
- Places of shelter (dens, setts, holts, burrows or dreys); and
- Feeding signs (gnawed cones, fish remains, etc.).

The optimal breeding bird season is April-July, inclusive, and as such typical bird behaviours which would indicate an individual territory (such as birds in song, adults carrying nest material/nest building, observations of active nests etc) were not recorded. However, all trees within the redline boundary were inspected, visually from the ground using binoculars for any historic nests present.

Registrations of interest were noted as Grid Referenced Target Notes (with the aid of a handheld GPS).

2.3 Limitations

The survey was undertaken on a clear day, with good visibility. September is considered to be sub-optimal to assess for the presence of breeding birds, however, the trees present on site were inspected for historic nesting use and the semi-improved grassland on site is unlikely to support any notable species (i.e. those listed under Schedule 1). As such, it is not through that the time of year will have significantly impacted the overall survey results.

3 Results

3.1 Desk Study

3.1.1 Designated Sites

No statutory designated sites were found within the Site boundary. The desk study highlighted five statutory designated sites within 5km of the Site. Detailed below are the designated sites and their qualifying interests:

- River Tay Special Area of Conservation (SAC) designated for its Atlantic salmon *Salmo salar*, brook lampetra *Lampetra planeri*, river lamprey *L. fluviatilis* and sea lamprey *Petromyzon marinus* and otter *Lutra lutra* populations lies c. 0.35km northwest and c. 3.3km northeast of the Site. NatureScot Site Code: 8366.
- Dunkeld – Blairgowrie Lochs SAC designated for its otter population and its clear water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels lies c. 4.5km northeast of the Site. NatureScot Site Code: 8245.
- Lochs of Butterstone, Craiglush and Lowes SSSI designated for its basin fern and breeding bird assemblage lies c. 4.5km northeast of the Site.

A small unnamed watercourse, flowing north to the east of the site drains into the River Brann, a tributary of the Tay and part of the River Tay SAC. No connectivity to the other designated sites was identified.

3.1.2 Protected Species

A search of publicly available records of the survey area, and an additional 2km buffer, from the last 5 years identified the following:

- Mammals (excluding bats): 246 records of Eurasian Red Squirrel (*Sciurus vulgaris*) and 250 records of Eurasian beaver *Castor fiber*.
- Bat: One record of Daubenton's bat *Myotis daubentonii*.
- Reptiles: Two records of Common lizard *Zootoca vivipara* and one record of slow worm *Anguis fragilis*.
- Amphibians: Two records of Common frog *Rana temporaria*.
- Great Crested Newt: No records within the last five years.

Local surveyor knowledge of the wider area provides evidence of badger within the Tay Forest Park and around Birnam, c.1.2-2.4km east of the Site.

In total 68 bird species have been recorded within a 2km buffer of the Site within the last 5 years. Limiting the results to species afforded enhanced levels of protection under the Wildlife and Countryside Act (1981) and the Birds Directive (1979), the following species were recorded:

- Schedule 1.1: One record of Kingfisher *Alcedo atthis* (Also Annex 1) and five records of Crossbill *Loxia curvirostra*.

Local surveyor knowledge of the wider area provides evidence of known black grouse leks, and local barn owl roosts to the southeast near Balhomish, c. 1.4km from the site as well as regular wader presence during the bird breeding season (April-August).

3.2 Field Survey

Sections 3.2.1 and 3.2.2 detail the field signs recorded during the Site walkover. Target Notes for all observations are presented in Figure 1, Appendix A and listed in Appendix B.

3.2.1 Protected Species

Several of the mature downy birch trees along the west and east redline boundary have features which could support roosting bats (rot holes, crevices, splits/cracks in branches / trunk), see Target Note 2, 3, 10, 12, 13 & 14 (Appendix B) and photo 1, Appendix C. Features recorded are only likely to support an individual or small number of bats and none of the features identified are likely to support a large number of bats (such as a maternity roost).

A derelict and collapsed stone wall lies along the east and west boundary of the site, this could offer refugia for common lizard and slow worm. These species are typically inactive at this time of year, however may still be present.

