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

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

Thank you for completing this application form:

ONLINE REFERENCE 100721750-001

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:			
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	MARK	Building Name:	34
Last Name: *	WILLIAMSON	Building Number:	
Telephone Number: *	07761 908656	Address 1 (Street): *	34 HERMITAGE DRIVE
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	PERTH
Fax Number:		Country: *	UK
		Postcode: *	PH1 2SY
Email Address: *	markjw10@virginmedia.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	[redacted]
First Name: *	GARY	Building Number:	
Last Name: *	MCLUSKEY	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority:	Perth and Kinross Council

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

Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

LAND 90m EAST OF 13 PARK GROVE, SPITTALFIELD, PH1 4LH

Northing	740964	Easting	311054

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)

Residential development and associated works (in principle) Land 90 Metres East Of 13 Park Grove Spittalfield Perth PH1 4LH

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

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

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

* See Separate Document in Supporting Documents Section

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

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

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

Doc 1 - Decision Notice 24/00391/IPL Doc 2 - Spittalfield Settlement Boundary LDP2 Doc 3 - Indicative Masterplan 24/00391/16 Doc 4 - Report of Handling 21/01507/FLL Doc 5 - Galbraith Particulars for Business Use at the site. Doc 6 - Report of Handling 24/00391/IPL Doc 7 - Conservation Section Consultation Response Doc 8 - Tree Survey

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application: 24/00391/IPL

What date was the application submitted to the planning authority? * 08/03/2024

What date was the decision issued by the planning authority? * 22/05/2025

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)

Written submissions and site visit as it is important to look at the whole MU6 site, the access to the main road and the wider context of the village including existing road conditions and woodland to the east.

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 whole of the site cannot be seen from the public road and an accompanied visit would be appropriate.

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 MARK WILLIAMSON

Declaration Date: 17/08/2025

Payment Details

Online payment: 418744
Payment date: 17/08/2025 18:10:36

Created: 17/08/2025 18:10

Statement

Notice of Review

Residential development and associated works (in principle) Land 90 Metres East Of 13 Park Grove Spittalfield Perth PH1 4LH

24/00391/IPL

Introduction & Background

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 22 May 2025 for residential development in principle under application 24/00391/IPL. (Doc 1)

The reasons for refusal were:-

1. The proposal is contrary to the spatial strategy for this allocated site (Ref MU6) of the Perth and Kinross Local Development Plan 2019 which seeks a small mixed-use development of employment uses and housing on the site of a former bus depot. The proposal relates solely to a section of the allocated site (Ref MU6) and does not

relate to a comprehensive redevelopment of the site nor is any commercial development proposed.

2. The proposal is for five large detached dwellinghouses on five large plots which does not respect the wider residential density in the village to the west. Further the proposal does not integrate or connect with neighbouring residential development. The proposal is poorly designed and the design and density does not respect the character and amenity of the place or create and improve links to the surrounding area. The proposal is contrary to NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1 Placemaking and associated Supplementary Guidance.

3. The proposed development is contrary to NPF4 Forestry, Woodland and Trees Policy 6 b) i) because of the proximity of housing and garden ground to ancient woodland and the potential adverse impact on their ecological condition.

4. The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance. The proposal is contrary to NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.

The Review site is a 1ha area of ground within and to the east of the settlement boundary of the village of Spittalfield, where the site and land to the north and south is within the zoned proposal MU6 of the adopted Perth and Kinross Local Development Plan 2019. This designation is for a mix of housing and business use. (Doc 2)

The same MU6 site was designated in the previous Perth and Kinross Local Development Plan 2014 (LDP1). As indicated in the Site-Specific Developer Requirements of the current Local Development Plan 2019 (LDP2) however it <u>does not</u> require the comprehensive redevelopment of the site and a masterplan. This is as a consequence of an intervening Local Review Body decision to grant planning consent under 16/01358/IPL for 2 dwellinghouses to the north of the Review site within the MU6 designation. Both of these houses have been built and are occupied.

Since that time and prior to the Review application submission, part of the zoned site was advertised for business use, as required under the MU6 designation, for over a year with no offers or take up for any business use.

Importantly, since the allocation of the MU6 site in the 2014 local development plan there has been no registered interest or apparent demand for business use in this part of the village. Despite that however, the Review application had included an indicative masterplan which illustrates how the wider MU6 site can accommodate the prescribed business use if there was a realistic demand in the near future. (Doc 3)

In the Report of Handling for the erection of a dwellinghouse to the north of the Review site under application 21/01507/FLL, (Doc 4) it stated: -

"Planning permission in principle for residential development was granted on this site and the land to the east in March 2017 (16/01358/IPL) by the Council's Local Review Body (PKLRB) who found that while a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, the majority of the PKLRB decided it was acceptable to allow this partial development of the site, contrary to the Local Development Plan allocation. That permission has now lapsed. However, the above requirements in relation to the site being developed comprehensively were not carried forward to the LDP2 in order to reflect the 2016 permission which was granted by PKLRB."

21/01507/FLL Report of Handling 12 Oct 2021

It is confirmed in this Report of Handling therefore, that the comprehensive re-development of the MU6 site is not required under the currently adopted LDP2 and that the overall development of the site can progress in a partial manner until complete. The Review application represents the partial development of the site which will ultimately lead to the complete redevelopment of the whole site.

Importantly, the vehicular access to the MU6 site identified in the current and the former 2014 local development plan is the vehicular access which currently serves the built dwellinghouses and is the access proposed under this Review application.

It is considered that the Review proposal is acceptable in principle and is in accordance with Perth and Kinross Local Development Plan 2019 and NPF 4 residential policies.

The grounds for the Review will be expanded further below.

Development Plan

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy

sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 18: Infrastructure First

Policy 20: Blue and Green Infrastructure

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The Review site is within the Spittalfield settlement boundary in a land use designation for mixed use development – MU6.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 17: Residential Areas

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

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

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

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

Policy 41: Biodiversity

Policy 42: Green Infrastructure

Policy 47: River Tay Catchment Area

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

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

Policy 56: Noise Pollution

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

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

Statutory Supplementary Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Forest & Woodland Strategy (adopted in 2020)
- Supplementary Guidance - Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

Planning History

16/01358/IPL - Residential development (in principle) for two single storey dwellinghouses - LRB appeal on 9 March 2017 overturned the decision to refuse planning permission for 2 plots in the northern part of the MU6 site.

The decision notice noted that while a comprehensive, rather than piecemeal, development was recommended in site specific developer requirements, it was recognised that the land had remained derelict for many years, despite its local development plan allocation.

In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, the PKLRB decided it was acceptable to allow this partial development of the site, contrary to the Local Development Plan site specific developer requirements for MU6 in the 2014 LDP1.

Subsequently as a result of the LRB decision the requirement for a comprehensive masterplan approach for MU6 was not carried forward in the site-specific developer requirements in the current adopted 2019 LDP2. Approved 9 March 2017

20/01903/FLL - Erection of a dwellinghouse. Plot 1 - 4-bedroom single storey dwellinghouse in northwest corner of the MU6 site. Approved 11 Feb 2021

The report of handling highlighted the intention to connect the proposed house to a private drainage system. The site is located within the settlement of Spittalfield and Policy 53B of the LDP2 refers to foul drainage and states that all developments

within settlements which have a public drainage system will require to connect to that system. Scottish Water indicated at the time that there is a wastewater facility located within Spittalfield. Policy 53B goes on to state that where there is little or no capacity a private drainage system can be accepted. The applicant's agent confirmed that there is no current capacity in Spittalfield and therefore a private system to serve a single house was considered to be acceptable in this instance.

21/00465/DOM2 – This building warrant states the foul drainage will be taken to the public sewer through a new sewer servicing the site. Approved

21/01507/FLL- Erection of a dwellinghouse and garage (Plot 2 – MU6 site). A 3-bedroom single storey larch clad modern design with accommodation in the roof space. Approved 13 Oct 2021

Reason for Refusal and Grounds of the Review

The reasons for the review and matters considered refer to the reasons for refusal, which can be summarised: -

i) The proposal is not in accordance with the Policy proposal MU6 of the adopted LDP2 as it does not does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed.

ii) The proposal is poorly designed and the design and density does not respect the character and amenity of the place or create and improve links to the surrounding area.

iii) The proposal will have a potentially adverse impact on ancient woodland and it's ecological condition.

iv) The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance.

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal, in support of the Review.

i) The proposal is not in accordance with the Policy proposal MU6 of the adopted LDP2 as it does not *does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed.*

This is an in-principle application and the principle of residential use on the MU6 site has already been established through the inclusion of the site in the village boundary and it's specific mixed-use designation.

The same MU6 site was designated in the previous 2014 Perth and Kinross Local Development Plan. The current 2019 LDP however does not require the comprehensive redevelopment of the site and a masterplan. This was as a consequence of an intervening Local Review Body decision to grant planning consent under 16/01358/IPL for 2 dwellinghouses to the north of the Review site which was within the MU6 designation. Both of these houses have been built and are occupied.

Since that time and prior to the Review application submission, part of the zoned site was advertised for business use as required under the MU6 zoning for over a year with no offers or take up for these by any business. (Doc 5)

Importantly since the allocation of the MU6 site in 2014 there has been no registered interest or apparent demand for any business use in this part of the village.

In the Report of Handling for the erection of a dwellinghouse to the north of the Review site under application 21/01507/FLL, it stated: -

"Planning permission in principle for residential development was granted on this site and the land to the east in March 2017 (16/01358/IPL) by the Council's Local Review Body (PKLRB) who found that while a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, the majority of the PKLRB decided it was acceptable to allow this partial development of the site, contrary to the Local Development Plan allocation. That permission has now lapsed. However, the above requirements in relation to the site being developed comprehensively were not carried forward to the LDP2 in order to reflect the 2016 permission which was granted by PKLRB."

21/01507/FLL Report of Handling 12 Oct 2021

It is confirmed here in the 2021 Report of Handling therefore, that the comprehensive re-development of the MU6 site is not required under the currently adopted LDP2 and that the overall development of the site can progress in a partial manner until complete. This approach was confirmed with the granting of the previous in-principle application 16/01358/IPL at the LRB in 2017 and is reflected in the Review submission.

Furthermore, despite the lack of business interest in the site the applicant is willing to allocate a portion of the site to the south within the wider MU6 site for business use as indicated in drawing 24/00391/16. (Doc 3) Without any business take up however, it is considered appropriate to develop the site fully for residential.

Reason for refusal 1) therefore is not relevant in the determination of the proposal as it was accepted in the previous consents that a partial development of the site rather than comprehensive redevelopment was acceptable and that this specific requirement of the previous 2014 LDP zoned MU6 site is not a requirement of the currently adopted LDP2. The Review proposal is in accordance with the currently adopted LDP2.

ii) The proposal is poorly designed and the design and density does not respect the character and amenity of the place or create and improve links to the surrounding area.

The Report of Handling for the Review application (Doc 6) stated:-

"The indicative site plan shows a layout of 5 large plots ranging from 1446 sqm to 2260 sqm in the central section of the site. There is no consideration given to the existing two houses on the north boundary to ensure their sensitive integration with the application site. Overall, as outlined above, the proposal does not respect the design and density of the wider surrounding area to the west. The proposal will not contribute positively to the surrounding built environment and will lead to a piecemeal development lacking character, connectivity and identity with the village".

The Review indicative site plan layout integrates the existing 2no. plots to the north by mimicking the plot proportions/ garden areas, while also considering how each plot is accessed within the site and integrating this into the proposed layout. This rationalises the proposed development through providing better vehicle access to the existing north east dwelling, which in turn integrates this with the Review proposal.

The height and massing of the proposed dwellings will be in keeping with the surrounding context, and would be confirmed at the detailed planning stage.

The indicative layout reflects the density/plot ratios of the existing houses to the north and the proposed internal road network integrates the development.

Also, the lower density reflects the graduation from built development to the countryside to the east where lower density housing is indicative of rural character. Furthermore, concerns about woodland impact in the Report of Handling are alleviated by lower density housing.

The proposal will not have any adverse impact on the setting or character of the Spittalfield Conservation Area as confirmed in the Conservation Section consultation response (Doc 7) :-

"The site is separated from the conservation area and its concentration of listed buildings by an area of more recent development. Given the distance and relatively flat topography, an appropriately scaled and designed development is unlikely to result in an adverse impact on wider views."

Any future detailed application can look at opportunities to link the proposed development's infrastructure to the wider area, such as linking a pedestrian route to Ancient Woodland to the east or upgrading the existing access junction to better accommodate pedestrian access within the village.

As this is an 'in principle' application, cognisance can be taken from any comments raised or conditions attached and then integrated into the site layout plan at the detailed planning stage. It is noted that the Review proposed site plan is indicative and has been prepared to illustrate that a development can be accommodated on this part of the MU6 site.

Amendments to design and layout, along with improvements in connectivity can be made at the detailed planning stage, which is accepted practise.

Importantly, this is an in-principle application and the indicative site plan does not require approval, only the red line boundary of the Review site.

iii)The proposal will have a potentially adverse impact on Ancient Woodland and it's ecological condition.

As detailed in the Tree Survey submitted in support of the Review application there is no Native Woodland on the Review site identified by the Native Woodland Survey. The Tree Survey is clear that the proposed indicative development will not pose any threat to the woodland on the eastern boundary. (Doc 8)

There is no protected woodland on the site, there is Ancient Woodland to the east of the site which will not be impacted by the proposed development.

No trees are to be felled to accommodate the proposed indicative layout.

The development will lead to a loss of grassland and tall ruderal vegetation.

To compensate for the loss of grassland and to enhance biodiversity it is recommended that species-rich wildflower meadow mixes are sown in retained grassland and around the margins of the site.

New planting is recommended with planting of native species of trees and shrubs to enhance the local biodiversity.

The Council's Tree and Biodiversity Officer is concerned however, that the indicative layout will impact on Ancient Woodland which is outwith the Review site and stated: -

"Reduce impacts of the proposed development to ancient woodland by revising the site layout to allow a significant buffer (at least 10m) between the houses and gardens planted with trees and shrubs native to Scotland. This will help reduce ground disturbance to create larger gardens and increased potential to introduce non-native invasive species that can spread from gardens by creating a strong boundary between the two land uses. It will also help reduce impacts of increased noise, disturbance and lighting on woodland dwelling species."

The site-specific developer requirements of the MU6 designation in the adopted LDP2 make no mention of any impact on Ancient Woodland, only that the woodland on the eastern boundary should be protected and retained.

As this is an application in principle and the proposed site layout is indicative the layout can be revised at the detailed planning stage to accommodate a 10m buffer in order to protect the Ancient Woodland to the east of the Review site. Root Protection Areas can be conditioned in accordance with BS 5837:2012 - Trees in Relation to Construction as necessary in order to protect existing healthy mature trees.

It is concluded therefore that the proposal in-principle will not have an adverse impact on the Ancient Woodland outwith and to the east of the Review site.

iv) The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance.

The Review application vehicular access is the MU6 designated access which has identified in the previous LDP1 2014 and the current LDP2, as indicated below. The applications for the 2 existing houses on the MU6 site were approved with this vehicular access as it was the designated local development plan access.

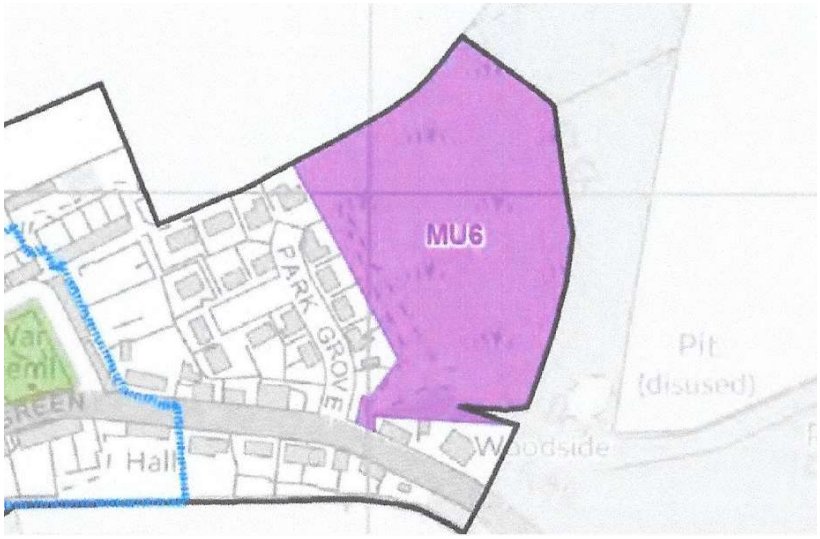
The existing vehicular access has been in use now for 5 years by the existing 2 dwellings on the MU6 site, combined with the bus use under the vehicle operators licence and there have been no road safety issues arising.

There are concerns from the Council in the Report of Handling that, firstly the designated and proposed vehicular access does not have the capacity to accommodate the Review development and secondly *about the proposed vehicle access being in very close proximity to Park Grove and the potential for confusion as*

to where vehicles are turning into if there were to be two residential vehicle accesses close together.

These concerns raised at this stage were a surprise to the appellant given that the vehicular access been the designated access for the MU6 zoned site for so many years, as indicated below.

LDP1 2014



LDP2 2019

It is asserted that the appellant does not consider the access to be inadequate in terms of road capacity. It is acknowledged that there are concerns about the proximity of the 2 road accesses however, it is considered that within the context of the Review site in the village and the 20mph limit, the designated MU6 zoning and the geometry of the road junction having good visibility, that these concerns do not

pose any significant road safety issues which would justify a refusal of the application.

The Review vehicular access has been in use for 5 years by the existing 2 dwellinghouses and also by 2 buses which operate under a Vehicle Operators License from the south of the MU6 site and use the same vehicular access, all without any road safety issues. Also, along the A984 within the village there are multiple residential vehicular accesses which function safely already.

The appellant's Transport Consultant confirms the context for the Review application in terms of road capacity:-

The traffic count just demonstrates the low volume of traffic. (Fig 1 – below) Even if the numbers were to be consistent throughout the day, which is unlikely, this equates to around 1500 vehicles per working day, which is well below the road's theoretical capacity. Also, assuming that the survey relates to through traffic therefore the number of turning movements into the development site or the adjacent site are very small. (All turning movements represent a modicum of risk. The only way to eliminate risk is not to allow any new development).

To give it some context a very busy road would probably expect in excess of 10,000 vehicles per working day. Very few A class roads in Perthshire other than the main arterial routes e.g. A9. A90, A85 carry that volume of traffic. An increase in traffic only becomes an issue if the road in question is already operating at capacity. There are no roads in Perthshire, and that includes probably the A9, that are operating close to theoretical capacity. I make these comments for information not because they have any real bearing on the matter in hand but because experience tells me that people tend to think that any increase in traffic is unacceptable.

REV A

Site Traffic Count Report
3rd September 2024

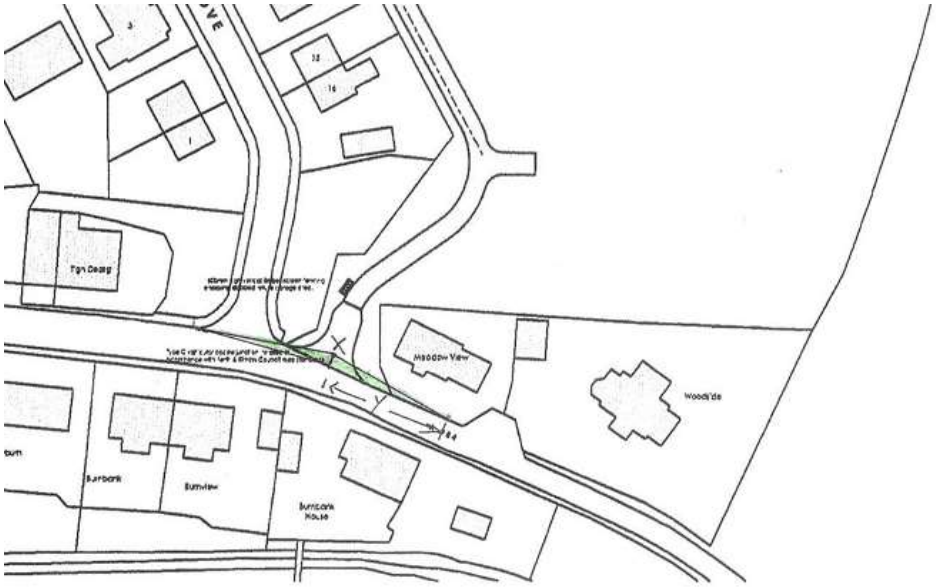
	Morning Report				
	East and West combined Bound Through Traffic	East and West combined Bound Traffic coming from Planning site	East and West combined Bound Traffic coming from Park Grove Road End	East and West Combined Bound Traffic turning into Park Grove	Total
8am - 8:15am	28	0	1	0	29
8:15am - 8:30am	26	0	0	1	27
8:30am - 8:45am	31	0	6	0	37
8:45am - 9am	28	2	2	2	34
Hourly Total	113	2	9	3	

	Evening Report				
	East and West combined Bound Through Traffic	East and West combined Bound Traffic coming from Planning site	East and West combined Bound Traffic coming from Park Grove Road End	East and West Combined Bound Traffic turning into Park Grove	Total
5pm - 5:15pm	30	0	2	0	32
5:15pm - 5:30pm	41	0	1	4	46
5:30pm - 5:45pm	31	0	0	2	33
5:45pm - 6pm	22	0	1	3	26
Hourly Total	124	0	4	9	

Figure 1 – Site Traffic Count Report

The road traffic count was submitted in support of the Review application.

