

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 APRIL 2018**

**1 MOUNT PLEASANT, LETHAM MILL, ST VIGEANS**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a review in respect of the non-determination of application No 17.00860/FULL for planning permission for levelling of land at Field 45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the appeal.

**4. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**5. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**Report Author: Sarah Forsyth**  
**E-Mail: LEGDEM@angus.gov.uk**

List of Appendices:  
Appendix 1 – Submission by Planning Authority  
Appendix 2 – Submission by Applicant

**ANGUS COUNCIL'S SUBMISSION ON NON DETERMINATION**

**APPLICATION NUMBER – 17/00860/FULL**

**APPLICANT- MRS P SMITH**

**PROPOSAL & ADDRESS – LEVELLING OF LAND RE-APPLICATION AT FIELD 45M  
SOUTH EAST OF 1 MOUNT PLEASANT LETHAM MILL ST VIGEANS**

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## ANGUS COUNCIL

### COMMUNITIES PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

17/00860/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

24	10	17
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES  
WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**





# Memorandum

Place Directorate – Technical & Property Services  
Roads & Transport Business Unit

TO: SERVICE MANAGER, PLANNING

FROM: INTERIM SERVICE MANAGER, ROADS

YOUR REF:

OUR REF: GH/AG/ TD1.3

DATE: 04 DECEMBER 2017

SUBJECT: **PLANNING APPLICATION REF. NO. 17/000860/FULL – PROPOSED  
LEVELLING OF LAND AT MOUNT PLEASANT, LETHAM MILL, ST VIGEANS,  
ARBROATH FOR MRS P SMITH**

---

I refer to the above planning application which is similar to a previously withdrawn application, reference number 17/00161/FULL. That application was withdrawn as a result of enforcement action by the planning authority.

The site is located on the north side of the unclassified Peebles Road (U491 - U49 - C48) at Letham Mill, Arbroath.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

## Access

Contrary to the application form submitted, the creation of an unauthorised vehicle access into the site has taken place from the public road. The access is in such a place that it may be taken for the line of the road for vehicles travelling in a northerly direction.

As the applicant has stated that they do not plan to provide an access to the site I am not sure how the site will be accessed in order to carry out the infilling operations. Further information should be provided to clarify this matter.

## Summary

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I object to the application due to the unsatisfactory location of the unauthorised access from the public road.

Should you determine the principle of the development to be acceptable, I would request that further information be provided to show that the site access can be provided at an acceptable location on the public road. The additional information should include a plan showing sightlines of at least 2.4 x 43 metres on each side of the access. Further, the access should be site so as to afford a forward visibility sightline of 70 metres for right turning vehicles entering the site on the approach to the site access. This sightline should also be shown on the submitted plan.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

A handwritten signature in black ink, appearing to be 'pp'.

Our ref: PCS/155700  
Your ref: 17/00860/FULL

If telephoning ask for:  
Alasdair Milne

27 November 2017

Fraser MacKenzie  
Angus Council  
Planning & Transport  
County Buildings  
Market Street  
Forfar  
DD8 3LG

By email only to: [PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk)

Dear Sir

**Town and Country Planning (Scotland) Acts**  
**Planning application: 17/00860/FULL**  
**Levelling of Land Re-Application**  
**Field 45M South East of 1 Mount Pleasant Letham Mill St Vigean**

Thank you for your consultation email which SEPA received on 23 October 2017.

**Advice for the planning authority**

We ask that the planning **condition** in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

**1. Flood Risk**

- 1.1 Should the Planning Authority be minded to approve this application, the following planning condition should be imposed.
  - Ground levels to be no higher than 16.0mAOD
- 1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.
- 1.3 Notwithstanding the removal of our objection subject to the above conditions, we would expect Angus Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**60**

**Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.4 We previously responded to this application on the 5 June 2017 and in April 2017. We objected due to lack of information and requested further information and that the volume of water to be calculated using the FEH13 depth duration frequency.
- 1.5 Further information has been supplied and an estimated total volume of flooding on site has been given from ReFH2 calculations. The catchment area draining to the paddock has been increased and FEH13 rainfall data has been used. A total depth of 0.49m on site is predicted and it is now proposed that the finished ground level will be generally below 16.0mAOD. We therefore remove our objection subject to the insertion of a condition requiring that ground levels are no higher than 16.0mAOD.
- 1.6 We would note that the proposed lowering of ground levels will be a business risk to the applicant.

#### Caveats & Additional Information for Applicant

- 1.7 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 1.8 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 1.9 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Angus Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

### **Regulatory advice for the applicant**

#### **2. Regulatory requirements**

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, 62 high Street, Arbroath, DD11 1AW, tel: 01241 874370



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**61**

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If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Yours faithfully

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [adc@adcraig.co.uk](mailto:adc@adcraig.co.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

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**From:**CorriganJ  
**Sent:**Tue, 12 Dec 2017 14:11:01 +0000  
**To:**MacKenzieF  
**Subject:**17/00860/FULL

Hi Fraser

I am content that this proposal will not increase flood risk to adjacent receptors provided final ground level does not exceed 16.00m AOD.

Kind Regards,

Janice

*Janice Corrigan*

*Senior Engineer*

*Roads*

*Angus House*

*Orchardbank Business Park*

*Forfar*

*DD8 1AX*

*Tel : 01307 473287*

*E mail : [CorriganJ@Angus.gov.uk](mailto:CorriganJ@Angus.gov.uk)*



Please consider the environment before printing this email.

From: MacKenzieF  
Sent: 11 December 2017 13:43  
To: CorriganJ  
Subject: RE: Letham Mill - by Arbroath

Afternoon Janice,

The application no. for the new application is 17/00860/FULL

Please let me know if there are any issues?

Thanks,

Fraser

Fraser MacKenzie : Planning Officer (Development Standards) : Angus Council : Place : Planning :  
Angus House : Orchardbank Business Park, Forfar, DD8 1AN : Telephone - 01307 473351 : E-mail –  
[mackenzief@angus.gov.uk](mailto:mackenzief@angus.gov.uk)

From: CorriganJ  
Sent: 11 December 2017 11:32  
To: MacKenzieF  
Subject: Letham Mill - by Arbroath

Hi Fraser

Can you remind me of the new number of the planning application for this site (land raising – previous was 17/00662/FULL) as I can't seem to pick it up on GIS at the moment.

Janice

*Janice Corrigan*

*Senior Engineer*

*Roads*

*Angus House*

*Orchardbank Business Park*

*Forfar*

*DD8 1AX*

*Tel : 01307 473287*

*E mail : [CorriganJ@Angus.gov.uk](mailto:CorriganJ@Angus.gov.uk)*



Please consider the environment before printing this email.