Mammal paths (Target note 1) were recorded through the site (Photo 2), however hoof prints, dung and a sheep's carcass recorded indicate these are like created by sheep and cattle grazing across the Site.

The ground downslope of the Site to the north, east and west of the Site was identified as being heavily wet underfoot. 'Wet flush' vegetation heavily dominated by *Juncus sp* and stands of Willow *Salix sp.* scrub were the dominant habitat types and a large wet flush was identified to the southeast of the site (Target Note 16), which forms a small watercourse to the east of the Site, visible on Ordinance Survey maps. The presence of this wet vegetation and watercourse, suggest that the water table on these areas is close to the surface and as such, the soils beneath are regularly waterlogged, making them unsuitable for burrowing species such as badger.

The presence of this type of vegetation could be indicative of a potentially ground water dependant terrestrial ecosystem (GWDTE) See Table 2, Section 5.

3.2.2 Birds

An individual buzzard was observed commuting across the southwest corner of the Site, no other notable bird observations were recorded, and no nests were identified within any of the trees within the redline boundary.

Regurgitated amphibian spawn and remains were recorded on a large boulder along the southeast corner of the site (Target note 10, Photo 3). Several bird species will eat amphibians, however the prominence on top of a boulder would suggest An owl or raptor species.

No other evidence of protected species was recorded within the redline boundary of within the 150m survey buffer

4 Valued Ecological Receptors and Conclusions

Based on the findings of the desk study and the field survey walkover, the following Valued Ecological Receptors (VER's) have been identified, as detailed in Table 2 below.

Table 2: Valued Ecological Receptors

Ecological Feature	Protections / Legislation	Recommendations
Bat species	All wild species of UK bats are listed as European Protected Species under Schedule 2 of The Habitats Regulations 1994 (as amended in Scotland). The protection includes the bats themselves and their shelters (roosts) both of which are protected in Scots Law.	<p>At present, it is understood that all trees identified on site are to be retained, as such it is not thought that works will impact on bat species.</p> <p>However, if any trees on site are to be felled, then trees with roosting potential will need to be inspected (with a ladder and endoscope or climbed) to assess if roosting bats are present prior to felling/limbing works.</p> <p>If felling is not required, it is advised that a 10m buffer is applied to all trees which have potential to support roosting bats as a precaution to avoid disturbance to the tree. It is also advised that any onsite lighting is directed away from these trees.</p>
Other mammal species	See Table 1.	<p>No other evidence of protected species recorded however general advice is advised during construction:</p> <p>If any protected species are recorded within the Site at time of construction or any new burrows/setts identified, then a suitable qualified ecologist should be consulted to advise on the appropriate way to proceed.</p> <p>All open excavations and exposed pipe work should be capped when not in use and ramps installed to allow any trapped species to escape.</p> <p>If the stone walls on site are to be removed, then hand searches by an experienced ecologist during removal are advised to minimise potential disturbance to hibernating reptile species.</p>
Juniper <i>Juniperus Communis</i>	Priority Species under the UK Post-2010 Biodiversity Framework.	Should be retained where possible and not removed.
Potential GWDTE	GWDTEs are fully protected under the Water Framework Directive (WFD) 2000/60/EC (SNIFFER, 2009). The WFD is transposed into Scottish legislation in the Water Environment and Water Services (Scotland) Act (2003)	A potential GWDTE was identified (TN 16) and the M23 vegetation surrounding the site. If deep excavations or abstraction is likely then these habitats should be assessed to determine actual ground water dependency.

There was found to be no evidence of protected species within the Site and large areas of the surrounding habitat are unsuitable to support badger due to waterlogged soils and potential GWDTE presence. While the desk study showed that beaver, and red squirrel had been seen within the 2km buffer of the Site, none of these observations were within the Site boundary, additionally no reptile or amphibian species were found in or around the Site, most likely due to the time of year, however suitable refugia is present along the collapsed stone walls along the Site Boundary.

No Schedule 1 or other protected bird species were identified during the field survey across the Site. However, the Site offers plenty nesting opportunity across the large stands of mature trees within the site. It is understood at present that no shrub/tree clearance is proposed for the development, however, a nesting bird check is recommended on trees and bushes within the Site (pre-construction) should construction occur within the breeding bird season (March to August inclusive).