The Review vehicular access is within the village boundary and the 20-mph speed limit. The required stopping distance under the Design Streets guidance is 25m to the middle of the junction. As indicated below the visibility splay is achievable and the photos provide further confirmation of this, where there is satisfactory visibility to the east on the off-side and to the west on the near-side.



Looking east

Looking west

It is considered that the Review access, i.e the designated access is acceptable as adopted in the past and current local plans, and will not have any significantly adverse impact on road safety or road capacity and therefore t*he proposal is in accordance with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.*

Conclusions

The Review proposal is not contrary to the spatial strategy for the designated MU6 site. As detailed above the approach to MU6 site development in a partial or phased manner was established following the 2017 LRB approval for 2 dwellinghouses in principle. These dwellinghouses are now built and occupied. This approach was subsequently carried through into LDP2 where partial development of the site was acceptable. The Review application reflects this approach and the applicant is willing to accommodate the commercial development element of the MU6 designation to the south of the site as indicated in the illustrative masterplan which was submitted with the Review application. (Doc 3.)

The indicative layout reflects the density/plot ratios of the existing houses to the north and the proposed internal road network integrates the development.
Also, the lower density reflects the graduation from built development to the countryside to the east where lower density housing is more indicative of rural character. Also concerns about woodland impact in the Report of Handling are alleviated by lower density housing. The proposal will not have any adverse impact on the setting or character of the Spittalfield Conservation Area.

As this is an application in principle there is an opportunity to amend the site layout and stand-off distances from woodland to the east if required at the detailed stage.

This in-principle proposal therefore is not contrary to NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1 Placemaking and associated Supplementary Guidance.

As indicated in the submitted masterplan the applicant is willing to reserve business land closer to the main access despite the lack of take up for business investment in Spittalfied.

It is considered that the Review access, i.e the designated access is acceptable as adopted in the past and current local plans and been in use for many years accessing the main road, and it will not have any significantly adverse impact on road safety or road capacity and is in accordance with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.

For the reasons outlined above it is considered that the Review application is acceptable in principle and it is respectfully requested that the Review is upheld.

Mr Gary McLuskey And Mr Scott McKillop
c/o Jon Frullani Architect
140 Perth Road
Dundee
DD1 4JW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **22nd May 2025**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **24/00391/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **refuse** your application registered on 13th March 2024 for permission for **Residential development and associated works (in principle) Land 90 Metres East Of 13 Park Grove Spittalfield Perth PH1 4LH** for the reasons undernoted.

Kristian Smith
Development Management and Building Standards Service Manager

Reasons for Refusal

1. The proposal is contrary to the spatial strategy for this allocated site (Ref MU6) of the Perth and Kinross Local Development Plan 2019 which seeks a small mixed-use development of employment uses and housing on the site of a former bus depot. The proposal relates solely to a section of the allocated site (Ref MU6) and does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed.

2. The proposal is for five large detached dwellinghouses on five large plots which does not respect the wider residential density in the village to the west. Further the proposal does not integrate or connect with neighbouring residential development. The proposal is poorly designed and the design and density does not respect the character and amenity of the place or create and improve links to the surrounding area. The proposal is contrary to NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1 Placemaking and associated Supplementary Guidance.

3. The proposed development is contrary to NPF4 Forestry, Woodland and Trees Policy 6 b) i) because of the proximity of housing and garden ground to ancient woodland and the potential adverse impact on their ecological condition.

4. The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance. The proposal is contrary to NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.

Justification

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

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

Plan Reference

01
02
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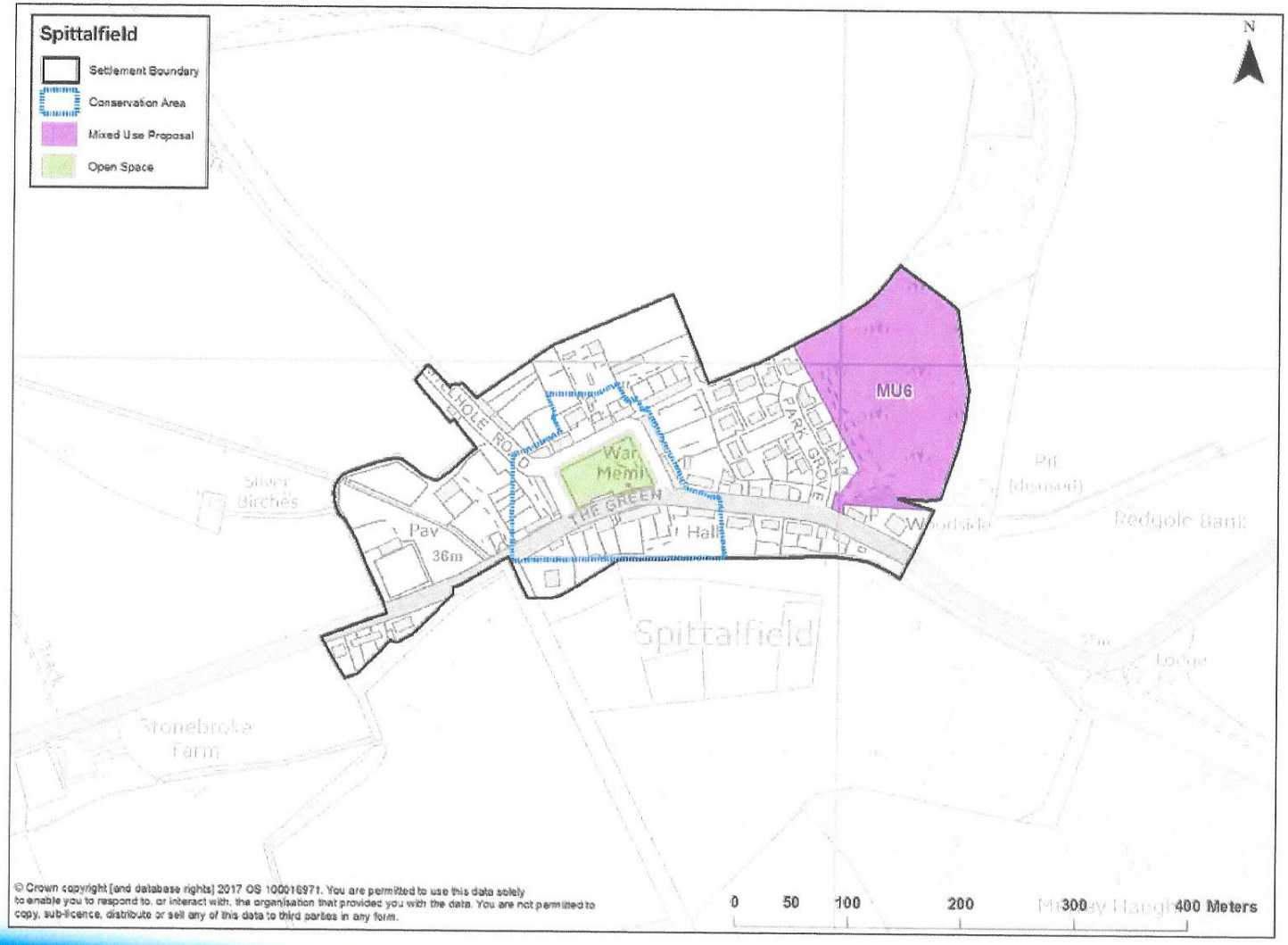
Spittalfield

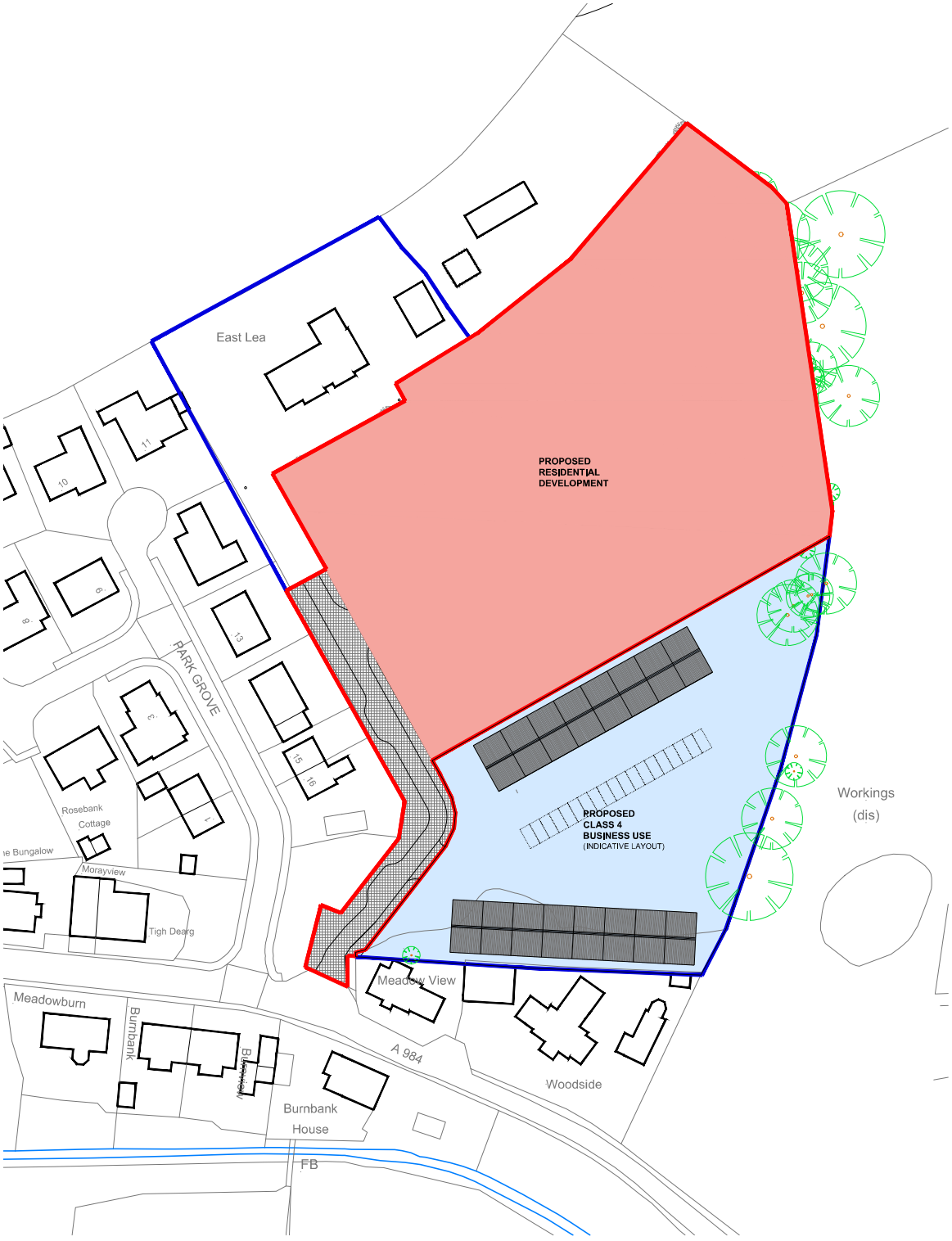
Settlement Summary

The settlement boundary at Spittalfield includes an opportunity for a small mixed-use development of employment uses and housing on the site of a former bus depot. The village green is an important open space which is the focus for the conservation area and is protected from development. Additional development in Spittalfield will require investigation of the capacity of the public drainage system which has limited capacity; water storage in the village is also limited.



(continued)

Doc 3



NORTH

0 10 20 30 40

SCALE 1:500 (A1) LENGTHS SHOWN IN METRES

All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for **STATUTORY** purposes only. This is not a **CONSTRUCTION** drawing.

SITE BOUNDARY

PROPOSED RESIDENTIAL DEVELOPMENT

ADJOINING LAND UNDER APPLICANT OWNERSHIP

ADJOINING PROPOSED LAND TO BE DEVELOPED AS CLASS 4 BUSINESS UNITS SUITABLE FOR BEING SITED ADJACENT TO RESIDENTIAL SO AS TO NOT CONFLICT OR AFFECT THE AMENDITY OF THE REDIENTIAL DEVELOPMENT.
AREA OF LDP MU6 SITE

Revisions :
A BS 16.04.2025
Red Line Amended at Junction to Main Road

Project: Residential Development	JON FRULLANI ARCHITECT
Client: Mr. G McLuskey & Mr. S McKillop	
Address: Land south-east of 'East Lea' House Spittalfield, PH1 4JX	Drawing Title: Proposed Masterplan
	Issue Status: Planning / Drawing No.: 7430 - 303
Designer: BS / Date: March 2025 / Scale: 1:500 @ A1 / Revision: A	

t: 01382 224828 m: 07808 726306
e: jon@jfarchitect.co.uk w: jfarchitect.co.uk f: facebook.com/jfarchitect
a: 140 perth road, dundee, dd1 4jw

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**21/01507/FLL**	
Ward No	**P5- Strathtay**	
Due Determination Date	**12th November 2021**	
Draft Report Date	**12th October 2021**	
Report Issued by	**JW**	**Date 12 Oct 2021**

PROPOSAL: Erection of a dwellinghouse and garage (LDP site MU6)

LOCATION: Land 100 Metres North East Of No 11 Park Grove Spittalfield

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

SITE VISIT:

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by StreetView imagery and through photographs provided by the applicant's agent. The site has also been visited previously by the case officer.

Together this information means that it is possible and appropriate to determine the application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a detached dwellinghouse and detached garage within allocated site MU6 of the Perth and Kinross Local Development Plan 2019. The application site forms the north east corner of the wider allocated site, extending to a plot of 2220sqm.

Planning permission was granted in 2020 for the erection of a dwellinghouse on the adjacent site (ref:20/01903/FLL). The site is located on the eastern side of the settlement of Spittalfield on land previously in use as a bus depot. The site is bound to the west by the plot referenced above. To the north of the site are open agricultural fields. To the south of the site is the remainder of allocated site MU6 and to the east is an area of woodland. A new access road is proposed to be formed onto the A984 public road and is proposed to traverse the western side of the allocated site and will serve this plot and the adjacent recently approved development. The access also contains a branch to allow access into the remainder of the allocated site.

The site and the wider MU6 allocated was allocated in the 2014 Local Development Plan where the site specific requirements included the need for the site to be redeveloped comprehensively and ensuring that the employment uses are delivered in advance or in conjunction with residential

development. Planning permission in principle for residential development was granted on this site and the land to the east in March 2017 (16/01358/IPL) by the Council's Local Review Body (PKLRB) who found that while a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, the majority of the PKLRB decided it was acceptable to allow this partial development of the site, contrary to the Local Development Plan allocation. That permission has now lapsed. However, the above requirements in relation to the site being developed comprehensively were not carried forward to the LDP2 in order to reflect the 2016 permission which was granted by PKLRB.

SITE HISTORY

16/01358/IPL Residential development (in principle) 13 September 2016 – Approved by PKLRB

PRE-APPLICATION CONSULTATION

Pre application Reference: 16/00181/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 17: Residential Areas

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

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

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

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

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

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance 2020

Placemaking Supplementary Guidance 2020

CONSULTATION RESPONSES

Planning And Housing Strategy – no objection received

Development Contributions Officer – no contributions required

Transport Planning – no objection subject to conditions

Biodiversity/Tree Officer – further planting and tree protection required

Environmental Health (Contaminated Land) – condition recommended

Environmental Health (Noise Odour) – informative recommended

EXTERNAL

Perth And Kinross Heritage Trust – condition recommended

Scottish Water – no objection

REPRESENTATIONS

None received

ADDITIONAL STATEMENTS

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

APPRAISAL

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

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

Principle

This planning application is within the currently allocated LDP2 site MU6 in Spittalfield, which has been zoned for residential and employment use (mixed uses). The LDP2 states that this site should host 20 houses on no more than 75% of the site.

Local Development Plan 1 required the 'comprehensive development of the site' and `delivering the employment uses in advance or in conjunction with residential development`. These requirements however were not carried forward to Local Development Plan 2 in order to reflect the in principle consent (16/01358/IPL) granted through PKLRB appeal in 2016 for 2 residential units on the site, as referenced above.

This change in policy in the LDP2 in conjunction with the planning history for the site is considered to be sufficient to consider the current proposal for a single dwelling house to be acceptable. The proposal allows one residential unit to come forward on the site and would remove dereliction from the site as referenced in the decision by the LRB. Therefore, acceptance of this residential development remains consistent with the findings of the LRB. The principle of development is therefore considered to accord with the LDP2, whilst allowing the remainder of the site development to come forward at a later date.

Design and Visual Impact

The dwelling is proposed to be two stories with the upper level served by rooflights of a similar scale and proportions to the dwellings to the west. The finishing materials include roof tiles, larch horizontal shiplap cladding with a natural silver finish and a smooth cement base course. The design and form of the dwelling is rather contemporary but is considered to be acceptable and whilst it is a more contemporary design to the adjacent approved dwelling it proposed to use a similar colour palette of materials and given the size of the sites there does not require to be any uniformity in the design and the sites are not immediately visually related. Generally, the design and materials are considered to be acceptable and relate to the established character and design of properties in the area. The finishes are considered to be of high quality and therefore acceptable. The house is also set back from the public road through Spittalfield with the remainder of the allocated site sitting infront and to the south of the site which will help to limit the visual impact of the dwelling from surrounding receptors. The proposal in terms of design is therefore considered to comply with the design requirements of the placemaking policies of the LDP2.

Layout

The layout is similar to the adjacent approved plot in terms of its position and relationship to the access road and also follows the general pattern and layout of the existing residential development to the west of the allocated site. The proposal is therefore considered to relate successfully to the established character of the area as required by policies 1A and B and 17 of the LDP2. The layout also enables the remainder of the site to be developed at a later date in accordance with the requirements of the MU6 zoning.

Residential Amenity

Private Amenity Space:-

The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new occupants. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The level of private garden ground for a dwelling of this size is considered to be acceptable.

Overlooking:-

The separation distances between proposed and existing dwellings meet the guidelines of 9 metre window to boundary distances and 18 metre window to window distances. In this instance there are not considered to be any overlooking concerns associated with the proposed development.

Overshadowing, loss of sunlight and daylight:-

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. Taking cognisance of the BRE document there would be be a reasonable level of daylight and sunlight to the recently approved house to the west and no impact on any existing properties.

Environmental Health have recommended an informative relating to the proposed stove in the interests of air quality.

Drainage and Flooding

Policy 53B of the LDP2 refers to foul drainage and states that all developments within settlements which have a public drainage system will require to connect to that system. The application form indicates that the site is proposed to connect to the public drainage system. The applicant will require to agree connection with Scottish Water.

There are no flooding issues associated with the site and the submission indicates that the site will be served by a SUDS system to cater for surface water drainage which is considered to be acceptable and in accordance with policy 53C of the LDP2.

Traffic and Access

The site is proposed to be served by a new access onto the public road to the south and the proposed track leading to the site will traverse the western boundary. The position of the track allows it to potentially serve future development within the remainder of the allocated site and therefore will not compromise future development. The site contains appropriate parking and turning facilities and Transport Planning have reviewed the access onto the

public road and consider this to be acceptable subject to conditions. The proposal is therefore considered to comply with policy 60B of the LDP2.

Archaeology

The MU6 zoning identifies archaeological interests with the site. PKHT considered the neighbouring plot to have limited archaeological value due to its proximity to the neighbouring existing development, but following consideration of this plot have identified that there is potential archaeological sensitivity with this site. They have therefore recommended a condition to ensure that an archaeological investigation is undertaken.

Bio Diversity

The Plan also requires delivering green infrastructure that links with the woodland and making biodiversity enhancements and on this basis the Council's Bio Diversity Officer has objected to the application. It is appreciated that the potential to achieve this within a single unit is limited however any opportunities to work towards this should be addressed within the detailed design and could be enhanced by providing more robust boundary treatments on site including the provision of native hedging and tree planting on site, this is referenced in more detail below. There is also scope for bat roosting bricks and bird nesting bricks to be provided on site along with native tree and hedge planting. These requirements can be secured through suitably worded conditions to meet the requirements of Policy 41 and the MU6 site requirements and result in some small scale enhancement on this particular site.

