AGENDA ITEM No.3

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

7 June 2023

Report by Director of Business Operations and Partnerships

REVIEW OF CASE - REVIEW/2023/02

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

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: Further application (Ref No:- 2021/0944/TP).

Applicant: Edzell Holdings Ltd

Proposal: Erection of Dwellinghouse and Associated Parking.

Location: Site 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 with 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 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 can continue to conclusion based on the assessment of the review documents only, with no further procedure.

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, 7 June 2023 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. 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 – Appendix 1

(b) Consultation Responses – Appendix 2

(c) Objections/Representations – Appendix 3

(d) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 4

(e) Decision notice and reasons for refusal – Appendix 5

(f) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 6

15. The applicant has also submitted the drawings and surveys listed below and these are attached as Appendix 7

(a) Statement and Plans from Certus

(b) Plan of Location

(c) Existing and Proposed Site Sections

(d) Existing and Proposed Streetscapes

(e) Proposed elevations

(f) Proposed floor plans

(g) Proposed site plan

(h) Bat Survey

(i) Extended Phase 1 Habitat Survey

(j) Tree Report

16. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

17. 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: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 31 May 2023

APPENDIX 1

APPLICATION FOR PLANNING PERMISSION

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: 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 100508395-001

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 Dwellinghouse and Associated Parking

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:	CERTUS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Atrium Business Centre
Last Name: *	McGleish	Building Number:	
Telephone Number: *	07419845025	Address 1 (Street): *	North Caldeen Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Coatbridge
Fax Number:		Country: *	United Kingdom
		Postcode: *	ML5 4EF
Email Address: *	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:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	1008
Last Name: *		Address 1 (Street): *	Pollokshaws Road
Company/Organisation	EDZELL HOLDINGS LTD	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	G41 2HG
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing 657051 Easting 256249

Pre-Application Discussion

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

Site Area

Please state the site area: 0.20

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 enclosed woodland.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☒ 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? 0

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)? * 3

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?? * (e.g. SUDS arrangements) * ☐ Yes ☒ No

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)

Waste and recycling bins (moveable) will be located 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: Mark McGleish

On behalf of: EDZELL HOLDINGS LTD

Date: 29/11/2021

☒ 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 principal 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:

- [x] Site Layout Plan or Block plan.
- [x] Elevations.
- [x] Floor plans.
- [x] 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. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☐ Yes	☒ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☒ Yes	☐ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

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

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: Mr Mark McGleish

Declaration Date: 29/11/2021

APPENDIX 2

CONSULTATION RESPONSES

Roads Service
OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 2021/0944/TP
D.C Ref: Byron Sharp
Contact: Allan Telfer

Planning Application No: 2021/0944/TP **Dated:** 06.01.2022 **Received:** 06.01.2022
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 Subject to Conditions**

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**

Proposals Acceptable Y/N or N/A

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**

Proposals Acceptable Y/N or 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.
4(d)	The gradient of the proposed driveway should be no greater than 10%. *Miscellaneous* 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. Before construction takes place, the Applicants' contractor will be required to contact the Roads Service to discuss among other things, how disruption to public roads can be minimised, what temporary traffic management will be required and what remedial measures may be required on public roads adjacent to the application site.

	CONDITIONS
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: 05/04/2022
Principal Traffic Officer

APPENDIX 3

OBJECTIONS/REPRESENTATIONS

Comments for Planning Application 2021/0944/TP

Application Summary

Application Number: 2021/0944/TP
Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire
Proposal: Erection of dwellinghouse and associated parking
Case Officer: Mr Byron Sharp

Customer Details

Name: Mr Andrew Jackson
Address: 11 Kingsford Court, Newton Mearns, East Renfrewshire G77 6TS

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I am building a house at 59 Beechlands Drive and will be living there once the new house is complete.

My objection to the proposal is based on the following:

1) The removal of trees to construct the dwelling and associated parking will have a detrimental effect on the streetscape both in the immediate area (including 59 Beechlands Dr) and also along the street as a whole. These trees form an important part of the visual amenity of the overall streetscape; removal and construction of a new dwelling will leave an almost unbroken run of houses along the northern side of Beechlands Dr. This would be a significant reduction in visual amenity compared to the current situation.
2) As well as the trees providing a visual contrast from the housing along the rest of the street, the woodland also provides a physical link between Beechlands Dr and Mearns Rd. This informal walkway is a useful shortcut between the two streets. Removal of part of the woodland would compromise this access.
3) The removal of a significant number of trees within the woodland compromises the integrity of the overall woodland. This appears to completely contradict the intent of the tree protection order in place at the site.

Comments for Planning Application 2021/0944/TP

Application Summary

Application Number: 2021/0944/TP
Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire
Proposal: Erection of dwellinghouse and associated parking
Case Officer: Mr Byron Sharp

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.

Also there is an almost identical application a few months ago which was rejected by all the neighbours (Application Number: 2021/0038/TP). This case is in the appealing process with the council. I was wondering are these two applications related. The council probably should look at these two cases together and any cases like this in the future.

Comments for Planning Application 2021/0944/TP

Application Summary

Application Number: 2021/0944/TP
Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire
Proposal: Erection of dwellinghouse and associated parking
Case Officer: Mr Byron Sharp

Customer Details

Name: Mr Daniel Browne
Address: 58 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:We are the owners of 58 Beechlands Drive. Our property is immediately beside the site of the proposed development application, 2021/0944/TP, on Beechlands Drive.

We object to this application and our opinion is that this application should be refused. This opinion is also 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 1997and 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 this application.

An application on this plot has also been refused in the last 12 months, 2021/0038/TP, and there have been no material changes to circumstances, Development Plans or the applicant's information or new material considerations which should result in an approval of this current application (2021/0944/TP).

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 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 a previous 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 latest application does not 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, 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

Mr and Mrs Browne

Comments for Planning Application 2021/0944/TP

Application Summary

Application Number: 2021/0944/TP
Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire
Proposal: Erection of dwellinghouse and associated parking
Case Officer: Mr Byron Sharp

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 planning application is for all intents and purposes identical to the application 2021/0038/TP which was rejected in August of last year. I cannot see that the 5 reasons the council gave for refusal for the initial application not applying again to this new one.
The site is one of very few remaining woodland areas left in this area and the removal of at least 12 mature trees with preservation orders would certainly be detrimental to the character and amenity of the area. It is also home to various birds but more importantly is home to bats which in the summer months can be seen flying in and out of the trees. It would only be a matter of time before the frontage to the Mearns Road would have a planning application putting in danger the remaining trees. The tree preservation orders are in place to protect environments such as these woodlands and I feel should be respected. The house planned itself is not in keeping with the character of the surrounding area with respect to front garden space which would be given over to car parking.
To recap the proposals are contrary to Policies D1, D5, D8 and D9 of the East Renfrewshire Local Development Plan.

Comments for Planning Application 2021/0944/TP

Application Summary

Application Number: 2021/0944/TP
Address: Adjacent East Of 137 Mearns Road Clarkston East Renfrewshire
Proposal: Erection of dwellinghouse and associated parking
Case Officer: Mr Byron Sharp

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:This appears to be a repeat of a planning application refused last year. That refusal has also been appealed (pending decision). The new application seems to be for an identical project and design, but does not include all the documents included previously e.g. Habitat Survey. My comments, and objection, are therefore identical to those submitted last year, but copied again here for ease of reference.

Furthermore, I would be shocked if this application, which would involve destroying woodland, is approved when we have just had COP26 and this is the year that the Queens Jubilee will have a focus on the planting of thousands of trees.

I also have a strengthened concern about loss of on-road parking. Next year I understand that on-pavement parking will become illegal. This will mean that it will become even more difficult to navigate Beechlands Drive, because all the cars currently parked on the pavements will need to somehow fit on the roadway. The site is at one of the widest parts of the road and on-roadway parking is currently possible here. This will no longer be possible if the house is built with its 3 parking spaces requiring constant road access.

Comments on previous planning application which are still relevant:

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.

APPENDIX 4

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2021/0944/TP Date Registered: 29th November 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 HOLDINGS LTD
1008 Pollokshaws Road
Glasgow
United Kingdom
G41 2HG

Agent:
Mark McGleish
Atrium Business Centre
North Caldeen Road
Coatbridge
United Kingdom
ML5 4EF

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 subject to a planning condition protecting visibility splays.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2021/0038/TP	Erection of dwellinghouse and associated parking	Refused	06.08.2021

REPRESENTATIONS: Five objections have been received: Representations can be summarised as follows:

- No new material considerations
- Contrary to Local Development Plan policies
- Impact on character and amenity
- Loss of trees//loss of woodland
- Tree Preservation Order
- Impact on wildlife and habitats
- Maintenance of the woodland
- Approval would create pressure to develop remaining woodland

- Loss of access
- Outdoor access and informal play
- Access/Link between Mearns Road and Beechlands Drive
- Impact on road safety and on-street parking
- Identical planning application previously refused.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement – Provides a description of the site, its context and the proposed development. Provides counter arguments against representations received for a previous planning application (2021/0038/TP) and provides counter arguments for the reasons for refusal. Concludes that the development of the site is acceptable and should be approved subject to appropriate planning conditions.

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.

Bat Survey – Provides a survey of any bat species observed within the site and their roost type. The survey identified one bat roosting on-site. The survey indicates that the proposed tree felling wouldn't directly affect the bat roost however, the proximity of the roost to the proposed works may result in disturbance to the roost. The roost is therefore considered to be an ecological constraint. It is recommended that a developmental licence is obtained from NatureScot to permit works that may cause a disturbance to a roosting bat.

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 poor to fair. 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 is 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. Residential properties lie adjacent to the site's eastern and western boundaries. The site slopes downwards from its highest point adjacent to Beechlands Drive to Mearns Road and is characterised as a wooded parcel of land with a mixture of young and mature woodland vegetation. It is identified within the adopted East Renfrewshire Local Development Plan 2 as an area of urban greenspace, which is also covered by a tree preservation order. The wider area is residential in character with a mix of house types.

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 has a 1.5 storey front elevation, dropping to two and a half storeys to the rear. Most of the mature woodland planting in the southern part of the site would be removed to accommodate the proposed dwelling.

It is noted that a planning application for an identical design was refused in 2021 (2021/0038/TP). The applicant sought a review of that decision. The refusal decision was upheld by the Planning Review Body and the review was dismissed. This planning application

is in essence the same proposal but this application also includes a bat survey and a consolidated and amended planning statement.

The application requires to be assessed with regard to Policies D1, D5, D6, D7 and D9 of the adopted East Renfrewshire Local Development Plan 2.

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 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.

Policy D6 relates to open space provision within new residential development.

Policy D7 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 site is an area of greenspace set within an established urban area and is recognised as urban greenspace within the adopted Local Development Plan 2. The site is a wooded area, supporting a number of trees that are subject to a Tree Preservation Order (TPO) and is visible from a distance in either direction on both Beechlands Drive and Mearns Road.

The wooded site breaks-up the urban grain to provide visual relief and greenspace for wildlife within what is a well-developed urbanised area. It is considered that the woodland (and the protected trees within) make a positive contribution to the character and amenity of the surrounding area. It is a distinct wooded pocket unlike the more linear portions of the TPO to the west. It is a significant and pleasant green space that would otherwise be absent from the area. The proposal would infill an area of the site adjacent to Beechlands Drive, resulting in the loss of a number of TPO protected trees and woodland. It is considered that the loss of the trees (and woodland) in that location would result in a significant loss of character and amenity to the surrounding area. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2.

It is noted that the Phase 1 Habitat Survey considers the woodland to have local value due to the scarcity of mature woodland in the general wider urban area. Furthermore, it is considered that the loss of the trees and open space adjacent to both road would affect the site's landscape and amenity function as an area of urban greenspace. It is considered that the proposal is contrary to Policy D5 of the adopted Local Development Plan 2.