References

British Standards Institution, (2013). BS 42020:2013 Biodiversity — Code of practice for planning and development. London: BSI.

Chartered Institute of Ecology and Environmental Management, (2021). Good Practice Guidelines for Habitats and Species. 3rd Edn. Winchester: CIEEM.

Macdonald, D. W., G. Mace, and S. Rushton. (1998). Proposals for future monitoring of British mammals. Department of the Environment, Transport and the Regions, London, UK

NatureScot (2021) Sitelink. Available online at: <https://sitelink.nature.scot/map>. Last Accessed 10th October 2021.

National Biodiversity Network Atlas (2021). Available online at: <https://records.nbnatlas.org/explore/your-area>. 10th October 2021.

Appendix A Figure



<div>Legend</div> <div><div><div></div></div>Site Boundary</div> <div><div></div></div> 150m Buffer

Appendix B Target Notes

Target Note	Easting	Northing	Description
1	300490	741087	Mammal paths trodden through grass - likely sheep/cattle. Dung for both species present and sheep's carcass present.
2	300456	741099	Downy birch along west boundary with bat roost potential. Individual rot hole halfway up trunk.
3	300449	741107	2x Downy birch along west boundary with bat roost potential. Main trunk split/cracked with access into split, Adjacent tree immediately to the north has large crevasse in trunk.
4	300400	741190	Juniper bush along collapsed stone wall. Potential reptile refugia, but no species signs recorded.
5	300430	741143	Mammal paths through large stand of bracken to the south of the Site. Dung and hoof print indicate created by cattle.
6	300417	741228	M23 National Vegetation Classification (NVC) habitat present, dominated by <i>Juncus acutiflorus</i> . Very wet under foot, but no springs/surface flow visible. High water table indicates soils not suitable for burrowing species.
7	300413	741233	Willow scrub, trees very thin, not suitable to support red squirrel dreys or pine marten dens.
8	300317	741275	Large stand of M23, as TN 6. <i>J. acutiflorus</i> (v, 8), <i>J. effusus</i> (iv, 5), <i>J. conglomeratus</i> (ii, 2), <i>Cirsium palustre</i> (v, 4), <i>Holcus lanatus</i> (v, 8), <i>Potentilla erecta</i> (iv, 4), <i>Deschampsia cespitosa</i> (ii, 3)
9	300339	741120	Rowan berries in a small pile - indicative of badger scatt, but no other signs (paths, other scatt, or footprints) nearby to indicate presence. Most likely regurgitated by a bird.
10	300498	741140	Downy birch along east boundary with bat roost potential. Rot holes and large split along trunk.
11	300499	741101	Amphibian remains and spawn, regurgitated by a bird, on prominent boulder. Given location likely by a raptor.
12	300456	741159	Downy birch within centre of site, no bat roost potential.
13	300478	741141	Downy birch within centre of site, no bat roost potential.
14	300509	741113	Downy birch within centre of site, no bat roost potential.
15	300650	741168	Large Scots pine within 150m survey buffer. No dreys/dens or nests visible. No gnawed/chewed cones present to indicate feeding by red squirrel
16	300631	741032	Large wet flush, visibly flowing into small watercourse, draining to the north

Appendix C Site Photographs



Photograph 1: Mammal path through semi-improved grassland, towards the west boundary.



Photograph 2: Deep crevice in trunk of downy birch along west Site boundary providing bird nest/bat roost potential.



Photograph 3: Regurgitated amphibian remains (circled in blue) and spawn (circled in red).



Photograph 4: View north across the Site from the south boundary. Downy birch present along the east and west boundaries (left and right hand side of the photograph).