**From:**BarnesA  
**Sent:**Wed, 31 Jan 2018 12:47:48 +0000  
**To:**MacKenzieF  
**Cc:**GwynneAG  
**Subject:**FW: 17/00860/FULL- Mount Pleasant, Letham Mill, Arbroath  
**Attachments:**Mount Pleasant-1700860FULL-signed.pdf, sight lines plan.pdf

Fraser,

Not being able to scale from the drawing the following is based on accepting the dimensions shown thereon.

The 2.4 x 43 metres sightlines are suitable providing they can be kept clear of obstructions above 1050mm in the usual manner.

The 70 metres forward visibility sightline for right turning vehicles is not provided. To begin, it is depicted on the wrong side of the proposed access and is therefore relative to left turning vehicles, not right turning ones as required.

The 43 metres sightline to the left (when exiting the proposed access) extends almost to the nearby bend in the road. Therefore, by simple inspection it can be concluded that the required 70 metres forward visibility sightline is unavailable.

Regards,

Andrew Barnes | Senior Traffic Engineer | Place | Roads | Angus House | Silvie Way |  
Orchardbank Business Park | Forfar | DD8 1AN | T: (01307) 473391 | E: [barnesa@angus.gov.uk](mailto:barnesa@angus.gov.uk) |  
[www.angus.gov.uk](http://www.angus.gov.uk)

From: MacKenzieF  
Sent: 31 January 2018 11:40  
To: BarnesA  
Subject: FW: 17/00860/FULL- Mount Pleasant, Letham Mill, Arbroath

Good Morning Andy,

Would the attached plan be sufficient to remove Roads Service objection to this proposal?

Please don't hesitate to get in touch to discuss further.

Thanks,

Fraser

Fraser MacKenzie : Planning Officer (Development Standards) : Angus Council : Place : Planning :  
Angus House : Orchardbank Business Park : Forfar : DD8 1AN : Telephone - 01307 473351 : E-mail –  
[mackenzief@angus.gov.uk](mailto:mackenzief@angus.gov.uk)

From: PLNProcessing  
Sent: 05 December 2017 14:20  
To: MacKenzieF  
Subject: FW: 17/00860/FULL- Mount Pleasant, Letham Mill, Arbroath

Inserted into idox

Regards

From: BarnesA  
Sent: 05 December 2017 09:20  
To: PLNProcessing  
Cc: MacKenzieF; GwynneAG  
Subject: 17/00860/FULL- Mount Pleasant, Letham Mill, Arbroath

Consultation response attached.

Regards,

Andrew Barnes | Senior Traffic Engineer | Communities | Roads | Angus House | Silvie Way |  
Orchardbank Business Park | Forfar | DD8 1AN | T: (01307) 473391 | E: [barnesa@angus.gov.uk](mailto:barnesa@angus.gov.uk) |  
[www.angus.gov.uk](http://www.angus.gov.uk)

**Comments for Planning Application 17/00860/FULL****Application Summary**

Application Number: 17/00860/FULL

Address: Field 45M South East Of 1 Mount Pleasant Letham Mill St Vigeans

Proposal: Levelling of Land Re-Application

Case Officer: Fraser MacKenzie

**Customer Details**

Name: Mr Jamie Mclean

Address: 2 Mount Pleasant Letham Mill Arbroath

**Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam, Dear Sir/Madam,

In regards to the proposed development at field 45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans, I wish to object on the grounds that the raising and levelling of the field may result in the flooding of our garden at 2 Mount Pleasant, Letham Mill, St Vigeans which is directly adjacent to the proposed field. We have lived in this property over 25 years and have never experienced any flooding in our garden and our main concern is that raising the adjacent ground level will have the potential to do this.

This field was a vegetable plot and country garden prior to the partial development that took place earlier this year. Prior to this development, where the earth bund was created around the perimeter of the field, the original ground level was the same as our garden. At present the earth bund has raised the ground level of the field approximately 3 to 4 feet above our garden.

I also do not fully understand the field location stated in the application (45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans). The boundary of the proposed development is connected to the garden of 2 Mount Pleasant, Letham Mill, St Vigeans and is not connected or adjacent to any boundaries of 1 Mount Pleasant, Letham Mill, St Vigeans. Dear Sir/Madam,

In regards to the proposed development at field 45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans, I wish to object on the grounds that the raising and levelling of the field may result in the flooding of our garden at 2 Mount Pleasant, Letham Mill, St Vigeans which is directly adjacent to the proposed field. We have lived in this property over 25 years and have never experienced any flooding in our garden and our main concern is that raising the adjacent ground level will have the potential to do this.

This field was a vegetable plot and country garden prior to the partial development that took place earlier this year. Prior to this development, where the earth bund was created around the perimeter of the field, the original ground level was the same as our garden. At present the earth bund has raised the ground level of the field approximately 3 to 4 feet above our garden.

I also do not fully understand the field location stated in the application (45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans). The boundary of the proposed development is connected to the garden of 2 Mount Pleasant, Letham Mill, St Vigeans and is not connected or adjacent to any boundaries of 1 Mount Pleasant, Letham Mill, St Vigeans.

In regards to the proposed development at field 45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans, I wish to object on the grounds that the raising and levelling of the field may result in the flooding of our garden at 2 Mount Pleasant, Letham Mill, St Vigeans which is directly adjacent to the proposed field. We have lived in this property over 25 years and have never experienced any flooding in our garden and our main concern is that raising the adjacent ground level will have the potential to do this.

