

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Rotmell Farm

Ballinluig

Pitlochry

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input checked="" type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

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

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

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

Please refer to Appended Document - 23_02101_FLL _ Supporting Statement _ Applicant Response + Appendix's

Site inspection

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

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

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

No

Statement

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

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

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

Please refer to Appended Document - 23_02101_FLL _ Supporting Statement _ Applicant Response + Appendix's

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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

Please Refer to Appended Documents

23_02101_FLL _ Supporting Statement _ Applicant Response
 Appendix 1 _ 22_00477_FLL-LRB_-_DECISION_NOTICE-2034214
 Appendix 2 _ Part 1 _ Supporting Statement _ Status of existing building _ Drainage
 Appendix 2 _ Part 2 _ PL_20_100_A2_Existing Elevation _ Tractor Overmark
 Appendix 3 _ Part 1 _ 20231013-PHOSPHORUS MITIGATION
 Appendix 3 _ Part 2 _ CAR-R-1051967 - Hawkhill, Craigie, Blairgowrie
 Appendix 4 _ 20231013-COVERING STATEMENT

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

Checklist

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

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

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

Declaration

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

Signed

Jane Brewster

Date

19.09.24

Application Number 23/02101/FLL

**Change of use of and alterations to agricultural storage building
to form dwellinghouse | Land 160 Metres North East Of Logie Brae
Farm Craigie Clunie**

Please find below our formal request and supporting justification to have the above application to be reviewed at the Local Review Body.

We wish to note that the principle of this application has already been presented to the local review body: planning application reference 22/00477/FLL and local review body reference LRB-2022-36. The meeting was held on the 24th October 2022 and Review Decision Notice issued on the 18th July 2023. (Appendix 1_ LRB 22_00477_FLL-LRB_-_DECISION_NOTICE-2034214)

The reasons for the refusal of the planning application at this time was as noted below:

(1) It has not been demonstrated that the total phosphorous discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence / authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. In consequence, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

The applicant has therefore submitted a revised application on the basis of addressing the phosphorus outfall as the principle of the development was supported in general, by the review body providing the phosphorus outfall was addressed as per the ONLY reason outlined above.

The current application has been refused on three aspects, noted below, which we strongly disagree with and do not believe this refusal to be justified, as the proposals unequivocally meet the policies outlined in National Planning Framework 4 (NPF4). NPF 4 which takes precedence over Perth and Kinross's Local Development Plan 2 Policy 19: Housing in the Countryside and we wish to make reference to the relevant planning policies as these are of specific interest we feel when considering this application.

Reasons for Refusal

1. The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location. To this end, the proposal is contrary to Policy 19 (Housing in the Countryside) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Guide 2020 as the development does not accord with any of the 6 listed categories of acceptable development.

2. The existing building is not considered to be either redundant or 'unused' and is capable of being reuse for its intended purpose i.e. agricultural storage. The proposal to convert this moder, and recently built building to residential after such a short timeline from being built is therefore contrary to the principles of Policy 17(iii) of the National Planning Framework 4 (2023).

3. The proposal proposes to use phosphorus mitigation from a drainage system which does not serve a property which is capable of being occupied. The proposal therefore does not provide suitable phosphorus mitigation in line with Policy 45 (Lunan Lochs Catchment Area) of the Perth and Kinross Local Development Plan 2 (2019) or the Council's non statutory planning guidance on the Lunan Valley Area Dunkeld - Blairgowrie Lochs, Special Area of Conservation (2020). Accordingly, the proposal would have an adverse impact on the environmentally sensitive area.

As noted previously we believe this application presents a unique set of circumstances, in that this is not a proposal for a new build dwelling which requires a labour justification to support. In this instance the applicant is submitting a proposal for a change of use, of an arguably atypical, **redundant** agricultural shed which is surplus to requirements and the proposals tabled for its sympathetic change of use to a dwelling for the farmers farming their Agricultural holding. We have, in support of this view , taken each of the reasons for refusal and explained why we do not believe the decision of the planning officer to be in line with national planning framework 4.

POINT 1

Point 1 - The proposal is for a conversion of a non-traditional building in an isolation location, which is not part of a building group or an infill opportunity. There is insufficient evidence to demonstrate that there is a justified economic need for a dwelling in this location.

National Planning Framework 4 (NPF4) which has been ratified by the Scottish government has also made reference to rural planning policies and our understanding is that applications need to be assessed under the local LDP, however should there be a deviation in relation to the national policy , the national policy takes precedence.

Therefore as outlined below Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, **in this case reuses a redundant or unused building;**

National planning framework 4 fully supports the proposal for new homes in rural areas where it reuses a redundant or unused building, it doesn't request justification in terms of need, therefore this reason for refusal is not in line with current national planning policy. The proposal alters none of the siting, scale and character of the exsiting building and therefore is not a justifiable reason for refusal.

An agricultural justification was prepared for the previous application and was disregarded at the local review body hearing and noted as not required.

The NPF4 makes no reference to the buildings need to be 'traditional' therefore in our opinion the current proposals meet the current national planning framework.

Extract from National Planning Framework 4 (NPF4)

Rural homes Policy Principles Policy Intent:

Policy 17 a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;*
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;*
- iii. **reuses a redundant or unused building;***
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or craft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;*
- vi. is for a single home for the retirement succession of a viable farm holding;*
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or*
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.*

POINT 2

Point 2 : 2. The existing building is not considered to be either redundant or 'unused' and is capable of being reuse for its intended purpose i.e. agricultural storage. The proposal to convert this moder, and recently built building to residential after such a short timeline from being built is therefore contrary to the principles of Policy 17(iii) of the National Planning Framework 4 (2023).

When the building was built is to some degree immaterial , the fact is Perth and Kinross council approved the building of an agricultural storage shed to the proposed design, as now evident on site today, back in 2009, Application Ref: 09/00170/ FUL, approved on the 22nd June 2009.

As per the supporting statement submitted as part of the planning application package, the applicants have farmed as tenants on the holding since 2011, following which they purchased the agricultural farmland and shed in 2019 from the previous owners.

The incumbent agricultural shed relating to this application was constructed by the previous owner in 2009 and our clients subsequently bought the shed and land in 2019 in good faith.

