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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 100670574-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="INCHADNEY"/>
Address 2:	<input type="text" value="OLD AMULREE ROAD"/>
Address 3:	<input type="text" value="KENMORE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERFELDY"/>
Post Code:	<input type="text" value="PH15 2HE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="744827"/>	Easting	<input type="text" value="277275"/>
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Description of Proposal

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

Erection of a dwellinghouse and associated works Land 100 Metres North West Of Inchadney Old Amulree Road Kenmore Aberfeldy PH15 2HE 24/00695/FLL

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Find attached Notice of Review Planning 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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

Notice of Review Planning Appeal Statement Drawings 349-00P, 349-01P, 349-01S, 349-02P, 349-03P, 349-04P Tree and Protected Species Survey Part 1 and Part 2 Supporting Planning Statement

Application Details

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

24/00695/FLL

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

16/05/2024

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

17/07/2024

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

During the determination period of the application it does not appear that the site was visited by any council officer, as highlighted in the Notice of Review. To understand the character of the site and its surroundings we believe that a site visit is essential.

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

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

Yes No

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

Yes No

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

The gate to the existing access is locked. If an unaccompanied site visit is proposed please let the applicant know in advance to allow the gate to be unlocked. There is no immediate parking, it is advised that the public parking facility at the head of the Loch at Kenmore is utilised.

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Colin Smith

Declaration Date: 23/08/2024

Land North of Inchadney
Mr P Strachan
August 2024



**PROPOSED ERECTION OF A
DWELLING ON LAND TO NORTH
OF INCHADNEY
NOTICE OF REVIEW
PLANNING APPEAL STATEMENT**

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Appendix 1
BUILDING GROUP PLAN

Appendix 2
INFILL SITE PLAN

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal in respect of the refusal of planning application (24/00695/FLL) submitted to Perth and Kinross Council by CASA on behalf of Mr P. Strachan.

2.0 Site Description

- 2.1 The 0.35ha site is located southwest of Kenmore, sited on the southern side of South Loch Tay Road, on the southern shore of Loch Tay. The site is bounded by a post and wire fence to the east, a stonewall to the west and the public road, a stonewall and a post and wire fence to the north. The southern boundary is a clearly defined natural boundary created by the change of levels associated with garden ground at Inchadney. There is informal tree planting present on all of the sites boundaries.
- 2.2 The site is considered to be an infill development that is sandwiched between two properties Hill House and Inchadney to the south, and the public road to the north and also into a readily defined site within the wider grouping where the neighbouring properties to the north east all contribute to the wider dispersed building group. Development of a single house on this site would extend the group into a readily definable site that matches the line of the western boundary that's already been set by Hill House and Inchadney and is also consistent with the pattern of development in the wider area which includes roadside sites/plots. The proposal is also considered to be a development within the garden ground of a country/estate house, as the site was used as garden ground for the C Listed former Manse Building (LB12140). It is stated within the second reason for refusal that the Listed Building is not considered to be a country house/estate, however this statement is not justified and in fact the Council's own Housing in the Countryside Supplementary Guidance defines a country house/estate as '*a large house set within its own estate or extensive grounds*' and the RoH also states that the site is '*a rough area of garden ground once **associated with the listed Inchadney House***'.
- 2.3 The site is a rough area of garden ground associated with the extensive grounds of Inchadney House but due to the general topography and differences in levels is not visually related to Inchadney, a C Listed Building which sits at an elevated position further up the hillside. Due to the differences in topography and existing landscaping situated between the site and Inchadney House, there would be no impact to the setting of the Listed Building and no amenity or privacy issues would arise. The existing dwellings in the vicinity of the proposed site appear as a related grouping within the landscape which can reasonably be extended into this identified site. There is an appropriate landscape setting, and the proposed additional house will not fundamentally affect the qualities and integrity of the site.

3.0 Planning History

- 3.1 The site has had 1 previously refused planning application. The refused planning permission in principle application (ref 15/00536/IPL) was for the erection of a dwellinghouse. This application was refused in May 2015 under the policies of the Perth and Kinross Local Development Plan 2014. That plan has now been superseded by the Perth and Kinross Local Development Plan 2019 as well as National Planning Framework 4 which also now forms part of the adopted Development Plan.
- 3.2 This planning appeal relates to application 24/00695/FLL which was for the erection of a dwelling on the clearly defined infill site, situated within a wider building group between the public road

and the two properties, Inchadney and Hill House, sited southeast of the site. This application was refused on the 17th of July 2024 for 4 reasons which were as follows;

- The proposal is contrary to NPF4 Policy 14 – Design, Quality and Place and LDP2 Policy 1A – Placemaking due to the proposal not contributing positively to the quality of the surrounding area;
- The proposal is contrary to NPF4 Policy 17 – Rural Homes and LDP2 Policy 19 – Housing in the Countryside due to not falling within the categories stated within the policy;
- The proposal is contrary to NPF4 Policy 6 – Forest, Woodland and Trees and LDP2 Policy 40A – Forestry, Woodland and Trees due to no assessment being provided for the potential loss of trees or the protection of trees. It is worth noting that a tree survey was submitted with the application and the site plan submitted in support of the planning application clearly sets out the proposed and existing trees within the site, alongside protection measures for any trees that may be affected by development (drawing No. 349-01P);
- The proposal is contrary to NPF4 Policy 3 – Biodiversity and LDP2 Policy 41 – Biodiversity due to no details regarding biodiversity enhancement being submitted and no assessment provided of the potential impacts of the development on the River Tay Special Area of Conservation. It is worth noting that a protected species survey was submitted with the application and the submitted site plan (drawing No. 349-01P) and the submitted design statement (drawing No. 349-04P) both clearly set out the proposed biodiversity enhancement measures for the development.

4.0 Development Plan

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case, the Development Plan, consists of the National Planning Framework 4 (adopted February 2023), and the Perth and Kinross Local Development Plan 2 (LDP2) (adopted November 2019).
- 4.3 In terms of other material considerations, the Council's Supplementary Guidance on Housing in the Countryside Policy – 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal.
- 4.4 The principle of a house on the site is required to be considered under the terms of Policy 9 (which was not considered by the Council in the determination of the proposal) and Policy 17 of NPF4, Policy 19: Housing in the Countryside of LDP2, and Categories 1, 2 and 3.1 of the Supplementary Guidance and this is assessed in further detail in section 5 below. As noted below the policies allow for the erection of individual houses in the countryside on greenfield land which fall into certain categories including developments within existing estate or country house garden grounds.
- 4.5 The Council's placemaking policies (1A and 1B) from LDP2 are also relevant to the consideration of this proposal. Policy 1A – Placemaking states;
- Development must contribute positively to the quality of the surrounding built and natural environment, and the design, density and site of development should respect the character and amenity of the place including improvement to links within and where practical beyond

the site. All development should be planned and designed with reference to climate change, mitigation and adaptation.

4.6 Policy 1B – Placemaking states ‘All proposals should meet all ten of the placemaking criteria.

- *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- *The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- *Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- *All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- *Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*
- *Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- *Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks.*
- *Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).*
- *Sustainable design and construction.*

4.7 The proposed dwelling would be sited sensibly in a clearly defined infill site and within the context of a wider building group. The proposed dwelling is sited on the edge of a flatter area of the site, at the bottom of a steep slope within a natural clearing, that forms part of the original garden ground associated with an existing country or estate house. The Report of Handling (RoH) associated with the refusal of application 24/00695/FLL states that the site has **historically been used as informal garden ground for Inchadney House** and that the site is **well defined between the road and Inchadney**. The site has good connectivity to the Kenmore settlement which lies a short distance to the north east, so also accords with the principles of ‘local living and 20-minute neighbourhoods’ in terms of sustainable transport and service provision requirements (NPF4 Policy 15).

4.8 The proposal reflects the surrounding environment in its siting, design and density, and is well screened from the public road to the north, the wider surrounding area, and the existing dwellings to the south and east due to the existing trees and shrubbery, which was acknowledged by PKC within the RoH where they state ‘it is likely any dwellinghouse **would not be visible from Inchadney** due to the site’s position at the bottom of a steep slope. This, together with the existing boundary of post and wire fencing, trees and a stone wall, provides some enclosure’. The supporting design and access statement provided with the application showed clearly how the design of the dwelling would blend into the landscape through the use of a green roof, with the edge of the green roof unifying with the sloped landscape behind the dwelling. The external finishes for the proposed house are vertical naturally weathering timber panels, with Passive House windows set into a Limecrete frame. The design and access statement also shows how

the chosen materials and colours for the proposed dwelling have been carefully chosen to ensure that they blend into the landscape and do not impact the surrounding environment negatively.

- 4.9 The first reason for refusal also gives being contrary to NPF4 Policy 14 – Design, Quality and Place as a reason. The policy states that development proposals must be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. As per the information stated above in paragraphs 4.7 and 4.8, the proposed dwelling has been designed to improve the quality of the area through the use of landscaping, external materials and green roofing. The proposed dwelling would also not impact on the amenity of the C Listed Building (LB12140) as per the Council's own words, it is likely that any dwelling would not be visible from the building.
- 4.10 The third reason for refusal states the proposal is contrary to NPF4 Policy 6 – Forest, Woodland and Trees and LDP2 Policy 40A – Forestry, Woodland and Trees due to insufficient information regarding tree loss and protection being provided in order to assess the proposal against the policy. However, it should be noted that despite the Council feeling as though they did not have the required information, they had a detailed tree survey before them which they appear to have completely overlooked. In addition, the proposed site plan clearly identified existing trees alongside suitable tree protection measures. At no time did the council contact the agent during the consideration of the application to advise of any concerns and did not actually ask for any additional information to be supplied as a post submission addition. Had they actually requested the additional information they required in order to properly assess the proposal against the policy, it would have been supplied. However, it's certainly not clear what further information was necessary or could have been submitted beyond the submitted tree survey and proposed (drawing No. 349-01P) and existing (drawing No. 349-01S) site plan details.
- 4.11 The fourth reason states that no assessment had been provided of the potential impacts of the development on the River Tay Special Area of Conservation (SAC). However, similarly to the issue of not being provided enough information regarding the trees on site, the Council did not actually request this information they supposedly required during the determination of the proposal. This reason is also typically covered by a suspensive condition on the approval of an application.
- 4.12 Furthermore, the fourth reason for refusal also states that the proposal is considered to be contrary to NPF4 Policy 3 – Biodiversity and LDP2 Policy 41 – Biodiversity, due to no biodiversity enhancement details being submitted and therefore there was insufficient information to assess against the policies. Once again, the Council, appear to have completely overlooked the landscape plan that was submitted showing biodiversity enhancement in the planting schedule and despite thinking that there was insufficient information provided, did not ask for any further information to be provided.
- 4.13 NPF4 Policy 3 – Biodiversity states that *'development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.'*
- 4.14 LDP2 Policy 41 – Biodiversity states that *'Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents (Planning for Nature: Development Management and Wildlife Guide and the Tayside Local Biodiversity Action Plan) will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular, developers may be required to:*
- *Ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. In accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, development proposals*

that could have a significant impact on the environment may require an Environmental Impact Assessment;

- *Demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;*
- *Include mitigation measures and implementation strategies where adverse effects are unavoidable;*
- *Enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.*

- 4.15 This proposal does contribute to the enhancement of biodiversity, as per the planting schedule that is laid out in the proposed site plan that was submitted with the application. The biodiversity enhancement measures that are laid out in the site plan include the planting of new Rowan Trees, various species of hedgerows and shrubs and the wildflower meadow roof. The schedule also includes measures for the replacement of any newly planted trees which may potentially fail. The proposed dwelling is also sited within an area of the invasive Butterbar, thus the development would result in its removal.
- 4.16 Alongside the tree survey, a European Protected Species survey was submitted alongside the application. The site was surveyed for the European protected species; otters, beavers, pine martens, red squirrels, badgers and bats. The report concluded that there were no mitigation measures or licenses needed regarding any of the species, however it is to be noted that otters and beavers are widespread along the River and Loch Tay. The report also concluded that, as nesting birds are protected by law, any tree or vegetation removal that occurs during nesting season (1st March and end of August) will require an ecological presence.
- 4.17 Thus, for the reasoning set out above, this proposal does comply with NPF4 Policy 3 and LDP2 Policy 41, and should any additional information be required from the Local Review Body it can be provided upon request.

5.0 Housing in The Countryside

- 5.1 Turning to the 2nd reason for refusal, Policy 17 of NPF4 seeks to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations. The policy states 'development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development.'
- 5.2 Policy 19 in LDP2 states that the Council *'will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:*
- (1) building groups;**
 - (2) infill sites;**
 - (3) new houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance;**
 - (4) renovation or replacement of houses;*

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

(6) development on rural brownfield land

5.3 The proposed dwelling is suitably scaled, sited and designed to be in keeping with the character of the area and the development, as shown in the design statement (drawing No. 349-04P) and proposed site plan (drawing No. 349-01P). However, the Council contradict themselves within the RoH in regard to the siting of the proposed dwelling, by firstly stating that *‘the area is now overgrown rough garden ground and well defined between the road and Inchadney with a drystone dyke to the South west, a fence and informal planting to the North East Boundary’* and then later stating that *‘the site presently has three defined boundaries but the south boundary is undefined.’*

5.4 It is also not explicitly discussed within the RoH why this site does not meet the requirements of any of the 6 categories stated within Policy 19, with the only reasoning given within the RoH being untrue, for example, *‘it is also unclear how the site, which is located next to a public road and positioned above Loch Tay, would be able to provide any degree of enclosure for a dwellinghouse’*. This is all information which was provided within the supporting documents for the application, with the existing trees, shrubbery fencing and topography providing adequate screening for the site.

5.5 Building Groups

Under the Building Groups (Category 1) of LDP2 Policy 19 – Housing in the Countryside, the Council’s Supplementary Guidance defines a building group as *‘3 or more existing buildings of a size at least equivalent to a traditional cottage and which, **when viewed within their landscape setting, appear as a group.**’*

5.6 Furthermore, the Supplementary Guidance also states that *‘some areas are characterised by a more dispersed building pattern. Where buildings appear as an obvious group within their landscape setting permission will be granted for new houses subject to the requirements listed in ‘Adding to a Group’.*

5.7 The requirements listed in ‘Adding to a Group’ are as follows:

- 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.

5.8 The RoH and refusal number 2 state that the proposed development is not compliant with LDP2 Policy 19 – Housing in the Countryside as it does not fit into any of the 6 categories identified in the policy. However, the buildings within the area form a **dispersed** building group and when viewed from the wider landscape, the proposed development fits into the existing pattern of development within the dispersed building group where there is already development in closer proximity to South Loch Tay Road, as shown in appendix 1. A high standard of residential amenity will be provided for the proposed dwelling by the existing and proposed landscaping and trees, and the proposed dwelling’s design respects the character, scale and form of the existing group. The proposed dwelling will also not detract from the visual amenity of the group when viewed from the wider landscape, which is acknowledged by the council in the RoH where they state that *‘no concerns have been raised in terms of the proposal’s impact on the residential amenity of neighbouring properties.’*

5.9 Infill Sites

Infill sites are defined as ‘gaps between established houses, or a house and another substantial building at least equivalent in size to a traditional cottage, where;

- The plot or plots are comparable in size to the neighbouring plots and have a similar size of road frontage.
- The proportion of each plot occupied by the infill house or houses is no greater than that of the neighbouring plots.
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the infill house or houses, and the amenity of any existing neighbouring house is maintained.
- The size and design of the infill house or houses is sympathetic to the neighbouring buildings.
- The full extent of the gap is included within the infill plot or plots – for the avoidance of doubt the retention of a field access within the infill plot or plots will not be permitted.’