Analysis of the tree survey and the proposed site plan confirms that a significant number of trees would be lost in the southern area of the site. The tree survey shows the majority of the trees in the southern part of the site are classed as Category B, with an estimated minimum lifespan of 20 years. Other trees in this area of the site are classed as Category C. The trees on-site are in good to fair condition and it is noted that the trees are protected by a Tree

Preservation Order. Policy D7 states that there is a strong presumption against development which would compromise the integrity of a Tree Preservation Order. The proposed felling would have a significant adverse impact upon many of the trees covered by the Tree Preservation Order. It is considered that the loss of the protected trees would compromise the overall integrity of the Tree Preservation Order as a whole and therefore, the proposal is contrary to Policy D7 of the adopted Local Development Plan 2.

Additionally, Policy D7 requires consideration to be given to the impacts on species and habitats. As noted above the applicant has submitted a bat survey. The survey did find evidence of bat activity, a suspected roost has been determined. The survey suggests that the proposed tree felling wouldn't directly impact upon the roost however, proximity to the proposed development works may result in disturbance. The survey data is however no longer current. It is considered that an updated survey is necessary. However given other considerations it has not been expressly sought.

The proposal would develop the frontage of the site along Beechlands Drive. In doing so, the woodland would no longer be accessible. It is therefore considered that the proposal would reduce access to the woodland. The proposal is considered to be contrary to the spirit of Policy D9.

In terms of the proposed dwelling, it is considered that the proposal would not result in a significant detrimental impact in terms of overlooking, overshadowing or loss of daylight. Furthermore, the design and appearance of the proposed dwelling is considered to be generally acceptable. The proposal would also provide the minimum area of open space required by policy D6.

East Renfrewshire's Roads Service was consulted on this application. They have raised no objections subject a planning condition being added to protect visibility splays.

The Planning Statement, the Bat Survey, the Tree Survey and the Phase 1 Habitat Survey are noted and are not considered to outweigh the above considerations.

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

The Planning Service can only consider this application at this time, potential future planning applications are not a material consideration. The Council's Roads Service has not objected to the proposal. It is the responsibility of the landowner/developer to ensure the remaining trees are maintained. 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 2. 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

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2, as the proposed removal of woodland 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 2, as the proposed removal of the woodland in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character and amenity of the area.

3. The proposal is contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan 2, 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 2, as the proposal would reduce opportunities for outdoor access.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Byron Sharp at byron.sharp@eastrenfrewshire.gov.uk.

Ref. No.: 2021/0944/TP
(BYSH)

DATE: 28th November 2022

DIRECTOR OF ENVIRONMENT

Reference: 2021/0944/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 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 in New Development

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

Finalised 28/11/2022 GMcC

APPENDIX 5

DECISION NOTICE

EAST RENFREWSHIRE COUNCIL

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. **2021/0944/TP**

Applicant:
EDZELL HOLDINGS LTD
1008 Pollokshaws Road
Glasgow
United Kingdom
G41 2HG

Agent:
Mark McGleish
Atrium Business Centre
North Caldeen Road
Coatbridge
United Kingdom
ML5 4EF

With reference to your application which was registered on 29th November 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 Mearns 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 2, as the proposed removal of woodland 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 2, as the proposed removal of the woodland in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character and amenity of the area.

3. The proposal is contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan 2, 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 2, as the proposal would reduce opportunities for outdoor access.

5. The proposal is contrary to Policy D7 of the East Renfrewshire Local Development Plan 2, as the bat survey provided is over one year old, it is no longer current and may not accurately represent the current presence of bat species on-site.

Dated 28th November 2022

[redacted]

Head of Environment
(Chief Planning Officer)
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	L(0-)00		
Block Plan	L(0-)01		
Sections Exist and Prop	L(2-)03		
Street Scene	L(2-)04		
Elevations Proposed	L(2-)01		
Floorplans	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. 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 3001
Email planning@eastrenfrewshire.gov.uk

APPENDIX 6

NOTICE OF REVIEW

2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: 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 100618785-002

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	CERTUS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	BLUE SQUARE OFFICES
Last Name: *	McGleish	Building Number:	
Telephone Number: *	07419845025	Address 1 (Street): *	272 BATH STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	GLASGOW
Fax Number:		Country: *	SCOTLAND
		Postcode: *	G2 4JR
Email Address: *	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:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	1008
Last Name: *		Address 1 (Street): *	Pollockshaws Road
Company/Organisation	Edzell Holdings Ltd	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:	07817304855	Postcode: *	G41 2HG
Fax Number:			
Email Address: *	robinlovat@hotmail.com		

Site Address Details

Planning Authority: East Renfrewshire Council

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

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

Please identify/describe the location of the site or sites

Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire.

Northing	657051	Easting	256249

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.

Type of Application

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

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Please refer to the Letter to Members (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)

1. Letter to Members (Statement of Case) 2. Application Form 3. Bat Survey 4. Tree Report 5. Existing and Proposed Site Sections 6.Existing and Proposed Site Streetscapes 7. Extended Phase 1 Habitat Survey 8. Plan of Location 9. Planning Statement 10. Proposed Elevations 11. Proposed Floor Plans 12. Proposed Site Plan 13. Refusal Notice 14. Report of Handling

Application Details

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

2021/0944/TP

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

29/11/2021

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

28/11/2022

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 *

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)

A Hearing will allow the Applicant to explain their case in a manner beneficial to the decision making process.

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: 24/02/2023

22.02.2023

Local Review Board Members
C/O Corporate & Community Services
Council HQ
Eastwood Park
Rouken Glen Road
Giffnock
G46 6UG

Dear Members

Refusal of Erection of Dwellinghouse and Associated Parking at Land Adjacent East Of 137 Mearns Road, Clarkston, East Renfrewshire – Planning Application Reference: 2021/0944/TP

The Applicant (Edzell Holdings Ltd) feels it necessary to express to Members its disappointment regarding refusal of the proposal to construct a dwellinghouse and associated parking on land East of 137 Mearns Road, Clarkston, East Renfrewshire.

The Applicant considers it important for Members to be aware that there are inaccuracies within the Planning Authority's Report of Handling. Given that such inaccurate information largely underpins the Planning Authority's case for refusing the proposal, the Applicant is keen to clarify matters.

This letter constitutes the Applicant's Statement of Case, and it is suggested that Members also refer to the Planning Statement submitted with the application which further clarifies the Applicant's case. Please note that the Planning Authority have chosen not to upload the Planning Statement to the Council's planning portal for public viewing, therefore the attached copy will be useful.

Planning Authority's Reasons for Refusal and Applicant's Comments on Those Reasons

There were 5 reasons for refusal produced by the Planning Authority. These are shown within Appendix 1 of this letter.

The Applicant has chosen to commence its commentary by firstly focusing on the last of these reasons (Reason 5) which relates to the issue of bats. In this regard the Planning Authority's position on the crucial matter of bat survey work is incorrect and its position conflicts with the guidelines and views of the Scottish Government's nature agency 'NatureScot' (formerly known as Scottish Natural Heritage), who are ultimately responsible for bat protection.

The Applicant thereafter comments on Reasons 1 to 4 in numerical order.

Reason 5:

The Planning Authority's fifth reason for refusal states that "*The proposal is contrary to Policy D7 of the East Renfrewshire Local Development Plan 2, as the bat survey provided is over one year old, it is no longer current and may not accurately represent the current presence of bat species on-site.*"

However, the advice of NatureScot is that technically the Applicant's bat survey would be sufficient to allow determination of its planning application until 2024. The Planning Authority are therefore incorrect to have refused the proposal for the reason that the bat survey was older than 12 months at the point of the application's determination in November 2022. Members should also bear in mind that the bat survey concluded that the application site was low risk in relation to bats.

Members are asked to note that NatureScot are the public body of the Scottish Government responsible for Scotland's natural heritage which includes bats and they are the body responsible for issuing bat licences, which are required by law to help ensure that criminal offences in relation to bats do not occur. It should also be noted that after the grant of planning permission the Applicant will be required to apply to NatureScot for such a bat licence. NatureScot dictate to all applicants for bat licences whether further survey work is required at that time. But that process is beyond the Planning Authority's remit.

If the Planning Authority is in doubt regarding the shelf life of a bat survey, then they should simply refer to NaturScot's website on this issue which states that "Pre-application bat surveys normally remain valid for two more survey periods, and should be repeated if the application is going to be delayed beyond the start of a third survey period. Unless it is clearly evident that there has been no substantive change in number, distribution or activity of bats since the original survey was undertaken." They should also refer to Appendix 2 of this letter containing email correspondence between CERTUS and NatureScot confirming the shelf life of the Applicant's bat survey extends to 2024.

Another issue that the Applicant would like to raise relates to development management procedure. In this regard if the Planning Authority are of the (mistaken) belief that a bat survey expires after 12 months and they intend to take 12 months plus to determine an application supported by a bat survey, then this or any other application is destined to be refused on the grounds that bat survey work has time expired. An applicant might well feel extremely aggrieved that the Planning Authority did not determine the application more quickly with this in mind. Or did not ask the applicant to re-survey bats whilst they 'stopped the clock' on the application's determination. Or did not allow the applicant to withdraw and re-submit with a new bat survey, on the basis that there would be a quicker determination of the application thereafter (i.e. a determination taking less than 12 months).

None of the above happened, and there was no communication by the Planning Authority, despite requests for updates.

It is noted the Planning Authority's Report of Handling indicates that given other considerations (read 'other reasons for refusal') additional bat survey work was not sought. However, the Applicant should be given the choice to undertake it or not, **if** the absence of such refreshed survey work is intended to be used as a reason for refusal. It is not the Applicant's fault that the Planning Authority took a year to determine the application.

Reason 1:

The Planning Authority's first reason for refusal states that "The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan 2, as the proposed removal of woodland 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 Applicant highlights that the Planning Authority are over stating the impact of the proposal. The facts as set out by the Applicant below and supported by a drawing of the proposal thereafter, shows the very limited footprint of the proposed dwelling and abundance of trees

that will remain. Essentially, the proposed development will not result in a prejudicial loss of character or amenity to the surrounding area given that:

i. The development will take place on less than 20% of the full site boundary.

ii. 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.