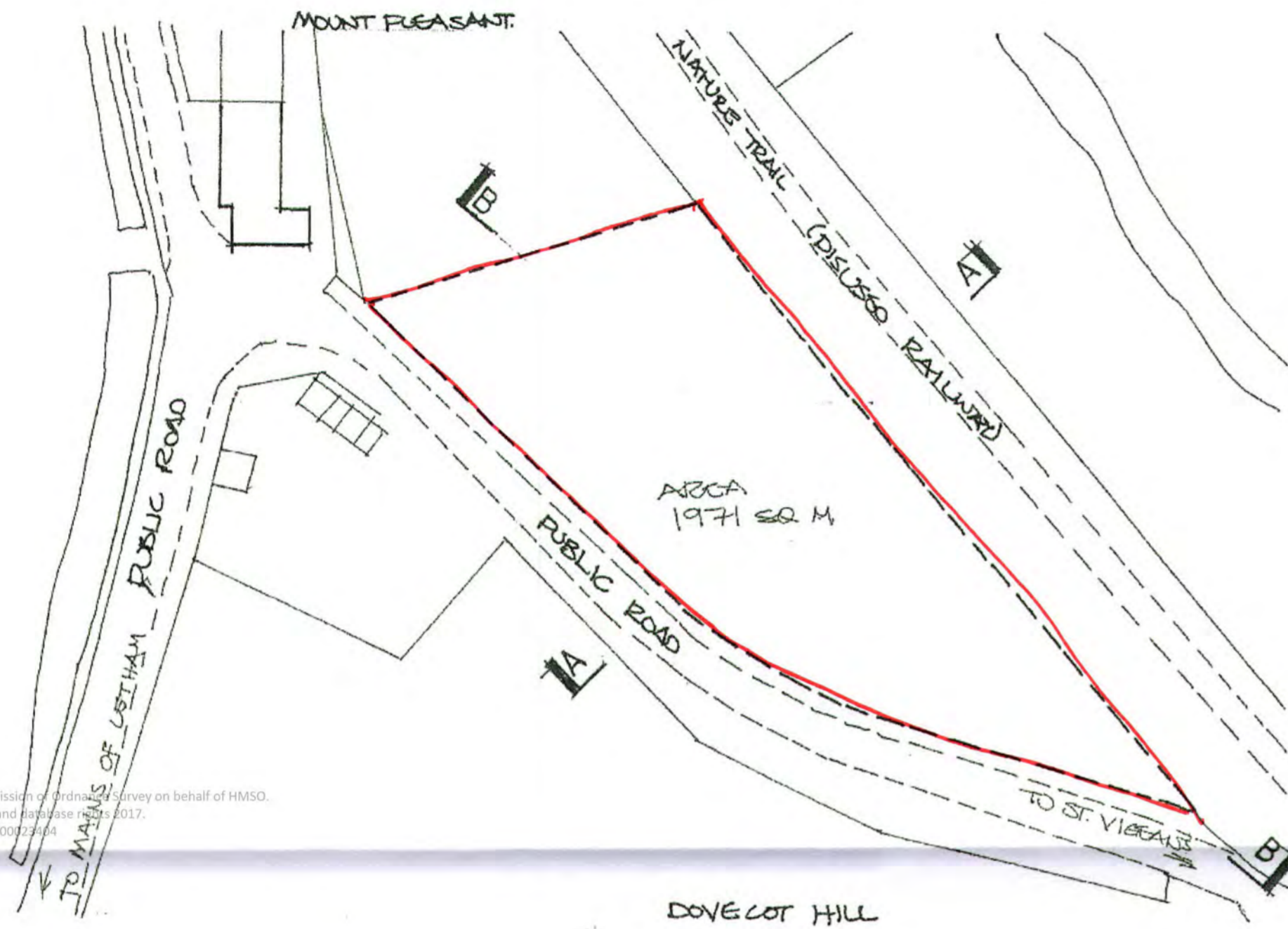
This field was a vegetable plot and country garden prior to the partial development that took place earlier this year without planning consent. Prior to this partial development, where the earth bund and access to the field was created the original ground level was the same as our garden. At present the earth bund has raised the ground level of the field approximately 3 to 4 feet above our garden.

I also do not fully understand the field location stated in the application (45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans). The boundary of the proposed development is connected to the garden of 2 Mount Pleasant, Letham Mill, St Vigeans and is not connected or adjacent to any boundaries of 1 Mount Pleasant, Letham Mill, St Vigeans.

Myself along with many others find this very hard to believe that dumping building materials along with road tar, plastic pipes and bags etc. into a water table connected to the Brothock burn and nature trail would even be considered. This must have a detrimental impact on the environment and wildlife in this area.