Landscaping and Trees

A condition is recommended to secure additional planting within the site to enable bio diversity enhancement as required by the MU6 zoning in the LDP2. The LDP2 also seeks to protect the woodland along the eastern edge of the site and a condition is recommended to ensure this. Furthermore a more robust landscaping a planting scheme, including native hedging to augment the timber fencing is required.

In addition, it would be beneficial to introduce additional trees and shrubs at the site within small groups, using native species, as a means of better integrating the development into the site. This can also be secured by condition.

Developer Contributions

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development,

extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Glendelvine Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no contribution is required.

Contamination

The proposed development is partially on land that is identified as having formerly been a coachworks. This is a potentially contaminative former land use with possible contaminants including hydrocarbons and heavy metals. Therefore an assessment of the suitability of the site for the proposed development should be made and this can be ensured by condition in accordance with policy 58A of the LDP2.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is approved subject to the following conditions:
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Conditions and Reasons

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance to include the north of the bin store.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

3
Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of native trees, boundary hedging on all boundaries and shrubs to be planted. The landscaping scheme shall also include additional tree and shrub planting within the site in order to provide planted links between the boundary hedge planting and the existing woodland to the east of the site. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to provide additional habitat for protected species and the provide enhanced bio diversity value to the site as

required by the MU6 zoning of the Perth and Kinross Local Development Plan 2019.

4 Prior to the commencement of development hereby approved, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of protecting environmental quality and of biodiversity.

5 Prior to the commencement of development hereby approved, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of protecting environmental quality and of biodiversity.

6 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
I. the nature, extent and type(s) of contamination on the site
II. measures to treat/remove contamination to ensure the site is fit for the use proposed
III. measures to deal with contamination during construction works
IV. condition of the site on completion of decontamination measures.
Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

7 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by

the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

8 Prior to the commencement of any works on site, all trees on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4 No work shall be commenced until an application for building warrant has been submitted and approved.

5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

6 Street lighting infrastructure present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

7 The applicant should be aware of the advice and guidance contained on the Tayside Bio Diversity Partnerships website regarding bio diversity enhance which can be found at http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/.

8 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.

9 Road drainage may be in the vicinity of the new access and require remedial works. Contact Perth & Kinross Council Road Maintenance Department for further details.

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

11 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

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06

07

FOR SALE

COMMERCIAL DEVELOPMENT OPPORTUNITY

Galbraith

- Commercial land for sale in small rural village
- Part of wider mixed use site which is 75% residential
- Services nearby
- Approximately 1.2 acres (0.53 ha)

SPITTALFIELD

PERTH

PH1 4LH

LOCATION

The site is situated on the eastern fringes of the attractive rural conservation village of Spittalfield. The town of Blairgowrie is located some 6 miles away and offers a good range of day to day amenities including a number of independent retailers, supermarkets, banking services, primary and secondary schooling and leisure centre. The city of Perth can be accessed in under half an hour by car and offers a good range of big city amenities including cinema, theatres, national retailers, railway and bus stations.

DESCRIPTION

The subjects comprise land which is generally level extending to approximately 4.20 acres. The site is accessed via a shared private road directly off the minor public road to the south.

PLANNING

The site is allocated in the Perth and Kinross Local Development Plan 2014 as a Mixed Use site (MU6) comprising 75% residential use and 25% employment use (Classes 4,5 & 6)

SERVICES

We understand that mains water and electric are located close to the site and our clients have obtained quotations for the establishment of water and electrical supplies.

PRICE

Our clients are seeking offers for the freehold interest in the site. A closing date may be set for this property. Our clients are not bound to accept the highest or indeed any offer.

VAT

Any intending purchaser must satisfy themselves as to the instance of VAT in any transaction.

VIEWING

Viewing is by appointment only. Any enquiries or requests for further information should be directed through the selling agents.

[redacted]

DIRECTIONS

From Perth take the A9 north exiting onto the B9099 signposted Stanley, passing through the village of Luncarty continuing on the B9099. After passing through the village of Murthly you will enter Caputh. At the t junction turn right and follow the A984 to the village of Spittalfield. The site is located on the left hand side immediately after Park Grove.

From Blairgowrie take the B947 (Essendy Road) turning right onto the A984 with the plots being located on your right hand side as your enter Spittalfield.

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	**24/00391/IPL**	
Ward No	**P5- Strathtay**	
Due Determination Date	**12th May 2024 Extended to 31st May 2025**	
Draft Report Date	**16th May 2025**	
Report Issued by	**Claire Myles**	**Date 20/5/25**

PROPOSAL: Residential development and associated works (in principle)

LOCATION: Land 90 Metres East Of 13 Park Grove Spittalfield Perth PH1 4LH

SUMMARY:

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for a residential development of 5 dwellinghouses and associated works (in principle).

The application site is a brownfield site in Spittalfield and is a mixed use allocated site (ref: MU6) in LDP2. The proposal is for 5 residential units in the central section of the site. Two residential units have already been consented and are either built/under construction at the north of the site (ref: 20/01903/FLL and 21/01507/FLL).

The MU6 site is identified for employment and residential uses, with a limit of up to 20 residential units on no more than 75% of the site. There are site-specific requirements included in the LDP for the MU6 allocation:

- Class 4-6 units or serviced land compatible with neighbouring residential uses.
- Retention/protection and enhancement of woodland along the eastern boundary of site; green infrastructure on the site to link to this wider network.
- Archaeological potential requires investigation with mitigation if necessary.

- Enhancement of biodiversity

SITE HISTORY

16/01358/IPL Residential development (in principle) for two 5-bedroom single storey dwellinghouses - LRB appeal overturned the decision to refuse planning permission for 2 plots on the north boundary of the site. The decision notice noted that while a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, the majority of the PKLRB decided it was acceptable to allow this partial development of the site, contrary to the Local Development Plan allocation.

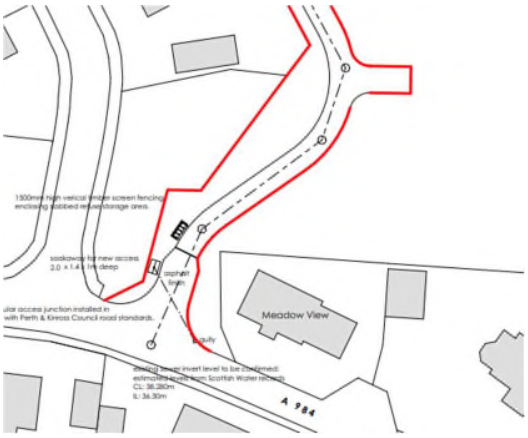
Planning Permission 16/01358/IPL lapsed.

20/01903/FLL Erection of a dwellinghouse – approved. Plot 1 a 4-bedroom single storey dwellinghouse (2186 sqm) in northwest corner of the site.

The report of handling highlighted the intention to connect the proposed house to a private drainage system. The site is located within the settlement of Spittalfield and Policy 53B of the LDP2 refers to foul drainage and states that all developments within settlements which have a public drainage system will require to connect to that system. Scottish Water indicated at the time that there is a wastewater facility located within Spittalfield. Policy 53B goes on to state that where there is little or no capacity a private drainage system can be accepted. The applicant's agent confirmed that there is no current capacity in Spittalfield and therefore a private system to serve a single house was considered to be acceptable in this instance.

On review of the site history the following is noted with regards to foul drainage –

21/00465/DOM2 – This building warrant (approved) states the foul drainage will be taken to the public sewer through a new sewer servicing the site. Extract below from approved drawings for building warrant 21/00465/DOM2 -



21/01507/FLL Erection of a dwellinghouse and garage (Plot 2) – approved. A 3-bedroom single storey larch clad modern design with accommodation in the roof space.

PRE-APPLICATION CONSULTATION HISTORY

16/00181/PREAPP - Erection of 2no dwellinghouses. The response recommended a comprehensive redevelopment of the site in line with local development plan allocation.

22/00107/PREAPP – Erection of 22 semi-detached dwellinghouses and single unit for Class 1 with associated works. Principle of development supported however further detailed information required with an application including housing mix, affordable housing, justification for class 1.

23/00182/PREAPL – Erection of 5no dwellinghouses, associated landscaping, parking and formation of vehicular access. Principle of residential development supported however matters to consider at application stage include site layout, affordable housing provision, biodiversity enhancement and archaeology.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 18: Infrastructure First

Policy 20: Blue and Green Infrastructure

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 17: Residential Areas

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

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

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

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

Policy 41: Biodiversity

Policy 42: Green Infrastructure

Policy 47: River Tay Catchment Area

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

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

Policy 56: Noise Pollution

Policy 58A: Contaminated and Unstable Land: Contaminated Land

Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

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

Statutory Supplementary Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Forest & Woodland Strategy (adopted in 2020)
- Supplementary Guidance - Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

External

Perth And Kinross Heritage Trust - The proposed development lies within an area that is archaeologically sensitive due to known prehistoric archaeology located in proximity to the site. The Local Development Plan outlines the potential for archaeological remains for this site (MU6). Given this and the evidence above, the scale of development and the greenfield nature of the development site, recommend that an archaeological evaluation of the development area be undertaken in the first instance to assess the survival of potential archaeological remains within the development area. The layout of these trenches and details of monitoring should be agreed with PKHT in advance of any site works.

Scottish Water - No objection. Unable to confirm capacity for water and wastewater.

Internal

Development Contributions Officer - Conditions in respect of developer contributions required.

Affordable Housing Enabler - condition to be applied.

Development Plan - Policy assessment provided. Masterplan requested to show employment uses and relationship with the proposal.

Environmental Health (Contaminated Land) - The proposed development is on land that has been identified as a former coachworks. There is also a gravel pit immediately south. There is the potential for contamination to be present within the proposed site as a result of these former activities. Condition recommended for an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority.

Conservation Team - The site is separated from the conservation area and its concentration of listed buildings by an area of more recent development. Given the distance and relatively flat topography, an appropriately scaled and designed development is unlikely to result in an adverse impact on wider views. The woodland setting is important to the character of the conservation area, however, and it should be ensured that existing trees are protected and new native species planting forms part of a detailed scheme, should it be approved.

Biodiversity - The proposed development is contrary to NPF4 Policy 6 because of the proximity of housing and garden ground to ancient woodland that will, in the view of the Biodiversity Officer, lead to adverse impact on their ecological condition. The following is required in line with NPF4, reduce impacts of the proposed development to ancient woodland by revising the site layout to allow a significant buffer (at least 10m) between the houses and gardens planted with trees and shrubs native to Scotland. This will help reduce ground disturbance to create larger gardens and increased potential to introduce non-native invasive species that can spread from gardens by creating a strong boundary between the two land uses. It will also help reduce impacts of increased noise, disturbance and lighting on woodland dwelling species.

The submitted Ecological Impact Assessment (EcIA) Report is acceptable as the methods are in accordance with published best practice and survey was undertaken at the correct time of year. The submitted EcIA Report recommends measures that would contribute towards biodiversity enhancement that are in accordance with the PKC Planning for Nature Guidance. Details of enhancement measures such as quantity, locations, techniques, timescales and monitoring arrangements are required. Enhancement measures should also be incorporated into design schemes and architects' drawings to ensure they are realised.

Structures and Flooding - No objection. The SEPA flood risk management maps show minimal flood risk to the site and access track.

Transportation and Development - No support, the concerns raised during the application process have not been addressed in full, in terms of safe access and egress into and out of the site, visibility splays, connectivity to the wider village, proximity of the junction to Park Grove and red line boundary.

REPRESENTATIONS

Number of representations received: 0

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations / AA Not Required
Design Statement or Design and Access Statement	Submitted

Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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

Policy Appraisal

Land Use

LDP2 Policy 17: Residential Areas identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. The category of development relevant to this proposal is (a) *Infill residential development at a density which represents the most efficient use of the site while respecting its environs.*

The proposal is for five large house plots ranging from 1446 sqm to 2260 sqm. Whilst the principle of a residential development on this allocated site is acceptable, a higher density development with a mix of house sizes, types and tenures would provide much needed new and affordable homes for the village in line with had had been envisaged through the allocation in the LDP.

LDP2 Policy 17 algins with NPF4 Policy 16 a) which supports development proposals for new homes on land allocated for housing in LDPs. However, NPF4 Policy 17 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

It is considered that this development is poorly designed and not at a density which represents the most efficient use of the brownfield site and the proposal is therefore contrary to LDP2 Policy 17 (a) and contrary to the aims of NPF4 Policy 17.

Contamination

This is a brownfield site and its sustainable reuse is supported by NPF4 Policy 9 a). The proposed development is on land that has been identified as former coachworks. There is also a gravel pit immediately south. There is the potential for contamination to be present within the proposed site as a result of these former activities.

In line with NPF4 Policy 9 c) and LDP2 Policy 58A: Contaminated Land, the Contaminated Land Officer recommends a condition should permission be granted to ensure that prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use shall be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify the nature and extent of contamination and measures to remove/treat the site to ensure it is fit for the use proposed.

Design and Layout

NPF4 Policy 14 a) states '*Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale*.' NPF4 Policy 14 b) '*Development proposals will be supported where they are consistent with the six qualities of successful places*.'

LDP2 Policy 1A Placemaking states '*Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development*.'

The indicative site plan shows a layout of 5 large plots ranging from 1446 sqm to 2260 sqm in the central section of the site. There is no consideration given to the existing two houses on the north boundary to ensure their sensitive integration with the application site. Overall, as outlined above, the proposal does not respect the design and density of the wider surrounding area to the west. The proposal will not contribute positively to the surrounding built environment and will lead to a piecemeal development lacking character, connectivity and identity with the village.

PKC LDP2 Developer Requirements for this site (MU6) includes retention/protection and enhancement of woodland along the eastern boundary of the site and as noted in the Biodiversity Officer's consultation response the current amount of proposed planting is not sufficient to meet this requirement. There are trees, tree root protection zones and tree canopies from the Ancient Woodland which will be located within the garden ground of three of the new dwellinghouses. This is contrary to NPF4 Policy 6 b) i) which

seeks to protect the ecological condition of ancient woodlands and a buffer of at least 10m is required to protect ancient woodland, as noted in the response by the Biodiversity Officer. The proposal fails to respect the natural environment and the ancient woodland.

The proposal is poorly designed and does not respect the local context. It lacks connectivity to the surrounding area and will not contribute positively to the quality of the surrounding built and natural environment. It is contrary to NPF4 Policy 14 and LDP2 Policy 1 and associated Supplementary Guidance.

Residential Amenity

Residential amenity can be protected through sensitive site layout of the plots and window and door openings and trees and planting as a natural boundary treatment should mitigate overlooking and enforce privacy between properties and this will be reviewed as part of a detailed application. This can also be controlled by condition.

Consideration should be given to the boundary treatment of the plots to the north and the high timber fences on plot boundaries which create an unattractive screen. Detailed plans for the application site should seek to avoid this form of boundary treatment. High quality landscaping should sensitively integrate the development and provide an attractive and natural method of screening between plots to respect the ancient woodland on the eastern boundary. This can also assist in enhancing biodiversity.

Historic Assets

The proposed development lies within an area that is archaeologically sensitive due to known prehistoric archaeology located in proximity to the site. LDP2 outlines the potential for archaeological remains for this allocated site (MU6).

NPF4 Policy 7 Historic Assets and Places and LDP2 Policy 26B: Scheduled Monuments and Archaeology: Archaeology are relevant, and Perth and Kinross Heritage Trust (PKHT) were consulted.

The consultation response from PKHT outlines the rich tapestry of long ranging activity in this area and the potential the development site has. Therefore, if permission is granted, it is recommended that a negative suspensive condition for a programme of archaeological works is attached to consent in order to assess the presence/absence, character and significance of archaeological deposits on the site and the extent to which the development will impact upon them. This would inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. This would need clarified in a Written Scheme of Investigation (WSI) and be submitted for PKHT for approval.

Roads and Access

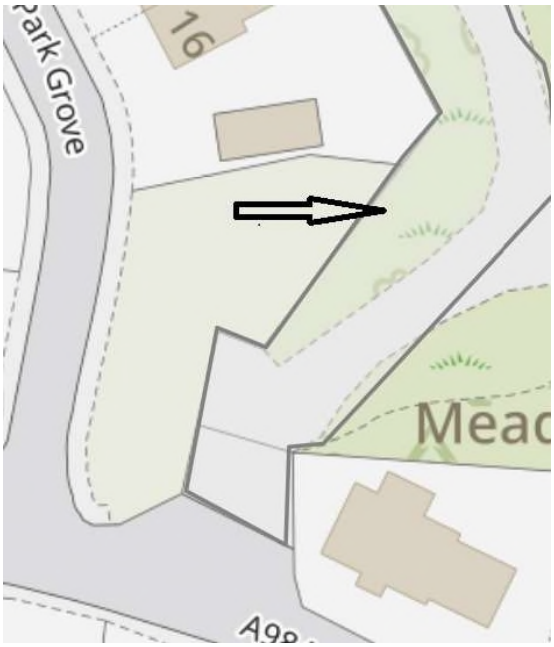
Transport Planning requested further information during the application process and provided consultation comment.

Concerns were raised about the proposed vehicle access being in very close proximity to Park Grove and the potential for confusion as to where vehicles are turning into if there were to be two residential vehicle accesses close together. See image below from Google Streetview (21/5/25) -

The applicant/agent provided further information and a traffic survey in response to Transport Planning's comments during the application process (Document 14). The supporting statement (Document 14) notes that a legal agreement is in place between the owners of 'East Lea' (Applicant) and neighbours at 'Meadowview' (property on access to site) to ensure the visibility is retained and line of site not affected. This is a private legal agreement which the local planning authority has no control over.

Alternative accesses to the site were explored however this is limited due to topographical and land use constraints. Transport Planning highlighted one alternative access from Park Grove to the site, the photo below shows a potential location for an access and the arrow in the second image shows the location -

Site visit photo – looking west from the site



Location of potential access on GIS

The applicant advised that the purchase of the land to access the application site via Park Grove is not viable in the context of the proposed development, out with the complexities of the land ownership with land both jointly owned by all those of Park Grove and private individuals. Obtaining consent from all owners is very unlikely, out with the cost of the purchase.

Transport Planning cannot support the proposal in terms of safe access and egress into and out of the site, visibility splays and proximity of the junction to Park Grove.

The Transport Planning response notes that the applicant has not shown how the development will connect to the existing infrastructure within the village for residents travelling by foot. The applicant has advised under Policy 14 of NPF4 that bus stops are within 150 metres of the site, but it is unclear how these can be accessed safely from the site with no links to the footway on the north and south of the A984.

The applicant was advised during the application process of the LDP3 call for sites and the opportunity presented to review a comprehensive residential development of the whole site through this process. This would be an opportunity to review the access constraint further and improve the connectivity of the site to the village and the surrounding area.

The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance. The proposal is contrary to NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.

Drainage and Flooding

The SEPA flood risk management maps show minimal flood risk to the site and access track.

Further information was submitted by the applicant during the application process including a drainage strategy. This noted the site is not at flood risk. There is no surface water drainage within the site and individual soakaways in plots are proposed with infiltration and porosity testing previously undertaken which deemed the site suitable. Also, a new length of foul sewer from recently constructed plots has been constructed, connecting to the existing combined sewer in the A984. It is proposed to connect new foul drainage for this proposal to this new foul sewer located in the existing access track. It is worth noting for the planning record that this drainage infrastructure was not approved as part of the planning permission 20/01903/FLL. Overall, the drainage strategy report highlights it has demonstrated that there are no overriding impediments to the development being granted planning permission on the grounds of flood risk or surface water drainage.

The Flooding Team do not raise any specific concerns and do not object to the proposal. A detailed drainage proposal would have to be submitted for review with a detailed application and an application for a building warrant. The proposal satisfies NPF4 Policy 22 and LDP2 Policy 52: New Development and Flooding, LDP2 Policy 53B: Water Environment and Drainage: Foul Drainage and LDP2 Policy 53C: Water Environment and Drainage: Surface Water Drainage.

Natural Heritage and Biodiversity

As noted in the Biodiversity Officer's consultation response, the submitted Ecological Impact Assessment (EcIA) Report is acceptable as the methods are in accordance with published best practice and survey was undertaken at the correct time of year. The submitted EcIA Report recommends measures that would contribute towards biodiversity enhancement that are in accordance with the PKC Planning for Nature Guidance. Details of enhancement measures such as quantity, locations, techniques, timescales and monitoring arrangements are required. Enhancement measures should also be incorporated into design schemes and architects' drawings to ensure they are realised. This could be conditioned for submission with a detailed application.

The proposal satisfies NPF4 Policy 3 and LDP2 Policy 41: Biodiversity.