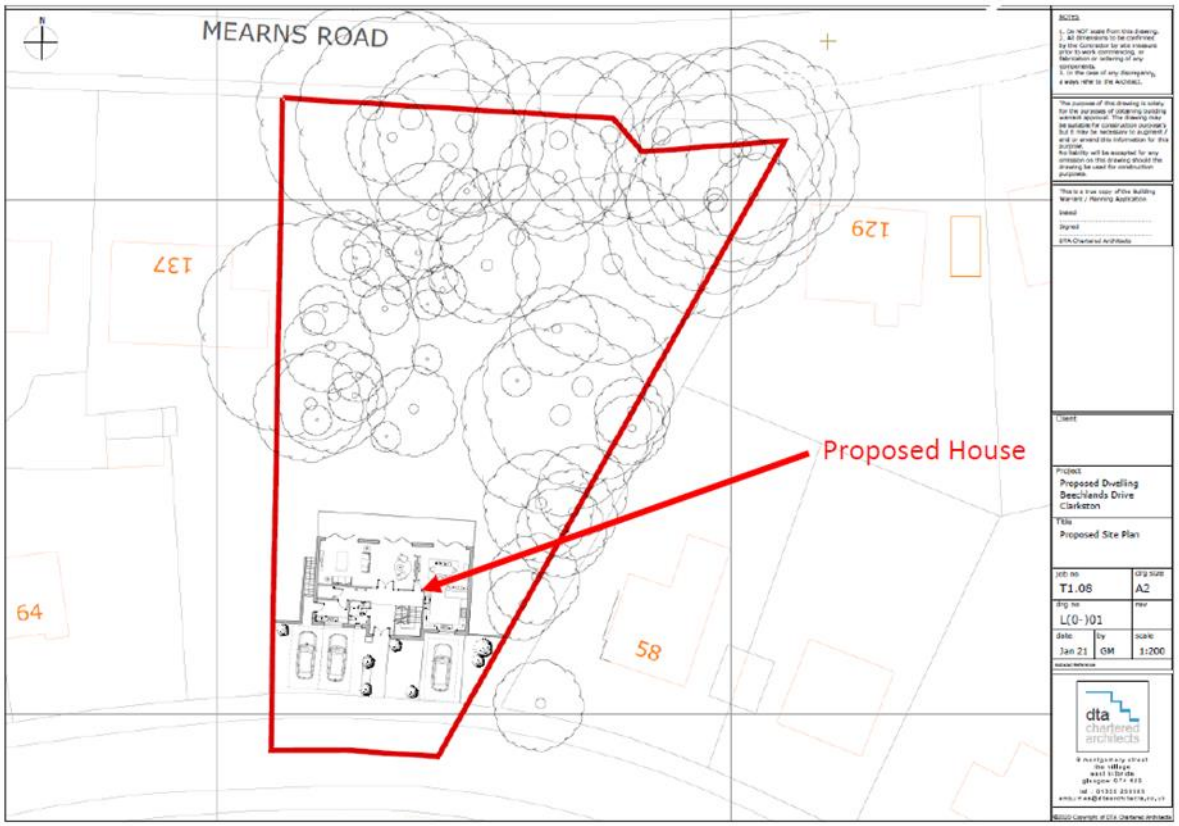
iii. Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality. No category 'A' tree specimens will be lost as part of the proposal.

iv. The remaining woodland will be substantial and appropriately managed going forward thereby creating a net environmental gain for the area.

v. 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.

vi. The dwelling will be elevated with finishes appropriate to the surrounding area.

vii. The proposal will be compatible with adjacent buildings and the surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.



Reason 2:

The Planning Authority's second reason for refusal states that "*The proposal is contrary to Policy D5 of the adopted East Renfrewshire Local Development Plan 2, as the proposed removal of the woodland in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character and amenity of the area*."

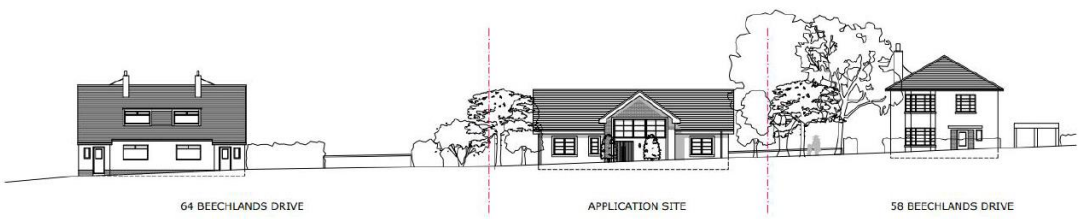
The Applicant highlights that the Planning Authority are over stating the impact of the proposal. The facts as set out by the Applicant below and supported by a streetscape drawing of the proposal thereafter, clearly illustrates how well the proposed house (in the middle) will fit in with the neighbouring properties. A simple refence to the Tree Report submitted in support of the application proves that the proposal will not lead to a significant loss of protected trees that make a positive contribution to the area. 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. Essentially, the proposed development will not result in a prejudicial loss of character or amenity to the surrounding area given that:

i. 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.

ii. The southern section where the house will be constructed has been the subject of repeated fly tipping over the years, that problem will be removed as a consequence of the proposal.

iii. 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.



PROPOSED STREETSCAPE - BEECHLANDS DRIVE

Reason 3:

The Planning Authority's third reason for refusal states that "The proposal is contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan 2, 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 Applicant highlights that the Planning Authority are over stating the impact of the proposal. A simple reference to the Tree Report submitted in support of the application proves that the proposal 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.

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.

The following facts presented by the Applicant reinforces the above realities:

i. The proposed dwelling will be constructed on a very limited area of the woodland, representing less than 20% of the total woodland.

ii. 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.

iii. 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.

iv. 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.

v. The woodland that will be retained will remain protected by the Planning Authority.

Reason 4:

The Planning Authority's fourth reason for refusal states that "The proposal is contrary to Policy D9 of the adopted East Renfrewshire Local Development Plan 2, as the proposal would reduce opportunities for outdoor access."

The Applicant highlights that the Planning Authority are over stating the impact of the proposal. 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 and the following facts need to be aired:

i. There is currently no designed access to the site for the public.

ii. 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).

iii. 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.

Concluding Remarks

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 remain valid and clearly demonstrate 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.

Yours sincerely

Mark McGleish
CERTUS on behalf of Edzell Holdings Ltd

Enclosures: 1. Full Suite of Planning Supporting Documentation Submitted with Application

Appendix 1

EAST RENFREWSHIRE COUNCIL

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. **2021/0944/TP**

Applicant:
EDZELL HOLDINGS LTD
1008 Pollokshaws Road
Glasgow
United Kingdom
G41 2HG

Agent:
Mark McGleish
Atrium Business Centre
North Caldeen Road
Coatbridge
United Kingdom
ML5 4EF

With reference to your application which was registered on 29th November 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 Mearns 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 2, as the proposed removal of woodland 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 2, as the proposed removal of the woodland in the southern part of the site and its subsequent replacement with a dwellinghouse would be detrimental to the landscape character and amenity of the area.

3. The proposal is contrary to Policy D7 of the adopted East Renfrewshire Local Development Plan 2, 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 2, as the proposal would reduce opportunities for outdoor access.

5. The proposal is contrary to Policy D7 of the East Renfrewshire Local Development Plan 2, as the bat survey provided is over one year old, it is no longer current and may not accurately represent the current presence of bat species on-site.

Dated 28th November 2022

Head of Environment
(Chief Planning Officer)

Appendix 2

From: Ryan Greenwood <Ryan.Greenwood@nature.scot>
Sent: Thursday, January 26, 2023 7:51 AM
To: Mark McGleish <mark.mcgleish@certus-lpd.co.uk>
Subject: RE: Bat survey requirements: website/handbook clash

Hello Mr McGleish,

Apologies for the delay in response on this. I have checked the subject in question with a senior licensing officer and can confirm that the summary you gave towards the end of your email is correct. In fact because of the wording "and should be repeated if the application is going to be delayed beyond the start of a third survey period" it is technically the case that your summer 2021 is valid for its purpose until April 2024.

This may not remain the case indefinitely and is likely to be reviewed at some point so please continue to check the website with regards to future projects and if in any doubt please contact us for confirmation.

Thank you
Ryan Greenwood| Licensing Officer
NatureScot | Remote Working
nature.scot | @nature_scot | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

From: Mark McGleish <mark.mcgleish@certus-lpd.co.uk>
Sent: 23 January 2023 15:59
To: LICENSING <LICENSING@nature.scot>
Subject: QUERY

Dear Sir/Madam

I hope that you are well. I am just enquiring about bat survey work in support of a planning application. Having reviewed your website, we noted that it says "Pre-application bat surveys normally remain valid for two more survey periods, and should be repeated if the application is going to be delayed beyond the start of a third survey period. Unless it is clearly evident that there has been no substantive change in number, distribution or activity of bats since the original survey was undertaken."

We have an application supported by a Bat Survey which was completed at September 2021. It concluded that the site was low risk in relation to bats. NB: we are fully aware that a Bat Licence will be required before any works can commence and that further bat survey work and mitigation measures will need to be put in place, particularly given that any consent will last for 3 years and work is unlikely to start until towards the end of that period. Indeed we would be expecting relevant planning conditions in these regards to control matters.

Anyway, if the survey is valid for two more survey periods (purely for the purposes of and in relation to the current planning determination process - whch we expect to safely conclude

by mid 2023), does that mean the survey should in principle cover the planning determination period up to but no longer than the period as illustrated below. NB this was shown to be a low risk site and we are not aware of any changes to that:

- Survey undertaken 2021 i.e. during survey period (May-Sept)
- 1st additional survey period = May-Sept 2022
- 2nd additional survey period = May-Sept 2023

Many thanks.

Regards

Mark McGleish
07419 845025
www.certus-lpd.co.uk

APPENDIX 7

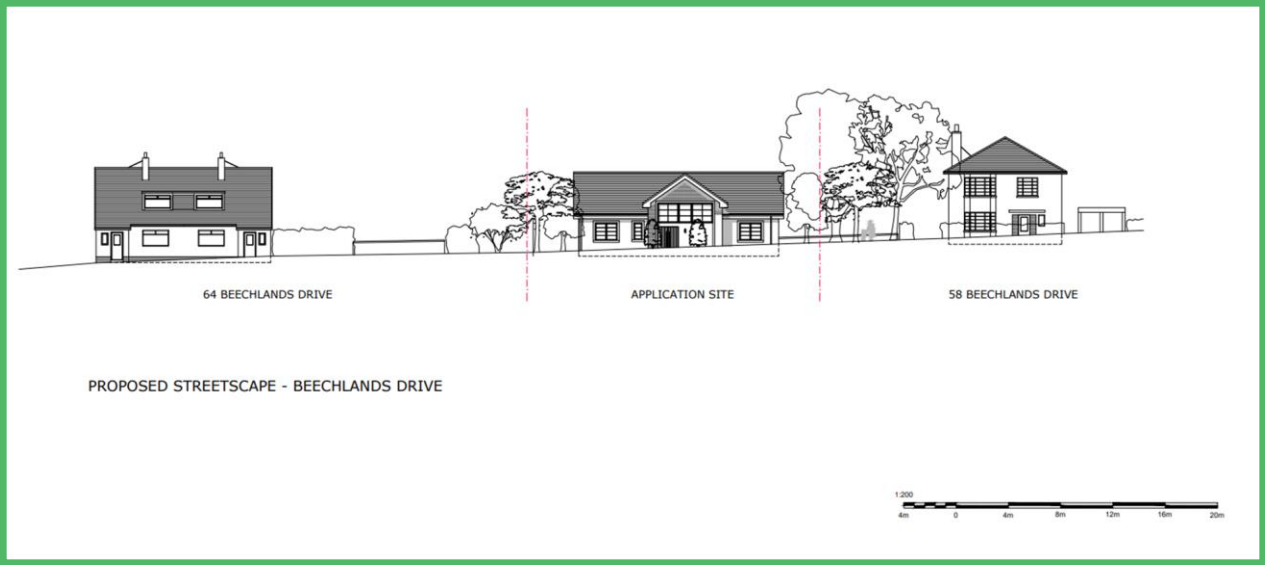
PLANS/DRAWINGS/SURVEYS

Planning Statement

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



Contents

1 Introduction

24/11/2021

This Planning Statement is submitted in support of the application by Edzell Property Holdings Ltd (the Applicant) for the erection of a dwellinghouse and associated parking East Of 137 Mearns Road, Clarkston, East Renfrewshire (the Site).

The application follows the refusal of an earlier application (Planning Reference, 2021/0038/TP) for the same proposal. A significant reason for that refusal was the potential impact on bats.

The Applicant has now had the opportunity to complete the necessary bat survey work. The outcome of that has a significant bearing on the application and is a crucial material consideration. The bat survey work is submitted in support of the application.

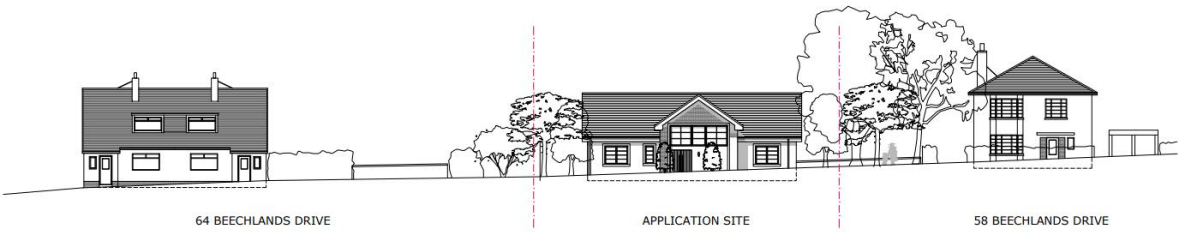
2 Brief Description of the Site and Proposed Development

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 the Planning Authority.