Regards  
Jamie McLean





PLAN

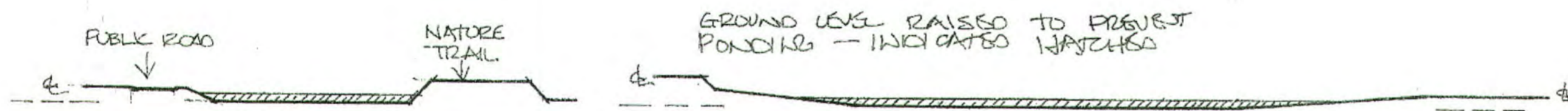


CROSS SECTION Scale 1:50

300 TOPSOIL  
 GEO TEXTILE MEMBRANE  
 SELECTED UPFILL MATERIAL  
 THICKNESS VARIES

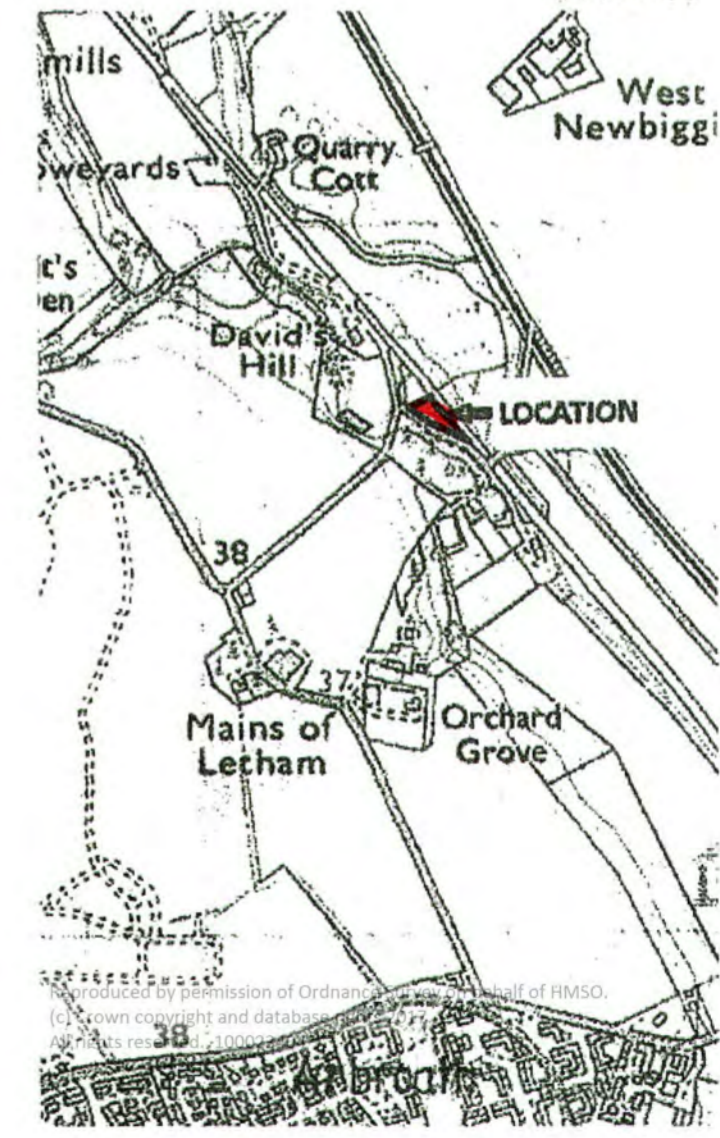
<p><b>A CRAIG</b>                  ARCHITECTURAL                  CONSULTANT</p> <p>6 CLERK STREET, BRECHIN, ANGUS DD9 6AE                  Tele: (01356) 625500 Fax: (01356) 625572</p> <p>DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY.                  IF IN DOUBT REFER TO A CRAIG</p> <p>THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL SIZES PRIOR TO                  STARTING ANY WORKS</p> <p>WORKS AT                  MOUNT PLEASANT                  LETHAM MILL                  ST VIGEANS                  ARBROATH                  FOR                  MRS P. SMITH</p> <p>DRAWING N° 080217                  SD 22 02 17                  SCALE 1:500 1:10000                  DATE FEBRUARY 2017</p>
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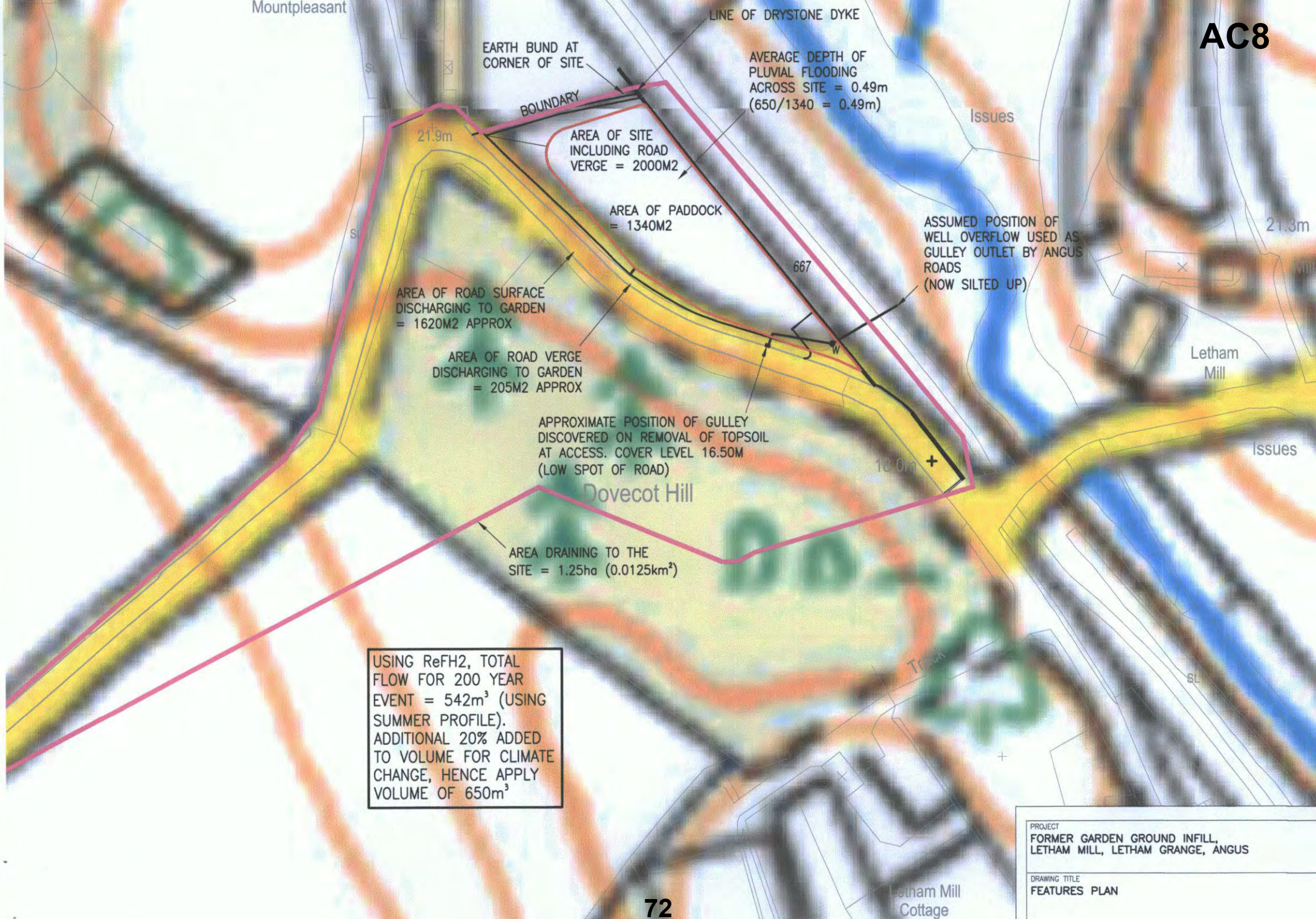
CROSS SECTION AA

CROSS SECTION BB



LOCATION PLAN 1:10 000





USING ReFH2, TOTAL FLOW FOR 200 YEAR EVENT = 542m<sup>3</sup> (USING SUMMER PROFILE). ADDITIONAL 20% ADDED TO VOLUME FOR CLIMATE CHANGE, HENCE APPLY VOLUME OF 650m<sup>3</sup>