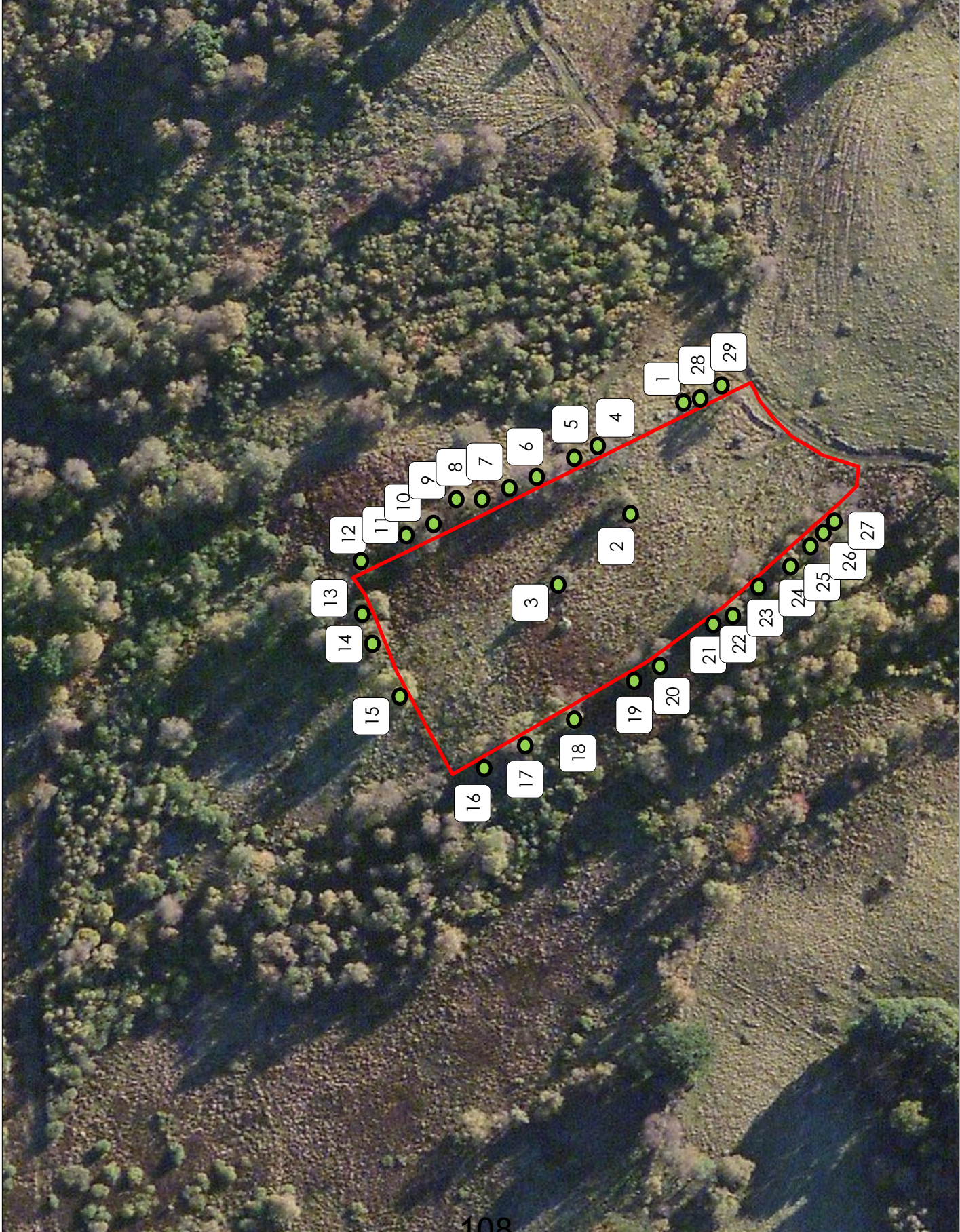
Planning
application
Tomgarrow,
Strathbraan,
near Dunkeld