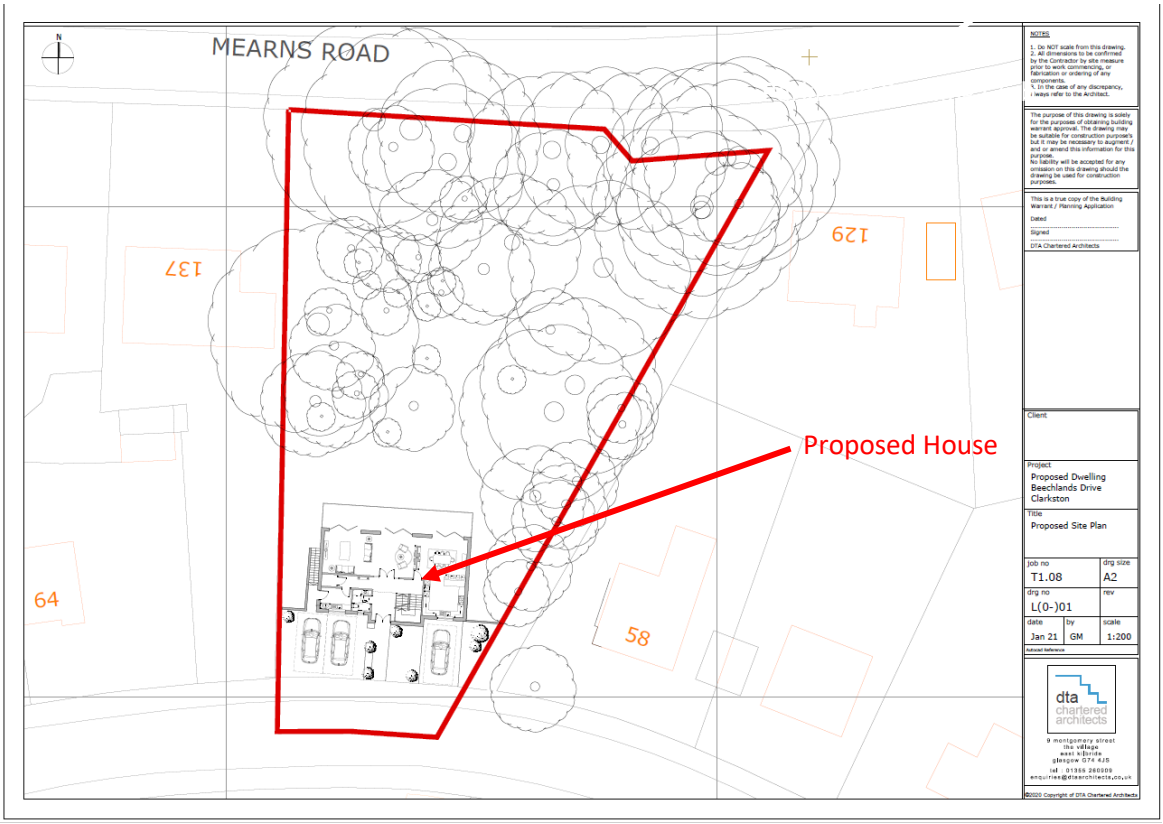
PROPOSED STREETSCAPE - BEECHLANDS DRIVE

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.

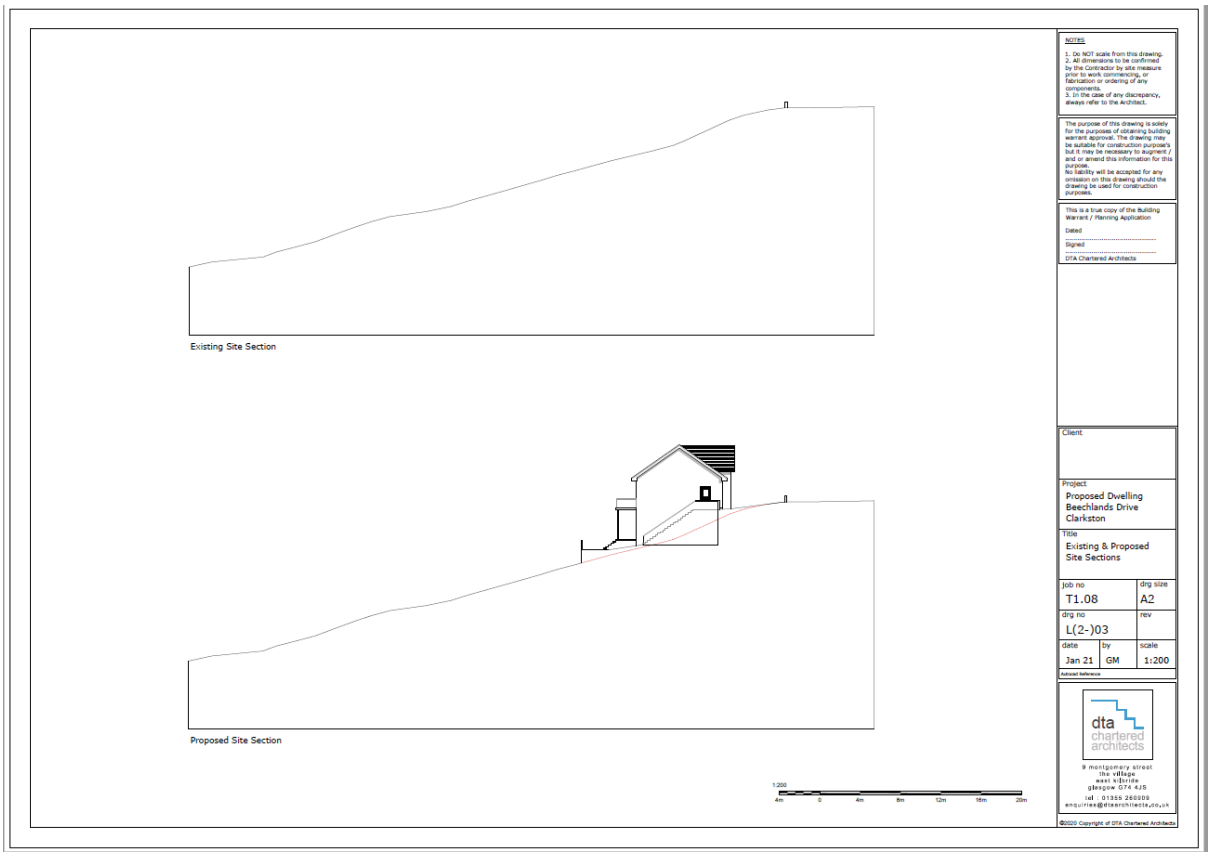
In the rear garden area the dwelling will be 2½ storey in height to take advantage of its downward sloping garden. The Applicant points out that many of the dwellings in the

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.



CERTUS
Land Agents, Planning and Development Consultants



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 Previous Application (2021/0038/TP) - Consultations/Neighbour Notification and the Planning Authority's Grounds for Refusal

The following is a summary of the consultation responses and the Planning Authority's grounds for refusal in relation to the previous application (2021/0038/TP), along with the Applicant's comments in relation to these.

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 were 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 4 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 the Planning Authority 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 advises 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 bat survey work has been submitted in support of this fresh application.

   In relation to his original proposal (2021/0038/TP) 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.

Further, 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.

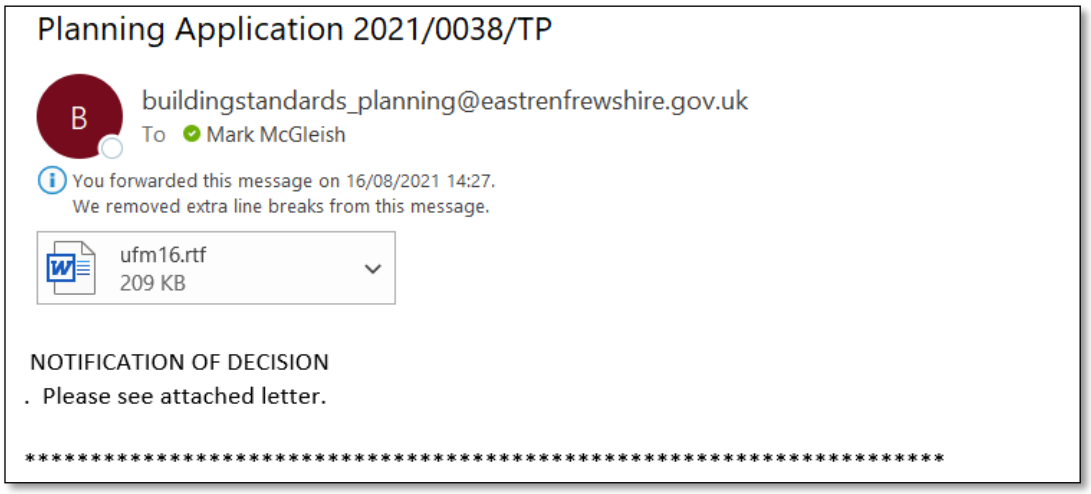
- In relation to badgers there was no evidence of badgers within the site (or the immediate viewable 30m buffer zone), therefore badgers are not an ecological constraint to development.

- 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 work was planned and due to be submitted.

4 Previous Application (2021/0038/TP) - 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 in relation to his previous application (2021/0038/TP) between April and July this year (2021). No response was received other than automated replies indicating that the Planning Authority would respond to his enquiry in due course. Then on the 16th 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):


Planning Application 2021/0038/TP

B buildingstandards_planning@eastrenfrewshire.gov.uk
To Mark McGleish

You forwarded this message on 16/08/2021 14:27.
We removed extra line breaks from this message.

ufm16.rtf
209 KB

NOTIFICATION OF DECISION
. Please see attached letter.

****

Respectfully the Applicant highlights that if the planning Authority had concerns about his application, then it would have been prudent and reasonable for them to have alerted the him 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 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.

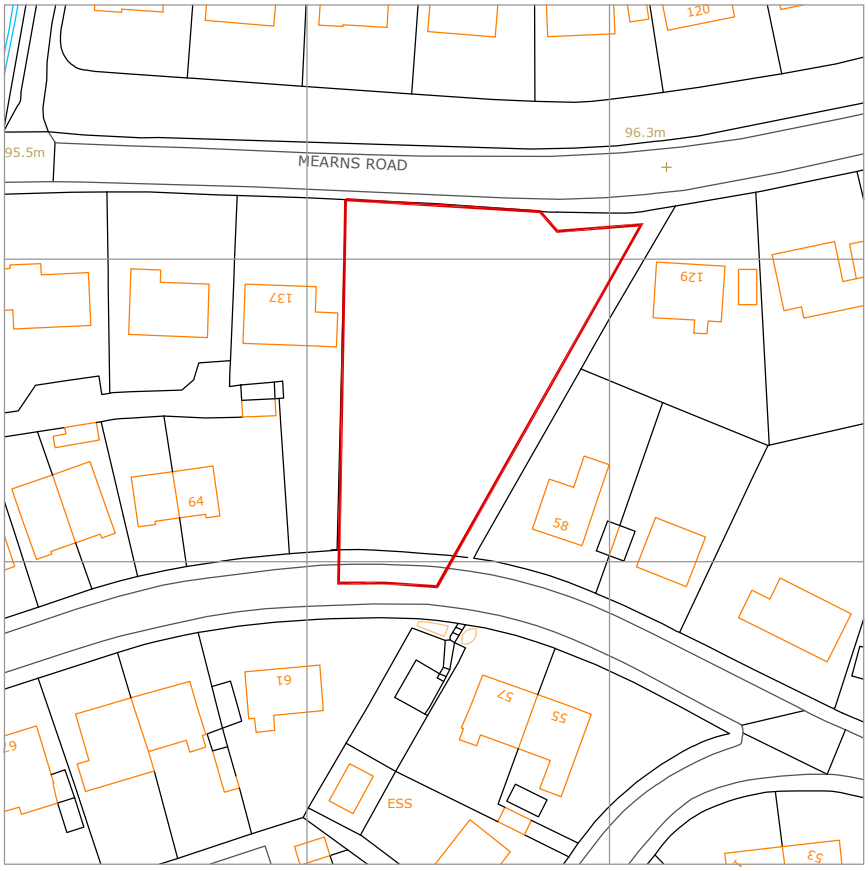
The proposed dwelling will be constructed on a very limited area of the woodland, representing less than 20% of the total woodland. Some trees and bushes will be removed as part of the proposal, but none of these are of significant quality and going forwards effective woodland management will help improve 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 the subsequently completed bat survey work clearly demonstrates that. The outcome of the bat survey work, which the Planning Authority had not seen when determining the previous application (2021/0038/TP), has a significant bearing on the application and is a crucial material consideration. This bat survey work is submitted in support of the application.