We were asked during the course of the application to demonstrate why the building was not capable of being used as agricultural storage. Please find appended our response (Appendix 2 _Part 1 _ Supporting Statement _ Status of existing building _ Drainage + Part 2 _ PL_20_100_A2_Existing Elevation _ Tractor Overmark) which we felt explained fully the reasons why the applicant can no longer utilise the building as agricultural storage to meet their needs.

This information has been ignored / disregarded by the planning officer, therefore we challenge the decision to refuse the application on the grounds of this. We assume the planning department sought the guidance and advice of an agricultural specialist prior to the decision notice being issued?

Having prepared numerous prior notification applications for agricultural sheds, NONE of them had an opening of 2.1m as this doesn't fit the most basic of farming needs, the shed is not suitable for livestock or even storage of winter fodder as it currently stands.

As we have demonstrated clearly the building is no longer suitable and is therefore redundant and meets the requirement of Policy 17a. of NPF4.

We feel it also worth noting that NPF4 also endorses the reuse of existing buildings within Policy 9, *Brownfield, vacant and derelict land and empty buildings where the Policy Principles Policy Intent: To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.* In particular Policy 9, point d. as highlighted below.

One of the key policy outcomes in relation to this application - *Policy Outcomes: Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.*

Extract from National Planning Framework 4 (NPF4)

Policy 9

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option

POINT 3

Point 3 : 3. *The proposal proposes to use phosphorus mitigation from a drainage system which does not serve a property which is capable of being occupied. The proposal therefore does not provide suitable phosphorus mitigation in line with Policy 45 (Lunan Lochs Catchment Area) of the Perth and Kinross Local Development Plan 2 (2019) or the Council's non statutory planning guidance on the Lunan Valley Area Dunkeld - Blairgowrie Lochs, Special Area of Conservation (2020). Accordingly, the proposal would have an adverse impact on the environmentally sensitive area.*

Please refer to the appended supporting document prepared by the engineer (Appendix 3 _Part 1 _ Supporting Statement _ Status of existing building _ Drainage + Part 2 _ PL_20_100_A2_Existing Elevation _ Tractor Overmark AND APPENDIX 4_ APPENDIX 4_20231013-COVERING STATEMENT) in relation to the Application of which phosphorus mitigation has been designed using a property that has been registered with SEPA since 2009 and has SEPA CAR License reference CAR/R/1051967. The property is registered with SEPA and therefore can legally be used for phosphorus mitigation, hence our application on this basis .

Through correspondence with SEPA, they have no objections to using this property to provide phosphorus mitigation and they are the body which monitors the phosphorus.

Policy 45 (Lunan Lochs Catchment Area) of the Perth and Kinross Local Development Plan 2 (2019) makes no reference to the current condition of the property being used to mitigate against. Only that a property or properties within the catchment area are upgraded in order to provide a minimum of 125% phosphorus mitigation.

If the current condition of the property was made good, it would still be considered an existing property within the Lunan catchment area as it is already registered with SEPA and not a new property requiring phosphorus mitigation, providing no additional bedrooms were added. There is therefore no reason why this cannot be used as mitigation.

The fact that the property is currently unoccupied in reality provides a greater level of mitigation as its phosphorus output would be 0. This would in fact provide 500% phosphorus mitigation. However, the upgraded value of 1,500 mg P/day has been used in the event that the property is ever reoccupied. This provides 400% phosphorus mitigation, considerably more than the minimum 125% required.

With the above points in mind, we are of the opinion that Item 3 should be overturned.

In conclusion we fully appreciate that planning application proposals require to meet the development policies set out in NPF4 which we believe the application presented does wholeheartedly fall within the policies as outlined above. However, it does appear that the planning officer has disregarded the NPF4 policies and has assessed the application more heavily upon the Perth and Kinross LDP3, certainly in relation to points 1 and 2.

We would therefore like to take this opportunity to reiterate a few points that we feel are worth considering in this unique circumstance:

The Housing in the Countryside Policy – Supplementary Guidance :

The Local Development Plan 2 Policy 19: Housing in the Countryside specifically states the aims of the policy are as follows:

- *safeguard the character of the countryside;*
- *support the viability of communities;*
- *meet development needs in appropriate locations;*
- *and ensure that high standards of siting and design are achieved.*

Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside.

We feel the application presented in essence meets all these key criteria set out above.

Siting:

As per the supporting statement submitted as part of the planning application package, the applicants have farmed as tenants on the holding since 2011, following which they purchased the agricultural farmland and shed in 2019 from the previous owners.

The incumbent agricultural shed relating to this application was constructed by the previous owner in 2009 and our clients subsequently bought the shed and land in 2019 in good faith.

Therefore the location of the shed in relation to the previous application was not within our clients control or influence. Whilst it is unfortunate that the shed was built 10m away from the original approved location to some degree this is immaterial to the current application as the shed has been in situ for over 10 years and therefore as noted in the report of handling, is duly accepted because of the time – bar rule.

Notwithstanding this, the application in 2009 was approved by Perth and Kinross Council as an agricultural shed and therefore deemed appropriate in terms of massing, siting and general location. Given the shed has been erected since 2009, 14 years, it is also arguably an integral part of the character of the countryside fabric in this area.

The current housing in the countryside policy and guidance specifically notes that ALL sites must firstly meet the siting criteria set within the guidance – copy of which is noted below with our site-specific response noted:

Have designations or constraints that may affect development in the area been considered?

To our knowledge there are no design considerations which effect the proposed development as the building is already in place and the proposed alterations are relatively minimal in nature, given the overall massing and form is in situ.

The designation of the Lunan Valley catchment area, and the appropriate means of dealing with the phosphorous outfall, will result in a technical solution and therefore an aspect that we feel could be conditioned on a successful determination based on the information submitted as part of the original application.

The application we feel therefore meets this part of the criteria.

Does the design respond well to site topography? Is excessive underbuilding avoided?

There is no underbuilding and we believe the shed, as it currently sits, is located well with the local topography as it has a rising landform behind and therefore meets the criteria.