5.10 As explained in paragraph 5.6, the Council do not consider the proposed site to be an infill site, despite there being a clear gap with established boundaries between Hill House, Inchadney House and South Loch Tay Road. As shown in appendix 2, the site is a clearly defined site that is sandwiched between the public road, Inchadney House (and associated garden grounds) and Hill House. The development of a dwelling on this plot would not contribute to ribbon development, as development on this site would round off development in this location with the proposed site being the final clearly defined site. The proposed site is easily identified as an infill site, due to being related enough to the existing sites and being readily definable within the wider grouping.

5.11 New Housing in the Countryside

Category 3 – New Housing in the Countryside of the Supplementary Guidance states that proposals for new houses in the open countryside will be considered favourably where they fall into at least one of the following categories;

- 3.1 Existing Gardens;
- 3.2 Houses in Areas of Flood Risk;
- 3.3 Economic Activity;
- 3.4 Houses for Local People;
- 3.5 Houses for Sustainable Living.

5.12 The Supplementary Guidance further states under section 3.1 Existing Gardens that ‘proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported provided there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, **particularly where the house is a listed building**’. A country or estate house is defined within the Supplementary Guidance as ‘**a large house set within its own estate or extensive grounds**’. Given Inchadney House’s historical use as a Manse and the extensive garden grounds associated with the property, it is acceptable to define it as a country or estate house as per the Council’s own guidance.

5.13 As previously mentioned in paragraphs 4.7 and 4.8, the Council acknowledges that the proposed site was historically used as garden grounds for the listed building Inchadney House and that any development on the proposed site would not negatively affect the qualities and integrity of the

listed building. Despite this acknowledgment, the Council contradicts itself within the RoH by stating that *‘the site is located within the garden grounds of an existing dwellinghouse but is not considered to be a country house/estate’*. However, they do not go on to justify why Inchadney House is not considered to be a country/estate house, despite the property fitting the definition within their Supplementary Guidance.

5.14 **National Planning Framework 4**

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings states that *‘proposals on greenfield sites will not be supported unless the site has been allocated for development or is explicitly supported by policies in the LDP’*. The Council failed to address this policy within the RoH, despite it being relevant due to it supporting development on greenfield sites if it is supported by policies within the LDP2. As was discussed above, it is considered that the proposal is compliant with the relevant policies within the LDP2, and therefore the proposal is compliant with NPF4 Policy 9.

5.15 Policy 17 – Rural Homes of NPF4 supports proposals for new homes in rural areas where they are suitably scaled, sited and designed to be in keeping with the character of the area. Proposals also should consider how the development will contribute towards local living, local housing needs, economic considerations and transport needs. The proposal is suitably scaled, sited and designed to be in keeping with the character of the area, as shown in the supporting documents provided with the application. The proposal will also contribute towards local living, as it is located a short distance from the Kenmore settlement, allowing any future residents to easily support local business and contribute positively to the local economy. Despite not being located within the Kenmore settlement boundary, development at this site will contribute to meeting local housing needs due to the sites close proximity to the settlement.

6.0 **Comments on Report of Handling**

6.1 Paragraph 1 of the section **Design and Layout** of the RoH states *‘at present, the site is covered by woodland which is in keeping with the site’s rural character. However, this would be negatively impacted by the erection of a dwellinghouse on the site. The siting of any dwelling on this site would require significant cutting of the slope, and clearance of trees/vegetation in order to provide access’*. This statement within the RoH is patently false, as whilst the site does have trees, the position of the proposed house is to be located within an existing clearing and the house has been designed to be sensitive to both trees and vegetation. The proposal does not intend to remove any trees and the house being set into the landscape where the Butterbar will be removed, and this invasive vegetation being replaced with a roof of more appropriate wild flower meadow. Paragraph 3 states *‘a dwellinghouse on this site... would fail to blend sympathetically with the existing landform...’*. The design of the proposed dwelling demonstrates that this statement is false as it is a bespoke design taking special cognisance of the site’s characteristics, lifting the house off the ground to provide access whilst setting half of the house into the existing topography, ensuring visual compatibility due to the house being partially underground.

6.2 Within the **Trees, Landscape and Biodiversity** section, it is stated that *‘while there is a **clear lack of supporting information in the form of a tree survey or any ecological walkover survey**... it can still be concluded that the development of a house on this site would be detrimental to the established landscape setting, would result in unnecessary tree loss and have an adverse impact on the landscape character of the area. Any development of the site and creation of road access would lead to the loss of trees, plants and shrubs. Furthermore, there have been no tree protection measures outlined in the **Tree and Protected Species Survey**.’* This statement within the RoH is false and clearly contradicts itself, as the Council have stated that there was a lack of surveys carried out, and then later within the same paragraph state that there was a Tree and Protected Species survey provided.

- 6.3 The **Residential Amenity** section suggests that *'it is unlikely that any new residential development would be able to provide sufficient garden ground'* and then further states that *'100sq metres would be considered suitable'*. This statement is also false, as the overall site area is 3485sq metres and once removing the house footprint and access, 3000sq metres of garden ground remains. The garden ground for the proposed dwelling is thirty times the area recommended by the case officer. The determination that the proposed dwelling would not have sufficient garden ground may be due to concerns with the sites sloping topography, however the other dwellings within the grouping are all characterised by their sloping garden grounds. Thus, this proposal is simply reflecting the existing pattern and character of the area.
- 6.4 When considering **Visual Amenity**, the report firstly states that *'The site would be separated from Inchadney by existing trees, and it is likely any dwellinghouse would not be visible from Inchadney due to the site's position at the bottom of a steep slope. This, together with the existing boundary of post and wire fencing, trees and a stone wall, provides some enclosure'*. The report then contradicts itself by saying *'any dwelling could be visible from the surrounding area'*, however, a house being visual in the first instance is not necessarily detrimental. Nevertheless, the proposed dwelling will be set within a mature existing landscape framework offering excellent screening from public spaces, which is similar to the other dwellings within the group (see photos below). The Taymouth Marina development, located 125m south west along the public road has little screening and indeed is very visual from the surrounding area (see photos below). Whilst it is not being argued as to why Taymouth Marina is allowed to be visual and not be considered detrimental, it does raise the question as to why this application is considered to be detrimental when the siting and retention of existing landscape features offer excellent screening to avoid detrimental visual amenity and make the house one with the landscape it inhabits.





- 6.5 The **Roads and Access** section states *‘the provision of the visibility splay and parking/driveway requirements will lead to the loss of trees and grassland in the north of the site which will be detrimental to the overall amenity and character of the area’*. As previously mentioned within paragraph 6.1 and within the site plan submitted with the application, this statement is false. For this review the drawing 349-01P has been amended to show the requirement for the visibility splay for a 20mph road access. The shaded purple area is the splay required. Note that this visibility splay will not affect any trees and will have minimum impact on the characteristics of the existing area.
- 6.6 It should be noted that there was no formal consultation response from the Council’s Biodiversity/Tree Officer regarding biodiversity or the Transport Planning Officer regarding public access.
- 6.7 The amount of misinformation within the RoH that has been highlighted throughout this statement does raise concerns regarding whether the information that was provided with the application was actually ever reviewed. It also raises the question of whether the Planning officer ever visited the site throughout the determination process.
- 6.8 It should also be noted that sections of the RoH have been copied directly from the previously refused application’s (15/00536/IPL) RoH, albeit the changing of a few words (e.g. changing “I have concerns” to “there are concerns”). Complete paragraphs have simply been copied directly from the RoH of the previously refused planning permission in principle application 15/00536/IPL. This is deeply concerning as the previous application was assessed against policies within the Perth and Kinross Local Development Plan 2014 and not the current Development Plan (LDP2 and NPF4).

7.0 Conclusions

- 7.1 In this case, the proposal does meet the requirements of Policy 9 b) of NPF4 (Brownfield, Vacant and Derelict Land and Empty Buildings), Policy 17 a) and b) of NPF4 (Rural Homes), and categories 1, 2 and 3 of LDP2 Policy 19 (Housing in the Countryside).
- 7.2 The proposed greenfield site is clearly consistent with the Council’s Supplementary Guidance as the proposed site is an infill site which forms part of a dispersed building group. The proposed site is also garden ground associated with an estate/country house, due to its significant history of being used as such.
- 7.3 The proposal will contribute positively to biodiversity enhancement in the area, through methods such as landscaping, planting and the protection of the existing trees. The proposed and existing landscaping also ensure that the proposal is designed suitably to be in keeping with the character

of the area, whilst maintaining residential amenity and not negatively impacting on the amenity of the adjacent Listed Building.

- 7.4 For the reasons set out above, and subject to conditions being attached to any approval covering the access, drainage and landscaping, the proposal is fully compliant with the relevant criteria of Policy 1A and 1B within the LDP2.
- 7.5 The Local Review Body are therefore requested to support this Notice of Review appeal as the RoH contained multiple discrepancies and misinformation, subject to any conditions the LRB may consider to be necessary and appropriate.

APPENDIX 1

BUILDING GROUP PLAN



Figure 1: Building Group

APPENDIX 2

INFILL SITE PLAN

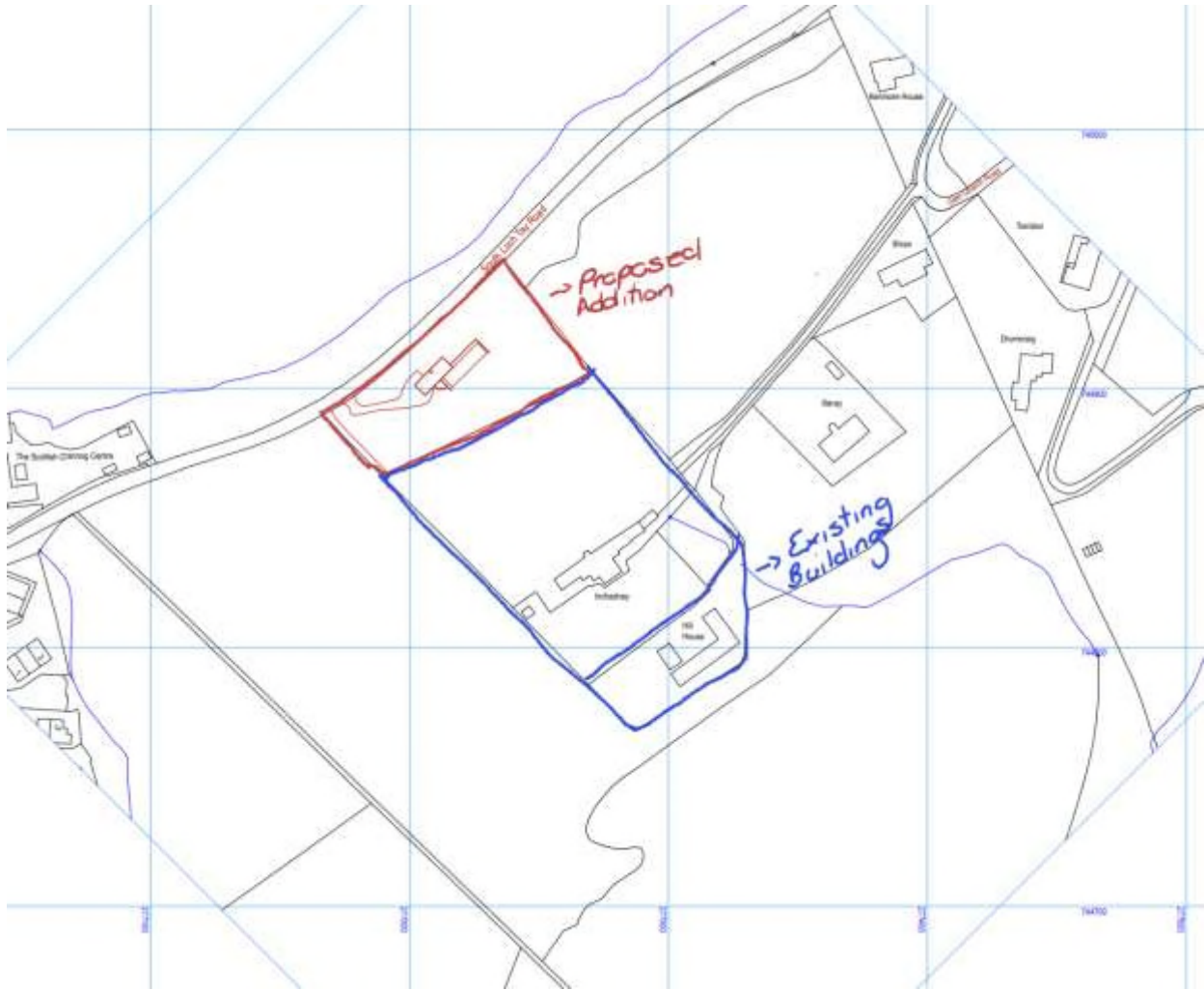
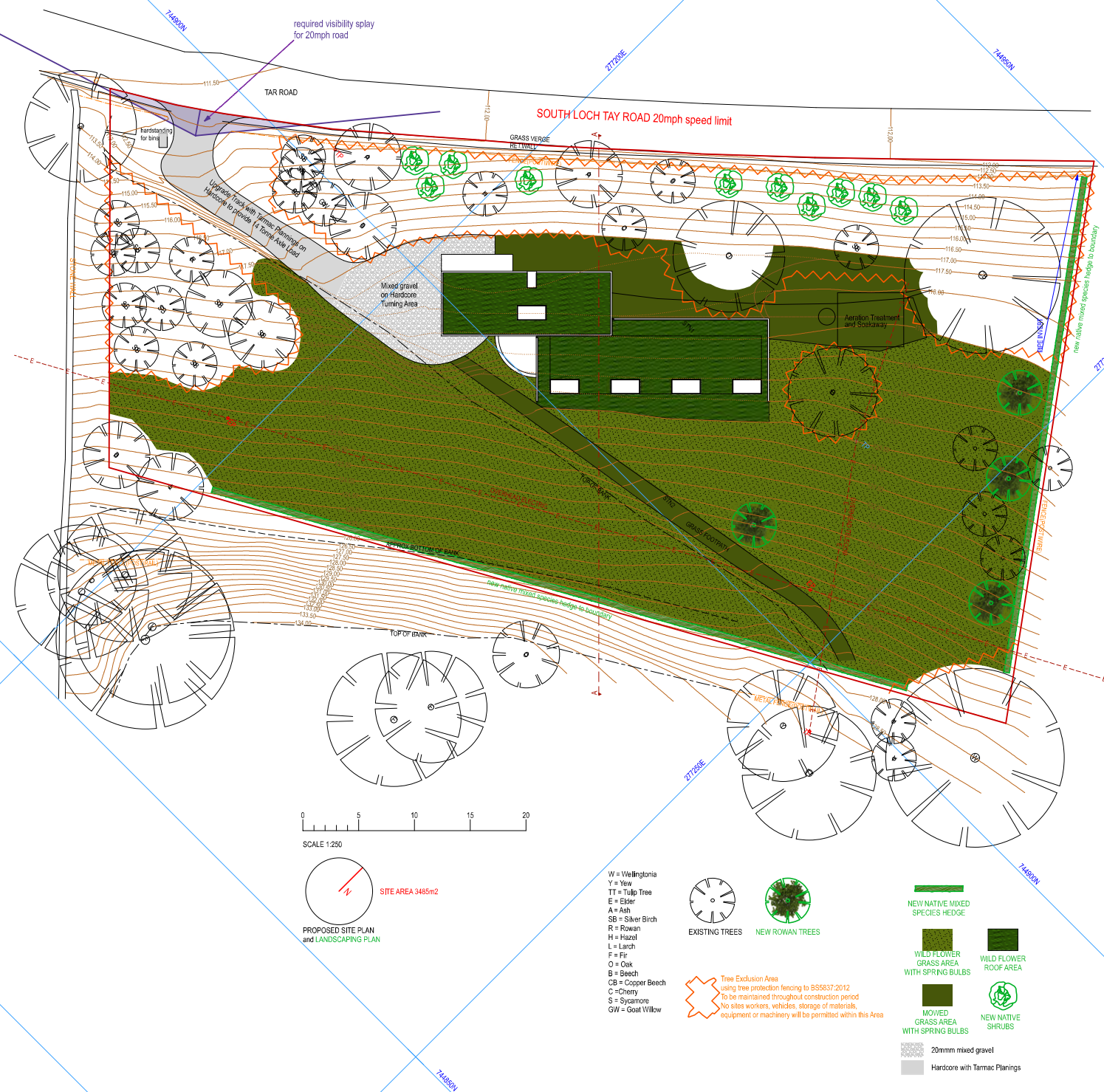


Figure 2: Infill Site



BIDWELLS



Tree Planting
 Specimen Rowan trees will be planted as shown. Rowan *Sorbus aucuparia* - no. 4. Light Standard (6 to 8cm) 150-180 cm high.

