

LRB-2020-25 – 20/00981/IPL – Residential development (in principle), land 60 metres south west of Burnside House, Benarty Road, Kelty
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**LRB-2020-25 – 20/00981/IPL – Residential development
(in principle), land 60 metres south west of Burnside
House, Benarty Road, Kelty**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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Mark this box to confirm all contact should be through this representative: ☒ Yes ☐ No

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

20100981/1PL

Site address

LAND 60M SOUTHWEST OF BURNSIDE HIDE, BENARTY ROAD KENT

Description of proposed development

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR TWO RESIDENTIAL DWELLINGS, ACCESS, LANDSCAPING + ASSOCIATED WORKS

Date of application

24/07/2020

Date of decision (if any)

16/09/2020

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

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

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

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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

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

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

SEE ENCLOSED APPEAL 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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

APPLICATION FORMS ; APPLICATION LOCATION PLAN, SITE PLAN, BLOCK PLAN,
OWNERSHIP BOUNDARY ; PLANNING STATEMENT, APPEAL STATEMENT ; COASTAL MINING
RISK ASSESSMENT ; COUNCIL PRE APPLICATION RESPONSE ; COUNCIL DECISION
NOTICE ; COUNCIL REPORT OF HANDLING ; FLOOD RISK ASSESSMENT ; SITE
PHOTOS ; TREE SURVEY

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

Checklist

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


- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

25/09/2020

LOCAL REVIEW BODY

**STATEMENT OF APPEAL AGAINST REFUSAL OF PLANINNG APPLICATION
REFERENCE 20/00981/IPL**



SEPTEMBER 2020

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1. Introduction

PPCA Limited has been instructed by the Lomond Group (the Appellant) to lodge an appeal with the Perth & Kinross Council Local Review Body against the refusal of planning permission in principle for two residential dwellings on land 60 Metres South West Of Burnside House Benarty Road Kelty.

The Perth & Kinross Council planning application reference is 20/00981/IPL and the application was refused by the Council using delegated powers on 16th September 2020.

The following Report comprises the Appeal Statement lodged on behalf of the Lomond Group and should be read in conjunction with all documents originally submitted as part of the planning application made to the Council in July 2020.

Given the specific site circumstances and matters raised both below and in the original application, it is considered essential that Local Review Body members visit the site prior to the relevant Local Review Body meeting that considers the appeal.

2. Reasons for Refusal

The Perth & Kinross Council Decision Notice of 16th September sets out two reasons for refusal of the application as follows –

- 1 *The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.*
- 2 *The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it constitutes ribbon development.*

The justification provided for the decision states that “*The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan*”.

The Decision Notice is accompanied by a Report of Handling prepared by the Council planning case officer. That document has been assessed below as part of the appeal process.

The Appellant wishes to challenge the above reasons for refusal as set out below.

3. Appellant Rebuttal

Council Report of Handling

The Council Report of Handling (ROH) notes that no site visit had taken place to the determination being issued with Covid-19 being cited as the reason for this. However, it is considered essential that a site visit should have taken place, and should take place, in order to properly reach an informed conclusion on its suitability for residential development of the scale and form proposed in this Appeal.

The ROH notes that the site boundary for this application, compared to previous applications is different. This is a fundamental and materially significant point in that this application uses the burn watercourse that runs to the south of the site as its defining southern boundary.

The Appellant does not dispute that the sparse trees along the southern edge of the site, to be located within the garden ground of the proposed residential properties, is insufficient to form a defensible edge.

Conversely, the burn watercourse feature is specifically identified as a suitable defensible boundary feature for a housing site within the new 2020 Council Supplementary Planning Guidance on Housing in the Countryside. This did not form part of the previous Supplementary Planning Guidance and is a material change in how the application and appeal should be determined.

The Appellant disputes the assertion within the ROH that the TAYPlan Strategic Development Plan does not contain a strategy or policies specific to the site. The Appellant Planning Statement submitted as part of the original planning application highlights compliance with the Strategic Development Plan Vision and Policies 1 (part C), 2, 6 and 9.

The Appellant Planning Statement then goes on to confirm that the principle of the proposed development complies with both the policy framework of the Local Development Plan and its supporting Supplementary Planning Guidance with specific reference to Policy 19 – Housing in the Countryside (see below).

The Appellant notes that there are no objections to the planning application with the exception of the Council Biodiversity / Tree Officer who “cannot support the application on grounds of a lack of information as no Preliminary Ecological Appraisal has been submitted”.

A standalone Tree Survey has been submitted in support of the planning application. The site is predominantly open ground and, given that this is a planning permission in principle application only, it is within the gift of the Council to condition with submission of an ecology survey as part of any future matters specified in conditions or detailed planning application(s) for the site.

It is not possible, at the time of writing, to respond to third party objections received to the application as these are not available on the Council public planning portal.

The Appellant would dispute the statement within the ROH that –

“Notwithstanding the previous decisions of the Council and the enlargement of the site to the south, it remains the view of the Planning Authority that the sites natural, existing landscape to the west in particular, and to the south is not sufficient enough to constitute a defined site.

Whilst there are some trees along these boundaries, the random nature of these trees is such that they do not provide a natural definable site which is capable of absorbing the development which is proposed.”

As noted above, the trees along the southern boundary do not define the site – the burn watercourse, identified as a defensible boundary feature within the new 2020 Supplementary Planning Guidance, defines the southern boundary of the site.

There are no short distance views of the site from the south as it is bounded by a significant area of agricultural land beyond the burn watercourse. There is, therefore, no risk of significant visual impact from views to the south of the site.

The existing woodland to the west is mature, dense and well-established such that it forms an opaque barrier as one approaches the proposed development site from the west. The site is not visible until one passes that woodland edge. This would be obvious on any site visit.

The Appellant, further, disputes the ROH where it states –

“In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road.

Again, notwithstanding the previous decisions of the Council, it remains the view of the Planning Authority that any further development in the area subject of planning application would essentially create an extended run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group.”

The proposed development comprises only two dwellings. The site defensible boundaries would not allow for any development beyond these to the south (the burn watercourse), east (existing residential development), north (Benarty Road) or west (mature trees and shrubs). It is a fully enclosed and defensible site for only two houses.

The argument advanced in the ROH above would preclude any development along one side of a rural road adjacent to any building group if there was no development on the opposite side of the road. This is, surely, not the intention of the policy which should allow for appropriate scale rural residential development opportunities on defensible sites such as that which is the subject of this appeal.

In any case, the proposed development is not “ribbon development” as defined in the 2020 Housing in the Countryside Supplementary Planning Guidance. The two houses proposed are served by a single access. It will not result in a continuous line of 5 or more houses. It is a readily definable and defensible site.

Council Reasons for Refusal

The Appellant disputes Reason for Refusal 1 as put forward in the Council Decision Notice for the planning application. Based on the information provided as part of the Planning Statement that supported the original application and the Report above, the proposed development is an extension of an existing building group into a wholly defensible and appropriate site capable of accommodating two dwellings.

The Appellant disputes Reason for Refusal 2 as, for the reasons set out in the Planning Statement that supported the original application and the Report above, the proposed development does not constitute ribbon development as defined in Council Supplementary Planning Guidance.

Conclusion

The proposed development of two houses adjacent to the building group at Benarty represents a small scale extension of the existing group into a wholly defensible site. It is not visually intrusive, nor does it constitute ribbon development.

For the reasons set out above and in the original planning application submission, it is respectfully requested that the Perth & Kinross Council Local Review Body overturns the officer decision to refuse and grants planning permission in principle for the development as presented in this appeal.



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Date of Notice : **16th September 2020**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/00981/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 11th August 2020 for permission for **Residential development (in principle) Land 60 Metres South West Of Burnside House Benarty Road Kelty** 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 Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it constitutes ribbon development.

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

Not Applicable

Notes

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

Plan Reference

01

02

03

04

05

06

07

08

09

REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/00981/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	10th October 2020	
Report Drafted Date	16th September 2020	
Report Issued by	Sean Panton	Date: 16 th September 2020

PROPOSAL: Residential development (in principle).

LOCATION: Land 60 Metres South West of Burnside House, Benarty Road, Kelty.

SUMMARY:

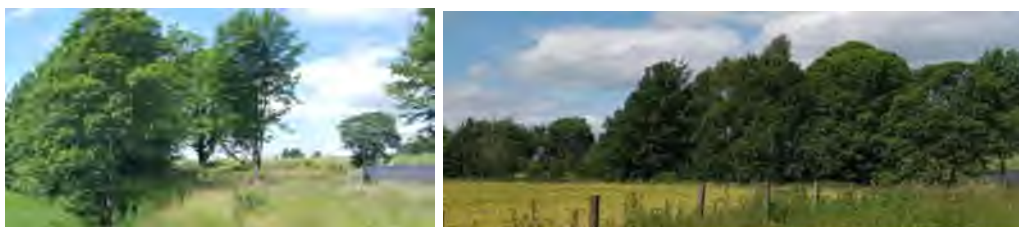
This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT:

In accordance with the on-going restrictions of the COVID-19 pandemic, it has not been possible to visit the site. The Case Officer is however familiar with the site and the local area. Further to this, the agent has provided the Planning Authority with up-to-date photos of the development site.

This site knowledge, combined with up-to-date aerial and street -view photography, makes it possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 60metres South West of Burnside House, Benarty Road, Kelty. The application seeks planning permission in principle



for a residential development. The indicative site plan submitted indicates that there will be 2 detached dwellinghouses.

In 2015, a planning in principle application for a residential development (15/00577/IPL) on a similar site which included an area to the east was refused planning consent, and a subsequent review of the refusal to the Council's Local Review Body was dismissed. The plans submitted as part of application 15/00577/IPL showed an indicative number of three residential units.

Following that refusal, a further planning application (16/00001/FLL) seeking detailed planning permission for the erection of a dwelling on the eastern part of the site was refused at officer level, but was approved by the Council's Local Review Body. That permission was subsequently amended via a change of house type application (17/00262/FLL) and has now been constructed.

In 2018, a further application was submitted (18/01176/IPL) for 2 dwellinghouses in principle on the remaining piece of land and was again refused. This decision was appealed to the Local Review Body who dismissed the appeal.

This current proposal is similar to application 18/01176/FLL, however has slightly different boundaries, as seen below:

	
<p><i>Previously Refused Scheme</i> <i>18/01176/IPL</i></p>	<p><i>Currently Proposed Scheme</i> <i>20/00981/IPL</i></p>

SITE HISTORY

10/00222/IPL - Residential Development (in principle) 2 December 2010:
Application Approved

11/01683/FLL - Erection of two dwellinghouses and formation of a serviced plot 16 August 2013: Application Approved

11/01684/FLL - Storage of inert material (in retrospect) 21 December 2011: Application Approved

11/01943/FLL - Erection of a dwellinghouse 28 May 2014: Application Approved

14/00753/FLL - Erection of a dwellinghouse 4 August 2015: Application Approved

14/00870/MPO - Modification of a planning obligation (11/01683/FLL) relating to Section 75 Agreement 2 July 2014: Application Approved

14/01524/MPO - Partial discharge of a planning obligation (11/01683/FLL) relating to clause 5b 12 January 2015: Application Withdrawn

14/01710/MPO - Modification of a planning obligation (11/01683/FLL) relating to Section 75 Agreement 14 January 2015: Application Approved

15/00577/IPL - Residential development (in principle) 30 March 2016: Application Refused

15/01428/FLL - Modification of permission 14/00753/FLL (Erection of a dwellinghouse) change of house type and erection of garage 20 November 2015: Application Approved

18/01176/IPL - Residential Development (in principle) 15 August 2018: Application Refused

PRE-APPLICATION CONSULTATION

Pre-application Reference: 20/00195/PREAPP

A formal pre-application consultation was undertaken where it was identified that the proposed development is contrary to the adopted Local Development Plan.

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 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 (2019) – Adopted November 2019

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

The principal policies are, in summary:

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 6 – Settlement Boundaries
- 19 – Housing in the Countryside
- 39 – Landscape
- 40B – Forestry, Woodland and Trees: Trees, Woodland and Development
- 41 – Biodiversity
- 52 – New Development and Flooding
- 58B -Contaminated and Unstable Land: Unstable Land
- 60B – Transport Standards and Accessibility Requirements

OTHER POLICIES

Placemaking Supplementary Guidance 2020

The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Housing in the Countryside Guide 2020

In accordance with Scottish Planning Policy, Planning Advice Note 72: Housing in the Countryside, and Planning Advice Note 68: Design Statements, the Council’s objective is to strike a balance between the need to protect the outstanding landscapes of the Perth & Kinross area, and encourage appropriate housing development in rural areas including the open countryside and out-with settlements. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the

need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

Local Development Plan 2 Policy 19 '*Housing in the Countryside*' aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural housing needs.

CONSULTATION RESPONSES

External

Scottish Water:

No objection to the proposed development as there is currently sufficient capacity in both the Glendevon Water Treatment Works and the Levenmouth Waste Water Treatment works to service the development.

The Coal Authority:

No objection to the proposed development subject to conditional control regarding site investigations.

Internal

Transport Planning:

No objection to the proposed development, subject to conditional control regarding roads and access.

Development Negotiations Officer:

Recommended conditional control in relation to education contributions.

Structures & Flooding:

Structures & Flooding did not respond to the consultation request.

Environmental Health (Contaminated Land):

No objection to the proposed development subject to conditional control regarding ground contamination.

Biodiversity/Tree Officer:

The Biodiversity/ Tree Officer cannot support the application on grounds of a lack of information as no Preliminary Ecological Appraisal has been submitted.

REPRESENTATIONS

4 letters of representation were received regarding the proposed development. In summary, the letters raised the following points:

Objection Letters (x1)

- Contrary to LDP
- Inappropriate land use/ overdevelopment
- Roads and access concerns
- Loss of trees

Support Letters (x3)

- Enhances character of area
- Environmental improvements
- Economic development

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: <ul style="list-style-type: none">• Tree Survey• Flood Risk Assessment• Coal Mining Risk Assessment

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 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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

Policy Appraisal

The local plan 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. This policy is relevant to this proposal as the site is not located within a designated settlement boundary.

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:

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

In this instance, the proposal can be considered under criterion 1 (building groups).

Building Groups

Support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. Policy 19 also state that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed houses.

Within the area, there have been a number of recent developments (as well as older, existing properties) which now means that there is a clear existing building group of dwellings.

To this end, the key test of the acceptability of this proposal is whether or not the site is suitable for an extension (of that existing group) and whether or not the extension would have an adverse impact on the character or amenity of the existing group.

These issues shall be addressed in turn.

Notwithstanding the previous decisions of the Council and the enlargement of the site to the south, it remains the view of the Planning Authority that the sites natural, existing landscape to the west in particular, and to the south is not sufficient enough to constitute a defined site.

Whilst there are some trees along these boundaries, the random nature of these trees is such that they do not provide a natural definable site which is capable of absorbing the development which is proposed.

In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road.

Again, notwithstanding the previous decisions of the Council, it remains the view of the Planning Authority that any further development in the area subject of planning application would essentially create an extended run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group.

It is also worth noting, although some of the letters of support received state that the proposal would develop brownfield land, the site is not considered to be brownfield land and as such cannot be considered under criterion 6.

To this end, and consistent to the previous refusals on the site, it is considered the proposal fails to comply with Policy 19 'Housing in the Countryside'.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed unit. All matters in relation to Design and Layout will be considered under a detailed application. An indicative site plan has been submitted however which indicates that an acceptable layout may be achieved, although would constitute ribbon development to the existing grouping, thus being contrary to policy as mentioned above.

Residential Amenity

It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the proposed dwellinghouses.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those

that live in the existing houses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouse.

Landscaping

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

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.

The submitted Tree Survey Report was assessed by the Council's Biodiversity/ Tree Officer who considers that the report is good quality and confirms that one small hawthorn tree (1977) will be removed to allow this development to proceed. Two other trees will be felled for health and safety reasons as they are suffering from Dutch elm disease. All other trees will be retained. The proposed site layout has been designed to maximise the number of trees that can be retained which is welcomed. The strip of woodland is a key part of a belt of trees providing vital connectivity in a predominantly agricultural landscape and is of considerable biodiversity value.

Compensation for the loss of one tree is required, ideally with the planting of native species within the woodland strip. The submitted Tree Survey Report states that mulching/weed killing is required to the newly planted trees and this should be completed to maximise tree growth.

Overall, it is considered that there are no adverse concerns in relation to trees and any compensatory planting could be controlled at a detailed planning stage.

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.

In this instance, no ecological survey has been submitted alongside this application and as such the Council's Biodiversity/Tree Officer has stated that it cannot be assessed what impact this proposed development will have on protected species and wider biodiversity. An ecological survey in the form of a Preliminary Ecological Appraisal should be undertaken to ascertain what habitats are present, species present and whether any further survey is required. This was highlighted at pre-application stage.

Whilst the preference of the Planning Authority would be to have this information at in-principle stage, I do not consider this to be a necessary reason for refusal as this would be considered fully at any detailed application stage.

Roads and Access

Whilst concerns were raised within the letters of representation received regarding roads and access, it is considered that an acceptable scheme could be achieved commensurate to the scale of the development. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no objection to make, subject to conditional control.

Drainage and Flooding

The site is at known flood risk from the adjacent Kinnaird Burn. As such, a Flood Risk Assessment was submitted with the application. Whilst my colleagues in Structures and Flooding did not respond to the consultation request, consistent to the previous applications on the site and the recommendations of the Flood Risk Assessment, it is considered that the site is capable of accommodating a residential development with regards to drainage and flooding. This would be explored further at any detailed stage.

Conservation Considerations

The site is not in close proximity to any listed building, conservation area or any other designated site of historical interest. It is therefore considered that the proposed development will have no adverse impact upon the historic environment.

Developer Contributions

Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas

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

This proposal is within the catchment of Cleish Primary School.

The Development Negotiations Officer was consulted as part of this application and recommended conditional control in regard to education contributions.

Economic Impact

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application.

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to Policy 19 '*Housing in the Countryside*' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it does not

comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.

- 2 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it constitutes ribbon development.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05
06
07
08
09



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 100286692-001

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)

Application for planning permission in principle for the erection of two houses, access, landscaping and associated works

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:	PPCA Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Maura	Building Name:	
Last Name: *	McCormack	Building Number:	39
Telephone Number: *	0131 225 1225	Address 1 (Street): *	Dunipace Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 7LZ
Email Address: *	maura.mccormack@ppca.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Unit 5B
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Lomond Business Park
Company/Organisation	Lomond Group	Address 2:	Baltimore Road
Telephone Number: *		Town/City: *	Glenrothes
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY6 2PJ
Fax Number:			
Email Address: *	robin@ppca.co.uk		

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

695815

Easting

314673

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Pre-application enquiry with PKC - detailed in supporting planning statement

Title:

Mr

Other title:

First Name:

Sean

Last Name:

Panton

Correspondence Reference
Number:

20/00195/PREAPP

Date (dd/mm/yyyy):

16/06/2020

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

Site Area

Please state the site area:

0.25

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)

Rough grassland

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: *

See attached statements

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Maura McCormack

On behalf of: Lomond Group

Date: 24/07/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☒ Yes ☐ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☒ Yes ☐ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Maura McCormack

Declaration Date: 24/07/2020

Payment Details

Pay Direct

Created: 24/07/2020 12:01



Planning & Development
Head of Service David Littlejohn

Pullar House,
35 Kinnoull Street,
PERTH, PH1 5GD.

Tel: 01738 475300

Ref No: 20/00195/PREAPP

Date: 16th June 2020

Lomond Group,
c/o PPCA Limited,
Robin Matthew,
39 Dunipace Crescent,
Dunfermline,
KY12 7LZ.

Dear Sir/Madam,

Town and Country Planning (Scotland) Act, 1997

RE: Erection of 2 dwellinghouses on land 60metres South West of Burnside House,
Benarty Road, Kelty.

Please find attached a response to your pre-application enquiry.

Kind Regards,



Sean Panton MA (Hons) MRTPI,
Development Management.

Pre-Application Service



**PERTH &
KINROSS
COUNCIL**

NON-HOUSEHOLDER PRE-APPLICATION ADVICE

All applicants are advised that Perth & Kinross Council encourages the completion of Processing Agreements with all planning applications. The Agreement will set out timescales for the processing of the application, the submission of additional information if required and a target date for the decision or committee date.

All comments are based on the information submitted and are made without prejudice to any decision Perth & Kinross Council may make in the future. It is not usually possible for an officer to visit the site or consult on a proposal at the pre-application stage but these are part of the formal planning application process, as is public notification. Additional issues may arise as a result of detailed analysis of any submitted application, associated plans and supporting documentation.

Further discussion on a revised proposal will normally require to be the subject of a fresh pre-application enquiry (and incurring a further fee). Clarification of comments contained below can be provided by the case officer but no further discussion will be entered into at this stage as to how the policies are interpreted or applied.

CASE DETAILS	
Reference number of pre-app	20/00195/PREAPP
Site Address/location	Land 60 Metres South West of Burnside House, Benarty Road, Kelty.
Details of Proposal	Erection of 2 dwellinghouses
Case Officer	Sean Panton
Date	16 th June 2020

SITE DESIGNATIONS AND CONSTRAINTS
The site is not located within a designated settlement boundary.
The site is located within the Coal Authority's identified 'Development High Risk Area'.
The site is located within the Loch Leven and Lomond Hills Special Landscape Area.
There is planning history on the site, with the most relevant being:

- 11/01684/FLL; Storage of inert material (in retrospect) – Application Approved
- 15/00577/IPL; Residential development (in principle) – Application Refused (Decision appealed to Local Review Body and appeal was dismissed)
- 18/01176/IPL; Residential Development (in principle) – Application Refused (Decision appealed to Local Review Body and appeal was dismissed)

RELEVANT PLANNING POLICIES AND GUIDANCE

TAYplan2 Policies

https://www.tayplan-sdpa.gov.uk/strategic_development_plan

TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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”

The following sections of the TAYplan 2016 will be of particular importance in the assessment of this proposal:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 9: Managing TAYplan's Assets

Perth & Kinross Local Development Plan Policies

www.pkc.gov.uk/developmentplan

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

The principal policies are:

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 6 – Settlement Boundaries
- 19 – Housing in the Countryside
- 40B – Forestry, Woodland and Trees: Trees, Woodland and Development
- 41 – Biodiversity
- 52 – New Development and Flooding
- 58B – Contaminated and Unstable Land: Unstable Land

	<ul style="list-style-type: none"> • 60B – Transport Standards and Accessibility Requirements: New Development Proposals
<p>Other Policies and Guidance</p> <p>https://beta.gov.scot/policies/planning-architecture/planning-guidance/</p> <p>https://www.pkc.gov.uk/ldp2guidance</p>	<p><u>National</u></p> <ul style="list-style-type: none"> • Creating Places: A policy statement on architecture and place for Scotland 2013 • National Roads Development Guide 2014 <p><u>Perth & Kinross Council</u></p> <ul style="list-style-type: none"> • Developer contributions • Flood Risk and Flood Risk Assessments • Housing in the Countryside Supplementary Guidance 2020 • Placemaking Guide 2020
LIKELY CONSULTEES	
PKC Internal	<ul style="list-style-type: none"> • Transport Planning • Environmental Health • Development Negotiations Officer (Contributions) • Structures and Flooding • Biodiversity
External	<ul style="list-style-type: none"> • Scottish Water • Coal Authority
SUMMARY OF CONSIDERATIONS	
<p>Planning Principle</p> <p><u>Local Development Plan 2 (2019)</u></p> <p>The local plan through Policy 6 ‘<i>Settlement Boundaries</i>’ specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This policy is relevant to this proposal as the site is not located within a designated settlement boundary.</p> <p>However, through Policy 19 ‘<i>Housing in the Countryside</i>’, 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</p>	

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:

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

In this instance, the proposal can be considered under criterion 1 (building groups).

Building Groups

Support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. Policy 19 also states that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed houses.

Within the area, there have been a number of recent developments (as well as older, existing properties) which now means that there is a clear existing building group of dwellings.

To this end, the key test of the acceptability of this proposal is whether or not the site is suitable for an extension (of that existing group) and whether or not the extension would have an adverse impact on the character or amenity of the existing group.

These issues shall be addressed in turn.

Notwithstanding the previous decisions of the Council and the enlargement of the site to the south, it remains the view of the Planning Authority that the site's natural, existing landscape to the west in particular, and to the south is not sufficient enough to constitute a defined site.

Whilst there are some trees along these boundaries, the random nature of these trees is such that they do not provide a natural definable site which is capable of absorbing the development which is proposed.

In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road.

Again, notwithstanding the previous decisions of the Council, it remains the view of the Planning Authority that any further development in the area subject of planning application would essentially create an extended run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group.

To this end, and consistent to the previous refusals on the site, it is considered the proposal fails to comply with Policy 19 'Housing in the Countryside'.

Other relevant considerations

Design and Layout

As detailed drawings have not been submitted in relation to the design of the units, I am unable to comment on this element of the proposal. With regards to the proposed layout submitted, the indicative scheme raises no adverse concerns.

Residential Amenity

The proposed dwellinghouses should not create any issues upon the existing residential amenity of the area. The primary causes for concern are from overlooking and overshadowing. As full details of the proposed dwellinghouses have not been submitted, I am unable to comment fully on this element of the proposal.

Whilst residential amenity is assessed for existing receptors, attention must also be given to potential future occupiers of the development. It is considered that sufficient amenity space has been provided at present for the scale of the dwellinghouses and thus I have no adverse concerns.

If stoves are proposed in the properties, full details of this should be submitted as part of any formal application.

Roads and Access

Each plot should have sufficient parking for at least 2 standard sized vehicles with appropriate turning facilities to allow for all vehicles to exit the site in a forward gear. The visibility splay from the access should be clearly shown on the site plan if you proceed with a formal application. A footpath adjoining the road and running the length of the development site should also be incorporated. The proposed roads and access arrangements submitted on the indicative plan raises no adverse concerns other than the present omission of a footpath.

Drainage and Flooding

The site is at known flood risk from the Kinnaird Burn. A Flood Risk Assessment should therefore be submitted with any formal application to demonstrate the drainage and flooding implications on the site and the suitability of the site for development. All drainage of the site should be through Sustainable Urban Drainage methods with no discharge onto any public road. A drainage plan should be submitted with any formal application submitted.

Natural Heritage and Biodiversity

Whilst a search of records of protected species did not raise any significant concerns, the existing condition of the site provides habitat opportunities for protected species and nesting birds. Biodiversity Studies would therefore be essential with any formal application to demonstrate the presence of protected species within the development site. If protected species are found to be present, appropriate mitigation measures should be demonstrated.

Swift and bat bricks should also be incorporated to each of the dwellinghouses. This should be clearly shown on all drawings.

Trees and Landscaping

Please note that Policy 40B 'Forestry, Woodland and Trees: Trees, Woodland and Development' requires a Tree Survey to be submitted with any application where trees are present on the application site. This would therefore be required should you wish to proceed with a formal application due to the presence of trees on the development site.

The indicative plan is however noted. The retention of the existing trees on the site is welcomed.

Boundary Treatments

The submitted site plan does not clearly identify the proposed boundary treatments. For a location such as this, all boundary treatments should ideally be post and wire fencing with hedging or dry-stone walling. This will soften the visual impact of the development and make it more appropriate for its rural setting. Timber fencing would be resisted in this location.

Conservation Considerations

The site is not in a designated Conservation Area or in close proximity to a listed building or any other designated site of historical interest. It is therefore considered that the development of the site will have no adverse impact upon the cultural heritage of the area.

Coal Risk

The site is located within the Coal Authorities 'Development High Risk Area'. As such, a Coal Mining Risk Assessment should be submitted with any formal application to demonstrate the suitability of the development site. The Coal Authority would be consulted as part of any formal application.

Contaminated Land

The former use of the site may present some ground contamination. Any formal application should therefore include a ground contamination survey with any application to allow my colleagues in Environmental Health to fully assess your proposal. Please note that if this survey is not submitted with a formal application it may be conditioned on any consent granted.

Developer Contributions

Primary Education

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

This proposal is within the catchment of Cleish Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contributions are required.

Economic Impact

The development of this site will account for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, unfortunately, the principle of the proposed development is considered to be contrary to the aforementioned Local Development Plan for reasons mentioned above, and you are advised not to proceed with a formal application as it is unlikely to be supported by the Planning Authority.

PLANS AND DOCUMENTS REQUIRED WITH PLANNING APPLICATION SUBMISSION

For information on what you will need to submit with your application please see our [application checklists](#) which can be found on our website at www.pkc.gov.uk/planning . The document [Additional Supporting Information Guidance](#) identifies the circumstances where further information will be required to allow us and consultees to fully consider your planning application. Failure to provide this information at the time of submission may delay the consideration of your application.

PLEASE NOTE THAT THIS RESPONSE IS THE CONSIDERED OPINION OF A PLANNING OFFICER. NO FURTHER DISCUSSION WILL BE ENTERED INTO AS TO HOW THE POLICIES ARE INTERPRETED OR APPLIED.

Reviewed November 2018



53

A. DT. 10/08/2020. DO NOT SCALE FROM THIS DRAWING NOTE REMOVED

Title: Site Plan-Overall SiteRef: 20067_pl(g-03)

Project: 2 House Plots, Benarty Road by KellyClient: Lomond Group (Scotland) Ltd

Date: 03.06.2020Status:

Scale: 1:1000 @ A3Rev: A

56three

ARCHITECTS

0131 220 3003 | info@56three.com

scale of metres

0 5 10 20 30 40 50 60 70 80 90 100

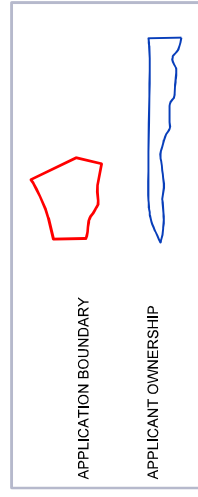
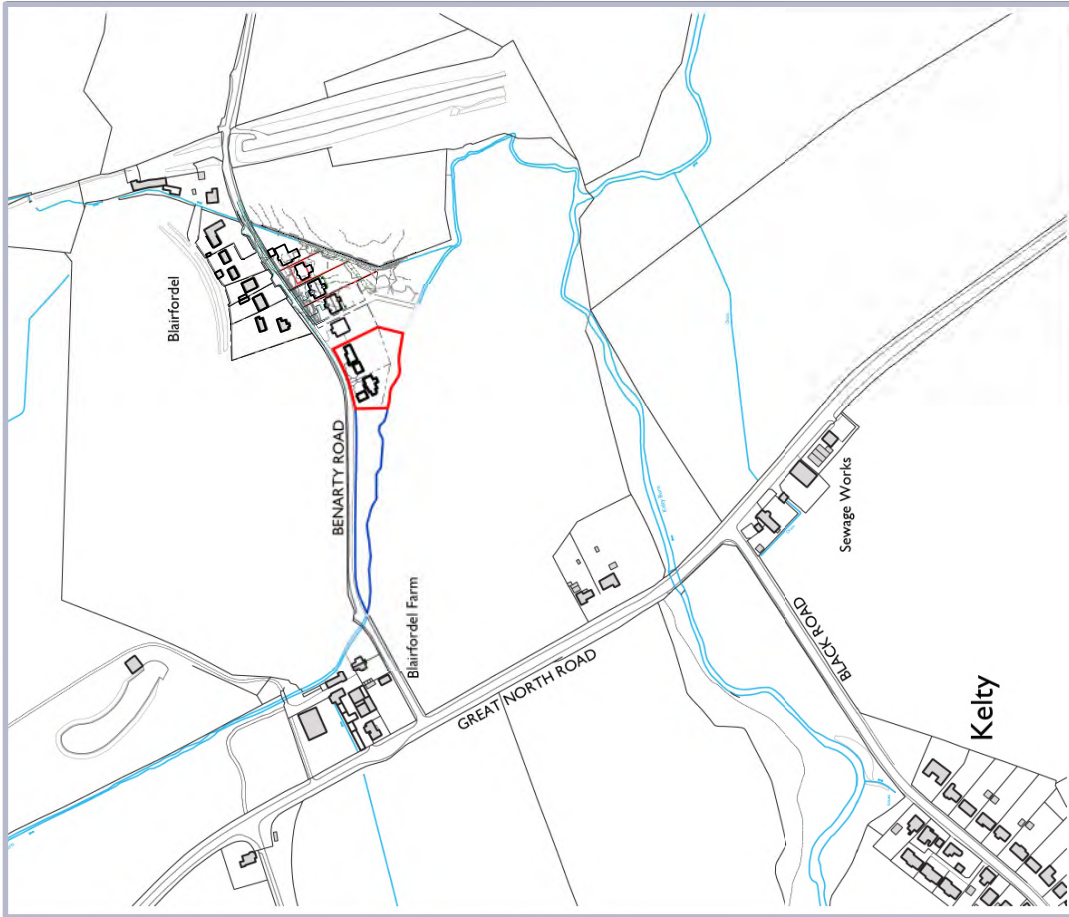
N

APPLICATION BOUNDARY (3381m²)

APPLICANT OWNERSHIP (3250m²)

CONSTRUCTION EXCLUSION ZONE TO PROTECT EXISTING TREES

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Ref: 20067_pl(9)-05

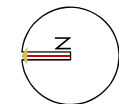
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Client: Lomond Group (Scotland) Ltd

Date: 04.06.2020

Status:

Scale: 1:5,000 @ A3

Rev: A

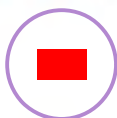


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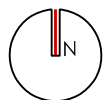


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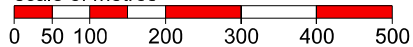
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INDICATES LOCATION OF SITE



scale of metres



Title: Location Plan

Ref: 20067_pl(9-)04

Project: 2 House Plots, Benarty Road by Kelty

Client: Lomond Group (Scotland) Ltd

Date: 03.06.2020

Status:

Scale: 1:10,000 @ A4

Rev: A

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**Planning permission in principle for the erection of two dwelling houses,
access and landscape arrangements on land at Benarty Road, Kelty**

Supporting Planning Statement



July 2020

**Job No 1527
July 2020**

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Introduction

PPCA Limited has been instructed to prepare a planning statement in support of the planning permission in principle submitted to Perth & Kinross Council for the erection of two residential dwellings, access and landscaping arrangements on land at Benarty Road, Kelty.