The submitted Tree Survey, Arboricultural Impact Assessment, and Tree Protection Plan are comprehensive. The report states that no trees will be felled for the development and this could be conditioned together with tree protection measures.

There are trees, tree root protection zones and tree canopies from the Ancient Woodland which will be located within the garden ground of three of the new properties.

NPF4 Policy 6 b) i. states that *development will not be supported where it will result in any loss of ancient woodlands or adverse impact on their ecological condition*. This development does not propose any tree loss but placing garden ground within and housing so close to ancient woodland places additional pressure on the habitat through:

- ground disturbance and root damage from permitted development to create larger gardens, ponds, sheds and paving once houses are occupied.
- increased noise, disturbance and recreation impacting on woodland species.
- increased lighting impacting nocturnal species using the woodland edge for foraging such as bats (noted in the submitted EcIA Report).
- increased potential to introduce non-native invasive species that can spread from gardens.

To protect the ancient woodland, gardens need to be set outside the root protection areas (RPAs) of all trees. Ancient Woodland Inventory sites are irreplaceable habitat and a UK Biodiversity Action Plan priority habitat type with high biodiversity value. The Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of ancient woodland.

LDP2 Developer Requirements for this site (MU6) includes retention/protection and enhancement of woodland along the eastern boundary of the site and the current amount of proposed planting is not sufficient to meet this requirement. Ideally, a buffer of 50m from ancient woodland is requested but, in this instance, at least 10m is required, as noted in the Biodiversity Officer's consultation response.

The proposed development is contrary to NPF4 Policy 6 b) i) due to the proximity of housing and garden ground to ancient woodland and the potential for this to have an adverse impact on the ecological condition of the ancient woodland trees.

Material Considerations

Land Use - Site History

The site, part of the wider MU6, was allocated in the 2014 Local Development Plan where the site-specific requirements included the need for the site to be redeveloped comprehensively and ensuring that the employment uses are delivered in advance or in conjunction with residential development.

These requirements however were not carried forward to Local Development Plan 2 (2019) in order to reflect the in-principle consent (16/01358/IPL) granted through PKLRB appeal for 2 residential units on the site.

Planning permission in principle for a residential development of two plots was granted (16/01358/IPL) by the Council's Local Review Body (PKLRB) who found that while a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. Allowing this limited 'first phase' of development would enable the applicants to realise and generate some capital receipt from the site that would then enable them to instruct a full decontamination study and any archaeological investigation, to be undertaken across the whole site and also allow work to then be progressed on a comprehensive submission for the remainder of the MU6 site. In that context, the majority of the PKLRB decided it was acceptable to allow this partial development on the north part of the site, contrary to the Local Development Plan allocation.

The supporting statement submitted with the appeal for 16/01358/IPL, notes a further mixed-use allocation prior to LDP1. The statement notes there is no appetite for commercial units '*the fact that the site has (in part) been identified for such uses since 2005 with no interest ever having been received*.' Further, the statement reads '*At the previous Local Development Plan Examination information had been submitted to suggest that the site should be identified solely for residential use, however the Reporter concluded that for the time being the site should continue to be identified for mixed use development as per the previous Local Plan*.'

An indicative masterplan for the site was submitted (Drawing 16) which shows Class 4 Business Units on the south part of the site. As evidenced above, for twenty years there has been no progress for a mixed-use development on the site despite its development plan allocation. The focus has been on the residential element only, the pre-application history also highlights this. The applicant's supporting statement for the current application notes that market forces suggest a residential development is the most suitable and desirable use of the site.

The proposal is for five large house plots ranging from 1446 sqm to 2260 sqm. The agent confirmed during the application process, that should the application be approved the site will be sold as individual house plots. This will likely lead to a piecemeal and fragmented development of the site. One which lacks character, connectivity or identity with the wider village. Below are site visit photos (26/3/24) to illustrate this -

Plots 1 and 2

Plot 2 - 21/01507/FLL

Looking south from Plots 1 and 2

Looking north from entrance

A higher density development with a mix of house types, sizes and tenure would provide much needed new and affordable homes for the village. A proposal of this nature would align more with the aims of NPF4 and LDP2 to deliver high quality, affordable and sustainable homes in the right location.

As highlighted earlier in the report, Planning advised the applicant and agent of the LDP3 call for sites process and recommended they submit the MU6 site for consideration as a residential site as part of this process. This would review the potential for a well-designed, connected, sustainable, higher-density residential development in the settlement boundary.

Use of south part of site

The supporting statement (Document 14) outlines that the area of land outlined blue on the location plan is currently used by Stagecoach as an operating centre for up to 2 vehicles there each day with the appropriate Vehicle Operating Licence (PM0000004) under 'Fife Scottish Omnibuses Ltd'. The licence was granted following advertisement in the local press for 6 weeks, there were no objections received. There are no time restrictions or restrictions to the number of trips. The statement notes that there have been no incidents reported or knowledge of any near misses for Stagecoach leaving or entering the centre.

There is no planning permission granted for this use on the south part of the site.

Developer Contributions

Affordable Housing - Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.

The application proposes 5 dwelling houses, which would mean that the Affordable Housing Policy would apply.

Primary Education - This proposal is within the catchment of Glendelvine Primary School.

Planning conditions are recommended by the Contributions Officer to ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2023.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development. A comprehensive development of the site would have a greater economic impact.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly, the proposal is refused on the grounds identified below.

Reasons

1.The proposal is contrary to the spatial strategy for this allocated site (Ref MU6) of the Perth and Kinross Local Development Plan 2019 which seeks a small mixed-use development of employment uses and housing on the site of a former bus depot. The proposal relates solely to a section of the allocated site (Ref MU6) and does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed.

2.The proposal is for five large detached dwellinghouses on five large plots which does not respect the wider residential density in the village to the west. Further the proposal does not integrate or connect with neighbouring residential development. The proposal is poorly designed and the design and density does not respect the character and amenity of the place or create and improve links to the surrounding area. The proposal is contrary to NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1 Placemaking and associated Supplementary Guidance.

3.The proposed development is contrary to NPF4 Forestry, Woodland and Trees Policy 6 b) i) because of the proximity of housing and garden ground to ancient woodland and the potential adverse impact on their ecological condition.

4.The existing vehicular access does not have the capacity to accommodate the development and the proposal will have an adverse impact on road safety and operational performance. The proposal is contrary to NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60A and 60B Transport Standards and Accessibility Requirements.

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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02
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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	24/00391/FLL	**Comments provided by**	Diane Barbary
Service/Section	Conservation	**Contact Details**	[redacted]
Description of Proposal	Residential development and associated works (in principle)		
Address of site	Land 90 Metres East Of 13 Park Grove Spittalfield		
Comments on the proposal	The proposed development is to the east of the Spittalfield Conservation Area, within a site allocated for development in LDP2. The site is separated from the conservation area and its concentration of listed buildings by an area of more recent development. Given the distance and relatively flat topography, an appropriately scaled and designed development is unlikely to result in an adverse impact on wider views. The woodland setting is important to the character of the conservation area, however, and it should be ensured that existing trees are protected and new native species planting forms part of a detailed scheme, should it be approved.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	03/04/2024		

Tree Survey, Arboricultural Impact Assessment, and Tree Protection Plan

Proposed Residential Development 24/00391/IPL - Land 90 Metres East Of 13 Park Grove, Spittalfield

Tuesday 3rd September 2024 Revision A Friday 7th March 2025

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PART 1 - EXECUTIVE SUMMARY

1.1 Proposal
The proposal is to construct a residential development on land 90m to the east of 13 Park Grove. A tree survey is required, written in accordance with British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.

1.2 Tree Survey
A tree survey was carried out by the surveyor on 20th August 2024. The trees were recorded as T1-27. All trees surveyed were assigned to the category A, B, C or U classification.

1.3 Tree-work Recommendations
No tree-work recommendations have been made.

1.4 Arboricultural Impact Assessment
There is mature broadleaved woodland to the east of the site, and semi-improved neutral grassland to the south-east. The woodland is designated Ancient Woodland of Long-Established Plantation Origin and the classification includes the woodland to the east; and the grassland to the south-east which overlaps with the redline boundary, although this SE part of the site was not wooded. Ancient Woodland is classed by the Scottish Government as "an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development". There are trees, tree root protection zones and tree canopies from the Ancient Woodland which will be located within the garden ground of three of the new properties and these should be suitably protected during and after construction, retained long-term and protected from further development.

No trees are proposed to felled for the development. All trees will be retained. The proposed development impacts the RPAs of five trees, T5, 6, 7, 15, 19 along the property boundary lines. For all trees the rooting area impacted is less than 10% of the total RPA and it is considered that there is sufficient unimpacted rooting area to ensure the long-term survival of these trees. The proposed work is limited to installing 1100mm post and wire fences with native hedging along the boundaries. It is essential that arboricultural methodology is followed when working in the RPAs of all retained trees. In the event any excavation is required to take place within RPAs BS5837 requires this to be non-mechanical excavation and cutting roots greater than 2.5cm diameter is to be avoided. Where excavation is not required a no dig surface methodology such as using a 3D cellular confinement system is proposed to avoid negative impacts in other areas. Where this raises the level of the ground in any RPA a permeable surface material is recommended to allow air and water to percolate.

It is not anticipated that the RPAs of other retained trees will be directly impacted by the work. However, where any work is required which may encroach into any RPA, work must be non-mechanical excavation using hand tools or use a no dig surface method. Arboricultural methodology must be adopted for any works in the RPAs of retained trees. The RPAs of all trees on the site which are in the vicinity of, but out-with, the proposed development footprint can be safely protected from compaction or other disturbance by ground marking. Ground protection requirements will depend on the intensity of work around any individual tree in this area. RPAs are indicated on the plans as being centred around each stem, note that the actual protection area is often skewed because localised features (such as local topography etc.) make rooting conditions unfavourable on one or more sides of the tree.

1.5 Tree Protection
Tree protection specifications for tree protection barriers are provided, together with general advice on tree retention, working in RPAs, and an arboricultural method statement for tree works.

1.6 Landscape Planting
Landscape planting is recommended to include native tree and shrub species.

PART 2 - GENERAL INFORMATION

2.1 Brief From Client
A tree survey is required written in accordance with British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.

2.2 Proposed Works
The proposal is to construct a residential development on land 90m to the east of 13 Park Grove.

2.3 Documents Referred To
The British Standard Institute publication BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' is referred to throughout this report. This is a nationally recognised standard typically used by LPAs to assess planning applications.

2.4 Documents Received
Existing and Proposed Site Plans

2.5 Limitations
2.5.1 This report was prepared for use by our client in accordance with the terms of the contract and for planning purposes only. Information provided by third parties used in the preparation of this report is assumed to be correct.

2.5.2 All trees have been inspected from ground level only using established visual assessment methodology. This is primarily a survey to assess the general health, condition, value, and life expectancy of existing trees as part of the planning and design process. This report is not a detailed document on tree safety.

2.5.3 Trees are dynamic living organisms, whose health and condition can be subject to rapid change, depending on a number, of external and internal factors. The conclusions and recommendations contained in this report relate to the trees at the time of inspection. The findings and recommendations are valid for twelve months and it is strongly recommended that trees are inspected at regular intervals and after extreme weather events for reasons of safety.

2.5.4 Whilst every effort has been made to detect defects within the trees inspected, no guarantee is given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.

2.5.5 The findings and recommendations contained within this report are based on the current site conditions. The construction of roads, buildings, service wayleaves, removal of shelter, and alterations to established soil moisture conditions can all have a detrimental impact on the health and stability of retained trees. Accordingly, a re-inspection of retained trees is recommended on completion of any development operations.

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

2.6 Personnel
Emma has worked in the environmental sector for twenty years, including thirteen years predominantly focused on woodland management, during which time she has gained a wealth of experience and expertise. Emma has been qualified in arboriculture and ground level tree operations for eighteen years, has carried out tree surveys for twelve years, and holds the Lanta Professional Tree Survey and Inspection Award. During the last ten years she has worked as an ecological and arboricultural consultant for Tay Ecology with lead responsibility for development projects. She graduated with a BSc from University of Edinburgh, has a Postgraduate Diploma in Environmental Management and is a full member of CIEEM, a member of the Arboricultural Association and Institute of Environmental Management and Assessment.

PART 3 – TREE SURVEY

3.1 METHODOLOGY

3.1.1 Trees on and adjacent to the proposed development site where these trees may be impacted by the proposed work have been recorded. The trees were recorded as T1-27. All trees surveyed were assigned to the category A, B, C or U classification.

3.1.2 Data was collected in accordance with the requirements of British Standard 5837:2012. All observations were from ground level, with the aid of binoculars, without detailed or invasive investigations. Measurements were taken using a tape measure, clinometer, and laser measure. Where this was not possible or reasonably practical, measurements have been estimated by eye.

3.1.3 The trees were surveyed and assessed impartially and irrespective of the proposed development. Management recommendations should be implemented regardless of any proposed development for reasons of sound arboricultural management or safety.

3.1.4 BS 5837:2012 requires retention of better quality (Category A and B trees) where possible. Planning permission overrides a Tree Preservation Order and Conservation Area. Furthermore, trees are a material consideration in the UK planning system irrespective of their legal status. It is therefore not considered necessary to highlight or give additional merit to trees that have legal protection.

3.1.5 All Category A, high & B moderate quality and value trees will, where possible, be retained on development sites, and should influence and inform the design, site layout, and in some cases the specific construction methods to be used. The root protection areas of these trees will generally form a construction exclusion zone, although under certain circumstances it may be possible to build within these areas providing that appropriate, specifications have been agreed between the local planning authority, the consulting arboriculturist and the developer/client.

3.1.6 As regards Category C trees; under normal circumstances these would not normally be required to be retained in a development context, unless in a location that they do not represent a significant constraint on the proposal. See relevant note at foot of Cascade diagram BS 5837:2012.

3.1.7 All Category U trees should be removed for reasons of sound arboricultural practice or health & safety, irrespective of any development proposals.

3.1.8 Trees may be recorded as group or woodland where:

i) The canopies touch.
ii) The trees have more group value than individual merit.
iii) They are part of a formal landscape feature like an avenue.
iv) It is impractical to record them individually.

3.1.9 Where trees within groups or woodlands etc. are recorded together, it may be necessary to record individual trees where it is necessary to distinguish them from others, this may be required initially, e.g., if a tree is in Category U, or at a subsequent stage as the design process evolves.

3.2 ANALYSIS

3.2.1 Site Description

The proposed site is located on land 90m east of 13 Park Grove at Spittalfield. It is accessed to the north of the A984. The location grid reference is NO 11056 40989, at an altitude of 40m above sea level. The proposed site is an area of semi-improved neutral grassland, with tall ruderal vegetation. On the site there is mature broadleaved woodland to the east, and semi-improved neutral grassland to the south-east, an access track to the west and existing properties to the north. The woodland is designated Ancient Woodland of Long-Established Plantation Origin on the Ancient Woodland Inventory and the classification includes the woodland to the east; and the grassland to the south-east which overlaps with the redline boundary, although this SE part of the site was not wooded.

3.2.1.1 Woodland Policy

Policy 6 NPF4 Forestry, woodland and trees

NPF4 Policy 6 specifically states that:

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

3.2.2 Species

There is a mix of broadleaved species at the site. The scientific names for the species recorded in common names are as follows:

Common Name	***Scientific Name***
Silver birch	*Betula pendula*
Beech	*Fagus sylvatica*
Pedunculate oak	*Quercus robur*
Goat willow	*Salix caprea*

3.3 Tree Survey Schedule – see page 7-8 below

Where tree-work recommendations are made these are highlighted in yellow.

3.4 Tree Constraints Plan - see page 9 below and Park Grove TCP

A tree constraints plan has been produced for the site. The trees were recorded as T1-27. The morphology of tree roots is influenced by past and present site conditions and tree management, e.g., soil type, drainage, and local topography. The RPAs of trees may be exaggerated. Estimated measurements are provided for trees located adjacent private land.

3.3 Tree Survey Schedule

Ref.	Species	Hgt. (m)	DBH (mm)	Branch spread (m)				Life stage	General observations/vigour	Condition	ERC	Cat.	RPA (m)	Recommendations / Timescale
				N	E	S	W							
1	Silver birch	14	450	5	5	5	5	M	Good	Good	20+	B2	5.4	No work required
2	Silver birch	14	270;260	4	4	4	4	M	Co-dominant stems / Good	Good	20+	B2	4.5	No work required
3	Goat willow	12	550;360	6	6	6	6	M	Good	Good	20+	B2	7.89	No work required
4	Beech	19	1170	12	12	12	12	M	Good	Good	40+	A2	14.04	No work required
5	Goat willow	12	360;360	5	5	5	5	M	Co-dominant stems / Good	Good	20+	B2	6.11	No work required
6	Goat willow	14	520;520	6	6	6	6	M	Co-dominant stems / Good	Good	20+	B2	8.82	No work required
7	Pedunculate oak	20	1090	12	12	12	12	M	Good	Good	40+	A2	13.08	No work required
8	Goat willow	10	250	3	3	3	3	M	Good	Good	20+	B2	3.0	No work required
9	Goat willow	11	250;250; 150	4	4	4	4	M	Multi-stemmed / Good	Good	20+	B2	4.61	No work required
10	Goat willow	10	250	3	3	3	3	M	Good	Good	20+	B2	3.0	No work required
11	Silver birch	13	290	3	3	3	3	M	Good	Good	20+	B2	3.48	No work required
12	Pedunculate oak	18	550	6	6	6	6	M	Good	Good	20+	B2	6.6	No work required
13	Pedunculate oak	20	820	8	8	8	8	M	Good	Good	20+	B2	9.84	No work required
14	Beech	21	1500	12	12	12	12	M	Good	Good	40+	A2	18.00	No work required
15	Goat willow	9	180;150; 120	3	3	3	3	M	Multi-stemmed / Good	Good	20+	B2	3.16	No work required
16	Pedunculate oak	4	120	2	2	2	2	SM	Good	Good	10+	C2	1.44	No work required
17	Pedunculate oak	8	230	3	3	3	3	M	Good	Good	20+	B2	2.76	No work required
18	Pedunculate oak	5	120	2	2	2	2	SM	Good	Good	10+	C2	1.44	No work required
19	Pedunculate oak	8	210	2	2	2	2	M	Good	Good	20+	B2	2.52	No work required
20	Goat willow	12	310;280; 280	6	6	6	6	M	Multi-stemmed / Good	Good	20+	B2	6.03	No work required
21	Goat willow	12	360	4	4	4	4	M	Good	Good	20+	B2	4.32	No work required
22	Goat willow	12	300	4	4	4	4	M	Good	Good	20+	B2	3.6	No work required
23	Goat willow	13	220; 200; 180	4	4	4	4	M	Multi-stemmed / Good	Good	20+	B2	4.17	No work required
24	Goat willow	15	740	8	8	8	8	M	Good	Good	20+	B2	8.88	No work required
25	Pedunculate oak	18	640	7	7	7	7	M	Good	Good	20+	B2	7.68	No work required
26	Pedunculate oak	19	750	8	8	8	8	M	Good	Good	20+	B2	9.0	No work required

27	Pedunculate oak	22	1230	12	12	12	12	M	Good	Good	40+	A2	14.76	No work required

KEY

Ref: Reference number assigned to that item with a code to help identification such as T = tree

Hgt: Height of the tree in metres rounded up to the nearest half metre.

DBH: 'Diameter at Breast Height' – the stem diameter measured in millimetres at 1.5m above ground level, to the nearest 10mm. Where the ground around the base of the tree is not level this is taken 1.5m above the upper side of the slope.

Crown Spread: The crown spread is given to four cardinal points, rounded up to the nearest half metre.

Clr: 'Crown clearance' is the height of the lowest branch above ground level, with the general direction it is growing to a cardinal point.

Life Stage: Recorded with codes as follows, and relative to the species of the tree: Y – Young; EM – Early-mature; SM – Semi-mature; M – Mature; OM - Over-mature; D – Dead.