Hedgerow Planting
 New hedgerow will be planted to the east and south boundary in a double, staggered row approximately 500 mm apart and at a density of 5 plants per linear metre of the following species planted randomly:
 Hawthorn *Crataegus monogyna*, bare rooted, 75-100 cm high
 Blackthorn *Prunus spinosa*, bare rooted, 75-100 cm high
 Hazel *Corylus avellana*, bare rooted, 75-100 cm high
 Dog rose *Rosa canina*, bare rooted, 75-100 cm high and
 Holly *Ilex aquifolium*, bare rooted, 75-100 cm high

Shrub Planting
 Shrubs planted to boundary between existing trees.
 Mixture of:
 Red Currant - *Ribes Ribrum*, 30-45cm high
 Eared Willow - *Salix aurita*, 30-50cm high
 Guelder Rose - *Viburnum Opulus*, 30-45cm high

Planting & Maintenance
 This planting and maintenance will be completed according to British Standard (BS) 8545 (204) Trees: from nursery to independence in the landscape to ensure successful planting.
 Planting stock will comprise well established, bare-rooted transplants no less than 75 cm in height and with good root and branch structure with no obvious defects. The planting areas will be marked out on the ground prior to start of planting.
 Planting will be undertaken during the dormant period when stock are not actively growing or post bud-break, i.e. generally between mid-November and mid-April.
 Care in handling planting stock is vital. When planting it is important that plants are not exposed to the wind or sun to cause drying out.
 Planting areas will be initially excavated by hand to provide an area of bare earth for planting; no herbicides will be used.
 Trees will be notch planted and protected using 0.6 m green spiral vole/rabbit guards. Bamboo canes, 0.5 m high will be used for support.
 A 3 year maintenance programme will be undertaken for all tree planting, initiated immediately following planting. Management prescriptions will be as follows:
 1. Annually, in July of Years 1-3 following planting, assess establishment success of the newly planted trees.
 2. Redesign affected seedlings in November/December of Years 1-3 with trees/shrubs of local regional provenance stock (where available).
 3. Annually, in Years 1-3 following planting, assess damage by browsing herbivores. Where damage is considered excessive, give thought to replacing spiral guards with rabbit, hare or deer tube guards.
 4. Annually, in July of Years 1-3 following planting, ensure that spiral guards are maintained and any missing are replaced.
 5. Assess effectiveness of management prescriptions in August of Year 4. Management is considered effective if there is 80% establishment of each species. Where the establishment figure is not met a further 3 year period of inspection and replacement should be undertaken. Where the establishment figure is met or exceeded all spiral guards and bamboo canes should be removed from site and no future management is considered necessary.

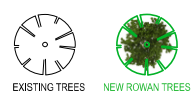
ALL PLANTS SHRUBS AND TREES TO BE CHOSEN TO PROMOTE BIODIVERSITY AND ATTRACT INSECTS AND BIRDLIFE

Upgrade to existing Access Drive and Turning Area:
 Excavate top soil to sound sub base by over 100mm compacted hardcore in dust on 200mm compacted sub-base comprising locally found material where possible. Overlay in 40mm of 20mm mixed gravel at turning area and Tarmac in plannings at access drive.
 Minimum width of drive between kerbs 2.7m - Minimum width of gateways 2.7m Minimum sub base bedding 14 tonnes

Paving:
 Excavate top soil to sound sub base lay over compacted hardcore. Lay over base in seven slate paving stones with sand/cement screed.



- W = Wellingtonia
- Y = Yew
- TT = Tulip Tree
- E = Elder
- A = Ash
- SB = Silver Birch
- R = Rowan
- H = Hazel
- L = Larch
- F = Fir
- O = Oak
- B = Beech
- CB = Copper Beech
- C = Cherry
- S = Sycamore
- GW = Goat Willow



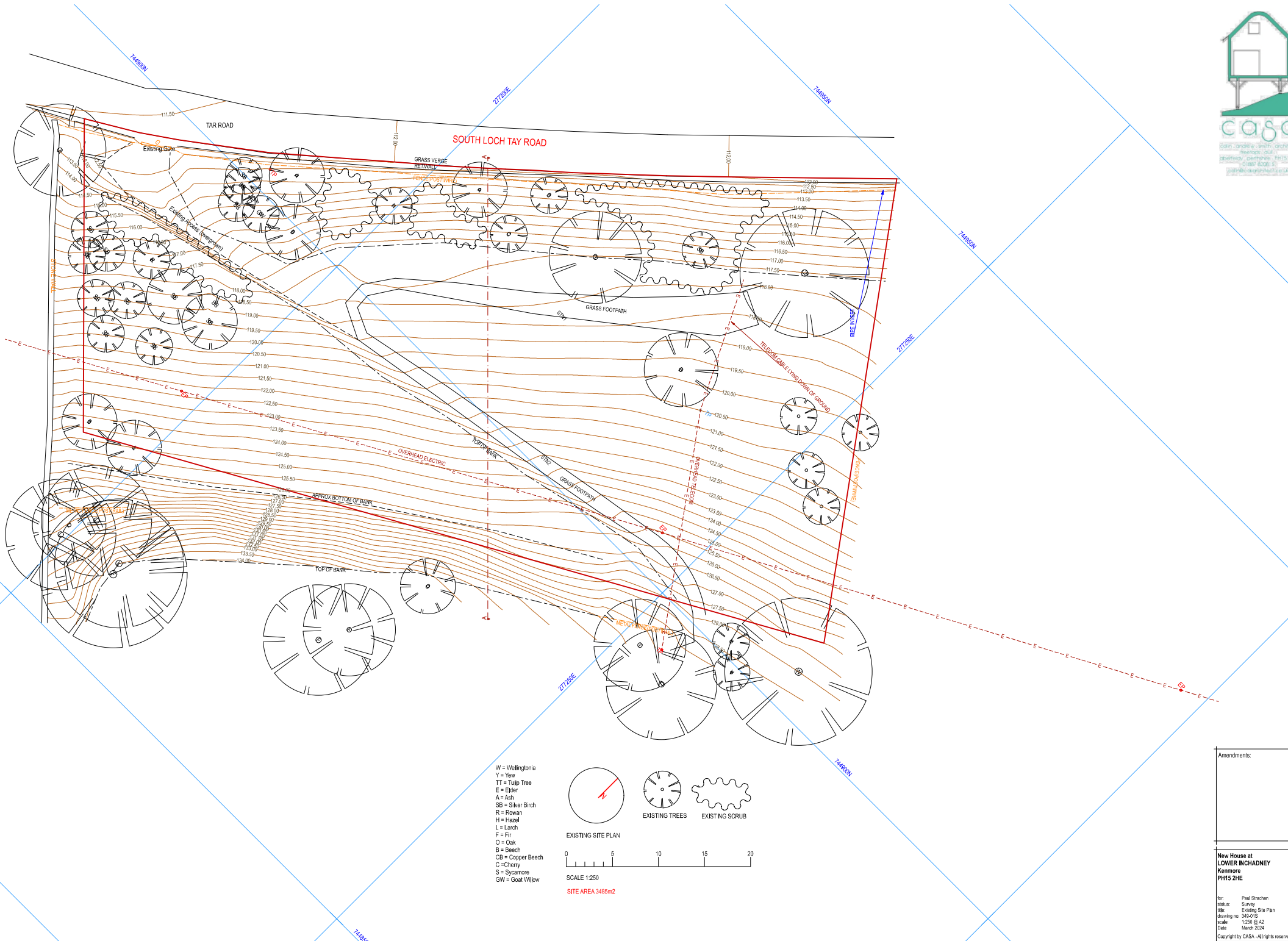
- NEW NATIVE MIXED SPECIES HEDGE
- WILD FLOWER GRASS AREA WITH SPRING BULBS
- WILD FLOWER ROOF-AREA
- MOVED GRASS AREA WITH SPRING BULBS
- NEW NATIVE SHRUBS
- 20mm mixed gravel
- Hardcore with Tarmac Plannings

Tree Exclusion Area
 using tree protection fencing to BS5837:2012
 To be maintained throughout construction period
 No sites workers, vehicles, storage of materials,
 equipment or machinery will be permitted within this Area

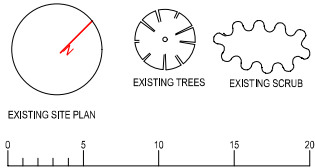
Amendments:
 A-Visibility splay shown for 20mph road

New House at LOWER INCHADNEY Kenmore PH15 2HE

for: Paul Strachan
 status: Planning
 title: Site and Landscaping Plan
 drawing no: 348-01P
 scale: 1:250 @ A2
 date: March 2024
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- W = Wellingtonia
- Y = Yew
- TT = Tulip Tree
- E = Elder
- A = Ash
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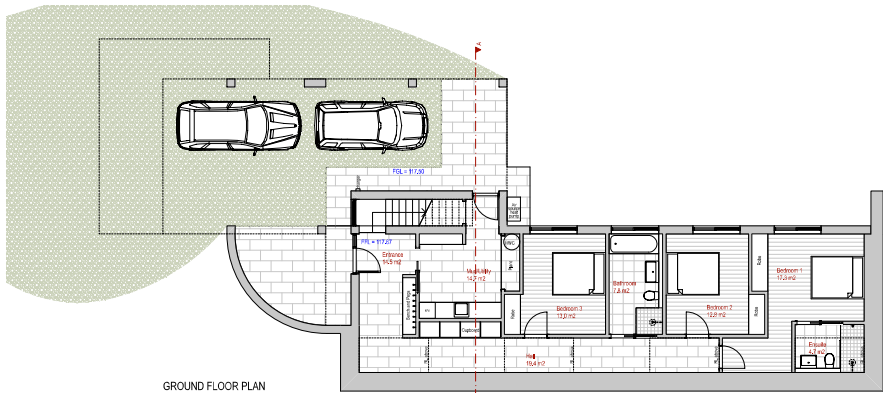


SITE AREA 3485m2

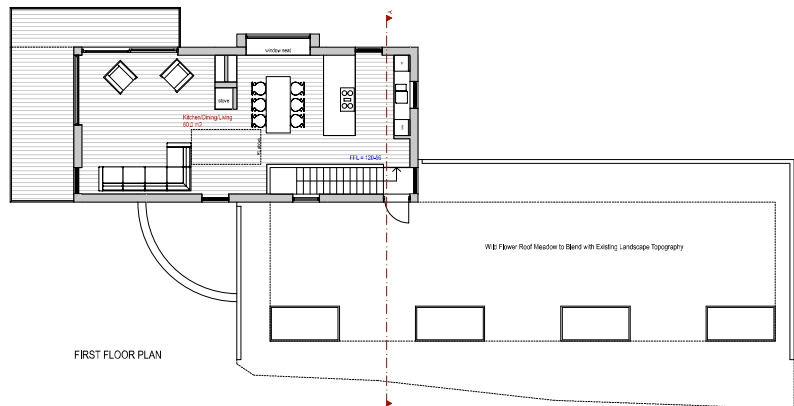
Amendments:

**New House at
LOWER INCHADNEY
Kenmore
PH15 2HE**

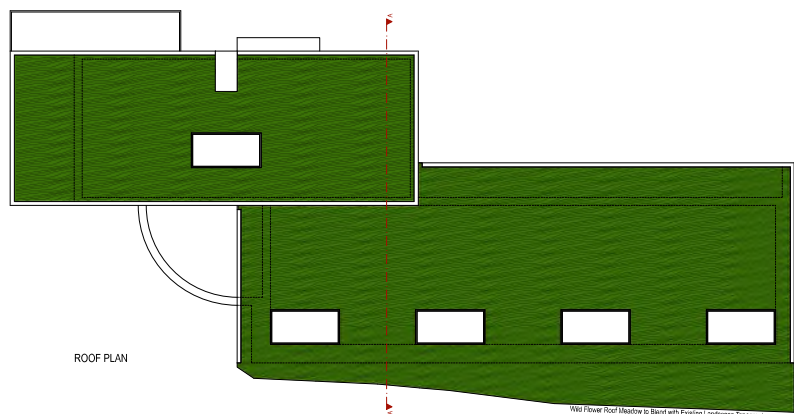
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date: March 2024
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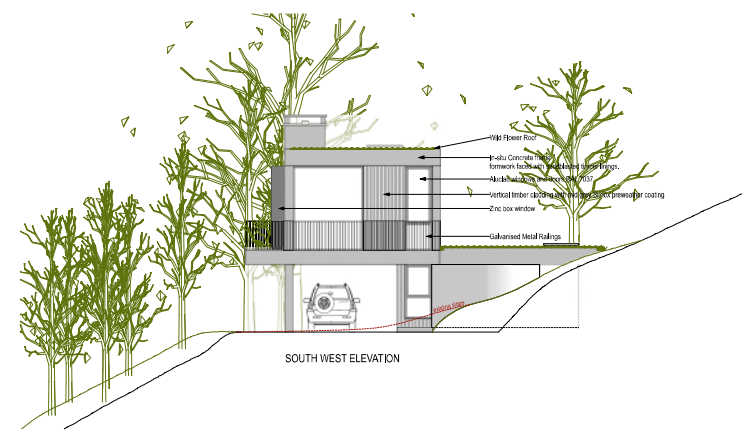
GROUND FLOOR PLAN