Does the proposal compliment and / or enhance the local vernacular? Are buildings sympathetic in terms of scale and proportion to other dwellings in the locality? Large, single storey, deep plan houses, for example, can appear out of scale in a countryside setting.

The Shed displays a traditional form, akin to that found of buildings of a more residential feel i.e pitched roof and simple plan form in line with that expected given its approved use. It utilises traditional materials such as wetdash render and slate effect tiles, not common of a typical agricultural shed set within the landscape currently, i.e. it is not a steel framed, metal clad, modern agricultural shed.

To some degree this is to the credit of the build that the previous owner had made a conscious effort to conform with traditional materials, so therefore we feel the shed compliments the local vernacular and meets the criteria.

Are roof heights and extensions appropriate in scale and do they avoid dominating the dwelling?

The minor alterations proposed as part of this application are sympathetic and are entirely within keeping of the original essence of the building. A number of the design tweaks would be considered under householder permitted development if these amendments were to be made to an established dwelling. Therefore we feel this aspect of the siting criteria is met.

Does the design and finish of outbuildings reflect the style of the main dwellings?

Not applicable to this application as there are no outbuildings proposed.

Does the design and siting of the house facilitate energy efficiency in terms of solar gain and shelter?

The shed is orientated north / south and sheltered from south westerly prevailing winds by the tree belt, therefore the orientation possess no concern in terms of energy efficiency.

Are materials sourced responsibly? Are existing materials, particularly stone and slate, reused where possible?

This application is the very essence of sustainable development, taking a redundant building and giving it a new lease of life, therefore all materials arguably have the upmost sustainability credentials.

Is the proposal well integrated with the existing landform and does it avoid dominating the landscape?

The shed has strong landscape boundaries to the south east and south west through mature tree belts, a landscape boundary to the north east and north west through existing hedging, shrubbery and self seeded trees, the site therefore displays robust boundaries which is favoured as part of siting criteria.

The shed as it currently sits does not in any way dominate the landscape and is effectively screened from any vantage point. Therefore this part of the guidance is also met.

Having reviewed the criteria for siting, the application in question meets all the required criteria, as outlined above, in our opinion.

In terms of the justification and which aspect of the policy the proposals are to be assessed under is also key to meeting the key aspects of the guidance.

Policy 19 therefore supports proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

(1) Building Groups

(2) Infill sites

(3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance

(4) Renovation or replacement of houses

(5) Conversion or replacement of redundant non-domestic buildings

(6) Development on rural brownfield land The application of Policy 19 is limited within the Green Belt to proven economic need, conversions or replacement buildings (Categories 3.3, 4 and 5).

Our understanding is in line with that noted by the planning officer in that the HITC policies offer support for the conversion (or replacement) of non-residential buildings, but this relates to traditional buildings.

We note the definition of Traditional Buildings in the HITC Policy:

For the purposes of this Supplementary Guidance, 'traditional buildings' are defined as buildings **usually** constructed before 1919 of **materials** which would have been available in the local area at that time, largely stone (with or without **harling**) and **slate**.

The wording of the policy is open to interpretation as it is not 'solely or restricted to' Traditional buildings constructed pre 1919, it is **usually** - the definition of usually :
Commonly encountered, experienced, or observed
or In conformity with regular practice or procedure:

We wish to note that in this instance the agricultural building in question is not usual or commonly encountered, in our experience, when considering agricultural sheds erected post 1919.

The building is not as quoted within the policy guidance typical of non- traditional - non-domestic buildings and structures constructed of modern materials such as steel, corrugated iron or concrete; this shed uses none of these materials.

We therefore feel the shed should be considered for what the building displays, it is not a metal clad, steel framed modern agricultural building and more akin to a traditional form and materials as that stated harling and slate effect tiles, albeit erected post 1919.

Furthermore the prior notification planning policy and permitted development circular, adopted in April 2022, permits farmers to convert agricultural buildings, on an agricultural holding, providing they pre-date November 2019, into housing. There is no stipulation on the age or requirement for these to be ' traditional' either.

In order to meet the prior notification criteria, the footprint area can be no more than 150sqm per unit, of which this sheds current footprint meets. Therefore this development meets the criteria of permitted development under agricultural prior notification.

The essence of all the relevant planning policies is to see the reuse of redundant buildings and the conversion of buildings that are no longer fit for purpose, which makes absolute planning sense on so many levels, sustainability, minimising new development in rural areas, where possible and ensuring existing building stock is utilised fully to avoid buildings falling into disrepair and becoming an eyesore or derelict.

We therefore do not understand the planning departments apparent prejudice towards this application. Despite being offered all the information requested, this application took months to determine and we are no further forward for what should be a fairly simple decision based on the current planning policy in support of the approval of this type of application.

We therefore feel the decision to refuse the application should be overturned to bring the application in line with current planning policies.

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 160 metres north east of Logie Brae Farm, Clunie

Description: Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue

Application for Review by Mr and Mrs Duncan against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 22/00477/FLL

Application Drawings: 22/00477/1 – 22/00477/7

Date of Review Decision Notice – 18 July 2023

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

- 1.1 The above application for review was first considered by the PKLRB at a meeting held on 24 October 2022. The Review Body resolved that:
- (i) Having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) The report prepared by SAC Consulting and submitted with the Notice of Review, be provided to Development Management for review and comment.
 - (iii) The applicant to produce further information on Phosphorous Mitigation in order that the proposal be assessed against Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019).
 - (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.
- 1.2 Following receipt of the requested information, the PKLRB convened on 5 June 2023. The Review Body comprised Councillor B Brawn, Bailie C McLaren and Councillor C Reid.
- 1.3 The following persons were also present at the meeting:
G Fogg, Legal Adviser; R Burton, Planning Adviser; and J Guild, Committee Officer.

Also attending:

A Brown and R Ramsay (both Corporate and Democratic Services).

2. Proposal

- 2.1 The proposal is for the change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue on land 160 metres north east of Logie Brae Farm, Clunie. The application was refused consent in terms of a decision letter dated 26 May 2022.

