

Lissa Rowan

From: Planning Consultation
Subject: FW: 19/00452/APP - Site At Kahiwi Wood. Scottish Forestry Response

From: David.Hay@forestry.gov.scot [mailto:David.Hay@forestry.gov.scot]
Sent: 07 June 2019 3:19 PM
To: Shona Strachan
Subject: 19/00452/APP - Site At Kahiwi Wood. Scottish Forestry Response

Dear Shona

Thank you for consulting Scottish Forestry on this application.

The current hard standing area was until recently woodland. My understanding is that the trees felled were to facilitate the turning of vehicles with trailers. I am unaware whether or not the prior notification process was followed before the hardstanding was constructed. However, the area allowable certainly would not constitute something that would accommodate a development plot. Regardless of its current status the land-use is still forestry.

This site is shown on the National Forest Inventory as conifer woodland, predominantly Scots pine. The application area is part of the Native Woodland Habitat Network and is classified as a secondary zone for this network. The site is also identified on the Ancient Woodland Inventory as being Long Established of Plantation Origin (woodland since at least 1860), the long history of woodland cover on this site adds to its value for biodiversity.

Under the Scottish Government's Control of Woodland Removal Policy (COWRP), which has a strong presumption in favour of protecting Scotland's woodland resources these feature's would combine to give a strong presumption against woodland removal in this instance.

If the council is minded to grant permission in this case despite the presumption against development as identified above, then the principles of compensatory planting from the COWRP should be applied. The applicant should demonstrate a net public benefit from the compensatory planting proposal and at least an equivalent area to that lost through the development should be secured as a condition of approval.

Compensatory Planting (CP) plan

The CP Plan must be approved before the applicant can proceed with the development and the felling of trees. The CP plan must flesh out all the details of the proposed planting, including its maintenance over the entire life-span of the development. It must include:

- **Who:** The person(s) that survey, describe, assess, specify and deliver both the felling proposals and off-site CP proposals must have the relevant qualifications, technical abilities and have the necessary experience – e.g. a chartered forester.
- **Where:** The location of both the felling and on-site and off-site CP should be fully detailed, described and supported with good quality maps.
- **Why:** A rationale that explains why both the felling and CP are necessary and designed the way they are, should be provided. This should include the assessment of impact and proposed mitigation.
- **What:** A full silvicultural proposal for compensatory planting, supported with maps should be provided. This should include: ground preparation, drainage, planting technique, stocking density, species, maintenance and a protection plan.
- **When:** The timings for both felling and CP should be detailed. All CP should be completed within five years after the woodland is removed or within two years of the development being completed. Ensure that a maintenance plan with appropriate timescales is provided- this information should be included in the CP plan. Subsequent establishment should be completed within the period for which enforcement action can be taken.
- **How:** Ensure that compensatory proposals are enforceable, e.g. Section 36, 37 or legal agreement.

Monitoring of CP conditions or arrangements

An independent, qualified and technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the CP scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland. This monitoring programme should be conditioned in the consent. The woodland will have to be maintained thereafter. This professional individual should report to the planning authority, to allow the CP condition to be managed and ultimately discharged. Scottish Forestry would be able to offer support in the discharge arrangements if required.

Advisory only

SF would advise that any building infrastructure or services are kept at least 30m away from the woodland and associated root architecture and that any rain or waste water is not dispersed into the woodland altering the hydrology and as result habitat characteristics. This is fully articulated in the Moray Council supplementary guidance 'Trees in Development' which outlines protection measures for trees within or contiguous with the development proposal.

In the last decade there has been significant increase in forest fires in Scotland and throughout the boreal region. Climate change models suggest this trend is likely to continue and should be considered when siting a development in or close to woodland.

If you require clarification or additional information please do not hesitate to contact me.

Kind regards

David

David Hay **BSc(Hons) MICFor**
Woodland Officer (Moray)

Scottish Forestry
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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	3rd June 2019
Planning Authority Reference	19/00452/APP
Nature of Proposal (Description)	Erect detached dwellinghouse on
Site	Site At Kahiwi Wood Califer Hill Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071990
Proposal Location Easting	308926
Proposal Location Northing	857320
Area of application site (M²)	5014
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PQEGV1BGI2P00
Previous Application	18/01503/PE
Date of Consultation	20th May 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Ray McGaan
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Cameron Architectural Design Ltd
Agent Organisation Name	
Agent Address	57 Lochalsh Road Inverness Scotland IV3 8HW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the

two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

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For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00452/APP

Erect detached dwellinghouse on Site At Kahiwi Wood Califer Hill Forres Moray for Mrs Ray McGaan

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

A drawing detailing the proposed passing place location has been submitted (Drawing no. CAD-142-006). Whilst the location in principle is acceptable, the design of the passing place has not been shown in relation to the existing roads infrastructure and therefore it is not clear whether there is adequate space available within the verge and/or whether any third party land is required to create the passing place. A further detailed drawing showing the design on the proposed passing place should be submitted to satisfy the relevant condition, to ensure the passing place is achievable.

Condition(s)

1. A visibility splay of 2.4m x 120m shall be provided and maintained thereafter at the access onto the public road in both directions, clear of any obstruction above 0.6m in height (measured from the level of the carriageway).

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

2. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of U94E Brodieshill – Califer Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

3. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

4. The first 5m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.0 metres for the first 5.0 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. A formal area for refuse collection should be provided (outwith the required visibility splays).

Reason: To ensure acceptable infrastructure at the development access.

5. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear. prior to the first occupation of the building/dwelling.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. (Passing Place) The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site at http://www.moray.gov.uk/moray_standard/page_65638.html

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Contact:LL

Date 10.06.2019

email address:transport.develop@moray.gov.uk

Consultee: Transportation

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