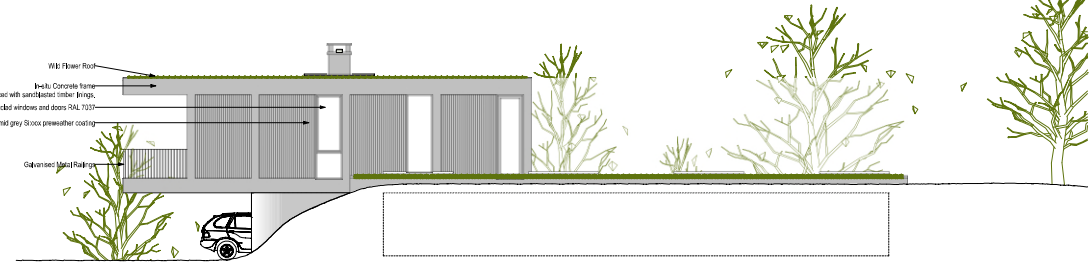
FIRST FLOOR PLAN



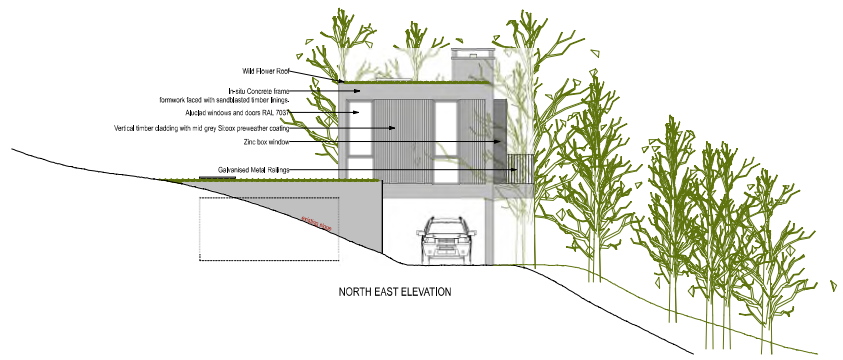
ROOF PLAN



SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



NORTH WEST ELEVATION



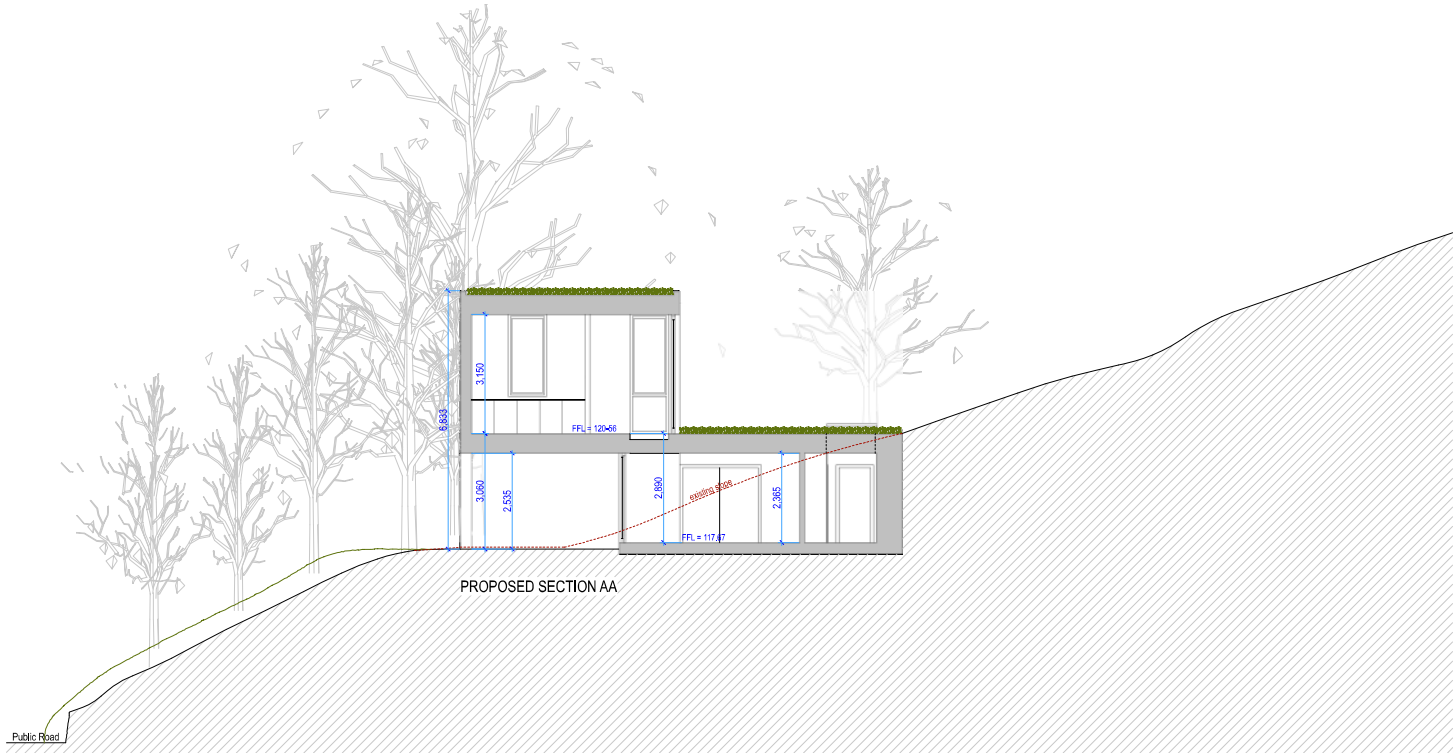
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Revisions:	
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2	Structural Plans
3	Contract Plans
4	Final
5	Final
6	Final
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9	Final
10	Final
11	Final
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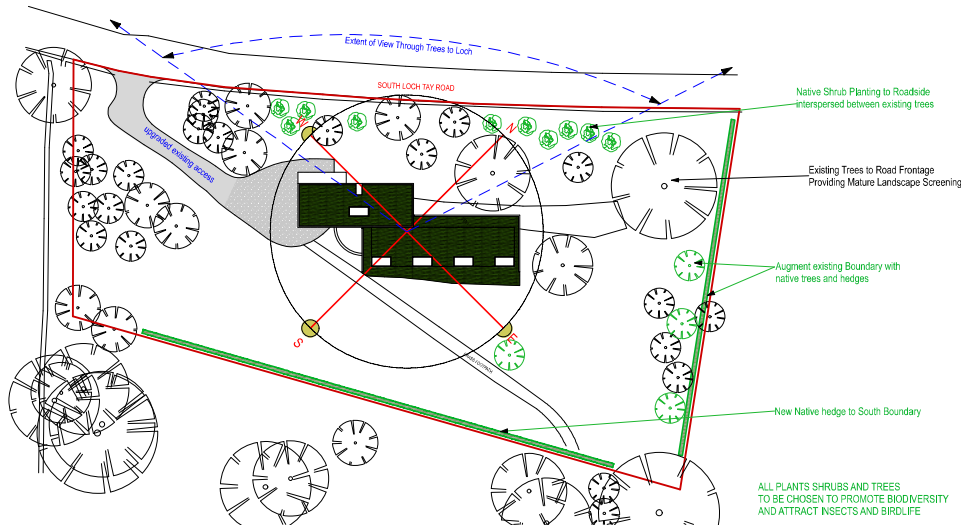
New House at
LOWES BROADWAY
KEMMERE
PETH ONE

10/11/2024
11/11/2024
12/11/2024
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30/12/2024

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DESIGN STATEMENT



BRIEF:
To design a house that is bespoke to its location and regarding to its site and outlook. This family house should be of its time, distinctive in design and architectural expression but remaining sensitive to the site and its special surrounding landscape.

DESIGN SOLUTION:
The house is set to the edge of the flatter area of ground existing on the site between the grass path and the trees providing immediate screening to the public road.

Although the screening is robust the design also seeks sensitivity to site by being low profile setting the house into the sloping topography and finishing the roof as a wild flower meadow; the house becoming an extension of the landscape. The stepped design allows the lower levels to relate to the landscape to the North and West and the higher level with the sloping site to the South and East.

Simplicity and longevity are the key to this house. The materials used are of the highest quality: vertical naturally weathering timber panels along with Passive House windows set into a Limecrete frame all under a green roof. The intention is to create a contemporary building that is in sympathy with its surroundings being seamless and recessive in colour. The use of grass roofs integrating the house into the landscape setting.

The narrow width of the house follows the natural contours and ensures modest proportions.

The existing mature trees to the North and West of the site are planned to be retained offering an excellent mature screening to the development. The contrast of the framed structure set within the existing natural landscape gives a constrained and simple Architectural expression with the Rhythm of the facade being juxtaposed with the wooded nature of the site.

To avoid being car orientated and avoid excessive turning areas part of the house has been stilted. This allows vehicle parking and turning reducing the need for hardstanding ensuring a soft edge to the development.

Careful consideration has been given to PAN 72 in the design of the house, making best use of the available flat area of land, the house has been orientated to provide views and to maximise solar gains in the living areas, and the entrance is in a sheltered location from the prevailing wind. The house design is uniquely suited to this site, an innovative contemporary design solution as inspired in PAN 72.

This design solution ensures a building of lasting quality, simplicity, and of its time complementing its setting.



SITE AND CONTEXT:
The proposed site is located on the South side of Loch Tay near the village of Kenmore. It is a rough area of garden ground once associated with the listed Inchadney House sitting in an elevated position 90m to the South East. There is no visual connection between the site and Inchadney House due to the level difference. The site historically has been used as an extended informal garden ground for Inchadney House beyond the position of the formal gardens as demonstrated on the 1843 to 1882 historical map when Inchadney was a Manse. The area is now overgrown rough garden ground and well defined between the road and Inchadney with a dyke to the South west and post and wire and informal planting to the North East Boundary. The site is located in a position offering prominent views Across Loch Tay to the North West.



- ECO-CREDENTIALS OF PROPOSED HOUSE**
- 1.0 Super insulated and air tight building fabric to reduce need for energy
 - 2.0 Renewable heat pump heating system with underfloor low energy output
 - 3.0 Triple glazed windows with u values as low as 0.7
 - 4.0 Orientated to maximise solar gains.
 - 5.0 Thermal mass with the use of solid construction.
 - 6.0 Materials carefully chosen for low embodied energy, used in their natural state.
 - 7.0 All concrete used to be Ashcrete using left over fly ash from the coal industry mixed with Lime to form cement.

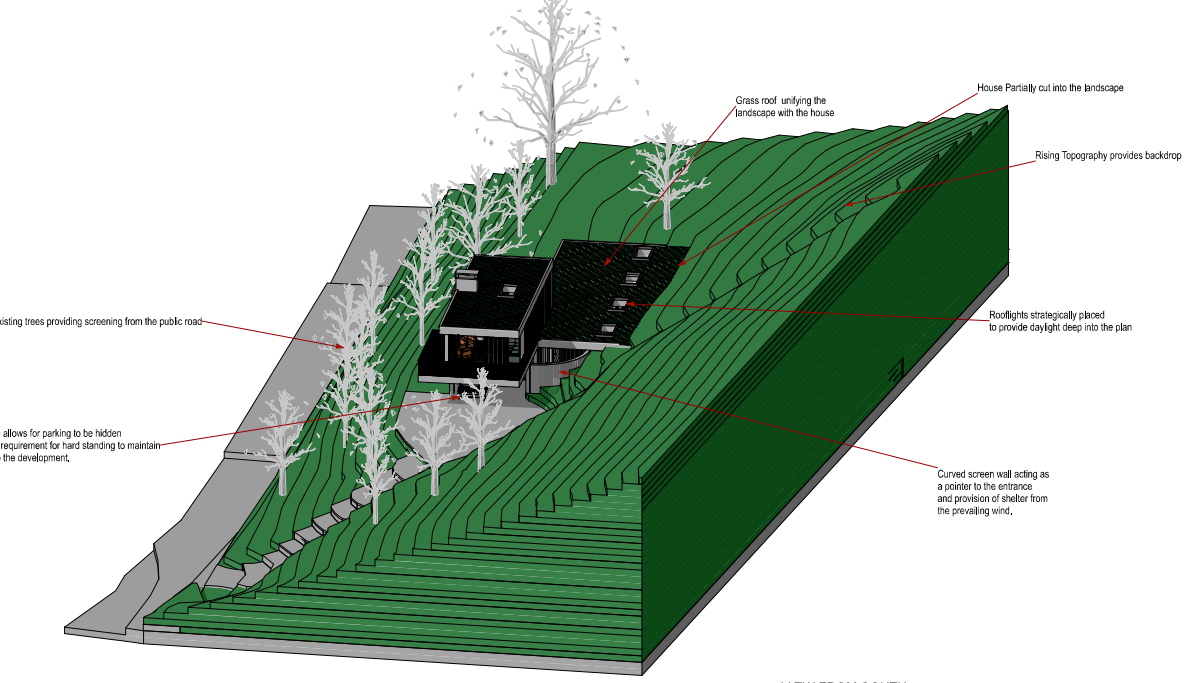


Callekchan

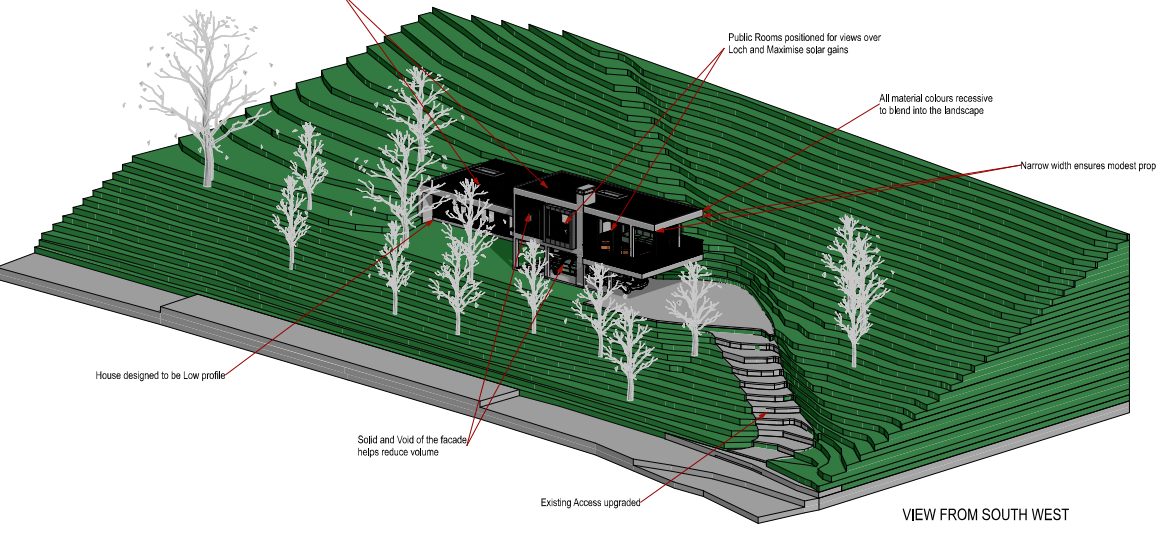


Rock House at Achianich

CASA has already built two other houses in the vicinity further along the Loch beyond Achian at Callekchan and Rock House at Achianich. These houses on similar elevated sites overlooking the Loch successfully and sensitively fit into the landscape. They are both award winning properties due to their cutting edge and sensitive designs.