PROJECT  
 FORMER GARDEN GROUND INFILL,  
 LETHAM MILL, LETHAM GRANGE, ANGUS

DRAWING TITLE  
 FEATURES PLAN



**A CRAIG**  
ARCHITECTURAL  
CONSULTANT

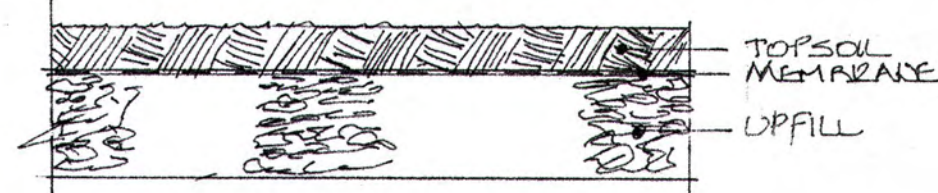
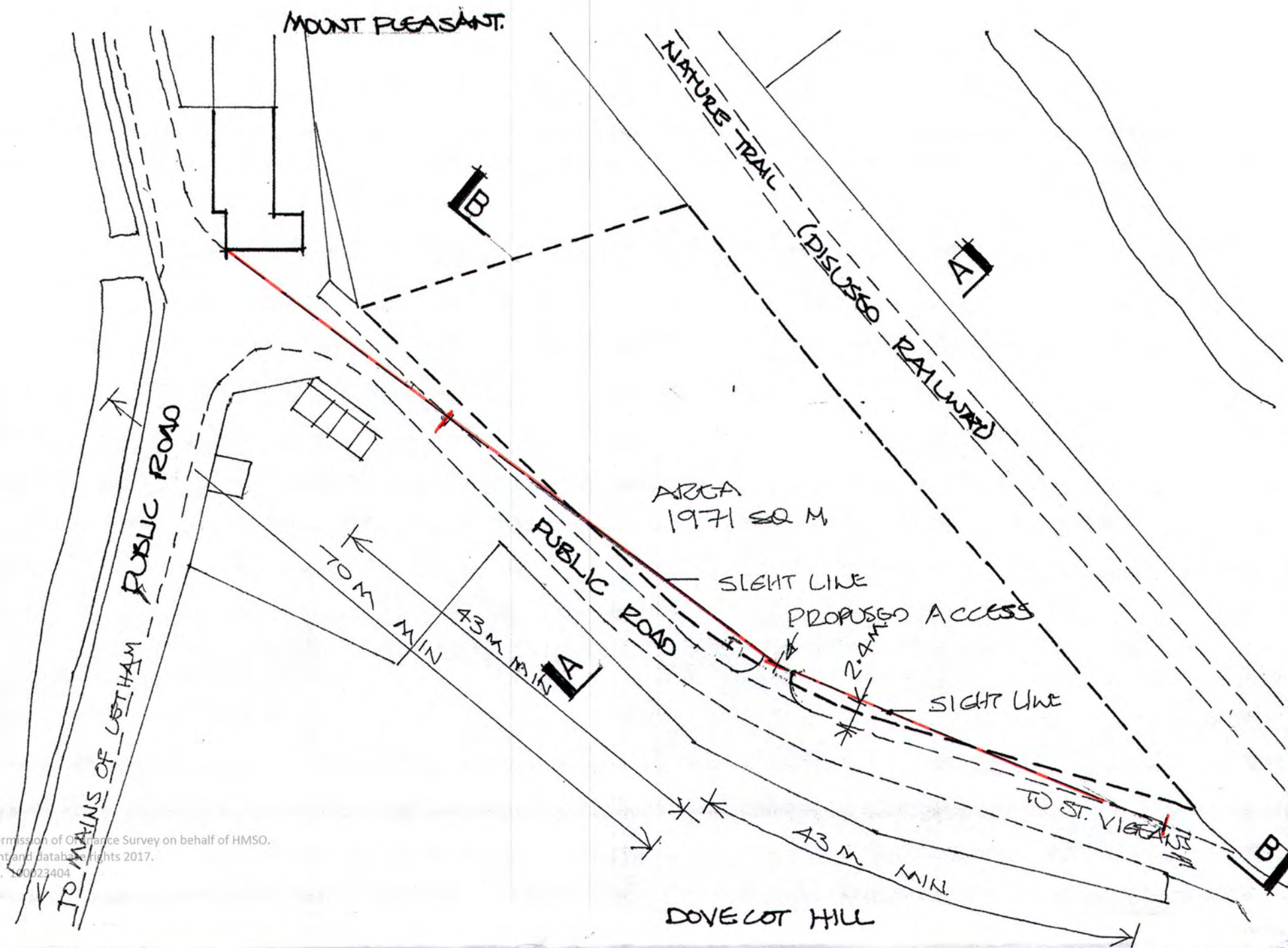


6 CLERK STREET, BRECHIN, ANGUS DD9 6AE  
Tel: (01356) 625500 Fax: (01356) 625572

DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY.  
IF IN DOUBT REFER TO A CRAIG  
THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL SIZES PRIOR TO  
STARTING ANY WORKS

WORKS AT  
MOUNT PLEASANT  
LETHAM MILL  
ST VIGEANS  
ARBROATH  
FOR  
MRS P. SMITH

DRAWING N° 080217  
SD 220217  
SCALE 1:500 1:10000  
DATE FEBRUARY 2017



CROSS SECTION Scale 1:50

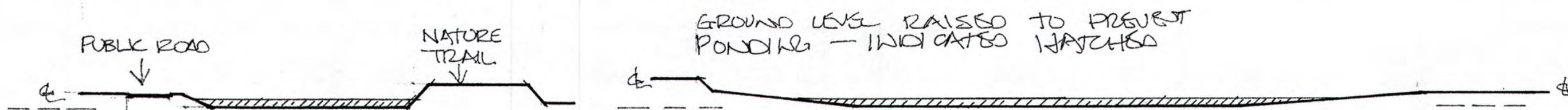
300 TOPSOIL  
GEO TEXTILE MEMBRANE  
SELECTED UPFILL MATERIAL  
THICKNESS VARIES

FORM NEW ACCESS IN ACCORDANCE  
WITH ANGUS COUNCIL ROADS STANDARDS  
TO ACHIEVE MIN. OF 2.4x43 M. ON  
EACH SIDE FOR SIGHT LINES  
NO FENCES/WALLS/RAILINGS/ETC  
IN EXCESS OF 1. M. IN HEIGHT PERMITTED  
WITHIN LINE OF SIGHT

FORWARD VISIBILITY SIGHTLINE OF 70M  
ALLOWED FOR RIGHT TURNING VEHICLES

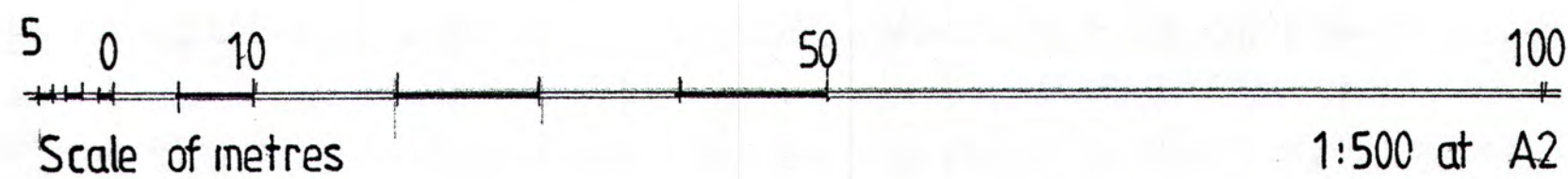
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PLAN