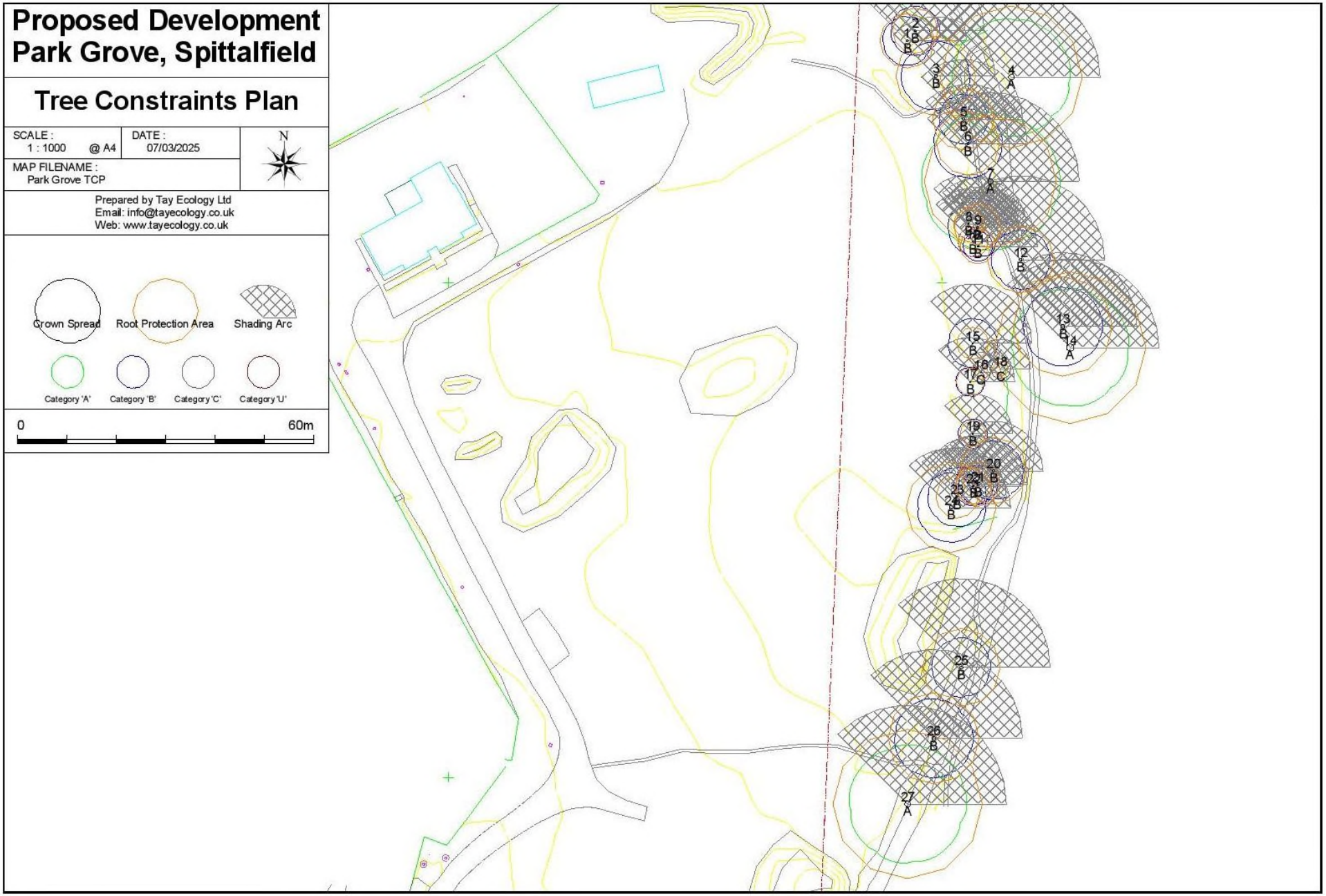
General observations: includes notes on structural defects, physiological problems, special features, decay, and management recommendations. Please note that management recommendations do not constitute a specification for any required works.

Condition: Good = Healthy tree with no major defects, considerable life expectancy, with good shape or form; Fair = Healthy tree with easily remedied defects, shorter life expectancy, with reasonable shape or form; Poor = Tree with significant structural defects and/or decay, low vigour, under stress, limited life expectancy and with inferior shape and form; Dead = Dead, dying, and dangerous trees, very, low vigour, severely limited life expectancy, serious structural defects and/or decay.

ERC: 'Estimated remaining contribution', recorded in a range of years is the amount of time the tree can realistically be retained for.
<10 - Unsuitable for retention; 10-20 - Can be retained in the short term; 20-40 - Will continue to offer benefits for the foreseeable future; 40+ - Good longevity potential

Cat.: 'Category grading', a full explanation of the categories is given in an excerpt from BS 5837:2012 in the cascade chart, appendix 2.

RPA: 'Root protection area', appears on the survey plan and is calculated by multiplying the stem diameter using one of three methods specified in BS 5837:2012 depending on the number of stems the tree has. This should be considered an indication only as various factors may influence the size and shape of the RPA, such as past and present site conditions, and ground constraints such as roads, underground services, soil type, drainage, and topography.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Web: www.tayecology.co.uk
Crown Spread
Root Protection Area
Shading Arc
Category 'A'
Category 'B'
Category 'C'
Category 'U'
0
60m

3.5 Photographs

a. Grassland NE corner of site

b. Wooded Eastern boundary of site

c. South along edge of woodland to east

d. Woodland edge trees

e. West across site from woodland edge

f. South across grassland

3.6 Tree Work Recommendations

No tree-work recommendations have been made at this time.

PART 4 – ARBORICULTURAL IMPACT ASSESSMENT

4.1 ANCIENT WOODLAND

There is mature broadleaved woodland to the east of the site, and semi-improved neutral grassland to the south-east. The woodland is designated Ancient Woodland of Long-Established Plantation Origin and the classification includes the woodland to the east; and the grassland to the south-east which overlaps with the redline boundary, although this SE part of the site was not wooded. Ancient Woodland is classed by the Scottish Government as "an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development". There are trees, tree root protection zones and tree canopies from the Ancient Woodland which will be located within the garden ground of three of the new properties and these should be suitably protected during and after construction, retained long-term and protected from further development.

4.2 TREE LOSS PROPOSED FOR THE DEVELOPMENT

No trees are proposed to felled for the development.

4.3 TREE RETENTION

All trees will be retained.

4.4 INCURSION INTO ROOT PROTECTION AREAS

4.4.1 Impacted RPAs

The proposed development impacts the RPAs of five trees, T5, 6, 7, 15, 19 along the property boundary lines. For all trees the rooting area impacted is less than 10% of the total RPA and it is considered that there is sufficient unimpacted rooting area to ensure the long-term survival of these trees. The proposed work is limited to installing 1100mm post and wire fences with native hedging along the boundaries. It is essential that arboricultural methodology is followed when working in the RPAs of all retained trees. In the event any excavation is required to take place within RPAs BS5837 requires this to be non-mechanical excavation and cutting roots greater than 2.5cm diameter is to be avoided. Where excavation is not required a no dig surface methodology such as using a 3D cellular confinement system is proposed to avoid negative impacts in other areas. Where this raises the level of the ground in any RPA a permeable surface material is recommended to allow air and water to percolate.

It is not anticipated that the RPAs of other retained trees will be directly impacted by the work. However, where any work is required which may encroach into any RPA, work must be non-mechanical excavation using hand tools or use a no dig surface method. Arboricultural methodology must be adopted for any works in the RPAs of retained trees. The RPAs of all trees on the site which are in the vicinity of, but out-with, the proposed development footprint can be safely protected from compaction or other disturbance by ground marking. Ground protection requirements will depend on the intensity of work around any individual tree in this area. RPAs are indicated on the plans as being centred around each stem, note that the actual protection area is often skewed because localised features (such as local topography etc.) make rooting conditions unfavourable on one or more sides of the tree.

4.4.2 Protective Fencing

BS 5837 requires the installation of protective fencing to protect trees to be retained during construction operations. The fence creates a physical barrier between the construction area and the Construction Exclusion Zone (CEZ). The line that a protective fence takes is based upon the calculation of Root Protection Areas but also requires the physical constraints of the site to be taken into consideration. The provisional Tree Protection Plan gives an indicative positioning for

the placement of protective fencing and construction exclusion zones. A specification for protective fencing is given in Appendix 3.

4.4.3 Changes in Ground Level and Surfaces

Changes in ground levels and surfaces within the RPAs of trees to be retained can be detrimental to tree health and stability. Excavations which result in root severance and soil compaction can have serious implications for the long-term future health and stability of the tree. Increasing levels and changing surfaces within root protection areas can be equally damaging as this may result in anaerobic conditions at rooting level resulting in tree root disease and death. Therefore, it is essential that trees to be retained must have their RPAs protected from any changes in in levels. Permeable surfacing materials are recommended to be used in the construction of any surfacing that encroaches on RPAs to allow for percolation of water and gas diffusion.

In the event excavation is required within RPAs non-mechanical excavation is proposed. Where supports are required within RPAs using hand-dug or screw pile foundations or hand-dug pile, pad, or post locations down to a depth of 60cm and, if necessary, adjust locations to avoid cutting roots greater than 2.5cm diameter is recommended. No excavation must take place into existing soil levels except where, authorised for supports, this specifically applies to ground beams sitting above supports. Provision created for ventilation and watering beneath substantial structures. Where excavation is not required a no dig surface methodology such as a 3D cellular confinement system is proposed to avoid negative impacts to RPAs in other areas. This would raise the level of the ground in the identified area. BS5837 (2012) states that a no dig surface can cover approximately 20% of any RPA, Rose (2020) indicates that larger areas of RPAs can be covered by this methodology on a case-by-case basis. Where the ground level is raised in any RPAs a permeable surface material is recommended to allow air and water to percolate.

4.4.4 Installation of Services

Traditionally the installation of underground services is carried out by the digging of open trenches and installation of the service(s) prior to backfilling. It is widely recognised that this methodology is detrimental to the health of trees where the digging of trenches involves the severance of tree roots. Overhead services can also come into conflict with tree canopies resulting in unnecessary pruning or tree removal. To minimise any impact on trees all services should, wherever possible, be located out-with the root protection areas and crown spreads (for overhead cables) of retained trees. Where services must be installed in root protection areas excavation must be non-mechanical and roots greater than 2.5cm diameter retained.

4.4.5 During Construction

Where construction vehicles are required to enter any RPA, a preference will be given to the use of small construction vehicles and ground protection will be used. Ground protection requirements will depend on the intensity of work around any individual tree in such areas. Where materials storage is required, this will be outside of any RPAs of trees to be retained.

4.5 ABOVE GROUND CONSTRAINTS

4.5.1 Canopies and Shading

The canopies of retained trees can be protected with barriers where any work takes place or where any machinery to be used on site which may impact the canopies.

4.5.2 Future Tree Inspections

Due to the time lapse between the initial survey and start of any development work a further inspection of the trees should form part of the formal risk assessment process carried out prior to commencement. This initial assessment of the trees was carried out on the basis that a follow-up inspection would be undertaken within one year and the advice given on tree condition reviewed on an annual basis or after extreme weather events.

4.6 LANDSCAPE PLANTING

It is recommended that on site landscaping incorporates the provision for new planting. A selection of native species such as from, but not limited to, hazel *Corylus avellana*, hawthorn *Crataegus monogyna*, spindle *Euonymus europaeus*, honeysuckle *Lonicera periclymenum*, crab apple *Malus sylvestris*, wild cherry *Prunus avium*, bird cherry *Prunus padus*, blackthorn *Prunus spinosa*, sessile oak *Quercus petraea*, common oak *Quercus robur*, rowan *Sorbus acuparia*, guelder rose *Viburnum opulus* is recommended. Planting domestic fruit trees including varieties of apple *Malus domestica spp.*, plum *Prunus domestica spp.*, cherry *Prunus spp.* and pear *Pyrus communis* is also recommended.

4.7 CONCLUSIONS

There is mature broadleaved woodland to the east of the site, and semi-improved neutral grassland to the south-east. The woodland is designated Ancient Woodland of Long-Established Plantation Origin and the classification includes the woodland to the east; and the grassland to the south-east which overlaps with the redline boundary, although this SE part of the site was not wooded. Ancient Woodland is classed by the Scottish Government as "an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development". There are trees, tree root protection zones and tree canopies from the Ancient Woodland which will be located within the garden ground of three of the new properties and these should be suitably protected during and after construction and retained long-term.

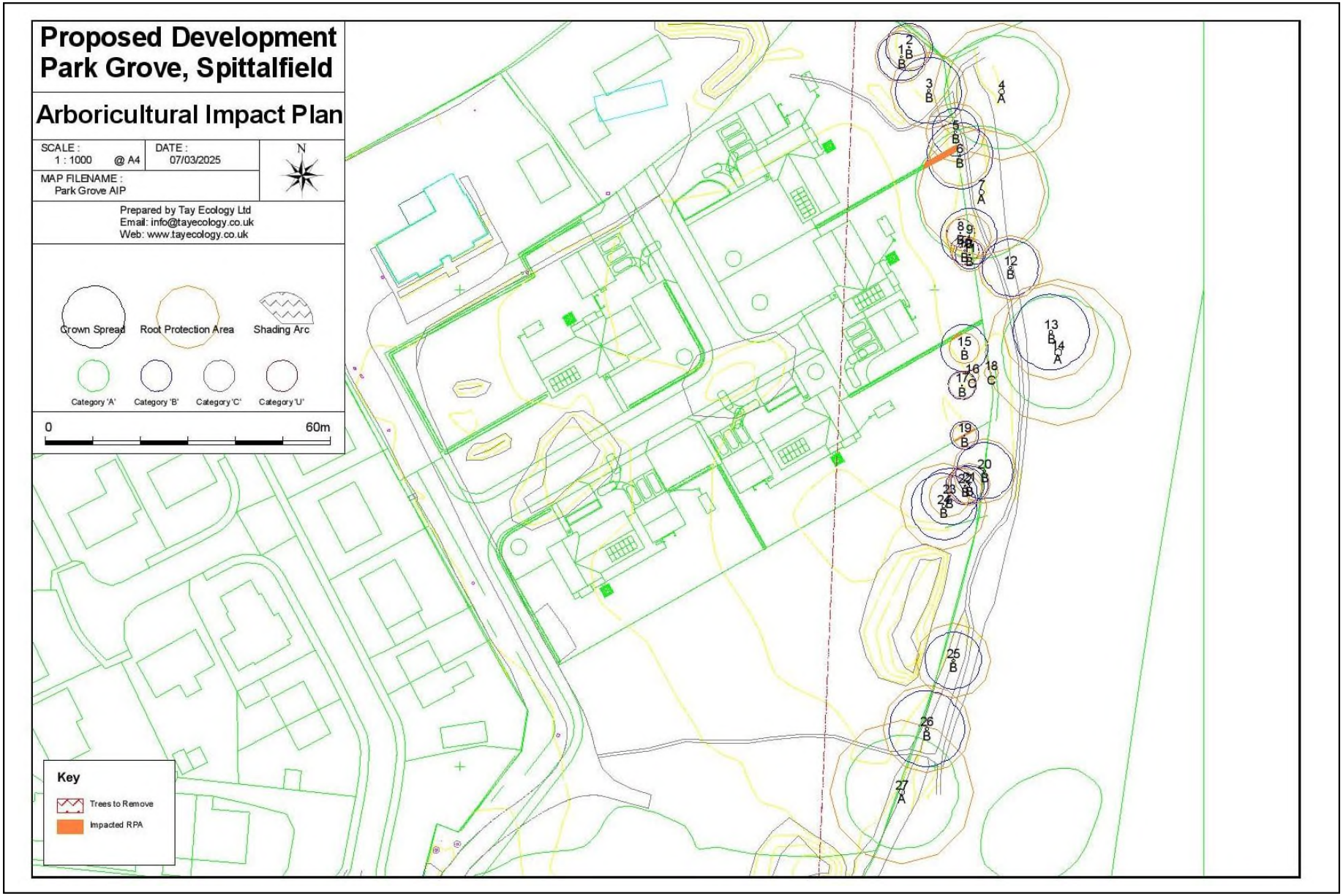
No trees are proposed to felled for the development. All trees will be retained. The proposed development impacts the RPAs of four trees, T5, 6, 7, 15 along the property boundary lines. For all trees the rooting area impacted is less than 10% of the total RPA and it is considered that there is sufficient unimpacted rooting area to ensure the long-term survival of these trees. The proposed work is limited to installing 1100mm post and wire fences with native hedging along the boundaries. It is essential that arboricultural methodology is followed when working in the RPAs of all retained trees. In the event any excavation is required to take place within RPAs BS5837 requires this to be non-mechanical excavation and cutting roots greater than 2.5cm diameter is to be avoided. Where excavation is not required a no dig surface methodology such as using a 3D cellular confinement system is proposed to avoid negative impacts in other areas. Where this raises the level of the ground in any RPA a permeable surface material is recommended to allow air and water to percolate.

It is not anticipated that the RPAs of other retained trees will be directly impacted by the work. However, where any work is required which may encroach into any RPA, work must be non-mechanical excavation using hand tools or use a no dig surface method. Arboricultural methodology must be adopted for any works in the RPAs of retained trees.

The RPAs of all trees on the site which are in the vicinity of, but out-with, the proposed development footprint can be safely protected from compaction or other disturbance by ground marking. Ground protection requirements will depend on the intensity of work around any individual tree in this area. RPAs are indicated on the plans as being centred around each stem, note that the actual protection area is often skewed because localised features (such as local topography etc.) make rooting conditions unfavourable on one or more sides of the tree.

4.8 ARBORICULTURAL IMPACT PLAN

See below and Park Grove AIP. An arboricultural impact assessment plan has been produced.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60m
Key
Trees to Remove
Impacted RPA

PART 5 – TREE PROTECTION PLAN

5.1 GENERAL

5.1.1 The client and agent shall ensure that:

- the site manager and all other personnel are provided with this document.
- all planning conditions relating to underground works, services, trees and landscaping are cleared before development commences.
- all requirements of this Tree Protection Plan are adhered to.
- the site manager is updated of any approved changes or variations to this document.

5.1.2 The client and site manager shall ensure that:

- a copy of this document with the tree protection plan is easily accessible for site personnel to refer to before and during the time construction activity is taking place.
- all personnel working on the site are made aware of the tree protection plan and arboricultural method statements covering any activities they will undertake. This duty includes delegating the task of briefing personnel in the absence of the site manager.
- The tree protection measures are left in place until the construction phase of development is completed, except with the written consent of the LPA.
- site personnel are updated of any approved changes to approved tree protection measures.

5.1.3 Procedures for incidents

If any breach of the approved tree protection measures occurs:

- The LPA Tree officer or other Planning Officer and Tay Ecology are informed.
- The site manager must be informed immediately.
- Swift action must be taken to halt the breach and prevent any further breach.
- Damage mitigation measures appropriate to the scale of incident, deployed where required.

5.1.4 Prohibited Activities

The following must not be carried out under any circumstances:

- Cutting down, uprooting, damaging or otherwise destroying any retained tree.
- Lighting a fire within 10 metres of the canopy of any retained tree.
- Equipment, signage, fencing, tree protection barriers, materials, components, vehicles, or structures shall not be attached to or supported by a retained tree.
- Mixing cement, chemical toilets and other use or storage of anything that would be harmful to trees shall not take place within, or close to a Root Protection Area (RPA). The distance away from the RPA must be sufficient, and site slope must be such that contamination of soil in the RPA would not occur if there were spillage, seepage, or displacement.
- No plant or vehicle with a hydraulic arm such as a mini digger shall be operated within striking distance of the stem and branches or the RPA of any retained tree unless otherwise specified.