3. Preliminaries

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 26 May 2022;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representation to the planning application;
 - (vi) further information from the agent, as requested by the PKLRB, and comments from planning.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The members of the PKLRB noted that the application had been deferred for the appointed officer to comment on the SAC report and for further information on Phosphorous Mitigation in order that the proposal be assessed against Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) as noted in paragraph 1.1 (ii) and (iii) above. No such additional information relating to phosphorous levels and mitigation thereof had been supplied. Accordingly, the PKLRB did not have a basis for concluding that the proposal could comply with the said Policy 45, and they did not identify any material consideration to justify the proposal as a departure from this policy of the development plan.

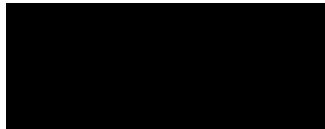
4.3 Accordingly, the PKLRB refused the review application for the following reason:

- (1) It has not been demonstrated that the total phosphorous discharge from the development will not exceed the current level permitted by an existing SEPA CAR discharge consent licence/authorisation, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). In addition, the proposed (current) private drainage system is outwith the planning application site which reduces the ability for any potential conditional control. In consequence, the proposal is contrary to Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect the environmentally sensitive lochs by controlling foul drainage arrangements for new developments.

Justification

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

4.4 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Planning Application Reference - 23/02101/FLL

Change of use of and alterations to agricultural storage building to form dwellinghouse _ Land 160 Metres North East Of Logie Brae Farm, Craigie, Clunie

Confirmation of the status of existing Agricultural storage shed

Confirmation that current agricultural shed is redundant and is not utilised for Agricultural storage, or ever likely to be in the foreseeable future. An Agricultural building would typically house fodder, grain, livestock, farm machinery and other agricultural related products, in this case unfortunately the existing farm building is no longer fit for purpose due to the reasons outlined below:

Farm Machinery

It is not possible to store a tractor or farm machinery in the building as the lintels to the existing doorways are all too low. The internal space is such that it is physically not possible to manoeuvre any equipment into the space either. Please refer to appended elevational sketch with tractor demonstrated in red + dimensions below.

The average Tractor Dimensions (based on John Deere 6M series - all-rounder):

Height – 4.485m

Width – 2.940m

Fodder – Grain – Bales

It is not suitable for the storage of winter fodder as this type of food tends to come in large scale bags, again not easy to manoeuvre within the space as you require a telehandler, which again will not fit in the shed.

It is not possible to store bales, these are again too large and require a telehandler to manoeuvre due to their weight. The shed is too small to house fertiliser as again it comes in tonne bags and requires a telehandler to manoeuvre.

Livestock

The shed is not designed to house livestock due to the layout and articulation of the existing building, lack of ventilation, inability to 'bed' or 'muck out' any animal pens and indeed feed animals. It was clearly never intended to house animals. Therefore, this is not an option.

General Storage

General storage is not really an option either as all the items the client requires to house are too large, as outlined above, and therefore the shed is not fit for agricultural use and therefore is redundant.

Engineering feedback on questions raised in relation to phosphorous outfall.

Please find noted below the engineers response to queries raised in [blue](#). Please also find attached the original CAR Licence for Hawkhill which was authorised in 2009 as well as the Phosphorus mitigation document.

With regards to the drainage, the engineer has provided his comments in blue:

- Location of the old system which was upgraded, and details of the occupied property which it was connected too.

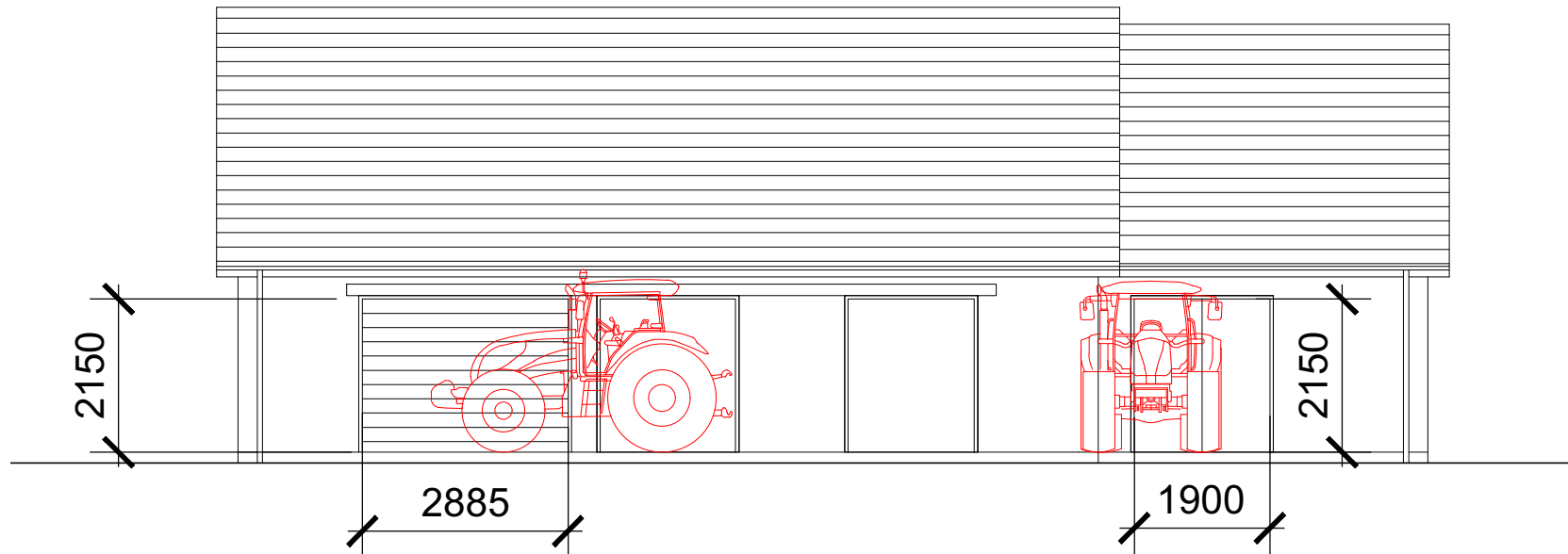
The property was Hawkhill at NGR NO 1150 4343. The property is no longer occupied. However, it is registered with SEPA and this still allows it to be mitigated against as its upgrading or removal within the Lunan Valley Conservation Area still results in the removal of phosphorus from the Lochs in the area.

