

**Business Operations and Partnerships Department**

**Director of Business Operations & Partnerships: Louise Pringle**

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

Phone: 0141 577 3000

website: [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

Date: 11 February 2022

When calling please ask for: Sharon McIntyre (Tel No. 0141 577 3011)

e-mail:- [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher, J McLean, S Miller and J Swift.

**LOCAL REVIEW BODY**

A meeting of the Local Review Body will be held on **Wednesday, 16 February 2022 at 2:30pm**

The agenda of business is as shown below.

**Please note this is a virtual meeting.**

**Louise Pringle**

L PRINGLE

DIRECTOR OF BUSINESS OPERATIONS & PARTNERSHIPS

**AGENDA**

- 1. Report apologies for absence.**
- 2. Declarations of Interest.**
- 3. Notice of Review – Review 2021/13 – Erection of dwellinghouse and associated parking. Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire. (Ref No:-2021/0038/TP) - Report by Director of Business Operations and Partnerships (copy attached, pages 3 - 196).**

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email [customerservices@eastrenfrewshire.gov.uk](mailto:customerservices@eastrenfrewshire.gov.uk)

For information on how to access the virtual meeting please email [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)

A recording of the meeting will also be available following the meeting on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>

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EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY16 February 2022Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2021/13

ERECTION OF DWELLINGHOUSE AND ASSOCIATED PARKING AT ADJACENT EAST OF 137 MEARNS ROAD, CLARKSTON, EAST RENFREWSHIRE.

**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2021/0038/TP).
- Applicant: Edzell Property Holdings Ltd
- Proposal: Erection of dwellinghouse and associated parking
- Location: Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire
- Council Area/Ward: Clarkston, Netherlee And Williamwood (Ward 4).

**REASON FOR REQUESTING REVIEW**

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

**RECOMMENDATIONS**

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
    - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
    - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
  - (b) that in the event that further procedure is required to allow it to determine the review, consider:-

- (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
- (ii) what procedure or combination of procedures are to be followed in determining the review.

## **BACKGROUND**

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

## **NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW**

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement and plans is attached as Appendix 6.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review should be handled with a combination of procedures. The procedures requested are further written submissions on specific matters and holding one or more hearing sessions on specific matters. The reasoning as to the applicant’s preference for this combination of procedures is outlined in the Notice of Review Form attached as Appendix 6.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 16 February 2022 before the meeting of the Local Review Body which begins at 2.30pm.



## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**13.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

**14.** However, the applicant has submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information consists of the Bat Survey included in Appendix 8 and reference to the Bat Survey on pages 9, 13, 14 and 15 in the Statement of the Case included in Appendix 6.

**15.** Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-

“43B Matters which may be raised in a review under section 43A(8)

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
  - (a) that the matter could not have been raised before that time, or
  - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
  - (a) the provisions of the development plan, or
  - (b) any other material consideration.”

**16.** The applicant has been given an opportunity to explain why the information was not made available to the Appointed Officer at the time the application was determined, please find this response attached in Appendix 8.

**17.** The Local Review Body must decide whether the new information should be considered as part of the review. In the event that it does, it is recommended, in the interests of equality of opportunity to all parties that the Appointed Officer be given the opportunity to comment on the new information.

**18.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission and supporting statement including extended phase 1 habitat survey report and tree survey and tree constraints plans report – Appendix 1 (Pages 7 - 82);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 4 (Pages 119 - 134);
- (c) Decision notice and reasons for refusal - Appendix 5 (Pages 135 - 140);
- (e) A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement and plans - Appendix 6 (Pages 141 - 164).

**19.** The applicant has also submitted the drawings listed below and these are attached as Appendix 7 (Pages 165 - 196).

- (a) Refused – Proposed Site Plan;
- (b) Refused – Proposed Elevations;
- (c) Refused – Proposed Floor Plans;
- (d) Refused – Existing and Proposed Site Sections;
- (e) Refused – Existing and Proposed Streetscape Elevations; and
- (f) Refused – Location Plan.

20. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling and are also included as Appendix 2 and Appendix 3 respectively.

21. All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

22. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
  - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Sharon McIntyre

Director – Louise Pringle, Director of Business Operations and Partnerships

Sharon McIntyre, Committee Services Officer  
e-mail: [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)  
Tel: 0141 577 3011

Date:- February 2022

**APPLICATION FORM  
AND  
SUPPORTING STATEMENT**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.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 100352527-001

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

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of a 2 1/2 storey detached dwellinghouse and associated parking on land situated immediately east of 137 Mearns Road and between house Nos 58 and 64 fronting Beechlands Drive, Clarkston G76 7UX.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Certus"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Margaret Anne"/>	Building Name:	<input type="text" value="Orbital House"/>
Last Name: *	<input type="text" value="McGleish"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="07977551132"/>	Address 1 (Street): *	<input type="text" value="Redwood Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="East Kilbride"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G74 5PR"/>
Email Address: *	<input type="text" value="ma.mcgleish@certus-lpd.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="1008"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Pollokshaws Road"/>
Company/Organisation	<input type="text" value="Edzell Property Holdings Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G41 2HG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

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

The site is an unmanaged area of woodland (Title No REN149219) situated off Beechlands Drive that extends through to Mearns Road to the North. There are houses on the east and west of the site namely 58 & 64 Beechlands Drive and 129 & 137 Mearns Road. The site is bounded by no 137 Mearns Road (Title No REN88740) on the west and by a long narrow strip of land to the east running from Beechlands Drive to Mearns Road (Title No REN107867). (Please refer to attached Location Plan and its juxtaposition regarding neighbouring properties).

Northing  Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Unmanaged woodland immediately east of no 137 Mearns Road and between the house nos 58 and 64 fronting Beechlands Drive, Clarkston G76 7UX.

## Access and Parking

Are you proposing a new altered vehicle access to or from a publicroad? \*  Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No



If Yes or No, please provide further details: \* (Max 500 characters)

General household waste and recycling bins will be placed within the garden grounds.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Margaret Anne McGleish

On behalf of: Edzell Property Holdings Ltd

Date: 19/01/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

A Tree Survey is attached.

### Declare – For Application to Planning Authority

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

Declaration Name: Mrs Margaret Anne McGleish

Declaration Date: 19/01/2021

### Payment Details



Created: 19/01/2021 17:03

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18/01/2021

## **Planning Supporting Statement**

**Prepared by CERTUS - Chartered Town Planners, Surveyors and Land Agents**

### **Planning Proposal:**

Erection of a 2½ -storey Detached Dwelling and Associated Parking.

### **Applicant:**

Edzell Property Holdings Ltd.

### **Application Site:**

Site frontage between 58 & 64 Beechlands Drive, Clarkston G76 7UX (and between 137 and 129 Mearns Road to the rear).

### **Introduction**

Certus have been commissioned by Edzell Property Holdings Ltd, who are the owners of the application site at Beechlands Drive, to submit an application for detailed planning permission for the construction of a 2½ storey detached dwelling house with associated parking on land situated between 58 & 64 Beechlands Drive, Clarkston G76 7UX (extending to between 137 and 129 Mearns Road to the rear).

This document along with the relevant plans, forms, Architectural Drawings, Tree Survey and Ecology Report supports the application for detailed planning consent.

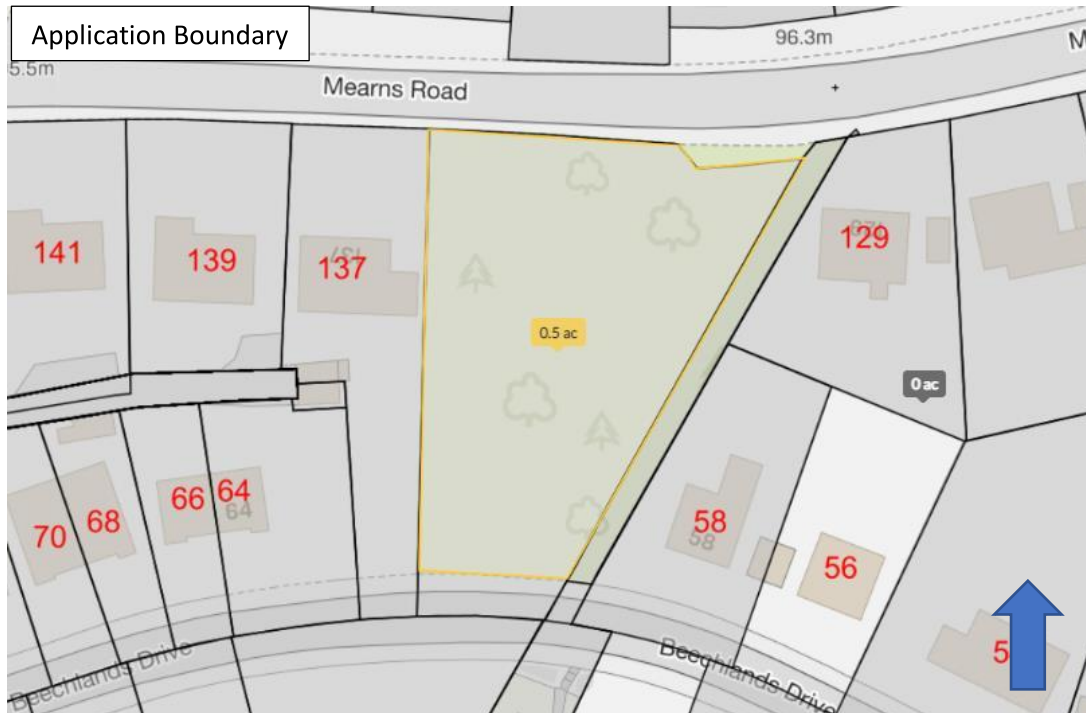
### **Site Description**

The application site is unmanaged woodland on the north side of Beechlands Drive and is approximately 0.5 acres in size (see site bounded in yellow on the Registers of Scotland excerpt map below). It is approximately 57 metres deep and between 20 metres wide (at its narrowest at Beechlands Drive) and 50m wide (at its widest along Mearns Road).

It is located within the Clarkston residential area and is bounded on all 4 sides by a mixture of detached and semi-detached dwellings to the north, south, east and west with adopted footways/carriageways along the site frontage on Beechlands Drive and to the north on Mearns Road.

There is no public access to the site and it is of no recreational benefit. Whilst there is no designed public access the site frontage at Beechlands Drive has been the subject of repeated fly tipping over the years and the site which is quite enclosed has been the focus of some antisocial behaviour.





The topography within the site is sloping downwards from Beechlands Drive to Mearns Road (please refer to the Section drawing below and attached).

Currently the site is made up entirely of an unmanaged woodland and bushed area. Whilst the site is covered by a Tree Preservation Order, some of the trees are poor quality self-seeded specimens. None of the trees are category A specimens which are those most worthy of retention (please refer to the attached Tree Survey Report).

There is a low stone boundary wall along the site frontage on Beechlands Drive which is of poor quality and repair (see Google image below).



The northern site boundary along Mearns Road is bounded by mature trees and bushes (see Google image below).



### **The Proposal**

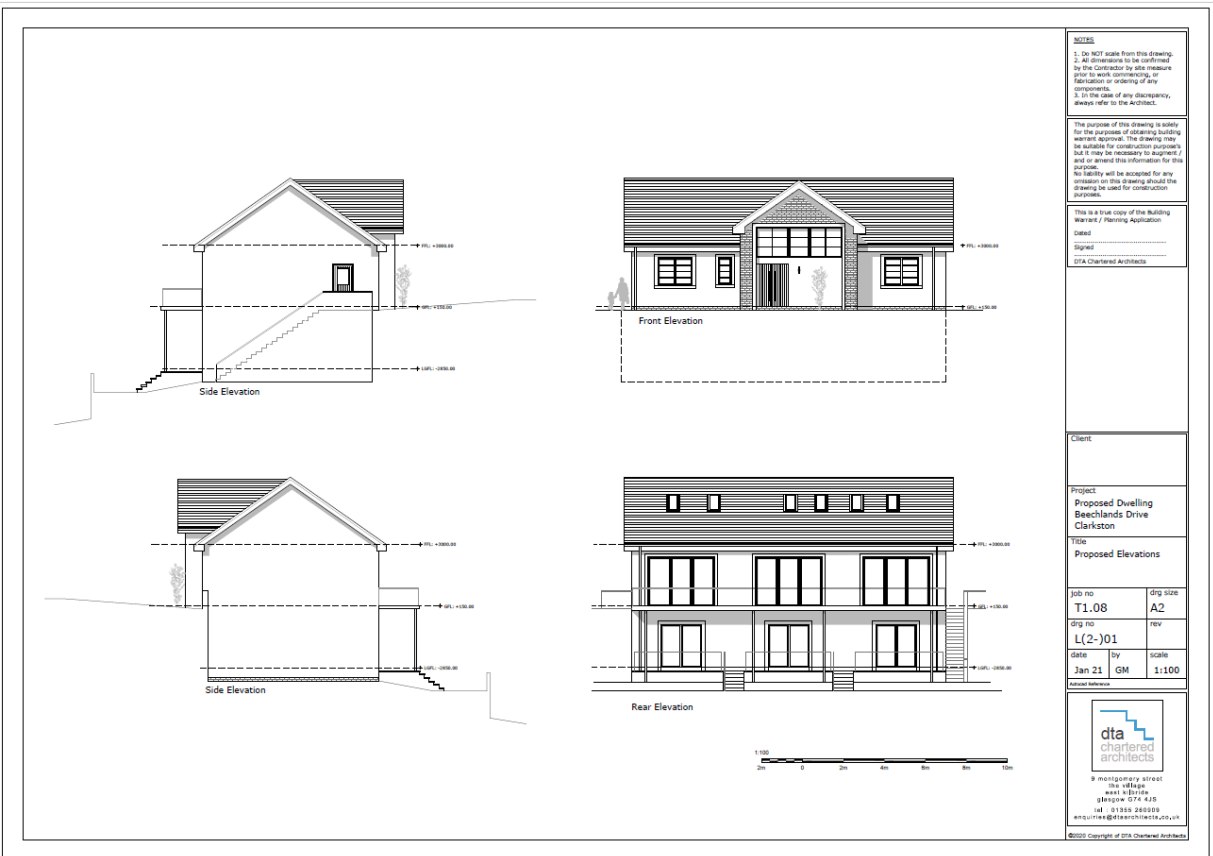
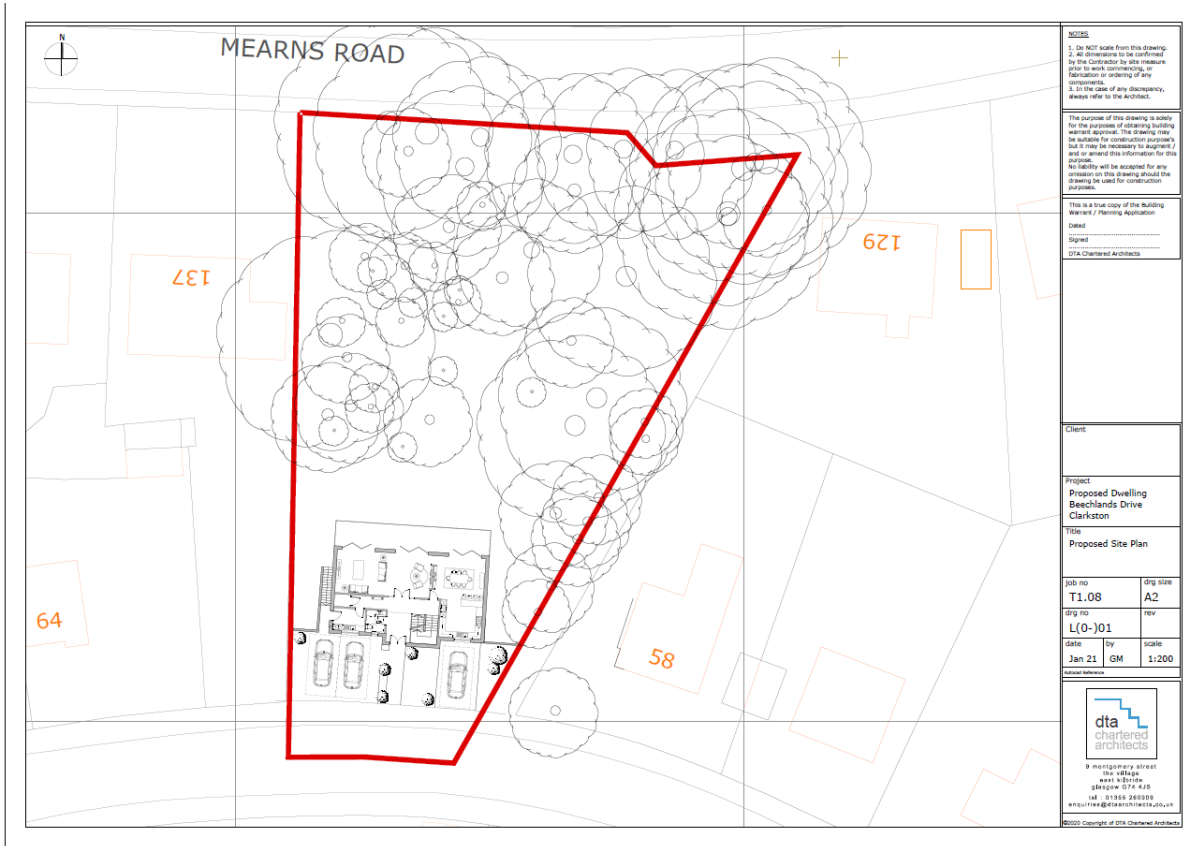
The proposed dwelling is a 3-bedroom detached property, with a 1½ -storey front elevation facing Beechlands Drive, and a 2½ storey rear elevation to take advantage of the downward sloping site (see Elevation drawing/Section drawing below and attached). Many of the dwellings in the surrounding area have significant under-building either to the front or the rear.

The proposed dwelling including car parking will occupy only circa 18% of the site providing an extremely generous house plot ratio. The front elevation of the proposed dwelling will conform with the building line of the neighbouring properties on either side at 58 and 64 Beechlands Drive. There will be off street parking provided for 3 vehicles to the front of the dwelling (see Site Plan below and attached).

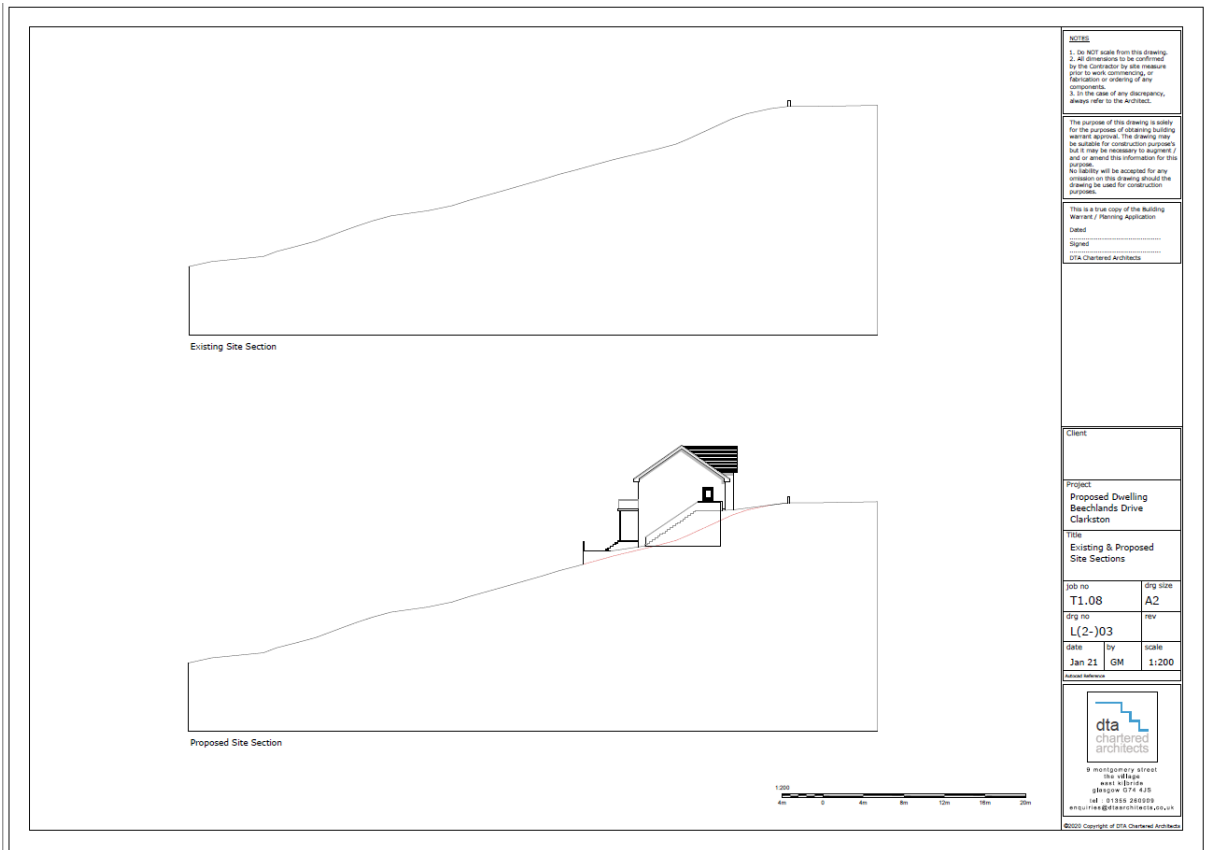
The proposed dwelling will blend with the surrounding properties in terms of mass and scale and is in keeping with the relatively varied streetscape (see Streetscape drawing below and attached). It is proposed that external finishes will be appropriate to the setting.

The proposal requires the removal of the existing low boundary wall which is not a traditional structure worthy of retention and is in poor repair, along with the removal of bushes/trees adjacent the frontage on Beechlands Drive to accommodate the proposed dwelling and its car parking spaces. Many of these trees are of low quality and none are category A specimens (please refer to the attached Tree Survey Report).

It is proposed that the remaining woodland on site will be managed helping to ensure the longevity of the best mature specimens of note on the site and thereby create a net environmental benefit for the area in this regard.







**Planning - Zoning and Assessment**

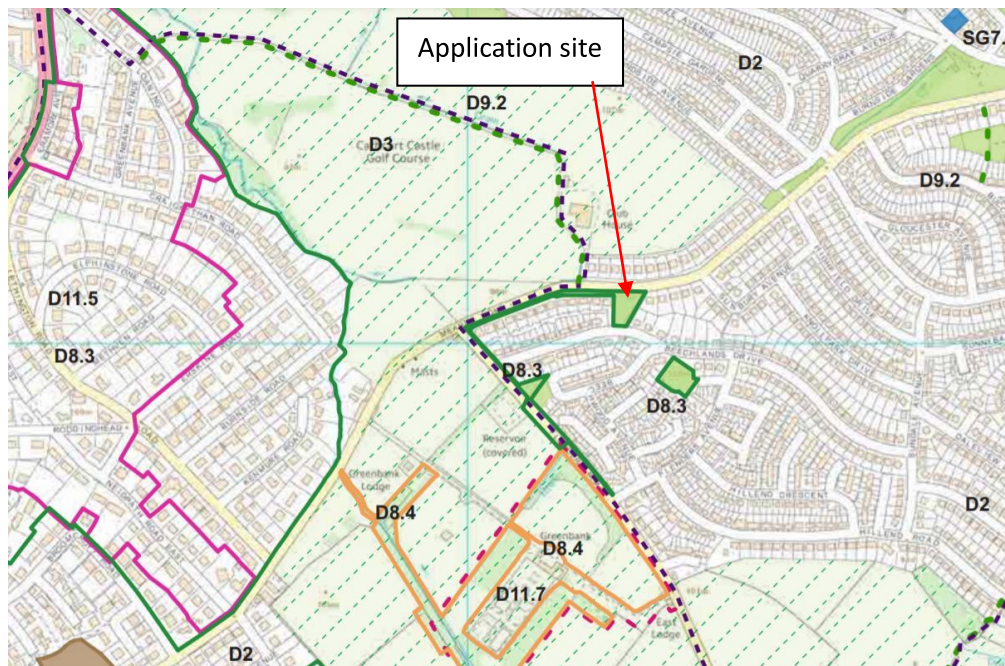
**East Renfrewshire Local Development Plan (LDP), Adopted 2015:**

The proposal has been assessed against the relevant policies contained within the Adopted LDP and is considered acceptable in planning terms. That assessment is outlined below.





The site is zoned as D5 Protection of Urban Greenspace within the Adopted LDP. It is also identified as being the subject of a Tree Preservation Order (TPO), LDP reference D8.3.

An excerpt from the Adopted LDP map is shown below.







**Excerpt from the East Renfrewshire Local Development Plan Adopted 2015**



**Placemaking and Design**

- D2 D2 General Urban Areas
-  D3 Green Belt
-  D3 Countryside around Towns
-  D4 Green Network
-  D5 Protection of Urban Greenspace

**Placemaking and Design (Schedules 1 to 7)**

-  D8.2 Sites of Special Scientific Interest (SSSI)
-  D8.3 Tree Preservation Order (TPO)
-  D8.4 Local Biodiversity Sites (LBS)
-  D9.1 Core Paths
-  D9.2 Rights of Way
-  D10 Environmental Projects

## Relevant Land use Policies – D1, D2, D5 and D8.3

### Policy D1 – Guidance for all Development (Criterion 1, 2, 3, 4 & 9)

Criterion 1 – The proposed development will not result in *significant loss of character or amenity to the surrounding area* given that the proposed development will take place on less than 1/5<sup>th</sup> of the full site boundary; is effectively a gap site and therefore infill; is of a scale and massing that blends with surrounding properties; will be elevated with finishes appropriate to the surrounding area; and the remaining woodland area will be substantial and will be appropriately managed thereby creating a net environmental gain in this regard. – It therefore accords with Policy D1.1.

Criterion 2 – The proposal will accord with the *size, scale, massing and density that is in keeping with the buildings in the locality* and will *respect local architecture, building form, design, and materials*. – It therefore accords with Policy D1.2.

Criterion 3 – *The amenity of the neighbouring properties should not be adversely affected by unreasonably restricting the sunlight or privacy*. The proposal will arguably improve the sunlight into the neighbouring properties if the dead/diseased and poor quality trees are thinned out and the woodland is thereafter actively managed. There will be no overlooking/privacy problems created by the proposal for neighbours. Sunlight and privacy for the proposed dwelling will be satisfactory. – It therefore accords with Policy D1.3.

Criterion 4 – The applicant has provided an Ecology Report and Tree Survey as part of the application submission (please refer to the attached Reports). These Reports illustrate that there will be no *significant loss of trees or important landscape, greenspace or biodiversity features*. Some trees and bushes will be removed as part of the proposal, none of these are of significant quality and going forwards effective management will help improve and retain healthier trees of note. There will be no significant impact on wildlife. No protected species were identified on site. – It therefore accords with Policy D1.4.

Criterion 9 – Regarding parking and access requirements the applicant will be providing 3 on-site car parking spaces which satisfies the required parking standards. The proposed access will also benefit from the required sightlines, which can be achieved without third party landowner involvement. – It therefore accords with Policy D1.9.

### Policy D2 – General Urban Areas

As this Policy applies to *predominantly residential built-up areas* the principle of the erection of a house in this established residential area would therefore be in keeping with and not detrimental to the surrounding area. – It therefore accords with Policy D2.

### Policy D5 – Protection of Urban Greenspace

This policy states, inter alia, that:

*Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:*

- *There is no significant adverse impact on the landscape character and amenity of the site and surrounding area;* - No category A tree specimens will be lost as part of the proposal. The dwelling will be constructed on a small area of the woodland some of

which has been the subject of repeated fly tipping over the years. The woodland that will remain will be managed and that will improve and help retain the best mature tree specimens for longer. The Applicant contends that this proposal will provide the site and surrounding area with a more pleasant landscape character, amenity and result in a net environmental gain.

- *There will be no loss of public access;* - There is currently no designed access to the site for the public. The only public access that appears to have occurred has related to illegal fly-tipping and anti-social behaviour (e.g. youths meeting in order to amongst other things drink alcohol).
- *There will be no or limited impact on nature conservation and any loss would be mitigated through enhanced provision elsewhere in the vicinity;* - The applicant believes that this proposal will not have any significant impact on nature conservation and has attached an Ecology Report and Tree Survey to evidence this. There are no trees of particular note that would need to be removed. Those trees remaining will benefit from management which does not occur at present. There are unlikely to be any significant wildlife concerns, any additional surveys such as bat surveys can be undertaken at the appropriate time. - The proposal therefore accords with Policy D5.

### **Policy D8.3 – Tree Preservation Order**

The applicant is fully aware of the Tree Preservation Order covering the site and as mentioned above had instructed a full Tree Survey, which is attached to this Statement. Some trees and bushes will be removed as part of the proposal, none of these are of significant quality and going forwards effective woodland management will help improve and retain a remaining healthier mature tree population. That management will be undertaken in accordance with good practice and with the help and advice of an arboriculturist and the Council will be engaged with as appropriate. If it is necessary to plant any additional specimens, that can be undertaken.

### **Proposed East Renfrewshire Local Development Plan 2 (LDP2):**

The proposal has been assessed against the relevant policies contained within the Proposed LDP2 and is considered acceptable in planning terms. That assessment is outlined below.



















The site is zoned as D5 Urban Greenspace within the Proposed LDP2. It is also identified as being the subject of a Tree Preservation Order (TPO), LDP2 reference D7.2.

An excerpt from the Proposed LDP 2 map is shown below.