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.

The Applicant respectfully urges the Council to grant planning permission subject to appropriate conditions.



1:1250

25m 0 25m 50m 75m 100m 125m

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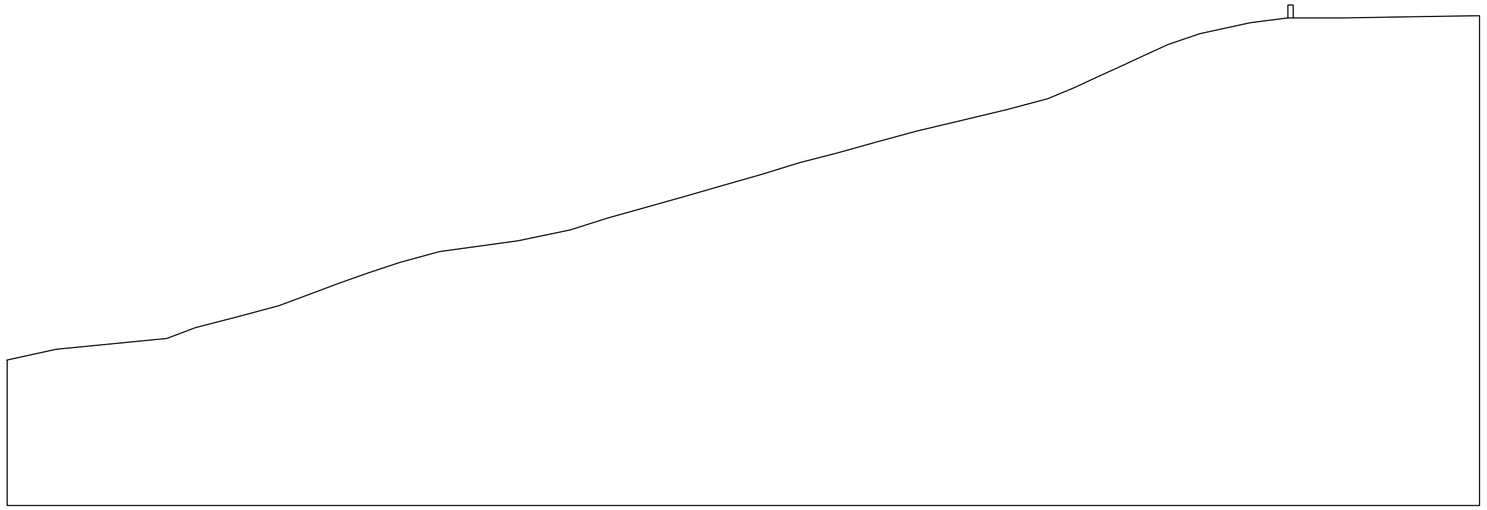
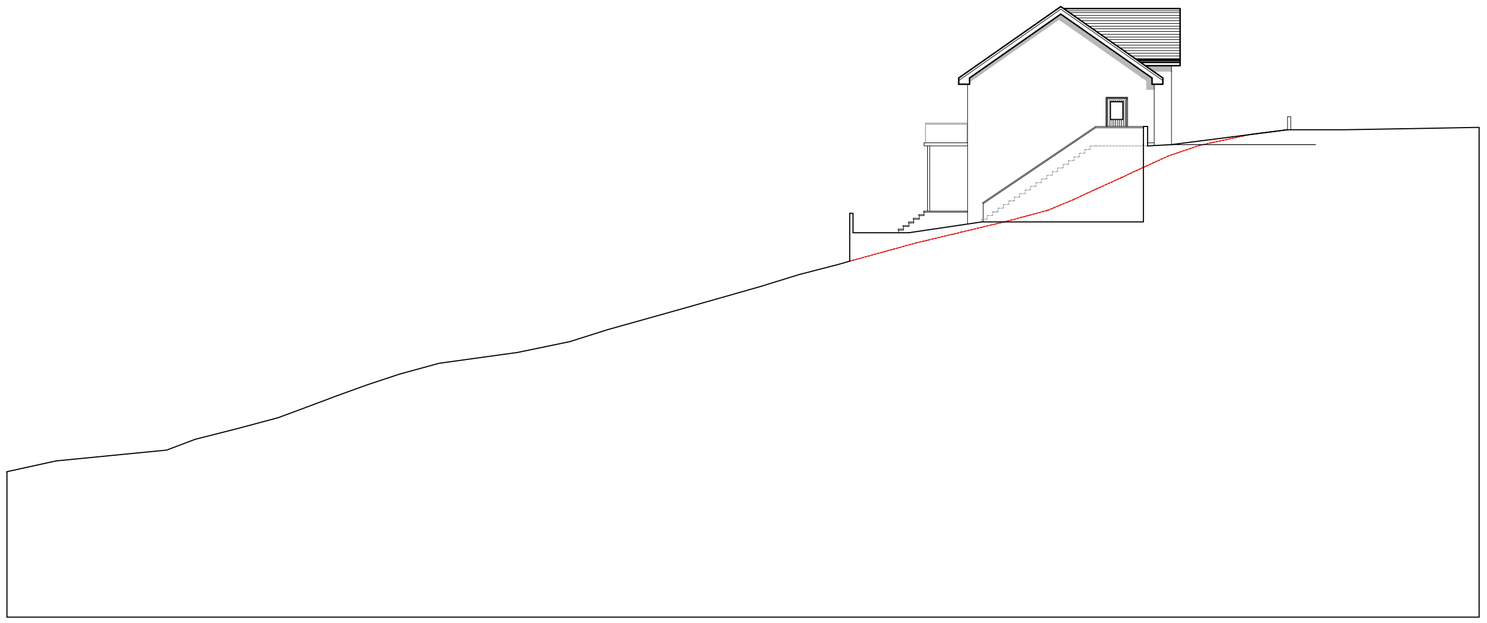
Client: Edzell Property Holdings Limited			
Project: Proposed Dwelling,Beechlands Drive, Clarkston			
Title: Location Plan			
job no: T1.08	drg no: L(0-)00		rev:
date: JAN 21	by: GM	scale: 1:1250	drg size: A4



Existing Site Section



Proposed Site Section

1:200

4m 0 4m 8m 12m 16m 20m

NOTES

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Client
Edzell Property Holdings Limited

Project
Proposed Dwelling
Beechlands Drive
Clarkston

Title
Existing & Proposed Site Sections

job no	drg size
T1.08	A2
drg no	rev
L(2-)03	

date	by	scale
Jan 21	GM	1:200

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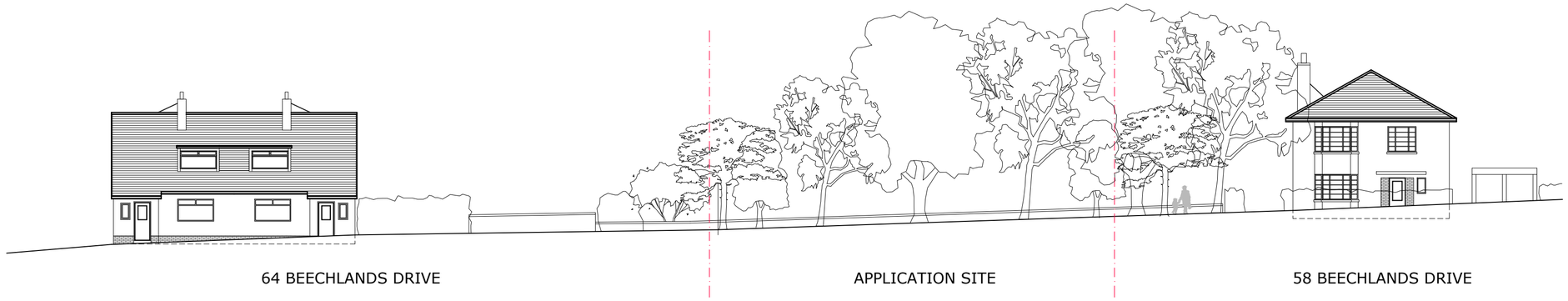

64 BEECHLANDS DRIVE APPLICATION SITE 58 BEECHLANDS DRIVE

EXISTING STREETSCAPE - BEECHLANDS DRIVE

64 BEECHLANDS DRIVE APPLICATION SITE 58 BEECHLANDS DRIVE

PROPOSED STREETSCAPE - BEECHLANDS DRIVE

1:200

4m 0 4m 8m 12m 16m 20m

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Project
Proposed Dwelling
Beechlands Drive
Clarkston

Title
Existing & Proposed Streetscape Elevations

job no	drg size
T1.08	A2
drg no	rev
L(2-)04	

date	by	scale
Jan 21	GM	1:200

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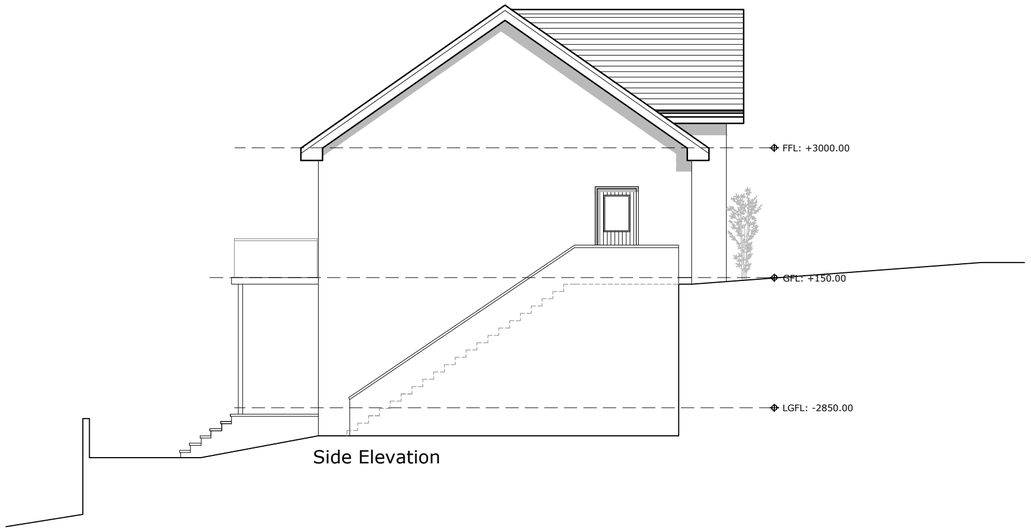
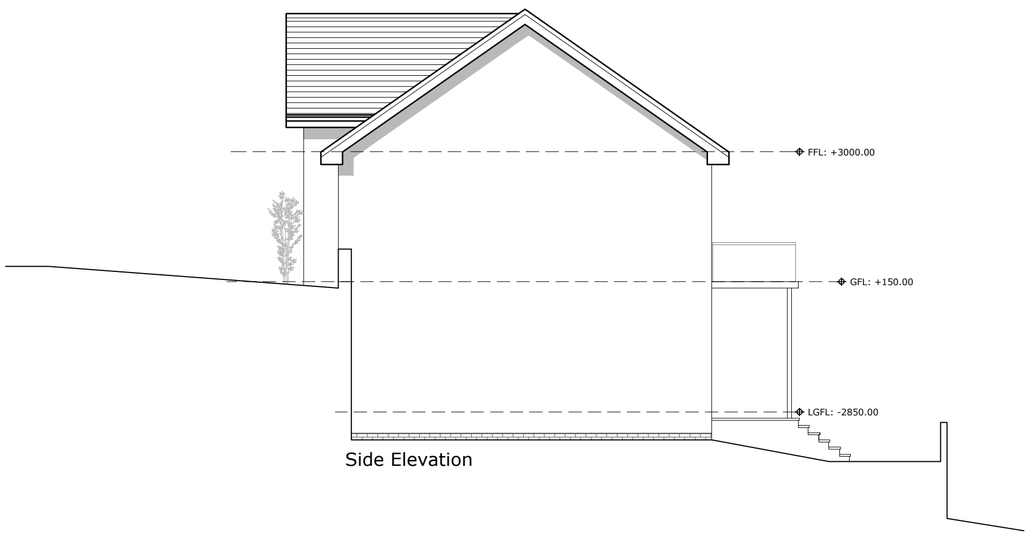