- Details of mitigation property, i.e. when it was last occupied / used. We have no record of a property called 'Hawkhill', and neither do the Tayside Assessors.

Property was registered with SEPA in 2009 as a three bedroom house i.e. population equivalent of 5, see attached CAR Licence.

- Detail of your CAR licence for the new system.

Registration of a new system would not be required until warrant stage. An application for a SEPA CAR Licence cannot be made until permission is granted for the change of use and then the application would be made with the new population equivalent, this is based on the number of bedrooms of the proposed house (currently 0 as it has none). However, phosphorus mitigation calculations have been provided to show how the proposed change of use can be mitigated against the existing Hawkhill property. See attached document.



Existing North Elevation
1:50 @ A2

PROPOSED PHOSPHORUS MITIGATION

AT

**CASTLEVIEW, CRAIGIE, CLUNIE, BLAIRGOWIRE,
PERTHSHIRE**

FOR

MRS JUDITH DUNCAN



Ref: 20231013
4th NOVEMBER 2023



Project CASTLEVIEW, GRAIGIE, CLUNIE, BLAIRGOWRIE				Job Ref. 20231013	
Section CONTENTS				Sheet no./rev. 1	
Calc. by GF	Date NOV 2023	Chk'd by GF	Date NOV 2023	App'd by GF	Date NOV 2023

CONTENTS**PAGE No.**

INTRODUCTION

2

PHOSPHORUS MITIGATION CALCULATION

3

APPENDIX A – LUNAN VALLEY PHOSPHORUS
MITIGATION GUIDANCE

4



Project CASTLEVIEW, GRAIGIE, CLUNIE, BLAIRGOWRIE				Job Ref. 20231013	
Section INTRODUCTION				Sheet no./rev. 2	
Calc. by GF	Date NOV 2023	Calc. by GF	Date NOV 2023	Calc. by GF	Date NOV 2023

INTRODUCTION

Phosphorus mitigation is required for the conversion of an existing agricultural building to a three bedroom residential property in line with the *Lunan Valley Area Dunkeld – Blairgowrie Lochs Special Area of Conservation* guidance document provided by SEPA, Perth & Kinross Council and NatureScot.

In line with the guidance document, a minimum phosphorus mitigation of 125% must be provided for the proposed conversion.

An existing two bedroom house referred to as “*Hawkhill*” lies approximately 100m to the northwest and is currently served by a septic tank. It is proposed to upgrade this to a treatment plant which chemical dosing to provide tertiary treatment to the foul effluent. The converted building will also be served by the same treatment plant with chemical dosing.

The upgrading of the existing septic tank to a treatment plant with chemical dosing will reduce the level of phosphorus for the existing houses effluent from 10mg/l to 2mg/l and also means that the converted building will also have a phosphorus level of 2mg/l. This will provide approximately 400% phosphorus mitigation and therefore meet the requirements of the guidance document.

The calculations for the phosphorus mitigation can be seen on the following page.

Date:- 04/11/2023

Project title:- Castlevew, Craigie, Clunie, Blairgowrie

By:- GF

Project No:- 20231013

Rev: 01

Average amount of water per person per day	150	litres
Primary treatment (septic tank - standard discharge)	10	mg P/litre
Daily discharge of phosphorus (per person) from primary treatment	1,500	mg P
Tertiary treatment (SBR with phosphate precipitation)	2	mg P/litre
Daily discharge of phosphorus (per person) from treatment	300	mg P / person

Proposed Development		
1No. 3No. Bedroom House	5	P.E.
10% reduction factor for PE 12-24, 20% reduction factor for PE 25-50	5	P.E.
Tertiary treatment (SBR with phosphate precipitation)	2	mg P/l
Daily discharge of phosphorus	1,500	mg P / day

Phosphorus Mitigation		
Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development	1,875	mg P / day
Mitigation is proposed by upgrading an existing 3 bedroom house with tertiary treatment		
Required P.E. to be Mitigated Against	5	P.E.
Existing phosphorus discharge	7,500	mg P / day
Phosphorus discharge after upgrade	1,500	mg P / day
Mitigation offered is by proposals	6,000	mg P / day
Mitigation exceeds the requirements, therefore OK		



Project CASTLEVIEW, GRAIGIE, CLUNIE, BLAIRGOWRIE				Job Ref. 20231013	
Section APPENDIX A - GUIDANCE DOCUMENT				Sheet no./rev. 4	
Calc. by GF	Date NOV 2023	Calc. by GF	Date NOV 2023	Calc. by GF	Date NOV 2023

APPENDIX A – LUNAN VALLEY AREA DUNKELD – BLAIRGOWRIE LOCHS
SPECIAL AREA OF CONSERVATION GUIDANCE DOCUMENT



Lunan Valley Area Dunkeld - Blairgowrie Lochs Special Area of Conservation

Planning advice in relation to phosphorus and foul drainage in the
catchment area (2020)

Contents

1	Introduction	1
2	The Importance of Dunkeld - Blairgowrie Lochs	1
3	The Nutrient Problem at Dunkeld - Blairgowrie Lochs SPA	2
4	Planning Authorities' Obligations	2
5	Proposals that may Affect Dunkeld - Blairgowrie Lochs SPA	3
6	Phosphorus Mitigation Checklist	4
7	Submitting a Planning Application	5
8	Phosphorus Mitigation Calculation	6
9	Additional Points for Phosphorus Mitigation	6
10	Why 125%?	7
11	SEPA Authorisation	7
12	Before Development Can Commence	8
13	Further Considerations	8
14	Contact	9



All images in this document are credited to NatureScot.