**Excerpt from the Proposed East Renfrewshire Local Development Plan 2**



<p><b>Creating Sustainable Places and Communities</b></p> <ul style="list-style-type: none"> <li> D2 General Urban Areas</li> <li> D3 Green Belt</li> <li> D3 Countryside Around Towns</li> <li> D4 Green Network</li> <li> D4 Green Network and Projects</li> <li> D4 Green Network and Projects</li> <li> D5 Urban Greenspace</li> <li> D7.1 Sites of Special Scientific Interest</li> <li> D7.2 Tree Preservation Orders</li> <li> D7.3 Local Biodiversity Sites</li> </ul>	<p><b>Promoting Sustainable and Inclusive Economic Growth</b></p> <ul style="list-style-type: none"> <li> SG1 Housing Supply, Delivery and Phasing</li> <li> SG4 Affordable Housing</li> <li> SG5 Safeguarding Business and Employment Areas</li> <li> SG6 Business Proposals</li> <li> SG6 Business Proposals</li> <li> SG10 Town Centres</li> <li> SG10 Neighbourhood centres</li> <li> SG11 Town and Neighbourhood Centre Proposals</li> <li> SG12 Business Improvement District</li> <li> SG12 Future Business Improvement District</li> </ul> <p><b>Promoting a Low Carbon Place</b></p>
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**Relevant Land use Policies – D1, D2, D5 and D7.2**

**Policy D1 – Placemaking and Design** Criterion 1, 2, 3, 5, 6, 7, 15 (Following the same criterion assessed against in the Adopted Plan)

Criterion 1 – The proposed development will not result in *significant loss of character or amenity to the surrounding area* given that the proposed development will take place on less than 1/5th of the full site boundary; is effectively a gap site and therefore infill; is of a scale and massing that blends with surrounding properties; will be elevated with finishes appropriate to the surrounding area; and the remaining woodland area will be substantial and will be appropriately managed thereby creating a net environmental gain in this regard. – It therefore accords with Policy D1.1.

Criterion 2 – The proposal will be *appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality and will respect local architecture, building form and design.* – It therefore accords with Policy D1.2.

Criterion 3 – It will *respect existing building lines and heights of the locality.* - It therefore accords with Policy D1.3.

Criterion 5 – It will *ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality.* - It therefore accords with Policy D1.5.

Criterion 6 - *Respond to and complement site topography.* The proposal has been designed around the existing topography of the site. - It therefore accords with Policy D1.6.

Criterion 7 – *Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character.* The proposal will be sympathetic to the surrounding area and will seek to maintain as much of the existing boundary trees and landscaping as possible. It therefore accords with Policy D1.7.

Criterion 15 - *The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting the sunlight or privacy.* The proposal will arguably improve the sunlight into the neighbouring properties if the dead/diseased and poor quality trees are thinned out and the woodland is thereafter actively managed. There will be no overlooking/privacy problems created by the proposal for neighbours. Sunlight and privacy for the proposed dwelling will be satisfactory. – It therefore accords with Policy D1.15.

## **Policy D5 – Urban Greenspace**

Policy D5 states, inter alia:

*Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:*

- There is no significant adverse impact on nature conservation/ biodiversity or the function of the wider green network, landscape character and amenity of the site and surrounding area;*
- The loss of a part of the land would not affect its recreational, amenity or landscape function*

No category A tree specimens will be lost as part of the proposal. The dwelling will be constructed on a small area of the woodland some of which has been the subject of repeated fly tipping over the years. The woodland that will remain will be managed and that will improve and help retain mature tree specimens for longer. The Applicant contends that this proposal will provide the site and surrounding area with a more pleasant landscape character, amenity and result in a net environmental gain.

The applicant believes that this proposal will not have any significant impact on nature conservation and has attached an Ecology Report and Tree Survey to evidence this. There are no trees of particular note that would need to be removed. Those trees remaining will benefit from management which does not occur at present. There are unlikely to be any

significant wildlife concerns, any additional surveys such as bat surveys can be undertaken at the appropriate time.

There should be no adverse impact on the wider green network.

There is currently no designed access to the site for the public. The only public access that appears to have occurred has related to illegal fly-tipping and anti-social behaviour (e.g. youths meeting in order to amongst other things drink alcohol).

### **Policy D7.2 – Tree Preservation Orders**

The applicant is fully aware of the Tree Preservation Order covering the site and as mentioned above had instructed a full Tree Survey, which is attached to this Statement. Some trees and bushes will be removed as part of the proposal, none of these are of significant quality and going forwards effective woodland management will help improve and retain a remaining healthier mature tree population. That management will be undertaken in accordance with good practice and with the help and advice of an arboriculturist and the Council will be engaged with as appropriate. If it is necessary to plant any additional specimens, that can be undertaken.

### **Conclusion**

The application site lies within the settlement boundary area where housing is the most appropriate and acceptable land use.

The scale, size, massing, plot/garden size and external appearance of the proposal is such that it will have no adverse impact on the setting of the surrounding area and will preserve the character of the area. Indeed, the site is effectively a gap site and therefore could be described as infill.

There will be no negative impact on streetscape. The scale, height and massing of the proposal integrates/blends well with the varied nature of dwellings in Beechlands Drive and the immediate locale. The design of the dwelling respects the sloping topography of the site. It will be elevated in a manner appropriate to the area.

There is no overlooking, over shadowing or other impact on amenity for any property. Access and parking are satisfactory.

There will be some loss of trees and bushes required on site but only on land adjacent the Beechlands Drive frontage. Going forwards effective woodland management will be undertaken to help improve and retain the remaining healthy mature tree specimens on site. The proposal will therefore result in a net environmental gain in this regard.

The proposal will not have any significant impact on nature conservation.

There is no public access to the site and it is of no recreational benefit. Whilst there is no designed public access, the site frontage at Beechlands Drive has been the subject of repeated fly tipping over the years. Also, because parts of the site are quite enclosed it has

been the focus of some antisocial behaviour. The proposal will prevent these things from occurring.

There is no prospect of undesirable precedent being set if the application is approved.

Accordingly, the proposal is acceptable in planning terms and in accordance with relevant policies - Policies D1, D2, D5, D8.3 of the East Renfrewshire Local Development Plan Adopted 2015 and the associated Supplementary Guidance and Policies D1, D2, D5 and D7.2 of the Proposed East Renfrewshire Local Development Plan 2019.

The Applicant respectfully requests that planning permission is granted subject to appropriate conditions.



Extended Phase I Habitat Survey

For Development Site

To North of Beechlands Drive

Clarkston

East Renfrewshire

G76 7UZ

December 2020

Prepared for DTA Architects

by

Acorna Ecology Ltd.

**Executive Summary**

Acorna Ecology Ltd. was commissioned in December 2020 to carry out an extended Phase I habitat survey with protected species walkover survey on land north of Beechlands Drive, Clarkston. The survey considered not only habitats and species of plant present but also the potential presence of relevant European Protected Species (bats), Badgers, and potential breeding birds, with particular reference to those species with enhanced statutory protection.

***Plants and Habitats***

Habitats and species were common with no notable species or habitats found within the Site. However, the trees resource is protected by a Tree Preservation Order.

***Bats***

Twelve trees within the Application Site had bat roost potential, however; only seven trees within the Application Site were classed as moderate/high bat roost potential and require further survey effort according to the requirements within the national guidelines. Such bat surveys can only be completed between May and September.

***Badger***

There was no evidence of Badgers within the Application Site or immediate viewable 30m buffer zone, so they are not an ecological constraint for development.

***Potential Breeding Birds***

Based on habitats present we consider that breeding birds are likely to be a negligible ecological constraint, so to maintain an overall high due regard for the potential for breeding birds to be present we recommend that the site should have a pre-works start bird survey by an ecologist to confirm no breeding birds, nests, or dependent young are present if site preparation works are proposed to start between April and July. If site preparation commences between late-July and March this will avoid the bird breeding season, and so remove any remote possibility of breeding birds being an ecological constraint.

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## 1. Introduction

Acorna Ecology Ltd. was commissioned in December 2020 to carry out an extended Phase I habitat survey with protected species walkover survey on land north of Beechlands Drive, Clarkston (NS 56250 57049). The survey was completed on 27<sup>th</sup> December 2020. The Site (Figure 1.) consisted of a small mixed woodland plantation between two private houses. The site was bordered by existing public roadways to the south (Beechlands Drive) and north (Mearns Road).

## 2. Scope of Assessment and Survey

The extended Phase I Habitat survey considered not only habitats and species of plant present but also the potential presence of relevant European Protected Species (bats), Badgers, and potential breeding birds, with particular reference to those species with enhanced statutory protection. Surveys took place within the land ownership only, due to legal access constraints but the survey provided a minimum viewed 30m buffer around the site as far as was possible by visual means where access was not possible.

## 3. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Protection of Badgers Act, 1992 (and subsequent amendment through The Nature Conservation (Scotland) Act 2004);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (June 2014) replaces NPPG14 and SPP (February 2010);
- The East Renfrewshire, Renfrewshire & Inverclyde Local Biodiversity Action Plan (LBAP) – Note Renfrewshire now has its own separate LBAP 2018 - 22;
- The UK Biodiversity Action Plan (UK BAP), revised priority list 2007; and the
- Scottish Biodiversity List 2007

### 3.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

### Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;
- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;
- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Several bat species are UK BAP priority species with action plans. Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007). Daubenton's bat is a species of UK conservation concern.

### Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and
- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

### Local Biodiversity Action Plans

Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

Bats are key species in the LBAP.

### **3.2. Notable Habitats and Plants**

Notable habitats in the UK are protected by statutory designation as Special Areas of Conservation if their value is recognised internationally, Sites of Special Scientific Interest (SSSI) if have a national value, or as Local Nature Reserves (LNR) if valued within a local authority area. The Wildlife and Countryside Act 1981 transposes European legislation conferring protection on such habitats: Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding SSSIs. Sections 34 to 53 deal with other protected areas within Great Britain.

Several plant species are classed as European Protected Species and are listed in Annex IV of the EC Habitats Directive, and in the UK on Schedule IV of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations). In addition, there are a number of species protected by the Wildlife & Countryside Act 1981, which makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants. It also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The most problematic invasive, non-native plants were listed on Schedule 9 of the Wildlife & Countryside Act 1981. Under section 14(2) of the Act it was an offence to plant or otherwise cause to grow any species of plant listed on Schedule 9. Due to identification of a whole host of additional problematic invasive species a draft list of species for addition to the Schedule was prepared in 2007 and consulted on.

Invasive species presence across ownership boundaries raised issues with liability at many sites where any scheduled invasive plant species have knowingly been allowed to spread onto neighbouring properties as it was illegal to allow them to spread thus. The relatively recent Wildlife & Natural Environment (Scotland) Act (2011) significantly amended the Wildlife and Countryside Act in Scotland, and has removed ambiguity on liability by simplifying the issue of invasive non-native species in the wild and avoided the need for addition to a revised list by simply making it an offence to plant or cause **any** non-native plant species to grow in the wild. This change in policy has brought Scotland to the forefront of invasive species and control by demonstrating a high recognition of the issues invasive plant species are causing including high costs for control and eradication.

Some invasive species are more onerous to deal with than others, for example, Japanese Knotweed may take three or more years to eradicate, and any waste containing Japanese Knotweed is classed as controlled waste, and cannot be used for exemptions under Waste Management Licensing. For off-site disposal it must be buried in a licensed landfill site at a depth of at least 5m. Section 34 of the Environmental Protection Act 1990 places a duty of care on all waste producers to ensure that any wastes are disposed of safely and that a written description of the wastes, and any specific harmful properties, is provided to the site operator. Failure to appropriately dispose of any material containing Japanese Knotweed or several other invasive species may lead to prosecution under Sections 33 and 34 of the Environmental Protection Act 1990 and Section 14 of the WCA 1981. The Nature Conservation (Scotland) Act 2004 increased the penalties available to someone committing a Section 14 offence. Penalties on summary conviction were increased to include imprisonment for up to six months and/or a fine not exceeding £40,000. On conviction on indictment, the penalties are an unlimited fine (i.e. whatever the court feels to be commensurate with the offence) and/or a 2 year prison sentence.

### ***3.3. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)***

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage.

As stated previously, several plant species are classed as European Protected Species and are listed in Annex IV of the EC Habitats Directive, and in the UK on Schedule IV of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations). Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of potential relevance to this survey area were the following nine species of plant:

Creeping Marshwort	<i>Apium repens</i>
Early Gentian	<i>Gentianella anglica</i>
Fen Orchid	<i>Liparis loeselii</i>
Floating-leaved water Plantain	<i>Luronium natans</i>
Kilarney Fern	<i>Trichomanes speciosum</i>
Lady's Slipper	<i>Cypripedium calceolus</i>
Slender Naiad	<i>Najas flexilis</i>
Shore Dock	<i>Rumex rupestris</i>
Yellow Marsh Saxifrage	<i>Saxifraga hirculus</i>

The European Protected Species of animal of potential relevance to this survey area were bat species found in the Central Belt of Scotland.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

[http://www.opsi.gov.uk/SI/si1994/Uksi\\_19942716\\_en\\_4.htm](http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm)

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held).

(b) deliberately or recklessly-

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licenses may be granted by Scottish Natural Heritage (SNH) to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by SNH where the activities

to be carried out under any proposed licence are for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;

- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Natural Heritage is satisfied “that there is no satisfactory alternative”; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless Scottish Natural Heritage is satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Note: Breach of Licensing Conditions

A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

### ***3.4. Additional Legal Protection for Bats***

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention’s Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with SNH before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, SNH must be informed before any development takes place. A licence to permit development may then be obtained from SNH if appropriate.

### ***3.5. Badger***

In the UK, Badgers are protected under the Protection of Badgers Act 1992 (c.51), which repeals the previous Badgers Acts of 1973 and 1991, and certain sections of other relevant acts such as The Wildlife and Countryside Act 1981, The Environmental Protection Act 1990, The Animals (Scientific Procedures) Act 1986, The Natural Heritage (Scotland) Act 1991, and The Criminal Justice Act 1991. The Protection of Badgers Act 1992 was further amended and strengthened through the Nature Conservation Act (Scotland) 2004.

The 1992 Act makes it an offence to:

- Wilfully kill, injure, catch, or take a Badger from the wild (or attempt to);
- Cruelly ill-treat a Badger, digging for Badgers, using Badger tongs, using a firearm other than permitted (under the exceptions regarding humane dispatch of an injured animal) within the Act;
- Damage, destroy or obstruct access to any part of a Badger sett (whether occupied or unoccupied);



- Disturb a Badger while it is occupying a sett, either by intent or by negligence;
- Dig a Badger sett;
- Cause a dog to enter a Badger sett;
- Sell or offer for sale a live Badger, have possession or control of a live Badger. Be in possession of a live or dead Badger or any part of one; and
- Mark a Badger or attach any ring, tag, or other marking device to a Badger.

Note: A Badger sett is defined within the Act as “any structure or place which displays signs indicating current use by a Badger” where current use means “any sett within an occupied Badger territory regardless of when it may have last been used”.

It is also a legal obligation to obtain a licence from Scottish Natural Heritage before you do anything that might affect Badgers or their setts, for example for:

- Development purposes [as defined under the Town & Country Planning (Scotland) Act 1997]; and
- Alteration or maintenance of existing buildings where Badgers are found.

It is also a legal obligation in Scotland to consult with SNH before you do anything that might impact Badger setts, whether currently occupied or not.

Despite the above legislative protection, Badgers are not a UK Biodiversity priority species for conservation and are only considered of UK conservation concern.

### **3.6. Potential Breeding Birds**

All breeding birds have basic statutory protection under the Wildlife & Countryside Act 1981. In addition, a number of species that are rare or uncommon are afforded enhanced statutory protection during the breeding season by inclusion on Schedule One of the Wildlife & Countryside Act 1981, which protects adults in places of rest, their eggs, and young.

- All breeding birds in the UK are protected through Sections 1-8 (referring to Schedules 1 to 4) of the Wildlife & Countryside Act [WCA] (enacting the Bern Convention and the Birds Directive), and subsequent amendments through the Nature Conservation (Scotland) Act 2004. With certain exceptions, all wild birds, their eggs and dependent young are protected from intentional killing, injuring and taking; they cannot be in anyone’s possession, whether live or dead, and nests (whilst being built or in use) cannot intentionally be taken, damaged or destroyed. A general licence permits control of some species with landowner consent.
- Schedule 1 of the WCA is a list of nationally rare breeding birds for which all offences carry special (higher) penalties. The legislation also makes it an additional offence to intentionally or recklessly disturb adults or the dependent young of these species, at any stage of their breeding.
- Schedule 2 is a list of traditionally hunted birds for which protection does not apply outside a “close season”.
- European legislation provides additional legal protection as European Protected Species for a number of species of high conservation concern.

‘The Population Status of Birds in the UK’ was originally produced in 2002, and listed the UK status of 247 species of bird. Of these 40 were “red-listed” and 121 “Amber-listed” as species of conservation concern, and 86 species “Green-listed”. This listing did not provide additional legal protection for

these species but highlighted those of concern for nature conservation purposes. The lists have been updated several times and were updated a fourth time in 2015 (Eaton et al. 2015), resulting in re-designation of the UK status of 247 species of bird: 67 are now “red-listed” and 96 “Amber-listed” as species of conservation concern, while only 81 species are “Green-listed”.

#### **4. Desk Study**

A desk-based review of sites designated for their nature conservation interest was completed in December 2020.

##### ***4.1. Sites with Statutory Nature Conservation Designations***

Records were obtained from the Scottish Natural Heritage (SNH) Sitelink database: There are no sites with a statutory nature conservation designation within the Application Site but there are two Sites of Special Scientific Interest (SSSIs) within 2-3km: Cart and Kittoch Valleys SSSI and Rouken Glen SSSI. The proposed development is not considered to have potential for any significant adverse impacts on any designated SSSI sites so they are not considered further in this report.

However, the woodland within the Application Site has a Tree Preservation Order on it (Local Development Plan policy D7.2). Development of this site will have an adverse impact on trees covered by the TPO, and will require further discussion between the client and the Local Authority.

##### ***4.2. Sites with Non-Statutory Nature Conservation Designations***

The Local Authority aims to protect locally important natural heritage sites from damaging developments through designation as Local Biodiversity Sites (LBS). There are none within the Application Site. The proposed development site is not considered to have potential for any significant adverse impacts on any non-statutory designated sites so they are not considered further in this report.

##### ***4.3. Protected Species Records***

The NBN Atlas (NBN) was consulted for relevant species records from datasets posted by SNH/JNCC [Acorna Ecology has written permission to cite data from SNH data sets (Colin McLeod) and from the Mammal Society]:

The following datasets on the NBN Atlas were checked:

- JNCC collation of taxon designations" provided by Joint Nature Conservation Committee;
- SNH Species Repository;
- Compilation of records of 12 Article 17 terrestrial mammal species in Scotland; and
- SNH Bat Casework records 1970-2007.

The NBN Atlas contained only one citeable record of four present for Common and Soprano Pipistrelle bats within 1km of the Application Site: SNH casework July 2006 (Soprano Pipistrelle).

There were no other relevant protected species records.

## 5. Bats in Scotland

Ten species of bat are known from Scotland. Of these, five species are relatively widespread in Central Scotland (Table 5.1):

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);
- Brown Long-eared Bat (*Plecotus auritus*);
- Natterer's Bat (*Myotis nattereri*); and

Another four also occur in Central Scotland but tend to have restricted distributions, or less is known about their distribution:

- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);
- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz –(Stirlingshire, Fife, Glasgow, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);
- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and
- Leislars Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

The 10<sup>th</sup> Scottish species Brandt's Bat (*Myotis brandtii*) is considered to be rare, with only a few records and roosts known, and its known distribution is currently limited to southern Scotland and western Perthshire.

**Table 5.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)**

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

### 5.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2016). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part

of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;

- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;
- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;
- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.
- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.
- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;
- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;
- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and
- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating. Table 5.2. below presents the levels of importance of different roost types:

**Table 5.2. Determination of level of importance of bat roost type (from Wray et al. 2010)**

<b>Geographic Frame of Reference for Roost Importance</b>	<b>Roost Type</b>
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species

Geographic Frame of Reference for Roost Importance	Roost Type
	Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study focused on potential roosting in trees.

### ***5.3. Bats and Trees: Features of Potential Value for Use by Roosting Bats***

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;

- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

## 6. Survey Methods

### 6.1. Notable Plants, Habitats & Scheduled Invasive Plants

The Phase I Habitat walkover survey was completed within the Application Site following the standard methodology and definitions used to map and describe habitats as per the Joint Nature Conservancy Committee guidelines (JNCC, 2010). Key locations of botanical interest were identified and target notes recorded where appropriate.

The objectives of this Phase I survey were to:

- Provide a baseline assessment of habitat distribution and extent within the boundaries of the area;
- Provide a preliminary evaluation of the ecological value of the habitats;
- Record any notable species; and
- Record any non-native plants listed on Section 14(2) of Schedule 9 of the Wildlife & Countryside Act 1981.

### 6.2. Bats: Preliminary Ground Level Assessment of Trees for Bat Roost Potential

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2016). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

*“Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge.”*

The aim of this survey was to determine if any trees within the Application Site had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 6.2. below). Mature trees within the site were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars. Trees with no bat roost potential were not recorded individually.

**Table 6.2. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2016)**

Suitability	Description of Roosting Habitats
<b>Negligible</b>	Negligible habitat features on site likely to be used by roosting bats.
<b>Low</b>	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions <sup>a</sup> and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation <sup>b</sup> ). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential <sup>c</sup>
<b>Moderate</b>	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
<b>High</b>	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat.

*a For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.*

*b Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015, in Collins 2016). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.*

*c This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).*

### 6.3. Badgers

Field survey methodology followed Harris et al. (1989). Badgers leave many different signs of their occurrence, so are relatively easy to detect, these include:

- Badger setts may be large networks of connected tunnels and chambers with several entrances that are usually shaped like a flattened arch and 20-30cm high and 25-35cm across, or have a single entrance to either a small burrow or large network of tunnels. Bones in and around the entrance, usually indicate Fox activity (rank fox smell may be noticeable). Fox earths have smaller entrances, but foxes may occupy Badger setts even when Badgers are in residence;
- Scraps of fresh bedding that have been dragged in (often grassy material) may be found around the sett entrance. There may also be scraps of old bedding that has been dragged out;
- Day nests are piles of bedding above ground that are used by Badgers occasionally;
- Badgers are clean animals and create spoil heaps outside the main sett, which may contain old bedding, bits of fur, and perhaps small bones. They also use latrines, and will have one or more that are used until the hole is full, and then they start another;
- Badger droppings are very varied depending on the diet (black and slimy means a diet rich in worms, but cereal grains, seeds, and hard parts of insects may be seen). The smell and texture are very distinctive; as is the usual deposition in small oblong latrines either by the sett or at strategic locations on the territory boundary (different individuals have different home ranges within the clan territory). Occasionally droppings are not deposited in latrines but left lying on the ground;

- Clear footprints will show a prominent central pad, either four or five toes and claw marks, and may be found leading to and from the sett, as well as on Badger trails. The front foot usually has longer claws than the back foot, and the prints may overlap, with the back print partially obscuring the front;
- Badger Hairs may be found caught on fences, on brambles or other thorny plants as well as in old bedding outside setts. The guard hairs are 7.5-10cm long, distinctly wiry to the touch, and are mainly white/off-white with a distinctive black band near the white tip. Shorter belly hairs may also be found but are finer and less wiry so are harder to confirm as Badger unless guard hairs or another field sign is found;
- Scratch marks on trees and rocks, fence-posts, wooden greenhouses, barns, or even garden furniture. Scratch marks often show a series of four or five parallel deep gouges, but sometimes lighter parallel lines of scratches are left where Badger claws have clipped something they have scrambled over (such as logs obstructing a Badger trail);
- Badgers have their own traditional networks of regularly used trails both through woodland and across fields that may have been used for many years, and may be worn to a clearly visible rut in the soil, with any new plant growth flattened. Prints may be evident on these trails and where boundary features or obstacles cross the route, Badger hairs may be found caught (for example, on barbed wire, low thorny branches, wooden fences, etc. Closer to the sett, these trails may be muddy through constant use;
- Ground disturbance from foraging Badgers may include round/oval snuffle holes a few cm deep when they forage for worms (50% of lowland Badger diet (especially on lawns and golf-courses). Signs of digging for roots, bulbs such as pignut, and tubers. Beetles and grubs may also be eaten, and the remains of wasp nests torn out of the ground are a sign of Badgers in an area. Badgers usually dig down through the top to avoid getting stung. Bark ripped from rotting logs or tree trunks may also be signs of foraging and grub extraction; and
- On cold, still, winter days, steam may rise from active Badger sett entrances.

Land within the Application Site was searched for evidence of Badgers during the Phase I habitat survey. The adjacent land other than streets was private gardens and residential properties and could only be viewed through boundary hedgerows.

#### **6.4. Potential for Breeding Birds**

The Phase I habitat survey was completed outwith the breeding bird season but with over 30 years' experience of bird surveys and habitat use by breeding birds the surveyor was able to assess the Application Site for potential use by breeding birds and to advise accordingly.

#### **6.5. Limitations**

There were no significant constraints on any of the survey work as completed.

### **7. Results**

#### **7.1. Notable Plants, Habitats & Scheduled Invasive Plants**

##### **7.1.1. Notable Plants**

No notable plants were found within the Application Site but a total of 20 species of plants were noted (Appendix 1.).

##### **7.1.2. Habitats**

The Application Site had five Phase I habitat types present of which most were associated with site preparation and the start of development: Figure 1. illustrates habitats and target note locations). No nationally or regionally notable examples of any habitat were found within the Application Site (Appendix 2. Plates), and there were no significant semi-natural habitats present: habitat types found



were unremarkable. The woodland is considered to have local value due to the scarcity of mature woodland in the general wider urban area.

A1.3.2 Mixed plantation woodland including hybrid larch, Scots pine, and oak;

C3.1 Tall ruderals – brambles, etc. as part of understory;

J1.3 Ephemeral – weedy species colonising bare ground;

J4 Bare ground – desire line path through woodland; and

J5 Other habitat – hard standing, access paths along adjacent streets to north and south of woodland.

### 7.1.3. Scheduled Invasive Plants

No scheduled invasive plants were detected during the survey.

## 7.2. Bats

### 7.2.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

Twelve trees within the Application Site had potential for use by roosting bats (Table 7.2.1.):

**Table 7.2.1. Trees within the Application Site with PRF**

Tree Tag	Tree Species	BCT Category	Comments
00364	Oak	Low	Shattered stubs of branches
00371	Oak	High	Branches with rot
00381	Oak	Moderate	Branches with rot and split branches
00383	Oak	High	Branches with rot and split branches (many)
00388	Oak	Moderate	Branches with rot
00392	Oak	Moderate	Branches with rot in crown and upper tree
00402	Oak	Moderate	Branches with rot
00403	Oak	Low	Ivy coverage
00405	Oak	Low	Ivy coverage
00406	Larch	Moderate	Loose bark on main limb and branches shattered and rotted
00407	Oak	Low	Ivy coverage
00411	Oak	Low	Knot hole

## 7.3. Badgers

There was no evidence of any Badger field sign or resting place within the Application Site.

## 7.4. Potential Breeding Birds

A total of four bird species were detected Blackbird, Chaffinch, Goldfinch, and Starling.

## 8. Conclusions

### 8.1. *Plants and Habitats*

The woodland has a Tree Preservation Order on it. This would require further discussion between the client and the Local Authority. Any tree retention should follow British Standards guidance in regard to tree protection measures (consult an Arboriculturalist).

### 8.2. *Bats*

Twelve trees within the Application Site had bat roost potential. However, only two trees were classed as High roost potential and five as Moderate roost potential and require further survey effort if any development were to be considered. The follow-up survey effort must follow the current bat survey guidelines (Collins 2016) or any subsequent updated guidelines and:

- i. Consist of two dusk and one pre-dawn survey spread at least two weeks between surveys;
- ii. At least two of the three surveys to be completed between May and August, and the third no later than the end of September; and
- iii. Dusk surveys to be completed on dry night of 10°C or more at dusk (no minimum temperature requirement for pre-dawn survey).

Following national guidelines no further survey effort in regard to roosting bats is required for any of the trees assessed as having low potential for roosting bats but if development does not commence near to the trees until 2022 we would recommend that they are checked again to see if any of the roost potential has developed further so triggering the need for a series of bat presence/absence surveys for more trees.

The planning application has been prepared outwith the active bat season for completion of roost surveys, so it will not be possible to complete these surveys until May 2021. Note: If any roost was to be identified in any of the five trees then a bat license would be required (NatureScot) in advance of any works being completed. A Bat Protection Plan will be necessary prior to the start of development and detail procedures and measures required including site briefings/toolbox talk, and installation of any compensation measures such as bat boxes.

### 8.3. *Badgers*

There was no evidence of Badgers within the Application Site or adjacent to it, so they are not an ecological constraint for development.

### 8.4. *Potential Breeding Birds*

The Application Site generally had negligible value for breeding birds but low numbers will undoubtedly be present to breed. Breeding birds are therefore likely to be a minor constraint depending on the time of year that site preparation works such as site clearance commences. We therefore recommend that to maintain an overall high due regard for the potential for breeding birds to be present any site preparation works such as vegetation removal or soil stripping is done between September and the end of February to avoid the bird breeding season.

If it is not possible to complete site preparation during the recommended period any breeding bird presence that may be a constraint can be confirmed by a walkover survey by an ecologist and establish any immediate exclusion areas where site preparation would be delayed until breeding by the birds was complete – this would allow site preparation works in the rest of the site to continue.