Side Elevation

Front Elevation



Side Elevation

Rear Elevation

1:100

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Project
Proposed Dwelling
Beechlands Drive
Clarkston

Title
Proposed Elevations

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drg no	rev
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date	by	scale
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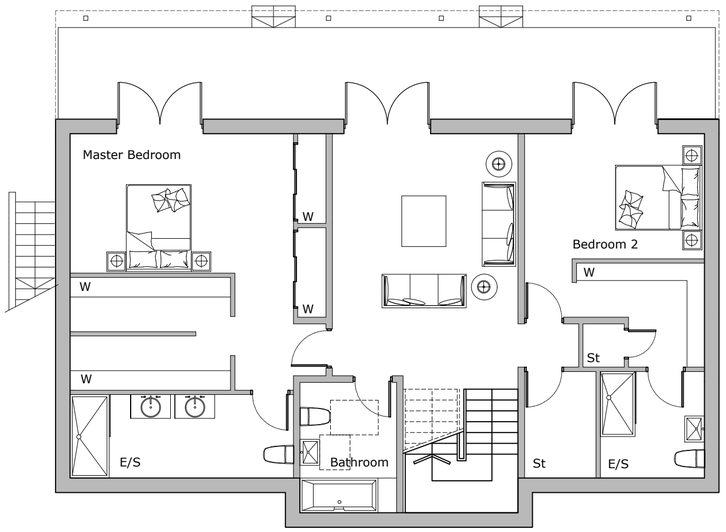
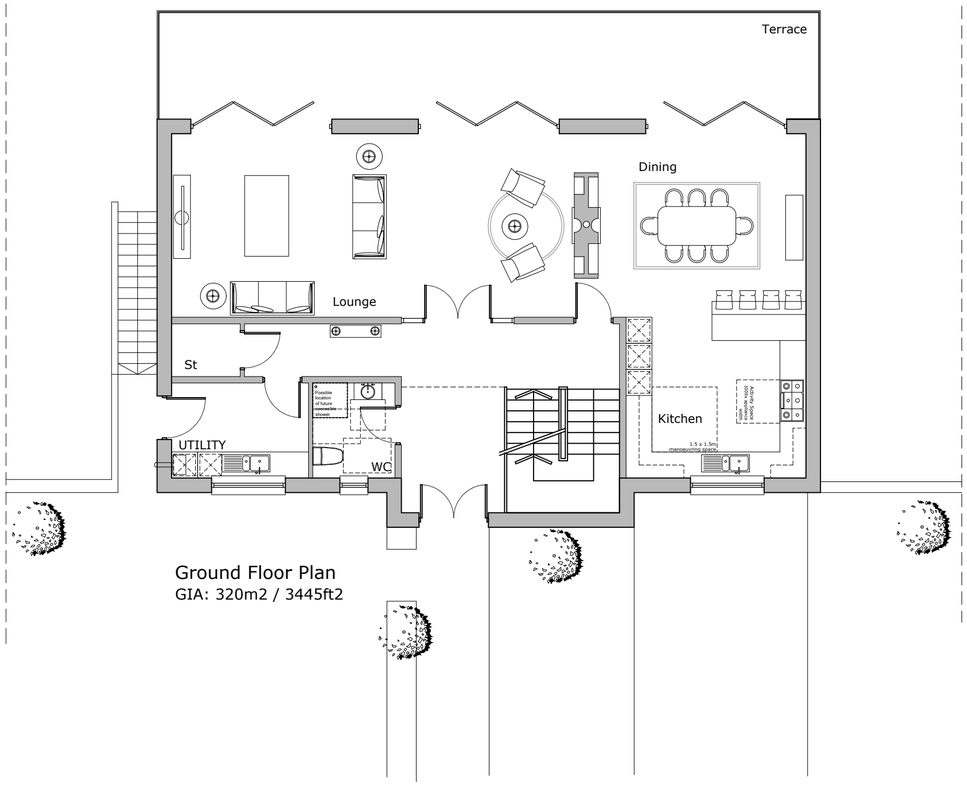
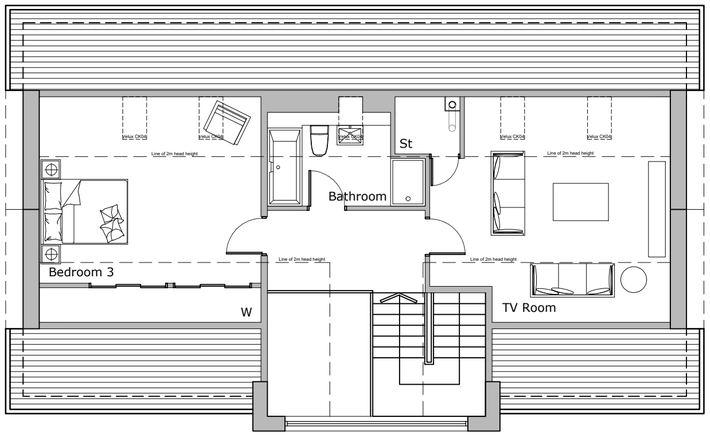


Lower Ground Floor Plan



Ground Floor Plan
GIA: 320m2 / 3445ft2



Attic Floor Plan

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Project
Proposed Dwelling
Beechlands Drive
Clarkston

Title
Proposed Floor Plans

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date	by	scale
Jan 21	GM	1:100

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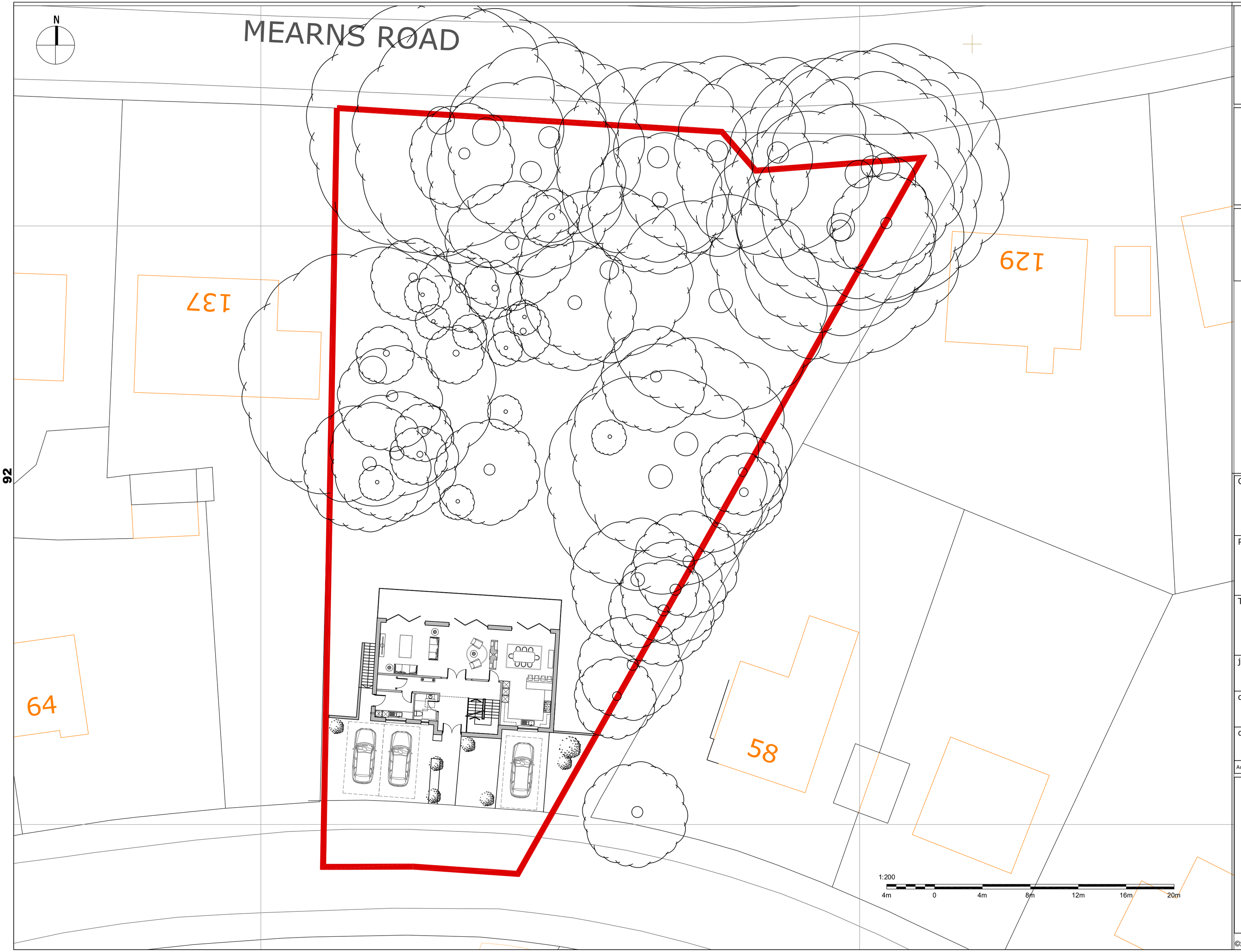

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Beechlands Drive
Clarkston

Title
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job no	drg size
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date / by	scale
Jan 21 / GM	1:200

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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.