Formal pre-application consultation was requested from Perth & Kinross Council as part of the application preparation process. This Report forms the Planning Statement.

The proposed development and site

The proposed development comprises two detached two storey dwellings, one with integral garage, garden areas, access and landscaping arrangements on land to the west of the residential dwelling named “Forrest View”. The proposed housing is orientated north south facing on to Benarty Road.

The site is wholly self-contained. It covers an area of circa 0.25 hectares.

To the north is Benarty Road. To the east is “Forrest View”. To the west is a mature copse of trees as shown on layout drawings and within the submitted Tree Survey. To the South is the Kinnaird Burn which acts as a strong defensible boundary to the edge of the plot at this location.

Existing site boundaries would prevent any further extension of development along Benarty Road in any direction. The proposed development, therefore, rounds off the settlement group in this location.

The site is relatively flat and falls away slightly to the Burn along the southern boundary. There are a number of mature and semi-mature trees within the two plots that have been incorporated into garden ground areas and are the subject of the submitted Tree Report.

The site will be accessed via a single point of access from Benarty Road to serve both dwellings.

Site History

The site has the following relevant site history according to information accessed from the Perth & Kinross Council public access planning portal.

- 11/01684/FLL; Storage of inert material (in retrospect) – Application Approved
- 15/00577/IPL; Residential development (in principle) – Application Refused (Decision appealed to Local Review Body; appeal was dismissed)
- 18/01176/IPL; Residential Development (in principle) – Application Refused (Decision appealed to Local Review Body; appeal was dismissed)

It is contended that there has been a material change in circumstances since the last application lodged for the site and LRB appeal with the formal Adoption of the latest Perth & Kinross Council Local Development Plan in 2019 and publication of New Supplementary Guidance on Housing in the Countryside in 2020.

Firstly, the proposed development site boundary is set as the Kinnaird Burn along its southern edge acknowledging that, in part, the existing trees are not mature enough or in sufficient number to create a defensible woodland edge.

Secondly, the latest 2020 Supplementary Guidance referenced above provides a more detailed definition of what constitutes a readily definable adjacent site than that which was set out in the 2012 equivalent document. This specifically references watercourses as such within the Category 1 – Building Groups Section of that document.

The Council, in determining this application for planning permission in principle should also be aware of the Local Review Body of 4th October 2016 in relation to planning application 16/00001/FLL for the erection of one house (now Forrest View) at Benarty Road. In overturning the Officer recommendation, the Review Body noted that, in accordance with the Local Development Plan in force at the time –

“the landscape framework is considered to be sufficiently robust to accommodate one additional house as an extension to the building Group at this location”

Whilst it extends the building group, the new house has no residential development opposite it. It extends the building group along one side of a road. Whilst there is no binding precedent in the Scottish planning system, the Council must be consistent in its determination of planning applications, including those granted on appeal.

Furthermore, there is no defensible boundary for the western boundary of this dwelling and there was no such boundary when the appeal was decided in favour of the development. The defensible boundary for that site and this site combined is, clearly, the boundary that is identified in this planning permission in principle application.

The above points will be self-evident on any site visit undertaken.

Perth & Kinross Council pre-application consultation

A formal request for a pre-application consultation response on the proposed development was requested of Perth & Kinross Council on 4th June 2020 with a response received dated 16th June 2020 (Council reference 20/00195/PREAPP).

The applicant fundamentally disagrees with the Council view expressed in its response that the “site’s natural, existing landscape to the west in particular, and to the south is not sufficient enough to constitute a defined site ... Whilst there are some trees along these boundaries, the random nature of these trees is such that they do not provide a natural definable site which is capable of absorbing the development which is proposed.”

The site western boundary comprises a grouping of mature trees that completely screen the site from view on its western approach (see accompanying photographs).

The site southern boundary, as clearly noted in the pre-application consultation request, is not the tree belt but is, instead, the Kinnaird Burn. The Perth & Kinross Council Supplementary Guidance in Housing in the Countryside 2020 (set out in detail later in this submission) states that watercourses are an example of a defensible boundary.

The Council response then goes on to state that “In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road ... Again, notwithstanding the previous decisions of the Council, it remains the view of the Planning Authority that any further development in the area subject of planning application would essentially create an extended run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group”.

The proposed development is not ribbon development as it does not meet the definition of such as set out in the latest Council Supplementary Guidance on Housing in the Countryside (2020). This is addressed in detail below.

If the above was taken at face value, it would not be possible to extend any building group straddling a road beyond the extent of the last dwelling. That is, clearly, not the intention of the Guidance and, as noted below and evidenced in photographs, the proposed development site is a clearly defined area.

The findings of the Council pre-application consultation response are disputed in relation to the above points.

The Development Plan

Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires that all planning applications be determined in accordance with the Development Plan unless material considerations direct otherwise.

The Development Plan for the purposes of this planning application consists of the TAYPlan Strategic Development Plan (Approved October 2017) and the Perth & Kinross Council Local Development Plan 2 (Adopted November 2019) as supported by Supplementary Guidance on Housing Land Supply produced in 2020.

Strategic Development Plan

The Strategic Development Plan seeks a balance between supporting vibrant rural areas and preventing suburbanisation. The proposed development will not lead to suburbanisation of the countryside.

The proposed development complies with the Vision set out in the Strategic Development Plan by increasing, in an appropriate manner, scale and location, the supply and choice of local housing stock and increase the opportunity for rural living and local working and recreation in line with Scottish Government policy.

Policy 1C states that proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.

The proposed development complies with this policy. As a two unit development, it is not countryside suburbanisation. It is of a scale and design that fits within the landscape setting of the site.

It will not lead to unsustainable patterns of travel being located close to Kelty and the services which that settlement provides.

Policy 2 sets out design requirements to deliver better quality development. Development proposals should be place-led; active and healthy by design; resilient and future ready and; energy efficient.

Whilst this is an application for planning permission in principle only, it is driven by the need for an appropriate scale of high-quality design that respects the character and natural setting of its surroundings. It will contribute to and enhance the setting of the area and takes full account of the Kinnaird Burn in this respect to the south.

The proposed development will incorporate energy efficient measures that will be set out in detail at the next application stage. The Kinnaird Burn to the south is subject to flooding according to the SEPA Flood Map and this is dealt with separately in the accompanying Drainage Statement.

Policy 6 sets out expectations for developer contributions arising from new development proposals. The proposed development will make appropriate proportional contributions to such requirements in line with the relevant Scottish Government Circular on the subject.

Policy 9 seeks to protect the TAYPlan area assets. The proposed development will have no significant adverse impact upon the Loch Leven and Lomond Hills Special Landscape Area within which it sits. It is not located in an area of prime agricultural land. It does not adversely affect the integrity of natural or historic assets.

In conclusion, the proposed development complies with the policy requirements set out in the Approved Strategic Development Plan.

Local Development Plan 2

The Local Development Plan 2 (Adopted 2019) has adopted the Strategic Development Plan Vision noted above with which the proposed development is compliant.

The proposed development complies with Policy 1A in that it has been designed with reference to climate change, mitigation and adaptation. The design, density and siting of the housing units respects the character and amenity of its surrounding and allows for links beyond the site. It incorporates new landscape and planting works appropriate to the local context and the scale and nature of the development.

The proposed development complies with Policy 1B as it has been designed with the context of the site as a fundamental factor. It respects the setting of the site in terms of layout, massing and building heights. It will incorporate a palette of materials and colours that respect its location.

All of the housing will be designed in detail to be sustainable, adaptable and energy efficient. The layout incorporates and enhances local green infrastructure and provides appropriate arrangements for refuse and recyclable materials collection.

In line with Policy 5, the proposed development will make appropriate proportional contributions to such requirements in line with the relevant Scottish Government Circular on the subject.

The proposed development complies with part 1 of Policy 19, Housing in the Countryside in that it is an appropriate addition to an existing building group within a discrete established natural setting. The scale of the new housing is be similar to that adjacent.

The proposed development will comply with carbon emissions requirements set out in Policy 32.

It is contended that the scale, nature, location and detailed design and layout of the proposed development is in keeping with the character of the surrounding area and, as such, complies with the requirements of Policy 39 – Landscape.

With regards to Policy 52 – New Development and Flooding, and as noted above, the SEPA flood map indicates that the Kinnaird Burn to the south of the proposed development site is subject to flooding. This is dealt with in detail, and in accordance with the Local Development Plan policy requirements, in the accompanying Drainage technical documents.

With regards to Policy 53, the proposed development respects the character and setting of the surrounding water environment including the watercourse to the south of the site. The layout incorporates appropriate water supply and foul and surface water drainage arrangements as set out in the accompanying Drainage technical documents.

In line with Policy 55, the proposed development will not cause obtrusive or intrusive light pollution.

In line with Policy 60, the proposed development has been designed to ensure the safety and convenience of all users and includes appropriate parking provision and opportunities for electric vehicle charging.

In conclusion, and from the above, the proposed development promoted through this planning application complies with the policy framework of the Adopted Local Development Plan.

Other Material Considerations

National Planning Framework 3 (2014)

National Planning Framework 3 (NPF3) provides the statutory framework for Scotland's long-term spatial development. It sets out the Scottish Government's spatial development priorities for the next 20 to 30 years and is a material consideration in the determination of planning applications.

Paragraph 1.1 of NPF3 confirms that the Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting our natural and cultural assets.

The proposed development is sustainable development and will encourage local sustainable economic growth by increasing the housing supply in the area in a discrete self-contained site.

In terms of the vision for Scotland, paragraph 1.2 confirms that this includes a vision where Scotland is a successful, sustainable place. This includes a growing economy which provides opportunities that are more fairly distributed between, and within, all communities. The objective is to provide high quality, vibrant and sustainable places with enough, good quality homes. Our living environments foster better health and we have reduced spatial inequalities in well-being. There is a fair distribution of opportunities in cities, towns and rural areas, reflecting the diversity and strengths of our unique people and places.

The proposed development has been designed to deliver a high quality outcome that fits within the context of its surroundings.

Paragraphs 1.3 and 1.4 confirm that the national spatial strategy shows where there will be opportunities for growth and provides a flexible framework for sustainable growth and development.

Paragraph 2.5 notes that the financial climate has reduced the amount of new housing built in recent years, but the Scottish Government is committed to a significant increase in house building to ensure housing requirements are met across the country.

The proposed development will make a small, but meaningful, contribution to local housing supply in an area where people wish to live.

Paragraph 2.10 advises that flexibility is required to allow for different approaches to housing provision that respond to varying local requirements, and there should be a focus on areas where the greatest levels of change are expected and where there is pressure for development. Perth &

Kinross Council is one such area and it is contended that a more reactive approach to housing that would be otherwise acceptable save for an inflexible one size fits all policy position should be encouraged.

Paragraph 2.16 confirms that the Government's strategy aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future, and to create high quality, diverse and sustainable places that promote well-being and attract investment.

Paragraph 2.20 confirms that more ambitious and imaginative planning will be needed to meet requirements for a generous and effective supply of land for housing in a sustainable way.

The proposals accord with the strategy and objectives set out in the National Planning Framework.

Scottish Planning Policy (2014)

The updated Scottish Planning Policy (SPP) was published alongside the new NPF in June 2014 and sets out the policy that will help to deliver the objectives of NPF3. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country.

Like the National Planning Framework above, it is a material consideration that carries significant weight in the determination of planning applications.

SPP (at paragraphs 1 and 24) confirms that the Scottish Government's central purpose is to focus on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Sustainable economic growth is defined as: "Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too".

The proposed development will make a positive contribution to sustainable economic growth.

Paragraph 2 states that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

The proposed development will deliver two high quality dwellings that fully respect the character and setting of the local area.

Paragraph 15 explains that by locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

It is contended that the proposed development is the right development in the right place and wholly appropriate in terms of scale, location and design.

Page 9 of the new SPP confirms the introduction of a presumption in favour of development that contributes to sustainable development. Paragraph 28 explains that the planning system should

support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

In that context, the applicants would wish to draw the Council's attention to the recent Court of Session decision on a planning appeal by Gladman Developments Limited in Inverclyde Council where it was concluded that the presumption in favour of development that contributes to sustainable development is given priority and, only where the adverse effects of the proposed development "significantly and demonstrably" outweigh the presumption, should an application or appeal be refused.

Paragraph 29 explains that policies and decisions should be guided by a number of principles, including giving due weight to net economic benefit and supporting delivery of accessible housing development.

The proposed development will encourage local economic activity and represents accessible housing development.

Paragraphs 41 to 46 confirm that planning should support development that demonstrates the six qualities of successful place, including development that is distinctive, safe and pleasant, welcoming, adaptable, resource efficient, and easy to move around and beyond. The proposed development meets these criteria either now through layout an design or will do at detailed design stage.

Page 27 of the new SPP set out the Government's approach towards "Enabling Delivery of New Homes".

Paragraph 75 goes on to state that the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

There are no environmental constraints to the delivery of two houses at Benarty Road as proposed.

Paragraph 109 confirms that house building makes an important contribution to the economy, and planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. Paragraph 109 also notes that the National Planning Framework "aims to facilitate new housing development ... through innovative approaches to rural housing provision".

The proposed development is innovative in design and layout.

Paragraph 110 confirms that the planning system should: identify a generous supply of land; maintain at least a 5-year supply of effective housing land at all times; and enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places.

In summary, the updated SPP confirms that:

- There is a presumption in favour of well-designed, high quality and accessible development which provides economic, environmental, social and well-being benefits.

- Planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that contribute to sustainable economic growth.
- Decision making should be positive, flexible and respond to innovative development. It should balance competing interests and facilitate the supply of new housing and job creation.
- Planning should facilitate and enable the delivery of housing, particularly in areas in areas where there is continuing pressure for growth.

The proposals put forward at Benarty Road, while small scale and set within a unique set of circumstances, are consistent with and supported by relevant SPP guidance and the Scottish Government's vision for sustainable economic growth. This is a further material consideration in support of the proposed development.

Perth & Kinross Council Supplementary Guidance Housing in the Countryside 2020

The proposed development falls to be considered against the criteria set out in the above Supplementary Guidance.

As noted above, it is considered that the proposed development complies with Local Development Plan 2 Policy 1. It does not qualify to be assessed against Local Development Plan Policy 2.

It does not encourage unsustainable travel patterns. The scale, layout and design of the proposed development is appropriate to the site and surrounding area. Housing design and layout, albeit at planning permission in principle stage, will be high quality and outbuildings will respect the scale, proportion and form of the housing. The proposed development will comply with Local Development Plan Policy 5 requirements. The housing will be capable of accommodating home working requirements.

Any existing onsite materials appropriate to be incorporated within a new build property will be considered as part of that process.

The new housing will include new tree planting but also respect the natural setting of the Kinnaird Burn to the south of the site. Nest Boxes within trees will be considered as part of that process.

As required, the proposed development will be appropriately drained.

The proposed development falls to be considered against Category 1 – Building Groups of the Supplementary Guidance. It is an extension of two properties on the south side of Benarty Road into a self-contained plot of land bounded to the east by residential development, to the west by mature tree planting and to the south by the Kinnaird Burn. All three boundaries form defensible edges to the proposed development site

The Supplementary Planning Guidance notes that –

Permission will be granted for houses within building groups providing it can be demonstrated that:

- *New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.*

- *New housing will not detract from the visual amenity of the group when viewed from the wider landscape.*
- *A high standard of residential amenity will be provided for both existing and new housing.*

The proposed development will respect the character, scale and form of existing adjacent housing and will be integrated into the existing building pattern which, in this location, is characterised by roadside development.

Given its landscape setting as noted above, the proposed development will not detract from the visual amenity of the group when viewed from the wider landscape. The proposed development is fully screened by mature planting when approached from the west. It will be seen as a natural extension to the building group traveling from the east. The first that anyone would know of the development when travelling in either of these directions is when one is upon it.

It is screened, in part, in long distance views from the south by tree planting and that would be enhanced as part of detailed development proposals. The site would be seen as natural extension to existing development and should not be hidden from view in any case.

A high standard of residential amenity will be provided for both existing and proposed housing

The Supplementary Guidance states that “Permission may be granted, subject to the criteria above, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.

The proposed development site is readily definable on all four sides by landscaping, existing residential development, the Benarty Road and the Kinnaird Burn. The trees within the site adjacent to its boundary do not form the site boundary for this application but will be enhanced and incorporated into residential garden ground areas.

The Supplementary Planning Guidance then defines “ribbon development” as –

Proposals which create or contribute towards ribbon development will not be supported. For the purposes of this policy, ribbon development is defined as a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported. The extension of a linear building group – to create a continuous line of no more than 5 houses – will only be supported where the group is being extended into a readily definable site.

As noted above in relation to the Perth & Kinross Council pre-application consultation response, the proposed development site cannot be considered as ribbon development as each house proposed is not served by an individual access. It will not create a continuous line of five or more houses along a road without residential development opposite. The existing building group is being extended into a readily definable site.

As such the proposed development complies with Supplementary Guidance requirements.

Conclusion

The proposed development proposed through this planning permission in principle application will deliver two residential dwellings as an extension to the existing building group on Benarty Road within a readily defined and defensible area. It will have no adverse impact upon local natural or built environment features and will enhance the landscape setting of the area through additional tree planting and formal garden ground areas.

The proposed development complies with the policy framework of the Development Plan and there are not material considerations that direct otherwise. It meets, and promotes, the aims of sustainable economic development as required by Scottish Government.

It will deliver a small scale, but sustainable addition to local housing supply and increase the range and choice of local housing opportunities.

The proposed development is commended to Perth & Kinross Council.

Report on tree condition at Benarty Road, Kelty

Prepared for Lomond Group

By Keith Logie MICFor

22 June 2020



**Keith Logie MICFor BSc (Hons)
Chartered Forester
38/4 Temple Park Crescent
Edinburgh
EH11 1HU**

1. General introduction and summary

This tree survey has been carried out for the Lomond Group in relation to land at Benarty Road, Kelty. It relates to 40 trees and other vegetation within and around the survey boundary shown on the plans supplied. The report has been commissioned because plans are being drawn up to develop the site. The report consists of: this written section; the schedule; and drawings showing tree positions. This report follows on from the previous survey which was completed in September 2018.

2. Site description

The site is about 0.25 ha, flattish and falls gently to the burn which bounds the site to the south. To the north is a minor public road, to the east a recently built house, and to the west a strip of woodland. The site has been partly cleared, and recent planting of new trees has been done.

3. The Tree Survey

A total of 40 trees were recorded on the site. 30 trees were tagged during the September 2018 survey, with a numbered disc at about 1.8m from ground level, so as to be visible from within the site. Tree numbers run sequentially from 1948 to 1977. Trees smaller than 10 cm DBH (diameter at breast height) were not tagged or recorded. Roadside trees have been described in general terms and were not recorded in detail except where adjacent to the site, as noted below. The staked recently planted trees were plotted and recorded but not tagged. Fieldwork was done on 19 June 2020.

The approximate location of each tree has been plotted. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawing.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All recommendations are in line with BS 3998: 2010 "Tree work recommendations."

Trees on site do not appear to be subject of a **Tree Preservation Order (TPO)** and do not appear to fall within a **Conservation Area** according to the Perth & Kinross Council interactive heritage

map. The felling of more than 5 cubic metres of timber will require a **felling license** from Forestry Commission Scotland unless the felling forms part of the granted Planning Permission.

4. Survey results and discussion

40 trees within and close to the site were assessed in detail. Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made.

Their **BS 5837 retention categories** were as follows:

Category A	2
Category B	5
Category C	31
Category U	2

In terms of their **condition**, they are as follows:

Good	18
Fair	17
Poor	3
Dying	1
Dead	1

The **species** mix is as follows, (approx %):

Sycamore	10	25%
Silver Birch	8	20%
Elm	5	12.5%
Field Maple	4	10%
Norway Maple	4	10%
Oak – pedunculate	3	7.5%
Hawthorn	2	5%
Alder – Common	1	2.5%
Ash	1	2.5%
Goat Willow	1	2.5%
Rowan	1	2.5%

Discussion – In general terms, the tree cover on the site consists of a fringe of woodland running roughly east –west towards the south of the site. This woodland strip merges with the woodland lying to the west and forms a screen to the site as viewed from the south. The strip has been strengthened by recent planting of standard trees, together with some conifers and shrubs, which should thicken in future years. The planting - of field maple, Norway maple and silver birch - has been done with good quality stock and is doing well, though the trees would benefit

from either mulching or weedkilling around the base. The woodland strip is dominated by birch and sycamore and although some of these are not especially good trees they should all be retained except where noted below and are useful woodland components. There are also three oaks and although two are suppressed, one is a good mature specimen and all should be retained. Some small elms were found to be infected by Dutch elm disease which should be removed.

The large sycamore towards the middle of the site is in a prominent position, and should be retained. It is easily over 100 years old and though not very tall is in good condition and could be expected to live at least another 40 years. The plan shows where protective fencing should be erected in order to protect it during construction. It was noted that some soil had recently been placed about 5m from the base of this tree. Whilst not significant, placement of soil and materials and the running of vehicles and plant over the rooting area should be avoided.

One isolated hawthorn bush (tree 1977) is to be removed to allow development to proceed. It is small in size and would not be a significant loss.

Trees lying off the site to the west and north of the road opposite the site will not be affected and do not require special protection. The ash (tree 1975) has minor crown dieback, and now appears to be suffering from Chalara.

The minor road leading eastwards to the site from Blairfordel Farm is shown within the red line. It is lined with trees, mainly elm, with some ash and goat willow. These are probably all naturally regenerated from seed or by suckering. These trees should not be affected by construction work or in the course of access by vehicles of normal width and do not require special protection.

Summary details of each tree surveyed are contained in the Schedule below.

5. Constraints posed by existing trees - considerations

When trees are to be retained because they are of higher quality and/or importance, the impact of proposed designs must be assessed against the biological requirements of the tree, taking into account the need to protect tree roots and all other relevant factors.

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

The drawing below shows a Root Protection Area (RPA) for each tree, shown as a hatched circle, which shows the area near to the trees where activity needs to be carefully controlled during construction if the tree is to be retained. In addition, there are a variety of physical factors that could each impact on root growth and the ability of individual trees to tolerate changes in rooting environment. The drawing also shows a Construction Exclusion Zone (CEZ), bounded by a red line, which indicates the position of protective fencing, specification for which is given below.

6. Tree protection plan

Where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works. This is to be achieved by creating a Construction Exclusion Zone as shown on the plan.

Barrier specification. This specification applies to all tree protection fences referred to in this report. Fencing to consist of 2m high welded mesh panels (Heras or similar) on rubber or concrete feet joined with a minimum of two anti-tamper couplings. The distance between the couplings should be at least 1m and should be uniform throughout the fence line. The panels should be supported on the inner side by stabiliser struts, which should be anchored at ground level by a block tray or suitable stake. All-weather notices should be affixed to the fence with the wording “Construction exclusion zone – no access.” The fence is to be erected along the red line shown on the plan.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations”,
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 “Tree work recommendations.”
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.
5. Where further investigation is recommended, either by climbing, the use of specialised decay detection equipment or exposure of roots, this is identified in the report.

6. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.

7. The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.

8. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.

9. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

10. This report has been prepared for the sole use of the Lomond Group and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag no.	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter measured at 1.5m.
Crown	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good , Fair , Poor , or Dead).
SULE	The tree's safe useful life expectancy, estimated in years.
BS Cat	BS 5837 Retention category (A , B , C or U – see explanation above)
Comments	General comments on tree health, condition and form, highlighting any defects or areas of concern and any recommendations .

Tree condition categories

- Good**
- (1) Healthy trees with no major defects
 - (2) Trees with a considerable life expectancy
 - (3) Trees of good shape and form
- Fair**
- (1) Healthy trees with small or easily remedied defects
 - (2) Trees with a shorter life expectancy
 - (3) Trees of reasonable shape and form
- Poor**
- (1) Trees with significant structural defects and/or decay
 - (2) Trees of low vigour and under stress
 - (3) Trees with a limited life expectancy
 - (4) Trees of inferior shape and form

- Dead**
- (1) Dead, dying and dangerous trees
 - (2) Trees of very low vigour and with a severely limited life expectancy
 - (3) Trees with serious structural defects and/or decay
 - (4) Trees of exceptionally poor shape and form.

Schedule

Tag no	Species	DBH	Canopy	Height	BSCat	Condition	Age	Stems	SULE	Comments	Recommendations
1948	Sycamore	0.45	3	12	C1	Fair	M	M	10 to 20	Newish manhole near base. Included bark, compression fork.	
1949	Sycamore	0.35	4	11	C1	Fair	E-M	1	10 to 20	Included bark, compression fork. Canopy 1-sided. Stumps near base.	
1950	Sycamore	0.35	5	10	C2	Fair	M	M	10 to 20	Included bark, compression fork. 3 stems 35 30 20. By burn	
1954	Sycamore	0.4	3	10	C2	Fair	M	1	10 to 20	Included bark, compression fork.	
1951	Oak-pedunculate	0.25	6	7	C2	Fair	E-M	1	10 to 20	Suppressed tree	
1952	Oak-pedunculate	0.75	5	12	A1	Fair	M	1	>40	Major dead wood (>50mm dia).	Complete dead-wooding.
1953	Sycamore	0.3	3	9	C2	Fair	E-M	1	10 to 20	Stem lean. Canopy suppressed.	
1955	Sycamore	0.2	2	9	C2	Fair	E-M	1	10 to 20	Stem wound, exposed timber remains sound. Narrow crown	
1956	Rowan	0.15	3	7	C2	Good	M	M	10 to 20		
1957	Birch-silver	0.25	1	12	B2	Good	M	M	20 to 40	Canopy suppressed.	
1958	Oak-pedunculate	0.15	4	6	C2	Poor	E-M	1	10 to 20	Suppressed tree	
1959	Birch-silver	0.35	2	12	B2	Good	M	M	20 to 40	Minor dead wood (<50mm dia).	
1960	Birch-silver	0.3	3	14	B2	Fair	M	M	20 to 40	Branch stubs from past pruning/storm damage.	Remove dead branch.
1961	Sycamore	0.95	7	15	A1	Good	M-A	1	>40	Branch stubs from past pruning/storm damage. Major dead wood (>50mm dia).	Crown clean, remove dead wood, weak, crossing branches and debris.
1962	Birch-silver	0.25	3	11	C2	Fair	M	1	10 to 20	Dead branch growing from base and crown dieback	Remove dead wood.
1963	Birch-silver	0.25	2	9	C2	Fair	M	1	10 to 20	Minor dead wood (<50mm dia).	Crown clean, remove dead wood, weak, crossing branches and debris.

Tag no	Species	DBH	Canopy	Height	BSCat	Condition	Age	Stems	SULE	Comments	Recommendations
1964	Sycamore	0.2	2	8	C2	Fair	E-M	1	10 to 20	Branch stubs from past pruning/storm damage.	
1965	Sycamore	0.35	3	10	B2	Fair	M	1	20 to 40	Included bark, weak fork in main scaffold limb.	
1966	Sycamore	0.35	3	10	C2	Fair	M	1	10 to 20	Included bark, compression fork.	
1967	Birch-silver	0.15	2	6	C2	Good	E-M	1	10 to 20	Growing from an old stump	
1968	Elm	0.2	3	5	C2	Fair	E-M	M	10 to 20	Elm regeneration	
1969	Elm	0.2	3	8	U	Dying	E-M	M	0	Probable Dutch elm disease	Fell.
1970	Elm	0.2	3	7	U	Dead	E-M	M	0	Probable Dutch elm disease	Fell.
1971	Elm	0.2	4	8	C2	Fair	E-M	M	<10	Not showing signs of Dutch elm disease	
1972	Hawthorn	0.25	4	6	C3	Poor	M	M	<10	Significant dieback, stag-headed.	
1973	Alder-common	0.45	7	10	B2	Good	M-A	M	20 to 40	Minor dead wood (<50mm dia).	
1974	Willow-goat	0.35	6	9	C1	Good	M	1	10 to 20	At roadside	
1975	Ash	0.35	5	11	C2	Good	M	M	10 to 20	At roadside. Minor crown dieback, probably Chalara ash dieback.	
1976	Elm	0.3	5	9	C2	Fair	M	M	10 to 20	At roadside	
1977	Hawthorn	0.35	4	5	C1	Fair	M	1	10 to 20	Minor crown dieback.	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Birch-silver	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Birch-silver	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	Recent planting	

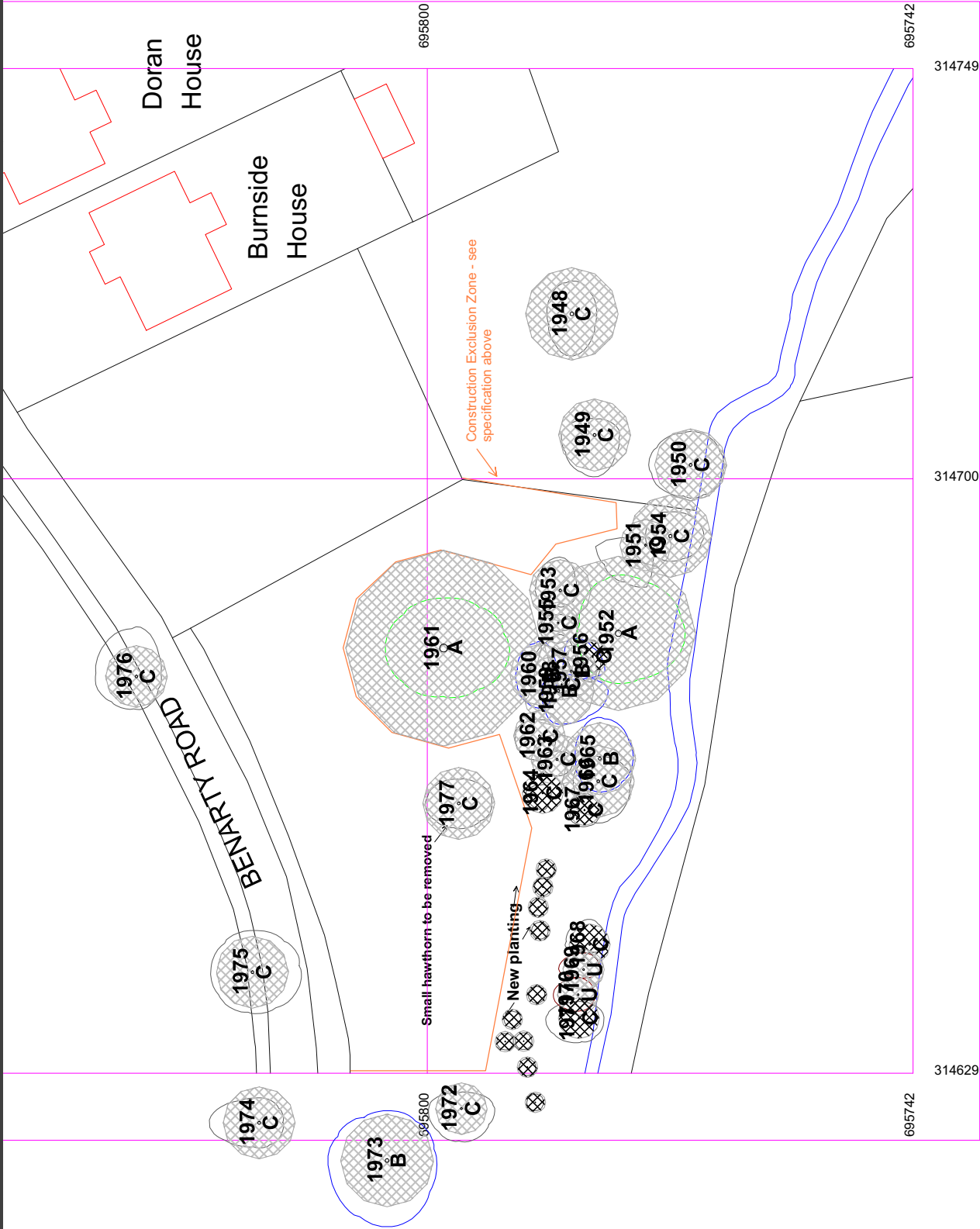
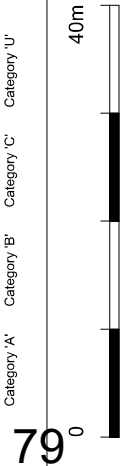
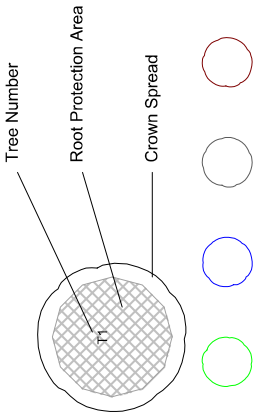
Keith Logie MICFor

Chartered Forester
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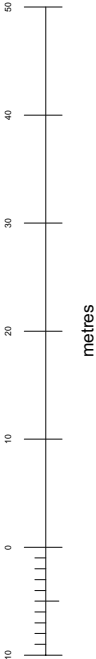
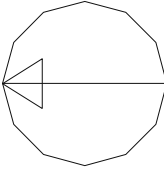
Benarty Rd Tree Survey

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**PROPOSED RESIDENTIAL REDEVELOPMENT
LAND TO THE SOUTH OF
BENARTY ROAD, BLAIRFORDEL, KELTY**

COAL MINING RISK ASSESSMENT REPORT



**Burnbank House
Pencaitland
East Lothian
EH34 5HB**

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Issue/revision	Original Issue	Revision A	Revision B	Revision C
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Prepared by	C. Hamilton			
Signature				
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Signature				
Project number	1507-08			
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**Burnbank House
Pencaitland
East Lothian
EH34 5HB**

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EXECUTIVE SUMMARY

Project details

The current plot comprising woodland to the south of Benarty Road, Blairfordel, is proposed to undergo redevelopment, with the construction of two detached residences with associated access and parking, as detailed within Figure 3. Geovia Ltd has been commissioned to prepare a coal mining risk assessment report to support the planning application to Perth & Kinross Council.