## 9. References/relevant reading

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**Figure 1. Application Site boundary and Phase I habitats**

\*At this site it is not possible to map all habitats – woodland is the primary habitat covering the site, with others weakly distributed under the canopy



## Appendix 1. Phase I habitat plant species list

Common name	Scientific name
Ash	<i>Fraxinus excelsior</i>
Beech	<i>Fagus sylvatica</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broad-leaved Willowherb	<i>Epilobium montanum</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Elder	<i>Sambucus nigra</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Honeysuckle	<i>Lonicera periclymenum</i>
Hybrid Larch	<i>Larix x marschlinsii</i>
Portugese Laurel	<i>Prunus lusitanica</i>
Male Fern	<i>Dryopteris filix-mas</i> agg.
Montbrecia	<i>Crococsmia x crocosmiiflora</i>
Pedunculate Oak	<i>Quercus robur</i>
Privet	<i>Ligustrum ovalifolium</i>
Raspberry	<i>Rubus idaeus</i>
Scots Pine	<i>Pinus sylvestris</i>
St John's-wort	<i>Hypericum perforatum</i>
Tufted Hair-grass	<i>Deschampsia cespitosa</i>
Yorkshire-fog	<i>Holcus lanatus</i>



Appendix 2. Plates

Plate 1. Typical view of the woodland



Plate 2. Typical view of the woodland



# TREE SURVEY REPORT TREE CONSTRAINTS PLANS

subjects at

Beechlands Drive, Clarkston

for

DTA Architects

January 2021

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## 1. INTRODUCTION

### 1.1 Instruction

I have been instructed by DTA Architects on behalf of the prospective planning applicant for a site between 58 and 64 Beechalds Drive, Clarkston to conduct an arboricultural survey and to report on several trees on (and where present, around) the site. The principal purpose is to assess their condition and relative suitability for retention in the context of development, based mainly on quality and estimated remaining amenity contribution. I am also to indicate the constraints above and below ground that they would present (if retained) to any design and development.

This information can be used by landowners and designers to select trees for retention and/or the juxtaposition of trees and proposed development.

### 1.2 Reproduction, assignation and reliance

This report has been prepared for the sole use of the client – no other party is entitled to rely or act upon it or to reproduce all or any part of it without the express prior written consent of the author. The author cannot be held liable for any third party claim arising.

Notwithstanding, this report may be made available without the author's express consent to any future owner and developer of the site and to East Renfrewshire Council and to any statutory consultees insofar as the report may be required for Planning matters.

### 1.3 Qualifications

BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* - requires tree surveys to be carried out by an Arboriculturist, defined as "a person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction".

The tree survey work and reporting has been carried out by Julian Morris, a professionally qualified and experienced arboriculturist holding a Bachelor of Science Degree, the Arboricultural Association Technicians Certificate, the LANTRA Professional Tree Inspectors Certificate, Certificate of Public Sector Administration and the RICS Diploma in Surveying and being an Associate member of the Institute of Chartered Foresters and a member of the Arboricultural Association and bound by their Codes of Professional Conduct.



## 2. GENERALITIES

*In this report, terms used that have Initial Capitals are proper nouns, have a recognised formal meaning or are defined in the Glossary appended to the report.*

### 2.1 Purpose and scope

A report is required in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* – recording the results of a tree survey, providing retention desirability categorisation, above-ground height and spread and giving preliminary advice on appropriate Root Protection Areas ("RPAs") for all the trees or groups of trees.

The tree survey data, plotted on a site plan to show the tree locations and constraints, may be used as a design tool to inform decisions (in terms of constraints above and below ground, quality and longevity) as to which trees are to be retained and which are to be removed or pruned to accommodate a specific form of development.

In accordance with BS5837 the trees have been assessed independently of any specific design layout.

A separate report, taking account of a specific design layout, can if required be provided to evaluate trees to be removed and the impact of the proposed development on retained trees ('Arboricultural Impact Assessment') and the physical extent of protection to be provided ('Tree Protection Plan').

The site is identified on the drawings provided to me, and where required these drawings have been adapted by me to show only the trees and groups of trees recorded during the tree survey.

Where tree positions have been plotted by me, this has been done using a combination of GPS positions and positions relative to physical features shown on the base map. A degree of imprecision and inaccuracy is inevitable, and the position of trees may have to be plotted more accurately if they are found to be in close proximity to proposed development.

To accord with BS5837, only trees with a stem diameter of 75 mm or more (or in the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150 mm) are to be recorded, including any offsite trees that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter.

Where it is deemed appropriate, individual trees within homogeneous groups will not be identified; instead the group will be delineated, measured and described collectively.



This report is **not a tree hazard and risk assessment**, and any reporting on risk is restricted to instances (if any) where trees were observed that might present an imminent and serious hazard to life or property (where the risk is assessed as 'Unacceptable'). Where other trees present a lesser (but still less than 'Acceptable') risk to people or property for the existing permitted use of the site, this will be reflected in the categorisation of the tree after any recommended works have been carried out. A separate, systematic, risk assessment may be required during or after finalization of development design.

## **2.2 Generalities – limitations and statutory restrictions**

The survey was carried out in accordance with the Methodology set out in the Appendix to this report. This report is based on a visual inspection from ground level only.

The trees have been assessed only on the basis of endemic weather patterns for the location.

No intrusive or destructive tests were carried out, the survey did not include exhaustive foliar examination (except for purposes of identifying the species) and the inspection was primarily visual and was conducted from the ground and no climbing was done.

The trees have been assessed during a single visit in a single season, in the weather conditions noted in the 'Findings' section of the report, with the limitations that this brings, such as the opportunity to assess the reaction of the tree to a variety of wind strengths and directions, the presence of seasonal fungal Fruiting Bodies, visibility of branch structures or fruit/foliage vitality.

Dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees. Only enough to reach a preliminary or final conclusion about any such affected trees will have been removed.

I have only checked with the relevant Local Authority as to the existence of Conservation Area designation or Tree Preservation Orders to the extent that I have been instructed to do so. Such designations could have the statutory effect of prohibiting certain tree works or be indicative of the Local Authority's existing view of the importance of the trees to the amenity of the area.

## **2.3 Generalities - Soil and other ground conditions**

No sampling, examination or analysis of the soil was done. BS5837 suggests that a soil assessment should be undertaken by a competent person to inform any decisions



relating to the root protection area (RPA), tree protection, new planting design and foundation design to take account of retained, removed and new trees.

Unless stated, only general assumptions have been made in the course of the survey about likely ground conditions, related in part to observations of current tree vitality.

*Ground conditions, particularly shrinkable clays, relative to new planting design and foundation design to take account of retained, removed and new trees are beyond the scope of this report.*

## **2.4 Generalities - Tree categorisation protocols**

The purpose of the tree categorization method, as stated in BS5837, is to identify the quality and value (in a non-fiscal sense) of the existing tree stock, allowing informed decisions to be made concerning which trees should be removed or retained in the event of development occurring.

For a tree (or group of trees) to qualify under any given category, it should fall within the scope of that category, as defined in the British Standard. Trees are categorised (A, B, C or U) by estimated remaining amenity contribution combined with quality.

If a distinction is required for trees in categories A to C, one or more of the three subcategories (1, 2, 3) are added to reflect arboricultural qualities (1), landscape qualities (2) or cultural (including conservation) values (3). On this last subcategory, it should be noted that 'conservation is not defined in the Standard and could refer to conservation of historic environment or of nature, or of both. In this report, historic environment and other cultural conservation aspects will be covered only where Conservation Areas or Tree Preservation Orders known to have been made on historical or cultural grounds. Therefore subcategory 3 will be reserved for nature conservation values, specifically ancient or veteran trees.

In assessing the merit of the trees and their retention desirability I have not had regard to any specific design layout.

### 3. INVESTIGATIVE FINDINGS

#### 3.1 Practicalities

The tree survey was undertaken on in the 12<sup>th</sup> January 2021. The conditions were dry, very cold, still and sunny.

No access was taken to adjacent land. Access to the base of some of the trees was physically prevented or restricted due to dense plant and/or soil 'debris'.

Every tree surveyed individually on-site has been affixed with a uniquely numbered tag.

Groups on-site have been identified by tagging a prominent tree within the group (tags notched at the bottom hole).



*Individual (left) and Group (right) tags*

Older tags were found on most of the larger trees, and these have been recorded for cross-reference purposes if required. The last digit was in many cases obscured by a nail head.

Trees or groups on adjacent land that are close enough to the site to qualify for recording were not tagged, and these have instead been assigned an arbitrary sequential number, followed by a 'os'. Where it was not clear whether the tree was on- or off-site, its number is followed by 'unk.' and if it is on the boundary it is followed by 'bdy.'

#### 3.2 Site description (general)

The area is established residential in character. The site is bounded on the north by Mearns Road and on the south by Beechlands Drive. On the west is 64 Beechlands Drive and on the east is a strip of ground (undefined running parallel to 58 Beechlands Drive further to the east).

The site slopes quite steeply and steadily to the south.

No bodies of water or water courses on or near the site present a flooding risk materially affecting the trees.



### 3.3 Trees and categorisations

A total of about 50 trees on the site were recorded individually. Approximately 25 more trees in Groups were noted. Trees have been recorded in Groups, with a dominant species, a typical stem diameter, spread radius height and clear height, where of relatively homogenous or unitary character.

Holly and Elder and other shrub species were noted but are generally considered shrubs that do not come within the remit of the British Standard, and individuals would only have been recorded if they had the stature of what one would ordinarily call a 'tree'.

The investigative findings for the survey stage are summarised in **the first Appendix** to this report, together with a plot of the position of all the trees and groups (see 'tree crown constraints' below) and their relative retention desirability.

The retention desirability categorisation of the trees follows the guidance in BS5837. Greatest consideration could be given to retaining Category A and B trees (i.e. generally those with an estimated Remaining Contribution of 20 or more years). A fuller explanation is given in **Appendix 5** to this report.

Typically designers make the assumption that the amenity contribution of Category C trees (typically, those having an Estimated Remaining Contribution of 10 to 20 years) and Category U trees are likely to be exceeded by the design life of any proposed development, and these may be suitable for retention only in low risk or low visibility locations, as contributions to high/moderate quality tree groups or in positions where a replacement tree would be desirable in due course.

#### ***Special notes on tree categorisations and species identification for this site***

*BS5837 states that young trees with a diameter less than 150mm be automatically categorised 'C' regardless of their lifestage, species or Estimated Remaining Contribution. Although 'C' suggests poor condition or short estimated remaining contribution, in the context of young trees the interests of amenity may be just as well served by replacement in a more appropriate position rather than by retention.*

*150mm diameter is an arbitrary threshold, and trees just above this threshold might still be categorised as C to reflect limited amount of amenity. Where good trees beyond the 'young' stage are below the 150mm threshold but are of an inherently smaller species, they may have been upgraded to Cat B, particularly if well placed.*

*Common Ash (*Fraxinus excelsior*) and other species of ash are vulnerable to 'Ash Dieback (*Chalara*)', a recent but now widespread fungal infection which has the effect of causing anything from minor temporary (but cyclical) dieback to outright death of trees. Trees or parts of trees may rapidly become brittle and may therefore be an unacceptable risk. In the context of development and tree amenity, individual trees may be disfigured or lost completely in a matter of months or a couple of years. So far, it is*

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*beyond the scope of BS5837 to predict the effect of the disease on the Estimated Remaining Contribution or risk for individual trees.*

*Where ash trees have been recorded and are showing symptoms of infection, they have been categorised based on impairment of quality rather than Estimated Remaining Contribution, but for trees without tolerance or resistance this may amount to the same thing.*

*It may be prudent for designers to aim to retain ash only in less prominent and less trafficked situations where risk and appearance are not critical and where natural recovery may take place safely and without important effects on amenity.*

#### **3.4 Veteran or ancient trees**

The survey did not identify the presence of individual veteran or ancient trees on the site.



## 4. TREE CONSTRAINTS

### 4.1 Above ground constraints

The spread of the crowns of the recorded trees have generally been estimated at 4 cardinal points. Only the average spread has been given where crowns were found to be approximately circular in horizontal spread.

BS5837 also recognises that "It is not always practical or necessary to record branch spread for every tree in a group.", and following this rationale, only the average or representative spread has been given for trees recorded within groups.

The extent of the crowns is plotted on the first Tree Constraints plan appended to this report, colour-coded to give an immediate overview of their relative retention desirability.

The plan also indicates as 'Unclassified' any small or offsite trees that were recorded only for reference purposes or context. These do not present any material constraints above or below ground.

For groups, the extent of the Group including the crown spreads of edge trees, is shown on the plan.

*Within groups the spread of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the volume that had been occupied by those trees. Importantly, removal of trees from Groups will result in loss to the remaining trees of companion shelter and may reduce the wind-firmness of remaining trees within the Group or the whole Group and/or may result in storm breakages of limbs or forks.*

Using the plan as a guide, it may be appropriate to define areas within which development may be constrained by the presence of tree crowns or canopy. That said, the crown spreads do not necessarily represent the height at which crowns might constrain development.

To aid with this I have provided an average or representative crown or canopy height.

Development below this height may be possible, or selective branch removal may be possible whilst retaining the rest of the tree.

### 4.2. Below ground constraints (present)

The root protection area ("RPA") indicates the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.



The extents of root protection areas for each tree are plotted on the second Tree Constraints Plan appended to this report.

For groups, unless otherwise indicated for most practical purposes the extent of the below-ground constraints of a Group is approximately the same as the canopy spread of the Group, on the plan as a collective Root Protection Area.

*Within dense groups the Root Protection Areas of individual trees may overlap, such that the removal of individual trees from the group, may not allow construction in the space created without further precautions to assess and protect root and rooting volumes of remaining trees.*

Where there was no need to modify the Root Protection Areas of individual trees, the default circular RPAs suggested by BS5837 have been plotted.

If and where pre-existing site conditions or other factors indicate that a normal depth of rooting has occurred asymmetrically influenced by past or existing site conditions (e.g. the presence of impermeable surfaces, vertical structures, permanent water or known underground apparatus), a polygon of equivalent area has been produced, based on an arboricultural assessment of likely root distribution.

It was particularly noted and assumed that the south boundary wall and the footway along the north boundary has been a constraint to radial root development. The latter shows some raising and disruption of the footway but it cannot be reliably inferred that radial extent of important rooting volume exists within the public footway and road.

The RPA represents a volume of soil, and where rooting is deeper than normal the overall superficial area of the RPA may be reduced to reflect downward rooting in adequately drained soil. This is to be expected, for example, where roots develop downwards at retaining walls.

The plotted Root Protection Area is occasionally less than that stipulated in BS5837, and this has been used where the evidence suggests that the vitality of the tree is significantly compromised by a lack of adequate existing rooting volume or where the tree's stem diameter is not representative of the tree's physiological requirements due to significant and permanent loss of part of the crown.

In due course this or circular RPAs may need to be modified further due to -

- a) unseen underground apparatus, structures etc.;
- b) topography and drainage;
- c) the soil type and structure;



d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management

N.B. 'Root Protection Area' is a concept defined in BS5837 for optimal 2 dimensional representation of suitable and sufficient rooting volume; dependent on factors such as tree species, life-stage and condition there may be alternative 2 dimensional shapes and/or areas that would contain equally suitable and sufficient rooting volume that would maintain the tree's viability.

#### 4.3 Below ground (future - advisory)

The following are some other aspects that are beyond the reporting requirements of BS5837 at this stage but may be relevant.

a. BS5837 offers advice about the minimum distance that should be left between trees and various structures, services and surfaces to avoid future direct damage to those. This would require an estimate of eventual diameter at maturity. As a precaution, it is recommended that no buildings, services or hard surfaces are proposed within 3 metres radius of the centre of any retained or proposed tree without further arboricultural advice as to growth potential, longevity and mitigation design measures that could be put in place to avoid or reduce such damage potential.

b. BS 8002:2015 *Code of Practice for Earth Retaining Structures* makes recommendations about the proximity of trees to retaining structures relative to species and mature height of trees.

c. The NHBC has published guidance (Chapter 4.2) on meeting the technical requirements when building near trees, shrubs and hedgerows, particularly on shrinkable soils. This guidance may be relevant even if a development will not involve the NHBC or housing.

#### 4.4 Tree shade and shadow

Trees close to development can reduce the amount of sunlight and skylight to open spaces and windows, in some cases causing light levels to fall below the recommended levels. However, I consider that the recommendations in BS5837 for portraying the shade from individual trees is not a reliable design tool. I have therefore not reported this aspect of the constraints that trees would present to development design.

Trees are seasonal in effect and species can be a significant factor. It can be said generally, though, that shading is worst on the north side of trees and/or where many crowns coalesce to form a dense barrier to light.



Daylighting assessments of individual retained trees or groups of trees can be carried out on request.

#### 4.5 Statutory constraints

I have not checked with the relevant Local Authority as to the existence of Conservation Area designation or Tree Preservation Orders which has or could have the statutory effect of prohibiting certain tree works tree damage, or be indicative of the Local Authority's existing view of the importance of the trees to the amenity of the area.

Separate consent or notification would normally be required for tree works or wilful tree damage in a Tree Preservation Order or Conservation Area. It should be noted, though, that the cutting down, topping, lopping or uprooting of a tree when that work is required to enable a person to carry out works to implement a detailed planning permission does not require separate consent. It is therefore advisable that all tree works that are proposed for the development (and any proposed replanting, whether compensatory or not) of a site are explicitly stated in any application.

A 'felling permission' is usually required from Scottish Forestry for larger volumes of timber. A number of exemptions exist, including for trees with a diameter not exceeding 10 centimetres, trees in orchards, gardens, churchyards or public open spaces, felling where the aggregate cubic contents 5 m<sup>3</sup> in any quarter (except in small native woodlands of Caledonian Pinewoods), the prevention of immediate danger to persons or to property, trees badly affected by Dutch Elm Disease and dead trees.

There is also an exemption for the felling of a tree where immediately required for the purposes of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning (Scotland) Act 1997. Particular care is usually needed in the use of this last exemption. I have not specifically checked whether an exemption applies or would (on granting of planning permission) apply here.

## 5. RISK REDUCTION RECOMMENDATIONS

As required by BS5837, this report must address only serious risk. Advisory potential risk has also been noted.

a. No trees were found that present an imminent and serious hazard to life or property.

b. Several trees were noted as having obvious defects that could create a level of risk that could make them unsuitable for retention (without some form of tree work intervention) beneath or in close proximity to buildings and human occupation in the context of the proposed development and use of the site. This is indicated in the Risk column of the **first Appendix** as 'Potential'.

I recommend that a more thorough assessment of the risk is done relative to specific design proposals before any final decision is made about the retention of the trees.



## 6. SUMMARY AND CONCLUSIONS

All the trees and groups of trees on and around the site have been identified, measured and recorded and then categorised for relative retention desirability, all in accordance with BS5837.

The position of the trees and groups of trees, and the extents of their crowns and combined canopies (colour coded for relative retention desirability) are represented on the first Tree Constraints Plan.

The trees and groups of trees have had their Root Protection Areas calculated with reference to species, growing environment and other factors and a representative proportion of these have been plotted, modified from simple circles where known or expected ground conditions require it. These are represented on the second Tree Constraints Plan.

The survey did not note the presence of any ancient or veteran trees on the site.

The advisory method in the British Standard for indicating the shading from the trees has been omitted, as it does not provide a useable quantification of daylighting.

The report also outlines but does not systematically enumerate or delineate other advisory factors by which trees might present constraints to development.

No checks have been made on statutory restrictions on tree works. Separate consent would normally be required for tree works in a Tree Preservation Order area or Conservation Area or the felling of larger volumes of timber, unless exempted, and in particular by the grant of detailed planning permission.

No trees were found that might present an imminent and serious hazard to life or property.

One or more trees were noted as having obvious defects that could make them a less than 'Acceptable' risk in the context of the proposed development and use of the site. If these are not to be removed, they should be risk-assessed against any specific design layout before selecting them for retention.

***BS 5837 recommends that "The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only***

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***one factor requiring consideration.***” *The tree data can be used to inform site layout, including during construction. Having regard to the Estimated remaining Contribution and quality of each tree or group (represented by the retention desirability category) and the design life of the development proposal, factors such as shading of buildings and open spaces, privacy and screening, amenity value of trees, future pressure for removal, seasonal nuisance, servitudes and wayleaves and statutory undertaker powers and requirements, regulatory protection, soil shrinkability (subsidence or heave), known or potential tree risk and conservation benefits need to be weighed up alongside other design considerations to achieve a satisfactory juxtaposition of trees and site usage.*

This report provides only a baseline for detailed design or tree retention proposals, for which further advice such as arboricultural impact assessment and/or arboricultural method statements may be recommended as development proposals evolve.

Julian A. Morris

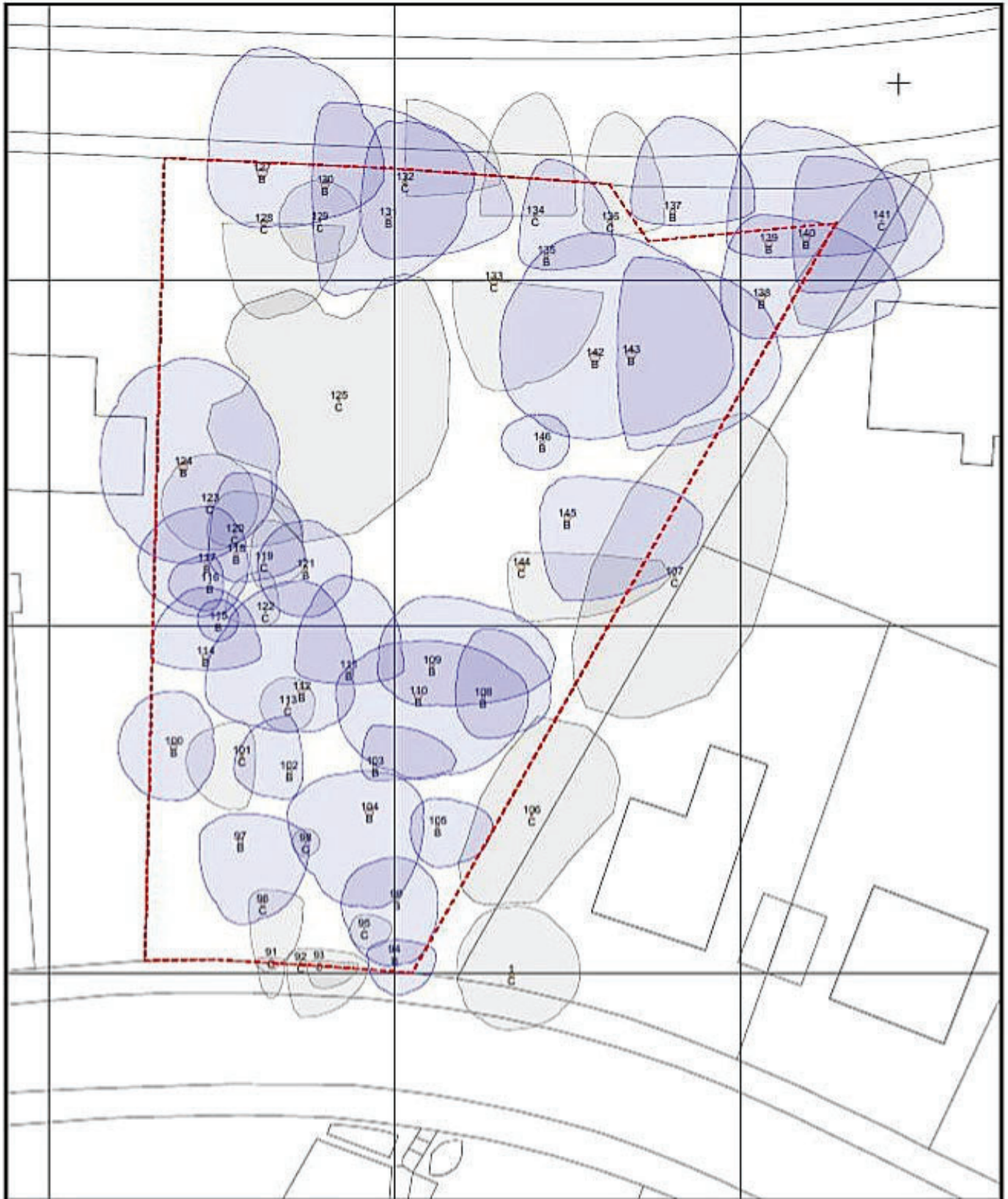
Signed

Dated

January 2021

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**PROJECT:** Beechlands Drive, Clarkston


**SCALE:** 1 : 400 @ A4 | **DATE:** 14/01/2021

**DRAWING:** Tree Constraints Plan  
 a. Spreads and categorisation

**NOTES:**

The original of this drawing was produced in colour  
 - a monochrome copy should not be relied upon  
 Map data may contain Ordnance Survey © products

			
Crown Spread	Root Protection Area		
			
Category 'W'	Category 'B'	Category 'C'	Category 'L'

0  20m





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**DRAWING:** Tree Constraints Plan  
 a. Root protection areas

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Crown Spread	Root Protection Area
	
Category 'W'	Category 'B'
	
Category 'C'	Category 'F'

0  20m





APPENDIX 1 - TREE DATA

LOCATION: Beechlands Drive, Clarkston

DATE: January 2020

No.	Old tag	Species	Binomial	Stems (if >1)	Dia. (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condi-tion	Life-stage	ERC (yrs)	Grading	risk	action
							N or avo.	E	S	W								
1	os.	Wild Cherry	<i>Prunus avium</i>		360	7	5	5	4	4	2.5 to 3.5	Decaying pruning stubs, large crossing limbs	Fair	Mature	10 to 20 yrs	C		
91		Flowering Cherry	<i>Prunus sp.</i>		90	4.5	0	1	3	1	2.5 to 3.5	Against wall, base deeply buried	Fair	Young	10 to 20 yrs	C		
92		Flowering Cherry	<i>Prunus sp.</i>	2	160	7	1	5	4	1	2.5 to 3.5	Close to wall, partly buried, untwisted stems	Fair	Semi-mature	10 to 20 yrs	C		
93		Ash	<i>Fraxinus excelsior</i>	2	90	6	0	3	2	1	1.5 to 2.5	Partly buried, Chalara symptoms.	Poor to fair	Young	10 to 20 yrs	C		
94		Hawthorn	<i>Crataegus monogyna</i>	3	130	7	1	3	3	2	1.5 to 2.5	Partly buried, twin stemmed by 0.5m, encroaching footway	Fair to good	Semi-mature	>40 yrs	B		
95		Ash	<i>Fraxinus excelsior</i>		100	6	1	2	1.5	1	1.5 to 2.5	Some Chalara symptoms	Fair	Young	10 to 20 yrs	C		
99		Larch	<i>Larix sp.</i>		350	15	3	3	5	4	2.5 to 3.5	Distorted crown	Fair to good	Semi-mature	20 to 40 yrs	B		
96		Pedunculata Oak	<i>Quercus robur</i>		360	8	1	3	5	1	2.5 to 3.5	Mid diameter deadwood, fungi on dead stub S. crown dead NE	Fair	Semi-mature	10 to 20 yrs	C		
98		Rowan	<i>Sorbus aucuparia</i>	2	120	4	1				0 to 1	Twin stemmed from base, suppressed	Fair	Semi-mature	10 to 20 yrs	C		
97		Pedunculata Oak	<i>Quercus robur</i>		420	15	2	5	6	3	1.5 to 2.5		Fair to good	Semi-mature	>40 yrs	B		
100		Pedunculata Oak	<i>Quercus robur</i>		500	17	4	3	4	4	4 to 5.5	Crudely crown lifted, minor small diameter deadwood	Fair to good	Late-mature	>40 yrs	B		
101		Sycamore	<i>Acer pseudoplatanus</i>	2	280	7	2.5	1	4	4	0 to 1	Twin stemmed from 1m, possible squirrel damage	Fair	Semi-mature	20 to 40 yrs	C		

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No.	Old tag	Species	Binomial	Stems (if >1)	Dia. (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condi-tion	Life-stage	ERC (yrs)	Grading	risk	action
							N or avo.	E	S	W								
102	365	Pedunculatae Oak	<i>Quercus robur</i>		400	15	4	1	2	4	5.5 to 10	Minimal lower crown.	Fair to good	Early-mature	>40 yrs	B		
103	364	Pedunculatae Oak	<i>Quercus robur</i>		400	16	3	6	1	1	5.5 to 10	Minimal lower crown. Imbalanced crown E	Fair	Early-mature	20 to 40 yrs	B		
104		Pedunculatae Oak	<i>Quercus robur</i>		600	17	3	4	7	6	4 to 5.5	Minor small diameter deadwood	Fair to good	Early-mature	>40 yrs	B		
105		Larch	<i>Larix sp.</i>		260	13	2	4	3	2	4 to 5.5		Fair to good	Semi-mature	20 to 40 yrs	B		
106	os.	Group - Single species broadleaf		6<10	200	9	0				1.5 to 2.5	Line of beech. Possibly lapsed hedge. poor form	Fair	Semi-mature	>40 yrs	C		
107	os.	Group - Single species broadleaf		6<10	200	9	0				2.5 to 3.5	Lineofbeech, imbalanced crowns E crudely pruned.	Fair	Semi-mature	>40 yrs	C		
108		Sycamore	<i>Acer pseudoplatanus</i>	3	320	14	5	5	3	2	2.5 to 3.5	3 stemmed from base. minor vandalism	Fair to good	Semi-mature	>40 yrs	B		
109	376	Pedunculatae Oak	<i>Quercus robur</i>		390	14	5	9	3	4	2.5 to 3.5	Well buttressed, minor small diameter deadwood	Fair to good	Early-mature	>40 yrs	B		
110		Pedunculatae Oak	<i>Quercus robur</i>		560	17	4	8	6	6	5.5 to 10	Small cavity at base. midsize deadwood.	Fair	Early-mature	20 to 40 yrs	B	Potential	
111		Pedunculatae Oak	<i>Quercus robur</i>		430	14	7	4	1	4	2.5 to 3.5	Imbalanced crown N. minor small diameter deadwood	Fair to good	Early-mature	>40 yrs	B		
112		Pedunculatae Oak	<i>Quercus robur</i>		510	17	8	4	3	7	4 to 5.5	Well buttressed, distorted crown with mid diameter deadwood.	Fair to good	Early-mature	>40 yrs	B	Potential	
113		Ash	<i>Fraxinus excelsior</i>		170	11	2				4 to 5.5	Slender. su	Fair	Semi-mature	10 to 20 yrs	C		