Contents

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

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 10th 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)

Geographic Frame of Reference for Roost Importance	Roost Type
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
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	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[a] 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[b]). 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[c]
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[a] 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).
High	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[a] 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 17th August, and the second dusk survey for the trees was completed on 31st August 2021, by six surveyors (PB (17th), JK (31st), 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 28th 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 (3rd edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1

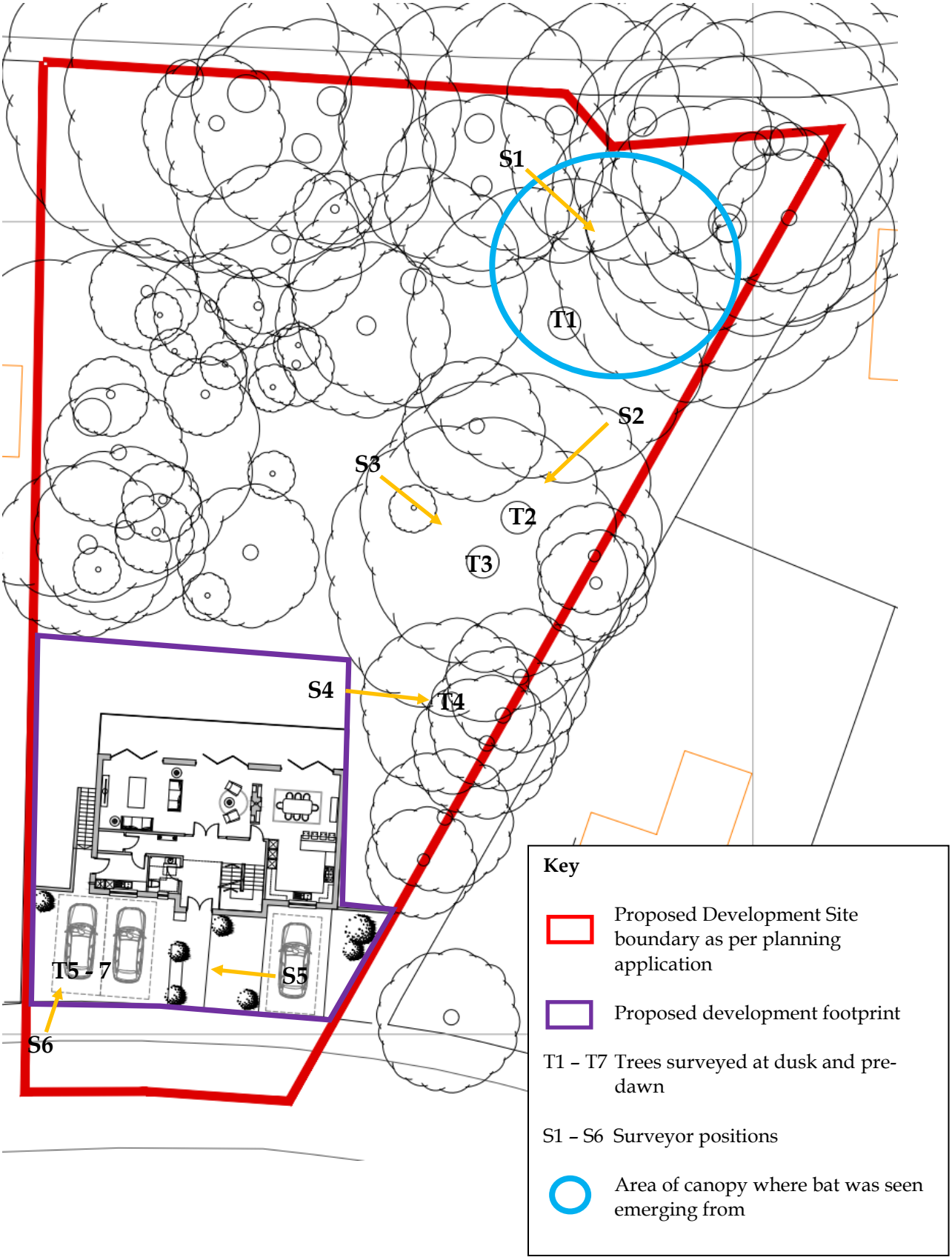
Mitchell-Jones, A.J., and A.P. McLeish. (Eds.) 2004. Bat Workers Manual 3rd Ed. JNCC

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);

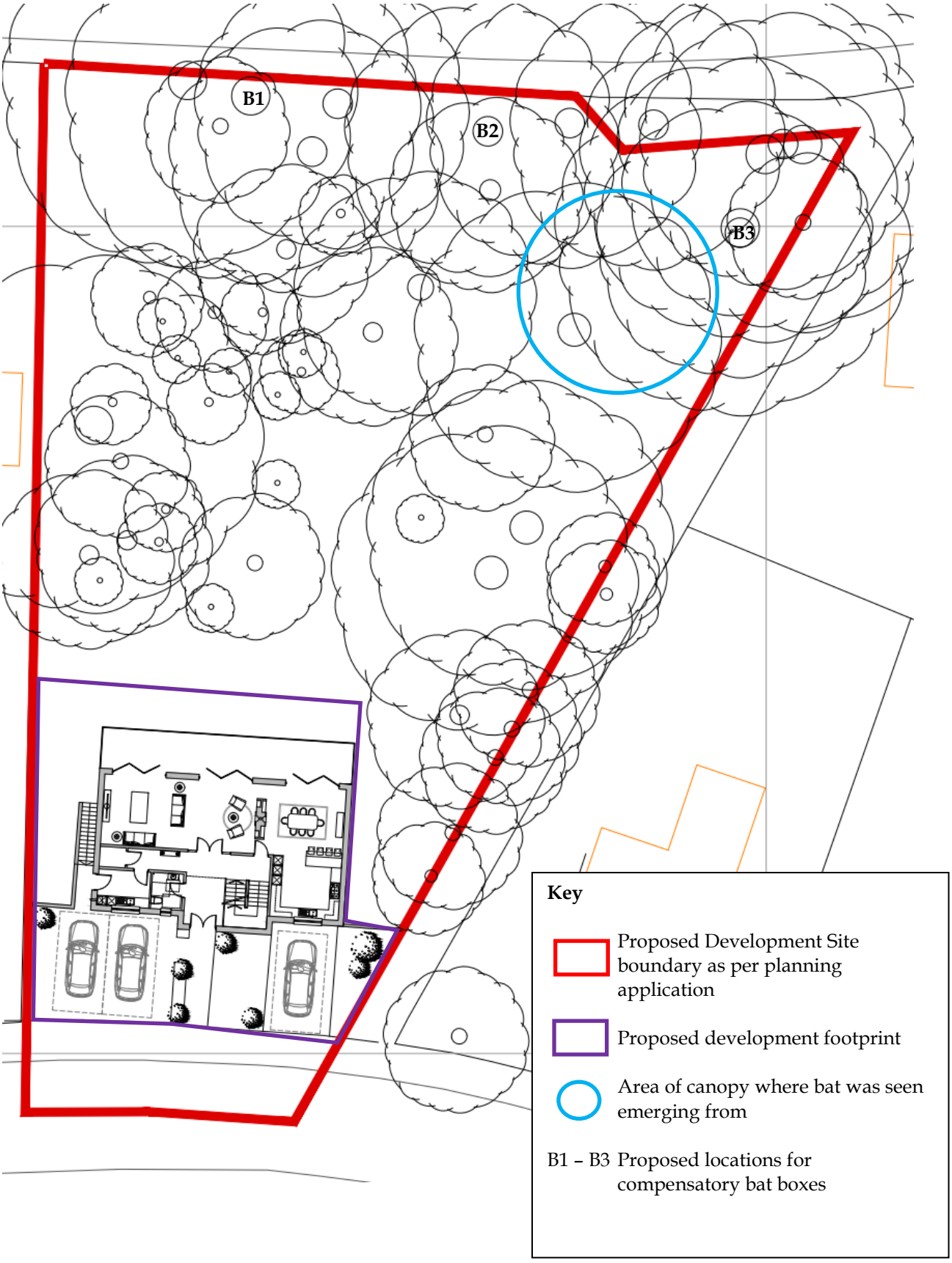
3. Contractor briefing by PB (TBC) – contractors will sign up that they have received and understood the briefing;

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



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.

Contents

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 27th 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	*Apium repens*
Early Gentian	*Gentianella anglica*
Fen Orchid	*Liparis loeselii*
Floating-leaved water Plantain	*Luronium natans*
Kilarney Fern	*Trichomanes speciosum*
Lady's Slipper	*Cypripedium calceolus*
Slender Naiad	*Najas flexilis*
Shore Dock	*Rumex rupestris*
Yellow Marsh Saxifrage	*Saxifraga hirculus*

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

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
- 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).

The 10th 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)

Geographic Frame of Reference for Roost Importance	Roost Type
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:

i. Provide a baseline assessment of habitat distribution and extent within the boundaries of the area;

ii. Provide a preliminary evaluation of the ecological value of the habitats;

iii. Record any notable species; and

iv. 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
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	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[a] 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[b]). 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[c]
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions[a] 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).
High	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[a] 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^{o}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

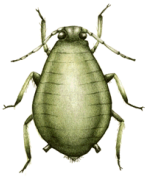
Common name	Scientific name
Ash	*Fraxinus excelsior*
Beech	*Fagus sylvatica*
Bramble	*Rubus fruticosus agg.*
Broad-leaved Willowherb	*Epilobium montanum*
Creeping Buttercup	*Ranunculus repens*
Elder	*Sambucus nigra*
Hawthorn	*Crataegus monogyna*
Holly	*Ilex aquifolium*
Honeysuckle	*Lonicera periclymenum*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

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 12th 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 sloes 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 and 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 wold 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

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 inferrred 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 be 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^3 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***

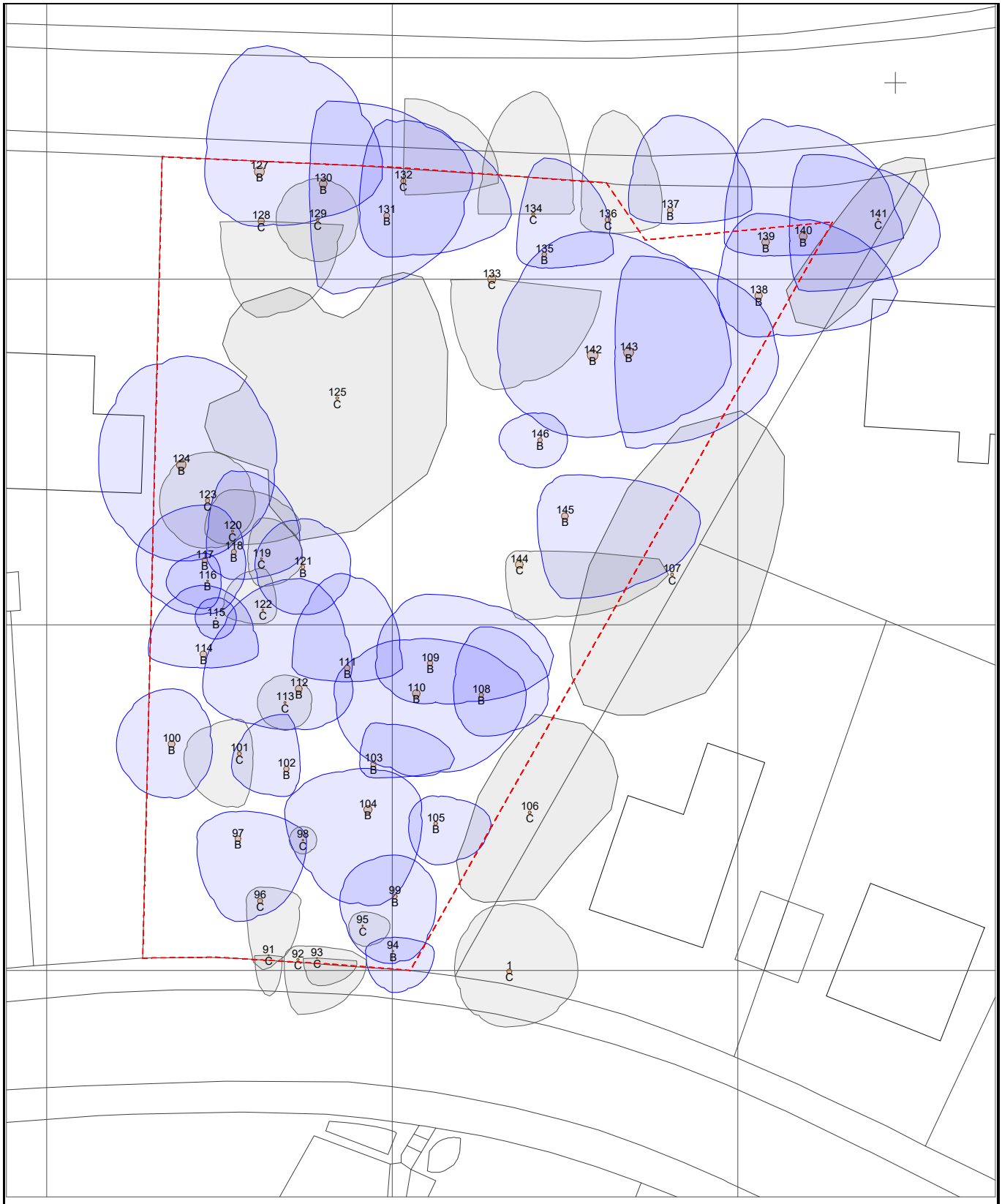
one factor requiring consideration." *The tree data can be used to inform site layout, including during construction. Having regard to the Estimated remaining Contribution and quality of each tree or group (represented by the retention desirability category) and the design life of the development proposal, 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