Desk study summary

The site currently comprises an area of woodland to the south of the Benarty Road, Blairfordel, Kelty. A row of residential properties are present between approximately 40m and 175m north west of the site. In addition, an unnamed burn located adjacent to the southern site boundary flows towards the south and connects with the Kelty Burn which continues south east to Loch Ore approximately 1km south east of the site. Within the wider surrounding area, the residential area of Keltybridge with associated amenities is located approximately 700m south west of the site.

The site is reported to have remained undeveloped to the present day comprising a section of the Blairfordel Wood. The surrounding area is reported to have initially predominantly comprised agricultural fields and woodland, with Blairadam Inn and Post Office located approximately 400m west of the site. A railway line and two collieries (Kinnaird Colliery 250m north west and Benarty Colliery 270m north east) were reported to have been constructed by the end of the 19th century. These collieries were expanded with additional railway lines and sidings added, however by 1959 both were reported as disused with virtually all buildings removed and railway lines dismantled.

Published geological maps and borehole records indicate that the site is reported to be underlain by undifferentiated alluvium, as well as glacial sand and gravel in the south western corner of the site. Borehole records within the immediate surrounding area have confirmed bedrock to be present at 4m depth bgl, comprising Upper Carboniferous Limestone Coal Group deposits. The strata are reported to dip towards the south east at approximately 14°. Based upon BGS published maps, up to five coal seams are considered to pass beneath the site of the proposed development within influencing depth of the proposed development at the ground surface. Review of a site specific Coal Authority report and relevant mine abandonment plans identify workings in four seams of coal at 45m to 162m depth. In addition, review of borehole data within the immediate surrounding area has identified the presence of coal seams of workable thickness present at shallow depths. It is considered that these coal seams may have been worked at some time in the past.

Coal mining risk assessment summary

Based on the desk study research carried out as part of this investigation, the subject site is considered to be at a **medium** risk of mining related ground instability at the ground surface, associated with the possibility of shallow coal seams underlying the site.

Recommendations

On the basis of the findings of the research carried out as part of this investigation, it is recommended that targeted intrusive investigation works be carried out, with Coal Authority permission, in order to clarify the integrity of the shallow bedrock strata in relation to the proposed residential development at the subject site.

Information obtained from such an intrusive investigation would be necessary to determine whether ground stabilisation would be required, based on the proposed development layout.

This executive summary forms part of the Geovia Ltd Coal Mine Risk Assessment for Benarty Road, Blairfordel, Kelty (Ref.: 1507-08). Under no circumstances is it to be used as an independent document.

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FIGURES

Figure 1	Site location plan
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APPENDICES

Appendix A	Notes on limitations
Appendix B	Historical map extracts
Appendix C	Coal Authority Mining Report
Appendix D	Borehole logs

1.0 INTRODUCTION

1.1 General

Lomond Group Ltd has commissioned Geovia Ltd to prepare a coal mining risk assessment report for the proposed residential development site located at Benarty Road, Blairfordel, Kelty.

1.2 Project details

The proposed development is understood to comprise the construction of two detached timber framed houses with associated access, private gardens and infrastructure. A site location and layout and are presented as Figure 1 and 3 respectively.

1.3 Purpose and scope of the study

This coal mining risk assessment report is required to support a planning application to Perth & Kinross Council, as a statutory requirement for development plots that lie within a Coal Mining Development Referral Area.

The report is designed to provide a summary of the risk posed to the development plot from mining related activity at or within influencing distance of the site.

The findings of the study will be used to provide recommendations for intrusive ground investigation works, where appropriate, as well as a mitigation strategy to minimise the risk of mining related ground instability detrimentally impacting on the proposed development. The purpose of the investigation is to demonstrate to the Local Planning Authority that the risk has been suitably assessed and where relevant, can be appropriately managed.

In preparing the report, the investigation has included detailed research of information obtained from the following sources:-

- Coal Authority Mining Report;
- Coal Mine Abandonment Plans, where appropriate;
- Published geological maps and records; and
- Published historic maps.

It should be noted that this report does not incorporate geotechnical or geo-environmental assessment of the site with respect to the proposed development. If a contaminated land assessment is required to be conducted, to meet with the planning requirements, advice should be sought from Geovia Ltd.

1.4 Report limitations

Limitations of this study are included in Appendix A.

2.0 SITE DETAILS AND HISTORICAL REVIEW

2.1 General

Details of the site are summarised in Table 1.

Table 1 – Site details

Site Address:	Benarty Road, Blairfordel, Kelty, Perth & Kinross, KY4 0HR
National Grid Reference (NGR):	NT14675 95803 (E:314675 N:695803)
Size	2330m ²
Site description:	<p>The site currently comprises an area of woodland to the south of Benarty Road, Blairfordel. Site boundaries comprise Benarty Road to the north and shrubs and trees to the west, south and east. Access to the site is provided via Benarty Road which connects the site to the main road, Great North Road approximately 400m west of the site.</p> <p>Ground level is reported to lie between approximately 95m and 100m above Ordnance Datum (AOD). The site is reported to slope gently, descending towards the south.</p>
Description of the surrounding area:	<p>Within the immediate surrounding area, the predominant land use is woodland and agricultural land. A row of detached residential properties are present north of Benarty Road, between approximately 40m and 175m north east of the site. In addition, an unnamed burn located adjacent to the southern site boundary flows towards the south and connects with the Kelty Burn which continues south east to Loch Ore approximately 1km south east of the site. Within the wider surrounding area, the residential area of Keltybridge with associated amenities is located approximately 700m south west of the site.</p>

2.2 Site history

Representative historical maps have been reviewed from a site specific Fife Council Environment Services report (ref. EE001055) Historical map extracts from this report are presented in Appendix B and are summarised in Table 2, below. All distances from the site are approximate.

Table 2 – Summary of historical data

Map date	Site features	Surrounding features
1856	The site is shown to be undeveloped and comprise a section of Blairfordel Wood.	The area immediately surrounding the site is shown to be undeveloped and comprise Blairfordel Wood. The northern site boundary comprises Benarty Road which extends west and connects to Great North Road approximately 400m west of the site. Blairadam Inn and Post Office are reported to be located at the junction of Benarty Road and Great North Road.
1896	No significant change in land use is reported to have occurred.	The previously identified Blairadam Inn and Post Office is no longer shown with the buildings immediately to the north of the Inn noted to have been redeveloped to a farm. A railway line is located approximately 120m east of the site orientated north to south. In addition, Benarty Colliery is recorded approximately 270m north east of the site with an additional undesignated colliery located approximately 250m north west of the site. An old shaft is recorded approximately 260m north west of the site.

Map date	Site features	Surrounding features
1920	No significant change in land use is reported to have occurred.	The previously identified colliery approximately 250m north west of the site is shown as the Kinnaird Colliery and is noted to have expanded to include a mineral railway line which extends east and connects to the existing north to south orientated railway line. The Benarty Colliery (located approximately 270m north east of the site) is also shown to have expanded with a large soil heap and air shaft noted. Railway lines and sidings are also recorded within the Benarty Colliery site.
1959	No significant change in land use is reported to have occurred.	Residential development is reported to have occurred approximately 40m and 80m north east of the site. The Kinnaird and Benarty Collieries appear to have been abandoned with all the site buildings removed from the Kinnaird colliery site and the majority removed from the Benarty Colliery site. All colliery railway lines and sidings are also recorded to have been removed.
1969	No significant change in land use is reported to have occurred.	No significant change in land use is reported to have occurred.
1978	No significant change in land use is reported to have occurred.	The site of the former Benarty Colliery is shown to include a disused gravel pit and a disused tip. The previously identified railway line 100m to the east of the site is no longer shown.
2006	No significant change in land use is reported to have occurred.	Additional residential developments are noted to have occurred approximately 100m north east of the site.

Summary

The site is reported to have remained undeveloped to the present day comprising a section of the Blairfordel Wood.

The surrounding area is reported to have initially predominantly comprised agricultural fields and woodland with Blairadam Inn and Post Office located approximately 400m west of the site. A railway line and two collieries (Kinnaird Colliery 250m north west and Benarty Colliery 270m north east) were reported to have been constructed by the end of the 19th century. These collieries were expanded with additional railway lines and sidings added, however by 1959 both were reported as disused with virtually all buildings removed and railway lines dismantled. The remnants of the main railway line orientated north to south located approximately 120m east of the site are noted to have been removed by the late 1970s. Seven detached residential properties are reported to have been developed north of Benarty Road between approximately 40m and 175m. Three of which were noted to have been constructed during the 1950s with the remaining four constructed between 1978 and 2006.

3.0 ENVIRONMENTAL SETTING

3.1 General

The environmental setting for the site has been determined by review of published geological map sheets and also a review of published data.

3.2 Geology

Published geological plans covering the site have been reviewed to determine the superficial and bedrock geology of the site and surrounding area. Plans reviewed include:

- BGS Sheet NT19NW, 1:10,560 scale solid and drift edition map (1964);
- BGS Sheet NT19SW, 1:10,560 scale solid edition map (1964);
- BGS Sheet 40 Kinross, 1:63,360 scale drift and solid edition maps (1973);
- BGS held borehole logs within the surrounding area.

Made ground

Made ground is not identified at the site, based on the published geological maps. In addition, borehole records approximately 20m to 40m west/north west of the site do not record any made ground to be present. Copies of the borehole logs are presented in Appendix D. Given the development history of the site, it is considered unlikely for any made ground deposits to be present on site.

Natural superficial geology

Published geological maps and borehole records indicate that the site is reported to be underlain by undifferentiated alluvium. However, the south eastern section of the site is underlain by glacial sand and gravel. Borehole records within the immediate surrounding area record bedrock to be present at 4m depth below ground level (bgl).

Solid geology

The site is reported to be underlain by Upper Carboniferous Limestone Coal Group deposits. The strata are reported to dip towards the south east at approximately 14°.

The Jersey Coal seam is reported to crop south east of the site. Given the positions of the indicated outcrops and reported dip direction, the Jersey Coal seam is considered to dip away from the site and therefore absent from the strata underlying the site.

Based upon the reported dip direction, the following coal seams are considered to be present beneath the site; the Lochgelly Parrot Coal seam (0–1.4m thick), which is reported to crop at rockhead within the north west corner of the site; the Glassee Coal seam (0.3–1.2m thick) which is reported to crop at rockhead approximately 100m north west of the site; and the Mynheer Coal seam (0–0.8m thick) which is reported to crop at rockhead approximately 175m north west of the site. In addition, an unnamed Coal seam (0–0.15m thick) and the Pilkin Coal seam (0–0.4m thick) are reported in the vertical section to be present between the Lochgelly Parrot Coal seam and the Glassee Coal seam, although their location of crop at rockhead is not reported on the map.

In addition, the Swallowdrum Coal seam (0 – 2m thick), the Ell Coal seam (0 – 1.5m thick) and the Lochgelly Splint Coal seam (0.25 – 1.2m thick) are reported in the vertical section to be present between the Jersey Coal seam and the Lochgelly Parrot Coal seam, although their locations of crop at rockhead are not reported.

Table 3 overleaf summarizes the thicknesses and conjectured depths of the identified coal seams that are considered to possibly pass beneath the site.

Table 3 – Coal seams in geological sequence

Seam name in geological sequence	Seam thickness (m)	Conjectured depth (m) below rockhead beneath north west of site	Conjectured depth (m) below rockhead beneath south east of site
Swallowdrum Coal	0 – 2	Unknown	Unknown
Ell Coal	0 – 1.5	Unknown	Unknown
Lochgelly Splint	0.25 – 1.2	Unknown	Unknown
Lochgelly Parrot	0 – 1.4	0	12.5
Glassee Coal	0.3 – 1.2	25	37.4
Mynheer Coal	0 – 0.8	43.6	56
Unnamed Coal	0 – 0.15	Unknown	Unknown
Pilkin Coal	0 – 0.4	Unknown	Unknown

3.3 Mineral extraction

Coal Authority Mining Report

The proposed development site lies within a Coal Authority Referral area where a site specific Coal Authority report is required for new developments. A copy of the report is presented in Appendix C with findings of the report are summarised below.

The Coal Authority report that the property is in the likely zone of influence from workings in four seams of coal at 50m to 140m depth and last worked in 1959. Any ground movement from these coal workings should have stopped by now. In addition, the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past.

The property is not in the likely zone of influence of any present underground coal workings. The property is not in an area for which the Coal Authority is determining whether to grant a licence to remove coal using underground methods. The property is not in an area for which a licence has been granted to remove or otherwise work coal using underground methods. The property is not in an area that is likely to be affected at the surface from any planned future workings. However, reserves of coal exist in the local area which could be worked at some time in the future. No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

There are no known coal mine entries within, or within 20 metres of, the boundary of the property. Records are incomplete and consequently, there may exist in the local area mine entries of which the Coal Authority has not knowledge.

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods. The property does not lie within 200m of the boundary of an opencast site from which coal is being removed by opencast methods. The property is not within 800 metres of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods. The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31st October 1994.

Additional information

The Coal Authority interactive map viewer (<http://coal.decc.gov.uk/en/coal/cms/publications/data/map/map.aspx>) records the site to lie within a development high risk area, identifying the prospect of shallow workings.

Review of the historic mine abandonment plans held within the BGS library has identified workings in three seams of coal at 45m to 103m depth south east of the site. The extent of these mine workings is considered to pass beneath the south eastern corner of the site. In addition, workings in the Dunfermline Splint (1.2m thick) are reported to have occurred beneath the site at approximately 162m depth. However, the reported seam thicknesses and conjectured depths below rockhead are such that the seams may be below influencing depth of the proposed development at the ground surface.

Whilst the Coal Authority Report does not identify any mine entries at or within 20m of the site boundary, three mine entries have been identified within the wider surrounding area, based on research of published geological maps. These are the Kinnaird Pit located approximately 300m north west, the Air Pit located approximately 200m south west and an unnamed Pit approximately 500m north east of the site.

In addition, records of the nearest historical boreholes were provided by the client, their reference number and distance from the site are presented in Table 4 below, with copies of the borehole logs presented in Appendix D.

Table 4 – Historical borehole records

Borehole reference	Direction and distance from site	Thickness of superficial deposits (m)	Thickness of intact bedrock (m)	Coal Seam encountered	Base of Borehole (m bgl)
BHR1	20m NE	6.8	23.2	✓	30
BHR2	30m NE	4.3	25.7	✓	30
BHR3	40m NE	4	26	✓	30

In all of the above boreholes the presence of coal seams of workable thickness at shallow depths beneath ground level is recorded.

Coal Seams and potential for shallow workings

The CIRIA document Special Publication 32 – Construction over Abandoned Mine Workings (1984) gives guidance on the potential risk posed by worked coal seams to surface developments based on coal seam thickness and depth of competent rock cover above workings. In general an accepted ratio of 10T, where T is the thickness of coal seam, should be present in competent rock cover above the depth of the worked seam. Should this ratio not be satisfied for a given development, mitigation measures such as grouting should be considered in order to prevent settlement related issues at the ground surface.

Table 5 overleaf gives an indication of the recorded coal seams beneath the proposed development site and the associated risk at ground surface level. Coal seams of workable thickness identified in boreholes within the immediate surrounding area are included.

Table 5 – Summary of identified and approximate conjectured coal seam depths and associated risk

Coal Seam	Thickness (m)	Rockhead depth (mbgl)	Conjectured seam depth below rockhead beneath the site (m)	Ratio	Design criterion met
Swallowdrum Coal	0 – 2	4	Unknown	-	✗
Ell Coal	0 – 1.5	4	Unknown	-	✗
Lochgelly Splint	0.25 – 1.2	4	Unknown	-	✗
Lochgelly Parrot	0 – 1.4	4	0 – 12.5	1:1 – 1:9	✗
Glassee Coal	0.3 – 1.2	4	25 – 37.4	1:20 – 1:31	✓
Mynheer Coal	0 – 0.8	4	43.6 – 56	1:54 – 1:70	✓
Unnamed Coal	0 – 0.15	4	Unknown	-	✗
Pilkin Coal	0 – 0.4	4	Unknown	-	✗

Given the evidence obtained from historic borehole records; the site specific Coal Authority Report; the proximity of identified mine entries located within the surrounding area; and the conjectured thicknesses and depths of coal seams underlying the site, it is considered that the shallow bedrock strata may have been subjected to historic unrecorded mining activity.

4.0 IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC COAL MINING RISKS

Table 6 summarises the potential risks associated with the coal mining legacy for the proposed development site, identified from the available information.

Table 6 – potential coal mining related risks to development

Coal Mining Issue	Yes/ No	Risk Assessment
Possible underground coal mining (recorded at shallow depths)	Yes	Research of available BGS, borehole data, Coal Authority data and mine abandonment plans has identified coal seams of workable thickness underlying the site at shallow depth. Overall, the risk of shallow mining related ground instability is considered to be at a medium level.
Mine entries (shafts and adits)	No	The Coal Authority report, BGS maps and mine abandonment plans do not record the presence of mine shafts or adits at or within influencing distance of the site. However, abandoned mine shafts are shown to be present within the wider surrounding area, approximately 250m south/south west and 450m north east of the site. As a result, based on the available information, the risk of ground instability resulting from shaft collapse is considered to be at a low level.
Coal mining geology (fissures)	No	One geological fault orientated east to west and downthrown to the south is reported to be located approximately 650m north of the site. As a result, the risk of the proposed structures being detrimentally impacted by geological faults is considered to be at a low level.
Record of past mine gas emissions	No	The Coal Authority report indicates that there has been no record of mine gas emissions on the site. There is therefore considered to be a low risk from mine gas emissions.
Record of coal mining surface hazard	No	The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.
Surface mining (opencast workings)	No	The site is not reported to have been subjected to opencast coal mining removal methods. As such, a low level risk from surface mining hazards is considered appropriate
OVERALL RISK		MEDIUM

5.0 RECOMMENDED MITIGATION STRATEGY

Based on the desk study research carried out as part of this investigation, the subject site is considered to be at a **medium** risk of mining related ground instability at the ground surface in respect of the proposed residential development.

On the basis of the findings of the research carried out as part of this investigation, it is recommended that targeted intrusive investigation works be carried out, with Coal Authority permission, in order to clarify the integrity of the shallow bedrock strata in relation to the proposed residential development at the subject site.

Information obtained from such an intrusive investigation would be necessary to determine whether ground stabilisation would be required, based on the proposed development layout.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 General

The current plot comprising woodland to the south of Benarty Road, Blairfordel, Kelty is proposed to undergo redevelopment, with the construction of two detached residences with associated access and parking, as detailed within Figure 3. Geovia Ltd has been commissioned to prepare a coal mining risk assessment report to support the planning application to Perth & Kinross Council.

6.2 Desk study information

The site currently comprises an area of woodland to the south of the Benarty Road, Blairfordel, Kelty. A row of residential properties are present between approximately 40 and 175m north west of the site. In addition, an unnamed burn located adjacent to the southern site boundary flows towards the south and connects with the Kelty Burn which continues south east to Loch Ore approximately 1km south east of the site. Within the wider surrounding area, the residential area of Keltybridge with associated amenities is located approximately 700m south west of the site.

The site is reported to have remained undeveloped to the present day comprising a section of the Blairfordel Wood. The surrounding area is reported to have initially predominantly comprised agricultural fields and woodland with Blairadam Inn and Post Office located approximately 400m west of the site. A railway line and two collieries (Kinnaird Colliery 250m north west and Benarty Colliery 270m north east) were reported to have been constructed by the end of the 19th century. These collieries were expanded with additional railway lines and sidings added, however by 1959 both were reported as disused with virtually all buildings removed and railway lines dismantled.

Published geological maps and borehole records indicate that the site is reported to be underlain by undifferentiated Alluvium and Glacial Sand and Gravel in the south western corner. Borehole records within the immediate surrounding area record bedrock to be present at 4m depth bgl. The site is reported to be underlain by Upper Carboniferous Limestone Coal Group deposits. The strata are reported to dip towards the south east at approximately 14°. Based upon BGS published maps, up to five coal seams are considered to pass beneath the site of the proposed development within influencing depth. Review of a site specific Coal Authority report and relevant mine abandonment plans identify workings in four seams of coal at 45m to 162m depth. In addition, review of borehole data within the immediate surrounding area has identified the presence of coal seams of workable thickness present at shallow depths. It is considered that these coal seams may have been worked at some time in the past.

6.3 Summary of risk assessment

Based on the desk study research carried out as part of this investigation, the risk of damage to the proposed site redevelopment from mining related ground instability is considered to be at a **medium** level.

6.4 Recommendations

On the basis of the findings of the research carried out as part of this investigation, it is recommended that targeted intrusive investigation works be carried out, with Coal Authority permission, in order to clarify the integrity of the shallow bedrock strata within the area of the proposed residential development at the subject site.

Information obtained from such an intrusive investigation would be necessary to determine whether ground stabilisation would be required, based on the proposed development layout.

FIGURE 1
SITE LOCATION PLAN

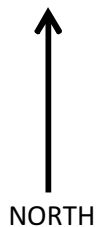
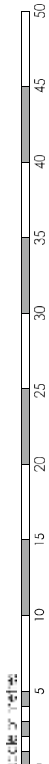


FIGURE 2
SITE LAYOUT PLAN



RESEARCH ARTICLE
POLYMER LETTERS

APPENDIX A
NOTES ON LIMITATIONS

Geo Environmental Desk Study and Intrusive Ground Investigation, Assessment and Reporting Limitations

General

This report has been prepared by Geovia Ltd for the sole use of the client (s) as indicated within the text of this report. Should any additional party seek reliance of the contents of this report then approval from Geovia Ltd must be sought. Geovia Ltd cannot be held liable / responsible for the contents of this report if either it is used for purposes other than which it was commissioned or any additional parties (s) using the report without the express permission of Geovia Ltd.

Phase I Desk Studies / Environmental Audits

Information in this report is gathered from a number of sources including published documentation. Any information gathered from external sources has been accepted and reviewed in good faith and taken to provide true reflection of the site conditions. However, Geovia Ltd cannot be held responsible for any event where such data is inaccurate or does not reflect true site conditions. This would include future changes in site use or additional information that may become available. Should additional information come to light in the future that may change conclusions drawn for the site, Geovia Ltd reserves the right to review this information and if necessary change any existing opinion drawn accordingly.

The opinions within this report are partially formed at the time of the site walkover and therefore it is possible that any sub surface contamination issues are not visible at that time or the report cannot take into account any future contamination issues that may arise after the site walkover has been completed.

Other opinions developed within this study are formed from interpretation of historical data.

Information is not finite for any site and therefore it is possible that environmental liabilities associated with the site or the ground conditions below the site may not have been realised.

The instructed scope of works within the study may not include consultation with relevant Statutory Authorities or environmental regulators and therefore it is possible that geo-environmental issues affecting the site may have been overlooked.

Intrusive Ground Investigations and Geo-environmental Phase II Reports

The investigation has been carried out to provide appropriate information on the ground conditions below the site. The nature of intrusive ground investigation results in only a small proportion of ground being investigated in relation to the overall size of the site. Therefore, it is possible that unforeseen ground condition exist below the site, including contamination hotspots.

The scope of works for any ground investigation may be limited by financial and/or time constraints. Exploratory locations across any site can also be limited by services, utilities and physical obstructions. This may be particularly relevant for any given targeted ground investigation.

Guidance on the assessment of contaminated land within the UK is under continuous development. The assessments used within this report have been undertaken in general accordance with current assessment frameworks and industry best practise. However, Geovia Ltd cannot be held responsible any future changes to contaminated land assessment that may alter the findings of this report.

Outline foundation recommendations have been developed from the ground investigation data. However, specific foundation design for any structure should be undertaken by a qualified structural/civil engineer. In the case of abnormal foundations advice and design should be sought from an appropriately qualified ground works contractor.

Groundwater conditions recorded are based on observations made at the time the site works were carried out. Groundwater levels will vary depending upon seasonal and weather related effects.