1 Introduction

This guidance aims to assist anyone submitting planning applications which are:

- *within the Lunan Lochs Catchment Area*
- *which could affect the water quality of Dunkeld–Blairgowrie Lochs Special Area of Conservation (SAC).*

The guidance provides advice on the types of appropriate information and safeguards to be provided in support of your planning application so that it can be properly and timeously assessed by Perth & Kinross Council, and includes:

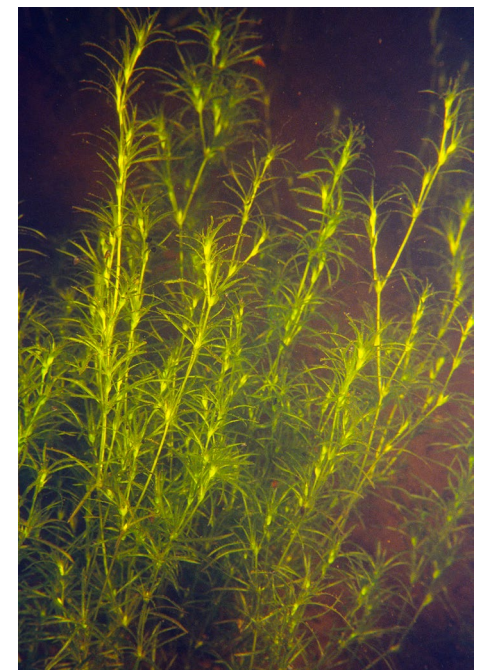
- An explanation of planning authorities' obligations when evaluating planning applications;
- Advice on the nature of developments that may affect the Lunan Lochs Catchment Area; and

Examples of information which you need to submit with your planning application and application for a foul water discharge licence under **The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)** (CAR) – there is a flow chart on page 4 taking you through the key questions and answers/solutions.

This guidance relates specifically to water quality of the Dunkeld-Blairgowrie Lochs SAC and phosphorus entering the loch's catchment. There may be other qualifying features of the SAC which could be affected by development proposals e.g. disturbance to otters or habitat change.

2 The Importance of the Dunkeld - Blairgowrie Lochs

The Dunkeld-Blairgowrie Lochs consists of a chain of five kettle hole lochs that are of international importance for their aquatic habitats and species, including slender naiad. The site has the highest wildlife accolade as it is designated as an SAC and is part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union.



3 The Nutrient Problem at the Dunkeld - Blairgowrie Lochs

Nutrients such as phosphorus entering the loch catchment from manmade sources have caused problems with water quality for many years. Elevated nutrient levels in warmer months can lead to cyanobacteria or blue-green algae blooms. These bacteria can be toxic to people, pets, livestock and wildlife. An algal bloom can therefore result in a loss of amenity as the public have to avoid the lochs until the bloom has passed and may also result in fish and potentially livestock deaths. As the bloom subsides and the algae breaks down there is an associated depletion in the oxygen level in the loch which will have a further damaging effect on the loch ecosystem.

Much work has been undertaken over the last decade to reduce the input of phosphorus into the lochs. Recent monitoring has shown this is leading to an improvement in the ecological quality of the loch. However, this improvement is still vulnerable to setbacks so there is a continuing need to reduce both phosphorus inputs to the lochs.

The aim is therefore to ensure that there is no increase of phosphorus in the Dunkeld- Blairgowrie Lochs catchment arising from waste water associated with new developments. If there is an increase in phosphorus discharging to the loch, there could be a detrimental effect on water quality, and a knock-on effect for ecology.

4 Planning Authorities' Obligations

The European legislation under which sites are selected as SACs is the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid “the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant.”

These obligations relate to “Competent Authorities” such as Planning Authorities.

Planning Authorities can only agree to development proposals after having ascertained that they will not adversely affect the integrity of the site. If the proposal would affect the site and there are no alternative solutions, it can only be allowed to proceed if there are imperative reasons of overriding public interest.

Perth and Kinross Council apply Policy 45: Lunan Lochs Catchment Area¹ as laid out in Local Development Plan 2 to assist them in their consideration of a development proposal.

¹ Dunkeld-Blairgowrie Lochs SAC catchment and the Lunan Valley Catchment Area are coincident.

5 Proposed Projects that May Affect the Dunkeld- Blairgowrie Lochs SAC

New developments, conversions or extensions where the potential capacity to house people is being increased may impact on the Dunkeld - Blairgowrie SAC.

If the proposed development lies in the catchment as shown by the red line on the map, you may be required to provide phosphorus mitigation for your development, as detailed in the sections below.

The map is a guide – if a development is near the border confirmation should be sought as to whether it is within the Lunan Lochs catchment.



6 Phosphorus Mitigation Checklist

Is the proposal for a new development, conversion or extension where the potential capacity for housing people being increased; and does the new development have any phosphorus discharge (e.g. foul water drainage, sewage, septic tank or sink discharges)?

Yes

No

Will the drainage be diverted outwith the catchment area?

Yes

Submit normal planning application

No

Phosphorus Mitigation Proposals

Drainage must be put in place mitigation that is capable of removing 125% of phosphorus likely to be generated by the development from the Lunan Lochs catchment (Policy 45) and apply to SEPA for a licence to discharge under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). See section 8 for a worked example of phosphorus mitigation.

Acceptable forms of phosphorus mitigation

Upgrade the septic tank of an existing property within the catchment area to an active system that reduces phosphorus (secondary/tertiary treatment plant) - this may be with a third party.

Unacceptable forms of phosphorus mitigation

- Change in agricultural practice;
- Change in land use;
- Using “capacity” from a previous application.

7 Submitting a Planning Application

With your full planning application or AMM (approval of matters specified in conditions) you will need to provide details of:

- a. the proposed development;
- b. an existing property to be upgraded – which has not already been identified as mitigation for another planning application;
- c. phosphorus mitigation calculations – include numbers of potential bedrooms of all properties, and methods of drainage (primary/secondary/tertiary treatment plant).¹ Treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities. You will need to demonstrate that the total phosphorus loading from the existing property can be reduced by at least 125% of the phosphorus loading likely to be generated by the new development (Policy 44) – see worked example overleaf

Any treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities in accordance with this standard. To obtain certification to EN12566,3 plants must undergo rigorous independent testing which results in a documented mean discharge standard. The mean standard in the EN12566:3 certificate is a clear and unambiguous assessment of the performance of the plants, and is used in CAR licences for unsampled licenced sewage discharges (i.e. discharges of less than 200 PE). EN12566:3 is normally used to assess performance against BOD and ammonia, but can also be used to assess performance against total phosphorus.