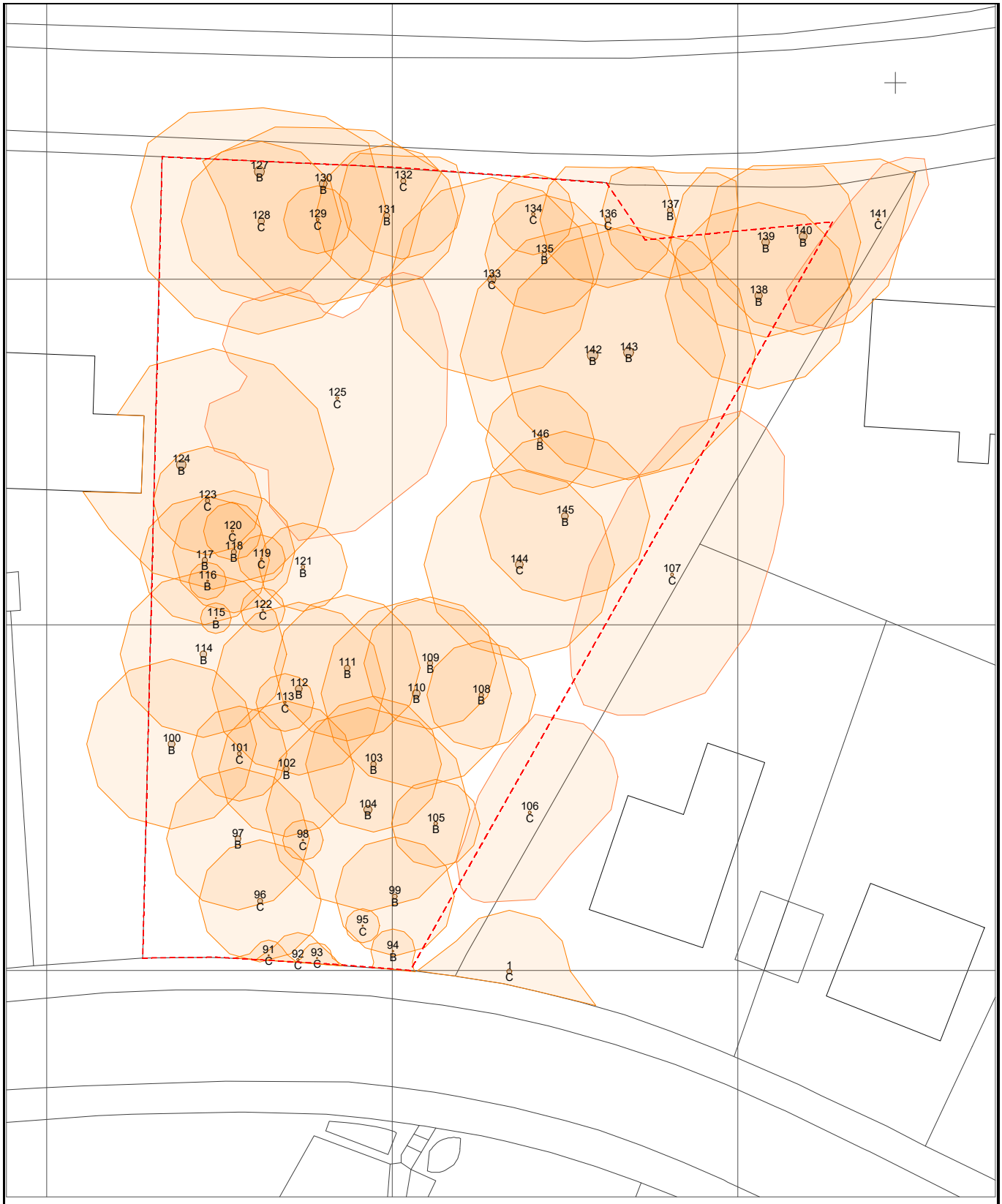
NOTES :

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

N

Crown Spread
Root Protection Area
Category 'A'
Category 'B'
Category 'C'
Category 'U'

0 20m



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PROJECT: Beechlands Drive, Clarkston

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

DRAWING : Tree Constraints Plan
b. Root protection areas

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

N

Crown Spread

Root Protection Area

Category 'A' Category 'B' Category 'C' Category 'U'

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	Cond-ition	Life-stage	ERC (yrs)	Grading	risk	action
								N or ave.	E	S	W								
1	os.		Wild Cherry	*Prunus avium*		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	*Prunus sp.*		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	*Prunus sp.*	2	160	7	1	5	4	1	2.5 to 3.5	Close towall. partly buried. untertwined stems	Fair	Semi-mature	10 to 20 yrs	C		
93			Ash	*Fraxinus excelsior*	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	*Crataegus monogyna*	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	*Fraxinus excelsior*		100	6	1	2	1.5	1	1.5 to 2.5	Some Chalara symptoms	Fair	Young	10 to 20 yrs	C		
99		355	Larch	*Larix sp.*		350	15	3	3	5	4	2.5 to 3.5	Distorted crown	Fair to good	Semi-mature	20 to 40 yrs	B		
96		35-	Pedunculate Oak	*Quercus robur*		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	*Sorbus aucuparia*	2	120	4	1				0 to 1	Twin stemmed from base. suppressed	Fair	Semi-mature	10 to 20 yrs	C		
97			Pedunculate Oak	*Quercus robur*		420	15	2	5	6	3	1.5 to 2.5		Fair to good	Semi-mature	>40 yrs	B		
100		350	Pedunculate Oak	*Quercus robur*		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	*Acer pseudoplatanus*	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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								N or ave.	E	S	W								
102		365	Pedunculate Oak	*Quercus robur*		400	15	4	1	2	4	5.5 to 10	Minimal lower crown.	Fair to good	Early-mature	>40 yrs	B		
103		364	Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		600	17	3	4	7	6	4 to 5.5	Minor small diameter deadwood	Fair to good	Early-mature	>40 yrs	B		
105			Larch	*Larix sp.*		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	*Acer pseudoplatanus*	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	Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		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	*Fraxinus excelsior*		170	11	2				4 to 5.5	Slender. su	Fair	Semi-mature	10 to 20 yrs	C		

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								N or ave.	E	S	W								
114			Scots Pine	*Pinus sylvestris*		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	*Crataegus monogyna*		90	4	1.5				0 to 1		Good	Semi-mature	>40 yrs	B		
116			Hawthorn	*Crataegus monogyna*		110	4	2	1	2	3	2.5 to 3.5		Fair to good	Semi-mature	>40 yrs	B		
117			Pedunculate Oak	*Quercus robur*		380	15	4	3	4	5	4 to 5.5	Well buttressed upright reasonably balanced	Fair to good	Early-mature	>40 yrs	B		
118			Pedunculate Oak	*Quercus robur*		360	15	6	5	2	2	1.5 to 2.5	Distprted imbalanced crown E	Fair to good	Early-mature	>40 yrs	B		
119			Ash	*Fraxinus excelsior*		140	9	3	3	2	1	2.5 to 3.5	Reducuing vigour. suppressed	Fair	Semi-mature	10 to 20 yrs	C		
120			Sycamore	*Acer pseudoplatanus*		170	6	3	5	1	2	1.5 to 2.5	Suppressed	Fair to good	Young	>40 yrs	C		
121			Sycamore	*Acer pseudoplatanus*		260	10	3.5				1.5 to 2.5	Minor vandalism	Fair to good	Semi-mature	>40 yrs	B		
122			Beech	*Fagus sylvatica*		130	7	3	1	1	3	0 to 1		Fair to good	Young	>40 yrs	C		
123			Beech	*Fagus sylvatica*	4	320	6	3.5				0 to 1	Extensive squirrel damage and fungi	Poor to fair	Semi-mature	10 to 20 yrs	C		
124			Pedunculate Oak	*Quercus robur*		709	18	8	7	7	6	5.5 to 10	Very well buttressed. upright to 9m. long stem crack from big brwakout 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 clumped beech sycamore holly	Fair to good	Semi-mature	>40 yrs	C		
128			Larch	*Larix sp.*		470	18	0	6	7	3	> 10	Steady lean SE. minor small deadwood	Fair	Early-mature	10 to 20 yrs	C		
127		420	Beech	*Fagus sylvatica*		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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								N or ave.	E	S	W								
130		418	Pedunculate Oak	*Quercus robur*		580	15	6	11	8	1	5.5 to 10	Competition bias E	Fair to good	Early-mature	>40 yrs	B		
129			Sycamore	*Acer pseudoplatanus*		200	8	3				1.5 to 2.5	Distprted by squirrel damage,. suppressed	Fair to good	Semi-mature	10 to 20 yrs	C		
131			Pedunculate Oak	*Quercus robur*		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-	Pedunculate Oak	*Quercus robur*		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	*Larix sp.*		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	Pedunculate Oak	*Quercus robur*		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	Pedunculate Oak	*Quercus robur*		560	18	9	10	1	3	5.5 to 10	Light ivy to lower crown.	Fair to good	Early-mature	>40 yrs	B		
138			Pedunculate Oak	*Quercus robur*		550	18	6	10	3	3	5.5 to 10	Dense ivy to lower crown. distprted upper crown	Fair to good	Early-mature	>40 yrs	B		
137			Pedunculate Oak	*Quercus robur*		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-	Pedunculate Oak	*Quercus robur*		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

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								N or ave.	E	S	W								
134			Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		350	15	7	5	1	2	2.5 to 3.5		Fair to good	Semi-mature	>40 yrs	B		
142		402	Pedunculate Oak	*Quercus robur*		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			Larch	*Larix sp.*		750	19	7	11	7	1	5.5 to 10	Strong competition bias E with hazard beam faikures\appearing pendulous.	Fair	Mature	20 to 40 yrs	B	Potential	
144		388	Pedunculate Oak	*Quercus robur*		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			Pedunculate Oak	*Quercus robur*		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		392	Pedunculate Oak	*Quercus robur*		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:

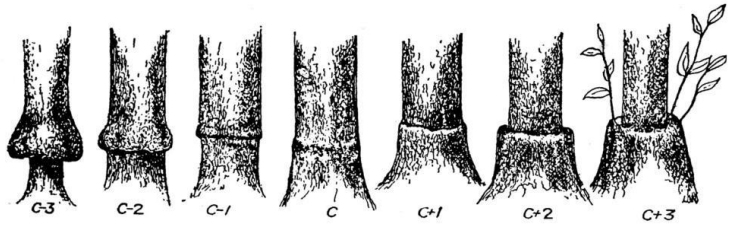
Good	Generally free from defects and in good health
Fair	Reasonably healthy but defects are present that may adversely affect Estimated Remaining Contribution but that may be addressed in the short term by minor intervention
Poor	In decline and/or defective requiring major intervention
Dead	No signs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

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 state 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.

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*

Schwartze, 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*

Table 1 **Cascade chart for tree quality assessment**

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	• Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see **4.5.7**.*			See Table 2
	1 Mainly arboricultural qualities	**2 Mainly landscape qualities**	**3 Mainly cultural values, including conservation**	
Trees to be considered for retention				
Category A **Trees of high quality** with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	See Table 2
Category B **Trees of moderate quality** with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (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	Trees with material conservation or other cultural value	See Table 2
Category C **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	Trees with no material conservation or other cultural value	See Table 2