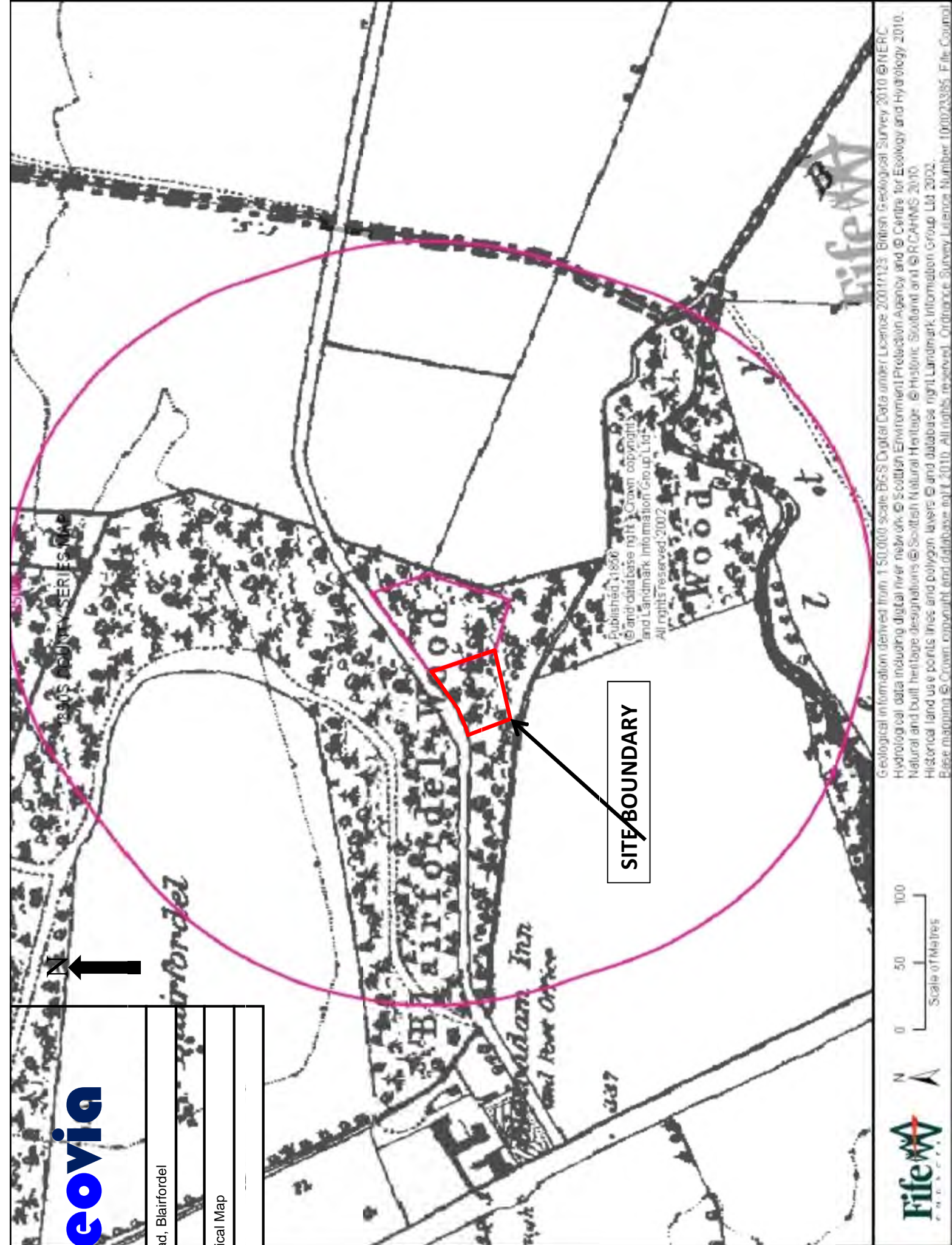
APPENDIX B
HISTORICAL MAP EXTRACTS

Site: Benarty Road, Blairfordel

Ref: 1507-08

Title: 1856 Historical Map

Scale: NTS

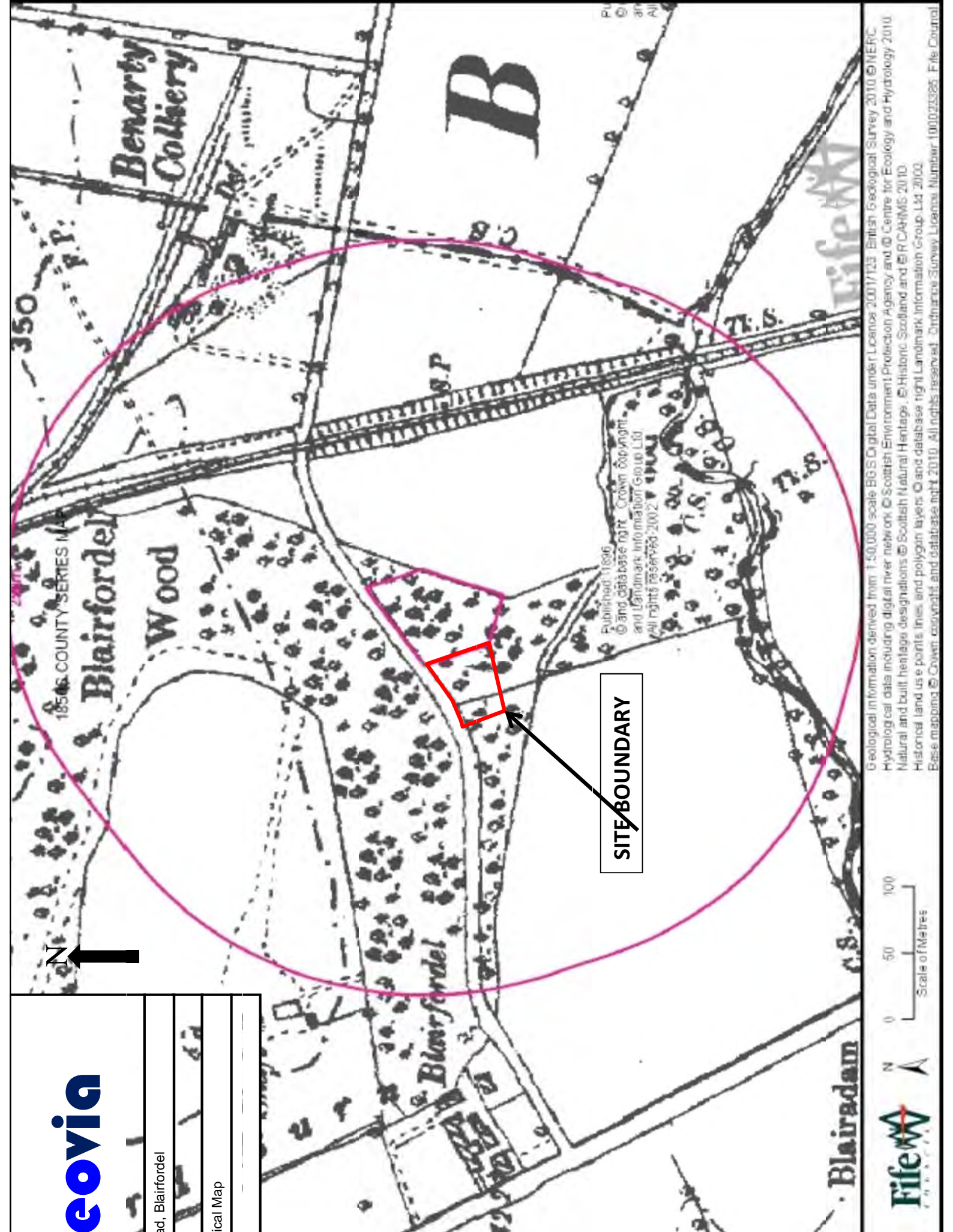


Site: Benarty Road, Blairfordel

Ref: 1507-08

Title: 1896 Historical Map

Scale: NTS



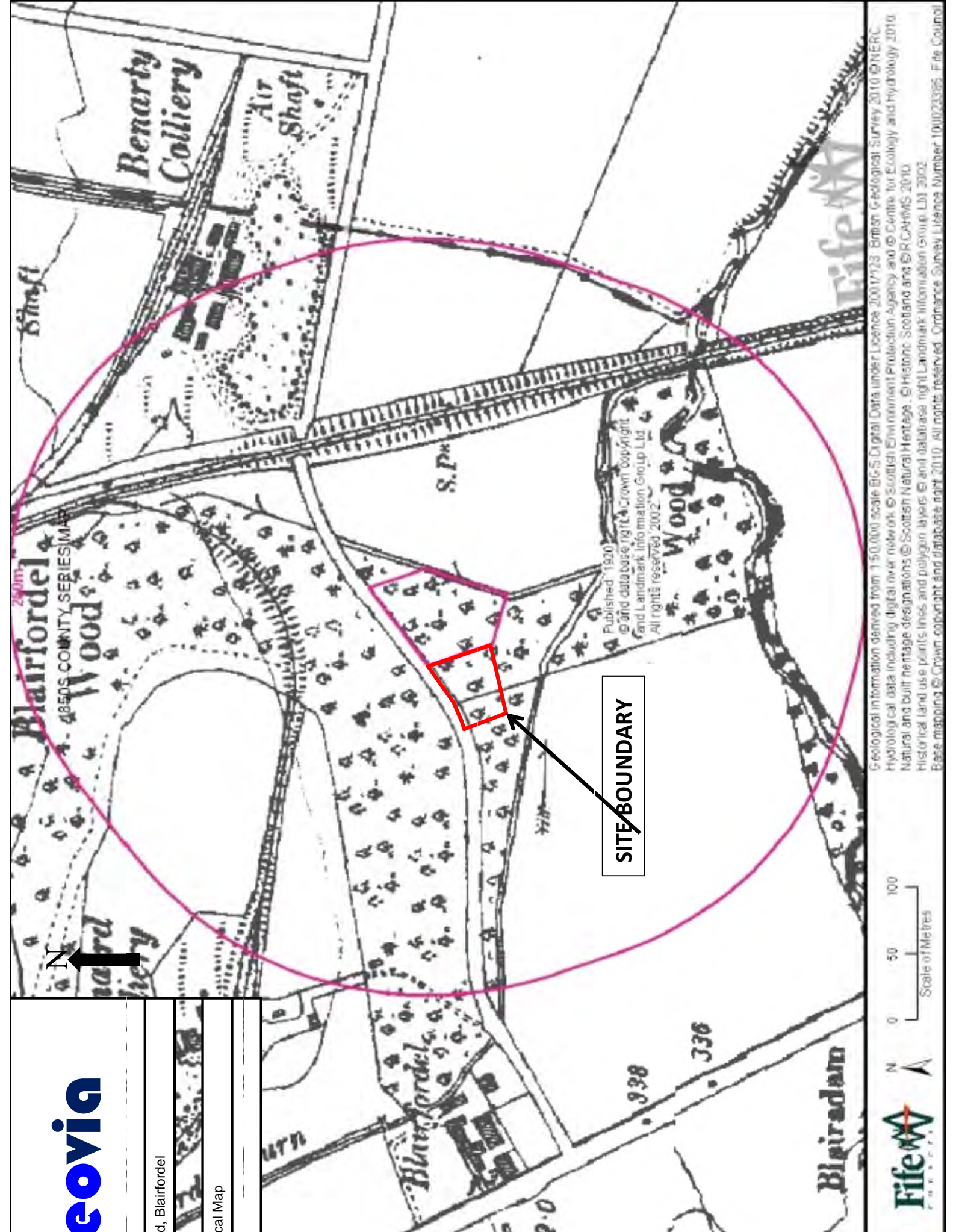
Geological information derived from 1:50,000 scale BGS Digital Data under Licence 2001/125 British Geological Survey 2010 © NERC
 Hydrological data including digital river network © Scottish Environment Protection Agency and © Centre for Ecology and Hydrology 2010
 Natural and built heritage designations © Scottish Natural Heritage, © Historic Scotland and © RCAHMS 2010
 Historical land use points, lines and polygon layers © and database right Landmark Information Group Ltd 2000
 Base mapping © Crown copyright and database right 2010. All rights reserved. Ordnance Survey Licence Number 100023325. File Control

Site: Benarty Road, Blairfordel

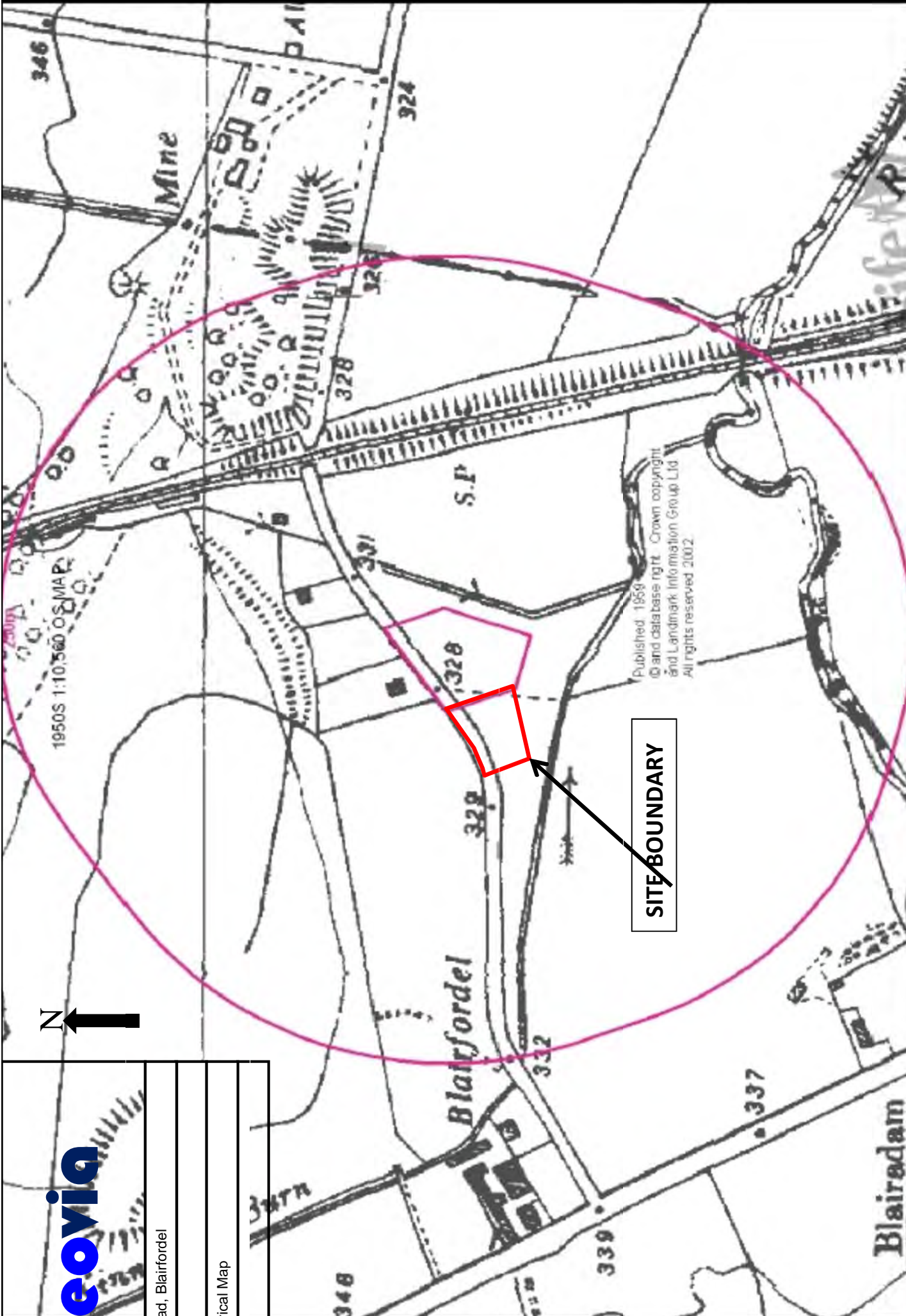
Ref: 1507-08

Title: 1920 Historical Map

Scale: NTS



N ↑



SITE BOUNDARY

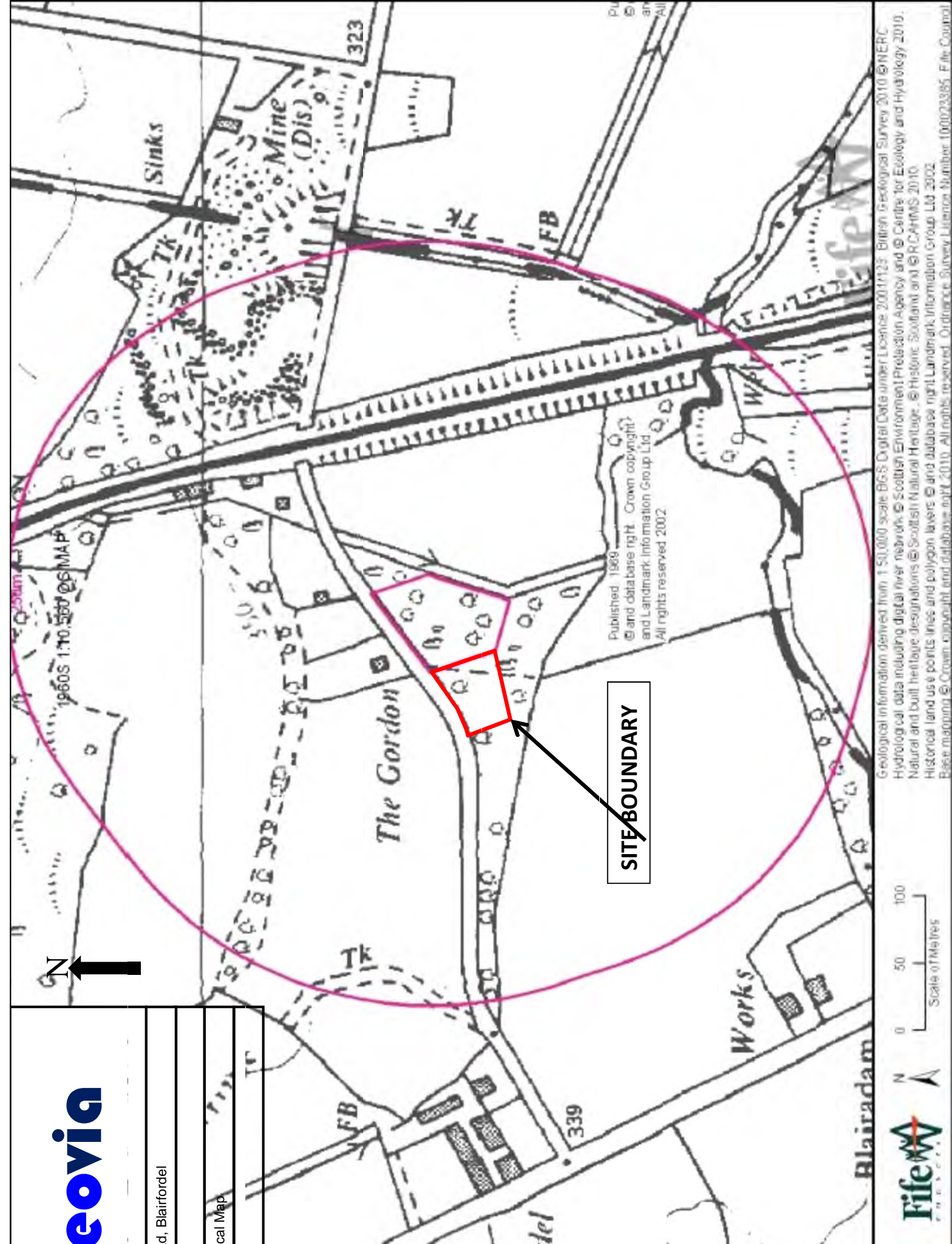
Geological information derived from 1:50,000 scale BGS Digital Data under Licence 2011/123 British Geological Survey 2010 © NERC.
Hydrological data including digital river network © Scottish Environment Protection Agency and © Centre for Ecology and Hydrology 2010
Natural and built heritage designations © Scottish Natural Heritage, © Historic Scotland and © RCAHMS 2010
Historical land use points, lines and polygons © and database right Landmark Information Group Ltd 2002
Base mapping © Crown copyright and database right 2010. All rights reserved. Ordnance Survey Licence Number 100023385. Fire Council

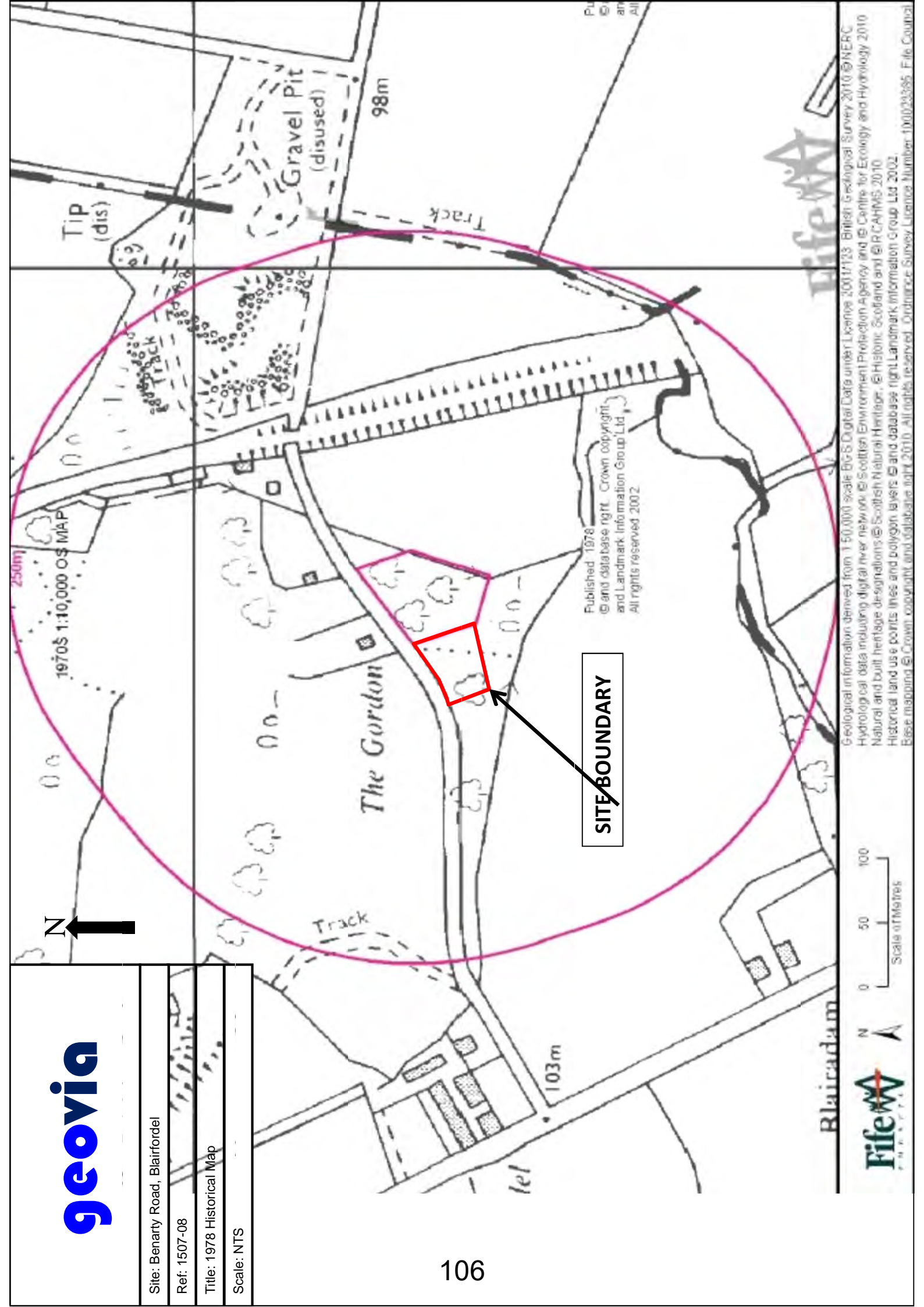
Site: Benarty Road, Blairfordel

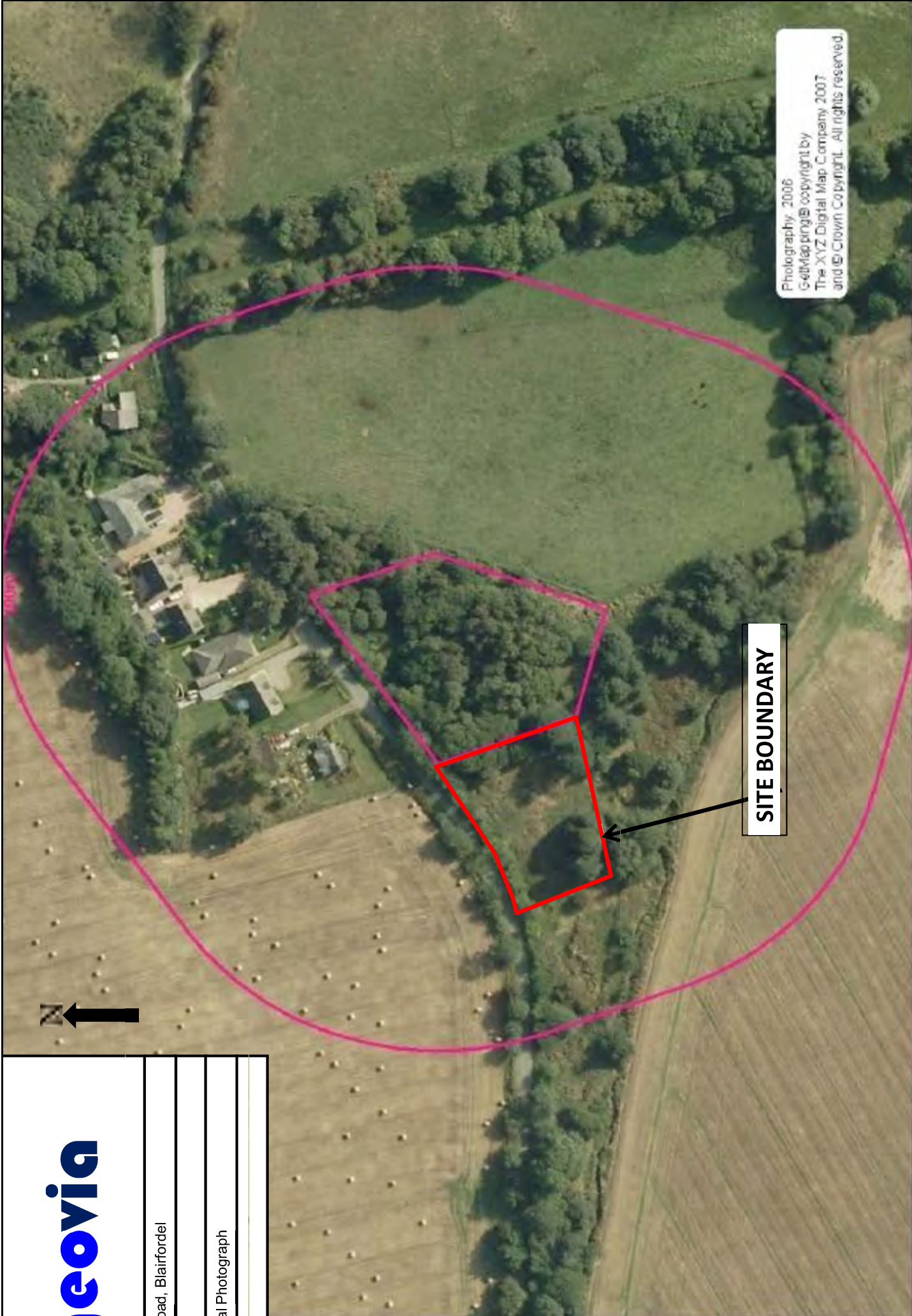
Ref: 1507-08

Title: 1969 Historical Map

Scale: NTS







Photography: 2006

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APPENDIX C
COAL AUTHORITY MINING REPORT

Issued by:

The Coal Authority, Property Search Services, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG
Website: www.groundstability.com Phone: 0345 762 6848 DX 716176 MANSFIELD 5

GEOVIA LTD
124 WEST SAVILE TERRACE
EDINBURGH
EH9 3EJ

Our reference:	51000932129001
Your reference:	1507-08 - Benarty Rd
Date of your enquiry:	05 August 2015
Date we received your enquiry:	05 August 2015
Date of issue:	05 August 2015

This report is for the property described in the address below and the attached plan.

Non-Residential Coal Authority Mining Report

PROPOSED RESIDENTIAL DEVELOPMENT PLOT, BENARTY ROAD, BLAIRFORDEL, KELTY, PERTH & KINROSS, KY4 0HR

This report is based on and limited to the records held by the Coal Authority, at the time we answer the search.

Coal mining

See comments below

Information from the Coal Authority

Underground coal mining

Past

The property is in the likely zone of influence from workings in 4 seams of coal at 50m to 140m depth, and last worked in 1959.

Any ground movement from these coal workings should have stopped by now.

In addition the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered prior to any site works or future development activity. Your attention is drawn to the Comments on Coal Authority Information section of the report.

Present

The property is not in the likely zone of influence of any present underground coal workings.

Future

The property is not in an area for which the Coal Authority is determining whether to grant a licence to remove coal using underground methods.

The property is not in an area for which a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area that is likely to be affected at the surface from any planned future workings.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

Mine entries

There are no known coal mine entries within, or within 20 metres of, the boundary of the property.

Records may be incomplete. Consequently, there may exist in the local area mine entries of which the Coal Authority has no knowledge.

Coal mining geology

The Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining.

Opencast coal mining

Past

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

Present

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

Future

The property is not within 800 metres of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31st October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

There is no record of a mine gas emission requiring action by the Coal Authority within the boundary of the property.

Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

Withdrawal of support

The property is not in an area for which a notice of entitlement to withdraw support has been published.

The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.

Working facilities orders

The property is not in an area for which an Order has been made under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

Payments to owners of former copyhold land

The property is not in an area for which a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Comments on Coal Authority information

In view of the mining circumstances a prudent developer would seek appropriate technical advice before any works are undertaken.

Therefore if development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply good engineering practice developed for mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or mines of coal without the permission of the Coal Authority. Developers should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. The need for effective measures to prevent gases entering into public properties either during investigation or after development also needs to be assessed and properly addressed. This is necessary due to the public safety implications of any development in these circumstances.

Additional Remarks

Information provided by the Coal Authority in this report is compiled in response to the Law Society's Con29M Coal Mining and Brine Subsidence Claim enquiries. The said enquiries are protected by copyright owned by the Law Society of 113 Chancery Lane, London WC2A 1PL. Please note that Brine Subsidence Claim enquiries are only relevant for England and Wales. This report is prepared in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Coal Authority's Terms and Conditions applicable at the time the report was produced.

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Issued by:	The Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG
Tax Point Date:	05 August 2015
Issued to:	GEOVIA LTD 124 WEST SAVILE TERRACE EDINBURGH EH9 3EJ
Property Search for:	PROPOSED RESIDENTIAL DEVELOPMENT PLOT, BENARTY ROAD, BLAIRFORDEL, KELTY, PERTH & KINROSS, KY4 0HR
Reference Number:	51000932129001
Date of Issue:	05 August 2015
Cost:	£59.00
VAT @ 20%:	£11.80
Total Received:	£70.80
VAT Registration	598 5850 68

Location map



Approximate position of property

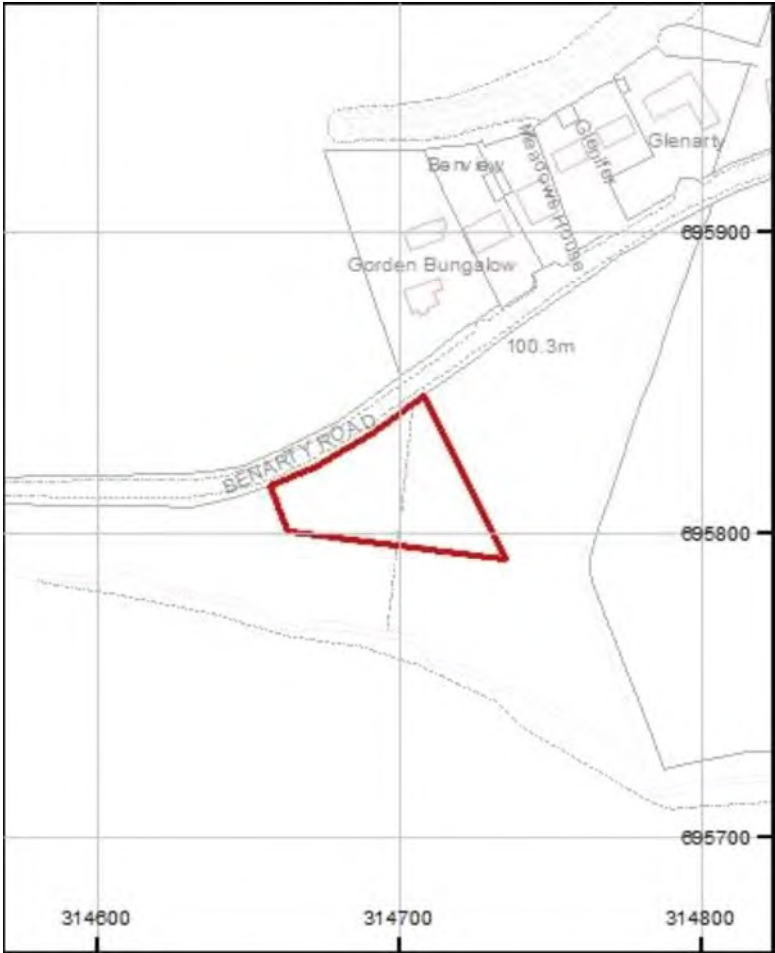


Enquiry boundary

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Key

Approximate position of enquiry boundary shown



APPENDIX D
BOREHOLE LOGS

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	m	to	mm	to	m
----	----	---	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From To	(mins)	RECVR	DEPTH	
GL:1.00 1.00:2.50	PEAT GRAVEL					
2.50:3.00 3.00:3.40	BOULDER CLAY WHIN BOULDER					
3.40:4.00 4.00:4.70	BOULDER CLAY WHIN BOULDER					
4.70:6.80 6.80:8.10	BOULDER CLAY COAL (1.30)					
8.10:8.40 8.40:8.55	SANDSTONE COAL (15)					
8.55:10.10 10.1:10.20	SANDY MUDSTONE COAL (10)					
10.2:12.20 12.2:13.00	GREY MUDSTONE SANDSTONE					

BOREHOLE COMPLETE? NO

REMARKS

(include explanation
OF standing time)

WATER IN WORKINGS, BH PLUGGED
AT ROCKHEAD

Yes **No**

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size	
Casing	
Shoe No.	
Core Bit	
No.	

WATER ENCOUNTERED:

Depth	After	After	After	Cut off
Struck	5 min	10min	20min	depth
			m m	
	m	m	m m	
m	m	m	m m	

BACKFILLING

Details of installation to be given on separate sheet	
Backfill	From To
Type	

TIME SPENT

Total hrs this sheet Hr	Number of hours coring Hours
No. of hrs O/H Hrs	Number of hours casing Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil	m m
Grout	m m

INSPECTION PIT

Depth m	Time Taken Hr
---------	------------------

INSTALLATION

Standpipe/piezometer	
Gas Pipe/ inclinometer	
Type	Depth

L	B	D
X		X

MOVING

BH TO	
Hr	

Driller:	D BROWN
Crew:	J BROWN

STANDING TIME

Details in Remarks	1. Hrs 2. Hrs 3. Hrs
DATE	24/10/2011

ORIENTATION OF DRILLHOLE

Angle of drillhole Measured from horizontal		Rig No.	1
		Vehicle	
		Compressor:	
Sht No	BH	BHR1	Chk

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	m	to	mm	to	m
----	----	---	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From	To	(mins)	RECVR	DEPTH
13.0:14.20	SANDY MUDSTONE					
14.2:17.90	WHIN					
17.9:18.00	COAL (10)					
18.0:18.80	GREY MUDSTONE					
18.8:19.50	COAL (70)					
19.5:24.10	WHIN					
24.1:24.30	COAL (20)					
24.3:26.00	DARK MUDSTONE					
26.0:27.20	WHIN					
27.2:27.30	COAL (10)					
27.3:30.00	SANDY MUDSTONE					

BOREHOLE COMPLETE? YES

REMARKS

(include explanation
OF standing time)

INSTALLATION AT 6.00 M, WATER AT
1.00M & 20.00M

Yes No

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size	
Casing	
Shoe No.	
Core Bit	
No.	

WATER ENCOUNTERED:

Depth	After	After	After	Cut off
Struck	5 min	10min	20min	depth
			m m	
	m	m	m m	
m	m	m	m m	

BACKFILLING

Details of installation to be given on separate sheet	
Backfill	From To
Type	

TIME SPENT

Total hrs this sheet Hr	Number of hours coring Hours
No. of hrs O/H Hrs	Number of hours casing Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil	m m
Grout	m m

INSPECTION PIT

Depth m	Time Taken Hr
---------	------------------

INSTALLATION

Standpipe/piezometer	
Gas Pipe/ inclinometer	
Type	Depth

L	B	D
X		X

MOVING

BH TO	
Hr	

Driller:	D BROWN
Crew:	J BROWN

STANDING TIME

Details in Remarks	1. 2. 3. Hrs Hrs Hrs
DATE	24/10/2011

ORIENTATION OF DRILLHOLE

Angle of drillhole Measured from horizontal		Rig No.	1
		Vehicle	
		Compressor:	
Sht No	BH	BHR1 CONT	Chk

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	to	mm	to	m
----	----	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From	To	(mins)	RECVR	DEPTH
GL:1.00	PEAT					
1.00:2.00	MOTTAL CLAY					
2.00:3.30	GRAVEL					
3.30:3.50	WHIN BOULDER					
3.50:4.00	GRAVEL					
4.00:4.30	BOULDER CLAY					
4.30:9.20	GREY MUDSTONE					
9.20:10.00	COAL (80)					
10.0:10.90	SANDSTONE					
10.9:11.20	COAL (30)					
11.2:12.40	SANDY MUDSTONE					
12.4:12.70	COAL (30)					
12.7:13.00	GREY MUDSTONE					
13.0:14.00	SANDSTONE					

BOREHOLE COMPLETE? NO

REMARKS

(include explanation
OF standing time)

WATER IN WORKINGS, BH PLUGGED
AT ROCKHEAD

Yes

No

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size	
Casing	
Shoe No.	
Core Bit	
No.	