VIEW FROM SOUTH



VIEW FROM SOUTH WEST

Amendments:	
New House at LOWER INCHADNEY Kenmore PH15 2HE	
for:	Paul Strachan
drawn:	Planning
checked:	DESIGN STATEMENT
drawing no:	349-04P
scale:	1:50 @ A2
Date:	March 2024
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Land North of Inchadney
Mr P Strachan
April 2024



**PROPOSED ERECTION
OF A DWELLING ON
LAND TO NORTH OF
INCHADNEY
SUPPORTING
PLANNING STATEMENT**

Table of Contents

1.0 Introduction	1
2.0 The Site	1
3.0 The Proposal	2
4.0 Planning Policy Assessment	2
5.0 Other Material Considerations	5
6.0 Conclusions	6

Appendix 1 Site Photograph

Appendix 2 Site Photograph (Existing Access)

1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with the detailed planning permission application that has been submitted to Perth and Kinross Council and behalf of Mr P. Strachan for the erection of a dwelling north of Inchadney, Kenmore.
- 1.2 The site extends to 3485 square metres; resulting in the proposal constituting a 'local application' in the context of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.3 The application is also supported by a Protected Species Survey and Tree Survey prepared by Skorpa Ecology.

2.0 The Site

- 2.1 The site is located southwest of Kenmore, sited on the southern side of South Loch Tay Road, on the southern shore of Loch Tay. The site is bounded by a post and wire fence to the east, a stonewall to the west, and the public road and a post and wire fence to the north. The southern boundary is a clearly defined natural boundary created by the change of levels associated with garden ground at Inchadney.
- 2.2 The site is not located within a settlement boundary and is therefore sited within the countryside area where the relevant policies apply.
- 2.3 There is an existing gate providing access to the site on the northern boundary from the public road.
- 2.4 The site is not encompassed by any environmental designations, nor is the site within an area of flood risk.
- 2.5 The site is considered to be an infill development that is sandwiched between two properties Hill House and Inchadney to the south, and the public road to the north and also into a readily defined site within the wider grouping where the neighbouring properties to the north east all contribute to the wider dispersed building group. Development of a single house on this site would extend the group into a readily definable site that matches the line of the western boundary that's already been set by Hill House and Inchadney and is also consistent with the pattern of development in the wider area which includes roadside sites/plots.
- 2.6 The site is also a rough area of garden ground associated with the extensive grounds of Inchadney House but due to the general topography and differences in levels is not visually related to Inchadney, a C Listed Building (LB12140) which sits at an elevated position further up the hillside. Due to the differences in topography and existing landscaping situated between the site and Inchadney House, there would be no impact to the setting of the Listed Building and no amenity or privacy issues would arise. The existing dwellings in the vicinity of the proposed site appear as a related grouping within the landscape which can reasonably be extended into this identified site. There is an appropriate landscape setting, and the proposed additional house will not fundamentally affect the qualities and integrity of the site.
- 2.7 There is a previous planning permission in principle application associated with this site: 15/00536/IPL for the erection of a dwellinghouse, this application was refused under the policies of the Perth and Kinross Local Development Plan 2014. That plan has now been superseded by

the Perth and Kinross Local Development Plan 2 2019 as well as National Planning Framework 4 which also now forms part of the adopted Development Plan.

3.0 The Proposal

- 3.1 It is proposed to erect a dwelling on the clearly defined infill site, situated within a wider building group between the public road and the two properties, Inchadney and Hill House, sited southeast of the site.
- 3.2 The proposed dwelling would also be sited within the original garden ground associated with an existing country or estate house and utilise an existing access sited on the public road on the site's northern boundary, it is proposed that this access would be upgraded to allow for safe and suitable vehicular and pedestrian access.
- 3.3 The proposed dwelling would be adequately screened from Inchadney due to existing trees and the topography, ensuring suitable amenity is achieved for both the existing, and the proposed, properties. Moreover, the site is well enclosed with mature landscaping none of which would be removed, ensuring the proposed dwelling would not have a detrimental impact on the surrounding landscape.
- 3.4 Despite not being visible to the wider environment, the proposed dwelling has been sited and designed to respect and promote the character of the surrounding area, using the highest quality design principles i.e. making best use of the available flat area of the site, utilising existing access, orientated to maximise solar gain, narrow width ensuring modest proportions, low profile design, retention of existing trees to provide screening and shelter from the prevailing wind and use of recessive material colours to blend into the landscape including a grass roof.

4.0 Planning Policy Assessment

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 2007 (as amended) requires planning decisions to be made in accordance with the Development Plan.
- 4.2 If the proposed development accords with the Development Plan, it should be approved unless there are material considerations of sufficient weight that would indicate otherwise.
- 4.3 The adopted Development Plan relevant to this proposal is the Perth and Kinross Local Development Plan 2 (LDP) adopted in November 2019, and the National Planning Framework 4 (NPF4) adopted in February 2023.

Table 1: Perth and Kinross Local Development Plan 2

POLICY	POLICY ASSESSMENT
Policy 1 Placemaking	The proposed dwelling is sited sensibly in a clearly defined infill site and within the context of a wider building group. The proposed dwelling is set on the edge of a flatter area of the site that forms part of the original garden ground associated with an existing country or estate house, reflects the surrounding environment in its siting, design, and density, and is well screened from the public road to the north, the wider surrounding area, and the existing dwellings to the south and east.

	The proposal is considered to comply with Policy 1.
Policy 5 Infrastructure Contributions	Infrastructure contributions would be made where required. The proposal can comply with Policy 5.
Policy 6 Settlement Boundaries	The site is located a short distance from the Kenmore settlement boundary and therefore, Policy 19 Housing in the Countryside applies. The proposal is considered to comply with Policy 6
Policy 19 Housing in the Countryside	The council support proposals for the erection of single houses that fall into one of the categories specified under this policy: this proposal would constitute development within a dispersed building group (category 1) and also within an infill site under (category 2). The development is also consistent with Existing Gardens (category 3.1) as it is set within the original garden ground associated with an existing country or estate house where there is an appropriate landscape setting and the additional house will not fundamentally affect the qualities and integrity of the site. The proposed plot boundaries align with the same boundaries as other properties within the building group, extends the grouping into a definable site, is comparable in size to the adjacent plots; adequate amenity could be achieved for all properties; and the size, orientation and footprint of the proposed dwelling would reflect that of the surrounding dwellings. The proposal is considered to comply with the criteria of 3 categories of Policy 19.
Policy 27 Listed Buildings	The adjacent property to the south is a Category C Listed Building: Manse of Kenmore (LB12140). Due to the existing screening on the boundary, the topographical changes between the existing and proposed dwelling, and the separate means of access, there are not anticipated to be any detrimental impacts on the setting of the Listed Building. The proposal is considered to comply with Policy 27.

National Planning Framework 4

- 4.4 The National Planning Framework 4 is a national spatial strategy which sets out how planning can deliver change in a way which brings together competing interests so that decisions reflect the long-term public interest.
- 4.5 NPF4 forms part of the statutory Development Plan and sets out the policies and proposals for the development and use of land in Scotland, which subsequently informs the Local Development Plan.

Table 2: National Planning Framework 4

POLICY	POLICY ASSESSMENT
<p>Policy 3 Biodiversity</p>	<p>Seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks. The Protected Species Survey Report provides full details on the potential impacts of the development on the site. The site is not affected by or included within any nature conservation designations. Evidence of otter and beaver activity was recorded by the Lochside to the north of the application site and public road. No higher value habitats are present on site and no evidence of protected mammal species (pine marten, red squirrel, badger) was found during the survey. The preliminary roost assessment for bats did not find any evidence of bats.</p> <p>The site provides bird nesting habitat and therefore work to clear the site has the potential to disturb nesting birds if undertaken within the nesting season. A suitably worded condition on any approval can cover this requirement.</p> <p>The proposal is considered to comply with Policy 3.</p>
<p>Policy 6 Forestry, Woodland & Trees</p>	<p>Advises that proposals that enhance, expand and improve woodland and tree cover will be supported, and proposals will not be supported where they would result in the loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. A detailed tree survey has been prepared in order to inform the development layout. The majority of trees on site are to be retained and provide the landscape framework for the development. The proposed layout has taken account of the main tree constraints including the need to retain and protect the existing mature trees (including RPA's).</p> <p>The proposal is considered to comply with Policy 6.</p>
<p>Policy 9 Brownfield, vacant and derelict land and buildings</p>	<p>Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP i.e. in this case Policy 19 of LDP2.</p> <p>The proposal satisfies the criteria of Policy 9.</p>
<p>Policy 14 Design, Quality and Place</p>	<p>Requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.</p> <p>It supports development proposals which are consistent with the six qualities of successful places (Health, Pleasant, Connected, Distinctive, Sustainable and Adaptable). Para 3.4 above and the separate design statement document prepared by CASA sets out in detail how the proposal complies with each of these qualities.</p> <p>The proposal complies with Policy 14.</p>
<p>Policy 16 Quality Homes</p>	<p>Development proposals for new homes on land not allocated for housing in the LDP will be supported where the proposal is consistent with policy on rural homes (see Policy 17 and LDP Policy 19) and where.</p> <ul style="list-style-type: none"> i) The proposal is supported by an agreed timescale for build out (in this case within 3 years of any approval); and ii) The Proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods (the site is within easy walking distance of Kenmore).

	The proposal complies with the relevant criteria of Policy 16.
Policy 17 Rural Homes	<p>The proposed dwelling would reflect and support the surrounding area in its siting and design.</p> <p>Although outwith the settlement boundary, the site is located a short distance from Kenmore and therefore the delivery of a dwelling on this site can contribute toward the housing needs of the local area through utilising a definable site which can reasonably accommodate development of this type.</p> <p>The proposal is considered to comply with Policy 17 and it is suitably scaled, sited and designed to be in keeping with the character of the area.</p>
Policy 29 Rural Development	<p>Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. The site is in proximity to Kenmore and therefore contributes to the principle of local living and takes into account the transport needs of the development as appropriate for this rural location.</p> <p>The proposal complies with Policy 29.</p>

5.0 Other Material Considerations

Housing in the Countryside Supplementary Guidance (SG)

- 5.1 Category 1 Building Groups acknowledges that such groups can be characterised from compact groups to areas which are characterised by a more dispersed building pattern, particularly when they appear as a group within their landscape setting.
- 5.2 The guidance highlights 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 in the wider landscape.
 - A high standard of residential amenity will be provided for both existing and new housing.
- 5.3 The guidance also supports houses such as this proposal which extend the group into a readily definable adjacent site which is formed by existing topography, roads or well established landscape features such as a watercourse or mature tree belt which will provide a suitable setting.
- 5.4 Category 2 Infill Sites makes provision for the development of new homes in gaps between established houses.
- 5.5 The proposed site is sandwiched between two existing properties and the main road.

- 5.6 The plot is reflective in size of the two adjacent properties and would ensure amenity is maintained and achieved for all properties.
- 5.7 The topography of the site ensures that the proposed dwelling is detached enough from the existing dwellings to ensure residential amenity for both proposed and existing dwellings would be maintained, whilst appearing related enough to constitute an infill site and as a readily definable site within the wider grouping. This site is not considered to encourage ribbon development as the proposal would round off development in this location being the final clearly defined site.
- 5.8 Category 3.1 Existing Gardens also supports this type of new house within the original garden ground associated with an existing country or estate house providing there is an appropriate landscape setting and additional development does not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building.

6.0 Conclusions

- 6.1 This supporting statement has highlighted that the proposed high quality designed dwelling which sensitively respects and reflects the surrounding environment could be reasonably accommodated on this clearly defined infill site, within the wider building group, and all set within the existing appropriate landscape setting that forms part of the original garden ground of Inchadney House.
- 6.2 The Protected Species Survey and Tree Survey prepared by Skorpa Ecology confirms that there is no evidence of protected species on the application site and the proposed layout has taken account of trees.
- 6.3 This statement has demonstrated that the proposal is in accordance with the policies across both the Perth and Kinross Local Development Plan, and the fourth National Planning Framework. The proposal meets with the relevant criteria of being development within a building group and an infill site, in accordance with LDP Policy 19, and is also consistent with NPF4, and there are no material considerations that would indicate the application should not be approved.
- 6.4 It is therefore kindly requested that Perth and Kinross Council consider the application favourably and grant planning permission for the erection of a dwelling on the readily defined site north of Inchadney, Kenmore.

APPENDIX 1

SITE PHOTOGRAPH



APPENDIX 2

SITE PHOTOGRAPH – EXISTING ACCESS





BIDWELLS

EUROPEAN PROTECTED SPECIES SURVEY AND TREE SURVEY AT HOUSE PLOT AT LOWER INCHADNEY, KENMORE.



3rd April 2024

**EUROPEAN PROTECTED SPECIES
SURVEY AND TREE SURVEY AT HOUSE
PLOT AT LOWER INCHADNEY,
KENMORE.**

FOR

MR PAUL STRACHAN

REFERENCE: 2024/002 LOWER INCHADNEY			
Issue		Prepared by	Reviewed by
1	9th April 2024		
		Dr. Ian Hulbert	Mrs Fiona Hulbert
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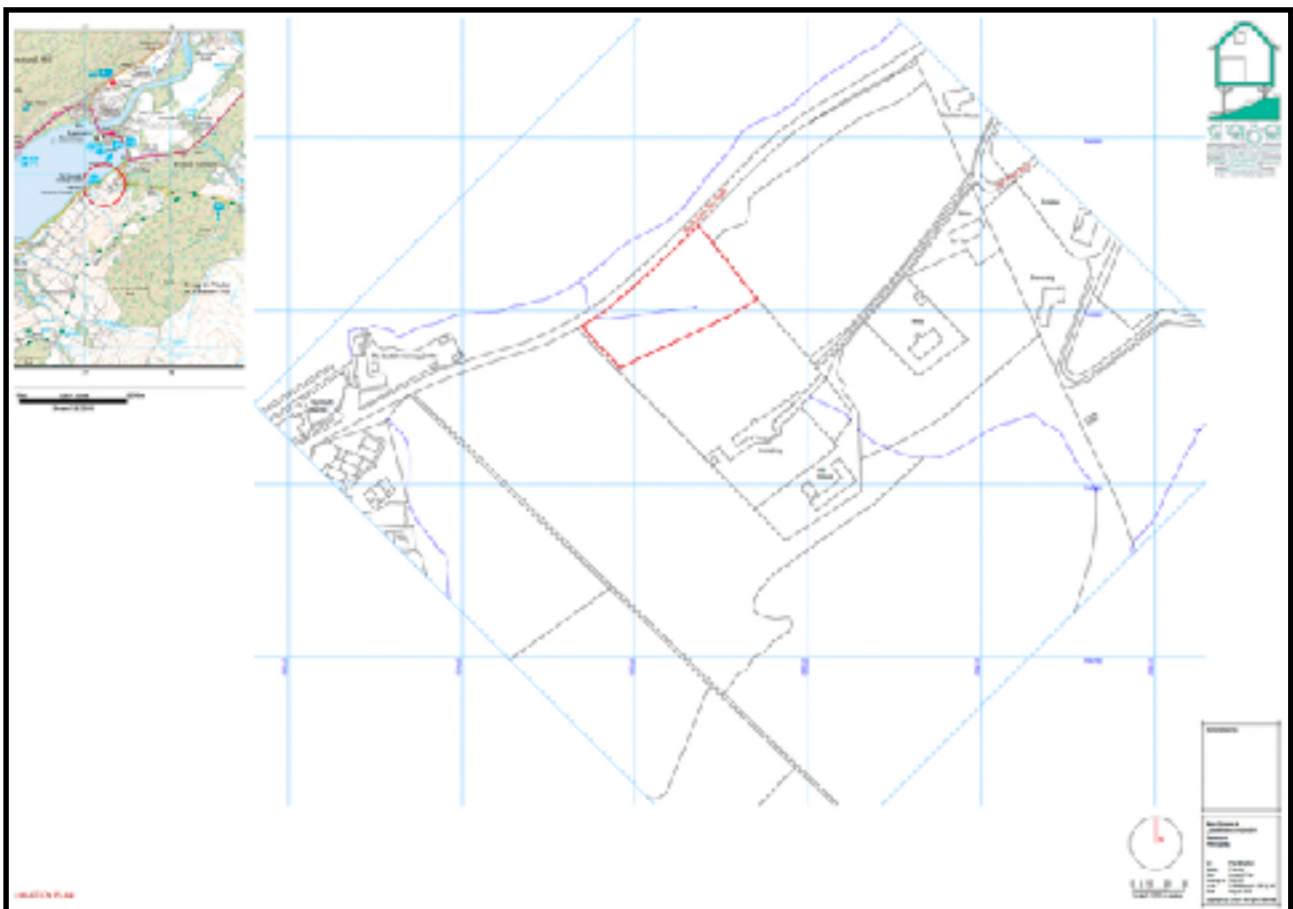
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Executive Summary