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APPENDIX 1 - TREE DATA

LOCATION: Beechlands Drive, Clarkston

DATE: January 2020

No.	Old tag	Species	Binomial	Stems (if >1)	Dia. (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condition	Life-stage	ERC (yrs)	Grading	risk	action
							N or avo.	E	S	W								
114		Scots Pine	<i>Pinus sylvestris</i>		490	14	5	4	1	4	5.5 to 10	Large dead limb E at 10m.	Fair to good	Mature	20 to 40 yrs	B		
115		Hawthorn	<i>Crataegus monogyna</i>		90	4	1.5				0 to 1		Good	Semi-mature	>40 yrs	B		
116		Hawthorn	<i>Crataegus monogyna</i>		110	4	2	1	2	3	2.5 to 3.5		Fair to good	Semi-mature	>40 yrs	B		
117		Pedunculatae Oak	<i>Quercus robur</i>		380	15	4	3	4	5	4 to 5.5	Well buttressed upright reasonably balanced	Fair to good	Early-mature	>40 yrs	B		
118		Pedunculatae Oak	<i>Quercus robur</i>		360	15	6	5	2	2	1.5 to 2.5	Distorted imbalanced crown E	Fair to good	Early-mature	>40 yrs	B		
119		Ash	<i>Fraxinus excelsior</i>		140	9	3	3	2	1	2.5 to 3.5	Reducing vigour. suppressed	Fair	Semi-mature	10 to 20 yrs	C		
120		Sycamore	<i>Acer pseudoplatanus</i>		170	6	3	5	1	2	1.5 to 2.5	Suppressed	Fair to good	Young	>40 yrs	C		
121		Sycamore	<i>Acer pseudoplatanus</i>		260	10	3.5				1.5 to 2.5	Minor vandalism	Fair to good	Semi-mature	>40 yrs	B		
122		Beech	<i>Fagus sylvatica</i>		130	7	3	1	1	3	0 to 1		Fair to good	Young	>40 yrs	C		
123		Beech	<i>Fagus sylvatica</i>	4	320	6	3.5				0 to 1	Extensive squirrel damage and fungi	Poor to fair	Semi-mature	10 to 20 yrs	C		
124		Pedunculatae Oak	<i>Quercus robur</i>		709	18	8	7	7	6	5.5 to 10	Very well buttressed. upright to 9m. long stem crack from big breakout at 13m.	Fair to good	Mature	20 to 40 yrs	B	Potential	
125		Group - Mixed broadleaf		11 < 20	200	8	0				0 to 1	Scattered or dumped beech sycamore holly	Fair to good	Semi-mature	>40 yrs	C		
128		Larch	<i>Larix sp.</i>		470	18	0	6	7	3	> 10	Steady lean SE. minor small deadwood	Fair	Early-mature	10 to 20 yrs	C		
127	420	Beech	<i>Fagus sylvatica</i>		750	20	9	9	4	4	2.5 to 3.5	Slight lean N over road. twin stemmed from good fork at 5m.	Fair to good	Mature	>40 yrs	B		



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DATE: January 2020

No.	Old tag	Species	Binomial	Stems (if >1)	Dia. (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condition	Life-stage	ERC (yrs)	Grading	risk	action
							N or avo.	E	S	W								
130	418	Pedunculatae Oak	<i>Quercus robur</i>		580	15	6	11	8	1	5.5 to 10	Competition bias E	Fair to good	Early-mature	>40 yrs	B		
129		Sycamore	<i>Acer pseudoplatanus</i>		200	8	3				1.5 to 2.5	Distorted by squirrel damage,-, suppressed	Fair to good	Semi-mature	10 to 20 yrs	C		
131		Pedunculatae Oak	<i>Quercus robur</i>		420	15	7	9	3	2	5.5 to 10	Moderate stem epicormics. Crown competition bias E	Fair to good	Early-mature	20 to 40 yrs	B		
132	41-	Pedunculatae Oak	<i>Quercus robur</i>		370	9	6	7	1	0	1.5 to 2.5	Heavily imbalanced NE over road. midsize deadwood appears well attached.	Fair	Early-mature	20 to 40 yrs	C		
133		Larch	<i>Larix sp.</i>		600	18	0	8	8	3	> 10	Very well buttressed, steady lean SE, possible internal decay at base.	Fair	Mature	10 to 20 yrs	C		
141	os.	Group - Single species broadleaf		6<10	130	4	0				0 to 1	Line of hawthorn swamped with dense ivy	Poor to fair	Semi-mature	10 to 20 yrs	C		
140	bdy. 406	Pedunculatae Oak	<i>Quercus robur</i>		580	13	6	10	4	1	4 to 5.5	Crown competition bias E	Fair to good	Early-mature	>40 yrs	B		
139	bdy. 407	Pedunculatae Oak	<i>Quercus robur</i>		560	18	9	10	1	3	5.5 to 10	Light ivy to lower crown.	Fair to good	Early-mature	>40 yrs	B		
138		Pedunculatae Oak	<i>Quercus robur</i>		550	18	6	10	3	3	5.5 to 10	Dense ivy to lower crown. distorted upper crown	Fair to good	Early-mature	>40 yrs	B		
137		Pedunculatae Oak	<i>Quercus robur</i>		400	14	7	6	1	3	1.5 to 2.5	closed stem split. Distorted crown.	Fair	Early-mature	20 to 40 yrs	B		
136	41-	Pedunculatae Oak	<i>Quercus robur</i>		400	11	8	4	1	2	4 to 5.5	Strong bias N. obstructing street lighting. very distorted crown	Fair to good	Early-mature	20 to 40 yrs	C		Prune back from street lighting

APPENDIX 1 - TREE DATA

LOCATION: Beechlands Drive, Clarkston

DATE: January 2020

No.	Old tag	Species	Binomial	Stems (if >1)	Dia. (mm)	Ht. (m)	Spread (m)				Crown ht.(m)	Observations	Condition	Life-stage	ERC (yrs)	Grading	risk	action
							N or ave.	E	S	W								
134		Pedunculatae Oak	<i>Quercus robur</i>		240	9	9	3	0	4	4 to 5.5	Strong bias N. obstructing street lighting	Fair to good	Semi-mature	20 to 40 yrs	C		Prune back from street lighting
135		Pedunculatae Oak	<i>Quercus robur</i>		350	15	7	5	1	2	2.5 to 3.5		Fair to good	Semi-mature	>40 yrs	B		
142		Pedunculatae Oak	<i>Quercus robur</i>		780	20	9	10	6	7	1.5 to 2.5	Very well buttressed, large limb breakage N 6m, lightning damage, midsize deadwood, habitat rich	Fair to good	Mature	>40 yrs	B	Potential	
143		Larich	<i>Larix sp.</i>		750	19	7	11	7	1	5.5 to 10	Strong competition bias E with hazard beam failures\appearing pendulous.	Fair	Mature	20 to 40 yrs	B	Potential	
144		Pedunculatae Oak	<i>Quercus robur</i>		560	12	1	11	4	1	4 to 5.5	Basal cavity. Leader lost, single limb overextended E	Poor to fair	Early-mature	10 to 20 yrs	C	Potential	
145		Pedunculatae Oak	<i>Quercus robur</i>		500	18	3	10	6	2	2.5 to 3.5	Deep knothole at 5m E. Large cavity at 10m, overextended limb E.	Fair	Early-mature	20 to 40 yrs	B		
146		Pedunculatae Oak	<i>Quercus robur</i>		320	12	2	2	2	3	2.5 to 3.5	Leader lost, decayed top. regeneration from stem epicormics	Fair	Semi-mature	>40 yrs	B		

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## APPENDIX 2 - GLOSSARY OF TERMS

**Adaptive growth:** An increase in wood production in localised areas in response to a decrease in wood strength or external loading to maintain an even distribution of forces across the structure.

**Adventitious/epicormic growth:** New growth arising from dormant or adventitious buds directly from main branches/stems or trunks.

**Binomial:** Unless otherwise stated the Linnaean binomial name of the species is stated for the avoidance of any ambiguity arising from varying usage of common names.

**Bracing:** The installation of cables, ropes, rods and/or belts to reduce the probability of failure of parts of the tree structure due to weakened elements under excessive movement.

**Callus:** Undifferentiated tissue initiated as a result of wounding and which become specialised tissues ("Woundwood") of the repair over time.

**Cavity:** A void within the solid structure of the tree, normally associated with decay or deterioration of the woody tissues.

**Co-dominant stems:** Two or more, generally upright, stems of roughly equal size and vigour competing with each other for dominance.

**Compression fork:** an inherently weak fork in which continued radial growth of two competing substems results in pressure which tends to push the fork apart.

**Conservation Area:** A designation made under the Planning Acts in the interest of preserving or enhancing the special architectural or historic character or appearance of an area.

**Crown:** The foliage bearing section of the tree formed by its branches and not including any clear stem/trunk.

**Crown Lifting:** The removal of the lowest branches and/or preparing of lower branches for future removal.

**Crown Reduction:** The reduction in height and/or spread of the crown of a tree.

**Crown Spreads:** The extent of the live crown, measured from the centre of the base of the canopy, in each of the four cardinal points (in the order north, east, south, west)

**Crown Thinning:** The removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around an evenly spaced branch structure.

**Condition:**

Good	Generally free from defects and in good health
Fair	Reasonably healthy but defects are present that may adversely affect Estimated Remaining Contribution but that may be addressed in the short term by minor intervention
Poor	In decline and/or defective requiring major intervention
Dead	No signs of life or so little that death is inevitable

**Construction Exclusion Zone (CEZ):** area based on the Root Protection Area (and low crowns) from which access is prohibited for the duration of a project

**Decurrent:** Widely spreading on several limbs

**DBH/Diameter:** Stem diameter, more fully known as Diameter at Breast Height (1.5m).

**Dieback:** No signs of life on branch tips due to age or external influences.

**Epicormic Growth:** See Adventitious Growth

**Excurrent:** Having a main stem and radiating limbs of limited length

**Estimated Remaining Contribution:** The number of years that the tree in substantially its current form (or better) is expected to continue to make an arboricultural or landscape contribution.

40+ years	corresponding with BS 5837 40+ years
20 to 40 years	corresponding with BS 5837 20+ years
10 to 20 years	corresponding with BS 5837 10+ years
0 to 10 years	corresponding with BS 5837 less than 10 years

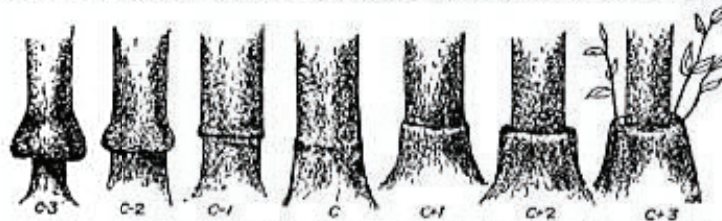
**Fruiting bodies:** The fruiting body is the spore bearing, reproductive structure of that fungus.

**Graft:** The growing together, naturally or deliberately, of two plant parts (including from different



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species or varieties) with joined vascular cambia. Varying degrees of compatibility (see below)



**Hazard beam:** Upwardly curving part of a tree prone to longitudinal splitting

**Inclusion fork:** A compression fork further weakened by the inclusion of bark from both competing substems at their interface.

**Life Stage:**

Newly planted	Not fully established and capable of being transplanted or easily replaced
Young	Establishing, usually with good vigour
Early mature	Established, usually vigorous and increasing in height
Mature	Fully established around half their species' life expectancy, generally good vigour and achieving full height potential but crown still spreading
Late mature	Moderate vigour, no additional height expected and growth rate slowing
Over-mature	Fully mature, in last quarter of life expectancy, vigour decreasing
Veteran	See Veteran definition
Ancient	Beyond maturity, old in comparison with other trees of the same species; showing Veteran (see below) values and characteristics because of age rather than past events

**Occlusion:** growth of callus and wound wood, sealing wounds.

**Planning Acts:** Primary Planning legislation in Scotland relevant to trees and their protection, principally the Town & Country Planning (Scotland) Act 1997, the Planning etc. (Scotland) Act 2006 and The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

**Pollard:** The removal of the top of a young tree at a prescribed height to encourage multi-stem branching from that point, repeated on a cyclical basis always retaining the initial pollard point.

**Quality/Value Category:** As defined and used by BS5837 -

- A Trees of high quality and value
- B Trees of moderate quality and value
- C Trees of low quality and value

Subcategories of these record the main value of the tree

- 1 Mainly Arboricultural values
- 2 Mainly landscape values
- 3 Mainly cultural values, including conservation

**Retrenchment pruning:** A form of reduction intended to encourage development of lower shoots and emulate the natural process of tree aging.

**Risk Category:** In accordance with the Health & Safety Executive's general parameters.

Lower than 1:1,000,000 'Acceptable'

Between 1:1,000,000 and 1:1,000 'Tolerable'

Higher than 1:1,000 'Unacceptable'

So low that it cannot be quantified, 'Negligible'.

**Root Protection Area (RPA)** layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.

**Tree Preservation Order:** An Order made under the Planning Acts in the interests of the amenity of an area.

**Veteran:** A survivor that has developed some of the habitat features such as wounds or decay found on an ancient tree, not necessarily as a consequence of time, but of past events or its environment. It may look old relative to other trees of the same species.

**Vigour:** The health and resilience of a tree reflected in shoot extension, leaf size and density.

**Woundwood:** lignified and differentiated tissue produced as a response to wounding.



### **APPENDIX 3 - SURVEY METHODOLOGY & LIMITATIONS**

This methodology complements the methodology requirements of BS5837, which are not restated here.

Each tree is inspected initially from a distance to ensure closer inspection is safe.

The position of trees or the outline of groups is captured on site using a Geographic Information System ('GPS') and the trees' attributes are recorded as a map layer. These are brought into the report as an Excel spreadsheet for processing and use. The data includes a 16 digit Ordnance Survey grid reference, which may be used to plot trees or group polylines on a georeferenced plan. The strength and position of satellite signals used by GPS is variable in quantity, strength and quality, and reflections from buildings, fences or vehicles can result in aberrations. Generally 1.5 metre GPS accuracy is achieved, suitable only for indicative relative position of trees. If these are within 12 x their stem diameter of any linear features, their distance and orientation relative to those features is measured and recorded.

The height is estimated by the use of a clinometer and trigonometry. Distances are measured using calibrated paces or a laser measuring device, adjusted where necessary for the terrain.

Diameters of stem are measured using a diameter tape which measures circumference ('girth') and gives the equivalent average diameter. Where trees are multistemmed from below 1.5m, either the diameter at a lower representative point, or the equivalent stem diameter of the combined cross sectional area of all the stems is given. For offsite trees, stem diameters are estimated using a laser measurement device and tacheometry; distances are estimated.

The tree species is identified from knowledge supported by Johnson and Moore (see Fuller Citation at Appendix 5) using bark, buds, twigs, fruit, flowers, form and habit.

Binoculars are used where appropriate to examine visible features and structures above 5 metres in height. A hand lens is used to examine small features and to help narrow down the list of possible species of any pathogen growths on the tree.

Whilst it is not possible without laboratory examination and testing to confirm definitive identifications of pests, diseases and fungal infections, all reasonable attempts are made to eliminate possibilities and in most cases a species or genus or a common name can be stated with a reasonable degree of confidence that the implications arising from the identification will be appropriate to the other outcomes of the report such as risk assessment, recommendations and Estimated Remaining Contribution.

Soundings will be taken either with a rubber mallet or a nylon-tipped hammer to try and ascertain the existence and likely extent of cavities or other invisible decay. Cavities will be inspected visually with a torch only insofar as this is reasonably possible from the ground, removing only enough of loose material as is necessary to reach conclusions about the extent and nature of decay or defects.

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Except to the extent stated in the report, the assessment is based on a visual inspection from ground level only, from publicly accessible and privately available vantage points.

Soil present around the base of trees is not removed and root collars are not examined except where, and to the extent, they are already exposed. No sampling, examination or analysis of the soil was done. No intrusive or destructive tests is carried out. The survey does not include exhaustive foliar examination (except for purposes of identifying the species).

Trees are generally assessed during a single visit, with the limitations that this brings, such as the opportunity to assess (i) the reaction of trees to a variety of wind strengths and directions, (ii) the presence of seasonal fungal Fruiting Bodies, (iii) foliage density (iv) structural elements concealed by foliage. Only a broad indication of the intensity of usage of the site and the immediately surrounding land and pedestrian/vehicle routes is gained from a single visit.

Obstacles liked dense basal epicormics and/or ivy on trees, and occasionally dense undergrowth can obstruct the full inspection of trees, including their rooting area. Only enough to reach a preliminary or final conclusion about any such affected trees will be removed.



#### **APPENDIX 4 - Fuller citation of texts, if referred to**

Strouts and Winter (1994) *Diagnosis of ill-health in trees*

Mattheck and Breloer (1994) – *The body language of trees*

Roberts, Jackson and Smith (2006) – *Tree Roots in the Built Environment*

British Standards Institute (2011) – *BS3998: Recommendations for tree work*

British Standards Institute (2012) – *BS5837: Trees in relation to design, demolition and construction - Recommendations.*

Johnson and Moore (2004) – *Collins Tree Guide*

White, John and Forestry Commission (1998) - *Estimating the Age of Large and Veteran Trees in Britain' - Forestry Commission Information Note*

Schwartz, Engels and Mattheck (2000) - *Fungal Strategies of Wood Decay in Trees*

Mynors (2002) – *The Law of Trees, Forests and Hedgerows*

Health & Safety Executive (2001) - *Reducing Risk, Protecting People*

Helliwell per Arboricultural Association (2008) – *Guidance Note 4: Visual Amenity Valuation of Trees and Woodlands*

British Standards Institute (2008) – *BS8206-2: Lighting for buildings. Code of practice for daylighting*

Littlefair, Paul, BRE (2011) – *Site Layout Planning for Daylight and Sunlight*

British Standards Institute (2015) *BS8596 Surveying for bats in trees and woodland – guide*

British Standards Institute (2015) *Microguide to surveying for bats in trees and woodland*

Statutory Nature Conservation Organisations/ Bat Conservation Trust (2015) – *Method Statement for the Appropriate Use of Endoscopes by Arborists*

Arboricultural Association (2017) *Guidance Note 11 Aerial Inspections: A guide to good practice*

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# APPENDIX 5

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan	
<b>Trees unsuitable for retention (see Note)</b>			
<b>Category U</b> 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	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unusable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE</i> Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</p>	See Table 2	
<b>Trees to be considered for retention</b>			
<p><b>1 Mainly arboricultural qualities</b>      <b>2 Mainly landscape qualities</b>      <b>3 Mainly cultural values, including conservation</b></p>			
<b>Category A</b> 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 (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	See Table 2
<b>Category B</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 (e.g. presence of significant though remediable defects, 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	See Table 2
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	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	See Table 2

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## CONSULTATION RESPONSES

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# Roads Service

## OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2021/0038/TP  
**D.C Ref:** Derek Scott  
**Contact:** Allan Telfer

**Planning Application No:** 2021/0038/TP    **Dated:** 10.02.2021    **Received:** 10.02.2021  
**Applicant:** Edzell Property Holdings Ltd  
**Proposed Development:** Erection of dwellinghouse and associated parking  
**Location:** Adjacent east of 137 Mearns Road, Clarkston  
**Type of Consent:** Full Planning Permission

**RECOMMENDATION: No Objections**

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

**1. General**

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

**2. Existing Roads**

(a) Type of Connection (junction / footway crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Pedestrian Provision	Y
(d) Sightlines	N

**3. New Roads**

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (horizontal/vertical alignment)	N/A
(d) Turning Facilities (Circles / hammerhead)	N/A
(e) Junction Details (locations / radii / sightlines)	N/A
(f) Provision for P.U. services	N/A

**4. Servicing & Car Parking**

(a) Drainage	Y
(b) Car Parking Provision	Y
(c) Layout of parking bays	Y
(d) Driveways	Y

**5. Signing**

(a) Location	N/A
(b) Illumination	N/A

COMMENTS	
2(a)	A footway crossover will be required in order to provide access to the proposed driveway. A Road Opening Permit will be required in order to carry out this work.
2(d)	The required visibility splay where the proposed access meets Beechlands Drive is 2 x 25m in both the primary and secondary directions with no interference allowed within the splay above a height of 1.05m. In the interests of road safety, this visibility splay must be maintained in perpetuity.
4(a)	It is noted that the proposed driveway will slope back into the site from the rear of the public footway therefore surface water runoff from the driveway will be kept within the curtilage of the site which is acceptable.
4(b)	The dwellinghouse is to contain 3 No. bedrooms with a TV room which could be used as a bedroom. It is therefore considered that the proposed property would contain four bedrooms. Consequently this would result in three No. curtilage parking spaces being required.  As per drawing L(0-)-01, three curtilage spaces are to be provided which is acceptable.  <u>Miscellaneous</u>  A Section 58 Road Occupation Permit will be required in order to deposit building materials on a road.  Skips shall not be deposited on a road without the written permission of this Service.  The adjacent public road must be kept clean at all times during construction.





<b>CONDITIONS</b>	
2(d)	The required visibility splay where the proposed access meets Beechlands Drive is 2 x 25m in both the primary and secondary directions with no interference allowed within the splay above a height of 1.05m. In the interests of road safety, this visibility splay must be maintained in perpetuity.

**Notes for Intimation to Applicant:**

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

\* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By:      John Marley      Date: 15/02/2021  
pp Roads and Transportation Controller



Thursday, 11 February 2021



Local Planner  
 Planning Team  
 East Renfrewshire Council  
 Thornliebank  
 G46 8NG

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

Development Operations  
 Freephone Number - 0800 3890379  
 E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Adjacent East Of 137 Mearns Road, Clarkston**  
**PLANNING REF: 2021/0038/TP**  
**OUR REF: DSCAS-0032549-L9N**  
**PROPOSAL: Erection of dwellinghouse and associated parking**

**Please quote our reference in all future correspondence**

## [Audit of Proposal](#)

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

## **Water Capacity Assessment**

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

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

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by Shieldhall Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.



To find out more about connecting your  
 SW Public  
 General supply to the water and waste water supply visit:



## Please Note

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

## Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## Surface Water

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

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

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

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping



arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## Next Steps:

### ▶ **All Proposed Developments**

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

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

### ▶ **Non Domestic/Commercial Property:**

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

### ▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and





launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

### Planning Application Team

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### Scottish Water Disclaimer:

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



**From:**O'Hare, Martin (DRS)  
**Sent:**Thu, 11 Feb 2021 11:13:01 +0000  
**To:**Building Standards Planning;EN Planning  
**Subject:**Re: Planning Application 2021/0038/TP Consultation (OFFICIAL)

**OFFICIAL**

Dear Sir or Madam,

I refer to the above application, for the erection of a dwelling house and associated parking on land east of 137 Mearns Road, Clarkston, which was sent through to us for comment yesterday. I have viewed details of the proposal on the Council's online planning system, and having compared these against information contained in the Historic Environment Record and with available cartographic sources, I would like to make the following comments.

The plot of ground that is proposed for development under this application falls within an archaeological consultation trigger, which in this instance has been defined in relation to a surviving section of the Old Mearns Road, which was identified within a small area of woodland during fieldwork conducted by Dr T.C. Welsh in 1987 (Welsh, T.C., 'Greenbank (Mearns parish), old road', Discovery and Excavation in Scotland, 1987). Welsh reported the presence of an inclined terrace within the woodland, representing the course of the road prior to its realignment in the late 18th century. Staff from the Royal Commission on the Ancient and Historical Monuments of Scotland confirmed that traces of a possible hollowed roadway could be seen at the foot of a small plantation between Mearns Road and Beechlands Drive when they visited the site in 2007.

The description of the former road-line being at the foot of the plantation suggests that any surviving elements are located at the northern end of the plot, as the ground level slopes down steeply from Beechlands Drive to Mearns Road. The supplied plans indicate that the new house and associated parking would be located at the southern, or uphill, end of the plot, immediately adjacent to Beechlands Drive, and that no construction works are proposed in central or lower portions of the plot. This would suggest that the development is unlikely to have an impact on any surviving elements of the earlier road-line. As a result, I would not consider archaeological work to be required in relation to the current application. I would stress, however, that this assessment is based on the specific details of the current proposal; it is likely that some form of archaeological mitigation work would be required if development were to be proposed on the northern portion of the plot at some point in the future.

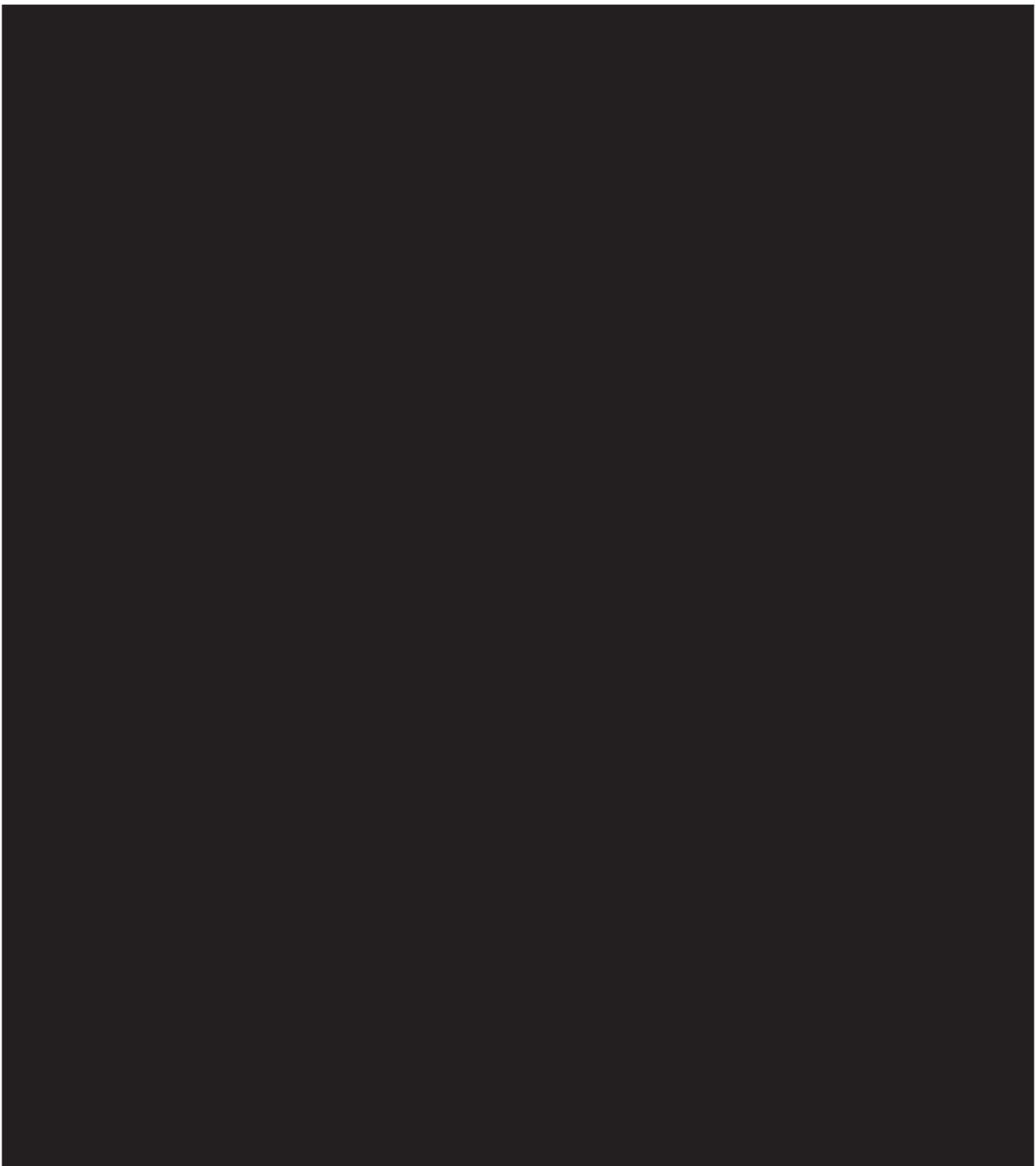
Regards,

Martin O'Hare

Martin O'Hare  
Historic Environment Record Officer  
West of Scotland Archaeology Service  
231 George Street  
Glasgow  
G1 1RX

**Please note: During the current Covid-19 "lockdown", I am working from home, and do not have full access to all work files and systems. I apologise for any concomitant delay in replying, or uncertainty in response.**

**OFFICIAL**







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**COPIES OF OBJECTIONS/REPRESENTATIONS**

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## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Dr Felicity Rose

Address: 43 Beechlands Drive, Clarkston, East Renfrewshire G76 7UZ

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the loss of urban greenspace and woodland that this proposal would result in. As stated in the applicant's own Habitat Survey "The woodland is considered to have local value due to the scarcity of mature woodland in the general wider urban area."

The application does not appear compatible with Policy D5 of the Local Development Plan, in that there would be a loss of public access (there is currently a well-established path running across the site from Beechlands Drive to Mearns Road), it would impact on nature conservation (trees and undergrowth would be lost; the woods and surrounding area are home to birds, squirrels, fox and, as the Habitat Survey states, potentially also bats), it would impact on landscape character (there is currently a "green break" on both Beechlands Dr and Mearns Rd; presumably the Mearns Rd frontage would be fenced off to prevent unwanted access into the house's garden and this would change the visual image on Mearns Rd from green space to man-made materials) and it would not result in any community use that offsets the loss of urban greenspace (the proposal is for a private dwelling).

I also do not feel it is compatible with Policy D8, which provides a "strong presumption against development where it would compromise the overall integrity of .... Tree Preservation Orders." The applicant's Habitat Survey itself states that "Development of this site will have an adverse impact on trees covered by the TPO."