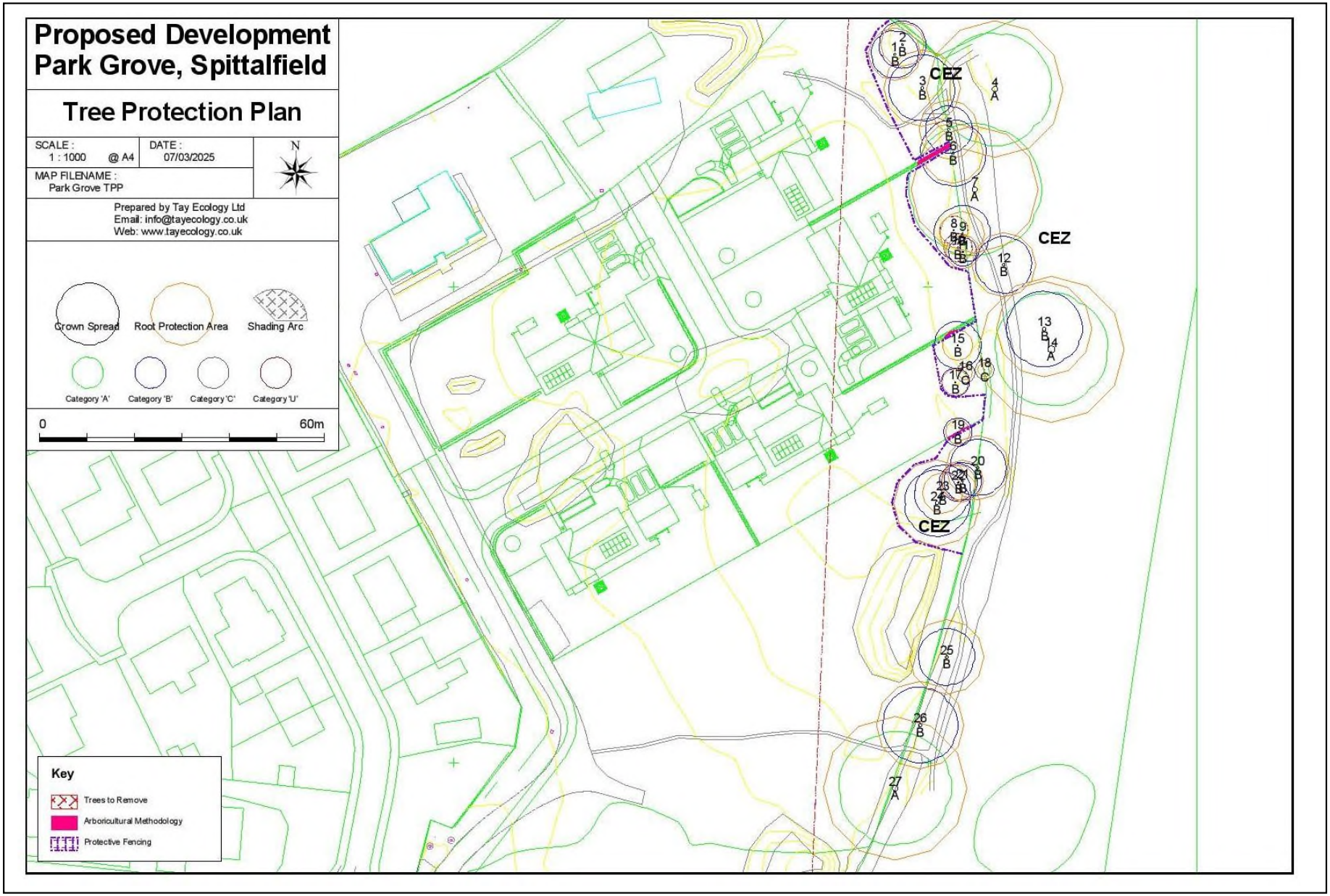
5.1.5 No alterations or variations shall be made to the approved tree protection measures without written approval from the LPA.

5.1.6 Timing and order of operations

The development must be carried out in the following order unless otherwise agreed in writing with the LPA. Each step must be completed before moving onto the next:

i. Mark out RPAs of retained trees.
ii. Installation of tree protection barriers and temporary ground protection
iii. Construction
iv. Removal of the remaining ground protection and barriers

5.2 TREE PROTECTION PLAN - see below and Park Grove TPP


Proposed Development
Park Grove, Spittalfield
Tree Protection Plan
SCALE : 1 : 1000 @ A4
DATE : 07/03/2025
MAP FILENAME : Park Grove TPP
N
Prepared by Tay Ecology Ltd
Email: info@tayecology.co.uk
Web: www.tayecology.co.uk
Crown Spread
Root Protection Area
Shading Arc
Category 'A'
Category 'B'
Category 'C'
Category 'U'
0
60m
Key
Trees to Remove
Arboricultural Methodology
Protective Fencing
CEZ
CEZ
CEZ

5.3 PROTECTIVE BARRIERS AND GROUND PROTECTION

5.3.1 Protective barriers, ideally at the limit of the RPA, or in positions to be agreed within the RPA once further detailed proposals are available, are required to enclose a sufficient RPA to ensure that trees to be retained survive the development process. The aim of any barrier is to exclude any construction activity which may damage tree health. Appropriate distances to be measured from the base of trees are as in the Tree Survey Schedule RPA.

5.3.2 Any barriers shall be installed and removed in accordance with the timing of operations above and laid out in accordance with the appended Tree Protection Plan. The appended notice, Appendix 6 Tree Protection Notice, should be used to create all weather notices that must be added to the tree protection barriers or suitable intervals. In the event of any panel or support becoming damaged, this must be immediately reinforced by adding panels with the designs below as appropriate.

5.3.3 Tree protection barriers
The default specification is a vertical and horizontal scaffold framework, braced to resist impacts, Appendix 3. The vertical tubes are spaced at a maximum interval of 3m and these are driven securely into the ground. Welded mesh panels are securely attached to the frame. During installation it is important to consider the position of below ground services and structural roots, which must not be damaged. Where these constraints prevent the use of this specification, an alternative specification is given.

5.3.4 Alternative tree protection barrier design
2 metres high welded mesh panels standing in rubber or concrete feet joined using a minimum of two anti-tamper couplers installed so they can only be removed from inside the protected area. The fence couplers should be at spaced least 1m apart, but uniformly across the whole barrier. These panels must be supported within the protected area with struts attached to a base plate secured by ground pins, Appendix 3.

5.3.5 Protective barriers should be adapted to fit the site requirements and may include improvised structures around specific trees.

5.3.6 The supervising tree consultant should confirm that the tree protection barriers have been installed as agreed before any significant site work starts.

5.4 ARBORICULTURAL METHOD STATEMENT FOR WORK WITHIN RPAS

5.4.1 CONSTRUCTION IN RPAS

5.4.1.1 For trees where excavation in RPAs is required do not mechanically excavate. Any tree roots found up to 25mm diameter can be pruned back with sharp secateurs leaving a wound of the smallest diameter possible. If any roots over 25mm are found, these must be retained undamaged, and further advice sought from the supervising tree consultant. Cut exposed roots to be removed cleanly 10-20cm behind the final face of the excavation. Protect roots temporarily exposed, but to be retained, from drying out by covering with damp hessian sacks or boards. Use an inert granular material mixed with top-soil or sharp sand around retained roots greater than 25mm width before light compaction.

5.4.1.2 Where excavation is not required a no dig surface methodology should be in place. Where any supports are required within RPAs hand-dug or screw pile foundations or hand-dug pile, pad, or post locations down to a depth of 60cm and, if necessary, adjust locations to avoid cutting roots greater than 2.5cm diameter is recommended. No excavation must take place into existing soil

levels except where, authorised for supports, this specifically applies to ground beams sitting above supports. Provision created for ventilation and watering beneath substantial structures.

Where excavation is not required a no dig surface methodology such as a 3D cellular confinement system is proposed to avoid negative impacts to RPAs in other areas. This would raise the level of the ground in the identified area. BS5837 (2012) states that a no dig surface can cover approximately 20% of any RPA, Rose (2020) indicates that larger areas of RPAs can be covered by this methodology where necessary. Where the ground level is raised in any RPAs a permeable surface material is recommended to allow air and water to percolate.

5.4.1.3 Ground protection boards
Ground protection boards utilised within RPAs to hold excavated soil during any hand-digging.

5.4.1.4 The supervising tree consultant to oversee any work within the RPAs.

5.4.2 GROUND PROTECTION

5.4.2.1 Where it has been agreed during the design stage, and shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the RPAs, the possible effects of construction should be addressed by a combination of barriers and ground protection. The position of the barrier may be shown within the RPAs at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the RPAs should be protected with ground protection.

5.4.2.2 BS 5837:2012 allows for the use of ground protection in conjunction with protective fencing. Where temporary access for small scale machinery is needed within the RPAs ground protection should be used. Ground protection should be of sufficient strength and rigidity to prevent soil disturbance and compaction. A geotextile membrane should be used to prevent contamination of soil below by toxic substances. Where access to the site occurs within RPA areas on existing hard surfaces no additional root protection is required.

5.4.2.3 For pedestrian movements within the RPAs the installation of ground protection in the form of a single thickness of scaffold boards on top of a compressible layer laid onto a geotextile or supported by scaffold is acceptable. For wheeled or tracked movements within the RPAs the ground protection should be designed by an engineer to accommodate the likely loading and may involve the use of proprietary systems or reinforced concrete slabs.

5.4.2.4 The supervising tree consultant should confirm that the ground protection has been installed as agreed before any significant site work starts.

5.4.3 SURFACING

5.4.3.1 Where any new surfacing encroaches into any RPA and no excavation is required, a no-dig surface is preferentially recommended where up to approximately 20% (or more) of the RPA will be impacted. The design of such a construction needs to be sensitive to the requirements of tree roots, substantial enough to withstand the proposed structure and practicable in terms of ease of fabrication. The no-dig method involves construction of a surface with no excavation or soil stripping. All construction takes place above ground level. Appendix 5 Example of no-dig surface installation method.

5.4.3.2 BS 5837 recommends that three-dimensional cellular confinement systems are an appropriate sub-base for installing surfacing in RPAs. Most products are made from heavy-duty

plastic that is pulled apart to open into cells. These are then filled with washed stone, after the product is spread over the ground and pinned in place. This forms a base layer that acts as a floating raft, spreading the load across the whole construction width. The base layer can be topped with a variety of finishes.

5.4.4.3 Tay Ecology is not qualified to recommend any specific construction method in terms of durability or structural integrity and any proposed construction should be approved by a structural engineer prior to implementation, however, with regards to trees, the following comments are made:
• Severance of roots and soil compaction should be avoided.
• Air and water must be able to diffuse into the soil beneath the engineered surface. Toxic substances which could leach into the ground must be avoided, as should substances which affect the pH value of the soil, for example limestone.

5.4.4.4 Existing ground vegetation may be killed using a suitable herbicide. Care must be taken to select a herbicide which does not damage the tree roots within the treated area. Once the vegetation has died, the dead organic matter should be removed. This helps prevent the future build-up of anaerobic conditions or settlement due to decomposition.

5.4.4 DRAINAGE WORK WITHIN RPAS

5.4.4.1 Where any drainage work is required within RPAs do not mechanically excavate. The use of a compressed air-powered tool, or AirSpade is recommended to clear soil from around roots, using a machine to dig a trench is not permitted with the RPAs of trees.

5.4.4.2 Hand-dug broken or continuous trench method
This enables roots to be retained with services fed beneath retained roots. The use of a compressed air-powered tool, or AirSpade is recommended at this site. Any tree roots found up to 25mm diameter can be pruned back with sharp secateurs leaving a wound of the smallest diameter possible. If any roots over 25mm are found, these must be retained undamaged, and further advice sought from the supervising tree consultant. Cut exposed roots to be removed cleanly 10-20cm behind the final face of the excavation. Protect roots temporarily exposed, but to be retained, from drying out by covering with damp hessian sacks or boards. Use an inert granular material mixed with top-soil or sharp sand around retained roots greater than 25mm width before light compaction. Employ common ducts with inspection chambers out with RPAs.

5.4.4.3 Ground protection boards
Ground protection boards utilised within RPAs to hold excavated soil during hand-digging of trenches.

5.4.4.4 The supervising tree consultant to oversee any work within the RPAs.

Further information is in Appendix 4 Installing Services in RPAs.

5.4.5 LANDSCAPING

5.4.5.1 For any landscaping in RPAs avoid soil compaction around existing trees. Any cultivation within RPAs should be undertaken by hand, but no heavy mechanical cultivation should occur. Decompaction measures if required include forking, spiking, soil augering and tilted radial trenching.

5.4.6 POLLUTION PREVENTION

5.4.6.1 To prevent pollution in RPAs make provision for emergency spillage clean-up; mix cement and wash vehicles as far away from RPAs as possible; use bunding and impermeable membranes to prevent liquid contaminants reaching RPAs; use impermeable membranes to prevent leachates from poured concrete contaminating RPAs; keep pollution control measures in place until there is no significant risk of RPA contamination.

5.4.7 SUMMARY OF ARBORICULTURAL SUPERVISION

1. Mark out the RPAs of retained trees.
2. Ensure that the tree protection barriers are installed and fixed to the ground in the correct position and as specified.
3. Oversee any excavation required within any RPAs.
4. Undertake a site visit to ensure that the works are in accordance with the Tree Protection Plan and Arboricultural Method Statement.

PART 6 – LANDSCAPE PLANTING

6.1 PLANTING SCHEDULE

a. Plant in first planting season (Oct-Mar) following completion of proposed development.
b. Excavate planting pits 50cm x 50cm x 30cm.
c. Plant trees of 1.5m-3m height.
d. Use stakes and ties to support trees.
e. Plant trees 1-4m apart.
f. Any plants which become damaged or die within 5 years will be replaced.

6.2 LANDSCAPING PLANTING

It is recommended that on site landscaping incorporates the provision for landscape planting of native tree, shrub and hedgerow species.

6.2.1 Native Species Planting

It is recommended that a selection of native species such as silver birch *Betula pendula*, hazel *Corylus avellana*, hawthorn *Crataegus monogyna*, spindle *Euonymus europaeus*, holly *Ilex aquifolium*, honeysuckle *Lonicera periclymenum*, crab apple *Malus sylvestris*, wild cherry *Prunus avium*, bird cherry *Prunus padus*, blackthorn *Prunus spinosa*, sessile oak *Quercus petraea*, dog rose *Rosa canina*, common oak *Quercus robur*, rowan *Sorbus acuparia*, guelder rose *Viburnum opulus* are planted.

6.2.2 Orchard Planting

Planting domestic fruit trees to create a small orchard including apple *Malus domestica spp.*, plum *Prunus domestica spp.*, cherry *Prunus spp.* and pear *Pyrus communis* is recommended.

6.2.3 Hedgerow Planting

Planting a double-planted hedgerow between property boundaries, with 4-6 plants per metre which are 40-60cm high to create a species-rich boundary hedgerow between properties is recommended, comprising for example 60% Hawthorn *Crataegus monogyna*; 10% each of Hazel; Holly; Blackthorn; and Dog rose.

Tree planting and tree management will be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape Recommendations. See appendix 7 for further information on planting schedule.

PART 7 – REFERENCES

BSI Standards Publication, 2012 *"British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations"*

BSI Standards Publication, 2010 *"British Standard 3998:2010 Tree work – Recommendations"*

BSI Standards Publication, 2014 *"BS 8545:2014 Trees: from nursery to independence in the landscape Recommendations"*

The National Joint Utilities Group, 2007 *"NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees"* [Online]. Available at http://streetworks.org.uk/wp-content/uploads/V4-Trees-Issue-2-16-11-2007.pdf (accessed 3rd September 2024)

Rose, B., 2020 *"The Use of Cellular Confinement Systems near Trees: A Guide to Good Practice"* Arboricultural Association Guidance Note 12

PART 8 – APPENDICES

APPENDIX 1 TERMS AND DEFINITIONS

1.0 Arboricultural Method Statement
Guidelines for specified working operations near trees to avoid any harmful impact as defined within BS 5837:2012, may cover works from tree work to operating cranes, installing foundations or services and guidelines for engineering performance to function as a tree protection measure.

1.1 Ground Protection
In this context the term refers to a method for preventing the ground from being disturbed, usually within the Root Protection Areas of retained trees. Other uses include protection areas to be planted. The way ground protection should be designed to perform is typically described within an Arboricultural Method Statement.

1.2 Root Protection Area (RPA)
A minimum recommended area for tree protection in 'BS 5837:2012 Trees in Relation to Construction'. In these areas works should be avoided where possible. Where work in these areas cannot be avoided, it should be carried out in accordance with a Tree Protection Plan and / or Arboricultural Method Statement.

1.3 Tree Constraints Plan
As defined within BS 5837:2012. This plan shows above and below ground constraints that may impact on a planning proposal such as the tree branch spread and Root Protection Area.

1.4 Tree Preservation Order (TPO)
A type of land charge which specifies certain trees for protection under the Town and Country Planning Act (1990) that makes it necessary to make an application to the LPA to work on them (with notable exceptions) and a criminal offence to otherwise damage or destroy them.

1.5 Conservation Area
Normal TPO procedures apply, if a tree is not covered by a TPO, written notice to the LPA detailing any proposed work must be given at least 6 weeks before work starts. Notice of work is not required where the tree has a diameter of less than 75mm, measured 1.5m above the ground, or 100mm diameter if thinning to enable the growth of other trees.

APPENDIX 2 TREE CATEGORY CODES

Cascade chart for tree quality assessment from BS 5837:2012

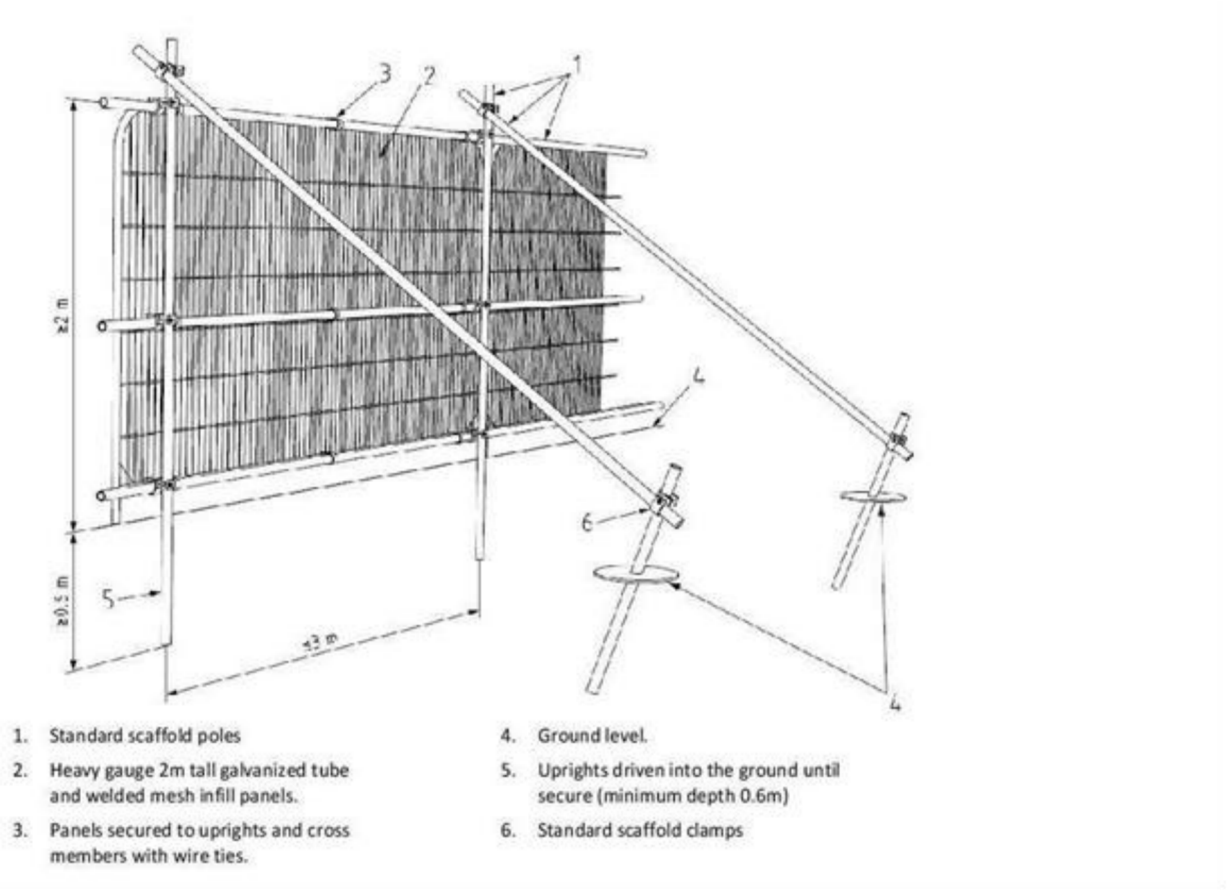
Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.	Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (eg. Where, for whatever reason, including the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate and irreversible overall decline. Trees infected with pathogens of significance to tree health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality. *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.*			Dark red
Trees to be considered for retention				
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (eg. The dominant and/or principal trees within in an avenue).	Trees groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (eg. Veteran trees or wood-pasture).	Light green
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.	Trees that might be included in category A but are downgraded because of impaired condition (eg. Presence of significant though remediable deflects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.	Mid blue
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter of below 150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.	Trees with no material conservation or other cultural value.	Grey
NOTE: Whilst 'C' category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150 mm should be considered for relocation.				

APPENDIX 3 PROTECTIVE FENCING SPECIFICATION

5.2.3 The default specification is a vertical and horizontal scaffold framework, braced to resist impacts, as per figure 1 below. The vertical tubes are spaced at a maximum interval of 3m and these are driven securely into the ground. Welded mesh panels are securely attached to the frame. During installation it is important to consider the position of below ground services and structural roots, which must not be damaged. Where these constraints prevent the use of this specification, an alternative specification is given below.

Figure 1 is taken from BS5837:2012 'Trees in Relation to Design, Demolition & Construction – Recommendations' and illustrates the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS5837:2012 for further details.