- Discharge from all the properties will require authorisation by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) who will set discharge limits through licensing. The licensing process has a 4 month determination period from the date of application. Progressing the CAR applications at the same time as the planning application will ensure an applicant is aware of whether a proposed scheme is capable of being consented under CAR. (see section 11 below).
- The discharge limits set by SEPA must be complied with at all times.
- Foul water treatment plants need to be frequently maintained to work properly and discharge within the licensed limits. Evidence of regular maintenance contracts must be provided as part of the SEPA water use licence.
- Sites which will not connect to the Scottish Water Network which have 50>p.e. should contact SEPA at the earliest opportunity as additional investigatory work will be required prior to a discharge licence application being submitted.
- In cases of great complexity or uncertainty the Precautionary Principle will be adopted. The assumption being that where there are real threats of damage to the environment, lack of scientific information should not be used as a justification for postponing measures to prevent such damage occurring.

1. The latest version of **British Water Code of Practice - Flows and Loads** has details of loadings from a variety of sources

8 Phosphorus Mitigation Calculation: worked example²

Background	
Average amount of water per person per day	150 L
Primary treatment: septic tank, standard discharge of phosphorus as a mean	10mgP/L
Daily discharge of phosphorus per person	1500mgP
Secondary treatment: package treatment plan as a mean	5mgP/L
Daily discharge of phosphorus per person	750mgP
Proposed Development	
3 bedroom house in Person Equivalent (PE) Secondary treatment to be installed	5 PE 5mgP/L
Daily Discharge of phosphorus (750mgP x 5PE)	3750mgP/day
Phosphorus Mitigation	
Mitigation required is 125% of P discharged from new development: 125% x 3750mgP/day	4688mgP/day
Proposed mitigation to upgrade septic tank for named 5 bedroom house (7PE) to secondary treatment plant	
Existing discharge 150L x 10mgP/L x 7PE	10,500mgP/day
Discharge after upgrade@5mgP/L: 750mgP x 7PE	5,250mgP/day
Mitigation offered: 10,500mgP/day - 5250mgP/day Mitigation in excess of requirement	5250mgP/day

9 Additional Points for Phosphorus Mitigation Proposals

Existing properties should not be removed from a larger foul drainage treatment system to provide mitigation for a new development. The applicant should seek to upgrade the larger system in its entirety, regardless of how much in excess of 125% mitigation value this provides. Also, wherever possible, applicants should seek to use a single treatment system for a proposed multi-property development, rather than separate systems for individual properties.

Any novel proposals where mitigation is not from a single existing property, should be discussed with SEPA at the earliest stage possible, in order to ensure the proposal is acceptable.

For the purposes of mitigation, ascribed values will be used for calculations, where a septic tank is assumed to discharge 10mg/l of phosphorus, and an existing secondary treatment system 5mg/l. New treatment system discharge standards will be based on the system being installed. Alternatives to the ascribed values may be considered where there is adequate historical data which meets approved quality standards. In these cases contact should be made with SEPA at the earliest opportunity. Please note that we do not accept any discharge quality standard below 2mg/l at present.

Mitigation of an existing system can only be linked to a development at full planning stage. SEPA will only comment on phosphorus mitigation proposals at full planning application stage.

2. Calculations based on British Water Code of Practice "Flows & Loads - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems

10 Why 125%?

Bearing in mind the Precautionary Principle and the fact that the measurement of potential phosphorus output is not an exact science, then mitigation measures must seek to exclude from the catchment area in excess of the phosphorus likely to be generated by the proposed development in order to be sure that there is no net increase.



11 SEPA Authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). All CAR Registration level private sewage discharges in the Lunan Lochs catchment area will be escalated to simple licence level, to allow adequate assessment of the discharge. Progressing the CAR applications at the same time as the planning application will ensure the applicant is aware of whether a proposed scheme is capable of being consented under CAR.

Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. A higher level of licence protection may also be required for activities that may impact on the loch SPA, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the SPA.

For details on these activities including CAR requirements see www.sepa.org.uk/regulations/water/

Activities should also comply with:

- SEPA's Pollution Prevention Guidance including: GPP4 Treatment and disposal of wastewater where there is no connection to the public foul sewer; and
- SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements

12 Before Development Can Commence

Before development can commence you must:

- have obtained planning permission; and
- have obtained a CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended) for the foul water discharge of the development; including for any remote mitigation property.
- submit copies of the CAR licence(s) to the Planning Authority;
- have a receipt for the above documentation from the Planning Authority.

Where phosphorus mitigation measures are to be delivered at a location separate from the development site then before the development can commence:

- the phosphorus mitigation measures must be installed using a treatment system which delivers the discharge quality standards specified in the mitigation calculations – and approved by Building Standards where a building warrant has been required; and
- evidence of the installation of the phosphorus mitigation measures must be provided to the Planning Authority such as installation invoices and photos of the treatment plant in place.

Before the completion certificate will be accepted and the new development can be occupied:

- The new drainage infrastructure installation at the development site must be approved by Building Standards as part of building warrant process.

13 Further Considerations

Other Impacts on the Lunan Lochs Designations

Although this guidance is specifically for the water quality of Dunkeld - Blairgowrie Lochs SAC, further information may be required of the impact of the development on the qualifying features and conservation objectives of the Loch. See:

- **NatureScot Guidance on Protection of Natura Sites**
- **NatureScot Sitelink** for further details on the Dunkeld - Blairgowrie Lochs SAC designations including conservation objectives.

Protected Habitats and Species

There may be other natural heritage interests such as protected species such as water voles, bats, otters and beavers affected by development proposals which also need to be considered. See Perth & Kinross Council's **Planning for Nature** guidance for more information on surveys that may be required.

Building Warrant

In addition to any planning consents that may be required, any development which includes an element of drainage will require building warrant approval. This process includes a requirement to submit detailed plans and specifications for the entire drainage system to show compliance with the Building (Scotland) Regulations 2004. See www.pkc.gov.uk/Buildingstandards

14 Contact

NatureScot, SEPA and Perth and Kinross Council are working closely to protect the interests of Dunkeld-Blairgowrie Lochs SPA a by reducing phosphorus loading on the lochs. Perth & Kinross Council are happy to assist you where required in submitting your application, including **pre-application discussion**.