Thirdly, it is not compatible with D9, as it would curtail outdoor access, which is particularly important for children and young people living in an urban area. Access is not just physical access, but also visual access - seeing and experiencing mature trees and wildlife.

The applicant argues that, only with development, would the trees and other landscape features



be preserved. However, a responsible landowner should be carrying out the necessary maintenance works in any case, as is done in other small woodlands; development is not a prerequisite for good landscape upkeep. There is also no apparent fly-tipping, contrary to the applicant's claims.

I worry that, if the land is enclosed in a private garden, both the TPO and the need to preserve the remains of the Old Mearns Rd, as set out in the archaeological report, could be ignored.

Furthermore, in design terms, the proposal is not in keeping with the surrounding area: all the houses on Beechlands Drive have well-established front gardens that run all or most of the width of each house. This provides an overwhelming sense of green space and a green corridor. In contrast, the proposal is for a hard standing with 3 car-parking spaces and no front garden, which is not in keeping with the rest of the road.

The end of Beechlands Drive where the site is situated is already very congested and around 4 on-street parking spaces would be lost by the development (it would be turned into private frontage to access their parking spaces). This, along with the additional 3+ cars coming to the house itself, would further add to the congestion.

Overall, the application does not seem to fit with the ambitions for East Renfrewshire as a sustainable and pleasant place to live, where residents have access to greenspace and where our natural environment gives all sorts of benefits, from wellbeing and space for exercise, to carbon capture and flood prevention, to giving homes to wildlife.

I feel it is very important to preserve the limited greenspace we have in Clarkston and would urge the Planning Department not to set a precedent by approving an application which would reduce even further the already-limited woodland available to residents to view, enjoy and access. Thank you.

## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Rod Gilmour

Address: 50 Beechlands Drive, Clarkston, East Renfrewshire G76 7XB

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object on the following grounds:

- Significant number of trees will be removed and others threatened due to the proposed planning and dwelling house. All trees within this area are protected under the Greenbank Tree Preservation order.
- There are few natural wooded areas within East Renfrewshire and building on an area of natural woodland will further deplete this.
- Granting this planning will be against East Renfrewshire Council's commitment to Central Scotland's Green Network vision of creating environments where nature can flourish.

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**From:**Brian Potter  
**Sent:**Tue, 16 Feb 2021 12:09:16 +0000  
**To:**EN Planning  
**Subject:**Planning application - 2021/0038/TP  
**Attachments:**trees.docx

Good afternoon -

I have attached my objections to this planning submission rather than posting them on the application itself at this stage.

I am concerned that the Council may not view our objections as legitimate so I would rather that be confirmed before posting the objections (along with our address details online).

Its really a matter of health and safety, and I do believe the Council should be forcing the land owners to cut back some of these trees ahead of any approval for planning permission - I suspect they are only wanting planning permission so they can sell the site 'with planning consent' - this will only further delay the tree cutback and leaving the possibility of serious damage/injury in the future from falling branches or trees.

Regards,  
Brian Potter



Our objections noted below are primarily to do with a lack of faith in the land owners, and as a result we are seriously concerned in relation to site management, communication, noise, cleanliness and woodland management. That said we are in favour of this land being used for a single dwelling.

Our property borders the land on the east side and we have had issues with the condition of some of the trees over the years we have lived here - these were previously dealt with quickly and efficiently by the then owners, MacTaggart and Mickel.

Having spent some time and money to find out who owned this land after MacTaggart & Mickel sold the land in 2018, I found the owners to be Glasgow Residential Property Services Ltd whose Directors are Timothy and Robin Lovat.

In January 2020 I was particularly concerned about some of the trees looking dangerous, both for my own property and possibly even more so, the trees leaning towards Mearns Road.

I phoned Glasgow Residential on the 9th January '20 and spoke to a gentleman who was sure they didn't own any such land, but he would check and get back to me.

Having had no response a week later I then emailed Glasgow Residential (17th January), and then chased again on 27th January.

A couple of weeks later I tried the phone number again to find it was now disconnected. In the absence of any responses I visited the office address in person the week after, and saw they were in fact a sister company (with the same Directors) as Edzell Property Holdings Ltd. I knocked the door but no answer though there were clearly people in the building. I then phoned Edzell Property on 4 separate occasions and was promised a call back each time - none came.

This application has been lodged by Edzell Property Holdings Ltd.

In a further attempt to get action in between times, I contacted East Renfrewshire Council (on 20th January 2020, Alison Farrel) who quickly responded, but confirmed that only the land owners could take action no matter how unsafe the trees were.

I started looking into legal action but the cost was going to be prohibitive given we would be dealing with a 'non responsive company' (the lawyers words). As we are today, the trees still look unsafe especially in high winds, and both I and the Mearns Road neighbours to the west, are looking for urgent action.

The tree report shows there are no grade A trees (i.e. good trees) and that there has **not** been a risk assessment carried out. It does confirm that there are 'obvious defects that could create risk'. The statement for 'Criterion 1' for policy D1.1. states '*the remaining woodland area will be substantial and will be appropriately managed thereby creating a net environmental gain in this regard. – It therefore accords with Policy D1.1.*'

On the supporting statement the current owners advise that '*the site is made up entirely of an unmanaged woodland and bushed area*' - yet it is they themselves who have failed to manage it. Therefore we have serious doubts over who will 'appropriately manage' this.

- What recourse do we have should this prove to be unmanaged again, during any building work and again, when the remaining trees require ongoing maintenance.

The primary objection to this application, with the knowledge that the same non responsive people talk of 'effective woodland management', is that this will not happen, and we have no faith whatsoever that the trees will be maintained now or in future.

Over .....

As can be evidenced thus far, the owners behaviour is not conducive to having any trust with the land development moving forward.

- Will the owners take responsibility for site management, communications, cleanliness and be responsive to any concerns from neighbours, particularly those bordering the development ?
- Will the owners commit to a defined completion date so that we are not left with a part completed site ?

We would seek an initial response to the request to cut back the over hanging trees to reduce risk of damage to our property, possibly to others, not least the main road.



## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Josef Pacewicz

Address: 61 Beechlands Drive, Clarkston, East Renfrewshire G76 7UX

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is one of the very few remaining woodland sites left in the area with tree preservation orders in place to show its significance. The proposal would require I estimate the removal of around 12 trees for it to proceed. As there are TPOs in place I would argue that the trees here are of sufficient importance to be kept. Another reason for leaving them is that they are at times of the year home to bats who certainly in the summer months can be seen frequently flying around the trees. I would imagine it only a matter of time before the remaining trees on the Mearns Road were subject of a further planning proposal meaning a total loss of the woodlands.

I have lived here for 35 years and am not aware of "fly tipping" as stated in the proposal other than biodegradable garden material.

I would be surprised at the feasibility of a structure given the gradient that would be required to build on once the building line was taken into account but realise this may not be relevant in this case.



## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Mrs HELENA ALMEIDA

Address: 73 Beechlands Drive, Clarkston, East Renfrewshire G76 7UX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this planning application. The local area contains several areas of natural woodland, which are an important public and environmental amenity. I would strongly object to any precedent being established that allowed these areas of nature to be converted to private use, including felling of mature trees. Recent evidence e.g.

<https://www.britishecologicalsociety.org/tiny-woodlands-important-previously-thought/> shows that such areas have more benefits for humans per area compared to large forests and the British government has announced funding for 12 of them in the UK

<https://www.bbc.co.uk/news/av/stories-56003562> Small woodland areas such as this are a critical part of environmental protection, and store more carbon per area in the topsoil layer than older big woodlands, because they have an increased soil biological activity, which makes them faster at absorbing organic matter. Potentially these can act as better carbon sinks and help counterbalance the effects of global warming. As Glasgow hosts COP26 this year, it's important that local policies reflect the wider objectives of tackling climate change.

The established pathway through the woodland between Beechlands Drive and Mearns Road is used regularly by local people and children use the site to play. There are a number of mature trees, birds and, as the habitat survey notes, possibly bats. Changing the use of the site to build a residential property would mean felling mature trees to the detriment of the environment and local area and would also fail to protect the character of the existing settlements.

I

## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Alan Dobson

Address: 137 Mearns Road, Clarkston, East Renfrewshire G76 7UU

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to raise several objections to this proposal. We live below and to the east of the proposal as you look down from Beechlands Rd to Mearns Road.

- given the incline in our back garden which comes down from Beechlands Rd we have already had to erect a stone wall to stop the garden collapsing. I have serious concerns that the groundworks required for this property including the removal of several large trees could cause significant damage to our garden and monobloc parking bay on Beechlands Rd

- criterion 1 mentions that the site would be 'appropriately managed' the current owners have not managed the site up to this point so I am not sure how the erection of a property fits that description. I would have hoped more would have been done before now to look after the site.

- Criterion 3 states that 'there will be no overlooking/privacy problems created' however if there are 2 floors which looks like an almost full glass frontage leading to a back garden I am not sure how that can avoid impacting on our privacy. The proposed property being a higher level to our own would have a view directly into our garden and the back of our house

- Policy D5 states that the applicant contends that the proposal will provide the site and surrounding area with a more pleasant landscape, character, amenity and result in a net environmental gain. I cannot understand how building a property on existing woodland is a net environmental gain and refer to the earlier point that the current owners could have done more to maintain the site before now.

Finally as other objectors have stated the fly tipping and anti social behavior is exaggerated to make this proposal look more favorable.

While we would welcome maintenance of the site to be more attractive in its current form we do not believe the erection of a property is what is needed.

## Comments for Planning Application 2021/0038/TP

### Application Summary

Application Number: 2021/0038/TP

Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire

Proposal: Erection of dwellinghouse and associated parking

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Zhenbo Cao

Address: 139 Mearns Road, Clarkston, East Renfrewshire G76 7UU

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object the proposal for the following reasons:

- a) There are only a few natural wooded areas within East Renfrewshire and building on an area of natural woodland will further deplete this.
- b) The site is not well maintained now and there's no reason for us to believe it will be maintained after the site is finished. It's also not clear to me who is responsible for the maintenance of the trees.
- c) There is no clear boarder of the garden of the property and it will probably only be a matter of time before the remaining trees were subject of a further planning proposal which means a total loss of the woodlands.

**From:** [REDACTED] Rose [REDACTED]  
**Sent:** 13 January 2022 17:35  
**To:** McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>  
**Subject:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire

Sharon  
Thank you for this clarification and for including my note in the appeal/LRB paperwork.  
Felicity

---

**De:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Enviado:** jueves, 13 de enero de 2022 05:18 p. m.  
**Para:** [REDACTED] Rose [REDACTED]  
**Asunto:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire

Dear Dr Rose,

Thank you for your email, the LRB process is the appeal process for the refused application: 2021/0038/TP | Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire. I will include your email below as a further representation in this appeal process confirming your objection to this proposed development.

A new application: 2021/0944/TP | Erection of dwellinghouse and associated parking | Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire has also been submitted and you can comment separately on this application on the planning portal here: <https://ercbuildingstandards.eastrenfrewshire.gov.uk/buildingstandards/applicationDetails.do?activeTab=makeComment&keyVal=R3C48XGPIIF00>

Kind regards,

Sharon

Sharon McIntyre  
Committee Services Officer  
Department of Corporate and Community Services  
Phone: 0141 577 3011  
Mobile: 07584 116 608  
e-mail:- [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)  
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**From:** [REDACTED] Rose [REDACTED]  
**Sent:** 12 January 2022 15:58:03  
**To:** McIntyre, Sharon2  
**Subject:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire

Sharon

Many thanks for this information. I had noticed that the applicant had submitted (a) a new planning application for what looked like the same building and (b) an appeal against the original refusal. Is this LRB a third process or does it somehow replace (a) and/or (b) above? I was going to paste my previous objections into the new planning application but is this necessary?

It goes without saying that my objections to the development still stand, for the same reasons as I submitted previously. Given the outcomes of COP26 and the intention to *plant* swathes of trees as part of the Queen's Jubilee, I am shocked that there should be any consideration given to *destroying* woodland at this time.

Many thanks  
Felicity

Dr Felicity Rose

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**De:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Enviado:** miércoles, 12 de enero de 2022 03:38 p. m.  
**Para:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**CC:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Asunto:** Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire

Dear Representee,

Please find attached for your attention acknowledgement of the valid Local Review Body 2021/13.

Kind regards,

Sharon McIntyre  
Committee Services Officer  
Department of Corporate and Community Services  
Phone: 0141 577 3011

Mobile: 07584 116 608  
e-mail:- [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)  
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**From:** McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>  
**Sent:** 24 January 2022 14:31  
**To:** Brian Potter [REDACTED]  
**Cc:** Daniel Browne [REDACTED]  
**Subject:** Re: 2021/0038/TP - Review 2021/13

Dear Mr Potter,

Thank you for your email below and I can confirm receipt of this further representation. In terms of the regulations that the Local Review Body follows the representation below cannot supersede the representation previously submitted although both your original representation and the representation below will be provided to the Local Review Body for their consideration as part of the Local Review Body process.

Kind regards,

Sharon

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**From:** Brian Potter [REDACTED]  
**Sent:** 24 January 2022 09:18  
**To:** McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>  
**Cc:** Daniel Browne [REDACTED]  
**Subject:** 2021/0038/TP - Review 2021/13

Good morning Sharon -

This representation is being submitted on behalf of Mr and Mrs Browne who are now the owners of 58 Beechlands Drive, having purchased the property in October 2021. This supersedes the representation made by Mr Brian Potter who no longer has an interest in this matter or in 58 Beechlands Drive.

*58 Beechlands Drive is immediately beside the site of the proposed development application, 2021/0038/TP on Beechlands Drive.*

*Mr and Mrs Browne believe that this appeal should be refused. Mr and Mrs Browne are of the view that this belief is in line with the Local Development Plan of East Renfrewshire Council and the Tree Preservation Orders within this plan, especially given that in determining any planning application, the planning legislation is set out in Section 25 of the Town and Country Planning (Scotland) Act 1997 and states; the decision should be taken on the basis of the "Development Plan" unless material planning considerations direct otherwise. There are no material considerations in the case of the original application or this appeal.*

*Since 2021/0038/TP was submitted and refused there have been no material changes to circumstances, Development Plans or the applicant's information or new material considerations which should result in a change to the decision to refuse this application. There is no basis for the decision to be changed.*

*The Development Plan in East Renfrewshire Council is the East Renfrewshire Council's Adopted Plan, this plan includes Tree Preservation Orders that are unlikely to change for many years as their purpose is protection of the quality of the local area as well as reduction of the negative impact on the environment for current and future generations.*

*Key areas on why the proposed development under the application should continue to be refused, why it is not in line with the Development Plan of East Renfrewshire Council and why it would be harmful to local amenities, residents and character are:*

- The site is protected by a Tree Preservation Order and the proposed development, as well as works required to create it, would require an extreme departure from this position by the Council*
- That the site currently makes a significant contribution to the visual amenity and character of the area for all local residents*
- That the site is currently important to the amenity and character of both Mearns Road and Beechlands Avenue, being a vital area of mature woodland for all local residents*
- The trees, that would be removed or damaged beyond salvage in the creation of the proposed development, are all of good quality with significant lifespans. A tree survey, submitted by the land owner with the application (2021/0038/TP), confirms that the majority of the trees that would need to be removed are in the southern part of the site and these trees are of relatively good quality with significant expected life spans, we would assume that the this appeal does not and cannot contain a survey which contradicts this position*
- The building's scale would be detrimental to the character of Beechlands Drive in particular*

*The proposed development is contrary to a significant number of policies in the East Renfrewshire Council's Local Development Plan namely; policies D1,D5,D8 and D9 and there are no material considerations that would indicate that the application should be approved in contravention of those policies*

*The proposed development is contrary to the LDP and this appeal should be refused, as set out below,;*

- Policy D1 as the removal of the woodland cover and its replacement with a house would be detrimental to the character and amenity of the area.*
- Policy D5 as the proposed development would be detrimental to the landscape character of the area and would lead to a reduction in informal access to the site*
- Policy D8 as it would lead to a significant loss of protected trees that make a positive contribution to the area and would compromise the effectiveness of the TPO.*
- Policy D9 as it would diminish opportunities for outdoor access and informal play*
- Policy D8 due to the possible presence of protected species within the current site*

*Submitted on behalf of Mr and Mrs Browne*



**From:** McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>  
**Sent:** 03 February 2022 14:54  
**To:** Mark McGleish <mark.mcgleish@certus-lpd.co.uk>  
**Cc:** Nicol, Julie <Julie.Nicol@eastrenfrewshire.gov.uk>; Pepler, Alan <Alan.Pepler@eastrenfrewshire.gov.uk>; Bennie, Andrew <Andrew.Bennie@eastrenfrewshire.gov.uk>  
**Subject:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Dear Mr McGleish,

Thank you for providing the response below on behalf of the applicant, this information will be provided to the Local Review Body.

Kind regards,

Sharon

---

**From:** Mark McGleish <[mark.mcgleish@certus-lpd.co.uk](mailto:mark.mcgleish@certus-lpd.co.uk)>  
**Sent:** 02 February 2022 20:25  
**To:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Cc:** Nicol, Julie <[Julie.Nicol@eastrenfrewshire.gov.uk](mailto:Julie.Nicol@eastrenfrewshire.gov.uk)>; Pepler, Alan <[Alan.Pepler@eastrenfrewshire.gov.uk](mailto:Alan.Pepler@eastrenfrewshire.gov.uk)>; Bennie, Andrew <[Andrew.Bennie@eastrenfrewshire.gov.uk](mailto:Andrew.Bennie@eastrenfrewshire.gov.uk)>  
**Subject:** RE: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Good evening Sharon

I refer to the attached representations in relation to this Review. I think the applicant's Statement of Case largely covers the issues raised. However, one point I was instructed to comment on was a matter highlighted by Mr and Mrs Browne that there could be an adverse impact on protected species (reference LDP Policy D8). The ecological report submitted with the application and the bat survey that is now available (see attached) indicates that there will be no adverse impact on protected species.

Many thanks.

Regards

Mark

Mark McGleish  
**Mobile: 07419 845025**

**Address (England):** 85 Great Portland Street, First Floor, London, W1W 7LT  
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**From:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>

**Sent:** 27 January 2022 09:10

**To:** Mark McGleish <[mark.mcgleish@certus-lpd.co.uk](mailto:mark.mcgleish@certus-lpd.co.uk)>

**Cc:** Nicol, Julie <[Julie.Nicol@eastrenfrewshire.gov.uk](mailto:Julie.Nicol@eastrenfrewshire.gov.uk)>; Pepler, Alan <[Alan.Pepler@eastrenfrewshire.gov.uk](mailto:Alan.Pepler@eastrenfrewshire.gov.uk)>; Bennie, Andrew <[Andrew.Bennie@eastrenfrewshire.gov.uk](mailto:Andrew.Bennie@eastrenfrewshire.gov.uk)>

**Subject:** Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Dear Mr McGleish,

Please find attached for your attention information regarding Notice of Review - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Kind regards,

Sharon McIntyre  
Committee Services Officer  
Department of Corporate and Community Services  
e-mail:- [sharon.mcintyre@eastrenfrewshire.gov.uk](mailto:sharon.mcintyre@eastrenfrewshire.gov.uk)  
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## REPORT OF HANDLING



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# REPORT OF HANDLING

Reference: 2021/0038/TP

Date Registered: 28th January 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 256250/:657062

Applicant/Agent:

Applicant:

Edzell Property Holdings Ltd  
1008 Pollokshaws Road  
Glasgow  
Scotland  
G41 2HG

Agent:

Mark McGleish  
Orbital House  
3 Redwood Crescent  
East Kilbride  
United Kingdom  
G74 5PR

Proposal: Erection of dwellinghouse and associated parking

Location: Adjacent East Of 137  
Mearns Road  
Clarkston  
East Renfrewshire

## CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objections.

Scottish Water

Unable to confirm capacity for waste water treatment. Potential conflict with SW assets on site.

West Of Scotland Archaeology Service

No objection.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:** None relevant.

**REPRESENTATIONS:** Seven objections have been received and can be summarised as follows:

Impact on character and amenity  
Loss of trees  
Loss of access  
Dwelling out of character with other dwellings  
Impact on road safety  
Overlooking

Danger to adjacent property during construction  
Impact on wildlife  
Danger from falling trees/branches and management of the site  
Feasibility of construction on the site given the gradient.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

## **SUPPORTING REPORTS:**

Supporting Statement – Provides a description of the site, its context and the proposed development. Provides an assessment against the Local Development Plan and the proposed Local Development Plan and concludes that the development of the site complies overall.

Habitat Survey – Provides the results of a phase 1 Habitat Survey. It concludes that common habitats and species were found within the site with no notable habitats or species found. Twelve trees had bat roost potential. No evidence of badger activity was found within the site or within or adjacent to the site. Breeding birds are likely to be a negligible ecological constraint.

Tree Survey – Provides a survey of trees within the site. The majority of trees within the site are good to fair quality with four identified as fair to poor. Indicates that the trees in southern part of the site that are proposed to be removed to accommodate the dwelling are mostly category B or C, good to fair.

## **ASSESSMENT:**

The application site comprises an area of mixed woodland between Mearns Road and Beechlands Drive. The north and south boundaries are formed by Mearns Road and Beechlands Drive respectively. The frontage of the site with Beechlands Drive is formed by a low boundary wall less than one metre in height. Residential properties lie adjacent to the east and west boundaries. The site slopes up from the north towards the south and is characterised by a mix of mature woodland planting. It is identified within the adopted East Renfrewshire Local Development Plan as an area of protected urban greenspace and is covered by a tree preservation order. The wider area is residential in character with a mix of house types and storey heights.

Planning permission is sought for the erection of dwellinghouse and associated parking. The dwelling is proposed to be located in the southern part of the site with access from Beechlands Drive. The proposed dwelling is one and a half storeys to the front, dropping to two and a half storeys to the rear to take advantage of the change in levels. Most of the mature woodland planting in the southern part of the site would be removed to accommodate the proposed dwelling.

The application requires to be assessed with regard to Policies D1, D5, D7, D8 and D9 of the adopted East Renfrewshire Local Development Plan. The adopted Supplementary Planning Guidance: Green Network and Environmental Management is also relevant.

Policy D1 requires that all development should not result in a significant loss of character to the surrounding area and that the Council's parking and access requirements can be met.

Policy D5 states that urban greenspace will be safeguarded. Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:

- There is no significant adverse impact on the landscape character and amenity of the surrounding area;

- There will be no loss of public access
- There would be no or limited impact on nature conservation;
- The proposed loss would result in a community use, the benefit of which would outweigh the loss of the greenspace.

Policy D7 relates to open space provision within new residential development and is supported by the adopted Supplementary Planning Guidance: Green Network and Environmental Management (SPG). The SPG sets out minimum private garden sizes at Appendix 1.

Policy D8 seeks to protect the integrity of the tree preservation order area.

Policy D9 states that there will be a strong presumption against proposal that will have an adverse impact on outdoor access.

The adopted Supplementary Planning Guidance: Green Network and Environmental Management also states that urban greenspaces, as defined in the Local Development Plan, contribute significantly to the character and setting of areas.

The site, with its mature woodland cover subject to a tree preservation order, is a prominent feature when viewed from both the north on Mearns Road and from the south on Beechlands Drive. It is identified in the adopted Local Development Plan as a protected urban greenspace. Indeed, the trees that are proposed to be removed within the southern portion of the site make a prominent and important contribution to the streetscape on Beechlands Drive. They are highly visible in long views towards the site from both directions on Beechlands Drive and provide visual relief from what would otherwise be a continuous unbroken stretch of residential development. Those trees and indeed the wider site, contribute to the open and verdant character of the area, and give the neighbourhood a pleasant feeling of openness that it would otherwise lack. Their loss and subsequent replacement by another dwelling would lead to a diminution of this character and a significant loss of amenity of the area. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

As noted above, the SPG states that urban greenspaces, as defined in the Local Development Plan and afforded protection under Policy D5, contribute significantly to the character and setting of areas. For the reasons noted above, the loss of the trees on the southern part of the site would be detrimental to the character and amenity of the area. Whilst the site is not set out for formal public access, it was noted during site visits that the site is clearly accessed and utilised by local residents. The development of the site would therefore be detrimental to the landscape character of the area and lead to a loss of open greenspace that is utilised by local residents. As such, the proposal would be contrary to the terms of Policy D5 of the adopted East Renfrewshire Local Plan.

In terms of Policy D8, the proposal would lead to a significant loss of trees that make a positive contribution to the area. Their loss would therefore compromise the overall effectiveness of the tree preservation order area. Policy D8 also requires consideration to be given to the protection of protected species. The applicant has not submitted any information that demonstrates that the removal of trees would not have an adverse impact on protected species in particular bat hibernation roosts. The proposal is therefore contrary to the terms of Policy D8 of the adopted East Renfrewshire Local Development Plan.

Given the proposal would diminish outdoor access and play opportunities, the proposal would not comply with the spirit of Policy D9.

Whilst the dwelling itself would not give rise to significant additional overlooking, overshadowing or loss of daylight given its design and orientation in relation to the adjacent dwellings; would

generally comply with the open space standards required by Policy D7 and the SPG; and whilst in isolation its design and appearance would have been acceptable, the erection of the dwelling on the site is contrary to the terms of the adopted East Renfrewshire Local Development Plan for the reasons given above.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1, D5, D6, D7 and D9. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works would not accord with the Policies D1, D5 and D7 in the Proposed Local Development Plan.

The applicant's Supporting Statement and Tree Survey are noted and are not considered to outweigh the above considerations. Indeed, the Tree Survey clarifies that the majority of the trees to be removed in the southern part of the site are of relatively good quality with a significant expected life spans.

The following comments are made in respect of the points of objection not specifically addressed above:

The Council's Roads Service has not objected to the proposal on the grounds of public road safety. The technical suitability of the site for construction will be assessed at the Building Warrant stage. It is the responsibility of the developer to ensure that the development proceeds without damage to adjacent properties and of the landowner/developer to ensure the remaining trees are maintained. The site is not covered by a nature designation. If the application were to be approved, a note can be attached to any planning permission granted reminding the developer of their obligations under the wildlife Acts.

In conclusion, the proposal is contrary to the terms of the adopted East Renfrewshire Local Development Plan. There are no material considerations that indicate the application should be approved. It is therefore recommended that the application is refused for the reasons set out below.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the character and amenity of the area.
2. The proposal is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character of the area and would lead to a reduction in informal access to the site.
3. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Local Development Plan as it would lead to a significant loss of protected trees that make a positive contribution to the area and would compromise the overall effectiveness of the tree preservation order area.



4. The proposal is contrary to Policy D9 of the adopted East Renfrewshire Local Development Plan as it would diminish opportunities for outdoor access and informal play.
5. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Development Plan as the applicant has not submitted any information that demonstrates that the removal of trees would not have an adverse impact on protected species in particular bat hibernation roosts.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0038/TP  
(DESC)

DATE: 6<sup>th</sup> August 2021

**DIRECTOR OF ENVIRONMENT**

**Finalised 6<sup>th</sup> August 2021 – AC(1)**

**Reference: 2021/0038/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the

- Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
  5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
  6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
  7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
  8. The Council will not accept 'backland' development, that is, development without a road frontage;
  9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
  10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
  11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
  12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
  13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
  15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
  16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D5

##### Protection of Urban Greenspace

Urban greenspace, including outdoor sports facilities, identified on the Proposals Map, will be safeguarded. Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:

There is no significant adverse impact on the landscape character and amenity of the site and surrounding area;

There will be no loss of public access;

There will be no or limited impact on nature conservation and any loss would be mitigated through enhanced provision elsewhere in the vicinity;

The proposed loss would result in a community use, the benefit of which would outweigh the loss of urban greenspace.

Additionally, for outdoor sports facilities, the following will have to be demonstrated:

The proposal is ancillary to the principal use of the site as an outdoor sports facility;

The proposal involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;

The outdoor sports facility would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or

The relevant strategy, prepared in consultation with Sportscotland, shows that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Planning Guidance

#### Policy D7

##### Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Planning Guidance.

#### Policy D8

##### Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites.

Development that affects a site of special scientific interest will only be permitted where:

The objectives of designation and the overall integrity of the area will not be compromised; or

Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map and referred to under Schedule 1.

Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Guidance, including criteria against which development proposals within or in close proximity to the natural features outlined above will be assessed.

Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

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Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

### **Proposed Local Development Plan 2**

#### Policy D1

##### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;



15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

#### Policy D5

##### Protection of Urban Greenspace

The Council will protect and support a diverse and multi-functional network of urban greenspace, including outdoor sports facilities, shown on the Proposals Map.

Proposals for the loss of outdoor sports will be assessed against Policy D13.

Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:

There is no significant adverse impact on nature conservation/ biodiversity or the function of the wider green network, landscape character and amenity of the site and surrounding area;  
The loss of a part of the land would not affect its recreational, amenity or landscape function; and  
Appropriate mitigation is provided as part of the development for alternative provision of at least equal biodiversity, community benefit and accessibility.

Proposals for development on other areas of greenspace not shown on the Proposals Map under Policy D5, will be considered against its biodiversity and recreational value and its contribution to the character and amenity of the area in accordance with Policy D1.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

Policy D6

Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

Policy D7

Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
  - a. The objectives of designation and the overall integrity of the area will not be compromised; and
  - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers

- and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
    - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
    - b. In the case of woodland:
      - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
      - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of Ancient Woodland will not be supported.
  4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

#### Policy D9

##### Access

The Council will continue to protect, enhance and extend existing and proposed active travel and outdoor access networks including core paths, rights of way, strategic cycle corridors and green networks, shown on the Proposals Map and Schedule 6, and ensure that new development does not adversely impact upon them. The solums of any former railway lines will be safeguarded as future access routes.