WATER ENCOUNTERED:

Depth	After	After	After	Cut off
Struck	5 min	10min	20min	depth
			m m	
	m	m	m m	
m	m	m	m m	

BACKFILLING

Details of installation to be given on separate sheet	
Backfill Type	From To

TIME SPENT

Total hrs this sheet Hr	Number of hours coring Hours
No. of hrs O/H Hrs	Number of hours casing Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil m| m

Grout m| m

INSPECTION PIT

Depth m	Time Taken Hr
---------	------------------

INSTALLATION

Standpipe/piezometer	
Gas Pipe/inclinometer	
Type	Depth

L	B	D
X		X

MOVING

BH TO
Hr

Driller: D BROWN

Crew: J BROWN

STANDING TIME

Details in Remarks	1. Hrs	2. Hrs	3. Hrs
DATE	24/10/2011		

ORIENTATION OF DRILLHOLE

Angle of drillhole Measured from horizontal		Rig No.	1
		Vehicle	
		Compressor:	
Sht No	BH	BHR2	Chk

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	m	to	mm	to	m
----	----	---	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From	To	(mins)	RECVR	DEPTH
14.0:18.00	BH R2 CONTINUED SANDY MUDSTONE					
18.0:18.30	WHIN					
18.3:18.40	COAL (10)					
18.4:19.10	GREY MUDSTONE					
19.1:19.30	COAL (20)					
19.3:23.20	WHIN					
23.2:24.00	SANDY MUDSTONE					
24.0:24.20	COAL (20)					
24.2:25.70	DARK MUDSTONE					
25.7:26.80	WHIN					
26.8:26.90	COAL (10)					
26.9:30.00	SANDY MUDSTONE					

BOREHOLE COMPLETE? YES

REMARKS

(include explanation
OF standing time)

INSTALLATION AT 4.00M, WATER AT
2.00 M & 24.00 M

Yes No

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size	
Casing	
Shoe No.	
Core Bit	
No.	

WATER ENCOUNTERED:

Depth	After	After	After	Cut off
Struck	5 min	10min	20min	depth
			m m	
	m	m	m m	
m	m	m	m m	

BACKFILLING

Details of installation to be given on separate sheet	
Backfill	From To
Type	

TIME SPENT

Total hrs this sheet Hr	Number of hours coring Hours
No. of hrs O/H Hrs	Number of hours casing Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil	m m
Grout	m m

INSPECTION PIT

Depth m	Time Taken Hr
---------	------------------

INSTALLATION

Standpipe/piezometer	
Gas Pipe/ inclinometer	
Type	Depth

L	B	D
X		X

MOVING

BH TO	
Hr	

Driller:	D BROWN
Crew:	J BROWN

STANDING TIME

Details in Remarks	1. Hrs	2. Hrs	3. Hrs
-----------------------	--------	--------	--------

ORIENTATION OF DRILLHOLE

Angle of drillhole Measured from horizontal	
--	--

Rig No.	1
Vehicle	
Compressor:	

DATE	24/10/2011	Sht No	BH	BHR2 CONT	Chk	
------	------------	--------	----	-----------	-----	--

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	m	to	mm	to	m
----	----	---	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From	To	(mins)	RECVR	DEPTH
GL:1.00	PEAT					
1.00:3.00	GRAVEL					
3.00:4.00	BOULDER CLAY					
4.00:10.70	DARK MUDSTONE					
10.7:11.90	COAL (30)					
11.9:13.10	SANDSTONE					
13.1:13.20	COAL (1.20)					
13.2:14.00	SANDY MUDSTONE					
14.0:14.10	COAL (10)					
14.1:14.80	GREY MUDSTONE					
14.8:15.10	DARK MUDSTONE					
15.1:16.00	SANDSTONE					
16.0:19.30	SANDY MUDSTONE					
19.3:19.80	WHIN					

BOREHOLE COMPLETE? NO

REMARKS

(include explanation
OF standing time)

WATER IN WORKINGS, BH PLUGGED
AT ROCKHEAD

Yes No

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size				
Casing				
Shoe No.				
Core Bit				
No.				

WATER ENCOUNTERED:

Depth	After	After	After	Cut off
Struck	5 min	10min	20min	depth
			m m	
	m	m	m m	
m	m	m	m m	

BACKFILLING

Details of installation
to be given on
separate sheet

TIME SPENT

Total hrs	Number of hours coring
this sheet	
Hr	Hours
No. of hrs	Number of hours casing
O/H	
Hrs	Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil m| m

Grout m| m

INSPECTION PIT

Depth m	Time
	Taken Hr

INSTALLATION

Standpipe/piezometer	
Gas Pipe/ inclinometer	
Type	Depth

L B D

X X

MOVING

BH TO	
Hr	
pull	
Casing	

Driller: D BROWN

Crew: J BROWN

STANDING TIME

Details in	1.	2.	3.
Remarks	Hrs	Hrs	Hrs
DATE	25/10/2011		

ORIENTATION OF DRILLHOLE

Angle of drillhole		
Measured from horizontal		
Sht No	BH	BHR3
Chk		

Rig No. 1

Vehicle

Compressor:

ROTARY DRILLING DAILY REPORT

SITE	BENARTY ROAD	Lab ref	S/
Location	KELTY	Number	

Diameter of Borehole

mm	to	m	to	mm	to	m
----	----	---	----	----	----	---

DEPTH OF CASING:

P to	m	H to	m to	m		
DEPTH	STRATA RECORD	CORE RUN(m)	TIME	CORE	CASING	
From To		From To	(mins)	RECVR	DEPTH	
19.8:19.90	BHR3 CONTINUED COAL (10)					
19.9:20.30	GREY MUDSTONE					
20.3:20.50	COAL (20)					
20.5:23.50	WHIN					
23.5:24.90	GREY MUDSTONE					
24.9:25.10	COAL (20)					
25.1:25.90	DARK MUDSTONE					
25.9:26.20	WHIN					
26.2:26.40	COAL (20)					
26.4:30.00	GREY MUDSTONE					

BOREHOLE COMPLETE? YES

REMARKS

(include explanation
OF standing time)

INSTALLATION AT 4.00M, WATER AT
1.00M & 24.00 M

Yes **No**

(Circle one)

WATER LEVELS:

Morning	Time	Time	Evening	On pulling casing	
Lev cas	Lev cas	Lev cas	Level casing	Level	Casing
m m	m m	m m	m m	m	m

BITS USED:

Size	
Casing Shoe No.	
Core Bit No.	

WATER ENCOUNTERED:

Depth Struck	After 5 min	After 10min	After Cut off 20min depth
			m m
	m	m	m m
	m	m	m m

BACKFILLING

Details of installation to be given on separate sheet
Backfill Type
From To

TIME SPENT

Total hrs this sheet	Number of hours coring
Hr	Hours
No. of hrs O/H	Number of hours casing
Hrs	Hours

CORRECTION FLUID:

Type	To	Flush Returns
AIR		
2		
3		

Spoil	m m
Grout	m m

INSPECTION PIT

Depth m	Time Taken Hr
---------	---------------

INSTALLATION

Standpipe/piezometer	
Gas Pipe/inclinometer	
Type	Depth

L	B	D
X		X

MOVING

BH TO	
Hr	

Driller:	D BROWN
Crew:	J BROWN

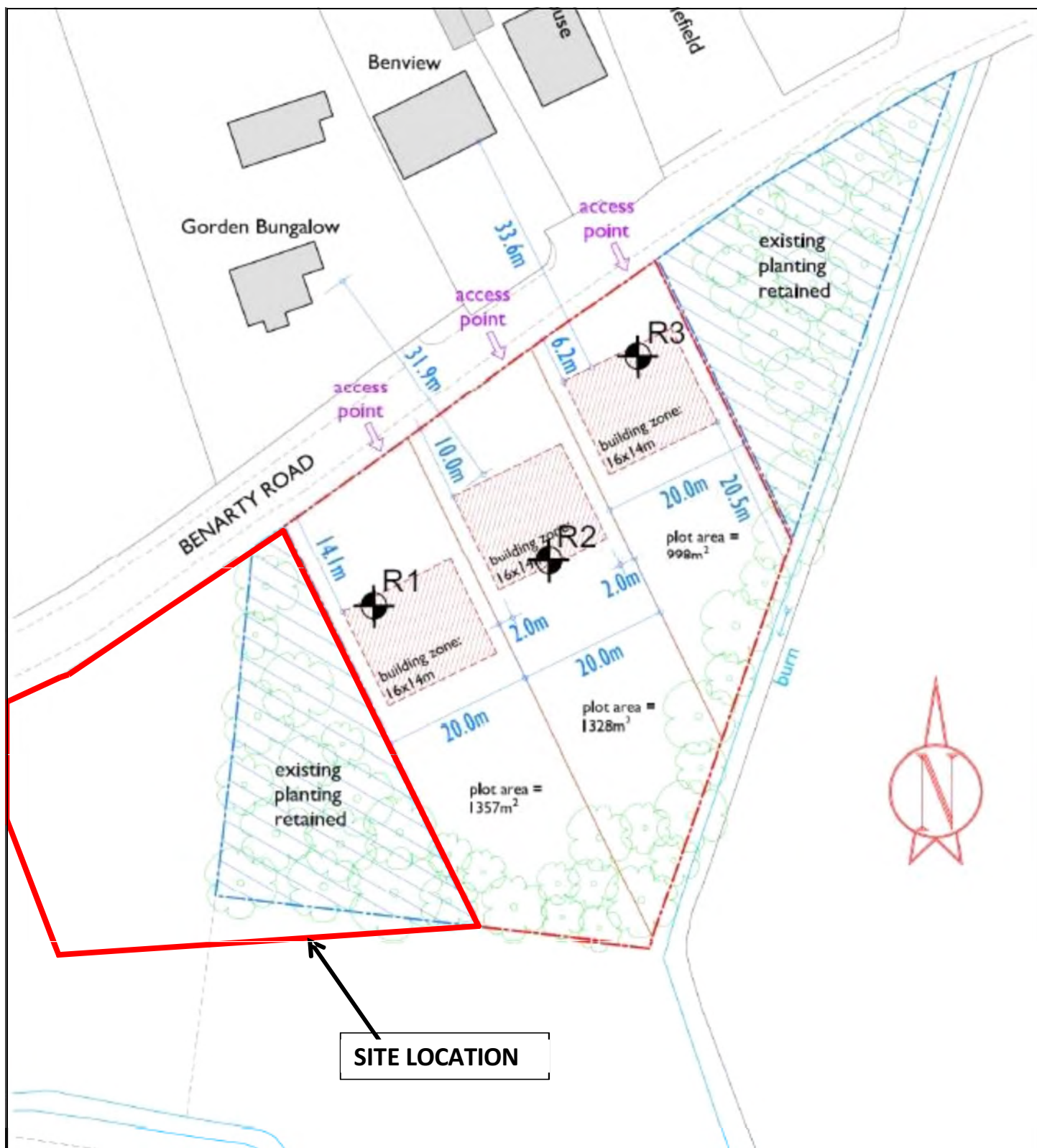
STANDING TIME

Details in Remarks	1. Hrs	2. Hrs	3. Hrs
--------------------	--------	--------	--------

ORIENTATION OF DRILLHOLE

Angle of drillhole Measured from horizontal		Rig No.	1
		Vehicle	
		Compressor:	

DATE	25/10/2011	Sht No	BH	BHR3 CONT	Chk	
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**BENARTY ROAD, BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT REPORT
FOR
LOMOND GROUP**

Report No.	1836-200	Version:	Revision 1
Author:	RA	Issue Date:	24 th July 2020

**BENARTY ROAD, BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**

SITE SUMMARY INFORMATION

Name of Site:	Benarty Road, Blairfordel
Ordnance Survey Grid Reference:	NT 14707 95815
Site Address:	Benarty Road, Blairfordel, nr Kelty KY4 0HR
Local Authority:	Perth & Kinross Council
Land Use (existing):	Thin woodland , cleared land
On site buildings:	No
Proposed Site Use:	Residential Development
Area (m ²):	3380m ²
Local Development Plan (LDP)	Perth and Kinross Local Development Plan 2 (2019)- site not included
Type of Investigation:	Level 3 Flood Risk Assessment

**BENARTY ROAD, BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**

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**BENARTY ROAD, BLAIRFORDEL, KELTY,
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- Table 3 – Roughness Sensitivity Analysis**
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- Table 5 – Velocity Sensitivity Analysis**
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**BENARTY ROAD, BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**

1 INTRODUCTION

1.1 BACKGROUND

The construction of a new residential development off Benarty Road, to the west of the hamlet of Blairfordel near Kelty is currently under consideration by the Lomond Group (the Client).

The Kinnaird Burn flows close to the southern site boundary and a smaller watercourse, designated the Leuchars Burn, flowing at a short distance to the east of the site.

Due to the proximity of the watercourses Terrenus Land & Water Ltd was appointed by 56three Architects on behalf of the Client to undertake a flood risk assessment of the site.

1.2 OBJECTIVES OF INVESTIGATION

The principal aim of the assessment is to develop an understanding of the flood risk to the site and to model the fluvial flood risk to the proposed development from the local watercourses. Consideration of feasible mitigation measures if required also forms part of the investigation.

1.3 SCOPE OF STUDY

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

- Site walkover inspection;
- Project commissioned site topographic spot height data collection;
- Consultation with Local Authority and SEPA;
- Collation of available data;
- Assessment of data;
- 1D Hydraulic Modelling using MIKE11 modelling software by DHI; and
- Production of an Interpretative Report.

1.4 EXISTING LAND USE

The site is a vacant parcel of land lying south of Benarty Road in the west of Blairfordel near Kelty.

1.5 PROPOSED SITE END-USE

It is understood that the proposed development will entail the construction of two detached residential properties together with gardens and hardstandings, with access off Benarty Road. The proposed layout of the site is shown on 56three Architects Drawing No. 20067_pl(9-)02 Proposed Site Plan included in the Appendix.

It is noted that in the proposed development is classified as Highly Vulnerable according to the SEPA Land Use Vulnerability Classification¹ as shown on Table 1 of the guidance document.

¹ <https://www.sepa.org.uk/media/143416/land-use-vulnerability-guidance.pdf>

1.6 LIMITATIONS OF REPORT

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

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

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

2 SITE DETAILS

2.1 DATA SOURCES

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

- Client supplied data including site location and layout plans;
- Site walkover inspection and additional topographic surveying;
- SEPA Flood Maps;
- British Geological Survey Interactive Map (Geology of Britain Viewer);
- Publicly available on-line aerial imagery and mapping;
- Light Detection and Ranging (LiDAR) dataset from Scottish Remote Sensing Portal²;
- Flood Estimation Handbook – Web Service (FEH13); and
- Available additional information.

2.2 SITE LOCATION & DESCRIPTION

The site comprises an irregular plot of land lying to the south of Benarty Road, Blairfordel and is centred around National Grid Reference (NGR NT 14707 95815) as shown on Figure 1 in the Appendix. A site visit was carried out on 9th July 2020 and forms the basis of the site description. A photographic record of the visit was carried out and photographs of the site are included in the Appendix.

Publicly available local maps, aerial photography, available topographic survey information, together with information gathered during the site visit were combined to form the basis of the understanding of the site topography. The extent of the site is shown on Figure 2 and 56three Architects Drawing No. 20067_pl(9-0)2 Proposed Site Plan and are included in the Appendix. The topographic survey spot heights taken during the site walkover are provided on Figure 3.

Understanding of the wider regional topography was derived from the Scottish Remote Sensing Portal 1m resolution Phase 1 Digital Terrain Model (DTM) dataset. This LiDAR (Light Detection and Ranging) data was enhanced with the site-specific survey information. This allowed for a more accurate representation of the local topography and helped inform the understanding of the overland flow routes. Overland flow pathways were created using the Quantum Geographic Information System (QGIS) software. These LiDAR-generated overland flow pathways are shown on Figure 4 included in the Appendix and discussed in Section 3.3 below.

Review of the topographic data sources (LiDAR and Terrenus survey) was carried out to determine the correlation between them. Figure 5 shows the location of the points chosen for comparison and Table A below records the differences in levels encountered.

Point ID	LiDAR	Terrenus Topographic	Deviation
1	100.93	100.98	0.05
2	99.59	99.61	0.02
3	96.80	96.81	0.01
4	100.17	100.23	0.06
5	97.32	97.25	0.07

Table A – Topographic Survey Comparison

² <https://remotesensingdata.gov.scot/data#/list>

The site comprises an area of approximately 0.34Ha of partially cleared land with some rough grass and mature and semi-mature deciduous trees.

The site is bound to the north by thin treeline onto Benarty Road. The eastern boundary is open to the adjacent property. The south and western site edges are open to the Kinnaird Burn and an area of tall grasses respectively. The landform within the site is generally flat-lying falling gently from a high of about 100.0m OD near Benarty Road to a low of about 97.8m OD near the Kinnaird Burn.

A review of online historical maps indicates that on the first edition Ordnance Survey sheet dated 1854 the site comprises a wooded parcel of land to the south of Benarty Road and bounded by Kinnaird Burn in the south. Little change is shown over subsequent years and it is understood that no development has previously occurred at the site.

2.3 SITE NEIGHBOURS

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

2.4 HYDROLOGY AND DRAINAGE

The Kinnaird Burn flows from west to east close to the southern site boundary. This watercourse is joined from the north by the Leuchars Burn some 95m downstream, to the southeast of the site. The Kinnaird Burn flows into the Kelty Burn 200m downstream of the confluence with the Leuchars Burn. The Kelty Burn flows into Loch Ore 620m downstream of the site to the east.

The catchments for the watercourse are included in Figure 6, included in the Appendix, and are discussed in greater detail in Section 3.5.5.

The Kinnaird Burn flows south of the site within a well-formed channel with bed widths of 2 to 6m and bank heights of 3 to 5m. The banks along the northern edge of the watercourse are typically higher than the southern.

The Leuchars Burn joins the Kinnaird Burn some 95m downstream of the site. This burn lies within a shallow semi-circular ditch that runs parallel to and within the boundaries of the properties there.

Shortly downstream of the site, a newly-erected wooden footbridge crosses the Kinnaird Burn. At this point, a 200mm corrugated plastic pipe discharges into the watercourse. It is understood that this asset is privately owned and associated with the new developments east of site. Both the footbridge and the drainage pipe are shown on Plate 11, included in the Appendix.

A metal pipe was noted to cross the watercourse 38m downstream of the site. A review of Scottish Water assets indicates that this structure is a 450mm diameter combined foul/surface water sewer. This asset runs parallel and adjacent to the Leuchars Burn in the vicinity of the site from Benarty Road to Great North Road 350m located south of the site.

There is no other significant drainage infrastructure in the vicinity of the site. Drainage of the roads is managed by roadside ditches and free flowing into the adjacent fields.

Underground drainage within the site is not expected. Any existing drainage from the site will follow the local topography towards the Kinnaird Burn. Shallow surface water drainage ditches are present along Benarty Road which will collect local runoff from the road itself and the small element of runoff from the land to the north of the road.

2.4.1 SEPA Flood Map

The Scottish Environment Protection Agency (SEPA) has produced 'Flood Maps' for the local area. These maps are enhanced and show potential flooding from coastal, rivers (fluvial) and surface water (pluvial) sources. In addition, the maps provide a breakdown of flood likelihood in broad agreement with the Scottish Planning Policy Risk Framework.

A review of the map suggests a risk of flooding primarily contained close to the line of the Kinnaird Burn with wider flooding likely in the vicinity of the Kelty Burn. Leuchars Burn is not represented by the SEPA map fluvial element due to its small catchment size. Surface water (pluvial) flood risk is noted along the line of the Kinnaird Burn with a wider risk of flooding in the lower lying field to the south. Minor areas of surface water flood risk are indicated to the east of the site around the Leuchars Burn.

As stated by SEPA, their flood risk maps do not represent a site-specific flood risk assessment and any conclusion based SEPA makes the following statement about the Flood Map:

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

and

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

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

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

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

2.5 GEOLOGICAL SETTING

2.5.1 British Geological Survey

The British Geological Survey (BGS) information indicates that the superficial deposits are likely to comprise alluvium underlain by Glacial Sands and Gravels and Glacial Till. Made ground may be present associated with former development around the site.

The underlying bedrock is recorded to comprise a cyclic sequence of sandstone, siltstone, mudstone and coal belonging to the Limestone Coal Formation which are Carboniferous in age.

Nearby borehole information held by the BGS indicate that rockhead may be present at depths in the order of 5 metres.

2.5.2 Hydrogeology

The 1:625,000 scale Hydrogeological Map of Scotland³ records the site to be underlain by Carboniferous Strata (Dinantian and Namurian) which can be highly productive aquifers (not extensive) where substantial boreholes yields have been obtained particularly where the strata is disturbed by mining.

The SEPA River Basin Management Plan Interactive Map⁴ indicates that the groundwater body beneath the site is the Dunfermline and Kirkcaldy Groundwater Body which has Poor water flows and levels, Poor water quality with an overall Poor Quality rating.

The SEPA River Basin Management Plan Interactive Map indicates that the nearest monitored surface water body is the Kelty Burn located 200m to the south of the site. The Kelty Burn is recorded to have High flows and levels, Good water quality, with an overall Good Quality rating. The Kinnaird Burn and Leuchars Burn are not monitored.

³ <http://www.largeimages.bgs.ac.uk/iip/hydromaps.html?id=scotland.jp2>

⁴ <https://www.sepa.org.uk/data-visualisation/water-environment-hub/>

3 FLOOD RISK ASSESSMENT

3.1 GENERAL

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

3.2 COASTAL & TIDAL FLOODING

Due to the distance of the site from the Firth of Forth (some 11.5km) and the minimum ground level at site being 97.34m OD, there is **Little or No Risk** of coastal flooding or tidal influence at site.

3.3 OVERLAND FLOW & LOCAL DRAINAGE

Within the site, local rainfall runoff via surface and ground water flow will be directly to the Kinnaird Burn. Significant ponding within the site is unlikely due to the local topography. Any runoff from the land to the north of the site will follow the Benarty Road drainage ditch to the east. In periods of intense rainfall some increased overland flow may pass onto Benarty Road from the fields to the north and may make its way onto site.

A failure or overtopping of the roadside drainage ditches may lead to increased overland flow along the road that may make its way onto site. The risk of widespread overland flow affecting the site is considered to be low.

Any flow entering site will be shallow and will follow the local landform to enter the Kinnaird Burn, as shown on Figure 4. Ponding within the site will be prevented by the sloping topography.

The site is therefore considered to be **Low to Medium Risk** of flooding from surface water or from a failure in local drainage infrastructure.

3.4 GROUNDWATER RISE

Given the presence of glacial till within the site, local groundwater is likely to be in hydraulic continuity with the Kinnaird Burn. The topography will dictate the extent of any shallow perched groundwater which is not anticipated to be extensive.

Groundwater levels are likely to be shallow along the southern periphery of the development area.

The risk of isolated groundwater rise at the site is considered to be **Little or None**.

3.5 FLUVIAL FLOOD RISK

3.5.1 General

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

Fluvial flood risk in the vicinity of the site arises from the combination of Kinnaird Burn and Leuchars Burn, which are present south and east of the site respectively. The Kinnaird Burn lies within a well-defined channel and is joined by the Leuchars Burn southeast of the site.

Due to the nature of the flood risk assessment the hydraulic one-dimensional (1D) model runs along the centre line of the Kinnaird Burn from upstream of the site to beyond the confluence with the Leuchars Burn; a reach of 300m.

The Leuchars Burn is included in the model forming an additional reach of 160m. This model is inclusive of the natural floodplain of both the watercourses as well as any topographical features that would affect the modelling result. It is noted from the local landform that if the watercourses overtop, overland flow will preferentially pass to the south of Kinnaird Burn and to the east of Leuchars Burn and away from the site. The sections of the watercourse modelled are shown on Figure 7 included in the Appendix.

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

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

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

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

Model inputs are provided on Figure 7, contained within the Appendix.

3.5.2 Model Default Values

The Blairfordel hydraulic fluvial model was set up the with the following initial parameters:

- An initial global water depth of 0.3m;
- Wave approximation set to High Order Fully Dynamic;
- A Delta value of 0.5;
- A fixed time step of 1 second; and
- The cross sections throughout the model are of the open section type, with relative resistance and a uniform distribution.

3.5.3 Structures

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

Three structures associated with the Kinnaird Burn are present in the vicinity of the site. The first is the Benarty Road bridge some 200m upstream of the site. Should this structure overtop any overland flow will pass over the road and directly re-enter the Kinnaird Burn or will enter the field to the south of the site. Such overtopping will not present a risk of flooding to the site and has therefore not been included in the model.

The second structure on the Kinnaird Burn is a new wooden footbridge, 25m downstream of the site, associated with the recent development immediately east of site. Due to its proximity to the site this structure is included in the model with additional analysis of possible blockage.

The final structure on the Kinnaird Burn is a 450mm pipe which crosses the burn 38m downstream of the site. Due to its proximity to the site this structure is included in the model with additional analysis of possible blockage.

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

3.5.4 Downstream River Boundary

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

3.5.5 Peak Flow

Rainfall records and catchment descriptors have been obtained from the Flood Estimation Handbook (FEH13) web service. The available catchment data describes the Kinnaird Burn as being initially fed by runoff from the Blairadam Forest 2.5km west of site. The Leuchars Burn is described as being initially fed by runoff from the Benarty Woods 1.6km north of site. Catchments for each of the watercourses were extracted at points immediately upstream of their confluence and then expanded to include the downstream-most reaches of the model. This resulted in a total catchment for the Kinnaird Burn of 5.44km² and for the Leuchars Burn of 0.82km². The extent of the catchments are provided on Figure 6, included in the Appendix.

No relevant gauging station data is available in the vicinity of the site. Catchment descriptors extracted from the FEH13 web service (with catchment areas expanded as discussed above) were therefore used to calculate the peak flow estimation for the contributing catchments.

The peak flow estimation was calculated using the following methodologies:

- Revitalised Flood Hydrograph Model, Version 2.3.1 (ReFH2.3.1); and
- FEH Rainfall Runoff.

The ReFH2.3.1 methodology was selected over the slightly more conservative Rainfall Runoff methodology as it:

- Is the most up-to-date methodology;
- Makes use of the FEH13 v4 dataset (including BFIHOST19 descriptor);
- Is the most optimally calibrated for smaller catchment (such as the Kinnaird Burn and Leuchars Burn);
- Allows for percentage rainfall intensity climate change allowance calculation; and
- Provides a better hydrograph than the symmetrical bell curve of other methodologies for use in hydraulic modelling.

A summary of the peak flow estimations is provided on Table 1, contained within the Appendix.

Utilising the ReFH2.3.1 methodology the design 0.5% probability (1 in 200-year event) peak flow for the Kinnaird Burn at the site is estimated to be in the order of 6.69m³/s. The Leuchars Burn peak flow during the same storm event is estimated to be 1.46m³/s.

3.5.6 Climate Change Allowance

A review of the SEPA Climate Change Allowances for Flood Risk Assessment in Land Use Planning web map⁵ shows that the site lies within the Forth River Basin Region and East Rainfall Uplift Region.

As per the SEPA guidance dated April 2019 '*Climate change allowances for flood risk assessment in land use planning*' the applicable Climate Change Allowance (CCA) for both the Leuchars and Kinnaird Burns is an uplift of 35% Peak Rainfall Intensity. This is due to the catchment sizes of each watercourse being less than 30km². The peak rainfall intensity allowance can be applied directly via the ReFH2.3.1 software and is shown in Table 1, appended, and Table B, below.

Watercourse	1 in 200-year flow (m ³ /s)	1 in 200-year plus CCA of 35% Peak Rainfall Intensity (PRI) flow (m ³ /s)
Kinnaird Burn	6.69	9.37
Leuchars Burn	1.46	2.04

Table B – Climate Change Allowance Uplift

Inflow hydrographs for the design 1 in 200-year storm event and the same storm event with Climate Change Allowance applied are shown in Figure 8, contained within the Appendix.

3.5.7 Model Results under Existing Ground Conditions

Using standard hydrodynamic software modelling techniques for open channel flow, information between cross sections is interpolated through the Mike 11 hydrodynamic software and the watercourse flood levels calculated accordingly. As with all fluvial flood model, uncertainties remain that affect the relationship between flow rate and water level. The analysis must therefore, be regarded as approximate whilst using the best available data at the time of reporting.

During the 1 in 200-year storm event, the water levels in the Kinnaird Burn at the site are typically in the order of 1.0m lower than the site and are contained within the channel.

The water levels in the Leuchars Burn indicate the eastern bank of the watercourse is overtopped during the design storm. As such, out-of-bank flow will flow downhill southeast across the adjacent field before joining the Kinnaird Burn downstream of the confluence. Such overtopping poses no flood risk to the site itself.

The peak water levels during the design storm are provided on Table 2, contained in the Appendix along with model outputs on Figure 9.

Dry emergency pedestrian and vehicular access/egress is available to the site throughout the design storm.

The proposed development lies outwith the functional floodplain and is thus considered to be **Little or No Risk** of fluvial flooding.

3.5.8 Sensitivity Analysis

In order to assess the stability and sensitivity of the hydraulic model to certain parameters, a variety of scenarios were analysed. The following parameters were assessed for sensitivity:

⁵

<https://sepaweb.maps.arcgis.com/apps/webappviewer/index.html?id=a01f82dbc66145f4a4b558d7b840f51a&extent=-2086266.4068%2C6926044.231%2C1044594.2717%2C9056497.0833%2C102100>

- Flow (1 in 200-year and 1 in 200-year plus 35% Peak Rainfall Intensity CCA)
- Manning's n Roughness Coefficient (+/-20%)
- Downstream boundary slope (+/-20%)

During the climate change scenario, the sensitivity analysis records an average increase of 190mm in the Kinnaird Burn and a maximum increase of 270mm at the footbridge. This increase is not sufficient to overtop the structure. The Kinnaird Burn remains within its banks during the climate change scenario.

The water levels in the Leuchars Burn also increase during the climate change scenario which will lead to more overland flow flowing southeast away from the site. This shall pose no flood risk to the site itself.

A universal decrease in Manning's n values of 20% results in generally decreased peak water levels in the Kinnaird Burn. The maximum recorded drop in water level is 180mm, with an average of 70mm. Inversely, increasing the Manning's values by 20% increases peak water levels by a maximum of 160mm and an average of 90mm. The model is considered to be sensitive to changes in Manning's values, however, the site remains significantly above the maximum water level from this sensitivity analysis. The results of this analysis are provided in Table 3, included in the Appendix.

Analysis of the downstream model boundary was undertaken with 20% steeper and 20% shallower slope. Under these scenarios the water levels at the downstream end of the model varied by a maximum of 50mm. The model is therefore not considered to be overly sensitive to changes in the downstream boundary parameter. The water levels at the site are unaffected by the downstream boundary analysis, thus confirming that the downstream boundary is located suitably far downstream of the site. The results of this analysis are provided in Table 4, included in the Appendix.

3.5.9 Peak Water Velocity

Table 5, contained within the Appendix, shows the maximum recorded water velocity at each cross section for the design storm event. The relatively steep slope of the Kinnaird Burn bed in conjunction with its straight course results in recorded water velocities as being between 1.17m/s and 3.28m/s. While somewhat high in places, the velocities are not considered unreasonable for this watercourse.

3.5.10 Maximum Froude & Courant Values

Table 6, contained within the Appendix, records the maximum Froude and Courant Values at each cross section for the design storm event.

The Kinnaird Burn varies between sub-critical ($Froude < 1$), critical ($Froude = 1$) and super-critical flow ($Froude > 1$) along its length. This variation is understood to be due to the change in the channel cross-sectional area along its length and the presence of the structures crossing the watercourse downstream of the site.

Higher Froude values in the Leuchars Burn are to be expected due to the anticipated overtopping of the channel banks.

A typical Courant value of less than 1 confirms that the chosen timestep is suitable for the cross-sectional spacing. The higher Courant value of 1.09 at Chainage 195m is understood to be due to the short spacing of the cross-sections at and around the structures downstream of the site.

The recorded maximum Froude and Courant values are considered to be reasonable and within hydraulic modelling tolerances.

3.5.11 Blockage Scenarios

Blockage scenarios were considered for both the footbridge and sewer crossing downstream of the site. Individual blockage scenarios of 15% and 30% total area blockage were considered reasonable due to the heavy vegetation on the banks.

Table 7, included in the Appendix, compares the various considered blockage scenarios to the baseline 1 in 200-year design storm event.

Blockage at the footbridge will increase peak water levels at the site, but neither the 15% nor the 30% blockage scenario will be sufficient to inundate the site.

Blockage at the sewer crossing will increase peak water levels in the immediate vicinity of the structure but will not affect the water levels at the site.

Thus, blockage in the structures will not result in bank overtopping, inundation of the site nor impede dry emergency vehicular or pedestrian access/egress at the site.

4 DISCUSSION AND RECOMMENDATIONS

4.1 GENERAL

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

- The site is at Little or No Risk of flooding from fluvial, coastal or groundwater sources.
- The site is at Low to Medium Risk of flooding from surface water or a failure in local drainage infrastructure.

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

Dry emergency pedestrian and vehicular access/egress is available to the site throughout all considered flooding scenarios.

4.2 DEVELOPMENT AND POSSIBLE MITIGATION MEASURES

It is recommended that a minimum Final Floor Level of 98.6m OD or above be adopted for the proposed development. This will provide an available freeboard of 600mm throughout the design storm plus climate change.

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

4.3 PHYSICAL WORKS ASSOCIATED WITH THE EXISTING WATERCOURSE

In relation to flood risk, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) may be affected by the proposed development. All Earthworks in the immediate vicinity of the Kinnaird Burn should be properly protected to ensure there is minimal pollution risk to the watercourse. Sediment control and runoff control measures will be required. It is recommended that discussions with SEPA are held with respect to CAR at an early stage of the design process.