Perth and Kinross Council

For planning enquiries:

- DevelopmentManagement@pkc.gov.uk
- www.pkc.gov.uk/makingaplanningapplication

For building warrant enquiries:

- BuildingStandards@pkc.gov.uk
- www.pkc.gov.uk/buildingstandards

NatureScot

- www.nature.scot
- tayside_grampian@nature.scot

Scottish Environment Protection Agency

- 0800 807060
- www.sepa.org.uk
- planning.se@sepa.org.uk

Scottish Water

- 0845 600 8855

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation

www.pkc.gov.uk

(PKC Design Team - 2018619)

Authorisation Number: CAR/R/1051967

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)
REGULATIONS 2011 ("THE REGULATIONS")
NOTIFICATION OF REGISTRATION, REFERENCE: CAR/R/1051967**

Under Regulation 7 of the Regulations, the carrying on of the controlled activity ("authorised activity") named below, at the site specified below, subject to the conditions specified below, from the date below, is authorised by SEPA.

Property details

Hawkhill
Craigie
Blairgowrie
PH10 6RG

Authorised activity

The discharge of sewage effluent from a treatment system serving the above-named property.

Conditions of authorisation

1. The treatment system must be maintained so it operates in good working order.
2. The discharge from the treatment system must not cause pollution of the water environment.

Date of authorisation

12 June 2009

It is essential that you look after your sewage treatment system so it will not cause pollution. You can [find information on how to do this on the Scottish Water website.](#)

Authorisation Number: CAR/R/1051967

1. It is an offence under Regulation 44(1)(c) of the Regulations to fail to comply with or contravene a registration (including any condition imposed).
2. If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 50(c) of the Regulations. The bringing on of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted, under regulation 50(b) of the Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of registration. The detailed provision of appeals is set out in Schedule 9 of the Regulations. Appeals should be sent to:

Planning and Environmental Appeals Division**Ground Floor****Hadrian House****Callendar Business Park****Callendar Road****Falkirk****FK1 1XR****Tel: 0300 244 6668; Email: DPEA@gov.scot**

**PROPOSED PHOSPHORUS MITIGATION COVERING
STATEMENT**

AT

**CASTLEVIEW, CRAIGIE, CLUNIE, BLAIRGOWIRE,
PERTHSHIRE**

FOR

MRS JUDITH DUNCAN



**Ref: 20231013
8th SEPTEMBER 2024**



Project CASTLEVIEW, GRAIGIE, CLUNIE, BLAIRGOWRIE				Job Ref. 20231013	
Section COVERING STATEMENT				Sheet no./rev. 1	
Calc. by GF	Date SEP 2024	Calc. by GF	Date SEP 2024	Calc. by GF	Date SEP 2024

COVERING STATEMENT

With reference to Item 3 of the reason for refusal in Planning Decision Notice for application 23/02101/FLL dated 09/07/2024 regarding phosphorus mitigation, we do not agree with the findings of this refusal and the reasons for this are noted below:

- The property in question of which phosphorus mitigation has been designed using has been registered with SEPA since 2009 and has SEPA CAR Licence reference CAR/R/1051967.
- The existing CAR Licence for the property has been obtained through discussions with SEPA and a copy of this is provided in Appendix A.
- Through correspondence with SEPA, they have no objections to using this property to provide phosphorus mitigation.
- Policy 45 (Lunan Lochs Catchment Area) of the Perth and Kinross Local Development Plan 2 (2019) makes no reference to the current condition of the property being used to mitigate against. Only that a property or properties within the catchment area are upgraded in order to provide a minimum of 125% phosphorus mitigation.
- If the current condition of the property was made good, it would still be considered an existing property within the Lunan catchment area as it is already registered with SEPA and not a new property requiring phosphorus mitigation, providing no additional bedrooms were added. There is therefore no reason why this cannot be used to mitigate against.
- The fact that the property is currently unoccupied in reality provides a greater level of mitigation as its phosphorus output would be 0. This would in fact provide 500% phosphorus mitigation. However, the upgraded value of 1,500 mg P/day has been used in the event that the property is ever reoccupied. This provides 400% phosphorus mitigation, considerably more than the minimum 125% required.

With the above points in mind, we are of the opinion that Item 3 should be overturned.



Project CASTLEVIEW, GRAIGIE, CLUNIE, BLAIRGOWRIE				Job Ref. 20231013	
Section APPENDIX A – EXISTING SEPA CAR LICENCE				Sheet no./rev. 2	
Calc. by GF	Date SEP 2024	Calc. by GF	Date SEP 2024	Calc. by GF	Date SEP 2024

APPENDIX A – EXISTING SEPA CAR LICENCE

Authorisation Number: CAR/R/1051967

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)
REGULATIONS 2011 ("THE REGULATIONS")
NOTIFICATION OF REGISTRATION, REFERENCE: CAR/R/1051967**

Under Regulation 7 of the Regulations, the carrying on of the controlled activity ("authorised activity") named below, at the site specified below, subject to the conditions specified below, from the date below, is authorised by SEPA.

Property details

Hawkhill
Craigie
Blairgowrie
PH10 6RG

Authorised activity

The discharge of sewage effluent from a treatment system serving the above-named property.

Conditions of authorisation

1. The treatment system must be maintained so it operates in good working order.
2. The discharge from the treatment system must not cause pollution of the water environment.

Date of authorisation

12 June 2009

It is essential that you look after your sewage treatment system so it will not cause pollution. You can [find information on how to do this on the Scottish Water website.](#)

Authorisation Number: CAR/R/1051967

1. It is an offence under Regulation 44(1)(c) of the Regulations to fail to comply with or contravene a registration (including any condition imposed).
2. If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 50(c) of the Regulations. The bringing on of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted, under regulation 50(b) of the Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of registration. The detailed provision of appeals is set out in Schedule 9 of the Regulations. Appeals should be sent to:

Planning and Environmental Appeals Division**Ground Floor****Hadrian House****Callendar Business Park****Callendar Road****Falkirk****FK1 1XR****Tel: 0300 244 6668; Email: DPEA@gov.scot**