The council will support proposals which enhance, extend and create new integrated walking and cycling routes. New and improved routes should be planned at the outset of the design process; should accommodate users for all age groups, and levels of agility and mobility; should link with existing and proposed active travel routes; and contribute to the wider active travel and green networks across the area.

Any future access proposals will be required to satisfy core active travel design principles of safety, coherence, directness, comfort and attractiveness.

There will be a strong presumption against proposals which have an adverse impact upon outdoor access unless a satisfactory alternative route is provided.

The Council will continue to support Dams to Darnley Country Park (D9.1) and Whitelee Access Project (D9.2), shown on the Proposals Map, and the implementation of the relevant management/ access plans for each project.

#### **GOVERNMENT GUIDANCE:**

None

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**DECISION NOTICE**  
**AND**  
**REASONS FOR REFUSAL**

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION**

Ref. No.        **2021/0038/TP**

**Applicant:**

Edzell Property Holdings Ltd  
1008 Pollokshaws Road  
Glasgow  
Scotland  
G41 2HG

**Agent:**

Mark McGleish  
Orbital House  
3 Redwood Crescent  
East Kilbride  
United Kingdom  
G74 5PR

With reference to your application which was registered on 28th January 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of dwellinghouse and associated parking**

**at: Adjacent East Of 137 Meams Road Clarkston East Renfrewshire**

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

**The reason(s) for the Council's decision are:-**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the character and amenity of the area.
2. The proposal is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character of the area and would lead to a reduction in informal access to the site.
3. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Local Development Plan as it would lead to a significant loss of protected trees that make a positive contribution to the area and would compromise the overall effectiveness of the tree preservation order area.
4. The proposal is contrary to Policy D9 of the adopted East Renfrewshire Local Development Plan as it would diminish opportunities for outdoor access and informal play.
5. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Development Plan as the applicant has not submitted any information that demonstrates that the removal of trees would not have an adverse impact on protected species in particular bat hibernation roosts.

Dated 6<sup>th</sup> August 2021



Director of Environment  
East Renfrewshire Council  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG  
Tel. No. 0141 577 3001

The following drawings/plans have been refused

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan	LOCATION		
Block Plan Proposed	L(0-)01		
Sections Exist and Prop	L(2-)03		
Street Scene	L(2-)04		
Elevations Proposed	L(2-)04		
Plans Proposed	L(2-)02		

**GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**

**REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

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 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3861  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**



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**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.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 100495895-001

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:	<input type="text" value="CERTUS"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="MARK"/>	Building Name:	<input type="text" value="ATRIUM BUSINESS CENTRE"/>
Last Name: *	<input type="text" value="MCGLEISH"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07419845025"/>	Address 1 (Street): *	<input type="text" value="North Caldeen Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text" value="07419845025"/>	Town/City: *	<input type="text" value="Coatbridge"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="ML5 4EF"/>
Email Address: *	<input type="text" value="mark.mcgleish@certus-lpd.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="EDZELL HOLDINGS LTD"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="1008"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Pollokshaws Road"/>
Company/Organisation	<input type="text" value="EDZELL HOLDINGS LTD"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G41 2HG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="137 MEARNS ROAD"/>
Address 2:	<input type="text" value="CLARKSTON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G76 7UU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="657065"/>	Easting	<input type="text" value="256222"/>
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## Description of Proposal

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

Erection of dwellinghouse and associated parking (at: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire)

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to Statement of Case attached.

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)

Statement of Case.

## Application Details

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

2021/0038/TP

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

20/01/2021

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

06/08/2021

## 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 \*

Further written submissions on specific matters

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)

To review in particular the impact on wildlife (bats).

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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)

The Applicant would like the opportunity of impressing upon Members the merits of his case, having not been given the opportunity to do so fully by the Planning Authority in his opinion.

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

## 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 McGleish

Declaration Date: 05/11/2021

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## Statement of Case

**Erection of Dwellinghouse and Associated Parking, East Of 137 Mearns Road, Clarkston,  
East Renfrewshire**

**Prepared on Behalf of:  
Edzell Property Holdings Ltd  
1008 Pollokshaws Road  
Glasgow  
Scotland  
G41 2HG**

**Prepared by Mark McGleish, BA (Hons), PGDip, MRTPI**





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Dear Sir/Madam

**Local Review Body**

**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 2013.**

**Statement of Case: Planning Reference, 2021/0038/TP - Erection of dwellinghouse and associated parking East Of 137 Mearns Road, Clarkston, East Renfrewshire.**

This Review presented before Members, relates to the Planning Authority's refusal of an application for detailed planning permission for the erection of a dwellinghouse and associated parking on land East of 137 Mearns Road, Clarkston, East Renfrewshire.

The Applicant Edzell Property Holdings Ltd is the owner of the said Property. The date of refusal shown on the refusal letter is the 6<sup>th</sup> August 2021.

The Applicant has instructed this request for a Review of the Planning Authority's refusal of detailed planning permission.

The Applicant is seeking Members to uphold his request that detailed planning permission is granted subject to appropriate conditions.

This document constitutes the Applicant's Statement of Case.

## 2 Brief Description of the Site and Proposed Development

**The Site and Proposed Development:** The application site is a gap site between existing houses within a residential setting and is comprised of unmanaged and enclosed woodland with no designed public access to it. The site fronts onto Beechlands Drive with houses on either side of it and to the front (on the opposite side of Beechlands Drive). The site slopes downwards from Beechlands Drive towards Mearns Road to the rear (north). Some of the trees contained within the site are poor quality self-seeded specimens. None of the trees are category 'A' specimens (which are those most worthy of retention).

The Applicant seeks detailed planning permission for a new 3-bedroom detached property. It will be 1½ -storey in height as it fronts Beechlands Drive.

The proposed dwelling is situated on a very natural 'gap site' and will blend extremely well with the surrounding properties in terms of mass, scale and design.

Please see the proposed Streetscape drawing below illustrating how well the proposed house (in the middle) will fit in with the neighbouring properties. Note also that the Applicant will accept conditions to make certain that the external finishes will be appropriate to the setting, all to the satisfaction of Members.



PROPOSED STREETScape - BEECHLANDS DRIVE

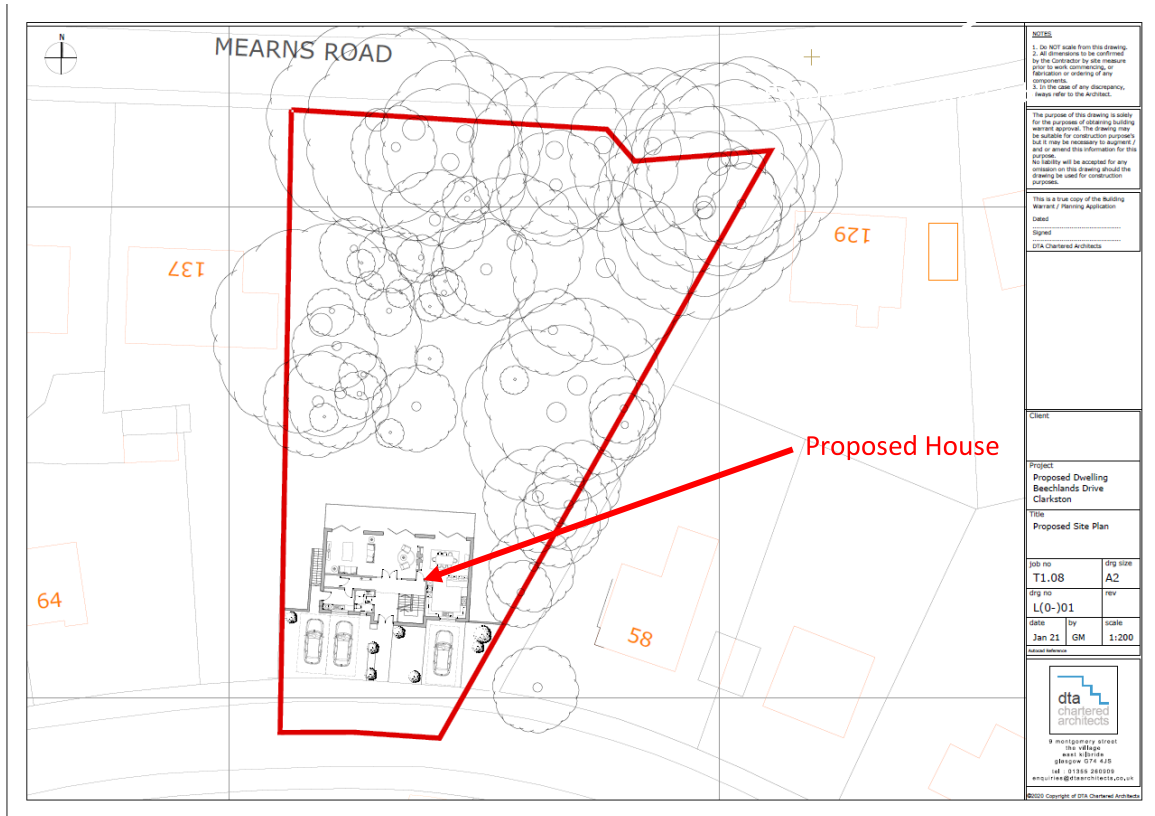


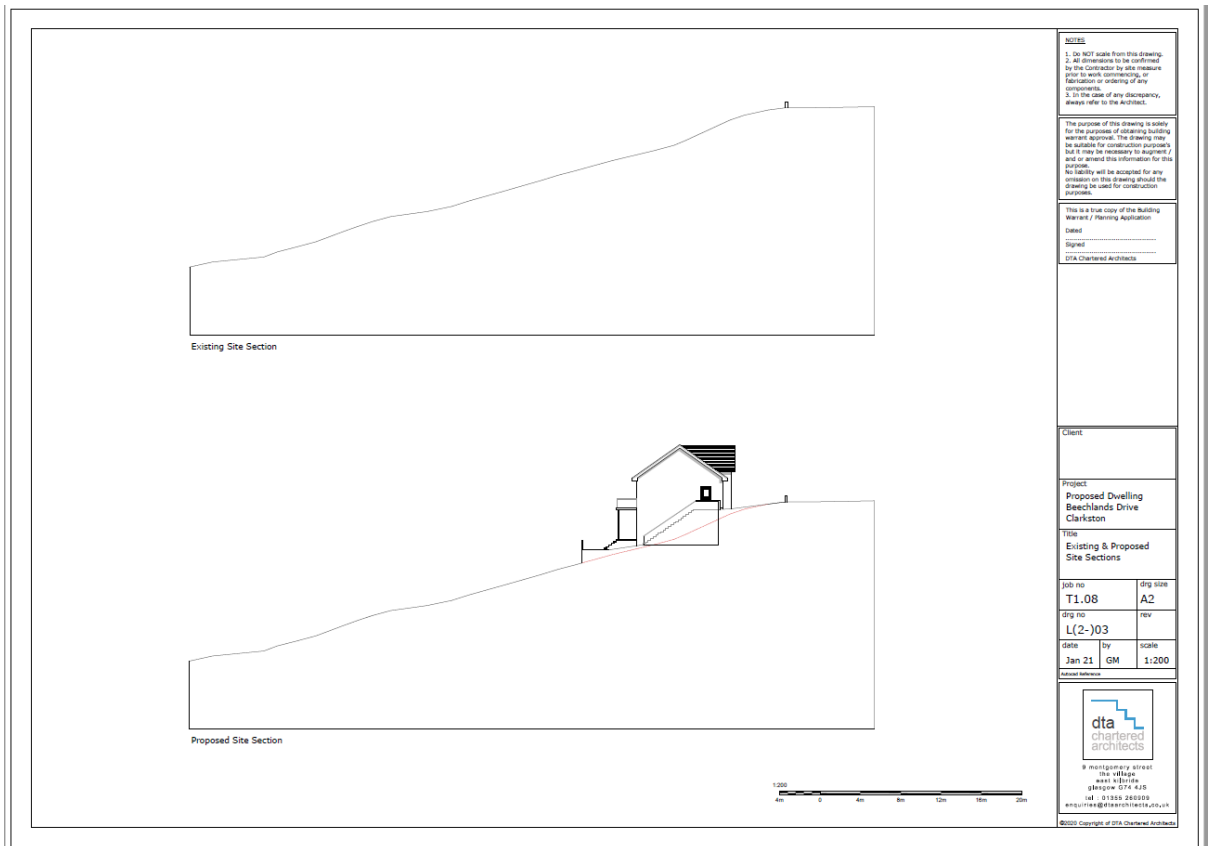
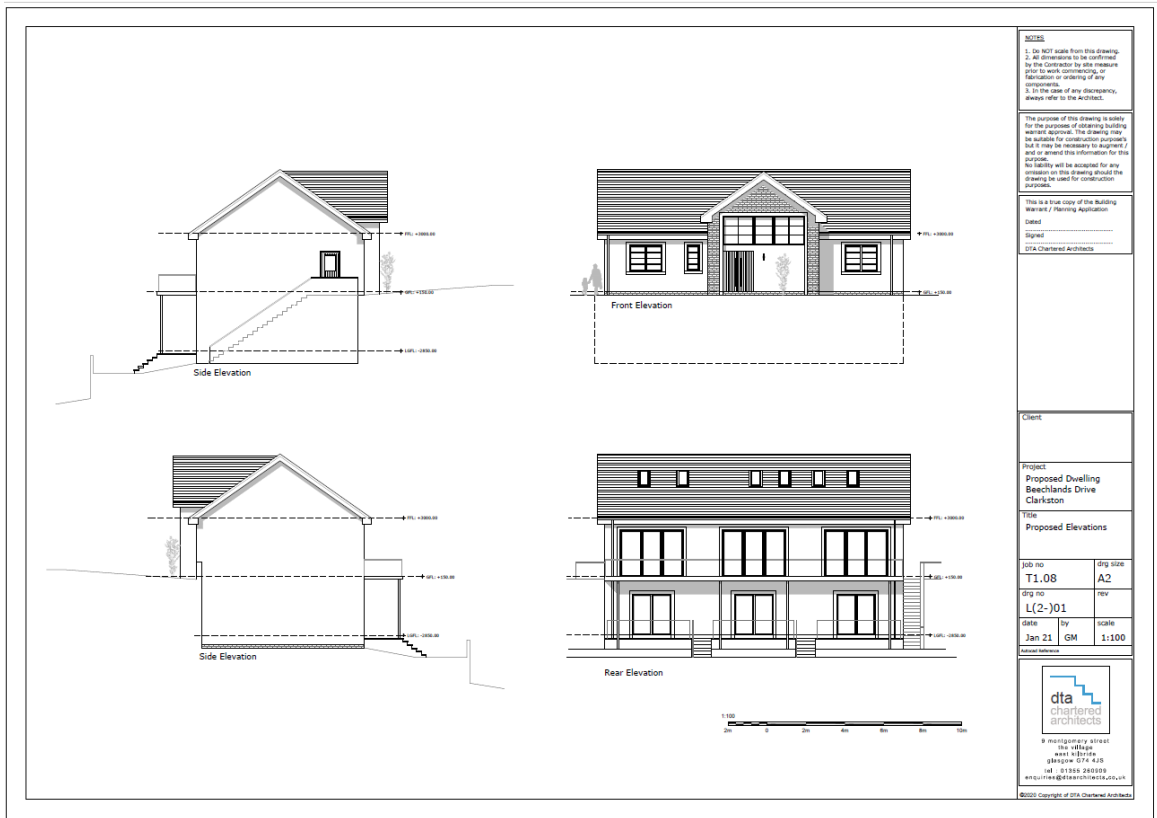
Importantly, the front garden depth and front building line will be almost identical to neighbouring properties on either side at 58 and 64 Beechlands Drive. It is noteworthy that the proposed dwelling including car parking will occupy only circa 18% of the site providing an extremely generous house to plot ratio. There will be off street parking provided for 3 vehicles to the front of the dwelling.

In the rear garden area the dwelling will be 2½ storey in height to take advantage of its downward sloping garden. The Applicant points out that many of the dwellings in the

surrounding area have significant under-building to either the front and/or the rear. Accordingly, the proposed underbuild to the rear is common to the area.

Please refer to the Site Plan on the next page along with Elevation drawings/Section drawings following that.





**Environmental and Other Impacts:** Whilst the site is covered by a Tree Preservation Order, it is unmanaged and enclosed. Some of the trees contained within it are poor quality self-seeded specimens. None of the trees are category 'A' specimens which are those most worthy of retention. Please refer to the Tree Survey Report submitted in support of the application to verify this.

There is no designed public access to the site. Whilst there is no authorised public access the site frontage onto Beechlands Drive has been the subject of repeated fly tipping over the years and the site (due to its enclosure and the dense scrubby nature of some of the vegetation) has been the focus of repeated antisocial behaviour. Its recreational benefit is negligible.

The proposal requires the removal of bushes/trees adjacent the frontage on Beechlands Drive in order to accommodate the proposed dwelling and its car parking spaces. However, it is stressed that the remaining tree cover on site will be properly managed helping to ensure the longevity of the mature specimens of note and thereby creating a net environmental benefit for the area. Without such management the better specimens will suffer and die earlier than they would otherwise.

The proposal also requires the removal of the existing low boundary wall onto Beechlands Drive which is not a traditional structure worthy of retention and is in poor repair.

### 3 Consultations/Neighbour Notification and the Planning Authority's Grounds for Refusal

#### Consultation responses

These were satisfactory as follows (NB: Applicant's Comments are shown in blue):

- East Renfrewshire Council Roads Service were satisfied with the proposals and have no objection.
- West Of Scotland Archaeology Service have no objections.
- Scottish Water were unable to confirm capacity for wastewater treatment and noted potential conflict with SW assets on site. **The Applicant's proposal will be designed in a manner that is fully compliant with Scottish Water's requirements.**

#### Neighbour Notification

Seven objections have been received and can be summarised as follows (NB: Applicant's Comments shown in blue):

Impact on character and amenity. **The proposed development will not result in a significant loss of character or amenity to the surrounding area. In this regard the proposed development will take place on less than 20% of the full site boundary; the site is effectively a gap site and the development is therefore a natural infill opportunity completing/replicating the pattern of development in the area; the dwelling will be**

constructed on a small area of the woodland some of which has been the subject of repeated fly tipping over the years; some trees and bushes will be removed as part of the proposal, but none of these are of significant quality; the remaining woodland area will be substantial and be appropriately managed going forward thereby creating a net environmental gain for the area; the proposed dwelling is of a scale and massing that blends with surrounding properties; and the dwelling will be elevated with finishes appropriate to the surrounding area. Generally speaking the proposal is compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

**Loss of trees.** The Applicant has provided a Tree Survey as part of the application submission. That Report illustrates that there will be no significant loss of trees. No category 'A' tree specimens will be lost as part of the proposal. Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality. The dwelling will be constructed on a small area of the woodland some of which has been the subject of repeated fly tipping over the years. Going forwards effective management is proposed which will help improve and retain the best mature tree specimens for longer.

**Loss of access.** There is currently no designed public access to the application site. The site is a privately owned, enclosed and unmanaged area of very modest proportions e.g. it is only circa 65 feet wide at its frontage with Beechlands Drive. Whilst there is no authorised public access the site frontage at Beechlands Drive has been the subject of repeated fly tipping over the years and the site (due to its enclosure and the dense scrubby nature of some of the vegetation) has been the focus of some antisocial behaviour. Its recreational benefit is negligible.

**Dwelling out of character with other dwellings.** By reviewing the proposed plans and in particular the Streetscape drawing on page 5 of this document, it is clearly proven that the house will blend well with the neighbouring properties. The proposal is compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

**Impact on road safety.** The Roads Authority are content with the proposals.

**Overlooking.** There will be no overlooking/privacy problems created by the proposal for neighbours. Sunlight and privacy for the proposed dwelling will be satisfactory.

**Danger to adjacent property during construction.** This is not a valid planning consideration and construction matters such as these are regulated via other legal mechanisms.

**Impact on wildlife.** The applicant has provided an Ecology Report as part of the application submission. No protected species were identified on site. However, additional bat survey work was to be undertaken when the bat active season started and it was anticipated to be complete during the determination period of the application.



### Planning Authority's Reasons for Refusal of Application

The Reasons for Refusal given by the Planning Authority were as follows (NB: Applicant's Comments are shown in blue):

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the character and amenity of the area.

The proposed development will not result in a prejudicial loss of character or amenity to the surrounding area given that:

- The development will take place on less than 20% of the full site boundary.
  - The dwelling will be constructed on a small section of the woodland only, part of which has been the subject of repeated fly tipping over the years.
  - Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality. No category 'A' tree specimens will be lost as part of the proposal.
  - The remaining woodland will be substantial and appropriately managed going forward thereby creating a net environmental gain for the area.
  - The site is effectively a gap site and the development is therefore a natural infill opportunity completing/replicating the pattern of development in the area.
  - The dwelling will be elevated with finishes appropriate to the surrounding area.
  - The proposal will be compatible with adjacent buildings and the surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.
2. The proposal is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan, as the proposed removal of the woodland cover in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character of the area and would lead to a reduction in informal access to the site.



The proposed development will not be detrimental to the landscape character of the area and would not lead to a prejudicial reduction in informal access to the site given that:

- The dwelling will be constructed on a small southern area of the woodland occupying less than 20% of the total site. No category 'A' tree specimens will be lost as part of the proposal.
- The southern section where the house will be constructed has been the subject of repeated fly tipping over the years, that will be removed as a consequence of the proposal.
- The woodland that will be retained will remain protected by the Planning Authority and will be actively managed, thereby helping to retain the best mature tree specimens for longer and enhancing landscape character.
- Given the above the Applicant contends that this proposal will provide the site and surrounding area with a more pleasant landscape character and result in a net environmental gain which will endure.
- There is currently no designed access to the site for the public. There has been no credible assessment of that provided.
- The noteworthy public access that has occurred over the last few years has related to illegal fly-tipping and anti-social behaviour (e.g. youths meeting in order to, amongst other things, drink alcohol). The proposed development will deter such uses whilst preserving the majority of the mature tree specimens, all to the benefit of the locale.

3. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Local Development Plan as it would lead to a significant loss of protected trees that make a positive contribution to the area and would compromise the overall effectiveness of the tree preservation order area.

The proposed development will not lead to a significant loss of protected trees that make a positive contribution to the area and will not compromise the overall effectiveness of the tree preservation order area given that:

- The proposed dwelling will be constructed on a very limited area of the woodland, representing less than 20% of the total woodland.
- Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality and going forwards effective woodland management will help improve and retain a healthier mature tree population within the majority of the site. No category 'A' tree specimens will be lost as a consequence of the development.

- Woodland management will be undertaken in accordance with good practice and with the help and advice of an arboriculturist. The Council will be engaged with as appropriate in these regards.
  - If Members deem it necessary to plant any additional tree specimens, that can be undertaken, and the Applicant is content to accept a planning condition in that regard.
  - The woodland that will be retained will remain protected by the Planning Authority.
  - The Applicant feels strongly that the dogged retention and protection of unmanaged woodland via a blanket approach (as adopted by the Planning Authority in this instance), does not actually ensure the long term health and survival of mature woodland which requires active management. The current proposal will provide that.
4. The proposal is contrary to Policy D9 of the adopted East Renfrewshire Local Development Plan as it would diminish opportunities for outdoor access and informal play.

The proposed development will not diminish opportunities for outdoor access and informal play given that:

- There is currently no designed access to the site for the public.
  - The noteworthy public access that has occurred over the last few years has related to illegal fly-tipping on the area where the dwelling will be constructed and anti-social behaviour (e.g. youths meeting in the enclosed/screened space in order to, amongst other things, drink alcohol).
  - The proposed development will prevent such abovementioned undesirable uses whilst preserving the majority of the mature tree specimens to the benefit of the local environment.
  - The Applicant strongly believes that to suggest the site is suitable or viable for outdoor access and informal play is incorrect and inadvisable. It is enclosed, steeply sloping, overgrown and has no designed access. This does not represent a useful or safe environment for people to recreate, particularly the vulnerable.
5. The proposal is contrary to Policy D8 of the adopted East Renfrewshire Development Plan as the applicant has not submitted any information that



demonstrates that the removal of trees would not have an adverse impact on protected species in particular bat hibernation roosts.

The Applicant provided an Ecology Report as part of the application submission and based on the contents of that was confident that there would be no adverse impact on protected species. However, the Applicant fully intended to supplement the supporting information with a full bat survey, which could not be undertaken at the time of submitting the application because the bat active season had not commenced. In this regard the Applicant was aware that the Council's application determination process was much slower than normal due to the impact of COVID, therefore it was likely that the bat survey could have been completed timeously. Further, he had expected to be given the opportunity to discuss this matter with the Planning Authority during their determination of his application.

The Applicant informs Members that a bat survey has been completed which shows that there is no impediment to development, subject to the implementation of simple appropriate control measures.

The Applicant wishes to highlight that he sought dialogue with the Planning Authority between April and July this year, no response was received other than automated replies indicating that the Planning Authority would respond to his enquiry in due course. Following on from which he simply received a letter of refusal.

The Applicant feels very strongly that he was not given the opportunity to resolve any concerns that the Planning Authority had in relation to protected species and explains this further within section 4 of this Statement.

With regard to the Ecology Report submitted in support of the application it contained the following information which gave no significant causes for concern:

- In relation to plants and habitats there were no notable species or habitats found within the site.
- In relation to badgers there was no evidence of badgers within the site (or the immediate viewable 30m buffer zone), therefore badgers are not an ecological constraint to development.
- In relation to breeding birds they are likely to be a negligible ecological constraint.
- In relation to bats only seven trees out of a total of nearly 60 within the site were classed as having reasonable bat roost potential. The Applicant considered there to be limited potential for impact on bats and is also aware of relevant wildlife legislation underlying this issue which will need to be complied with in full. Additionally, supplementary bat survey works was planned and due to be submitted.

4 Applicant's Unsuccessful Attempts to Undertake Meaningful Discussions with the Planning Authority

The Applicant wishes to highlight that he sought effective engagement with the Planning Authority between April and July this year. No response was received other than automated replies indicating that the Planning Authority would respond to his enquiry in due course. Then on the 16<sup>th</sup> of August 2021, almost 7 months after validation of the application, a brief email was received from the Planning Authority with a refusal letter attached to it (see email below):



Respectfully the Applicant highlights to Members that If the planning Authority had concerns about his application, then it would have been prudent and reasonable for them to have alerted the Applicant to this and discussed the matter. In this regard additional bat survey work was indeed planned. That has a seasonal window and would have been submitted when completed.

That bat survey has now been completed which shows that there is **no impediment to development**, subject to the implementation of simple appropriate control measures.

The Applicant was upset that no forewarning of the refusal was given and that impact on bats was one of the reasons for refusal.

Please note that the Applicant is fully aware and sympathetic to the position that COVID may have interfered with the determination of his application and communication with him in that regard. Indeed his own bat survey work has been delayed.

However, he feels that for the Planning Authority to have not allowed him the opportunity to discuss and submit additional information, such as bat survey work, was unreasonable in the circumstances. He would have been happy to have withdrawn his application and resubmitted it if necessary.

The Applicant feels strongly that the Planning Authority should be working with applicants, allowing them time to compile and submit information, particularly if the absence of that information is to be used in part as a reason for refusal.

The Applicant is of the opinion that the Planning Authority have breached their own Planning Service Charter with regard to the above approach taken by them when determining his application.

## 5 Conclusion

The Applicant respectfully requests that Members grant planning permission subject to appropriate conditions.

The application site lies within the settlement boundary area where housing is the most appropriate and acceptable land use.

The scale, size, massing, plot/garden size and external appearance of the proposal is such that it will have no adverse impact on the setting of the surrounding area and will preserve the character of the area. Indeed, the site is effectively a gap site and therefore could be described as natural infill.

There will be no negative impact on streetscape. The scale, height and massing of the proposal integrates/blends well with the varied nature of dwellings in Beechlands Drive and the immediate locale. The design of the dwelling respects the sloping topography of the site. It will be elevated in a manner appropriate to the area.

There is no overlooking, over shadowing or other impact on amenity for any property. Access and parking are satisfactory.

The proposed dwelling will be constructed on a very limited area of the woodland, representing less than 20% of the total woodland. Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality and going forwards effective woodland management will help improve and retain a healthier mature tree population within the majority of the site. No category 'A' tree specimens will be lost as a consequence of the development.

The proposal will not have any significant prejudicial impact on nature conservation. The Ecology Report submitted with the application and subsequent bat survey clearly demonstrates that.

There is currently no designed access to the site for the public. The noteworthy public access that has occurred over the last few years has related to illegal fly-tipping on the area where the dwelling will be constructed and anti-social behaviour (e.g. youths meeting in the enclosed/screened space in order to, amongst other things, drink alcohol). The proposed development will prevent such aforementioned undesirable uses to the benefit of the local environment.



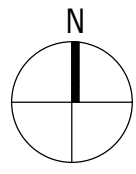


Overall taking the above into account the proposal will result in a net environmental gain for the area. There is no prospect of undesirable precedent being set if the application is approved.