4.4 EFFECTS ON SITE NEIGHBOURS

There are no anticipated adverse impacts on the watercourse and the proposed development will have a neutral effect on any site neighbours.

4.5 OVERALL FLOOD RISK ASSESSMENT CONCLUSION

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

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

The site lies outwith the 1 in 200-year functional floodplain. Access is freely available throughout all storm events.

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

-oo000oo-

Terrenus Land & Water Ltd wishes to thank the Lomond Group and 56three Architects for the opportunity to prepare this report and trust that it meets with your requirements. However, should you wish to discuss the contents of the report then please do not hesitate to contact the undersigned.

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


William Hume
Director

**BENARTY ROAD, BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**


APPENDICES

**BENARTY ROAD, BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**

FIGURES




©2020 Microsoft. Image courtesy of Ordnance Survey

Client: Lomond Group	Drawing Title: Site Location Plan	
Project: Benarty Road, Blairfordel, Kelty		
Date:16/07/2020	Figure 1	
Grid Ref: NT 14707 95815		
SCALE: N.T.S.		
		International House, Hamilton International Park, Stanley Boulevard, Hamilton, G72 0BN www.terrenus.co.uk
		DO NOT SCALE



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United Kingdom

Client: Lomond Group	Figure Title: Site Boundary	International House, Hamilton International Park, Stanley Boulevard, Hamilton, G72 0BN www.terrenus.co.uk	
Project: Benarty Road, Blairfordel, Kelty			
Date: 20/07/20	Figure 2		
Grid Ref: NT 14707 95815			
SCALE: N.T.S.			
		DO NOT SCALE	



Copyright: Imagery ©2020 CNES / AIRBUS, Getmapping plc, Maxar Technologies, Map data ©2020 Google

United Kingdom

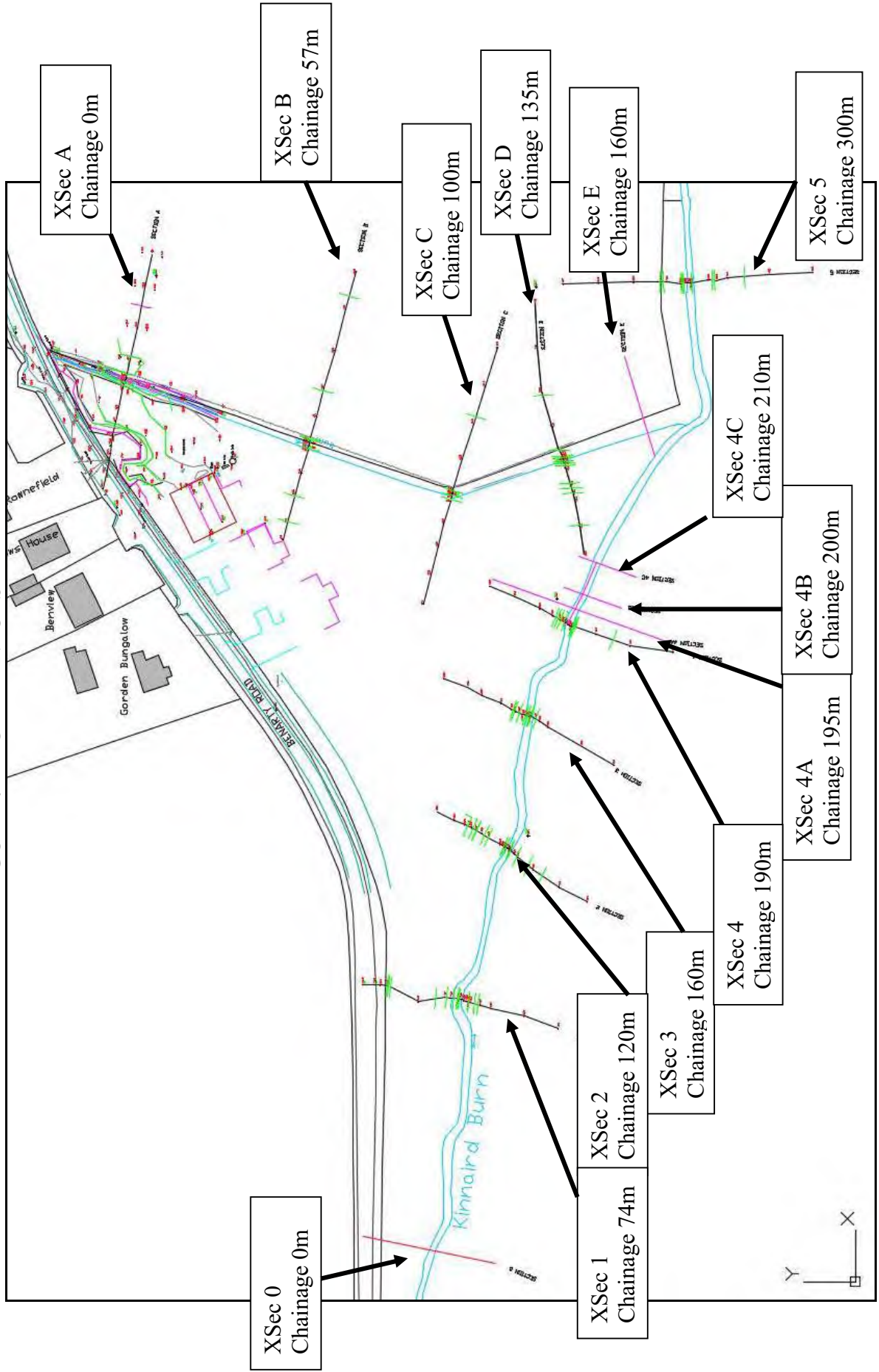
Client: Lomond Group	Figure Title: Survey Comparison Points	International House, Hamilton International Park, Stanley Boulevard, Hamilton, G72 0BN www.terrenus.co.uk	
Project: Benarty Road, Blairfordel, Kelty			
Date: 20/07/20	Figure 5		
Grid Ref: NT 14707 95815			
SCALE: N.T.S.			
		DO NOT SCALE	

BENARTY ROAD, BLAIRFORDEL, KELTY FLOOD RISK ASSESSMENT REPORT

FOR

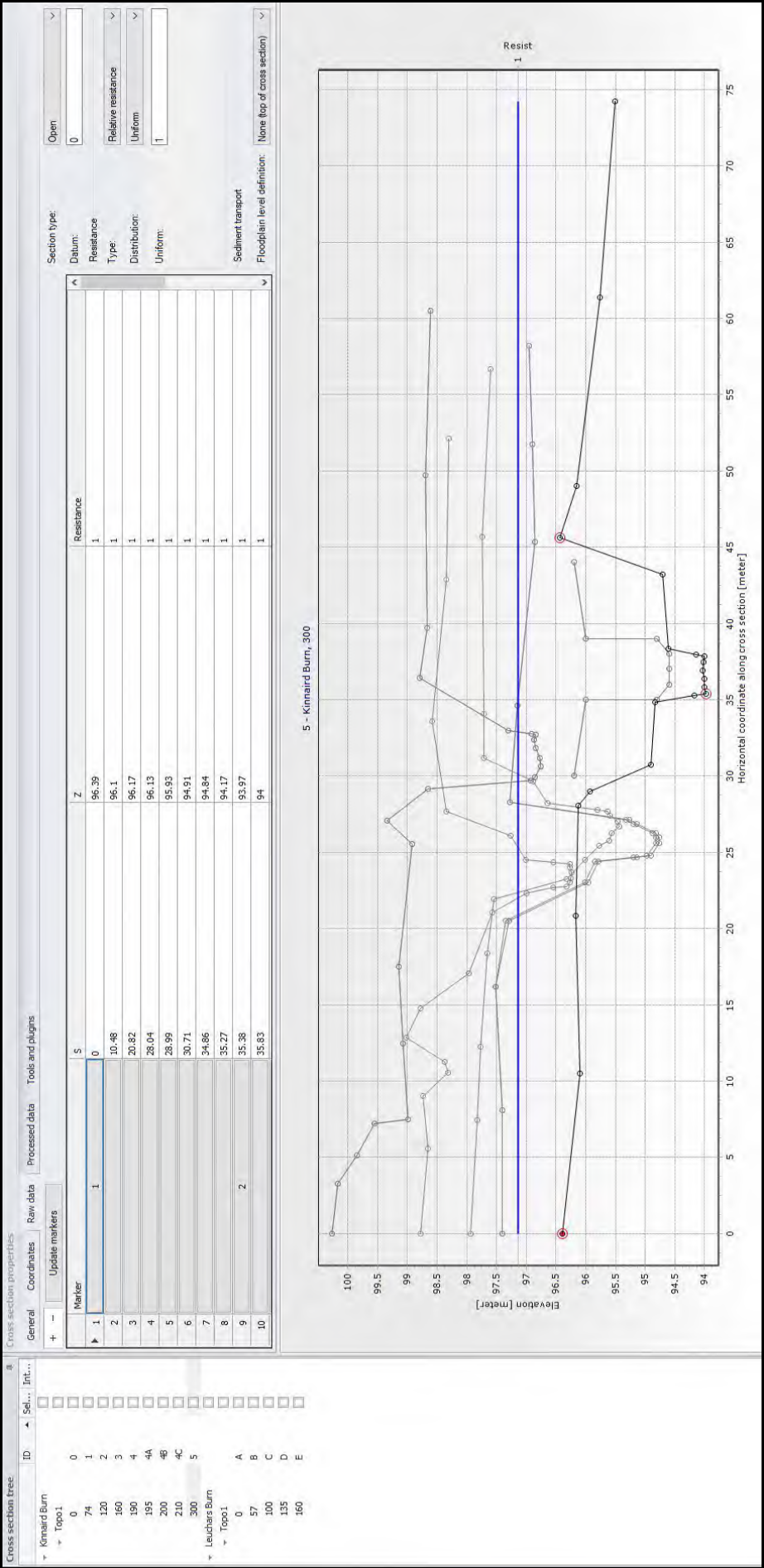
LOMOND GROUP

FIGURE 7 - MODEL INPUTS



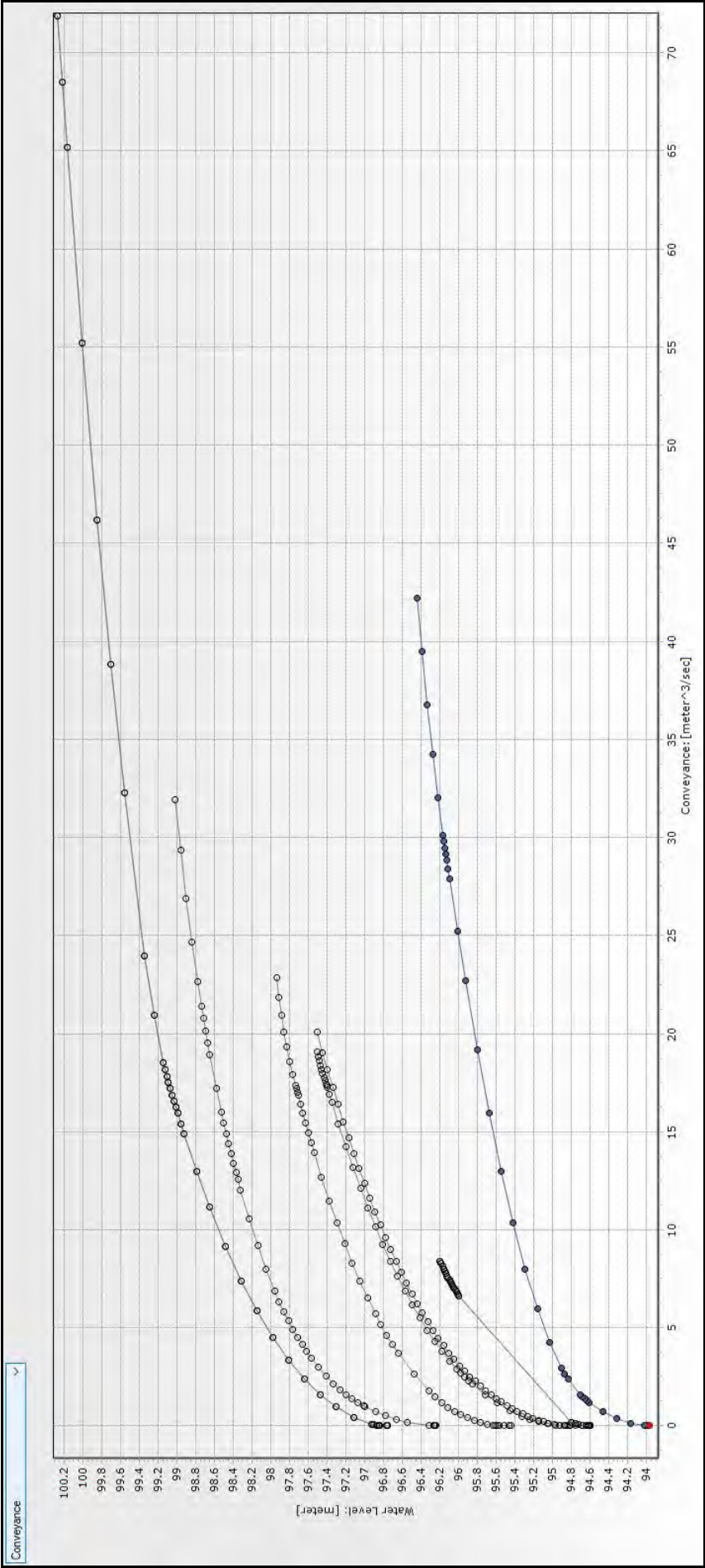
Plan View of Network Profile

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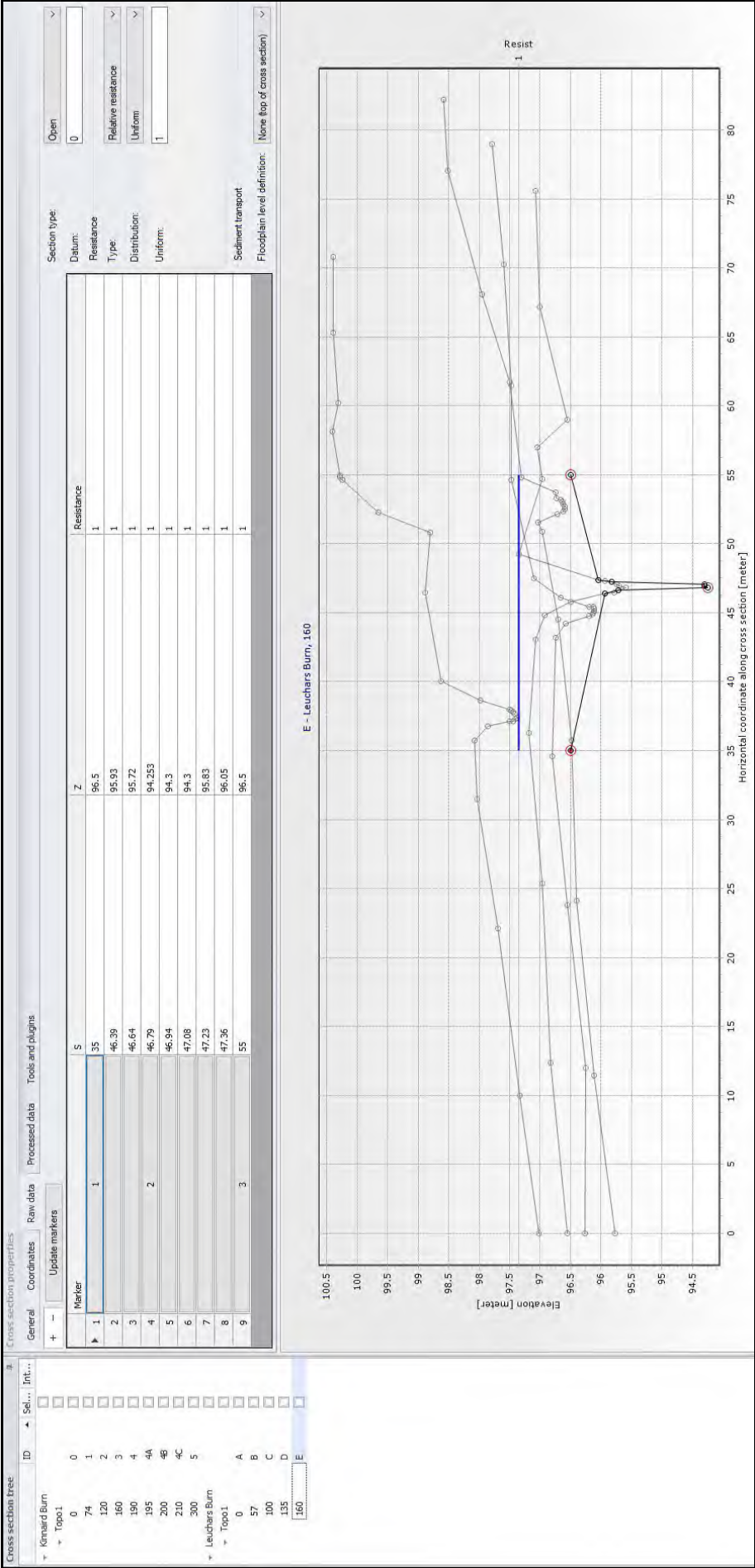


Kinnaird Burn Cross Section Tree

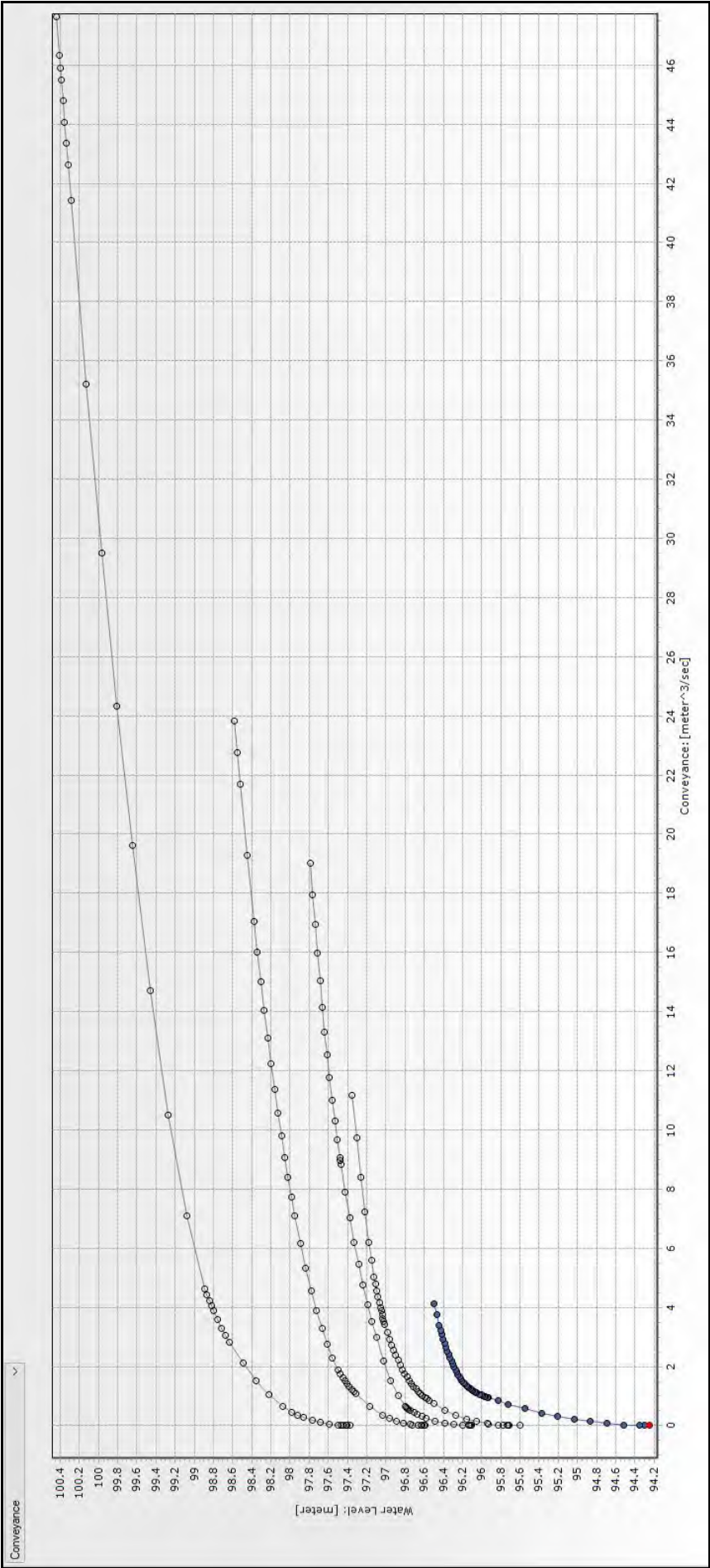
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Leuchars Burn Conveyance Curves

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Location

River Name
Kinnaird Burn

Chainage
192

ID
FBOT

Type
Regular

Edit description...

Attributes

Type
Broad Crested Weir

Valve
None

Geometry

Type
Level-Width

Datum
0

Head Loss Factor

Positive Flow
0.5

OutFlow
1

Free Overflow
1

Negative Flow
0.5

OutFlow
1

Free Overflow
1

Graphic

Horizontal offset from marker 2
0

Plot...

Free Overflow Q/h-relations

No of Q/h-relations
20

Calculate Q/h-relations

Level

Width

1
97.3
8

2
97.7
60

Q

H-Pos

H-Neg

H-Weir

1
0
97.3
97.3

2
0.0857963
97.3359
97.3359
97.3211

3
0.26882
97.3702
97.3702
97.3421

4
0.541925
97.4032
97.4033
97.3632

5
0.908371
97.4351
97.4352
97.3842

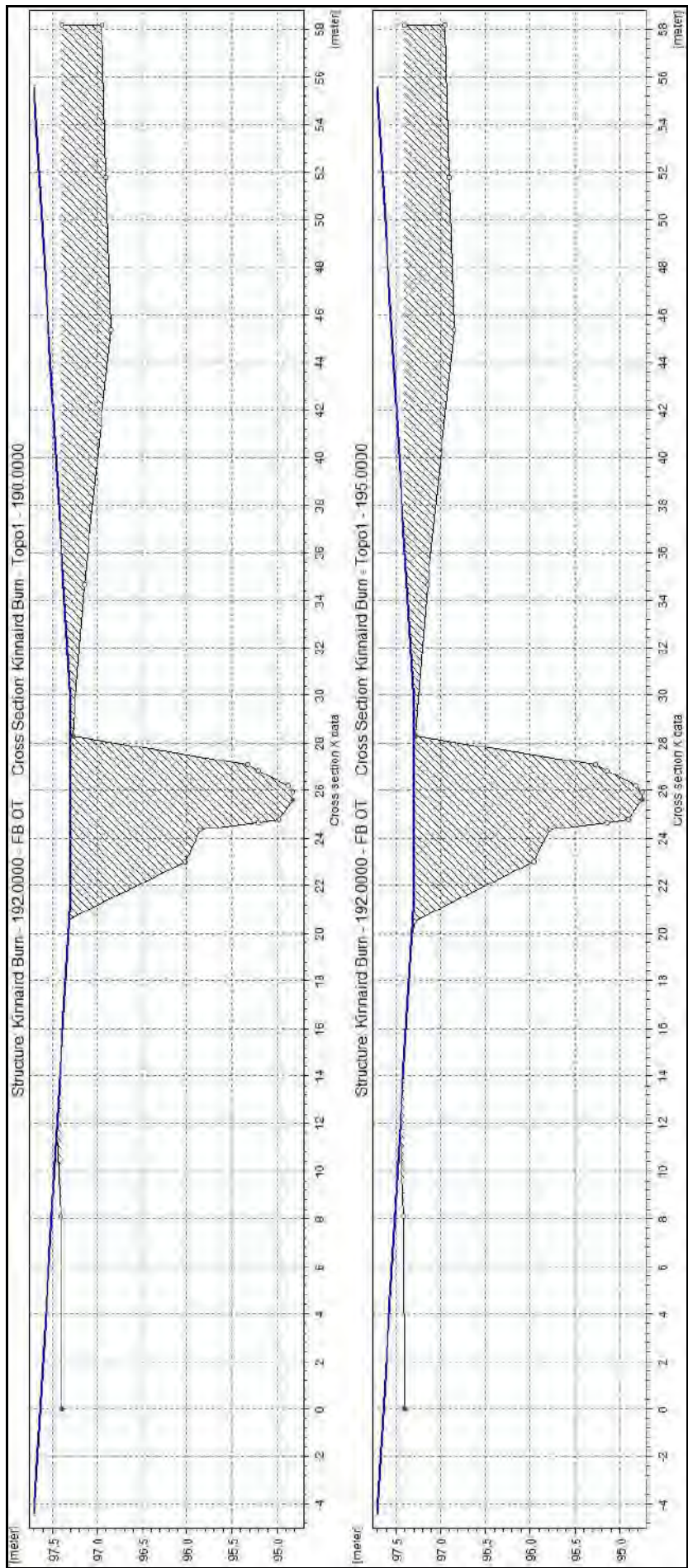
6
1.37294
97.4661
97.4663
97.4053

Overview

	River	Chain.	ID	Type	Valve
1	Kinnaird Burn	205	pipe OT	Broad Crested Weir	None
2	Kinnaird Burn	192	FB OT	Broad Crested Weir	None

Footbridge Weir Network Details

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Branch Name

Kinnaird Burn

Chainage

192

ID

FB

Type

Regular

Attributes

Upstream Invert

94.83

Down Str. Invert

94.77

Length

1.8

Manning's n

0.013

No. of Culverts

1

Valve Regulation

None

Section Type

Closed

Head Loss Factor

Positive Flow

0.5

Out Flow

1

Free Overflow

1

Bends

0

Negative Flow

0.5

1

1

0

Geometry

Type

Irregular, Level-Width Table

Irregular

	Level	W	h
1	94.83	0.5	
2	94.88	1	
3	95.2	2.19	

Circular

Diameter

0

Rectangular

Width

0

Height

0

Graphic

Horizontal offset from marker 2

0

Plot....

Flow Conditions

Q-h relations

Hydraulic Parameters

Orifice Flow Coefficients

	y	Qc	Po	Type
1	0	0	No Flow	
2	0.01957	0.00262	Inlet C	
3	0.06813	0.02594	Inlet C	

	y	Qc	Ne	Type
1	0.06000	0	No Flow	
2	0.08206	0.00262	Outlet C	
3	0.13435	0.02594	Outlet C	

No of Q/h-relations

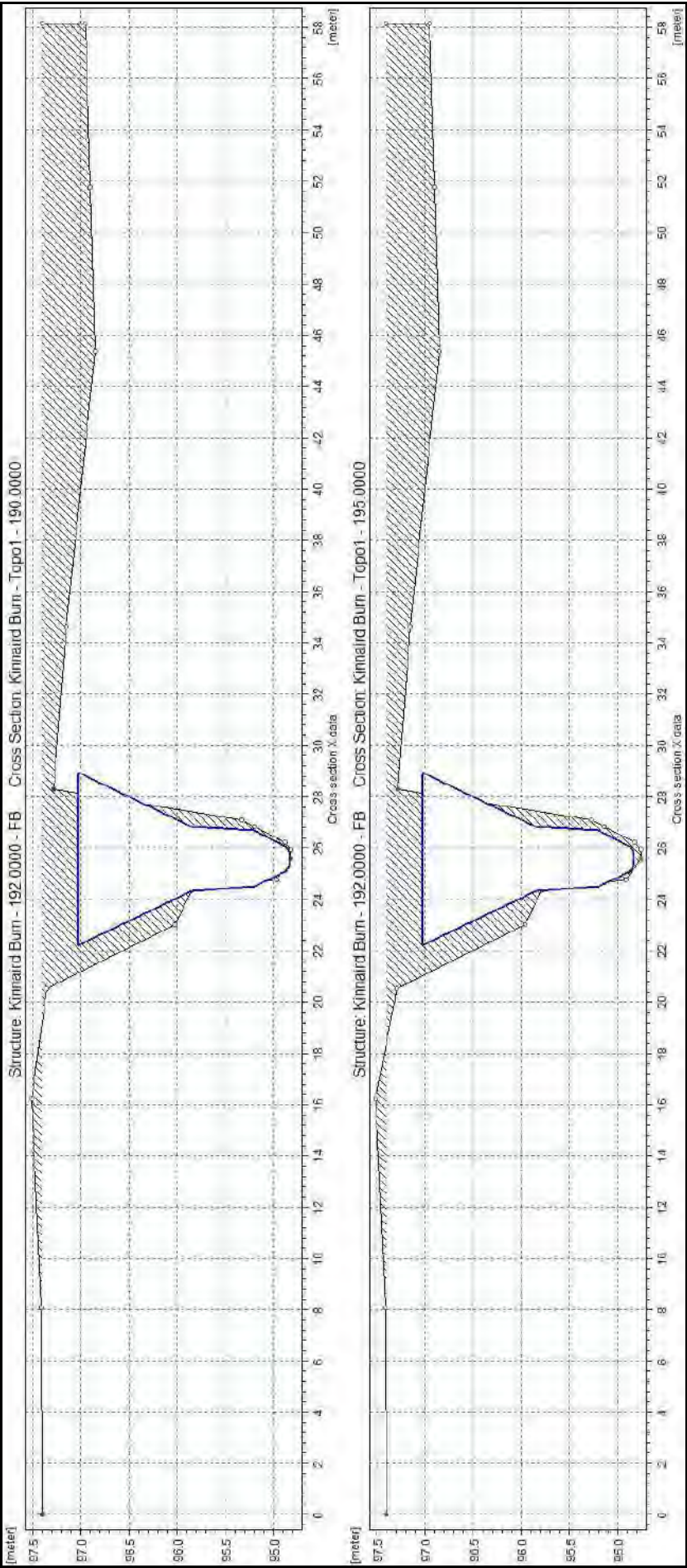
40

Calculate Q-h...

	Branch	Chain.	ID	Upstream Invert	Downstream Invert	Length	Manning's n
1	Kinnaird Burn	205	pipe	94.6	94.6	0.5	0.045
2	Kinnaird Burn	192	FB	94.83	94.77	1.8	0.013

Footbridge Culvert Network Details

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Footbridge Culvert Network Plot

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Location

River Name
Kinnaird Burn

Chainage
205

ID
pipe OT

Type
Regular

Attributes
Broad Crested Weir

Type
Broad Crested Weir

Valve
None

Head Loss Factor

Positive Flow
0.5

OutFlow
1

Free Overflow
1

Negative Flow
0.5

OutFlow
1

Free Overflow
1

Graphic
Horizontal offset from marker 2
0

Plot...