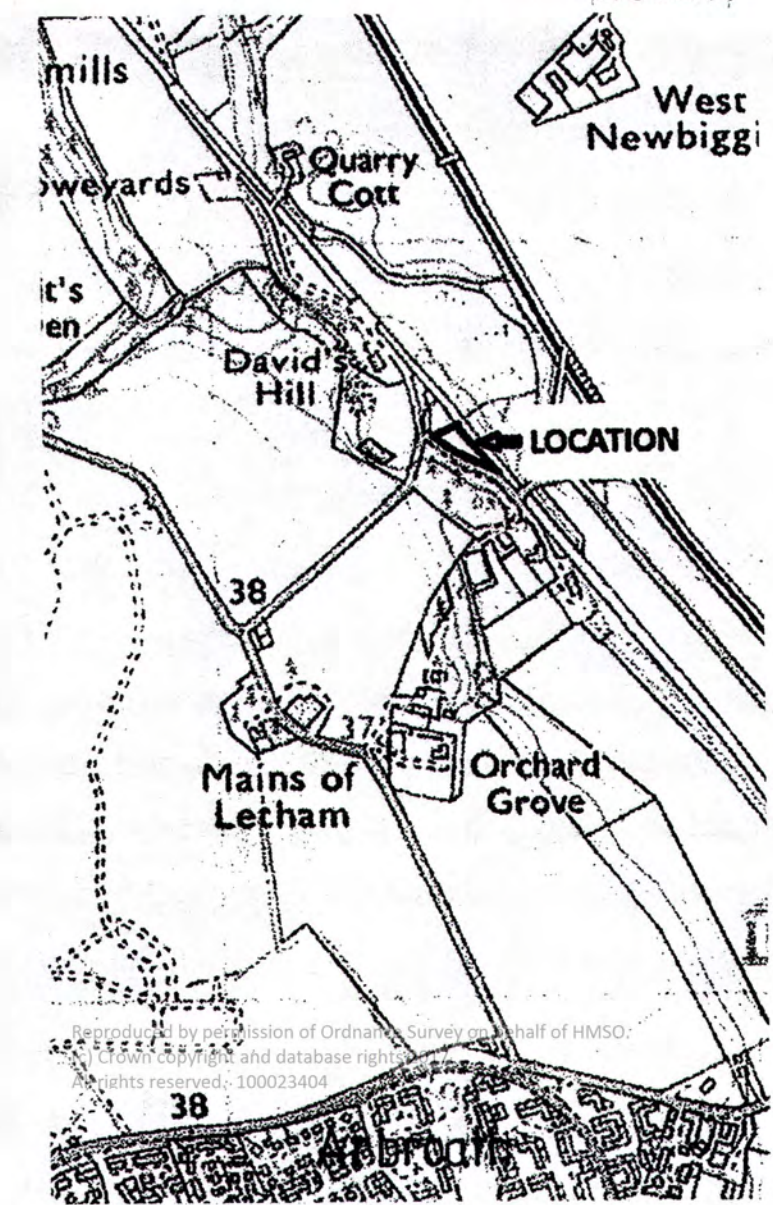


CROSS SECTION AA

CROSS SECTION BB



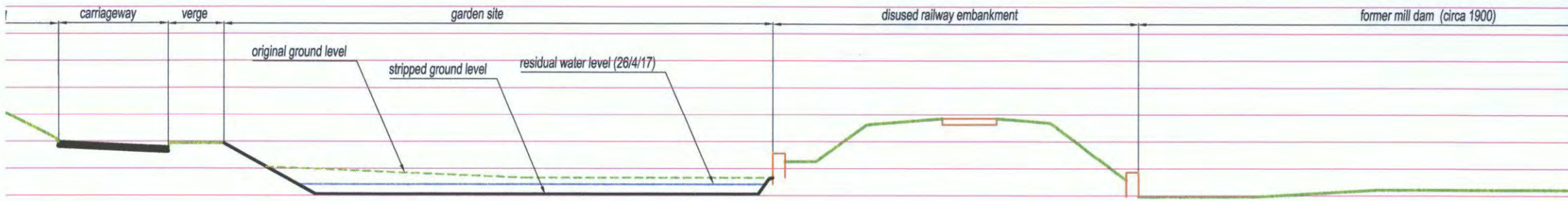
West Newbigg



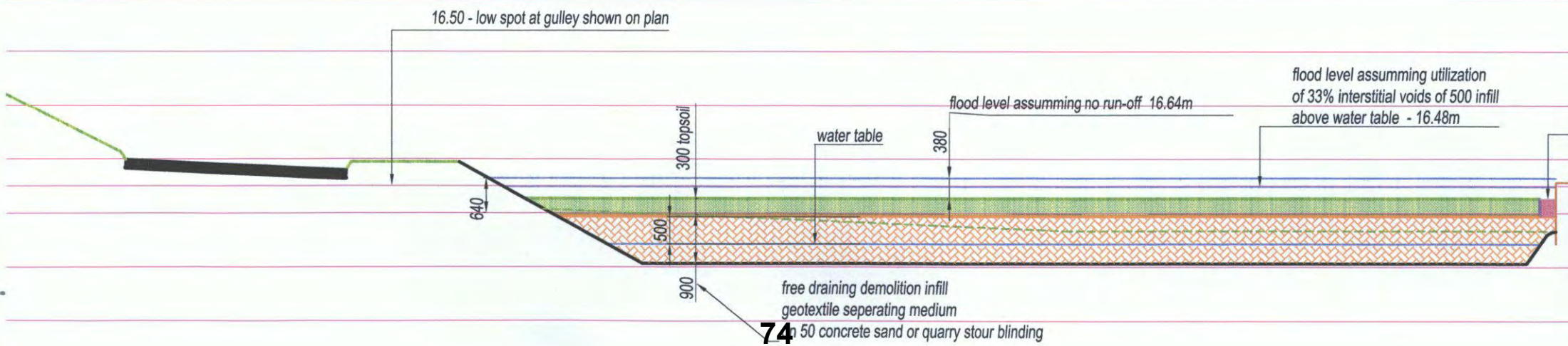
LOCATION PLAN 1:10 000

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TYPICAL SECTION AA - PRIOR TO BACKFILLING - SCALE 1:200











For  
3/4 mile





















Google

Image capture: Aug 2008 © 2018 Google United Kingdom Terms Report a problem





Scotland  
Google, Inc.  
Street View - Aug 2008

Google

Image capture: Aug 2008 © 2018 Google United Kingdom Terms Report a problem





Google





Google

Image capture: Aug 2008 © 2018 Google United Kingdom Terms Report a problem













For  
3/4 mile





















**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)**

## **ENFORCEMENT NOTICE**

**ISSUED BY:** Angus Council ("the Council") a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

**ISSUED TO:** Patricia Smith  
Millfield House  
Arbroath  
DD11 3RA

**1. THIS IS A FORMAL NOTICE** which is issued by the Council under Section 127(1)(a) of the above Act because it appears to them that there has been a breach of planning control, as defined by Section 123(1)(a) of the Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

### **2. THE LAND AFFECTED**

Land at **Field 45M South East Of 1 Mount Pleasant Letham Mill St Vigeans** shown delineated in red on the attached plan.