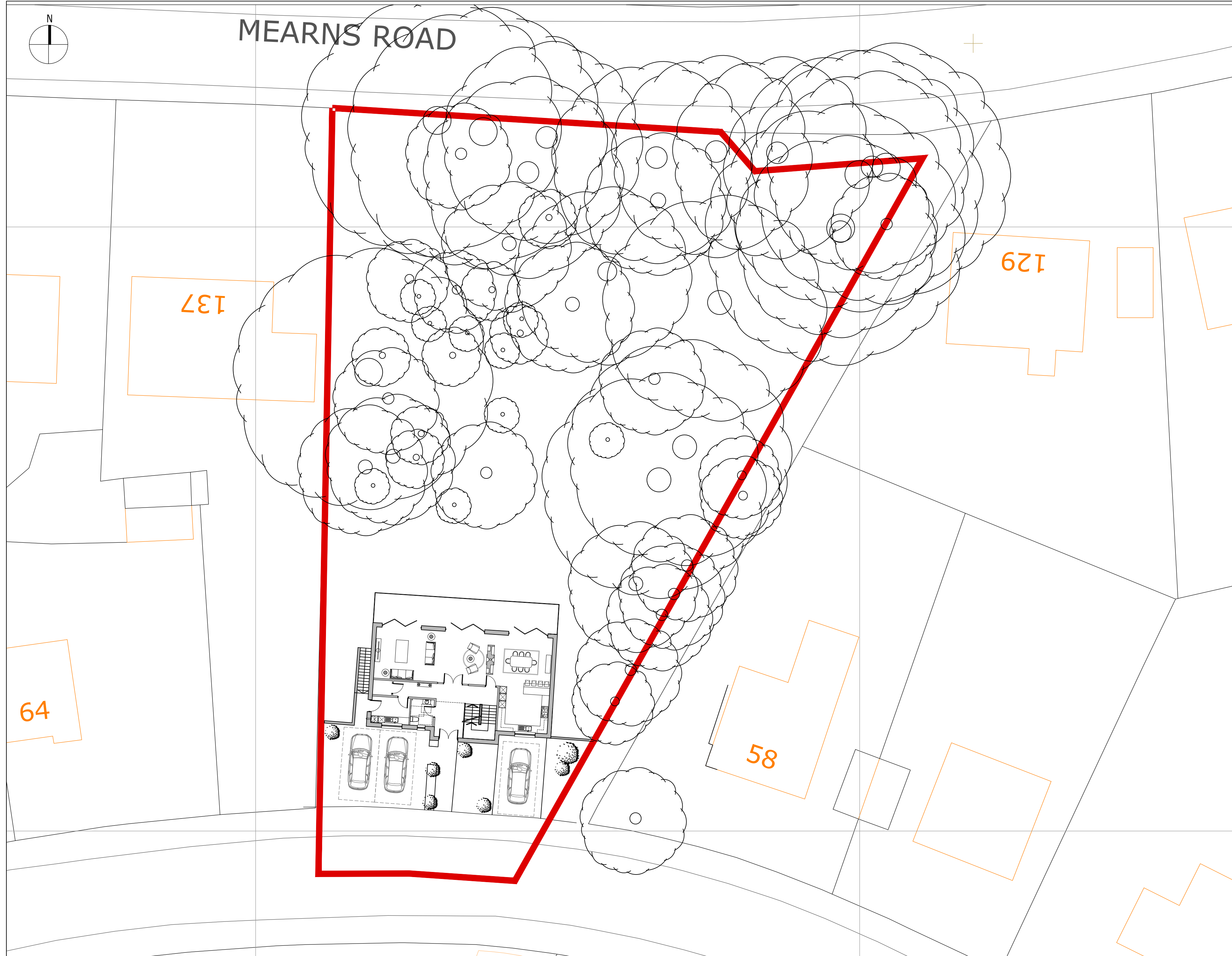
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**PLANS/PHOTOGRAPHS/DRAWINGS**

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MEARNS ROAD



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Dated .....  
 Signed .....  
 DTA Chartered Architects

Client

Project  
 Proposed Dwelling  
 Beechlands Drive  
 Clarkston

Title  
 Proposed Site Plan

job no	drg size	
T1.08	A2	
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date	by	scale
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Autocad Reference



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 the village  
 east kilbride  
 glasgow G74 4JS  
 tel : 01355 260909  
 enquiries@dtaarchitects.co.uk

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Project  
Proposed Dwelling  
Beechlands Drive  
Clarkston

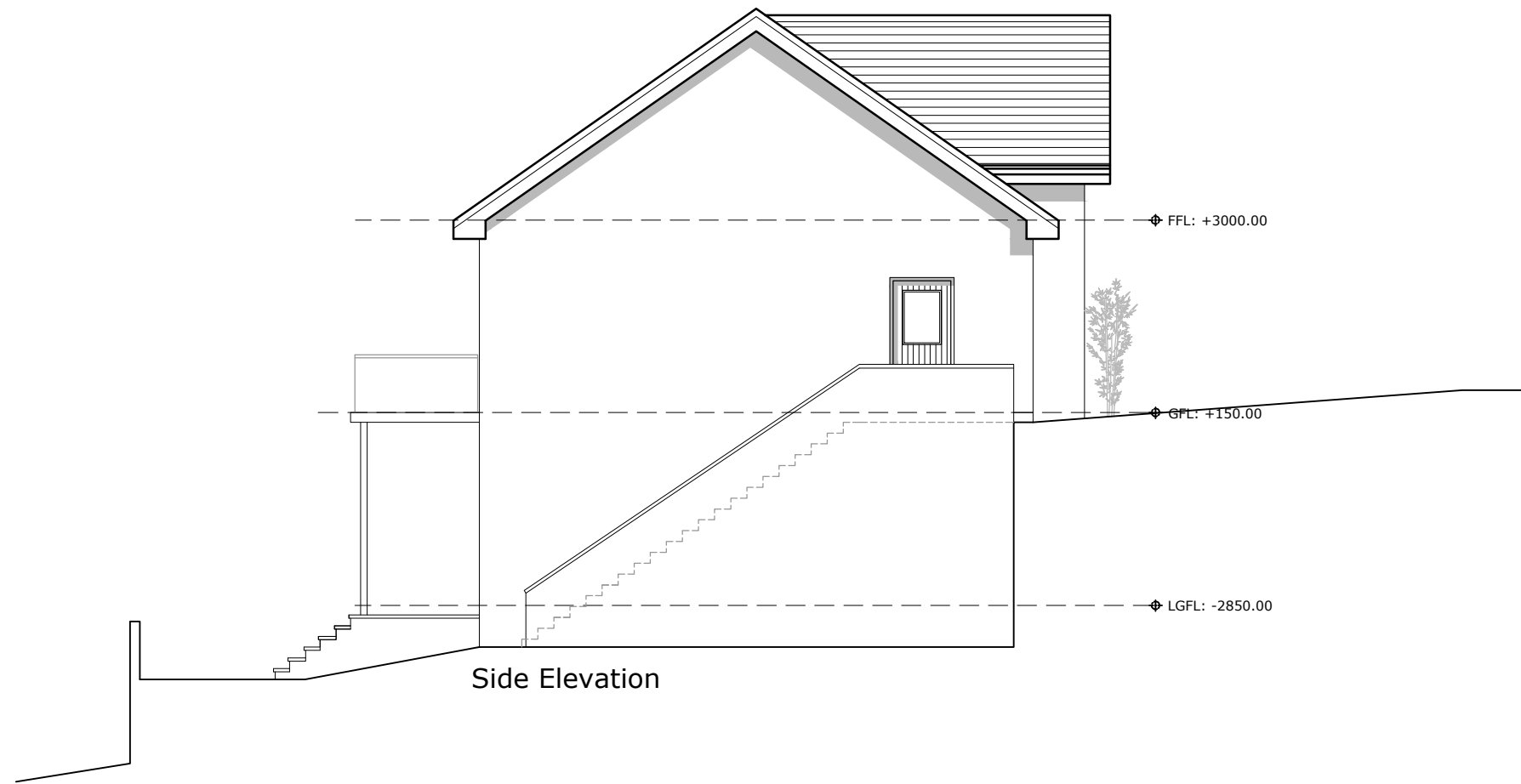
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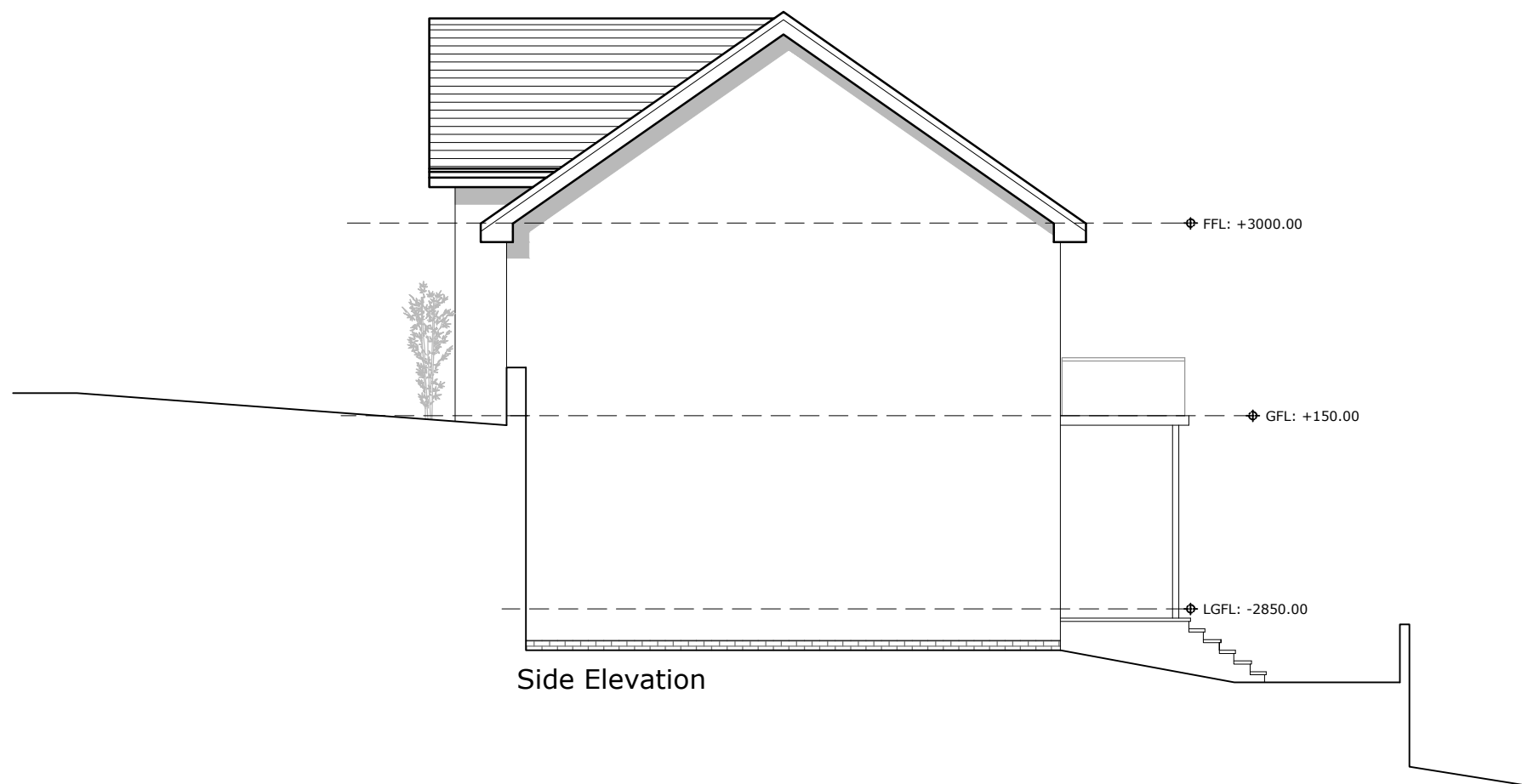
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glasgow G74 4JS  
tel : 01355 260909  
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Side Elevation



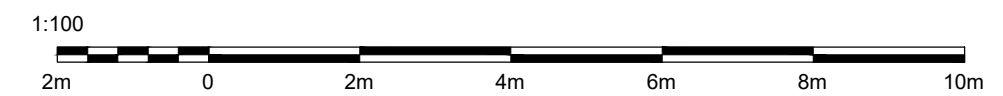
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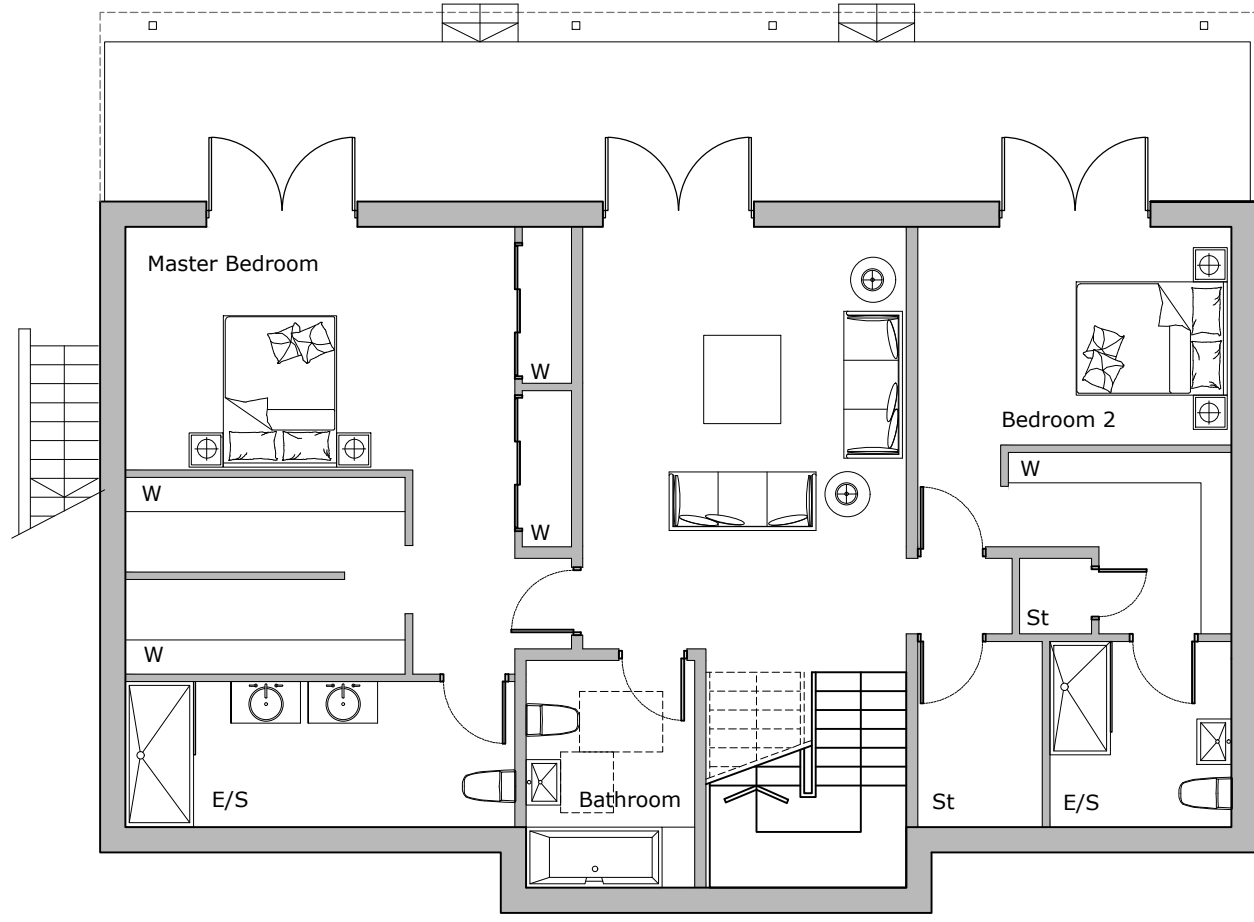
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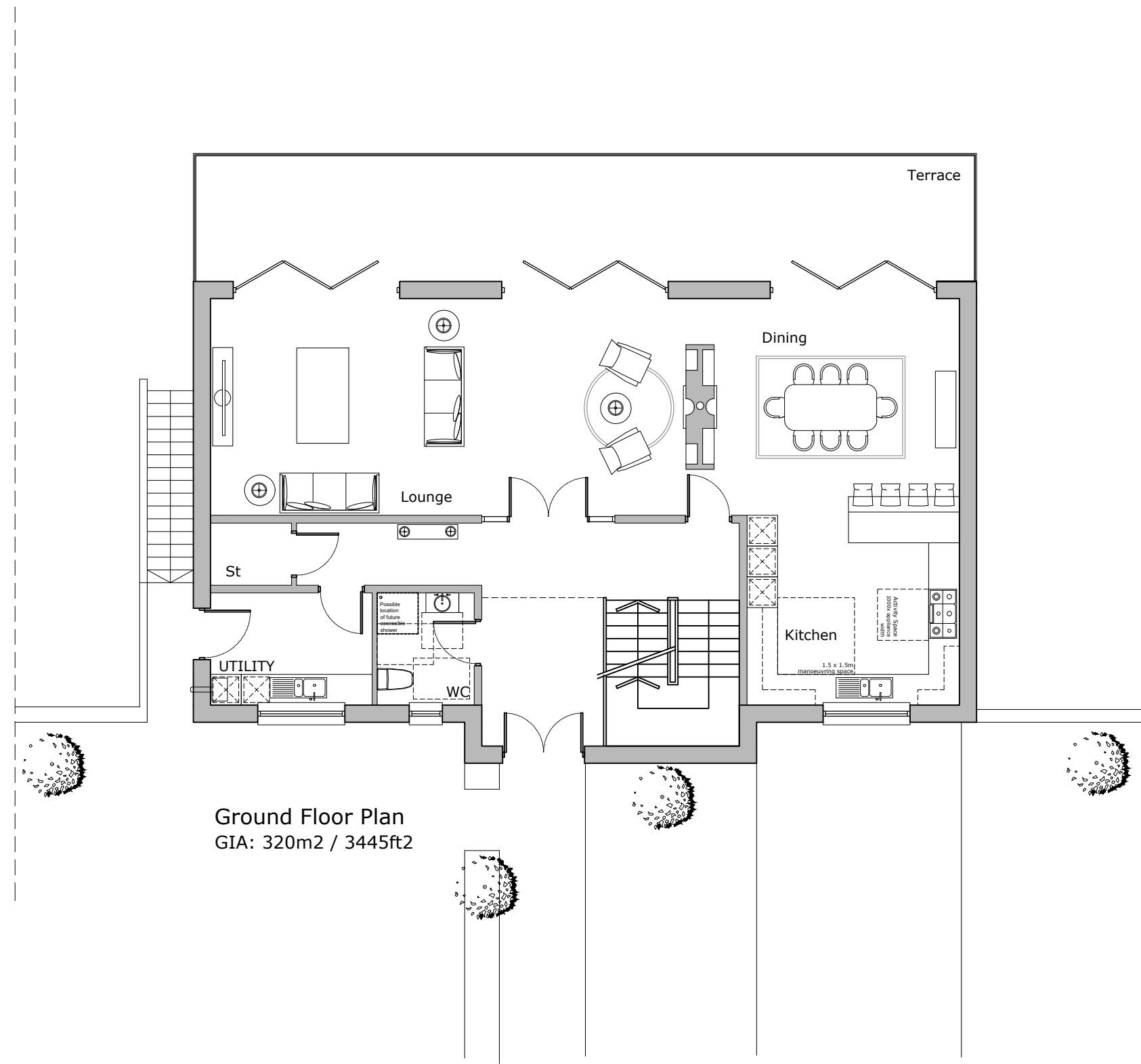
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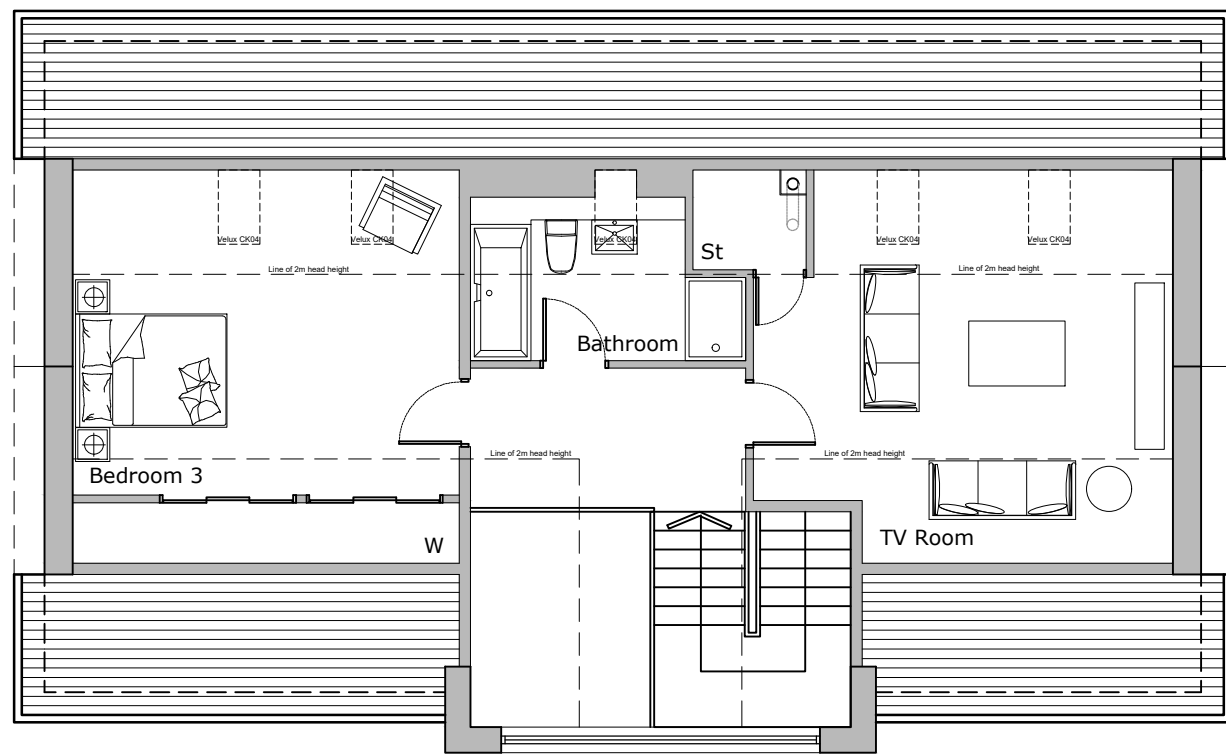




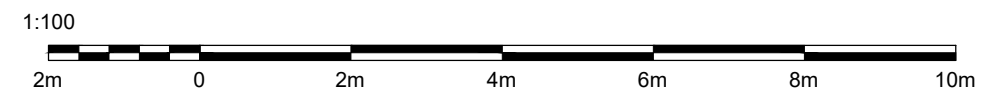
Lower Ground Floor Plan



Ground Floor Plan  
GIA: 320m2 / 3445ft2



Attic Floor Plan



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Client

Project  
Proposed Dwelling  
Beechlands Drive  
Clarkston

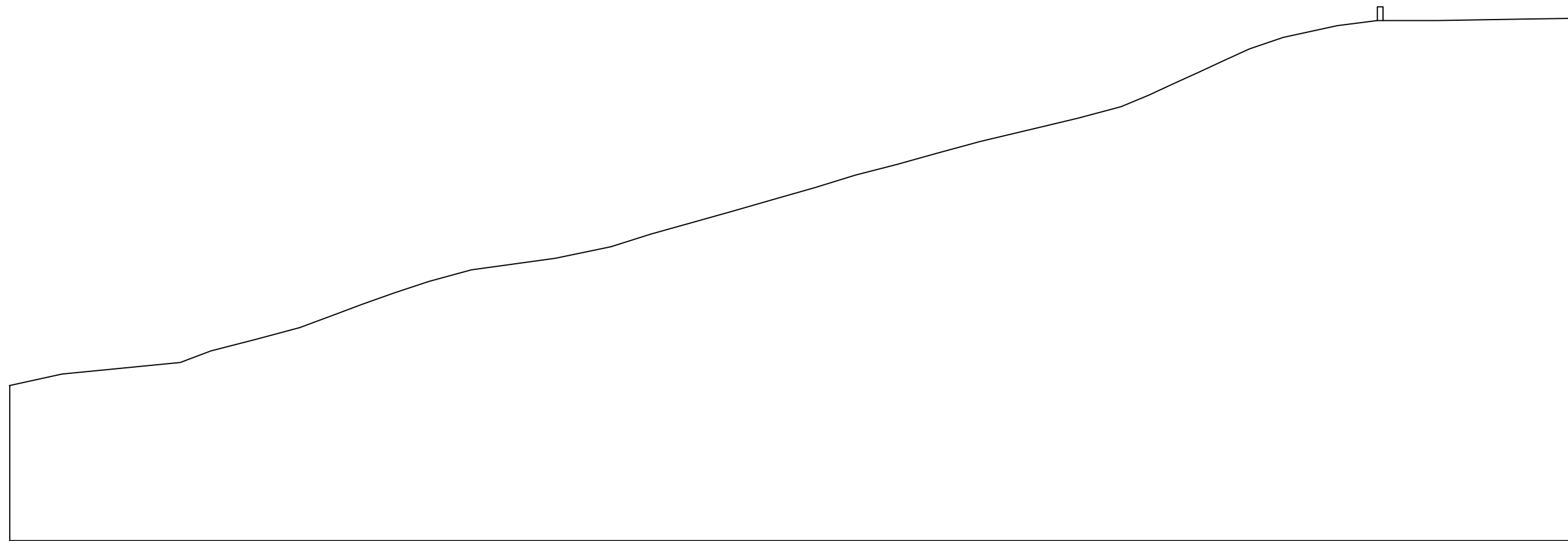
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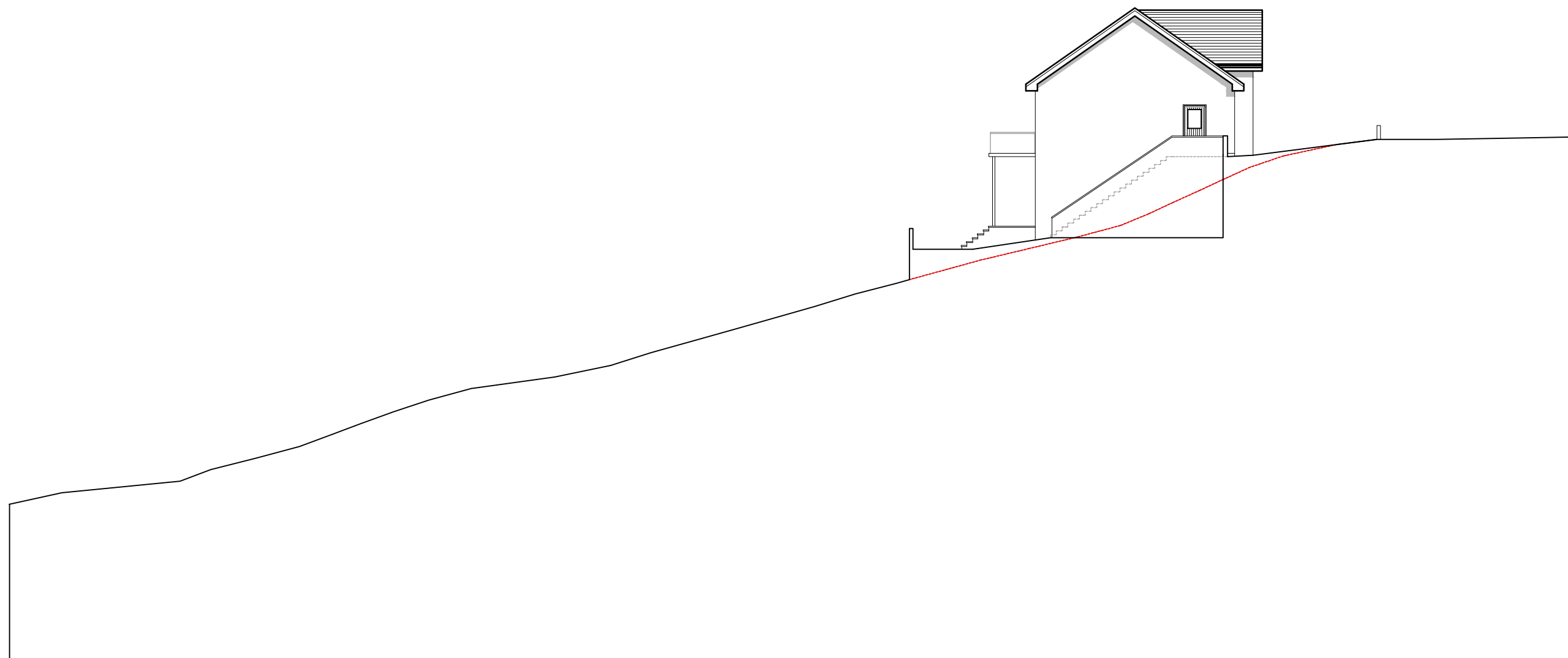
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Existing Site Section



Proposed Site Section



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Dated .....  
Signed .....  
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Client

Project  
Proposed Dwelling  
Beechlands Drive  
Clarkston

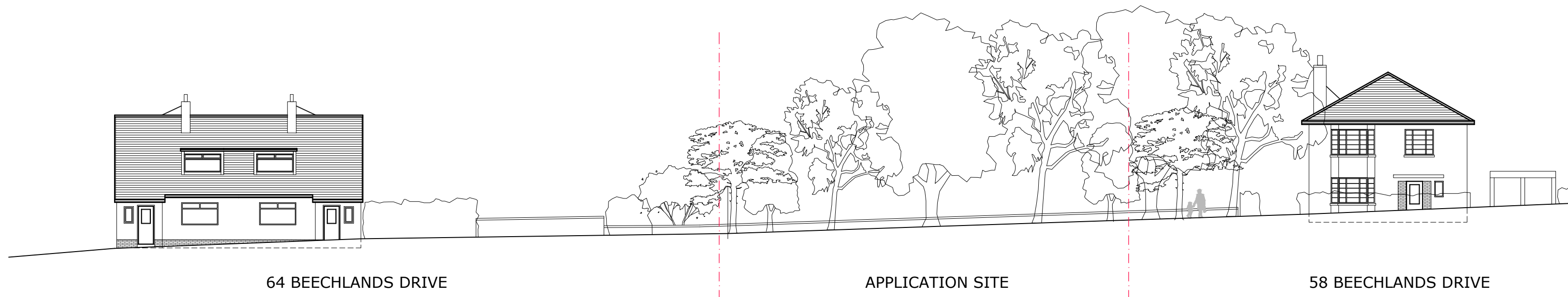
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Existing & Proposed  
Site Sections

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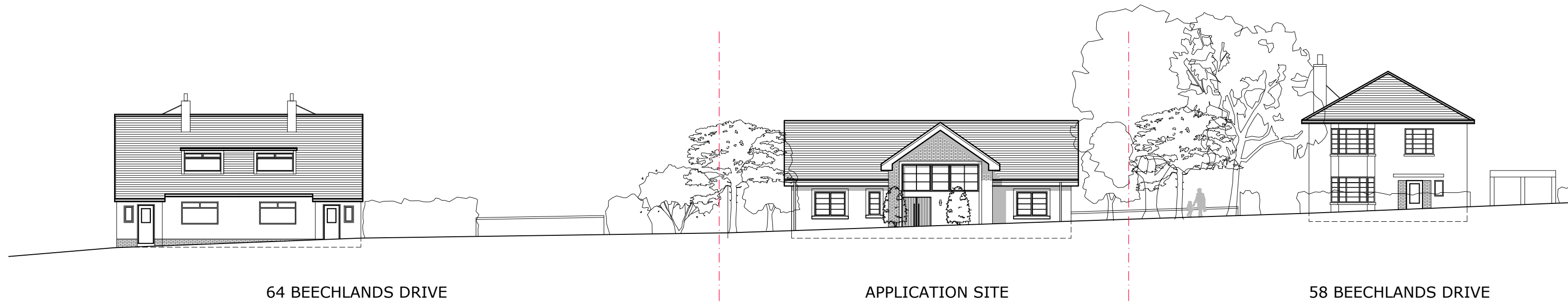
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EXISTING STREETScape - BEECHLANDS DRIVE



PROPOSED STREETScape - BEECHLANDS DRIVE



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This is a true copy of the Building Warrant / Planning Application

Dated .....  
Signed .....  
DTA Chartered Architects

Client  
Edzell Property Holdings Limited

Project  
Proposed Dwelling  
Beechlands Drive  
Clarkston

Title  
Existing & Proposed  
Streetscape Elevations

job no	drg size
T1.08	A2

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Location Plan – Site between Nos 58 and 64 Beechlands Drive, Clarkston G76 7UX



Excerpt from Registers of Scotland - Title Plan REN149219

□ Application Boundary

**REASONING FOR SUBMISSION OF NEW  
INFORMATION**

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**From:** Mark McGleish <mark.mcgleish@certus-lpd.co.uk>

**Sent:** 12 January 2022 15:35

**To:** McIntyre, Sharon2

**Subject:** Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Good afternoon Sharon

Regarding the above Review, the matter of a Bat Survey has been referred to in the Statement of Case. I have been instructed to forward a copy of that Survey, which will also be referred to in any future relevant correspondence(s). Please find the bat survey attached.