Tree survey area

Map 3



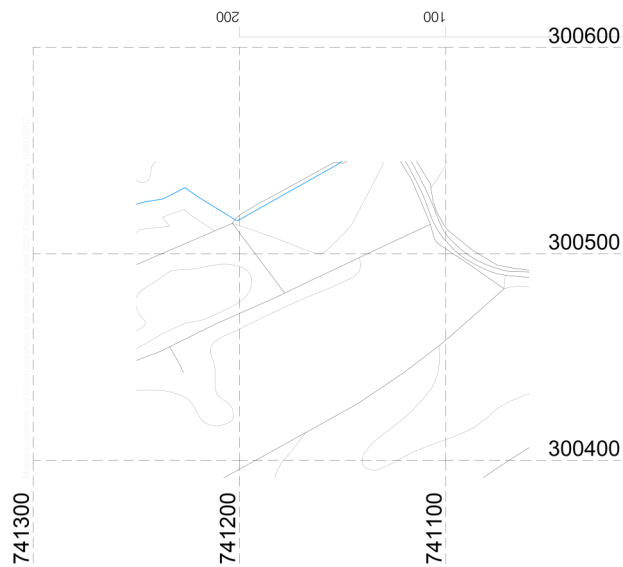
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Tree Survey Data Sheet : Tomgarrow, grid ref.

Reference	Tree species	Height and diameter at breast height	Survey notes	Recommendations/ Actions	Date of inspection
1	Downy Birch	4.5 metres/ 32	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
2	Downy Birch	5.5 metres/ 58	Some decaying fungus is visible on the lower stem as is approx. 30% senescence on the upper canopy	Monitor the spread of the decaying fungus	05.10.21
3	Downy Birch	4.5 metres/ 56	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
4	Downy Birch		Dead tree	Leave this tree as deadwood habitat for insects and birds	05.10.21
5	Downy Birch	6 metres/ 54	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
6	Downy Birch	5.5 metres/ 55	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
7	Downy Birch	5.4 metres/ 56	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
8	Downy Birch	6.2 metre/ 61	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
9	Downy Birch	5.9 metres/ 60	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
10	Downy Birch	7.1 metres/ 62	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
11	Downy Birch	7.2 metres/ 61	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
12	Downy Birch	5.6 metres/ 44	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
13	Downy Birch	5.8 metres/ 48	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
14	Downy Birch	4.1 metres/ 37	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
15	Downy Birch	4.4 metres/ 39	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
16	Downy Birch	5.7 metres/ 42	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
17	Downy Birch	5.4 metres/ 56	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
18	Downy Birch	6.2 metres/ 61	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
19	Downy Birch	5.9 metres/ 60	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
20	Downy Birch	5.6 metres/ 44	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
21	Downy Birch	5.8 metres/ 46	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
22	Downy Birch	6.2 metre/ 61	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
23	Downy Birch	5.7 metres/ 60	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
24	Downy Birch	7.3 metres/ 66	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
25	Downy Birch	6.2 metre/ 61	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
26	Downy Birch	5.4 metres/ 56	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
27	Downy Birch	7.3 metres/ 67	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21
28	Downy Birch	6.3 metres/ 59	Healthy. Will not be impacted by the proposed building works.	Tree to be left unimpeded	05.10.21

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LOCATION PLAN SCALE:1:1250 @ A1

SITE PLAN SCALE: 1:250 @ A1

	DATE	CHRGD	WARRANT	KM	CH	00.00.00
- FIRST ISSUE						



Caledonia Log Homes

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MR & MRS. CLAMP
LAND AT TOMAGARROW
INVER

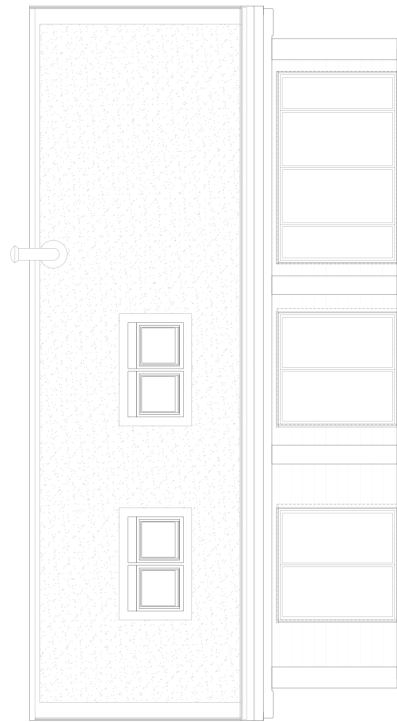
PROPOSED
SITE PLAN & LOCATION PLAN

PROJECT NO.	DATE INVOICE	ORDER NO.
21-06	PRELIMINARY	PRELIMINARY
DRAWING REFERENCE		
(SK) 001		
REVISION		
-		
SCALE / ASSE	DATE	CHECKED BY
1:50 / A1	JULY 21	MM