### **3. THE BREACH OF PLANNING CONTROL ALLEGED**

Without the benefit of Planning Permission bricks, rubble and other materials have been brought on to the land and the ground level altered.

### **4. THE REASON FOR ISSUING THE NOTICE**

Brick, rubble and other materials have been brought on to the land and ground levels altered without the benefit of the requisite planning permission. The operational development was undertaken within the last 4 years.



## 5. WHAT YOU ARE REQUIRED TO DO

Action :-

1. Remove from the land the bricks, rubble and other imported materials and reinstate the ground level to that detailed on A.Craig's drawing 080217 dated February 2017 and reinstate the land to a greenfield condition within 3 calendar months from the date of this Notice becoming effective.
2. Ensure that works are undertaken in accordance with the Scottish Environment Protection Agency's (SEPA) Pollution Prevention Guidelines, SEPA's General Binding Rules, SEPA's Engineering in the Water Environment: Good Practice Guides, relevant Construction Industry Research and Information Association (CIRIA) guidance.

## 6. EFFECTIVE DATE OF NOTICE

This Notice takes effect on **29 September 2017** unless an appeal is made against it beforehand.

## 7. YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Scottish Ministers before **29 September 2017**. Schedule 1 to this Notice gives information on your rights of appeal. Please read it carefully.

## 8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on **29 September 2017** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

**Dated: 28 August 2017**

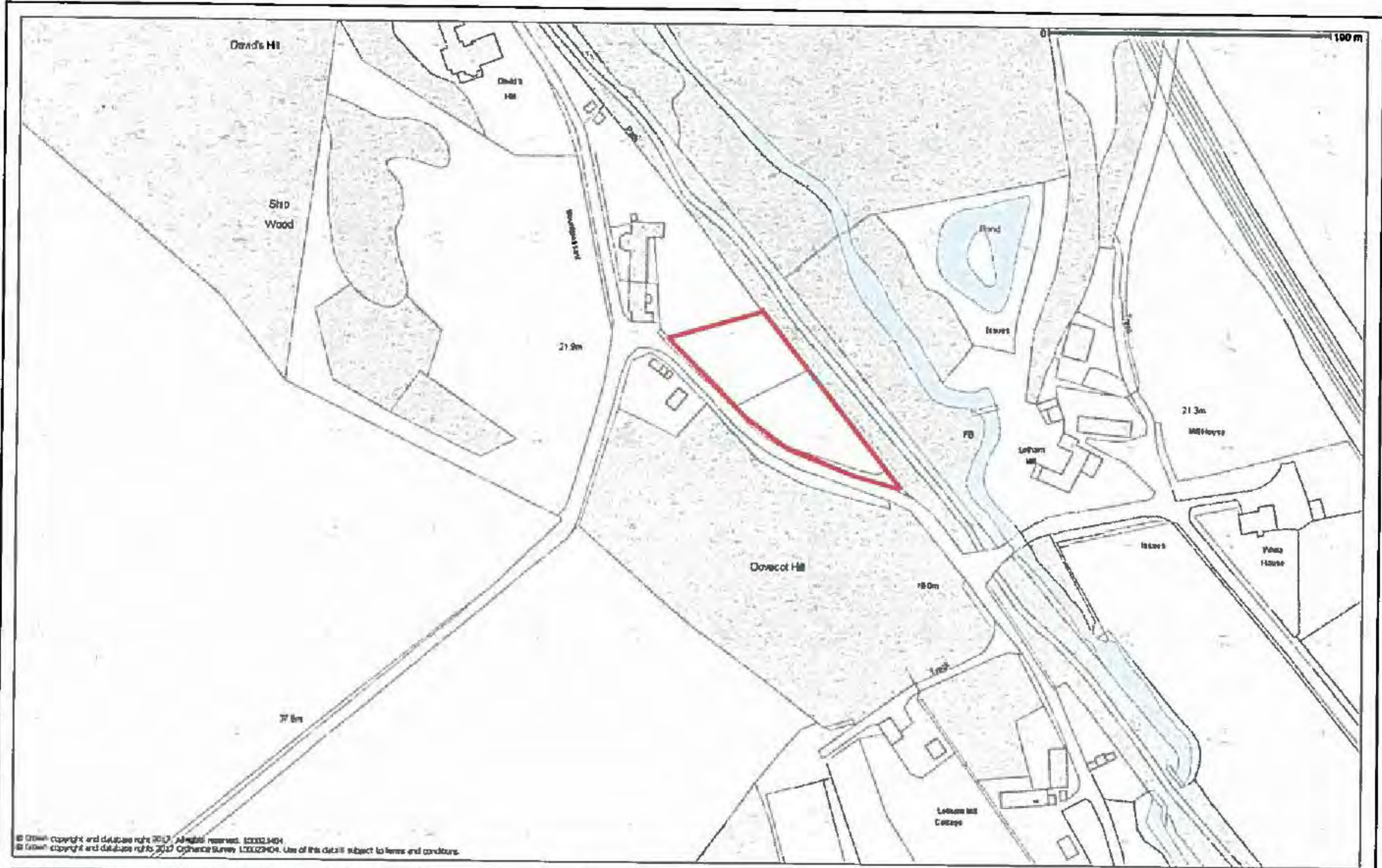
**Signed:** \_\_\_\_\_

**Council's Authorised Officer**

**On behalf of:**

Angus Council  
 Angus House  
 Orchardbank Business Park  
 Forfar  
 DD8 1AN





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Scale 1:17500



**Field 45 Metres South East of 1 Mount Pleasant, Letham Mill, St Vigeans**



Created by Robert Parry on 14 August 2017



## SCHEDULE 1

### Explanatory note for those in receipt of an Enforcement Notice

#### Relevant legislation

A copy of sections 123-124, 127-130, 136 and 136A of the Town & Country Planning (Scotland) Act 1997 are attached. You will wish to note in particular the points referred to below.

#### Right of Appeal

If you wish to appeal against this notice, you should write to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively, you may submit your appeal online at <https://eplanning.scotland.gov.uk/WAM/>. The appeal must be received, or posted in time to be received, by him before [the date on which the enforcement notice is to take effect]. The Scottish Ministers have no power to consider an appeal lodged out of time.

The appeal must be based on one or more of the grounds set out in section 130(1) subsections (b) to (g) of the 1997 Act, and you should state the facts on which you propose to rely in support of each of the grounds of the appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Ministers.

If you lodge an appeal, the enforcement notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

#### Penalties for Non-compliance with an Enforcement Notice

In terms of section 136 of the Act, where an enforcement notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000, or on conviction on indictment to an unlimited fine. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

#### Fixed Penalty notices

Alternatively, in terms of section 136A of the Act, the Council may serve a fixed penalty notice offering you the opportunity to discharge any liability for conviction. The payment required under the terms of such a notice would be £2,000 if paid within 30 days from the day following the date of service of the notice (reduced to £1,500 if paid within 15 days). There is no right of appeal against a fixed penalty notice.