Figure 1 – default tree protection barrier specification



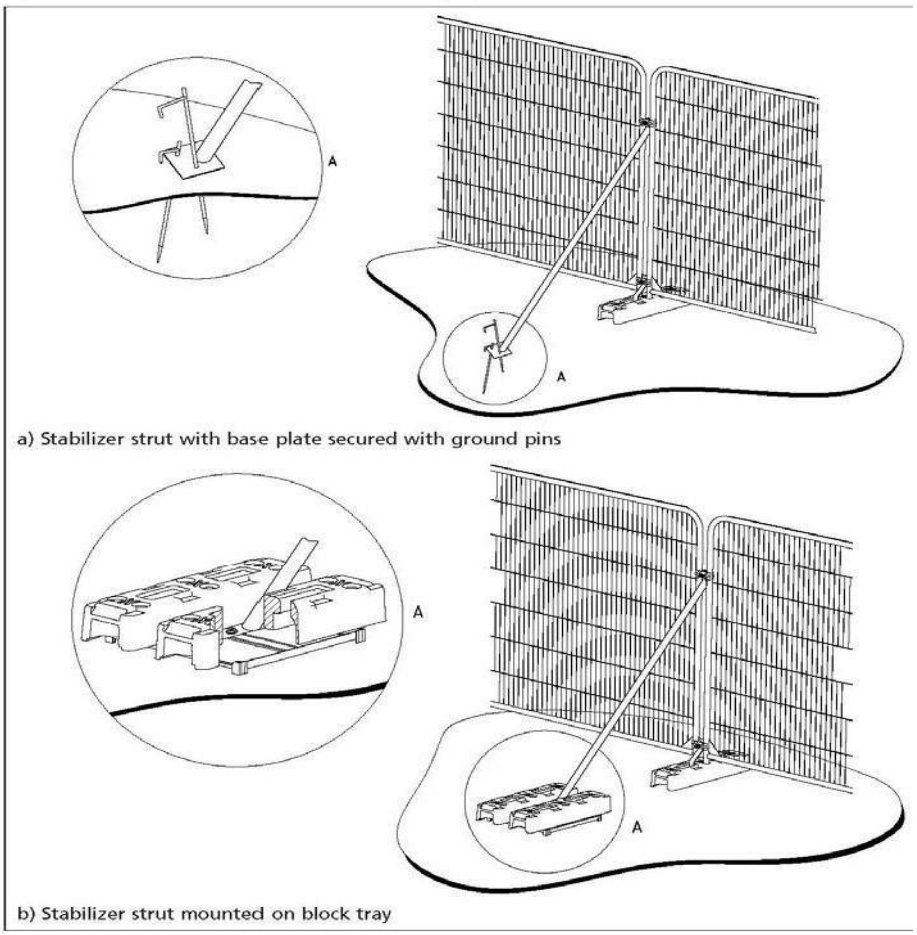
1. Standard scaffold poles
2. Heavy gauge 2m tall galvanized tube and welded mesh infill panels.
3. Panels secured to uprights and cross members with wire ties.
4. Ground level.
5. Uprights driven into the ground until secure (minimum depth 0.6m)
6. Standard scaffold clamps

5.2.4 Alternative tree protection barrier design
2 metres high welded mesh panels standing in rubber or concrete feet joined using a minimum of two anti-tamper couplers installed so they can only be removed from inside the protected area. The fence couplers should be at spaced least 1m apart, but uniformly across the whole barrier. These panels must be supported within the protected area with struts attached to a base plate secured by ground pins as per figure 2a.

Where the fencing is installed above retained hard surfacing and/or it is otherwise not feasible to use ground pins (e.g., due to underlying services or structural roots), the struts can be mounted on a block tray as per figure 2b.

Figure 2 is taken from BS5837:2012 Trees in Relation to Design, Demolition & Construction – Recommendations and illustrates the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS5837:2012 for further details.

Figure 2 – above ground stabilising systems



APPENDIX 4A INSTALLING SERVICES IN RPAs

barrell TREE CONSULTANCY

Site Guidance Note 11: Installing services in root protection areas

SGN 11: Summary guidance for site operatives

Administration

1. Unauthorised damage to protected trees is a criminal offence and could lead to enforcement action.
2. Work under the normal site risk assessment procedures and comply with the wider site safety rules.
3. Brief operatives entering root protection areas (RPAs) by the supervising arboriculturist before work starts.

Other relevant SGNs

4. Monitor works in RPAs by the supervising arboriculturist (See SGN 1 Monitoring tree protection).
5. Design access to avoid soil compaction (See SGN 3 Ground protection).
6. Minimise excavation into original undisturbed soil (See SGN 7 Excavation in root protection areas).

Important reminders

7. Trenchless installation will be preferred. The fall-back approaches of hand-dug broken trench and then hand-dug continuous trench, will be acceptable if agreed by the supervising arboriculturist.
8. For trenchless installation, the starting and finishing pits will be outside RPAs.

SGN 11: Explanatory notes and examples

Purpose

SGN 11 describes the practical requirements for installing new services within RPAs, based on the recommendations in BS 5837 (7) and the guidance in NJUG (4.1).

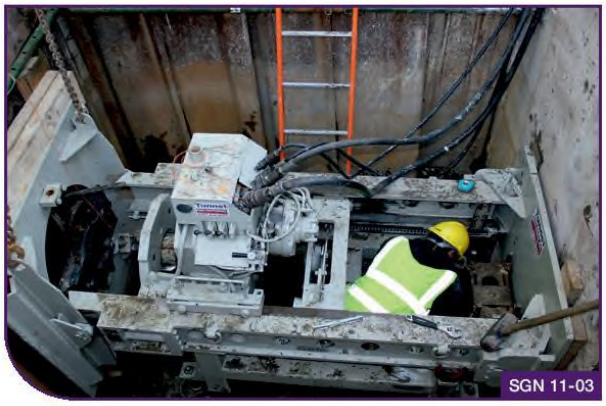
General principles and clarifications

Excavation to upgrade existing services or install new services in RPAs may damage retained trees. Where possible, all services will be outside RPAs and installation in RPAs will only be chosen as a last resort. If installation within RPAs is being considered, as advised in 4.1.3 of the NJUG guidance, the decision will be made in consultation with the supervising arboriculturist before any work is carried out. If service installation is agreed within RPAs, the NJUG protocol as set out in 4.1.3 of its guidance will be used to decide the most appropriate method. In summary, this sets out that "Acceptable techniques in order of preference are; a) trenchless, … b) Broken trench – hand-dug … c) Continuous trench – hand-dug". If trenchless methods are to be used, the starting and finishing pits dug at each end of the service run will be outside RPAs. Where a hand-digging option is agreed, any roots discovered during the excavations will be dealt with as described in SGN 7 (Excavation in root protection areas). Backfilled material around excavated services will not be heavily compacted, observing the specific advice provided in 4.1.5 of the NJUG guidance.

SGN 11: Explanatory notes and examples

Conventional installation of services digging a trench with a machine is **not permitted** in RPAS.

Trenching with machines to install services close to trees can make them unsafe and cause their premature death.



Thrust boring is the preferred option for installing service routes through the RPAs of retained trees.

SGN 11: Explanatory notes and examples

The start and finish pits for thrust boring are substantial and must be outside of RPAs.

SGN 11-04

Alternatives to thrust boring are to hand-dig broken or continuous trenches, so that roots can be retained (with the service ducting threaded beneath). Note the ground protection boards with soil piled on top on the left.

SGN 11-05

Ducting services that have to be threaded through existing roots is good practice because it reduces the need to excavate in the future. Note the hessian protection over roots while they are temporarily exposed to prevent sunscorch and drying.

SGN 11-06

SGN 11: Explanatory notes and examples

Technical reference

Due to copyright restrictions, the relevant British Standard clauses are summarised, not quoted, as follows:

1. ***BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations:*** *Clause 7 (Demolition and construction in proximity to existing trees) recommends:*
   - *7.1.3 The installation of underground utility apparatus using trenchless technology will be acceptable where entry and retrieval pits can be formed outside the RPA. Even if the utility installation does not require planning permission, the work should still be undertaken in accordance with the guidance in NJUG Volume 4, issue 2.*
   - *7.7.1 Care should be taken when routeing underground apparatus because the mechanical trenching can sever roots and change the local soil hydrology, both of which can adversely affect tree health. Wherever possible, underground services should be routed outside RPAs. If services are installed within RPAs, it is preferable to use common ducts, with inspection chambers sited outside the RPA.*
   - *7.7.2 Underground services within the RPAs should be shown on a plan prepared in conjunction with the project arboriculturist. Trenchless insertion methods should be the preferred option, with entry and retrieval pits outside RPAs, but if roots can be retained and protected, excavation using hand-held tools might be acceptable for shallow service runs.*

2. ***National Joint Utilities Group ("NJUG") Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2*** *(www.njug.org.uk/wp-content/uploads/2016/09/V4-Trees-Issue-2-16-11-2007.pdf): Section 4.1 (How to avoid damage to trees – Below ground) advises:*

   "4.1.3 Realignment: Whenever possible apparatus should always be diverted or re-aligned outside the Prohibited or Precautionary Zones. Under no circumstances can machinery be used to excavate open trenches within the Prohibited Zone.

   Where works are required for the laying or maintenance of any apparatus within the Prohibited or Precautionary Zones there are various techniques available to minimise damage. Acceptable techniques in order of preference are;

   a) Trenchless: Wherever possible trenchless techniques should be used. The launch and reception pits should be located outside the Prohibited or Precautionary Zones. In order to avoid damage to roots by percussive boring techniques it is recommended that the depth of run should be below 600mm. Techniques involving external lubrication of the equipment with materials other than water (e.g. oil, bentonite, etc.) must not be used when working within the Prohibited Zone. Lubricating materials other than water may be used within the Precautionary Zone following consultation and by agreement.

SGN 11: Explanatory notes and examples

b) Broken Trench – Hand-dug: This technique combines hand dug trench sections with trenchless techniques if excavation is unavoidable. Excavation should be limited to where there is clear access around and below the roots. The trench is excavated by hand with precautions taken as for continuous trenching as in (c) below. Open sections of the trench should only be long enough to allow access for linking to the next section. The length of sections will be determined by local conditions, especially soil texture and cohesiveness, as well as the practical needs for access. In all cases the open sections should be kept as short as possible and outside of the Prohibited Zone.

c) Continuous Trench – Hand-dug: The use of this method must be considered only as a last resort if works are to be undertaken by agreement within the Prohibited Zone. The objective being to retain as many undamaged roots as possible."

APPENDIX 4B AIR SPADE

The use of a compressed air-powered tool, or AirSpade, facilitates excavation, soil management, and tree healthcare within RPAs. Air-spading is a form of non-mechanical excavation which efficiently removes or loosens soil without damaging a tree's root system.

AirSpade is a purpose-built excavation tool which penetrates soil with compressed air that expands rapidly to fracture the soil. Air-spading can cause some temporary loss of beneficial mycorrhizal fungi; in order to help repopulate these important organisms, adding a broad-spectrum mix of mycorrhizal fungi spores to exposed tree roots after any Air Spade work is recommended.

Example AirSpade from AVArboriculture

APPENDIX 5 EXAMPLES OF 3D CELLULAR CONFINEMENT SYSTEMS

Tree Root Protection Using Cellweb TRP®

Fact Sheet 2: Water and Oxygen Transfer Through the Cellweb TRP® System

Water and Oxygen Transfer Through the System

Water and oxygen are the lifeblood of trees without which they will wither and die. It is important to design developments in and around the root protection area (RPA) of existing trees to maximise the availability of water and oxygen to the roots. This can be achieved in a number of ways using the Cellweb TRP® tree root protection system.

The main causes of reduced water and oxygen availability for tree roots are:

- Compaction of the soil around the roots
- Covering the ground surface with impermeable cover which prevents water infiltration.

Both of these effects can be reduced or prevented by using Cellweb TRP® tree root protection within an appropriately designed road or car park surface.

Compaction of Soil

The use of Cellweb TRP® tree root protection system for building roads, car parks and other vehicular pathways includes a sub-base infill material of 20mm to 40mm or 4mm to 20mm clean angular stone which does not need to be compacted. This immediately provides a layer of material that will absorb compaction energy applied to the top of materials placed over it. Cellweb TRP® also spreads the wheel loads from traffic which reduces compaction, thus maintaining the soil bulk density at levels that are suitable for tree root growth.

The effectiveness of the Cellweb TRP® no-dig construction in reducing soil compaction has been demonstrated in trials carried out by the Environmental Protection Group Limited (See Fact Sheet 1).

Water and Oxygen Availability

The Cellweb TRP® tree root protection system is constructed using 20mm to 40mm or 4mm to 20mm gravel infill and has perforated cell walls. The pore spaces between the aggregate particles are greater than 0.1mm in diameter and are therefore defined as macropores (Roberts 2006). This open structure is far more permeable than typical soils and allows the free movement of water and oxygen within it so that supplies to trees are maintained as shown in Figure 1. The use of continuous permeable surfacing and intermittent gaps in impermeable surfacing are recognised ways of providing water and air infiltration pathways through a pavement surface into the tree root zone (Ferguson 2005).

The Cellweb TRP® system incorporates the Treetex® geotextile at the base. This is a very robust geotextile that is resistant to puncturing. Crucially for tree root protection it does not have a water breakthrough head that other geotextiles may have. Therefore it will always be free draining and will not limit oxygen availability to the roots.

Breakthrough Head

All geotextiles are by their nature permeable, however in order to develop optimum water-flow performance, some types of geotextiles (eg, thermally bonded types) require a minimum depth of water to develop over them.

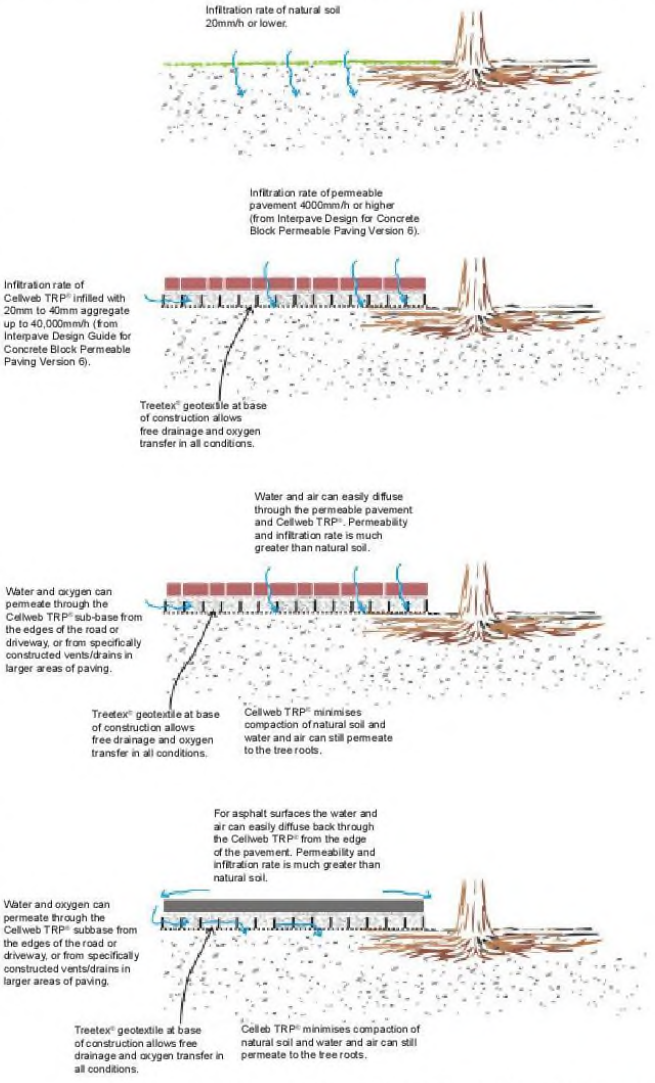


Figure 1 Water and oxygen availability in Cellweb TRP® tree root protection pavements

Therefore a layer of up to 50mm of water can build-up over some geotextiles after rainfall. Treetex® needle punched geotextiles however remains free draining at all times as it has "zero breakthrough head" which means it does not require a build up of water to permeate.

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Tree Root Protection Using Cellweb TRP®

Fact Sheet 2: Water and Oxygen Transfer Through the Cellweb TRP® System

If the Cellweb TRP® sub-base layer is covered by a layer of permeable block paving the rate of oxygen transfer through the system is estimated to be around 1 x 10-4 g/s/m² using simple diffusion theory. For a natural sandy soil the rate of transfer to the same depth is around 7 x 10-5 g/s/m². Therefore even on the most aerated of natural soils the Cellweb TRP® tree root protection system does not restrict oxygen supply to tree roots.

Water ingress will also be maintained at the levels similar to a natural sites as water simply passes through the pavement. Permeable block paving and porous asphalt have infiltration rates that are very large (typically > 2500mm/h) in comparison with most rainfall events. The infiltration rate is also far higher than natural soils (infiltration rate for sand is quoted as >20mm/h by Hillel 1998). Thus the pavement allows rainfall to soak into the soil as it would naturally (there will be some reduction as some water soaks into the blocks and gravel as the rainfall passes through).

TABLE 1 - CHARACTERISTICS OF ROOT SYSTEMS OF MATURE EUROPEAN BROADLEAVED AND CONIFEROUS TREE SPECIES GROWING ON WELL AERATED, SANDY SOILS

Species	Tolerance to Oxygen Deficiency	Species	Tolerance to Oxygen Deficiency
Ash	Medium-high	Japanese Larch	Medium
Aspen	High	Lime	Low
Birch	Low	Norway Maple	Medium
Beech	Low	Norway Spruce	Very low
Common Alder	High	Red Oak	Medium-high
Corsican Pine	--	Scots Pine	Medium
Douglas Fir	Medium-low	Sessile Oak	High
English Oak	High	Silver Fir	High
European Larch	Medium	Sycamore	Low
Hornbeam	Medium	White pine	Very low

From Roberts et al (2006)

If the Cellweb TRP® is covered by impermeable asphalt or similar materials the aeration of the sub-base can be promoted from the side of a paved area. This is achieved using gravel filled conduits to connect the sub-base to the surface, allowing oxygen into the layer from where it can freely travel to the root area. Open areas that are normally provided immediately around the tree will also be beneficial in allowing oxygen into the Cellweb TRP® layer. Oxygen can flow horizontally through the Cellweb TRP® because of the perforated walls.

Notwithstanding the above, some trees are more tolerant than others to a deficit of oxygen (Table 1). The use of permeable surfaces over the Cellweb TRP® is advisable where pavements are to be constructed over trees with a low tolerance to oxygen deficit.

References

Alberty CA, Pellet HM and Taaylor DH (1984). Characterisation of soil compaction at construction sites and woody plant response. Journal of Environmental Horticulture, 2, 48-53.

Roberts J, Jackson N and Smith M (2006). Tree Roots in the Built Environment. DCLG, Research for Amenity Trees No 8, TSO.

Emersleben, A and Meyer, N (2008). The use of geocells in road construction over soft soil: vertical stress and falling weight deflectometer measurements. Fourth European Geosynthetics Conference, Edinburgh, 7–10 September 2008.

Ferguson BK (2005). Porous pavements. CRC Press.

Hillel D (1998). Environmental soil physics. Academic Press, San Diego, USA.

Lichter, J M and Lindsay, P A (1994). The use of surface treatments for the prevention of soil compaction during site construction. Journal of Arboriculture 20 (4) July 1994.

United States Department of Agriculture (2006). Urban Watershed Forestry Manual. Part 2: Conserving and planting trees at development sites. Forest Service. May 2006.