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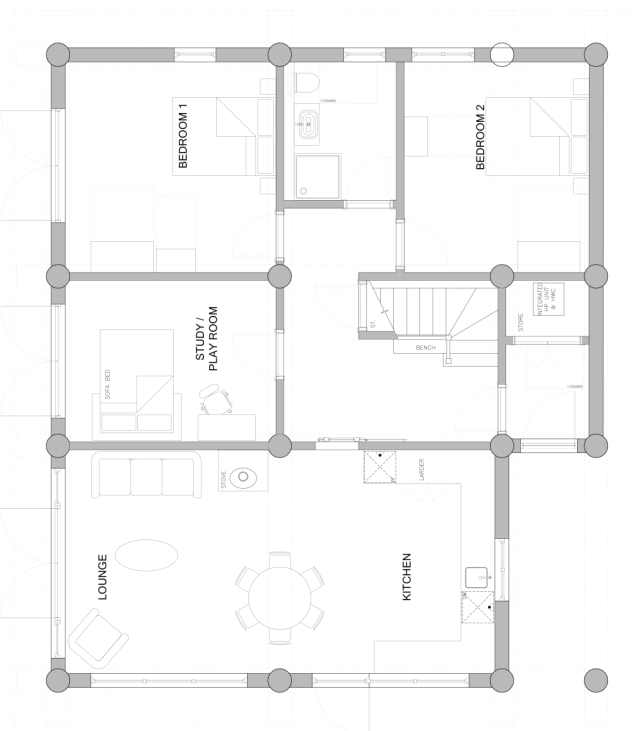
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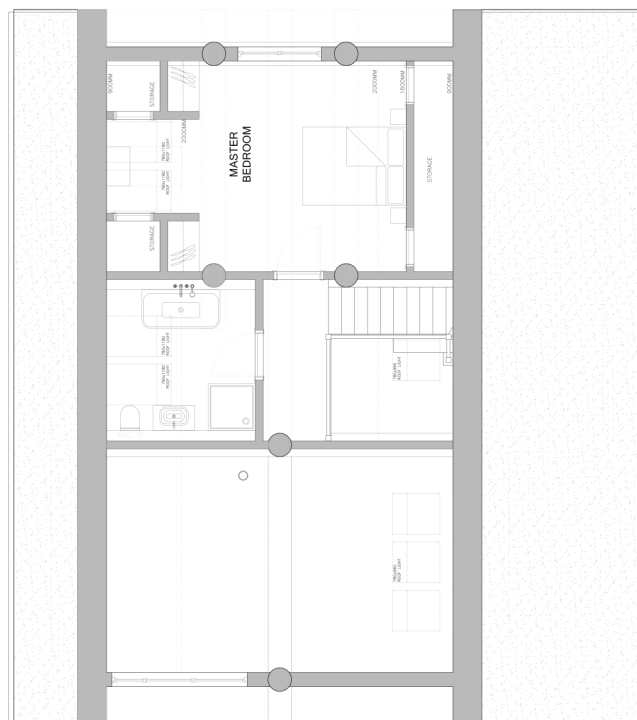
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LAND AT TOMAGARROW
INVER

PROPOSED
ELEVATIONS

PROJECT NO. 21-06	TABLE PURPOSE PRELIMINARY	WORK ORDER PRELIMINARY
DRAWING REFERENCE	REVISION	
(SK) 003		
SCALE/TEXT 50' / 1"	DATE JULY 21	DRAWN BY KM
		CHECKED BY CH