Site Location	Skorpa Ecology Ltd was commissioned by Mr Paul Strachan to undertake a European Protected Species, Nesting Bird Survey and Tree Survey survey on land he is seeking planning permission for a house to be built. The plot of land lies on the southern shore of Loch Tay, 1km west of Kenmmore, just above the South Loch Tay Road.
Assessment carried by Skorpa Ecology Ltd	A desk study examining otter, beaver, pine marten, red squirrel, badger and bat presence in the area was carried out prior to the field survey. This included consulting the National Biodiversity Network database. The Field Survey for otter, beaver, pine marten, red squirrel was carried out between 28-29th March 2024 when conditions were bright and cool. Additionally, a Preliminary Roost Assessment was carried out for bats. Nesting birds were noted if seen and a tree survey was carried out. Previous surveys within the locality carried out by the same author were also consulted.
Site Overview	The plot was largely open with trees around the boundary. The vegetation in the middle of the plot was dominated by white butterbur, a non-native invasive plant that requires notification to the Scottish Invasive Species Initiative.
Results	Both otters and beavers were present along the loch shore. No otter holts were found. No evidence of pine marten, red squirrel or badger were found on or adjacent to the site. The preliminary roost assessment for bats did not find any evidence of bats. Nesting birds were noted on site. The tree survey quantified all trees greater than 0.15m DBH.
Mitigation	No mitigation is necessary for any of the European Protected Species. Clearing of vegetation should cease during the nesting season between March to the end of August, unless an ecologist is on site. The majority of trees on site should be retained, but a number of trees can be removed if required.

Introduction

Skorpa Ecology Ltd (Skorpa) (Appendix I) was commissioned by Mr Paul Strachan to undertake a European Protected Species and Nesting Bird Survey and Tree Survey on a plot of land seeking Building Permission at Lower Inchadney, just west of Kenmore on the South Loch Tay Road. Colin Smith of CASA is the architect.



Skorpa recommended that an European Protected Species survey be carried out for otters, beavers, pine martens, red squirrels, badgers and a Preliminary Roost Assessment be carried out for bats. Additionally, Skorpa Ecology recommended that a tree survey be carried out according to BS5873 (British Standard for trees in relation to construction updated in 2012). Such surveys are normally completed for anyone planning or considering altering property or land which is close to, or contains trees. Finally, the survey also recorded whether nesting birds were present.

The survey concentrated on land within the red line boundary of the plot but also included surveying for otter and beavers along the shore of Loch Tay for up to 250m beyond the

red line boundary of the plot. The survey also included land (not including private gardens) surveying for pine martens, red squirrels and badgers for 50-100m beyond the red line boundary of the plot.

The survey was carried out between Thursday 28th March and Friday 29th March 2024.

The aim was to:

1. Survey for otters, beavers, pine martens, red squirrels, badgers and a Preliminary Roost Assessment for bats within and adjacent to the red line boundary of the plot.
2. Survey for trees within the red line boundary of the plot.
3. Assess for nesting birds.
4. Provide mitigation recommendations that would avoid and reduce harm to the various species and trees associated with works for building the house and its subsequent use.

Licencing

A licence to permit development can only be granted if the developer can meet the three strict European protected species licencing tests.

Test 1

There must be a licensable purpose for which licences can be granted. The reason for the licence must relate to one of several purposes specified in regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

Test 2

There must be no satisfactory alternative.

Test 3

The proposed action must not be detrimental to maintaining the species at 'favourable conservation status'. In considering this test, NatureScot will take into account any possible impacts of development proposals on the favourable conservation status of the relevant species in its native range. The developer must clearly set out all of the mitigation and compensation measures to minimise impacts on the species. These should include these details in the supporting information sent in with an licence application.

This report will examine each European Protected Species and indicate whether a licence would be required prior to any development being undertaken.

Site Description

The plot of land is a steep north facing slope on the southern banks of Loch Tay, 1km west of Kenmore. The plot is deer fenced on the western and eastern boundaries and there is a dilapidated deer fence running parallel to the South Loch Tay Road of the northern boundary. The southern boundary is not delineated at present and is just a red line on the map. Currently the proposed house plot is a northerly extension of the garden belonging to the existing house named Inchadney.

The ground vegetation on the plot can be separated into four distinct zones.

Zone 1: (Green) This zone is dominated by bracken (*Pteridium aquilinum*).

Zone 2: (Blue) This zone is dominated by non-native rhododendron (*Rhododendron ferrugineum*).

Zone 3: (Pink) This zone is dominated by a sparse woodland ground cover.

Zone 4: (red) This zone is dominated by the non-native invasive plant known as white butterbur (*Petasites albus*). Any removal of soil containing roots of this species will be tightly controlled. The location of the plant should be reported to the Scottish Invasive Species Initiative (<https://www.invasivespecies.scot/report-invasive-plant-sighting>), who will follow up with control action.



The trees on the plot were surveyed according to BS5873 (British Standard for trees in relation to construction updated in 2012). Such surveys are normally completed for anyone planning or considering altering property or land which is close to, or contains trees.

Methodology: Desk Study and Specific Surveys.

A desk study was carried out to determine the presence of otters, beavers, red squirrels, pine marten and badger in the vicinity of Lower Inchadney. The desk study was an interrogation of the National Biodiversity Network Atlas, (<https://nbn.org.uk/>) and the Tayside Biodiversity Partnership (<https://www.taysidebiodiversity.co.uk/>).

The survey was completed between Thursday 28th March and Friday 29th March 2024. Dr. Hulbert has extensive knowledge of all species but especially otter having surveyed for otters across Europe since 1987 (Taylor et al 1988). Additionally, Dr Hulbert has surveyed the River Tay and the shores of Loch Tay around Kenmore extensively over the last 10 years for various projects and housing developments.

The weather at the time of survey was a mix of sunny intervals with some rain showers. The weather at the time of survey was not an obstacle to the surveys undertaken.

Otter:

The otter is protected in the UK, by Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended) (WCA). This means that it is illegal to intentionally kill, take or injure an otter, intentionally disturb an otter in its place of shelter and intentionally damage, destroy or obstruct access to a place of shelter. In addition, the Nature Conservation (Scotland) Act 2004 also introduces ‘reckless’ acts into the WCA as an offence in Scotland. In addition, the otter is a European protected species, protected by the EC Habitats Directive and the Conservation (Natural Habitats) Regulations 1994. This means it is illegal to damage or destroy an otter shelter, whether intentionally or not, and to deliberately disturb an otter. A European species licence (under Regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994), issued by the NatureScot, is therefore required for any development works considered likely to damage/disturb this species. The otter is included within the UK Biodiversity Action Plan (BAP) and is listed as a species most urgently in need of action. A UK Species Action Plan (SAP) has therefore been written for the otter in order to prevent further decline in their numbers. This SAP explains the current status of the species and identifies future objectives, research requirements and policy/legal requirements. The Tayside Biodiversity Partnership has an “Otter Action Plan” where the objectives are to 1. maintain existing otter populations and 2. expand existing otter populations.

A detailed otter survey was carried out using a modification of the standard otter survey methodology as set out in the 'New Rivers and Wildlife Handbook' (NRA/RSPB/RSNC, Ward & Holmes 1994) and 'Otters and Development' (SNH now NatureScot). The author of this report has used this method extensively in river systems in southern Europe (Taylor et al 1988) and across Scotland for private and commercial clients (References available upon asking).

Otters are solitary animals generally living close to watercourses, which provide suitable foraging habitat, i.e. contain suitable populations of prey. Otters may reside in tunnels or recesses set into the ground, often under tree roots, which are conventionally known as "holts" (a hunting term for den). Holts represent a place of shelter. Otters may also rest up in more open day nests (known as couches) set in vegetation on the banks of suitable water bodies. Otters are largely nocturnal and avoid humans, so sightings are rare, but they do leave behind a number of characteristic field signs and surveys focus on searching for these.

Otter signs include spraints (droppings), which can be found on boulders on the shore, along riverbanks and under bridges or overhanging trees; footprints; pathways; slides; holts (dens); couches (daytime resting places) and feeding remains. Boulders within the watercourses and exposed areas were searched for otter spraints. The banks and nearby trees and scrub were searched for holts, couches, pathways and slides and deposits of mud, silt or sand were checked for prints. Weather conditions during the survey were dry but overcast, with low-normal water levels.

Examination of any obvious features such as tree roots and dense vegetation was carried out, along with careful searches of overhanging vegetation. The presence / absence of otters was determined using field signs of otter activity including otter spraints, footprints, tracks, slides, couches and holts or potential holts (e.g. MacDonald and Barrett, 1993). All field signs were recorded and mapped.

Beaver:

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

- kill, injure, capture or harass a beaver;
- disturb a beaver whilst it is occupying a lodge, burrow or other place it uses for shelter or protection, or while it is rearing or otherwise caring for its young, or in any

way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of beavers;

- obstruct access to a beaver breeding site or resting place, or otherwise prevent their use.

And whether or not deliberate or reckless:

- to damage or destroy a beaver's breeding site or resting place.

In practical terms this means that lodges and burrows within active beaver territories are protected. Interference with dams may also constitute an offence due to their role in maintaining the ecological function of breeding sites. Use of lodges and burrows are particularly sensitive to changes in water levels; entrances need to be below water level and depths of <70cm of water are unlikely to be suitable for beavers. Any activity that prevents access to or removes a food cache could also impair the beavers' ability to survive, reproduce and care for their young. Significant felling of riparian woodland could also affect the local distribution of beavers depending on the availability of suitable habitat and territory sizes.

NatureScot guidance on ecological definitions and disturbance of beavers provides detailed consideration of potential offences associated with damage to and disturbance of structures and places used by beavers. Based on experience from Europe where beavers occupy heavily modified landscapes, including a number of cities and co-exist alongside day to day land management activities, it is considered that:

'disturbance impacts to beavers are unlikely to occur where human action avoids physical damage to key beaver built structures (i.e. breeding sites and resting places) or the dams protecting them and allows access to these and associated suitable foraging habitat, and that avoids any interruption of normal ecological behaviour that goes beyond a short-term temporary period'.

This is reflected in NatureScot guidance to land managers, which advises that a licence is not required for land management activities near lodges, burrows or dams, provided they don't damage those structures. The same principles apply to planning for built development, whilst noting that disturbance associated with built development may be either temporarily more intensive or more permanent in nature than land management practices.

A detailed survey of beaver activity was carried out with a systematic search for feeding signs, food caches, scent mounds, slides, dams, edges and canals. Beaver surveys are

easiest during the winter and spring when bankside vegetation is reduced and beavers signs are more evident. Therefore the timing of the survey in March was ideal.

Squirrel:

Red squirrels (*Sciurus vulgaris*) are included in Schedules 5 and 6 of the Wildlife and Countryside Act, 1981 (WCA) (as amended). This Act has been recently further amended by the Nature Conservation (Scotland) Act 2004 (NCSA), which adds the term "recklessly" to the list of prohibited actions. Under Sections 9 and 11 of this Act, it is an offence to:

- intentionally (or recklessly) kill, injure, take or possess a wild red squirrel;
- intentionally (or recklessly) damage, destroy or obstruct access to any structure or place used by a red squirrel for shelter or breeding;
- intentionally (or recklessly) disturb a red squirrel while it is occupying a structure or place that it uses for protection;
- sell, offer for sale, expose for sale or have for the purpose of sale, any red squirrel, or to infer that red squirrels can be bought or sold and;
- kill or capture red squirrels by indiscriminate methods such as snaring or poisoning.

The red squirrel is listed on the UK Biodiversity Action Plan (UK BAP) as a Priority Species and has a UK Species Action Plan (SAP).

In certain circumstances, licenses can be granted for the destruction or removal of red squirrels, for instance: to prevent serious damage to livestock, crops, growing timber or any other property; to prevent the spread of disease; for science and education purposes; or for conservation. Under the WCA 1981, there is no provision however, for licensing the intentional destruction of places used by squirrels for shelter/protection or for the disturbance of squirrels occupying such places, for the purposes of development. Care must therefore be taken when considering the options available to enable the development of the scheme.

The Forestry Commission (FC) has produced an advice note on how to carry out forestry operations to minimise the possible impacts on red squirrels (Forestry Commission, 2006).

The red squirrel is the only squirrel native to the United Kingdom and was once widespread throughout. The last 50 years has seen a major decline in their numbers and

Scotland is now considered to hold the core of the UK population (i.e. around 120,000 individuals: at least 75% of the UK population) (Harris et al., 1995).

The continuing spread of grey squirrels (*Sciurus carolinensis*) is regarded as a major threat to the survival of red squirrels. Red and grey squirrels occupy a similar ecological niche and so are often in direct competition with each other for habitat and food resources (termed, “inter-specific competition”). Grey squirrels appear to be better adapted to the current, fragmented nature of British woodland and so out-compete the native reds, typically displacing them within 15 years of their arrival to an area. Furthermore, grey squirrels carry squirrel poxvirus (SQPV), which is potentially fatal to red squirrels but does not appear to affect greys. This together with habitat loss and fragmentation, and changes in woodland management practices are all considered to be contributing factors to the observed red squirrel decline.

Squirrels typically live in dreys, which are constructed of twigs in a tree fork, or above a whorl of branches close to the stem (Tittensor, 1970). Active squirrel dreys are very dense and compactly built, whereas it is often possible to see light through the loosely interlaced twigs of a bird nest or disused drey. Furthermore, birds can often be observed perching around their nests (Holme, 2000) and there may also be faecal material evident. Squirrels often use several dreys or dens within their home range and red and grey squirrels may use the same drey or den, although at different times. Observing a grey squirrel emerging from a drey/den is therefore not definitive evidence that the drey/den is not also used by red squirrels. Taking a precautionary approach, it will therefore be assumed that all dreys or potential dens located within the area of works are occupied by red squirrels. However, grey squirrels have only recently been recorded locally, so all dreys are assumed to be those belonging to red squirrels. They may also occupy dens (tree hollows), although the abundance of dens is dependent on the availability of suitable tree cavities (Holme, 2000). Activities associated with the development of the site have the potential for contravening current legislation by:

- damaging or destroying a red squirrel drey or den by felling trees containing dreys or dens;
- obstructing access to used dreys or den (e.g. a felled branch from a neighbouring tree accidentally becoming lodged against a red squirrel drey or den); and
- disturbing red squirrels inside or at their drey or den through noise from nearby machinery, vehicles and/or people (the degree of disturbance will depend on the activity concerned and its distance from the drey or den).