Geometry

Type
Level-Width

Datum
0

Level-Width
Level
Width
1
96.3
4
2
96.5
10
3
96.8
30

Free Overflow Q/h-relations

No of Q/h-relations
20

Calculate Q/h-relations

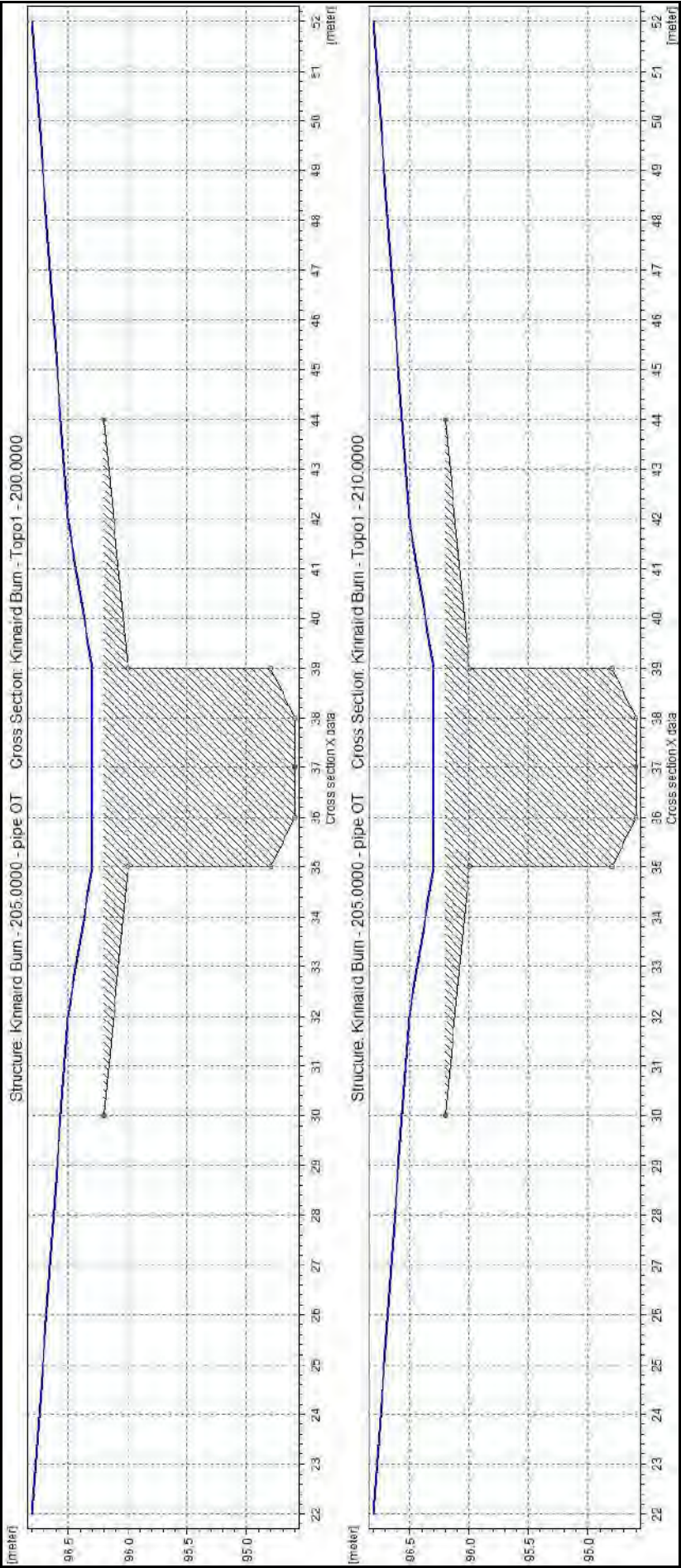
Q
H-Pos
H-Neg
H-Weir
1
0
96.3
96.3
96.3
2
0.0572191
96.3453
96.3453
96.3263
3
0.172381
96.3894
96.3894
96.3526
4
0.336064
96.4323
96.4323
96.3789
5
0.54725
96.4742
96.4742
96.4053
6
0.806517
96.5153
96.5153
96.4316

Overview

	River	Chain.	ID	Type	Valve
1	Kinnaird Burn	205	pipe OT	Broad Crested Weir	None
2	Kinnaird Burn	192	FB OT	Broad Crested Weir	None

Pipe Weir Network Details

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Branch Name

Kinnaird Burn

Chainage

205

ID

pipe

Type

Regular

Attributes

Upstream Invert

94.5

DownStr. Invert

94.5

Length

0.5

Manning's n

0.045

No. of Culverts

1

Valve Regulation

None

Section Type

Closed

Head Loss Factor

Positive Flow

0.5

Negative Flow

0.5

Inflow

1

Out Flow

1

Free Overflow

1

Bends

0

Geometry

Type

Irregular, Level-Width Table

Irregular

	Level	W
1	94.6	2
2	94.8	3.9
3	95.8	3.0

Circular

Diameter

0

Rectangular

Width

0

Height

0

Flow Conditions

Q-h relations

Hydraulic Parameters

Orifice Flow Coefficients

	y	Qc, Po	Type
1	0	0	No Flow
2	0.02281	0.00401	Outlet C
3	0.04814	0.03267	Outlet C

No of Q/h-relations

40

Calculate Q-h...

Graphic

Horizontal offset from marker 2

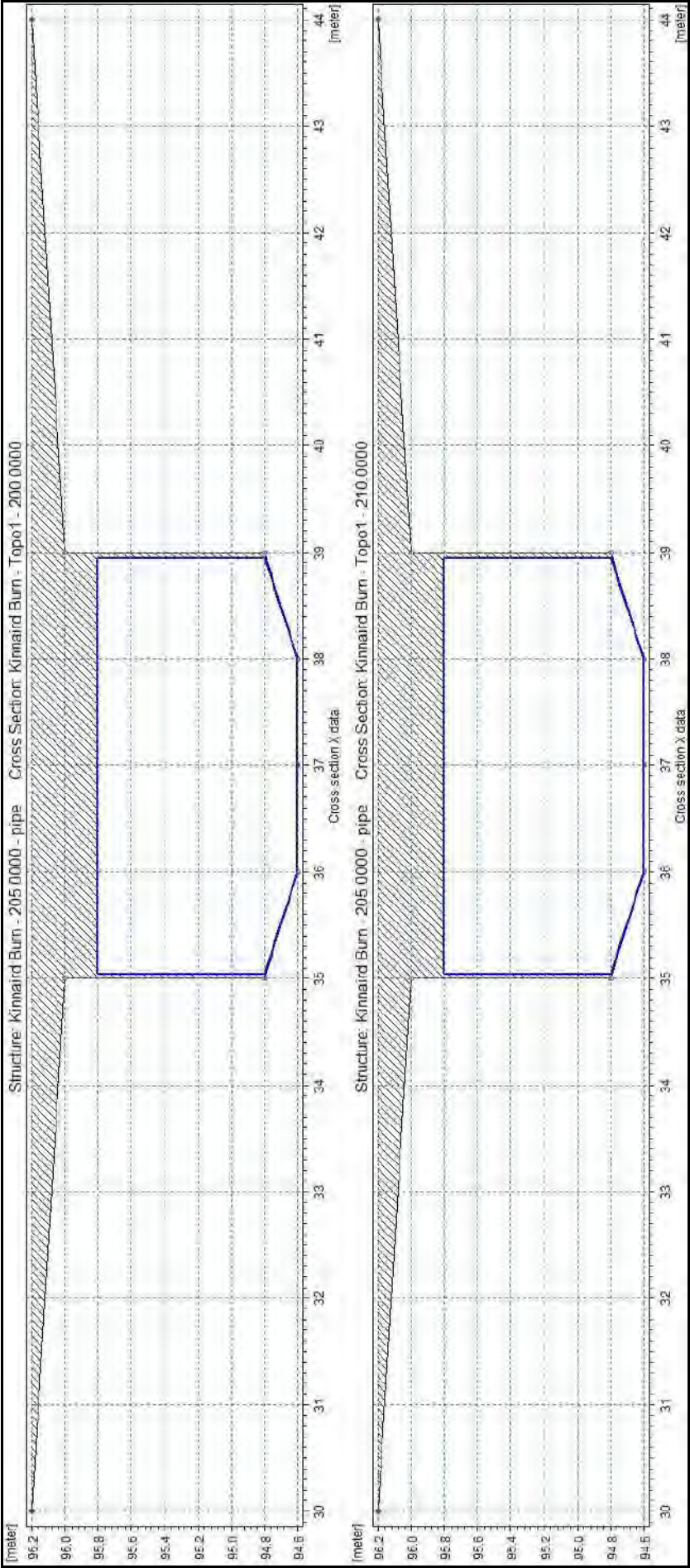
0

Plot...

	Branch	Chain.	ID	Upstream Invert	Downstream Invert	Length	Manningsn
1	Kinnaird Burn	205	pipe	94.6	94.6	0.5	0.045
2	Kinnaird Burn	192	FB	94.83	94.77	1.8	0.013

Pipe Culvert Network Details

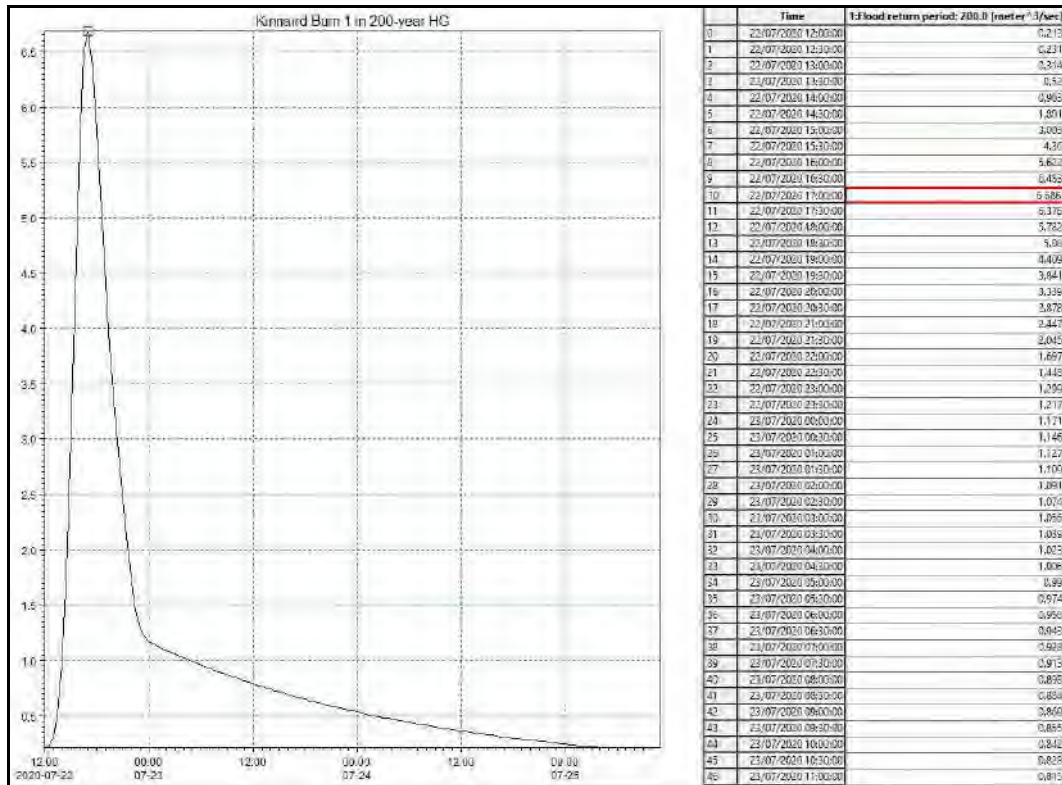
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FOR
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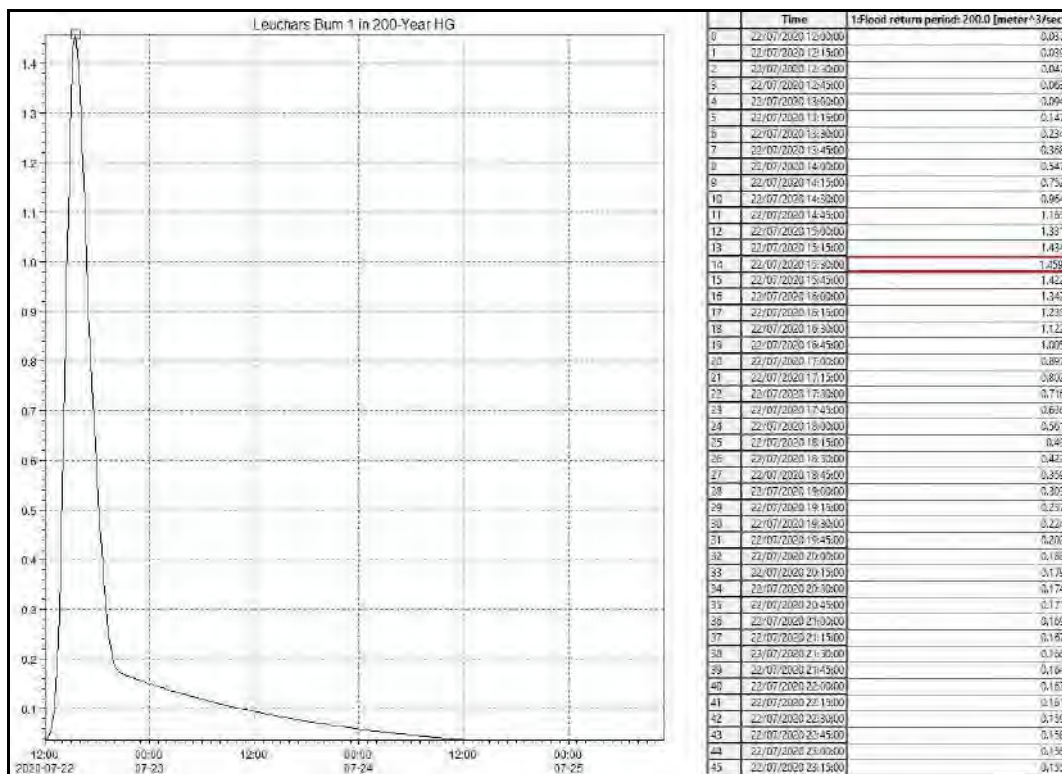
Pipe Culvert Network Plot

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FIGURE 8 – INFLOW HYDROGRAPHS

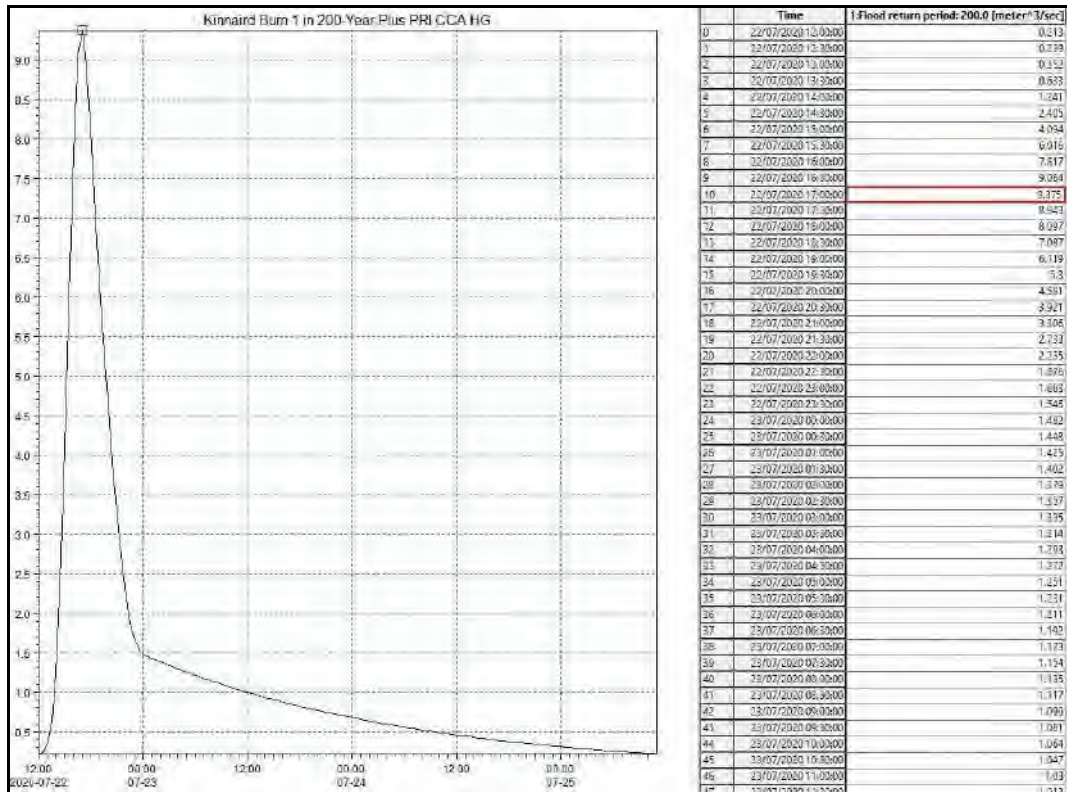


Kinnaird Burn 1 in 200-year Inflow Hydrograph

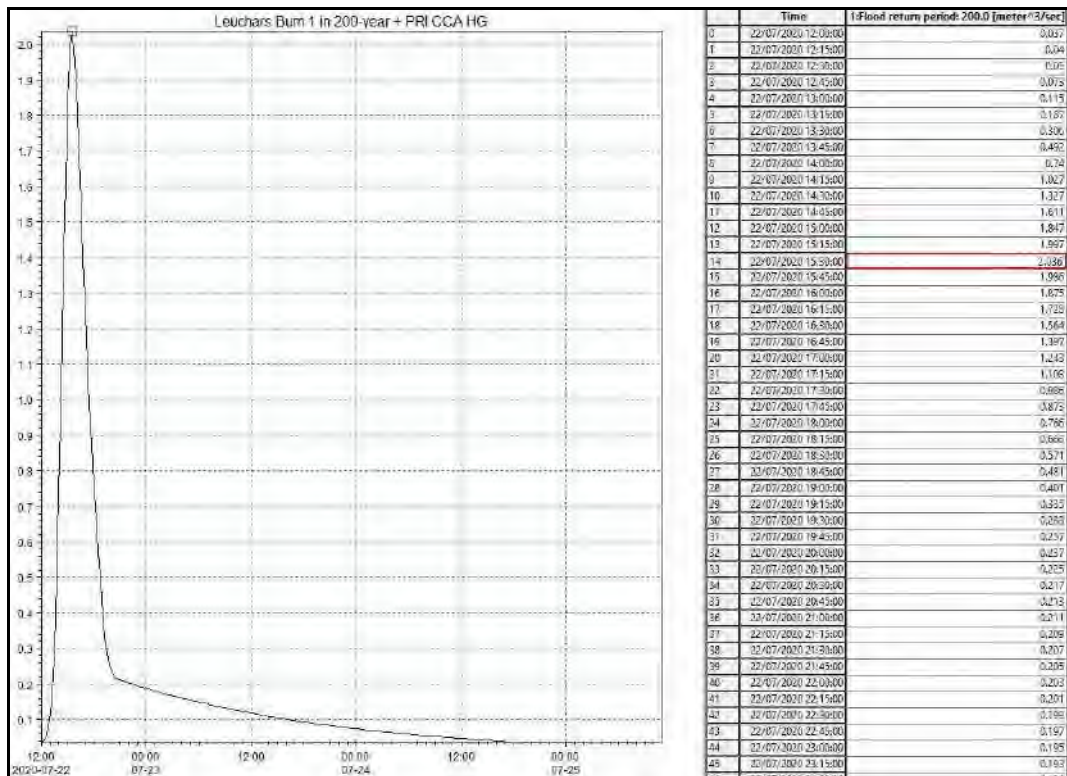


Leuchars Burn 1 in 200-year Inflow Hydrograph

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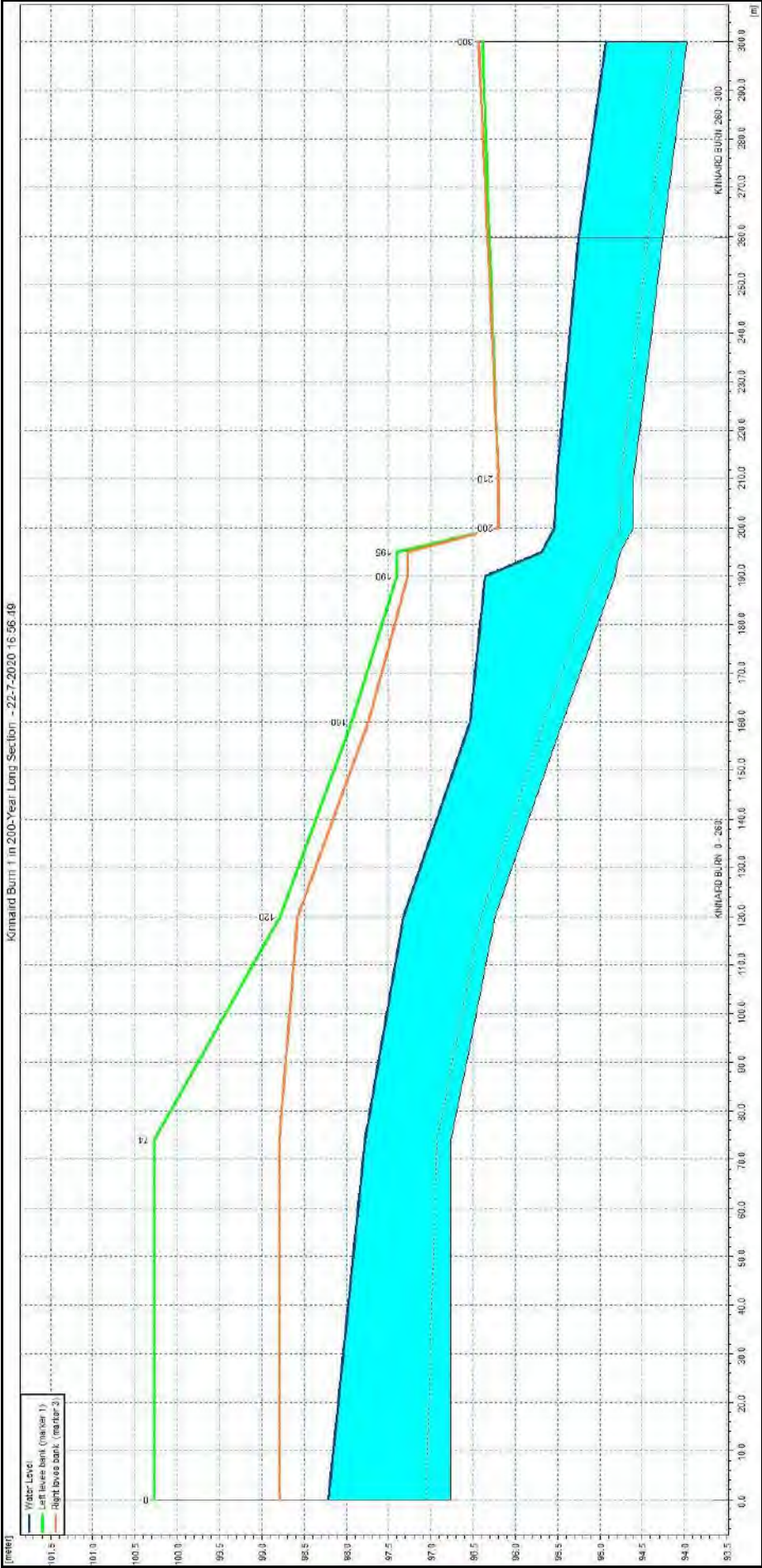
Kinnaird Burn 1 in 200-year +35% PRI CCA Inflow Hydrograph



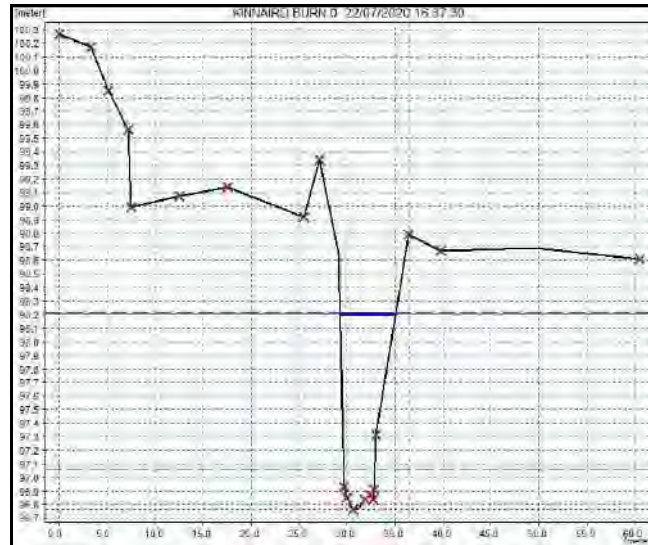
Leuchars Burn 1 in 200-year +35% PRI CCA Inflow Hydrograph

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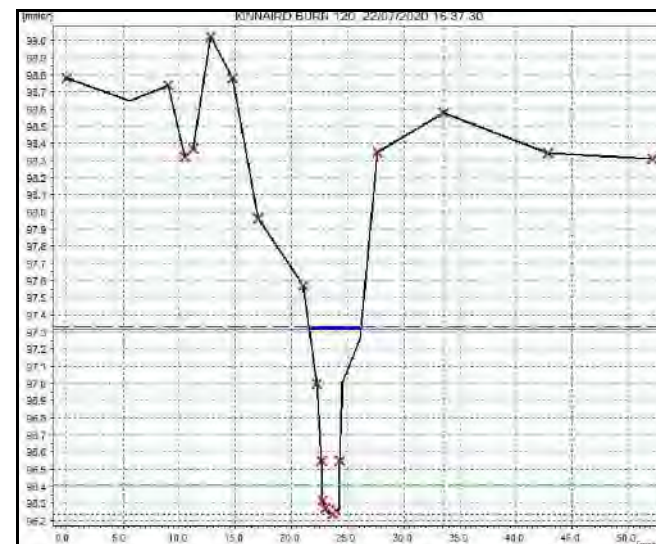
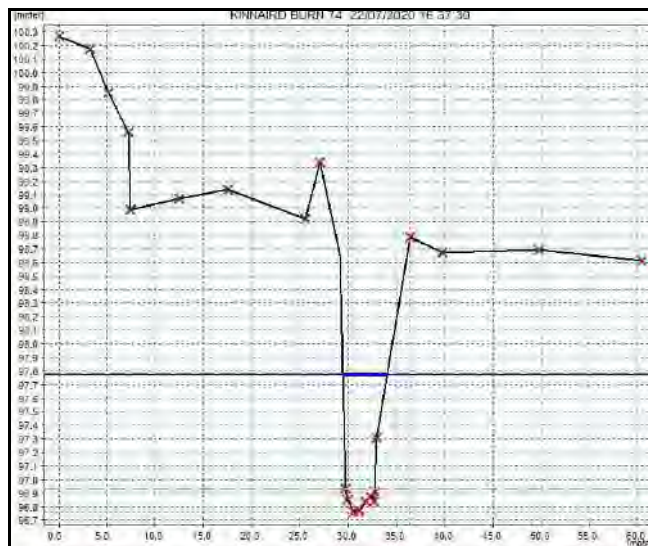
FIGURE 9 - MODEL OUTPUTS



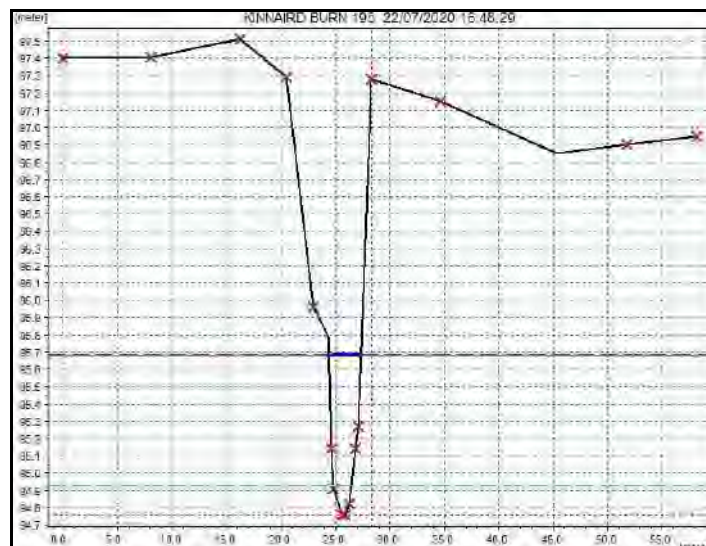
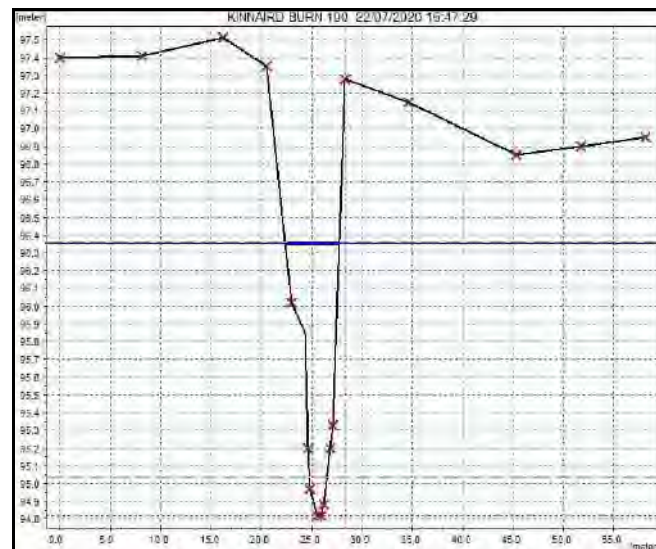
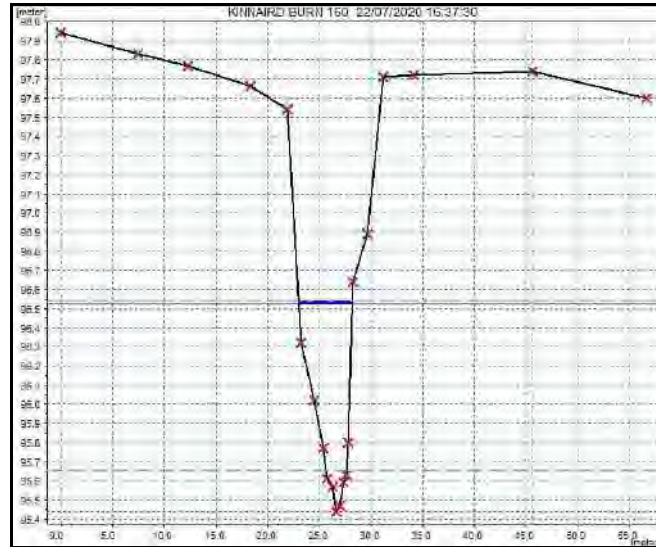
BENARTY ROAD, BLAIRFORDEL, KELTY FLOOD RISK ASSESSMENT REPORT FOR LOMOND GROUP



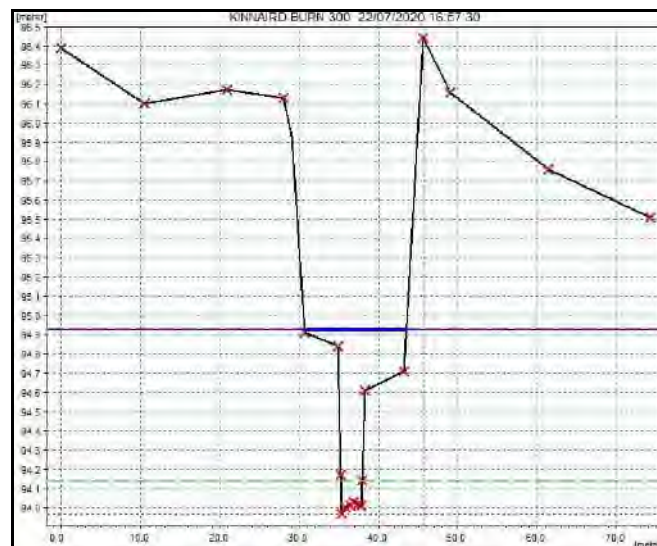
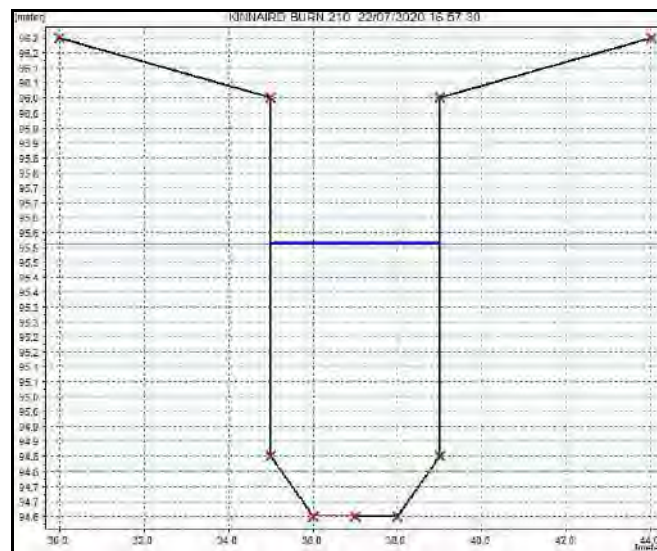
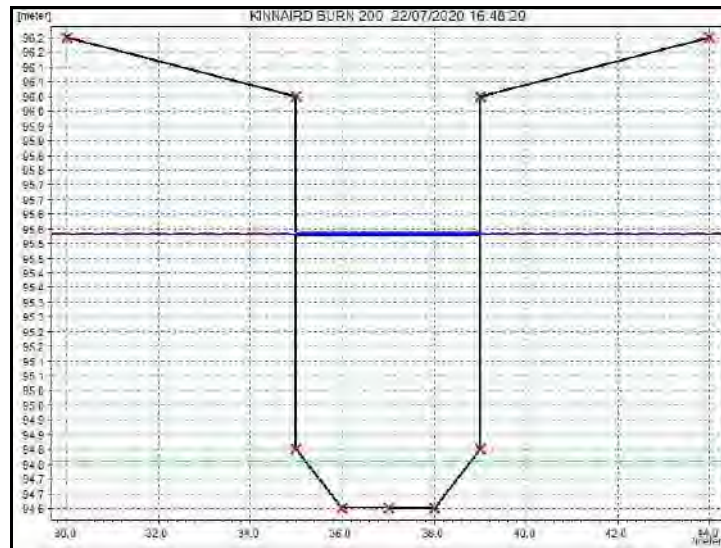
1 in 200-year
event peak
water level