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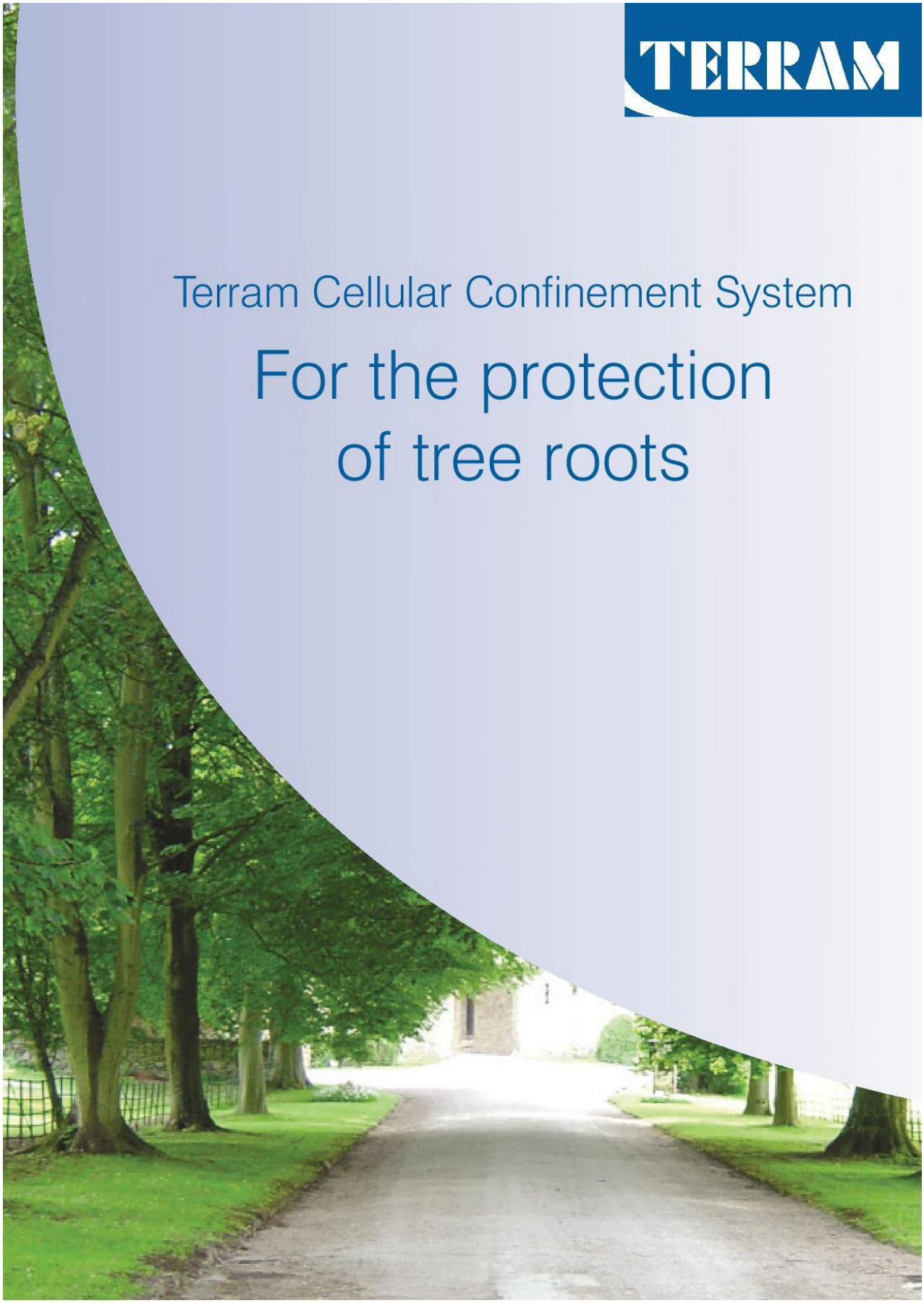
TERRAM

Terram Cellular Confinement System

For the protection of tree roots



Cellular Confinement Systems

The perfect no-dig ground reinforcement system.
Provides above-ground load bearing for paths and driveways whilst preventing soil compaction and protecting tree roots.

Damage to tree roots during driveway construction

The conventional method for constructing paths, drives and roads involves excavating soil to enable the installation of a sub-base that will adequately support traffic loads. Unfortunately this method of construction can badly damage trees since a by-product of the excavation is root severance. Most people don't realise that trees are very sensitive to disturbances in the soil around them. The reason for this is that, contrary to popular belief, trees do not have massive roots that go down deep into the soil but rather have lots of relatively small roots (frequently only a few centimetres in diameter) which spread out from the tree very close to the soil surface for quite large distances (often equal to the height of the tree).

If you imagine a tree system as a wine glass standing on a dinner plate you will have a roughly accurate idea of the above and below ground proportions of a tree (Figure 1). It may come as a surprise to learn that about 80-90% of all tree's roots are in the upper metre of soil (Figure 2). These roots serve two purposes: anchorage and absorption of moisture. If even relatively small roots are severed, for example by digging a trench, the tree can begin to suffer symptoms of drought stress as it is no longer able to obtain all its water needs. In addition the tree may become unstable as cutting the roots is a bit like cutting the guy ropes on a tent.

It is not only root severance that may harm trees but also compaction of the soil. If the root zone of a tree is not protected during development then the soil may become compacted by vehicles or heavy machinery moving repeatedly over the ground (Figure 3). The effect of compaction is to close up pores in the soil which contain air and water. The tree's roots then begin to suffer from both a lack of oxygen and a lack of moisture, and, as the soil becomes denser, roots find it hard to penetrate the soil. All this can lead to a dieback of the root system and frequently dieback of the tree. Raising of soil levels has a similar damaging effect as it deprives roots of oxygen and creates a build up of harmful carbon dioxide around the roots.

Figure 1

So, How Do Tree Roots Grow?

People often wrongly assume that tree roots are thick and grow down into the soil for many metres (Figure A). In reality tree roots:

- Are usually only large near to the trunk and get thinner the deeper and further from the tree they go. At a distance of just 3-4 metres from the trunk most roots are no bigger than a few centimetres in diameter.
- Spread outwards from the trunk, more or less parallel with the soil surface, rather than growing downwards (Figure B).
- Can spread horizontally in any direction for a distance equivalent to at least the tree's height.
- Are usually relatively shallow; 80-90% of a tree's roots are in the upper metre of soil. Few roots reach depths of more than about 2-3 metres and at this depth they are only a few millimetres in diameter.

Figure A: Incorrect *Figure B: Correct*

Figure 2

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British standard for trees in relation to construction and APN1

In recognition of the fact that trees are sensitive to disturbance the British Standards Institution has published recommendations on how to protect trees during development. In line with the earlier British Standard (BS 5837: 1991) the most recent guide, published in September 2005 (see further reading), recommends that there should be a 'root protection area' in which development should not be permitted.

In most cases this area has a radius equal to twelve times the trunk diameter and forms an exclusion zone around the tree protected by means of robust fencing. This guidance had the effect of prohibiting the installation of roads, driveways and parking areas near to trees. But In 1996 the Arboricultural Advisory and Information Service published Arboricultural Practice Note 1 Driveways Close to Trees (APN1) which suggested that driveways could be installed within the root protection area provided roots and the soil were not damaged.

The conditions set out for a suitable system were as follows:

- **Roots must not be severed**
- **Soil should not be compacted**
- **Free movement of oxygen and carbon dioxide into and out of the soil should be maintained**
- **Water infiltration into the soil should not be impeded**

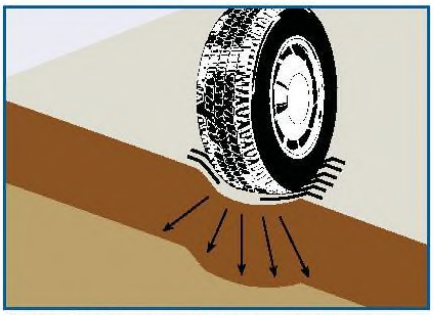
Thus, APN1 advised that driveways could be installed within the root protection zone provided that an above-ground, no-dig construction was used. This advice was incorporated into the recent British Standard which recommended that the most effective means of achieving this was through the use of a three-dimensional cellular confinement system.

Terram Geocell ground protection

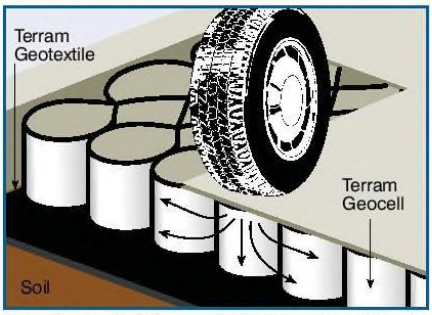
Terram Geocell is an ideal solution for providing ground reinforcement within tree protection areas. It confines fill material within its strong yet flexible cell structure in order to provide a stable base for traffic and an even load distribution (Figures 3 and 4). A big advantage of Terram Geocell over other products is that the geotextile material is permeable and allows lateral movement of air and water.

Terram Geocell is suitable for permanent woodland trails, paths, driveways, roads and parking areas.

It may also be used as temporary ground reinforcement where access to a site is limited by the presence of trees. Once operations on site are completed the temporary surface can easily be removed and the ground left undamaged.



No ground reinforcement: Unreinforced soil becomes compacted and rutted by vehicle loads



Geocell ground reinforcement: Forces are spread laterally reducing loads on the underlying soil

Figure 3. The Geocell distributes loads evenly in order to prevent rutting

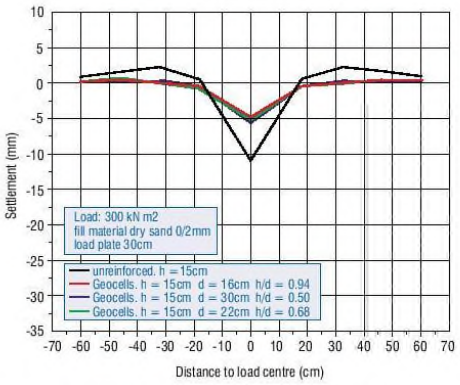


Figure 4. Static loading tests of up to 300kN/m2 revealed only minimal deflection (<5mm) of the surface of filled Geocell

Figure 5

Getting the design right

Every application will be slightly different so it is important to have the input of an engineer and arboriculturist together in order to design the right solution for an installation near to trees. The arboriculturist will be able to advise on tree protection issues and the engineer will be able to specify details such as cell depth, fill type (Figure 5) and load bearing capacity.

For example, the design of a pedestrian footpath may be less rigorous than that of an access road that may have to withstand the load of a heavy crane or a lorry.

But there are some principles that should be considered in every application (see Figure 6):

- **The ground must be protected at all stages during installation - there is no point in installing a ground protection system when soil or roots have already been damaged by other site activities**
- **Terram Geotextile should be used underneath the Geocell to prevent fill materials penetrating the soil**
- **The fill material should be granular and should permit water and air flow**
- **Any edgings should be carefully designed to avoid excavation and root severance**
- **A permeable and gas-porous wearing course should be installed above the Geocell**
- **In most cases the driveway or parking area should not exceed 20% of the root protection area.**

If correctly designed and installed the Geocell cellular confinement system should allow paths, drives and parking areas to be located within a tree's protection zone, thus enabling development that might not otherwise be permitted by local authorities.

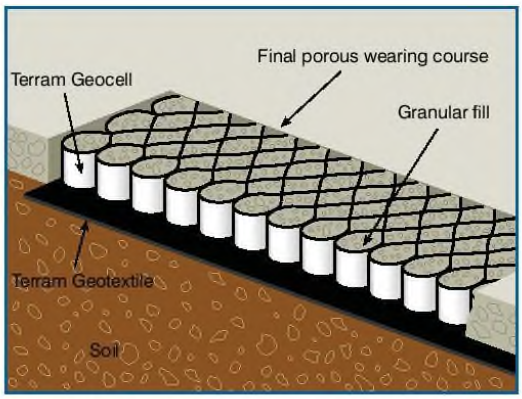


Figure 6. Components of an above-ground load-bearing platform suitable for vehicles

Example installation

Driveway construction

1 Remove grass and other vegetation and the upper organic layer of soil by hand digging. Arisings should be wheel-barrowed out of the tree protection area. Machinery (even low ground pressure tracked vehicles) should not be used due to the danger of soil compaction

2 Small depressions may be filled with sharp sand

3 Lay out Terram Geotextile over the driveway area

4 Lay out Terram GeoCell and carefully peg in place

5 Fill the cells working from the area furthest from the tree first. Further filling should be carried out using the filled Geocell as a platform

6 Install a permeable wearing course, e.g. porous tarmac, block paviours on a sharp sand base (a further layer of Terram above the filled Geocell will be needed in this case to prevent the sand mixing with the granular fill below).

Conclusion

BS5837 Trees in Relation to Construction and APN 1 allow the careful development of paths, drives and roads within the root protection area of trees provided an above-ground, no-dig construction is used.

The use of Terram Geocell as a ground reinforcement platform is therefore an ideal solution that can facilitate such development near to trees which might not otherwise be permitted due to fears of damage to soil structure and tree roots.

Further reading

BS 5837: 2005 Trees in Relation to Construction - Recommendations. British Standards Institution

Dobson, M. (1995): Tree Root Systems. Arboriculture Research and Information Note 130/ARB/95. Arboricultural Advisory and Information Service, Farnham.

Patch, D. and Dobson, M. (1996). Driveways Close to Trees. Arboricultural Practice Note 1. Arboricultural Advisory and Information Service, Farnham.

Nicholson, R. (2001). APN1, BS5837 & PPG 3, Guidance for Trees: Conflict or Complement? Arboricultural Journal 25, 361 - 376.

Products Available	Panel size	Depth	Cell Diameter
Erocell 22/20	5.0m x 10.1m	200mm	220mm
Erocell 25/15	7.0m x 10.0m	150mm	250mm
Erocell 25/10	7.0m x 10.0m	100mm	250mm

The cell depth and diameter is dependent upon specific site conditions

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APPENDIX 6 TREE PROTECTION NOTICE

TREE PROTECTION BARRIER – ACCESS PROHIBITED

DO NOT TAMPER WITH THIS BARRIER OR REMOVE IT

This area contains trees which must be retained as part of the planning permission. Additional legal protection may also apply e.g. a Tree Preservation Order. Removing or damaging trees in this area may be a breach of planning permission. Damage to protected trees may lead to a criminal conviction and / or a fine.

Only the site manager may permit for the removal or moving of tree protection measures. This should always be in accordance with the planning permission.

APPENDIX 7 PLANTING SCHEDULE

Landscape tree and shrub planting will commence in the first planting season (October to March) following completion of development.

In the event any planted tree or shrub is observed to be dying, being severely damaged or becoming seriously diseased within 5 years of being planted, it will be replaced by a tree of similar species and size to the original planted.

TREE MANAGEMENT SCHEME

a) When to plant trees

Plant bare root trees during the dormant season which usually runs from October to March, planting before the spring growth commences (Woodland Trust, 2024).

b) What to do when the trees arrive

Store trees upright in an unheated garage or shed protected from frost and wind.
Trees should be planted as soon as practical after delivery, however, delay planting if the ground is frozen or waterlogged.
If trees are to be stored for a longer period heel-in the trees. Dig a trench, ideally in well-drained soil in a shaded location, place tree roots into the trench keeping trees tied up as a bundle as packed. Cover the roots with soil, cut any ties holding the trees together, loosen and shake the roosts to ensure the soil covers them. Use straw or garden compost mulching over the trees to prevent frost damage.
If frozen ground delays planting, unpack the trees and check that the roots are moist. If the roots appear dry, dip them in a bucket of cold water for a few minutes and then return to the polythene bag and tie the top of the bag. Store trees in a cold but frost-free place.
Do not stand the trees in water for any extended length of time (Woodland Trust, 2024).

c) Prepare the site prior to planting

Mark out where each tree will be placed using stones or canes.
Create wavy lines with varied spacing to balance more densely planted areas with open spaces for a natural look and feel. Plant small groups of the same species together to reduce competition between species. Recommended average planting distance is 2 metres with spacing of between 1-4m to create a natural habitat (Woodland Trust, 2024).

d) Planting trees

To prevent the holes becoming filled with rainwater and becoming waterlogged dig shortly before planting.
The hole must accommodate the roots comfortably with additional space. The soil at the base of the hole should be loosened with a spade or fork. Excessively long roost can be pruned. If the roots are very dry cut the tips off and place the roots in water for up to two hours before planting. Use the loose soil to fill the hole, compost can be added to very heavy or sandy soils. Plant trees at the same depth as they had been before being lifted, this depth is indicated by a soil mark and is typically not more than 5 cm above the highest roots. When filling in the hole make sure that the soil gets around the roots and tread in well after planting.

e) Pit Planting Method

Pit planting ensures trees have better contact with the soil. It is suitable for all ground types, though can be difficult if the soil is stony.
1. Use a spade to dig a turf out of the ground, turn it over and chop into smaller pieces.
2. Hold a small piece of turf above a hole in the ground. Hold a sapling in the hole to check the hole is large enough for the roots.

3. Dig a hole slightly wider and deeper than the roots of the tree. Loosen the soil around the edges. Place the cut turf at the base of the pit to provide the tree with extra nutrients.
4. Put the tree in the hole and check the depth. Look for the collar – the mark on the tree where it originally started to grow above the ground. This should be level with the top of the soil. If your tree is planted too deep, the stem may rot; too shallow and the roots above the ground will die.
5. Hold the tree upright and gently push back the soil, pressing it down onto the roots. Do not compact the soil as this will stop water and air circulation, but make sure your tree is secure.
6. Push the cane into the ground next to the tree, making sure it's stable.
7. If using tree guards or spirals to protect your saplings, this is the stage to add these. Press the protection firmly into the soil.

f) Staking trees
All newly planted trees should be tied to canes or stakes.
Ensure that the stake is far enough from the tree to avoid damaging the roots and use good quality tree ties to prevent the tree from rubbing against the stake.

g) Tree guards
Protect trees from browsing mammals such as rabbits, voles, and deer by using tree guards or spirals. Wire mesh rabbit fencing can be tied in a loose cylinder around the tree.

HEDGEROW PLANTING
a) Plant Hawthorn (Crataegus monogyna), 60%, with the 40% balance of species coming from Blackthorn (Prunus spinosa), Holly (Ilex aquifolium), Dog rose (Rosa canina), Hazel (Corylus avellana). Minor species can be planted in small single species groups or randomly within larger blocks of Hawthorn.

b) The size of plants recommended are 40-60cm in height and are available as seedlings or two-Year transplants. Plants should be protected with spirals and canes or Tubex tree tubes and stakes.

c) New hedgerows should be planted in two staggered rows 30cm apart. Between four and six plants per metre should be planted.

d) Notch plant bare-rooted stock, insert the supporting cane approx.. 25cm into the ground, alongside the plant, and wrap the clear spiral guard around both the plant and the cane.
1. Push the spade fully into the ground to make a slit.
2. Make a slit perpendicular to the first slit to create a T-shape.
3. Take the spade to the first cut and lever it upwards, parting the turf.
4. Place the tree carefully between the sections of turf.
5. Lever the space out and the turf will fall into place. Ensure all roots are in the hole.
6. Adjust the tree to ensure it is at ground level. Use a boot heel to push the turf down around the planted tree.
7. Push the cane into the ground next to the tree, making sure its stable.
8. If using tree guards or spirals to protect your saplings, this is the stage to add these. Press the protection firmly into the soil.

e) Pit plant Holly and protect with tree tube and supporting stake.

CARING FOR NEWLY PLANTED TREES

HOW TO CARE FOR NEWLY PLANTED TREES YEARS 0 - 3

Ensure everyone involved in maintenance of the space knows where the trees have been planted to avoid accidental damage.

a) Weeding

Maintaining an approximate 1 metre diameter around the tree clear of weeds and grass for the first 2-3 years will reduce competition for moisture and nutrients.

Weeds can be suppressed with mulch, such as leaf mould, straw, or bark chips. Apply to a depth of approximately 10cm to prevent it being dispersed and top up annually (Woodland Trust, 2024).

b) Watering

Trees will adapt to local conditions and regular watering is not necessary as this encourages roots to grow up towards the soil surface rather than down towards groundwater. However, in the event of a particularly long dry spell where watering would be beneficial, saturate the ground to ensure water soaks deep into the soil (Woodland Trust, 2024).

c) Grass cutting

Regular grass cutting is not recommended as it enhances grass growth increasing competition for moisture. If undertaking occasional mowing or strimming care must be taken to avoid damaging the trees and guards (Woodland Trust, 2024).

d) Check tree stakes

Strong winds can blow trees over so make sure guards, canes or stakes are upright and pushed firmly into the soil. Pull up any grass growing inside the guard and carefully replace it (Woodland Trust, 2024).

e) Pests

Pests can cause damage inside the tube so check tree stems and guards. Keeping tree guards firmly pressed into the soil and a weed-free area around trees will help (Woodland Trust, 2024).

HOW TO CARE FOR NEWLY PLANTED TREES YEARS 3 - 10

f) Remove tree guards

Remove and/or upgrade guards (subject to browsing pressures). (Woodland Trust, 2024).

g) Pruning

Pruning is not essential, but it encourages trees to grow upwards rather than outwards once established creating a diverse canopy structure.

Use a pruning saw to cut close to the tree trunk. The cut should be square to the branch and preserve the bulge at its base, which is the branch collar. Avoid damaging any tree bark and do not cut the branch in line with the main stem.

Most native trees are best pruned when dormant in winter (Woodland Trust, 2024).

h) Disease

Trees may be affected by common diseases or experience frost damage however, most young trees will survive (Woodland Trust, 2024).

HOW TO CARE FOR NEWLY PLANTED TREES YEAR 10+

For longer term tree management further advice should be sought. Coppicing which involves cutting a tree at its base to encourage new growth has the benefit of promoting a mixed age structure within the wood and increasing biodiversity. Hazel is a commonly coppiced tree (The Small Woods Association, 2024).

REFERENCES

Royal Horticultural Society, 2024, *"Trees and shrubs: planting"* [Online]. Available at https://www.rhs.org.uk/Advice/profile?pid=237 (accessed 3rd September 2024)

Woodland Trust, 2024, *"Tree planting advice"* [Online]. Available at https://www.woodlandtrust.org.uk/plant-trees/advice/ (accessed 3rd September 2024)