The red squirrel survey was undertaken within the plot of Lower Inchadney.

Pine Marten:

The Eurasian pine marten *Martes martes* is one of six native members of the Family Mustelidae (Order Carnivora), and the only representative of the genus *Martes*, surviving in Britain. Martens were once widespread, however they are particularly susceptible to persecution and, in the 19th century, suffered one of the most dramatic declines of any UK mammal. By the turn of the 20th century, the once widespread distribution was reduced substantially to relict populations limited to North West Scotland, where the species survived in areas of remote forest and rocky moorland. In 1988, martens were given full legal protection by their addition to Schedule 5 of the Wildlife and Countryside Act 1981. It is therefore illegal to intentionally or recklessly capture or kill a wild pine marten.

A study commissioned by SNH in 1996 identified the then distribution of pine marten in Scotland. The study indicates that the pine marten population has made a significant recovery in Scotland with an expansion south and eastwards from the core areas identified in 1980-82. Martens are now no longer confined to the Highlands (council area) and have now re-colonised much of Moray, Perth & Kinross and Argyll & Bute, as well as parts of Aberdeenshire and Stirling. There is a small self-sustaining reintroduced population in Galloway. However, the species is still rare in Britain with population estimates ranging from 2,600 to around 3,500 adult martens in Scotland. Given the massive historic reduction in the range of the species, there is still considerable potential for the re-colonisation of areas which it formerly occupied. Further expansion is therefore likely unless limited by other factors, such as illegal persecution.

Martens prefer well-wooded areas but will also hunt in open country including montane habitats. They often make their dens in rock crevices, boulder piles or hollow trees. In some parts of Scotland, martens have adopted buildings (including the roof-spaces of occupied houses) for breeding, because of their particularly good insulative properties. This behaviour may result from a lack of suitable natural den sites in old trees.

Although martens are not confined to woodland, each animal requires between 86 and 166ha of woodland within its territory. Extensive mature conifer plantations provide them with plenty of cover and they spend a large part of their time in such areas - significantly more than in open new plantations and thicket-stage plantations. Thus, overall, they are likely to have benefited from the expansion of commercial conifer forestry during the 20th century.

Martens are territorial and mark their range with faeces (scats) deposited in prominent locations. Mating occurs between July and August, however implantation of the fertilised egg is delayed and one to three (exceptionally up to five) deaf, blind and helpless young are produced in early spring of the next year. They begin to emerge from the den by the middle of June and are fully independent around 6 months after their birth. They are mainly active at night and dusk and have a broad diet that varies throughout the year depending on the availability of certain food types. Small rodents, especially voles, form the bulk of their diet, along with birds, beetles, carrion and eggs. Berries are very important in the autumn. They are adept climbers, but tend to hunt mainly on the ground.

For the purposes of this survey, all hollows within trees and walls, stoney outcrops and piles of timber brush were thoroughly investigated. As many grassy knolls, tree stumps and dry stone walls were investigated for pine marten scats.

Badger:

Badgers are protected in Britain by the Protection of Badgers Act 1992. The purpose of this Act is to protect the animals from deliberate cruelty and from the incidental effects of lawful activities which could cause them harm. Under this legislation it is an offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so
- interfere with a sett by damaging or destroying it
- obstruct access to, or any entrance of, a badger sett
- disturb a badger when it is occupying a sett

Note that if any of the above resulted from a person being reckless, even if they had no intention of committing the offence, their action would still be considered an offence. A person is not guilty of an offence if it can be shown that the act was 'the incidental result of a lawful operation and could not have been reasonably avoided'; only a court can decide what is 'reasonable' in any set of circumstances.

A badger sett is defined in the Act as 'any structure or place which displays signs indicating current use by a badger'. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries etc. 'Current use' does not simply mean 'current occupation' and for licensing purposes it is defined as 'any sett within an occupied badger territory regardless of when it may have last been used'. A sett therefore, in an occupied territory, is classified as in current use even if it is only used seasonally or occasionally by badgers, and is afforded the same protection in law.

Badgers live in a network of underground tunnels known as a 'sett'. The tunnels can have a combined length of several hundred metres, although individual tunnels probably rarely exceed 15 metres in length. Incorporated within these tunnels are a number of widened sections and cul-de-sacs used as nesting and sleeping chambers. Bedding material such as dry grass, bracken and other suitable vegetation are brought in to line these chambers, thereby helping to conserve heat.

Large quantities of rocks and soil can be excavated while badgers are digging and maintaining their setts. This piles up outside the entrance holes forming, characteristic and sometimes very distinctive spoil heaps. The entrance holes to the underground tunnels are typically a flattened arch shape around 20-30cm high by 25-35cm wide. Badgers are generally nocturnal and evidence of their presence in an area often comes from field signs rather than sightings of the animals. The signs are characteristic and sometimes quite obvious, and include:-

- tufts of hair caught on barbed wire fences
- conspicuous badger paths
- footprints
- latrines - small excavated pits in which droppings are deposited
- 'snuffle holes' - small scrapes where badgers have searched for insects and plant tubers
- day nests - bundles of grass and other vegetation where badgers may sleep above ground
- scratch marks on trees (usually near the sett)

The badger survey was undertaken within the plot of Lower Inchadney. In particular, the fence lines were searched for evidence of badgers crossing into the plot to and from adjacent ground.

Bats:

All bat species found in Scotland are classed as European protected species. Consequently individual accounts for each bat species are not described here. All bats receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). A summary of offences in relation to these protected species is below. For the

definitive list of offences, you should consult the actual legislation. For any wild bat species, it is an offence to deliberately or recklessly:

- capture, injure or kill a bat
- harass a bat or group of bats
- disturb a bat in a roost (any structure or place it uses for shelter or protection)
- disturb a bat while it is rearing or otherwise caring for its young
- obstruct access to a bat roost or otherwise deny an animal use of a roost
- disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species
- disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- disturb a bat while it is migrating or hibernating

It's also an offence to:

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)
- keep, transport, sell or exchange, or offer for sale or exchange any wild bat (or any part or derivative of one) obtained after 10 June 1994

NatureScot is responsible for issuing licences to permit development, including major works and minor home repairs, that might affect bats or their roosts. The developer (house builder) should apply to NatureScot for a licence if the work could otherwise result in an offence in relation to bats.

Preliminary roost assessment surveys are undertaken to record bat presence and evidence of use by bats both internally and externally within a built structures and including trees. Additionally, the potential of site as a bat roost should also be recorded. Such surveys can be undertaken at any time of the year.

The inspection survey requires assessment of whether bats are currently present, have been present or have the potential to be present. A variety of equipment is used to examine a structure internally and externally. The initial assessment of trees in this survey was carried by using binoculars of notable features in trees on site that could harbour bats. If this initial assessment warranted further inspection then other equipment might

include an endoscope, inspection mirrors and a high-powered torch. The following evidence would normally be recorded:

- Location and number of any live bats
- Any bat corpses or skeletons
- Location and number of droppings and the freshness, shape and size of droppings
- Feeding remains, such as moth wings
- Clean, cobweb-free timbers, crevices and holes
- Characteristic staining from urine and/or grease marks
- Known and potential roost access points
- Characteristic smell of bats

Some structures require the use of access platforms to fully inspect the external and internal walls and roofs and holes within trees. All features of a structure are checked for bat activity and the presence of bats. Inspection surveys of trees require either climbing or the use of access platforms depending on the location and state of the tree to be surveyed. All survey methods followed the methodology given in the Bat Conservation Trust's Bat Survey: Good Practice Guidelines 3rd Edition (Collins 2016).

All trees within the plot were examined for evidence of potential roosts - cracks, fissures, holes etc. This was done using binoculars from ground level. No trees were climbed.

Nesting birds:

During the surveys for the above species and the tree survey, the presence of any nesting or potentially nesting birds was noted.

Results

The NBN atlas confirmed that four of the five species, otters, beavers, pine martens and red squirrel have been recorded within 2km of the plot of Lower Inchadney. Badgers have been recorded within 5km of the plot, but all have been on the north side of Loch Tay. Additionally, two species of bats - Soprano Pipistrelle and Brown Long-eared Bat have been recorded within 2km of the site at Lower Inchadney.

Otter:

One fresh spraint and a less obvious spraint were found on mossy outcrops by the lochside within 10m of the northern boundary of the plot. The rocky boulders providing protection to the road from the loch had numerous holes that could potentially be used by otters, but no definitive evidence of otter use was found.

These finds equate to approximately one “otter event” for every 200m of river/loch bank surveyed. This is similar to other stretches of the River Tay surveyed previously by the present author.

Beaver:

Evidence of beaver activity, in particular ring barking of trees and cutting of smaller stems were also present. There was no evidence of beaver dams or lodges present.

Pine marten:

All dry stane dykes and piles of stones were surveyed - particularly along the boundaries of the plot. No evidence of pine martens were found. However, the author of this report has witnessed pine martens on the South Loch Tay road over the last 20 years, so they are present in the area.

Red squirrel:

No trees on site were suitable for red squirrels either for feeding or for dreys. No feeding evidence was found. However, as for pine martens, the author of this report has

previously witnessed red squirrels jumping along the dry stane dykes on the South Loch Tay Road, so they are present in the area.

Badger:

No evidence of badger was found. [REDACTED]

Bats:

No evidence of bats were found in the trees assessed for the Preliminary Roost Assessment.

Nesting Birds:

A range of birds were noted declaring their territories around the site. But none of the birds were Schedule 1 Protected Bird Species in Scotland (<https://www.bto.org/our-science/projects/bird-ringing-scheme/taking-part/protected-birds/s1-list> accessed 3rd April 2024)

EPS & Birds: Discussion, Recommendations and Mitigation

Otter:

The otters are widespread along Loch Tay at this site. Dr. Hulbert has already carried out numerous other otter surveys within 2km of the house plot at Inchadney over the last ten years. For each survey at each location, evidence of otters have been found. The most common evidence were spraints on rocks and some footprints. In the present survey, two spraints were found, which equates to otter evidence every 200m of loch bank surveyed. This is likely to be an underestimate of otter activity, but does equate to other surveys carried out in the area.

Otter holts/couches could be present within the rock armour boulders protecting the loch side road but definitive evidence was absent. However, when water levels are high they would be flooded. Additionally, the regular presence of walkers between Kenmore and the Marina suggests that these locations would be rarely used.

Male otters have territories that can extend up to 40km while female otters have territories that can extend up to 20km. This equates to at least 80km and 40km of river / loch bank respectively. Although otters extensively use the loch bank that was surveyed, there is probably a lot of disturbance from walkers, dogs and general traffic that make it less attractive for otters to establish aholt, where they prefer very secluded areas and little disturbance. It is likely that the otters that occupy this area, have holts further west where the loch bank is less disturbed.

Mitigation: No mitigation or licence required. The work site will not be lit. It will be used predominantly during daylight hours. Therefore, there is no likelihood of disturbance.

Beaver:

Beavers are widespread along the River and Loch Tay. The most common evidence are the numerous cut trees and gnawed tree stems. Some were recorded within 10m of the northern boundary of the plot. No lodges were observed although there is evidence of beaver lodges and dams within 2km of the plot at Inchadney.

Mitigation: No mitigation or licence required.

Pine martens, red squirrels and badgers:

None of the species above were found on the site. Nevertheless, Dr. Hulbert has travelled and walked along the South Loch Tay Road regularly and has encountered each species, so they are in the area.

Mitigation: No mitigation or licence required.

Bats:

No evidence of bats roosting in trees were found. Nevertheless, Dr. Hulbert has travelled and walked along the South Loch Tay Road at dusk and has witnessed bats of various species flying in the trees and over the loch. These bats are more likely to be roosting in the old houses and outbuildings in the vicinity rather than trees on the plot.

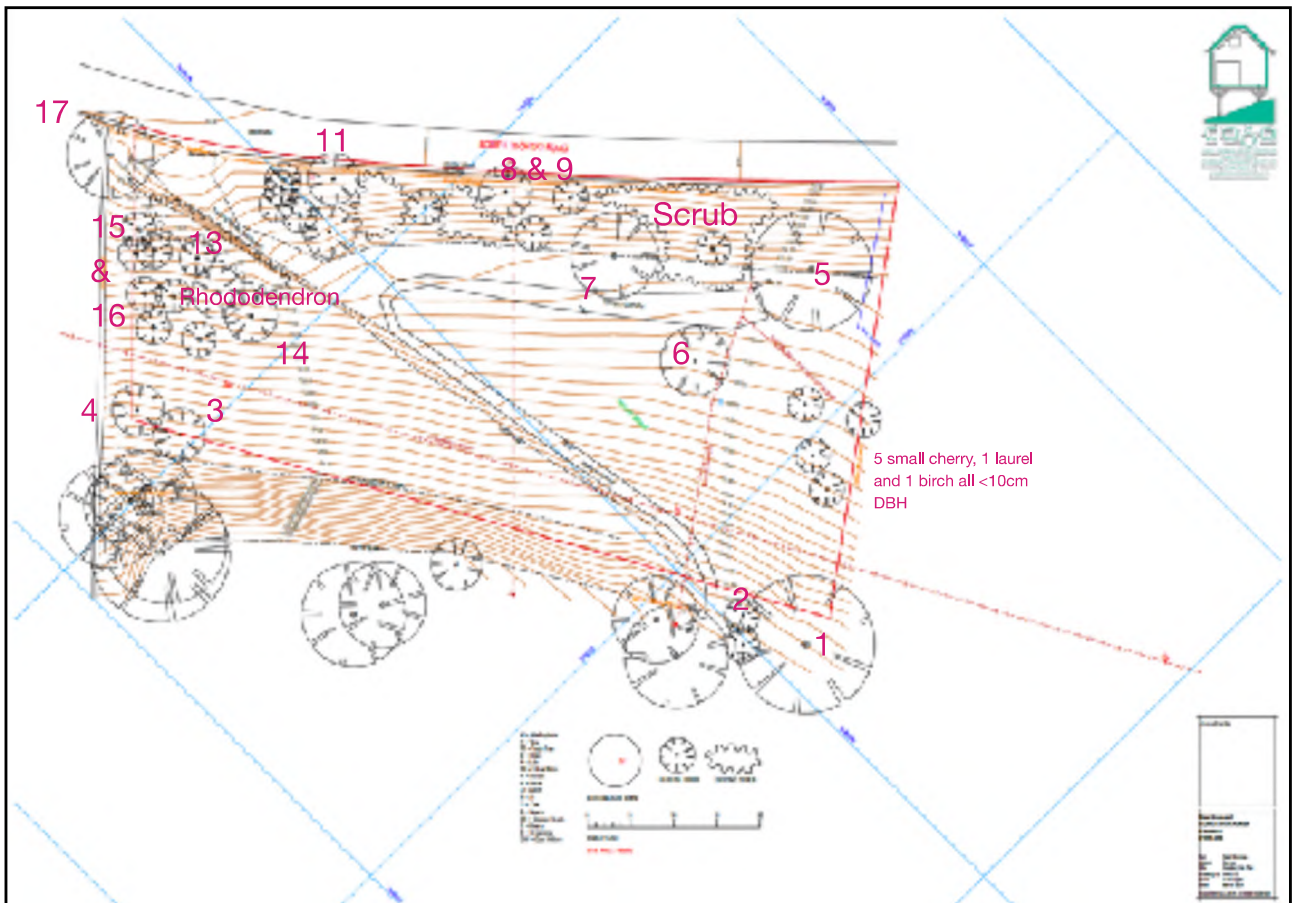
Mitigation: No mitigation or licence required.