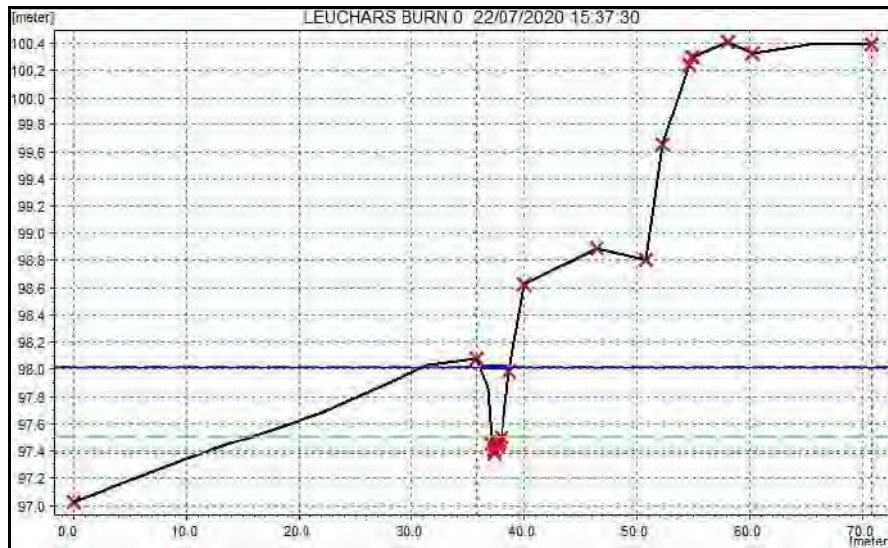
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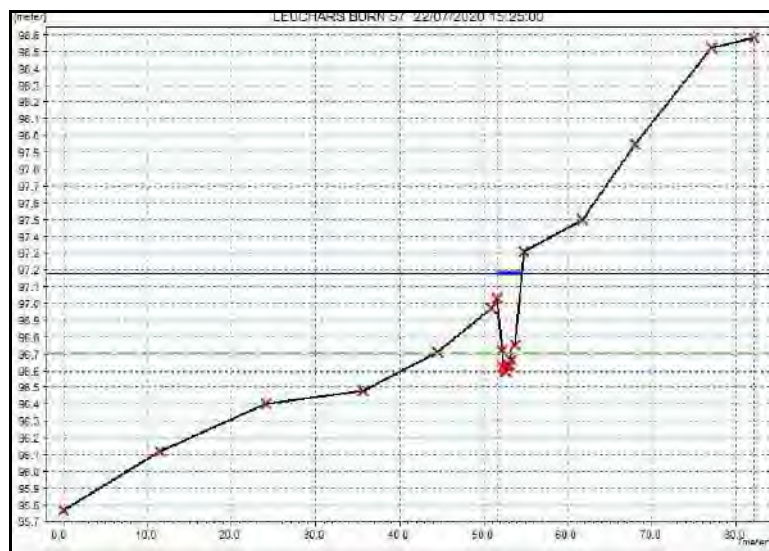
BENARTY ROAD, BLAIRFORDDEL, KELTY FLOOD RISK ASSESSMENT REPORT FOR LOMOND GROUP



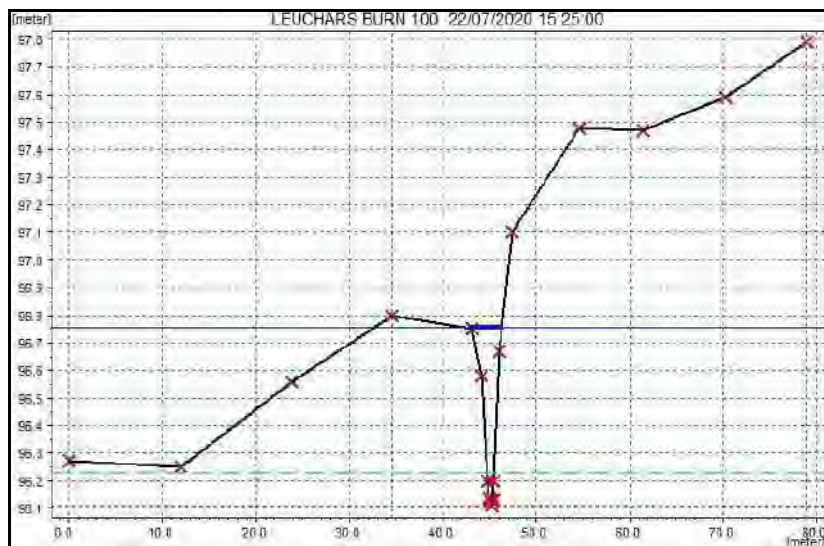
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Leuchars Burn Output Section A Chainage 0m

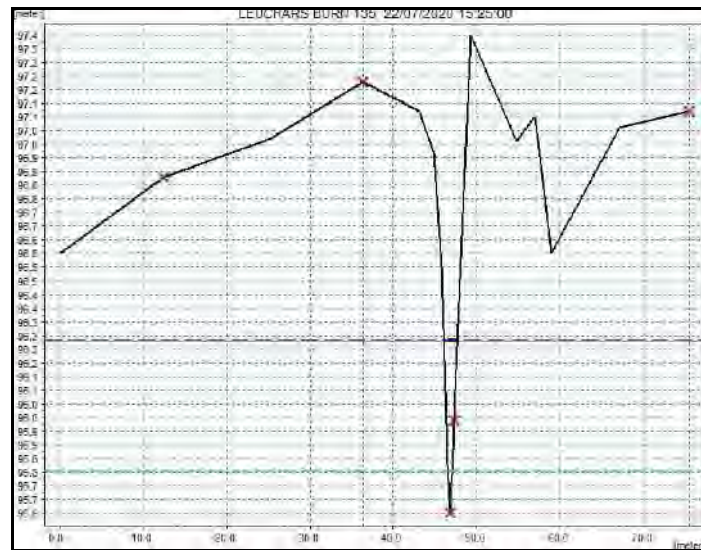


Leuchars Burn Output Section B Chainage 57m

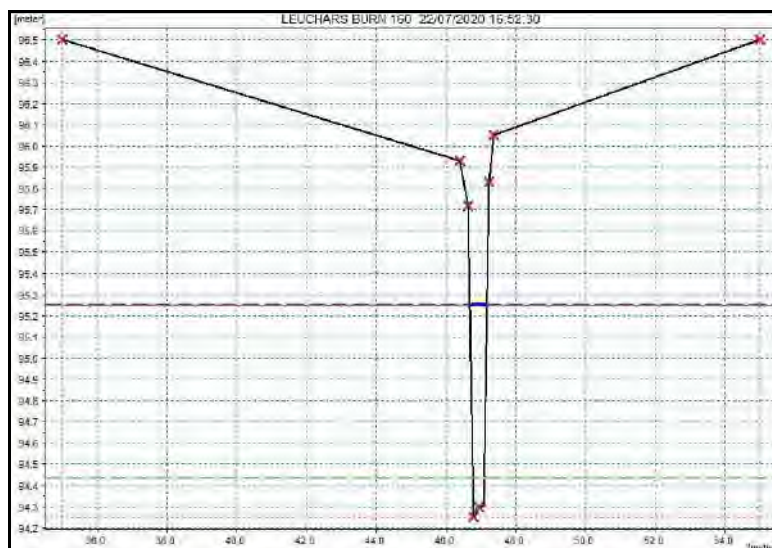


Leuchars Burn Output Section C Chainage 100m

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Leuchars Burn Output Section D Chainage 135m



Leuchars Burn Output Section E Chainage 160m

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FLOOD RISK ASSESSMENT
FOR
LOMOND GROUP**

DRAWINGS



APPLICATION BOUNDARY
APPLICANT OWNERSHIP
CONSTRUCTION EXCLUSION ZONE TO
PROTECT EXISTING TREES

REV

Title: Proposed Site Plan
Project: 2 House Plot, Benarty Road by Kelly
Client: Lomond Group (Scotland) Ltd
Date: 03.06.2020
Scale: 1:250 @ A2
Rev: 01

56three
ARCHITECTS
0131 220 3003 | info@56three.com

Do not scale from this drawing
This drawing is for information only and does not constitute a contract. The client is responsible for ensuring that the drawing is used for the intended purpose and that all relevant planning and building regulations are followed.

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FOR
LOMOND GROUP**

TABLES

Table 1 - Summary of Peak Flow Volumes

All flow volumes are expressed in m ³ /s				
		Rainfall Runoff (FEHRR)	ReFH2.3.1	Estimated Peak Flow
	1 in 200 year	10.45	6.69	6.69
Kinnaird Burn	1 in 200 year plus 35% Peak Rainfall Intensity CCA	N/A	9.37	9.37
	1 in 200 year	2.35	1.46	1.46
Leuchars Burn	1 in 200 year plus 35% Peak Rainfall Intensity CCA	N/A	2.04	2.04


Job No: 1836-200
Table 2 - Design Flow Sensitivity Analysis

	Section number	Chainage (m)	Peak Water Level (mOD) for Existing Ground Levels	
			1 in 200-Year Storm Event	1 in 200-Year Storm Event +35% PRI CCA
Kinnaird Burn	1A	0	98.21	98.42
	1	74	97.78	97.97
	2	120	97.33	97.50
	3	160	96.54	96.77
	4	190	96.36	96.63
	4A	195	95.69	95.87
	4B	200	95.54	95.72
	4C	210	95.51	95.68
	5	300	94.93	95.05
	A	0	98.02	98.11
	B	57	97.18	97.26
Leuchars Burn	C	100	96.76	96.82
	D	135	96.24	96.33
	E	160	95.25	95.39

 : Denotes cross-section in relation to site

Job No: 1836-200
Table 3 - Manning's n Roughness Coefficient Sensitivity Analysis

	Section number	Chainage (m)	Peak Water Level (mOD) for Existing Ground Levels			
			1 in 200-Year Storm Event at Mannings of 0.036n	1 in 200-Year Storm Event at Baseline Mannings of 0.045n	1 in 200-Year Storm Event at Mannings of 0.054n	
Kinnaird Burn	1A	0	98.03	98.21	98.33	
	1	74	97.67	97.78	97.94	
	2	120	97.24	97.33	97.40	
	3	160	96.49	96.54	96.59	
	4	190	96.36	96.36	96.36	
	4A	195	95.64	95.69	95.80	
	4B	200	95.52	95.54	95.68	
	4C	210	95.41	95.51	95.60	
	5	300	94.86	94.93	94.99	
	A	0	97.96	98.02	98.07	
	B	57	97.12	97.18	97.23	
Leuchars Burn	C	100	96.70	96.76	96.80	
	D	135	96.18	96.24	96.29	
	E	160	95.12	95.25	95.33	

 : Denotes cross-section in relation to site

Job No: 1836-200
Table 4 - Downstream Boundary Condition Sensitivity Analysis

	Section number	Chainage (m)	Peak Water Level (mOD) for Existing Ground Levels		
			1 in 200-Year Storm Event with Downstream Slope of 0.010m/m	1 in 200-Year Storm Event with Baseline Downstream Slope of 0.012m/m	1 in 200-Year Storm Event with Downstream Slope of 0.014m/m
Kinnaird Burn	1A	0	98.21	98.21	98.21
	1	74	97.78	97.78	97.78
	2	120	97.33	97.33	97.33
	3	160	96.54	96.54	96.54
	4	190	96.36	96.36	96.36
	4A	195	95.69	95.69	95.69
	4B	200	95.59	95.54	95.53
	4C	210	95.51	95.51	95.51
	5	300	94.96	94.93	94.91
	A	0	98.02	98.02	98.02
Leuchars Burn	B	57	97.18	97.18	97.18
	C	100	96.76	96.76	96.76
	D	135	96.24	96.24	96.24
	E	160	95.26	95.25	95.25

 : Denotes cross-section in relation to site

Table 5 - Cross Sectional Maximum Velocity

		Section number	Chainage (m)	Peak Water Velocity (m/s) for Existing Ground Levels
Kinnaird Burn	1A		0	1.17
	1		74	1.93
	2		120	2.72
	3		160	1.90
	4		190	1.55
	4A		195	3.28
	4B		200	1.89
	4C		210	2.48
	5		300	1.72
	A		0	1.63
Leuchars Burn	B		57	1.24
	C		100	1.55
	D		135	2.71
	E		160	4.82

 : Denotes cross-section in relation to site


Table 6 - Froude & Courant Numbers (Maximum Values)

		Section number	Chainage (m)	Froude Number 1 in 200-Year Storm Event	Courant Number 1 in 200-Year Storm Event
Kinnaird Burn	1A	0		0.38	0.03
	1	74		0.71	0.05
	2	120		1.22	0.12
	3	160		0.90	0.10
	4	190		0.62	0.10
	4A	195		1.31	1.09
	4B	200		0.65	0.76
	4C	210		1.02	0.50
	5	300		1.00	0.09
	A	0		0.90	0.06
Leuchars Burn	B	57		0.64	0.04
	C	100		1.03	0.07
	D	135		1.50	0.16
	E	160		2.06	0.39

: Denotes cross-section in relation to site

Job No: 1836-200
Table 7 - Blockage Scenarios

	Section number	Chainage (m)	Peak Water Level (mOD) for Existing Ground Levels			
			1 in 200-Year Storm Event 15% Blockage at Footbridge	1 in 200-Year Storm Event with 30% Blockage at Footbridge	1 in 200-Year Storm Event with 15% Blockage at Pipe Crossing	1 in 200-Year Storm Event with 30% Blockage at Pipe Crossing
Kinnaird Burn	1A	0	98.21	98.22	98.21	98.21
	1	74	97.78	97.80	97.78	97.78
	2	120	97.33	97.34	97.33	97.33
	3	160	96.54	96.64	96.54	96.54
	4	190	96.36	96.55	96.36	96.36
	4A	195	95.69	95.69	95.80	95.93
	4B	200	95.54	95.54	95.72	95.96
	4C	210	95.51	95.51	95.51	95.51
	5	300	94.93	94.93	94.93	94.93
	A	0	98.02	98.02	98.02	98.02
Leuchars Burn	B	57	97.18	97.18	97.18	97.18
	C	100	96.76	96.76	96.76	96.76
	D	135	96.24	96.24	96.24	96.24
	E	160	95.25	95.25	95.25	95.25

 : Denotes cross-section in relation to site

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FOR
LOMOND GROUP**

PHOTOGRAPHIC PLATES

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LOMOND GROUP



Plate 1 – View northwest across field north of site



Plate 2 – View northeast across field north of site

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Plate 3 – View of Benarty Road and Kinnaird Burn culvert on left



Plate 4 – View of field south of site and Kinnaird Burn

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Plate 5 – View east along Benarty Road towards site entrance



Plate 6 – Kinnaird Burn upstream of Benarty Road

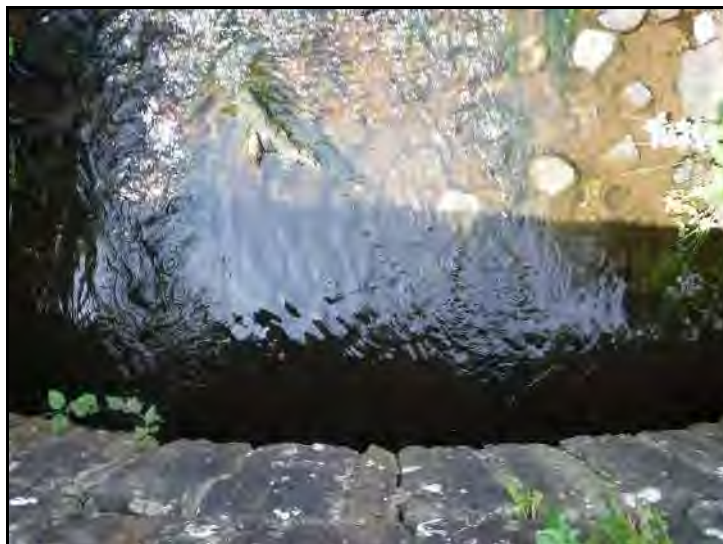


Plate 7 – Upstream face of Kinnaird Burn culvert

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Plate 8 – View of Benarty Road and Kinnaird Burn culvert upstream face on right



Plate 9 – View east across field south of site



Plate 10 – View of Kinnaird Burn upstream of site

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Plate 11 – View of new footbridge downstream of site



Plate 12 – Looking upstream from footbridge



Plate 13 – View of Leuchars Burn upstream of Benarty Road

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Plate 14 – View of upstream face of Leuchars Burn culvert



Plate 15 – View southwest along Benarty Road at Leuchars Burn culvert towards site



Plate 16 – View of Leuchars Burn downstream of Benarty Road

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FOR
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Plate 17 – View of downstream face of Leuchars Burn culvert



Plate 18 – View of Leuchars Burn adjacent to properties east of site



Plate 19 – View of Leuchars Burn adjacent to properties east of site

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Plate 20 – Looking upstream along Leuchars Burn from confluence



Plate 21 – View of Leuchars Burn as it joins Kinnaird Burn

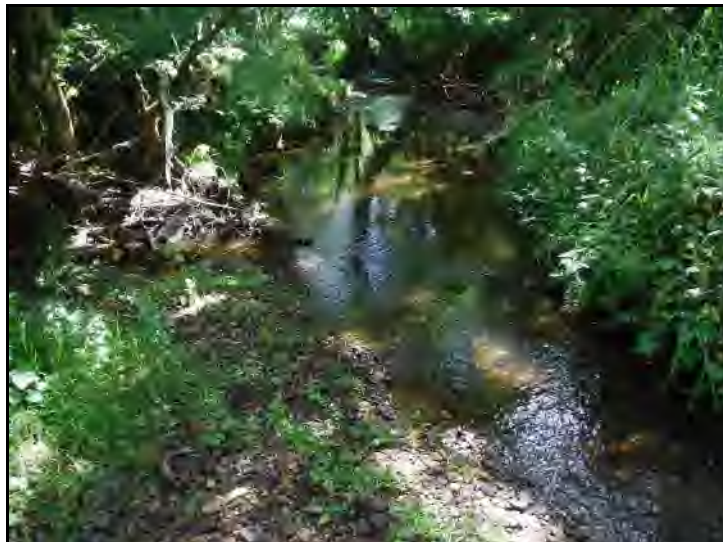
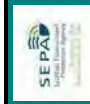


Plate 22 – View of downstream end of model

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FOR
LOMOND GROUP**

SEPA FRA CHECKLIST



Flood Risk Assessment (FRA) Checklist

(SS-NFR-F-001 - Version 14 - Last updated 28/05/2019)

This document must be attached within the front cover of any Flood Risk Assessments issued to Local Planning Authorities (LPA) in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist SEPA in reviewing FRAs, when consulted by LPAs. This document should not be a substitute for a FRA.

Development Proposal Summary

Site Name:	Benarty Road, Blairfordel, Kelty		
Grid Reference:	Easting: 314707	Northing: 695815	
Local Authority:	Perth and Kinross Council		
Planning Reference number (if known):			
Nature of the development:	Residential		
Size of the development site:	0.34 Ha		
Identified Flood Risk:	Source:	Combined	Source name: Leuchars Burn, Kinradd Burn

Land Use Planning

Is any of the site within the functional floodplain? (refer to SPP para 255)

Is the site identified within the local development plan?	No	If yes, what is the net loss of storage?		m ³
If yes, what is the proposed use for the site as identified in the local plan?	No	Local Development Plan Name: Allocation Number / Reference:		Year of Publication:
Does the local development plan and/or any pre-application advice, identify any flood risk issues with or requirements for the site.	Select from List	If Other please specify:		
What is the proposed land use vulnerability?	Highly Vulnerable	If so, please specify:		Yes

Supporting Information

Have clear maps / plans been provided within the FRA (including topographic and flood inundation plans)?
Has sufficient supporting information, in line with our Technical Guidance, been provided? For example: site plans, photos, topographic information, structure information, and other site specific information.

Has a historic flood search been undertaken?	No	If flood records in vicinity of the site please provide details:	
Is a formal flood prevention scheme present?	No	If known, state the standard of protection offered:	
Current / historical site use:	Vacant land		
Is the site considered vacant or derelict?	Yes		


Development Requirements

Freeboard on design water level:	0.6 m		
Is safe / dry access and egress available?		Min access/egress level:	100 m AOD
Design levels:		Min FFL:	98.6 m AOD

Mitigation

Can development be designed to avoid all areas at risk of flooding?
Is mitigation proposed?
If yes, is compensatory storage necessary?
Demonstration of compensatory storage on a "like for like" basis?
Should water resistant materials and forms of construction be used?

Ground level:		Vehicular and Pedestrian	
	Yes		
	No		
	Select from List		
	Select from List		
	Select from List		

 Flood Risk Assessment (FRA) Checklist			
(SS-NFR-F-001 - Version 14 - Last updated 28/05/2019)			
Hydrology			
Is there a requirement to consider fluvial flooding?	Yes	km ²	
Area of catchment:	5.44 + 0.82		
Estimation method(s) used (please select all that apply):	<input checked="" type="checkbox"/> Pooled Analysis <input type="checkbox"/> Single Site Analysis <input type="checkbox"/> Enhanced Single Site <input type="checkbox"/> RefH2 <input type="checkbox"/> FEH RRM <input type="checkbox"/> Other		
Estimate of 200 year design flood flow:	6.69 m ³ /s		
Qmed estimate:		m ³ /s	
Statistical Distribution Selected:	Select from List		
Hydraulics			
Hydraulic modelling method:	1D dynamic		
Number of cross sections:	14		
Source of data (i.e. topographic survey, LIDAR etc):	LIDAR & Survey		
Modelled reach length:	300	m	
Any changes to default simulation parameters?	Yes		
Model timestep:	1 second		
Model grid size:	Combination		
Any structures within the modelled length?			
Maximum observed velocity:	3.28	m/s	
Brief summary of sensitivity tests, and range:			
variation on flow (%)	0/-35	%	
variation on channel roughness (%)	+/-20	%	
blockage of structure (range of % blocked)	0/15/30	%	
boundary conditions:			
(1) type	Flow		
(2) does it influence water levels at the site?	Yes		
Has model been calibrated (gauge data / flood records)?	No		
Is the hydraulic model available to SEPA?	No		
Design flood levels:	200 year	97.78	m AOD
Cross section results provided?	Yes		
Long section results provided?	No		
Cross section ratings provided?	Yes		
Tabular output provided (i.e. levels, velocities)?	Yes		
Mass balance error:			
Coastal			
Is there a requirement to consider coastal / tidal flooding?	No		
Estimate of 200 year design flood level:			
Estimation method(s) used:	Select from List		
Allowance for climate change (m):			
Allowance for wave action etc (m):			
Overall design flood level:			
Comments			
Any additional comments:			
Approved by:			
Organisation:			
Date:			
Note: Further details and guidance is provided in 'Technical Flood Risk Guidance for Stakeholders' which can be accessed here:- CLICK HERE			



BENARTY ROAD KELTY



VIEW A

SITE LOCATION



VIEW B

SITE LOCATION



VIEW C

SITE LOCATION



**LRB-2020-25 – 20/00981/IPL – Residential development
(in principle), land 60 metres south west of Burnside
House, Benarty Road, Kelty**

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 23-24)*

REPORT OF HANDLING *(included in applicant's
submission, pages 25-36)*

REFERENCE DOCUMENTS *(included in
applicant's submission, pages 53-195)*

**LRB-2020-25 – 20/00981/IPL – Residential development
(in principle), land 60 metres south west of Burnside
House, Benarty Road, Kelty**

REPRESENTATIONS

Tuesday, 18 August 2020



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Land 60 Metres South West Of Burnside House, Benarty Road, Kelty
PLANNING REF: 20/00981/IPL
OUR REF: DSCAS-0020271-YSD
PROPOSAL: Residential development (in principle)

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



201



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

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



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

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



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



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The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr S Panton – Case Officer
Perth and Kinross Council

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

21 August 2020

Dear Mr Panton

PLANNING APPLICATION: 20/00981/IPL

Residential development (in principle); Land 60 Metres South West Of Burnside House, Benarty Road, Kelty

Thank you for your consultation letter of 14 August 2020 seeking the views of The Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

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

The Coal Authority records indicate that the site has been subject to both recorded and probable shallow coal mining.

The planning application is accompanied by a Coal Mining Risk Assessment, August 2015 prepared for the proposed development by Geovia Ltd. The Assessment has been informed by an appropriate range of sources of historical, geological and coal mining information.

Having carried out a review of the available evidence, the report author considers that currently there is a medium risk of mining related ground stability to the redevelopment of this site. Accordingly, appropriate recommendations have been made that targeted intrusive ground investigations are required in order to clarify the exact ground conditions (depth / condition of coal seams / rock cover) and to determine whether ground stabilisation would be required.

The Coal Authority considers that due consideration should also be afforded to the risk of mine gas, however the findings of the site investigations should inform the extent of remedial / mitigatory measures required to ensure that the development will be safe and stable.

The applicant is aware the nature and extent of the ground investigations will require the Coal Authority's written consent, from our Permitting team, prior to commencement of these works as part of the permitting process.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment, August 2015 based on the professional opinion of Geovia Ltd that there is currently a medium risk to the proposed development from coal mining legacy. In order to mitigate the risk (confirm the exact ground conditions present beneath this site) and inform the extent of remedial / mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

- * No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
- * Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.
- * Following implementation and completion of the approved remediation scheme (required by the condition above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning and Development Manager

General Information for the Applicant

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

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

Disclaimer

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

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

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/0981/IPL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner [REDACTED] [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Land 60 Metres South West Of Burnside House Benarty Road Kelty		
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 Cleish 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	21 August 2020		

Comments for Planning Application 20/00981/IPL

Application Summary

Application Number: 20/00981/IPL

Address: Land 60 Metres South West Of Burnside House Benarty Road Kelty

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr John Thomson

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area
- Results in Environmental Improvements
- Supports Economic Development

Comment: As in the previous application for this site I am writing in support of this application. The site is located along the entrance to Lochore Meadows and the site is becoming even more of an eye sore. There has been rubbish from gardens dumped on the site and recently soil has been tipped. Loose soil leads to a diffused pollution risk.

The development is a continuation of what has already been built and would finish off this cluster of stunning houses nicely.

I believe the proposed site fits in with council development policy as its an extension to an existing cluster of houses, it can not be extended beyond this application as the site has fixed boundaries with the road to the front and river to the rear.

As we now live in troubled times house building also supports the local economy.

I look forward to this application being accepted and the entrance to Lochore Meadows tidied up for the huge amount of tourists that are attracted to the area.

Comments for Planning Application 20/00981/IPL

Application Summary

Application Number: 20/00981/IPL

Address: Land 60 Metres South West Of Burnside House Benarty Road Kelty

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mrs Jean Reid

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Employment Provision
- Enhances Character of Area
- Supports Economic Development

Comment: I am writing in support of this development. I live close to the proposed development and feel strongly that this would enhance the area, we are on one of the access roads into Lochore Meadows Country Park and at the moment this area is an eyesore and not pleasing to drive or walk past. There is a natural boundary formed by the burn and this development would complete the area, if the houses are built in a pleasing design such as the ones already neighbouring the plot then it would be a big improvement.

Comments for Planning Application 20/00981/IPL

Application Summary

Application Number: 20/00981/IPL

Address: Land 60 Metres South West Of Burnside House Benarty Road Kelty

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mrs Elizabeth Thomson

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area
- Results in Environmental Improvements

Comment: The roadway is entrance to Lochore Meadows Country Park and at the moment, the land is becoming very unappealing being covered in weeds. The development of this area would make entrance look much better. There are already houses on the same roadway so wouldn't look out of place.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/00981/IPL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone [REDACTED] Email biodiversity@pkc.gov.uk
Description of Proposal	Residential development (in principle).		
Address of site	Land 60 Metres South West Of Burnside House, Benarty Road, Kelty.		
Comments on the proposal	<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>The submitted Tree Survey Report is good quality and confirms that one small hawthorn tree (1977) will be removed to allow this development to proceed. Two other trees will be felled for health and safety reasons as they are suffering from Dutch elm disease. All other trees will be retained. The proposed site layout has been designed to maximise the number of trees that can be retained which is welcomed. The strip of woodland is a key part of a belt of trees providing vital connectivity in a predominantly agricultural landscape and is of considerable biodiversity value.</p> <p>Compensation for the loss of one tree is required, ideally with the planting of native species within the woodland strip. The submitted Tree Survey Report states that mulching/weed killing is required to the newly planted trees and this should be completed to maximise tree growth.</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>No ecological survey has been submitted alongside this application and so it cannot be assessed what impact this proposed development will have on protected species and wider biodiversity. Ecological survey in the form of a Preliminary Ecological Appraisal should be undertaken in the first instance to ascertain what habitats are present, species present and whether any further survey is required. This should be submitted alongside any full planning application.</p>		
Recommended planning condition(s)			

Recommended informative(s) for applicant	
Date comments returned	1 September 2020

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/00981/IPL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 60 Metres South West Of Burnside House, Benarty Road, Kelty		
Comments on the proposal	<p>The proposed residential development is on Benarty Road, Kelty on the route to Lochore Meadows Country Park. The road is in the mainly a single-track road with passing places.</p> <p>The applicant should consider the following when submitting a formal planning application:</p> <ul style="list-style-type: none"> • The number of car parking spaces being provided for the dwellinghouse should be in accordance with The National Roads Development Guide. • Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide. • Turning facilities shall be provided within the site to enable vehicles to enter and leave in a forward-facing gear. • The visibility splay for the vehicle access must be shown on any subsequent submissions to show the splay to both the left and right of each access. The splay shall be provided to the left and right of the access from a point 2.4 metres back from the edge of the carriageway measured between points 1.05 metres above the road level. • The gradient of the access shall not exceed 3% for the first five metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road. A level survey will help understand the gradients in this location. • A footway of 1.8m wide must be provided adjacent to the road and run the length of the development site. <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.</p>		

Recommended planning condition(s)	The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.
Recommended informative(s) for applicant	
Date comments returned	01 September 2020

Comments for Planning Application 20/00981/IPL

Application Summary

Application Number: 20/00981/IPL

Address: Land 60 Metres South West Of Burnside House Benarty Road Kelty

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr CHARLES WALKER

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Land Use
- Lack or loss Of Car parking
- Loss Of Trees
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: THE SINGLE TRACK ROAD WHICH WOULD SERVE THIS APPLICATIONS SITE IS ALREADY VERY CONGESTED AND IN POOR STATE OF REPAIR DUE TO USAGE BY AGRICULTURAL AND COMMERCIAL VEHICLES AND ALSO VOLUME OF TRAFFIC USING IT AS ACCESS TO LOCHORE MEADOWS.

THIS ROAD IS ALSO SERVES AS THE ONLY ACCESS FOR RESIDENT AT THE 5 NEIGHBOURING PROPERTIES AT BLAIRMILL FARM WHO HAD TO ENDURE REPEATED ROAD BLOCKAGES AND DEBRI LEFT ON THE ROAD DUE TO CONSTRUCTION SITE RELATED VEHICLES DURING THE RECENT BUILDING OF THE HOUSES ON THE ADJACENT SITE .

AT NO POINT DURING THAT TIME WAS ANY CONSIDERATION GIVEN TO THE RIGHT OF ACCESS FOR THESE RESIDENTS AS THE DEVELOPERS MADE NO PROVISION WHATSOEVER FOR OFF ROAD UNLOADING OF MATERIALS OR PARKING OF CONSTRUCTION SITE VEHICLES.

FURTHERMORE WITH RESPECT TO THE COMMENTS BEING MADE ABOUT THE SITE BEING AN EYESORE AND USED AS A DUMPING SITE IT WAS IN EFFECT THE LANDOWNERS / DEVELOPERS WHO OVER THE LAST COUPLE OF YEARS HAVING CLEARED THE SITE OF ALL PRE EXSISTING TREES ETC HAVE USED THE AREA FOR THEIR OWN USE AS A LANDFILL SITE WHICH NOW CONVENIENTLY SERVES THE

PURPOSE OF SUPPORTING THEIR PLANNING APPLICATION.

IT WOULD SEEM THAT DESPITE REPEATED FAILED ATTEMPTS TO GAIN PLANNING FOR THIS SITE THEY ARE OBVIOUSLY PROMOTING THIS DEVELOPMENT AS AN IMPROVEMENT FOR THE AREA WHEN THEY HAVE IN EFFECT CREATED THE UNSIGHTLY AREA .

I WOULD ASK THE PLANNING TO GIVE THESE COMMENTS ON THIS MATTER SOME QUALIFIED CONSIDERATION AND ALSO THE LONG TERM INTENTIONS OF THESE DEVELOPERS AND THEIR ASSOCIATES WITH RESPECT TO FURTHER FUTURE DEVELOPMENTS IN THE SURROUNDING AREA

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	20/00981/IPL	Our ref	LJA
Date	11 September 2020	Tel No	██████

Housing and Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Residential development (in principle) Land 60 Metres South West of Burnside House Benarty Road Kelty for Lomond Group

I refer to your letter dated 14 August 2020 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 11/09/2020)

Recommendation

The proposed development is close to former mining land. Historical mapping also indicates that there was formerly a tip on land to the north east of the proposed development site. As such there is potential for the site to be impacted by ground gases. This risk needs to be assessed prior to development commencing.

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

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