Regards

Mark

Mark McGleish

**Mobile: 07419 845025**

**Address (England):** 85 Great Portland Street, First Floor, London, W1W 7LT

**Telephone: Landline** 020 8191 1640

**Address (Scotland):** 272 Bath Street, Glasgow, G2 4JR

**Telephone: Landline** 0141 354 7671



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E: [info@certus-lpd.co.uk](mailto:info@certus-lpd.co.uk)

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Bat Survey

For Proposed Development Site

On Land North of Beechlands Drive

Clarkston

East Renfrewshire

G76 7UZ

December 2020 and August - September 2021

Prepared by Acorna Ecology Ltd. for DTA Architects on behalf of Edzell Property Holdings Limited

**Executive Summary**

Acorna Ecology Ltd. was commissioned in December 2020 to carry out an extended Phase I habitat survey with protected species walkover survey on land north of Beechlands Drive, Clarkston. The protected species survey element included a ground-based assessment of trees for their potential to support bat roosts, which confirmed that 12 trees within the Proposed Development Site had bat roost potential of which seven had moderate or high roost potential and so required further survey effort according to the requirements within the national guidelines. However, the subsequent presence/absence surveys could not be completed until the next active bat season in 2021, so these surveys were then completed at dusk and pre-dawn during August and September 2021. The surveys identified one Soprano Pipistrelle bat roost in a tree at the southwestern area of the Proposed Development Site, approximately 35m from the proposed development footprint. Thirty metres is considered the normal cut-off distance required for developmental works to be covered by a licence where bats are an ecological constraint. At this site, with tree removal and the building process we consider it probable that disturbance could extend beyond 30m (this is not uncommon at development sites) so it wise to consider the roost at 35m to still be an ecological constraint and therefore we recommend that a developmental licence is obtained to permit works that can cause a disturbance to a roosting bat but this would be confirmed by future discussions with NatureScot subject to planning approval being obtained.

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## 1. Introduction

Acorna Ecology Ltd. was commissioned in December 2020 to carry out an extended Phase I habitat survey with protected species walkover survey on land north of Beechlands Drive, Clarkston. The protected species survey element included a ground-based assessment of trees for their potential to support bat roosts, which confirmed that 12 trees within the Proposed Development Site had bat roost potential of which seven had moderate or high roost potential and so required further survey effort according to the requirements within the national guidelines, however these surveys could not be completed until the next active bat season in 2021. This report contains the findings of the roost potential survey element in December 2020 and the subsequent presence/absence surveys at dusk and pre-dawn during August and September 2021.

The Site (Figure 1.) consisted of a small mixed woodland plantation between two private houses. The site was bordered by existing public roadways to the south (Beechlands Drive) and north (Mearns Road).

## 2. Scope of Assessment and Survey

The surveys included a daylight ground-based assessment of trees for potential roost features (December 2020) and one dusk and one pre-dawn bat survey at each tree with moderate roost potential and two dusks and one dawn at each tree with high roost potential, which were completed during August and September 2021.

## 3. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (June 2014) replaces NPPG14 and SPP (February 2010);
- The East Renfrewshire, Renfrewshire & Inverclyde Local Biodiversity Action Plan (LBAP) - Note Renfrewshire now has its own separate LBAP 2018 - 22;
- The UK Biodiversity Action Plan (UK BAP), revised priority list 2007; and the
- Scottish Biodiversity List 2007

### 3.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

#### Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;
- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;
- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007). Daubenton's bat is a species of UK conservation concern.

#### Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and
- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

#### Local Biodiversity Action Plans

Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

Bats are key species in the LBAP.

### 3.2. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)

The European Protected Species of animal of potential relevance to this survey area were bat species found in the Central Belt of Scotland.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

[http://www.opsi.gov.uk/SI/si1994/Uksi\\_19942716\\_en\\_4.htm](http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm)

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:



(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held).

(b) deliberately or recklessly-

- (i) to harass a wild animal or group of wild animals of a European protected species;
- (ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- (iii) to disturb such an animal while it is rearing or otherwise caring for its young;
- (iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;
- (v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or
- (vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out "deliberately" or "recklessly".

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out "under and in accordance with the terms of a licence granted by the appropriate authority".

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by NatureScot where the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless NatureScot is satisfied "that there is no satisfactory alternative"; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless NatureScot is satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Note: Breach of Licensing Conditions

A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

### 2.3. Additional Legal Protection

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing.

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, NatureScot must be informed before any development takes place. A licence to permit development may then be obtained from NatureScot if appropriate.

## 4. Bats in Scotland

Ten species of bat are known from Scotland. Of these, five species are relatively widespread in Central Scotland (Table 4.1):

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);
- Brown Long-eared Bat (*Plecotus auritus*);
- Natterer's Bat (*Myotis nattereri*); and

Another four also occur in Central Scotland but tend to have restricted distributions, or less is known about their distribution:

- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);
- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz –(Stirlingshire, Fife, Glasgow, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);
- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and
- Leislers Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

From publicly available information these nine species have all been recorded in East Renfrewshire. The only species known from Scotland not recorded in the local authority area is the 10<sup>th</sup> Scottish species Brandt's Bat (*Myotis brandtii*), which is considered to be rare, with only a few records and roosts known, and its known distribution is currently thought to be limited to southern Scotland and western Perthshire.

**Table 4.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)**

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

#### 4.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2016). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;
- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;
- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;
- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.
- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.
- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;
- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;

- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and
- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating. Table 4.2. below presents the levels of importance of different roost types:

**Table 4.2. Determination of level of importance of bat roost type (from Wray et al. 2010)**

<b>Geographic Frame of Reference for Roost Importance</b>	<b>Roost Type</b>
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study focused on potential roosting in trees.

#### ***4.3. Bats and Trees: Features of Potential Value for Use by Roosting Bats***

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

### **5. Survey Methods**

#### ***5.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential***

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2016). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

*“Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge.”*

The aim of this survey was to determine if any trees within the Proposed Development Site or immediate proximity had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 5.1. below). Mature trees within the site and adjacent to it were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars. Trees with no bat roost potential were not recorded individually.

**Table 5.1. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2016)**

Suitability	Description of Roosting Habitats
<b>Negligible</b>	Negligible habitat features on site likely to be used by roosting bats.
<b>Low</b>	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions <sup>a</sup> and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation <sup>b</sup> ). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential <sup>c</sup>
<b>Moderate</b>	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
<b>High</b>	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat.

*a For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.*

*b Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015, in Collins 2016). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.*

*c This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).*

## **5.2. Bat Presence/Absence Surveys**

The surveys were focused on trees with Moderate and High bat roost potential that had been identified during the extended Phase I habitat survey. Two dusk emergence surveys and one pre-dawn return to roost survey were completed at each tree with Moderate or High roost potential.

### **5.2.1. Bat Emergence Surveys**

The first dusk survey for the trees was completed on 17<sup>th</sup> August, and the second dusk survey for the trees was completed on 31<sup>st</sup> August 2021, by six surveyors (PB (17<sup>th</sup>), JK (31<sup>st</sup>), AB, TH, GK, AM, and NK). Surveys were completed in suitable weather conditions for bat activity (temperatures 10°C or greater, light wind or no wind, and dry), and commenced from a half hour before sunset and continued for a minimum of 1.5 hours after sunset.

Note: SSF Bat -2 and Batbox Duet detectors were used during the survey, with SSF Bat-2 detectors scanning all frequencies for echolocating bats, and allowing immediate switching to that frequency for identification purposes.

### **5.2.2. Bat Pre-dawn Return to Roost Survey**

The pre-dawn return to roost survey took place on 28<sup>th</sup> September 2021, and was completed by six surveyors (JK, AB, TH, GK, AM, and NK). The survey took place from 1.5 hours before dawn until 15 minutes after sunrise (Collins 2016).



### 5.3. Limitations of Surveys

The ground-based tree inspection survey provided an indication of whether or not trees had potential for use by roosting bats but is not a substitute for presence/absence surveys, which it usually precedes, and in this case were subsequently completed. There were therefore no significant constraints on the surveys as completed.

## 6. Results

### 6.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

Twelve trees within the Application Site had potential for use by roosting bats (Table 7.2.1.):

**Table 6.1. Trees within the Application Site with PRF**

Tree Tag	Tree ref for presence/absence survey	Tree Species	BCT Category	Comments
00364		Oak	Low	Shattered stubs of branches
00371	T1	Oak	High	Branches with rot
00381	T2	Oak	Moderate	Branches with rot and split branches
00383	T3	Oak	High	Branches with rot and split branches (many)
00388	T4	Oak	Moderate	Branches with rot
00392	T5	Oak	Moderate	Branches with rot in crown and upper tree
00402	T6	Oak	Moderate	Branches with rot
00403		Oak	Low	Ivy coverage
00405		Oak	Low	Ivy coverage
00406	T7	Larch	Moderate	Loose bark on main limb and branches shattered and rotted
00407		Oak	Low	Ivy coverage
00411		Oak	Low	Knot hole

### 6.2. Survey Conditions and Timings

**Table 6.2. Weather Conditions and Times of Emergence Surveys**

Date	Temp start °C	Temp finish °C	Cloud cover (Oktas)	Dry/rain	Wind speed	Wind direction	Start time	End time
17/08/2021	19	17	1/8	Dry	1	SW	2020	2220
31/08/2021	15	14	6/8	Dry	1	NE	1945	2145
26/09/2021	15	14	6/8	Dry	1	W	0509	0724

## 6.2. Bat Presence/Absence Surveys

### 6.2.1. Dusk Bat Emergence Surveys

One Soprano Pipistrelle bat was detected emerging from the crown area of a tree in the southwestern area of the Proposed Development Site during both dusk surveys (roost location could not be determined due to leaves on trees but bat was consistently seen appearing from the same area and then foraged briefly before heading off southwards out of the woodland. No other bats emerged but several Soprano Pipistrelles and one Common Pipistrelle were detected commuting past the woodland.

### 6.2.2. Pre-dawn Bat Return to Roost Survey

Only one bat was detected (Soprano Pipistrelle) but was only heard and was not observed at all. This would be presumed to be the bat returning to roost as the timing (0651hrs) would be right for a bat returning to roost at the time of year of this survey but of course could not be confirmed (low light and dense canopy foliage).

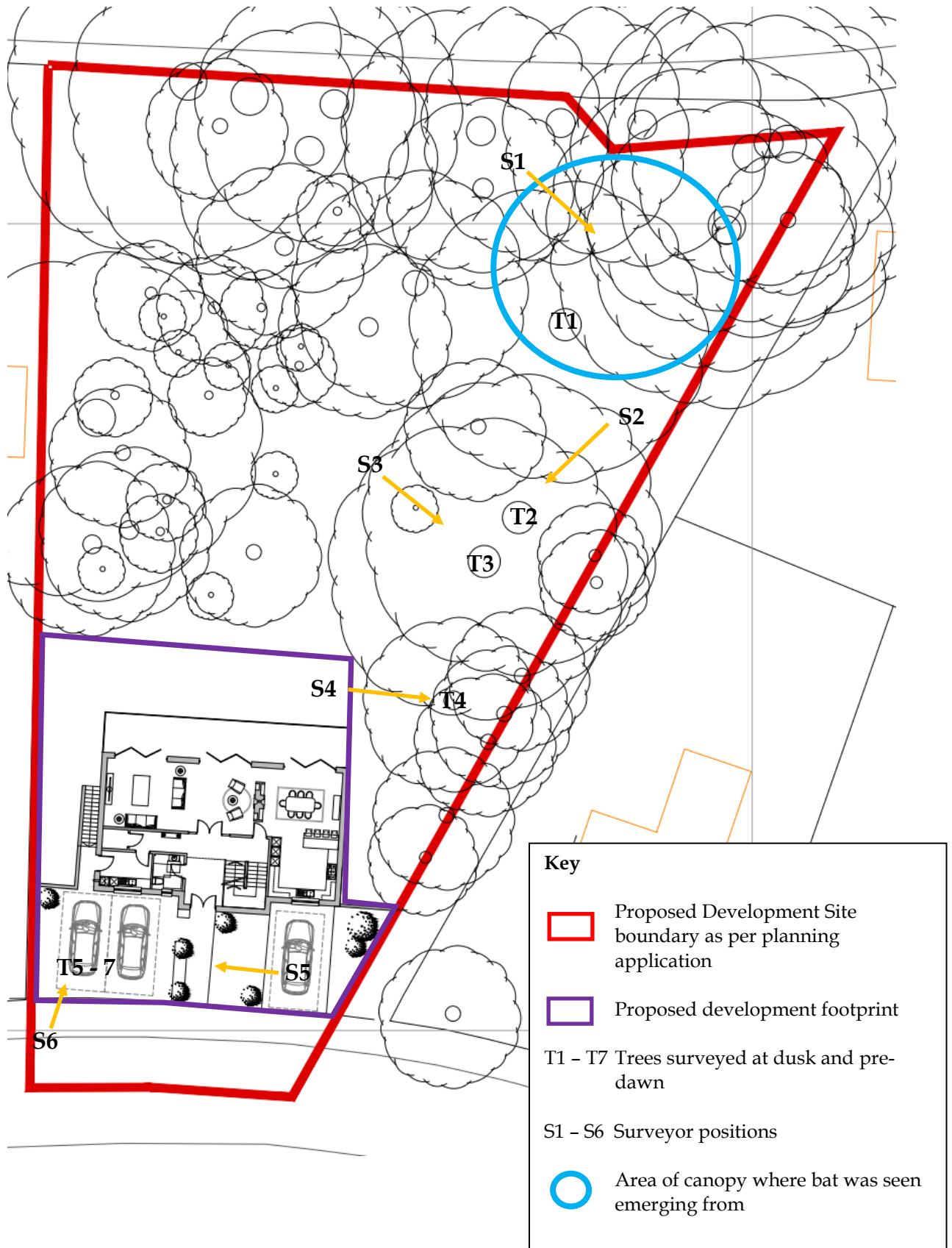
## 7. Conclusions

The surveys identified the approximate location of one tree roost used by a single Soprano Pipistrelle bat so a bat roost is present within approximately 35m of the proposed development footprint. At this site it is not an issue to not know the exact roost location as the tree will not be felled and the only concern is the proximity of it to an area proposed for development: Thirty metres is considered the normal cut-off distance required for developmental works to be covered by a licence where bats are an ecological constraint. At this site, with tree felling and removal required at the northern end of the Proposed Development Site and the building process to follow we consider it probable that disturbance could extend beyond 30m (this is not uncommon at development sites) so it wise to consider the roost at 35m to be an ecological constraint and therefore we recommend that a developmental licence is obtained to permit works that can cause a disturbance to a roosting bat but this would be confirmed by future discussions with NatureScot subject to planning approval being obtained. This report has a Bat Protection Plan appended that details the proposed compensation for any roost disturbance as well as methodologies to minimise the disturbance to any roosting bat, and will be required to support the bat licence application should planning be approved for this project.

## 8. References/relevant reading

- Collins, J. (ed.) 2016. Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1
- Mitchell-Jones, A.J., and A.P. McLeish. (Eds.) 2004. Bat Workers Manual 3<sup>rd</sup> Ed. JNCC
- Stone, E.L. 2013. Bats and lighting: Overview of current evidence and mitigation. Bat Conservation Trust.
- Wray, S., Wells, D., Long, E. and Mitchell-Jones, T. 2007. EcIA: Specific issues associated with bats with bats. Presentation at the Mammal Society/Zoological Society of London/IEEM Symposium on Advances in EcIA for Mammals.
- Wray, S., Wells, D., Long, E. & Mitchell-Jones, T., 2010. Valuing Bats in Ecological Impact Assessment. In Practice, pp. 23-25.

Figure 1. Application Site boundary, proposed development footprint, surveyor positions and area where bat roost is present.



## Appendix 1. Bat Protection Plan Beechlands Drive

### Introduction

One non-breeding Soprano Pipistrelle roost was identified in trees at this site. While it is approximately 35m from the proposed development footprint there will be trees in the development footprint and subsequent construction that we think would constitute a disturbance to the roost and so it would be appropriate to consider the roost as an ecological constraint for the proposed developmental work.

The developmental work will require a European protected species license that will allow the works to be completed lawfully. This will require the submission of the Bat Survey Report with this Bat Protection Plan. This Bat Protection Plan details the proposed methodology for minimising the potential for harm to the bats, as well as detailing proposed compensation / mitigation.

### Assessment of Roosts

- The roosting species present was Soprano Pipistrelle (maximum one bat) in tree T1 (Roost R1);
- The roost R1 location was high in the tree and could not be specifically identified – we do not consider this an issue as the tree will not be impacted directly by development so it is disturbance that is the only issue; and
- The roost is considered a non-breeding roost based on numbers of bats present.

### Bats as a Constraint

Bat roosting activity in Roost R1 is considered a constraint (disturbance) for tree felling works as part of site preparation for the development footprint as well as for site preparation and construction works.. We consider hibernation potential is unlikely due to exposure but this cannot be ruled out as the roost entry and position is not verified.

### Impact Assessment, Mitigation, and Compensation

Following consultation with SNH Species Licencing Team in July 2017, the loss of non-breeding summer roosts used by small numbers of Soprano Pipistrelles is not considered to be significant. The work proposed is therefore not considered to have any potential for significant impact on the national, regional, or local conservation status of the species – not causing death, or roost loss without mitigation.

Compensation for roost disturbance will be in the form of three woodcrete multi-season bat boxes installed on trees along the northern edge of the woodland (i.e. as far from the proposed development footprint as possible but will be within 100m of the roost trees as per usual guidance (on trees that will not be later felled). Box locations will be agreed with the project licensed bat worker. Boxes will be in place prior to the start of works that may disturb any roosting bat.

### Method Statement

- An application for a Regulation 44 license will be applied for upon planning approval to allow the disturbance of Roost R1.
- All development site contractors will be briefed by Dr Paul Baker on the presence of the bat roost prior to commencing any works at site. The Site Manager and senior staff will then arrange the briefing of the rest of the workforce, all of whom must sign and date an attendance record demonstrating that they have attended the briefing and understand their legal obligations in

regard to bats, roost location area, stand-off zones, and they must follow the bat licence and associated Bat Protection Plan (BPP).

- Tree felling works will be restricted to the development footprint unless any tree is found to be unsafe and a risk to the safety of site users. In the event of any tree outwith the development footprint requiring works Dr Paul baker must first be consulted to ensure that this additional work does not pose any risk to the bat roost.
- Basic compensation for roost disturbance is recommended as three woodcrete multi-season bat boxes (BPP Figure 1.) with all installed on trees within 100m of the roost tree in advance of any felling/disturbing works to allow the bat potential time to find the boxes.
- There should be no tree felling, tracking or other site preparation related works unless the bat licence is in place and on site – and no developmental activity outwith the developmental footprint or closer than 30m to the roost area.
- Tree felling works would be best completed during the late winter (February or early March) because it is unlikely that the bat will hibernate at site, so completion of these works at that time of year minimises the risk of disturbance to the bat.
- At all times there should be a presumption of avoiding intense artificial light directed into the woodland to the south of the development footprint. Any lighting including permanent outdoor lighting should be hooded and directed away from the woodland and roost area as the lighting could adversely impact the roosting bat. However, it may be possible to use bat friendly types of lighting where long-term outdoor lighting is required.

#### **Timing of Actions:**

1. Licence application submission to NatureScot (TBC);
2. Installation of three compensatory bat boxes (prior to works so TBC);
3. Contractor briefing by PB (TBC) – contractors will sign up that they have received and understood the briefing;
4. Bat licence return will be done as per completion of works (TBC) – this presumes that development will be complete within a three year timeframe from bat licence approval – if it will not be and any works that may disturb roosting bats remains to be done then a licence extension will be applied for to allow time for processing before it expires, as this would then necessitate a new application submission once the existing licence has expired.

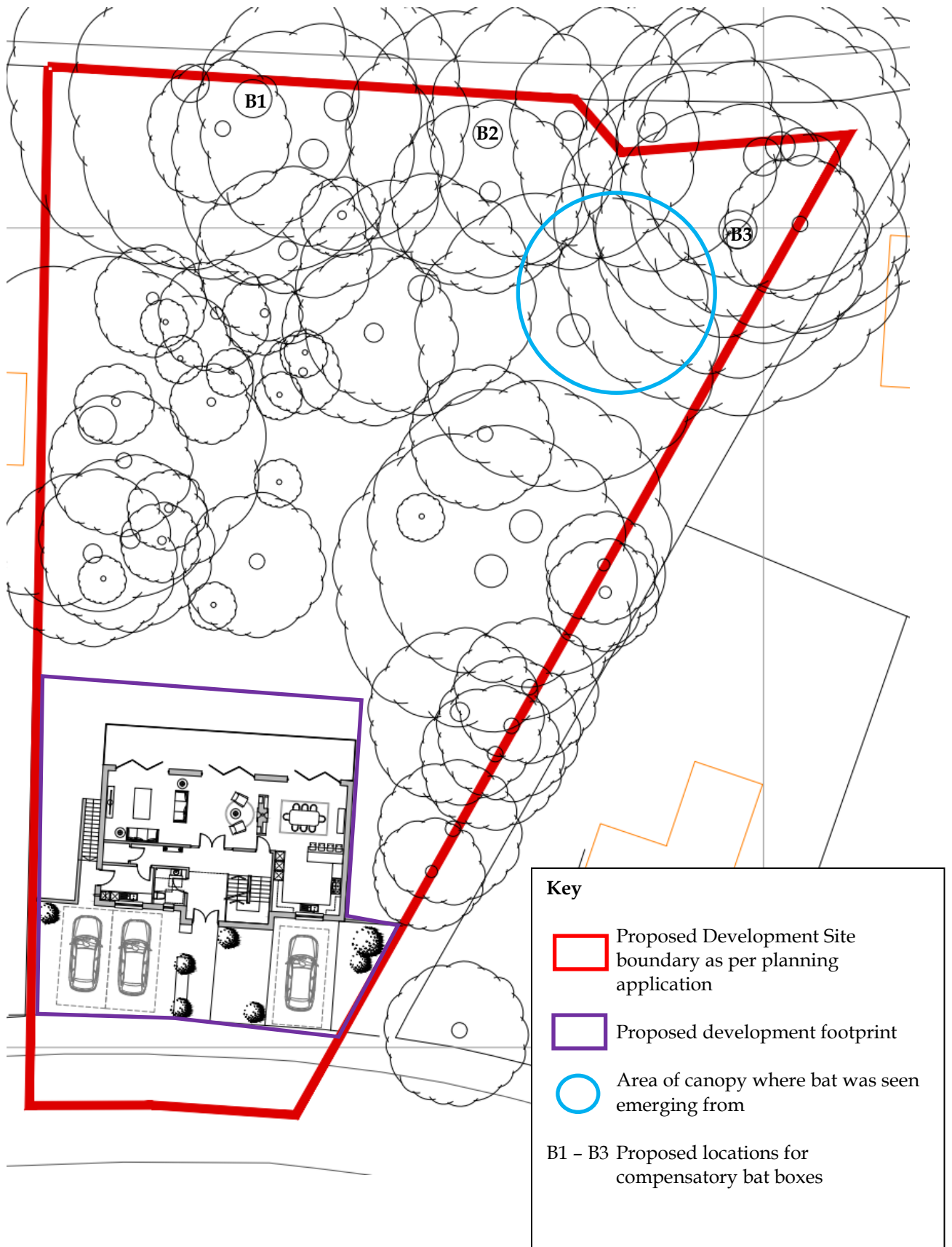
#### **Maps/site plans (at an appropriate scale)**

Site map and photographs provided.

#### **Discussion**

Disturbance of the roosting bat is the only issue at this site so subject to a licence being obtained to permit disturbance, three compensatory bat boxes being installed, and the contractors briefed then there should be no other issues in regard to the welfare of bats at this site.

BPP Figure 1. Beechlands Drive: location of roost area and proposed compensatory bat boxes





**From:** McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>  
**Sent:** 03 February 2022 16:01  
**To:** Mark McGleish <mark.mcgleish@certus-lpd.co.uk>  
**Subject:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Dear Mr McGleish,

Thank you for providing the response below on behalf of the applicant.

The Local Review Body requires to consider at the meeting whether it has all the information it requires to conduct the review and also whether it should take into consideration new information provided at the time of the submission of the appeal. This information would then require to be commented on by the Planning Advisor prior to consideration by the Local Review Body. It will be for the Local Review Body to decide whether or not to accept the new information in the consideration of the review.

Kind regards,

Sharon

---

**From:** Mark McGleish <[mark.mcgleish@certus-lpd.co.uk](mailto:mark.mcgleish@certus-lpd.co.uk)>  
**Sent:** 31 January 2022 16:02  
**To:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Subject:** RE: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Good afternoon Sharon

I hope that you are well.

The matter of impact on bats is not itself a new issue. What the applicant has submitted now is additional information in the form of a bat survey, which is very pertinent since the impact on bats was used in part to refuse the application.

I am advised that the bat survey was planned and instructed during the application determination period and the applicant had intended to submit it when complete. My client had requested discussion with the Planning Authority on a few occasions and was advised that he would be dealt with when time allowed. He had expected to discuss this issue and the forthcoming bat survey. But he then simply received a refusal notice rather out of the blue.

Therefore, the applicant had fully intended to submit the bat survey to the Planning Authority during the determination period but it was not completed at the point of refusal. The applicant advises that he would have been willing to withdraw the application and re-submit it with the bat survey, however he was not given that option.

Can you confirm whether the LRB will advise us of whether they will accept the bat survey prior to LRB sitting to undertake the Review?

Many thanks Sharon.

Regards

Mark

Mark McGleish  
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**From:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>

**Sent:** 17 January 2022 11:37

**To:** Mark McGleish <[mark.mcgleish@certus-lpd.co.uk](mailto:mark.mcgleish@certus-lpd.co.uk)>

**Subject:** Re: Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Dear Mr McGleish,

I can confirm receipt of the attached documentation, I have been advised by the Planning Adviser to the Local Review Body that this is new information which was not before the Appointed Officer when the decision on your application was made.

The legislation governing Local Review Bodies states that in a review, a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination being reviewed was made, unless that party can demonstrate:-

- (a) that the matter could not have been raised before that time; or
- (b) that it not being raised before that time was a consequence of exceptional circumstances.

In view of the foregoing, could you please provide an explanation as to why the new information you have submitted could not have been raised before. It will be for the Local Review Body to decide if

the explanation you provide is acceptable and whether or not it is prepared to accept the new information in the consideration of the review.

Kind regards,

Sharon

---

**From:** Mark McGleish <[mark.mcgleish@certus-lpd.co.uk](mailto:mark.mcgleish@certus-lpd.co.uk)>  
**Sent:** 12 January 2022 15:35  
**To:** McIntyre, Sharon2 <[Sharon.McIntyre@eastrenfrewshire.gov.uk](mailto:Sharon.McIntyre@eastrenfrewshire.gov.uk)>  
**Subject:** Local Review Body - Review 2021/13 - Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Good afternoon Sharon

Regarding the above Review, the matter of a Bat Survey has been referred to in the Statement of Case. I have been instructed to forward a copy of that Survey, which will also be referred to in any future relevant correspondence(s). Please find the bat survey attached.

Regards

Mark

Mark McGleish  
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