Nesting Birds:

Nesting birds are protected by law in Scotland and birds generally nest between the 1st March and the end of August. If any trees or vegetation are to be removed between those dates, then an ecological presence will be required to ensure that the trees/vegetation to be removed does not include nesting birds.

Tree Survey

The trees on the plot were surveyed according to BS5873 (British Standard for trees in relation to construction updated in 2012). Such surveys are normally completed for anyone planning or considering altering property or land which is close to, or contains trees. Only trees greater than 15cm DBH were recorded, tagged and mapped. Some trees had already been felled and have been marked with an X on the map. The physical qualities of each tree is also tabulated and a small narrative describing each tree is also provided separately.



ID	Common Name	Scientific Name	TPO	Height	Stem Diameter	Radial Spread	Age	Physiological & Structural condition	Recommendations	Remaining useful life of tree	Tree quality assessment
1	Wellingtonia	<i>Sequoiadendron giganteum</i>	No	60m	4m	15m	200yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A
2	Yew	<i>Taxus baccata</i>	No	6m	0.7m	3m	100yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A
3	Hybrid Larch	<i>Larix x marschlinii</i>	No	16	0.25	2m	25yrs	Superficial bark damage	No constraints on removal	> 40yrs	C
4	Beech	<i>Fagus sylvatica</i>	No	16	0.4m	4m	25yrs	Superficial bark damage	No constraints on removal	> 40yrs	C
5	Copper beech	<i>Fagus sylvatica f. purpurea</i>	No	30	1.8m	8m	150yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A
6	Beech	<i>Fagus sylvatica</i>	No	16m	0.7m	4m	40yrs	Superficial past pruning	Maintain & manage with sympathy	> 40yrs	A
7	Oak	<i>Quercus petraea</i>	No	20m	0.8m	7m	60yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A
8	Ash	<i>Fraxinus excelsior</i>	No	20m	0.25m	2m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
9	Hazel	<i>Corylus avellana</i>	No	20m	Multi-stem each 0.3m	8m	40yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A
10	Beech	<i>Fagus sylvatica</i>	No	15m	0.4m	6m	30yrs	Badly misshapen	No constraints on removal	<10 yrs	U
11	Ash	<i>Fraxinus excelsior</i>	No	25m	0.7m	6m	40yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
12	Goat Willow	<i>Salix caprea</i>	No	25m	0.35m	2m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	A
13	Silver birch	<i>Betula pendula</i>	No	10m	0.25m	3m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
14	Silver birch	<i>Betula pendula</i>	No	10m	0.25m	3m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
15	Silver birch	<i>Betula pendula</i>	No	10m	0.25m	3m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
16	Silver birch	<i>Betula pendula</i>	No	10m	0.25m	3m	25yrs	For a tree of this age - no concerns	No constraints on removal	> 40yrs	B
17	Ash	<i>Fraxinus excelsior</i>	No	30m	1m	8m	150yrs	For a tree of this age - no concerns	Maintain & manage with sympathy	> 40yrs	A

Tree 1 Wellingtonia. Tree Quality Assessment - Category A.

Extremely large tree over 60m in height with a radial spread of 15m. There are two tops to the tree. First branches appear at 2m height and large branches have been pruned over the years. A wooden deck has been attached to the tree and seating has been built onto it. Tree was probably planted as a specimen tree over 200 year ago. This tree is categorised as “A” as it is a particularly good example of the species.

Tree 2 Yew: Tree Quality Assessment - Category A.

This is a formal planting of this species within a garden environment. The tree is in good condition and of high quality due to its presence in the garden environment. This tree is categorised as “A” as it is a particularly good example of the species.

Tree 3 Hybrid Larch: Tree Quality Assessment - Category C.

This tree is at the edge of the plot and is self seeded from neighbouring mature parent tree. Some damage to the bark and some wounds apparent. It is an unremarkable tree of very limited merit and is categorised as “C”. This tree could be removed without any loss.

Tree 4 Beech: Tree Quality Assessment - Category C.

This tree is at the edge of the plot and is self seeded from neighbouring trees. This is an unremarkable tree of very limited merit and is categorised as “C”. This tree has no material conservation or cultural value and could be removed if required.

Tree 5 Copper Beech. Tree Quality Assessment - Category A.

This tree is a very large mature tree over 30m in height with a radial spread of 8m. The first branches appear at 2m. The tree is approximately 150 years old. This tree is a striking example of this variety and makes a significant impact to the neighbourhood, especially when in full leaf. This tree is categorised as “A” as it is a particularly good example of the species.

Tree 6 Beech. Tree Quality Assessment - Category A.

This tree is a young example of this species, approximately 40 years old. It is 16m high with a radial spread of 4m. It has the significant potential to reach a mature size and be of significant value to the locality. This tree is categorised as “A”.

Tree 7 Sessile Oak. Tree Quality Assessment - Category A.

This “young” oak tree is approximately 60 years old. It is 20m high with a radial spread of 7m. Because of thick vegetation in its past the tree is remarkably straight and the first branches appear at 7m in height. This is a particularly good young specimen of this species and is therefore categorised as “A”.

Tree 8 Ash. Tree Quality Assessment - Category B.

This ash tree is by South Loch Tay Road and is intimately growing with a large hazel tree. The tree is very tall (20m) and straight with a radial spread of 2m, again reflecting the dense nature of the vegetation some years earlier. Although it is winter, and not too easy to identify Ash Die-Back, there appears as yet to be no evidence of the disease in this tree. This tree is of moderate quality and because of the disease potential and will probably require removal within the next 30-40yrs. Consequently this tree is categorised as “B”.

Tree 9. Hazel. Tree Quality Assessment - Category B.

This multi-stemmed hazel is by the South Loch Tay Road with each stem being 30cm DBH. The tree is approximately 20m high with a radial spread of 8m. The tree is of good quality but because it is intimately entwined with the neighbouring ash tree, this will probably require removal when the ash tree is removed. Consequently this tree is categorised as “B”.

Tree 10 Beech. Tree Quality Assessment - Category U.

This ash tree is badly deformed due to previous pruning or lopping. It is approximately 30 years old, 15m in height and with a radial spread of 3m to the north and west and 6m to the south and east. On the map it is very close to the proposed hammer head of the

entrance drive. The tree is misshapen and has no aesthetic value. Indeed, due to past management, the tree is unlikely to survive beyond a further 10 years and its removal is recommended. Consequently this tree is categorised as “U”.

Tree 11 Ash. Tree Quality Assessment - Category B.

This ash tree is by South Loch Tay Road, is very tall (20m) and straight with a radial spread of 2m, again reflecting the dense nature of the vegetation some years earlier. Although it is winter, and not too easy to identify Ash Die-Back, there appears as yet to be no evidence of the disease in this tree. This tree is of moderate quality and because of the disease potential and will probably require removal within the next 30-40yrs. Consequently this tree is categorised as “B”.

Tree 12 Goat Willow. Tree Quality Assessment - Category A.

This tree is an unusual example of this species. It is particularly straight and tall (25m with a radial spread of 3m. Small catkins were appearing on the last day of the survey. This tree is of high quality and an excellent example of this species and consequently this tree is categorised as “A”.

Trees 13, 14, 15 & 16 Silver Birch. Tree Quality Assessment - Category B.

These trees are all approximately 10m-15m in height with a DBH of 0.25m. They each have a radial spread of 3m. They all grow within a rhododendron thicket along with approximately 10 other silver birch trees all under 0.15m DBH. However, each tree is of moderate quality and although each would have an estimated life in excess of 40 more years, they could be removed if required. Consequently, the trees are all categorised as “B”.

Tree 17 Ash.

This tree is a mature example of the species by the road side. The tree is approximately 30m in height, with a stem of 1m DBH and radial spread of 8m. Although growing outside the red line boundary, this tree has a significant visual and aesthetic impact on the plot itself. Although it is winter, and not too easy to identify Ash Die-Back, there appears as yet to be no evidence of the disease in this tree. This tree is of high aesthetic quality and

as long as there is no evidence of disease this tree should be retained and consequently this tree is categorised as “A”.

Tree Survey: Discussion, Recommendations and Mitigation

Only trees surveyed that had a DBH >150mm were mapped and recorded. Several excellent specimens were recorded including the large Wellingtonia, sessile oak, copper beech and ash tree just outside the western boundary. Three other trees also merited the category “A” because of their potential to become beautiful trees in the future.

The remaining trees were categorised as “B” or “C” and one - the misshapen beech was recommended for removal (category “U”).

There was nothing controversial about the trees on the plot and the client Mr Paul Strachan has expressed that he wishes to retain as many trees as possible.

The only concern that I would have is for the trees that will lie close to the access road which might suffer root damage, although this cannot be quantified until the road layout is finalised.

Photographic Record



Aerial view of plot



Northern Boundary on the South Loch Tay Road



Western boundary



Eastern Boundary



View north west from the unmarked southern boundary



View north east from the unmarked southern boundary



White Butterbur in the centre of the plot



Bracken and rhododendron.



Northern edge to the plot adjacent the road



Bracken, small collection of trees by eastern boundary and Tree 1 (Wellingtonia) and Tree 2 (Yew)



Tree 1 (Wellingtonia).



Trees 3 (Beech) and 4 (Hybrid Larch)



Tree 5 (Copper beech)



Tree 6 (Beech)



Tree 7 (Sessile oak)



Scrub by road side



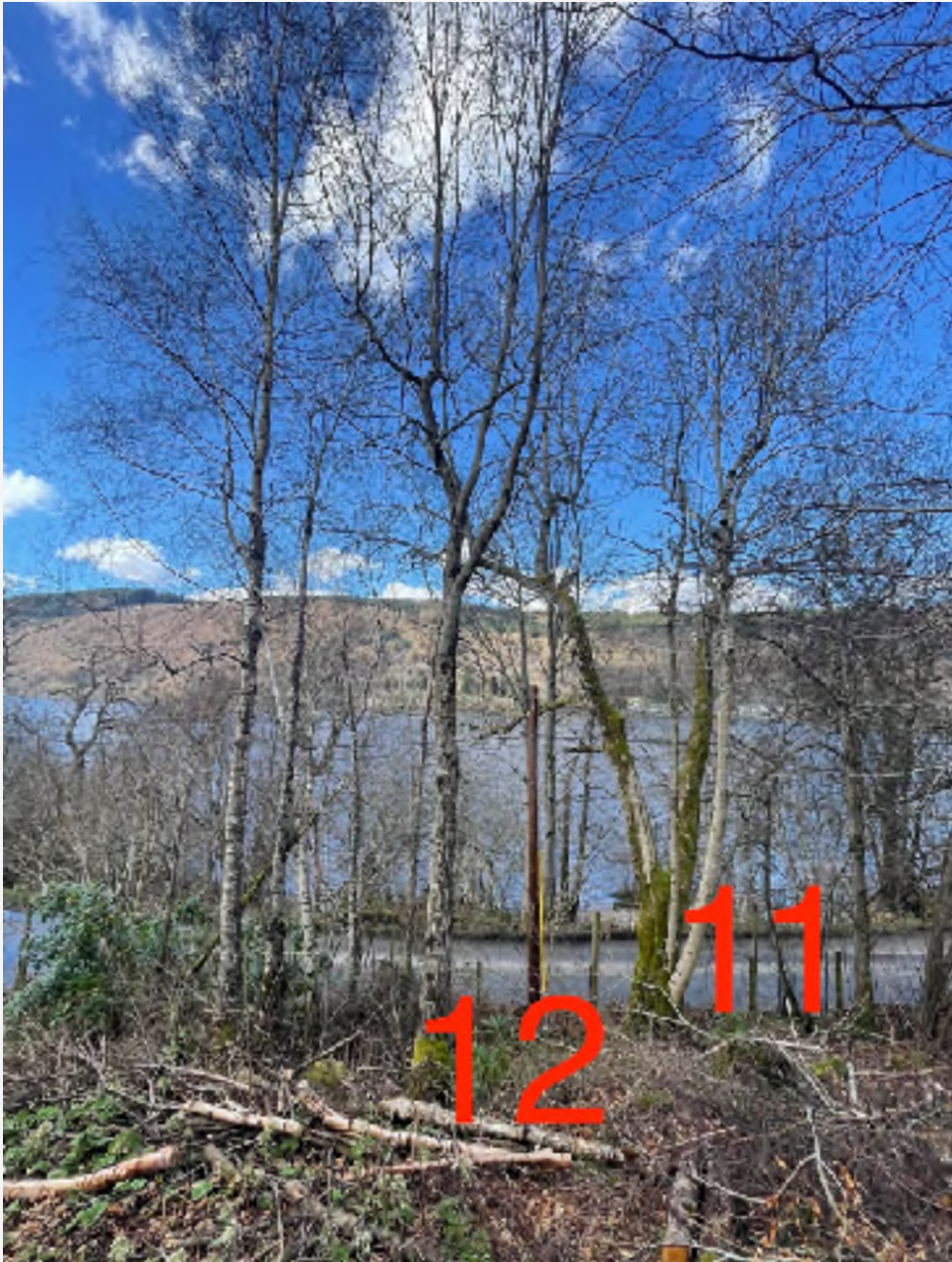
Trees 8 (Ash) and 9 (Hazel)



Trees 8 (ash) and 9 (Hazel)



Tree 10 (misshapen beech)



Trees 11 (Ash) and 12 (Goat willow)



Trees 13 & 14 (silver birch in rhododendron scrub)



Trees 15 & 16 (Silver birch in rhododendron scrub)



Tree 17 (Ash)



Loch shore survey for beavers and otters.



Fresh slimy (and fishy smell) spraint on the loch shore in front of the plot.



Recent beaver activity



Armour rock foreshore protecting the road. Numerous large cavities between the rocks that could be used by otters.



Small cliffs by the road edge towards Kenmore.

Documents Consulted

Collins, J. (ed.) (2016) Bat Conservation Trust's Bat Survey: Good Practice Guidelines 3rd Edition. The Bat Conservation Trust, London.

Forestry Commission Scotland (2006). Forest Operations and Red Squirrels, FCS Guidance Note 33.

Harris, S., Morris, P., Wray, S., & Yalden, D. (1995). A review of British mammals: population estimates and conservation status of British mammals other than cetaceans. Peterborough: The Joint Nature Conservation Committee.

NatureScot: <https://www.nature.scot> Accessed 1st April 2024.

MacDonald, D. and Barrett, P. (1993) Collins Field Guide – Mammals of Britain and Europe, Harper Collins.

Taylor I.R. Jeffries M.J. Abbott, S.G., Hulbert, I.A.R. and Virdee S.R.K (1988) Distribution, habitat and diet of the otter *Lutra Lutra* in the Drina catchment, Yugoslavia. *Biological Conservation*, 45, 109-119.

Tittensor, A.M. (1970) The red squirrel (*Sciurus vulgaris* L.) in relation to its food resource. Ph.D. thesis, University of Edinburgh.

Ward D, Holmes N, Jose P (editors) (1994) *The New Rivers and Wildlife Handbook*, RSPB, Sandy, Bedfordshire.

Wildlife and Countryside Act 1981 (as amended for Scotland). HMSO, London.

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