GROUND FLOOR
G.I.A: 109M²



GROUND FLOOR
G.I.A: 40M²

REV	DESCRIPTION	KM	CH	DRAWN	CHD.	DATE
-	FIRST ISSUE					00.00.00



MR & MRS. CLAMP
LAND AT TOMAGARROW
INVER

PROPOSED
FLOOR PLANS

PROJECT NO. 21-06	ISSUE PURPOSE PRELIMINARY	WORK STATUS PRELIMINARY
DRAWING REFERENCE		
(SK) 002		
SCALE / SIZE 1:50 / A1	DATE JULY 21	DRAWN BY MM
		CHECKED BY CH

LRB-2022-01 - 21/01918/IPL – Erection of a dwellinghouse and garage/store (in principle), land 200 metres north east of Tomgarrow, Trochry

PLANNING DECISION NOTICE *(included in applicant's submission, pages 31-32)*

REPORT OF HANDLING *(included in applicant's submission, pages 33-45)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 61-112)*

LRB-2022-01 - 21/01918/IPL – Erection of a dwellinghouse and garage/store (in principle), land 200 metres north east of Tomgarrow, Trochry

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01918/IPL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Erection of a dwellinghouse and garage/store (in principle)		
Address of site	Land 200 Metres North East Of Tomgarrow Trochry		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Royal School of Dunkeld Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	09 December 2021		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 21/01918/IPL

Our ref KIM

Date 10 Dec 2021

Tel No (4) 76442

Communities

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

Consultation on an Application for Planning Permission

**PK21/01918/IPL RE: Erection of a dwellinghouse and garage/storage (in principle)
Land 200 Metres North East Of Tomgarrow Trochry for Mr Rob And Mrs Gabrielle
Clamp**

I refer to your letter dated 24 November 2021 in connection with the above application and have the following comments to make.

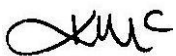
Contaminated Land

Comments

A search of the historical mapping has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination. However, it shall be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development for which planning consent has been granted.

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.



Comments for Planning Application 21/01918/IPL

Application Summary

Application Number: 21/01918/IPL

Address: Land 200 Metres North East Of Tomgarrow Trochry

Proposal: Erection of a dwellinghouse and garage/store (in principle)

Case Officer: John Williamson

Customer Details

Name: Norman Grieve

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: It is important for the social and economic cohesion and success of Strathbraan that houses in the Strath are mostly occupied by people that work or go about their business within the locality.

Should this application go ahead, it will be necessary for the private shared access road to be provided with some passing places, particularly on the steep hill section, where meeting another vehicle in snow and ice conditions can cause significant difficulties.



To:	John Williamson, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	14 th December 2021

21/01918/IPL | Erection of a dwellinghouse and garage/store (in principle) | Land 200 Metres North East Of Tomgarrow Trochry

Thank you for consulting PKHT on the above application. The development site is considered to be archaeologically sensitive given its location in a fairly rural and unaltered landscape 150m northwest from a known potential prehistoric site at Dundonnachie (MP17961). This comprises of two potential standing stones and the remains of a small settlement. The proposed access appears to be on a road through the historic settlement of Tomgarrow (MPK7068), which predates the 1st edition OS.

Given the unimproved nature of this development site, its historic context outlined above and the position it sits within the landscape we recommend that some form of archaeological mitigation takes place, most likely an evaluation, to gauge whether any remains exist on this site prior to development. We also suggest that care is made when passing through the historic township, should any repair or alterations be required to the access road in the full application. All heritage assets should be retained and not damaged during the works. It might be depending on the works in the future application fencing off of assets is required.

Therefore, if the scheme is granted consent we recommend that a programme of archaeological works to include monitoring of various groundworks associated with the development is attached to consent, in order to prevent any loss of information about this site through development.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150) and Policy 26 of the Perth and Kinross Local Development Plan, it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:


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

Notes:

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01918/IPL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and garage/store (in principle) at		
Address of site	Land 200 Metres North East Of Tomgarrow, Trochry		
Comments on the proposal	<p>The applicant has submitted an application for the principle of erecting a dwellinghouse and garage/store at land near Tomgarrow.</p> <p>The applicant is proposing to access the A822 public road network via an existing private access 300 metres to the east of the U159 Rumbling Bridge junction. The bellmouth of the private access is potholed and requires to be upgraded to current standards to support the development. Given the applicants supporting information that advises the applicant will be looking to host events on site, bringing members of the public to the site (Section 5 of the Supporting Statement), this will increase the number of vehicle movements accessing and egressing the private access from the public road network.</p> <p>As mentioned above, the applicant has provided supporting information for the dwellinghouse, stating that they will be operating a business from the site and have storage facilities, along with hosting events. The size and scale of the business operations is unknown at this time; therefore, it is difficult to predict or understand the level of traffic generation that will be associated the development. It is noted that in Section 6 of the Supporting Statement, the applicant will be hosting visiting groups and preparing woodland skills set ups. More information is required from the applicant to understand the traffic generation linked to the domestic and business case.</p> <p>The proposed route to the site forms part of the Core Path network, so there is scope for members of the public to walking along this route. There is also the potential for vehicles to interact with other vehicles, and the current track does not provide suitable passing places, as shown in the image below:</p>		

	 <p>The applicant should provide a plan to show where passing places can be installed along the access track to the property to provide intervisibility.</p> <p>Further information is required from the applicant in order for Transport Planning to support this application.</p>
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	17 December 2021

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01918/IPL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and garage/storage (in principle)		
Address of site	Land 200 Metres North East Of Tomgarrow Trochry		
Comments on the proposal	<p>The information submitted for this application is detailed, good quality and the photos with descriptions document was exceptionally helpful.</p> <p>Policy 40: Forestry, Woodland and Trees The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>A tree survey assessing the trees present and what the impact of the proposed development will be on trees and woodland was submitted and indicates that no trees will be lost to allow this development to proceed. A plan outlining how the root protection areas of retained trees will be protected during construction is required.</p> <p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>The submitted Protected Species Walkover Survey Report is in accordance with best practice though undertaken late in the survey season. The survey report notes the potential for bat roosts in mature trees, and I would advise that works within 30m of a bat roost may cause disturbance, not 10m as stated in the report. I advise undertaking further survey to establish if the trees contain bat roosts to inform future plans and avoid risk of disturbance to protected species.</p> <p>Further ecological survey in the form of an Ecological Impact Assessment (EcIA) is required as part of a full planning application with further investigation and evaluation of the possible ground water dependant terrestrial ecosystem (GWDTE) ground downslope of the site to the north, east and west of the site (detailed in section 3.2.1 of the Protected Species Walkover Survey Report). Evaluation of mature trees with bat roost potential</p>		

	<p>is also required. Implementation of the mitigation hierarchy of avoid, mitigate, and compensate must be demonstrated.</p> <p><u>Biodiversity Enhancement</u></p> <p>Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. An ecologist will advise on this, and measures may include:</p> <ul style="list-style-type: none"> • Planting native trees, orchards, hedgerows and wildflowers. • Providing nesting boxes, bricks or tubes for bird and bat species. • Creating wildlife corridors for hedgehogs, frogs and newts <p>Tree and house sparrows are red listed as birds of conservation concern and providing nest bricks or boxes for these species would enhance the biodiversity value of the site. This would contribute towards the Sparrows on the Edge Project in the Tayside Local Biodiversity Action Plan (LBAP).</p> <p>Enhancing habitat connectivity by linking to existing hedgerows and trees would contribute towards a key action in the Tayside LBAP and would be welcomed.</p> <p>The survey report notes presence of juniper which is listed on the Scottish Biodiversity List and Tayside LBAP as a priority species. I wonder if the habitat could be enhanced for juniper or juniper could be planted.</p> <p>Guidance is available on the Tayside Biodiversity Partnership website: http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/</p>
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • All trees are to be retained. • Submission of an updated Ecological Impact Assessment undertaken by suitably qualified and experienced persons as part of further planning application. The EclA must include further investigation and evaluation of the possible ground water dependant terrestrial ecosystem (GWDTE) and evaluation of mature trees with bat roost potential. • Submission of a tree protection plan. • Submission of plan outlining proposed biodiversity enhancement measures such as native species planting and provision of bird boxes.
Recommended informative(s) for applicant	
Date comments returned	20 December 2021