A fixed penalty notice can be served in respect of a failure to comply with each step required to be taken by the enforcement notice or each activity the enforcement notice requires to be ceased. Consequently, several fixed penalty notices could be issued.

#### Direct Action for Non-compliance with an Enforcement Notice

If the steps required by an enforcement notice are not taken within the specified period(s) the Council may enter on the land, take those steps and recover the cost from the owner or lessee of the land. If a fixed penalty is paid, the Planning Authority retains the power to take direct action to remedy the breach and recover any associated costs.

#### Further Offences

Compliance with the terms of an enforcement notice does not discharge the notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.



## SCHEDULE 2

### Sections 123-124, 127-130, 136 and 136A of the Town and Country Planning (Scotland) Act 1997

#### Enforcement

#### Section 123. - Expressions used in connection with enforcement

(1) For the purposes of this Act-

- (a) carrying out development without the required planning permission, or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control or
- (c) initiating development without giving notice in accordance with section 27C(1) of this Act.

(2) For the purposes of this Act-

- (a) the issue of an enforcement notice,
- (b) the service of a breach of condition notice, or
- (c) the issue of a notice requiring application for planning permission for development already carried out (under section 33A)

constitutes taking enforcement action.

(3) In this Part "planning permission" includes planning permission under Part III of the 1947 Act and Part II of the 1972 Act.

#### 124. - Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

(4) Subsections (1) to (3) do not prevent-

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.



## Enforcement Notices

### Section 127 – Issue of enforcement notice

- (1) The planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them –
  - (a) that there has been a breach of planning control, and
  - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served –
  - (a) on the owner and on the occupier of the land to which it relates, and
  - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by this notice.
- (3) The service of the notice shall take place –
  - (a) not more than 28 days after its day of issue, and
  - (b) not less than 28 days before the date specified in it as the date on which it is to take effect.

### Section 128 – Contents and effect of notice

- (1) An enforcement notice shall state –
  - (a) the matters which appear to the planning authority to constitute the breach of planning control, and
  - (b) the paragraph of section 123(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1) (a) if it enables any person on whom a copy it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are –
  - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of any land by discontinuing the use of the land or by restoring the land to its condition before the breach took place; or
  - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require –
  - (a) the alteration of any buildings or works,
  - (b) the carrying out of any building or other operations,
  - (c) any activity on the land not to be carried on except to the extent specified in the notice, or
  - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) An enforcement notice issued in respect of a breach of planning control consisting of the demolition of a building may require the construction of a building (in this section referred to as a “replacement building” which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building –
  - (a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,
  - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and
  - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.
- (9) An enforcement notice shall specify the period for compliance with the notice at the end of which any steps are required to have been taken or any activities are required to have ceased, and may specify different periods for different steps or activities.
- (10) Where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to be taken or the activity is required to have ceased.
- (11) An enforcement notice shall specify such additional matters as may be prescribed.



(12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.

(13) Where -

- (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and
- (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(14) Where -

- (a) an enforcement notice requires the construction of a replacement building, and
- (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

#### **Section 129 – Variation and withdrawal of enforcement notice**

(1) The planning authority may -

- (a) withdraw an enforcement notice issued by them, or
- (b) waive or relax any requirement of such notice and, in particular, may extend any period specified in accordance with section 128(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

#### **Section 130 – Appeal against enforcement notice**

(1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Scottish Ministers against the notice on any of the following grounds -

- ~~(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged; \*~~
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 127;
- (f) that the steps required by the notice be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.

(2) An appeal under this section shall be made either -

- (a) by giving written notice of the appeal to the Scottish Ministers before the date specified in the enforcement notice as the date on which it takes effect, or
- (b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.

(3) A person who gives notice under subsection (2) shall submit to the Scottish Ministers, either when giving the notice or within the prescribed time, a statement in writing -

- (a) specifying the grounds on which he is appealing against the enforcement notice, and
- (b) giving such further information as may be prescribed.

#### **Section 136 Offence where enforcement notice not complied with**

(1) Where, at any time after the end of the compliance period in respect of an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of the notice he shall be guilty of an offence.



(3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

(6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice, and

(b) the notice is not contained in the appropriate register kept under section 147,  
it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000, and

(b) on conviction on indictment, to a fine.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

\* Section 130(1)(a) repealed by the Planning etc. (Scotland) Act 2006.

#### **136A Fixed penalty notice where enforcement notice not complied with**

(1) Where a planning authority have reason to believe that, by virtue of subsection (1) of section 136, a person is in breach of an enforcement notice they may, provided that the conditions mentioned in subsection (7) are satisfied, serve on him a fixed penalty notice as respects that breach.

(2) The fixed penalty notice is to specify—

(a) the step specified, under subsection (3) of section 128, in the enforcement notice which has not been taken, or

(b) the activity so specified which has not ceased.

(3) It is not competent to serve more than one fixed penalty notice in relation to a particular step or activity.

(4) For the purposes of this section, a "fixed penalty notice" is a notice offering the person the opportunity of discharging, by paying to the planning authority, within the period of 30 days which immediately follows the day on which that notice is served, a penalty of an amount (being a prescribed amount) specified in the notice, any liability to conviction for an offence under section 136 as respects the breach of the enforcement notice.

(5) But if payment is made within the first 15 days of the period mentioned in subsection (4) the amount payable is reduced by 25%.

(6) The fixed penalty notice is to identify the period mentioned in subsection (4) and is also to state that if payment is made within the first 15 days of that period the amount payable is reduced by 25%.

(7) The conditions are that the fixed penalty notice—

(a) is served within the period of 6 months which immediately follows the compliance period in relation to the enforcement notice, and

(b) is not served after the person has been charged with an offence under section 136 as respects the breach of the enforcement notice.

(8) During the period mentioned in subsection (4) it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.

(9) If the amount (or as the case may be the reduced amount) is timeously paid it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.

(10) A penalty received by a planning authority by virtue of subsection (4) is to accrue to that authority.

(11) In prescribing an amount for the purposes of subsection (4), the Scottish Ministers may make different provision for different cases or for different classes of case."

\*the Town & Country Planning (Scotland) Act 1997.





**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)**

## **ENFORCEMENT NOTICE**

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**ISSUED TO:** Ian Smith  
Millfield House  
Arbroath  
DD11 3RA

**1. THIS IS A FORMAL NOTICE** which is issued by the Council under Section 127(1)(a) of the above Act because it appears to them that there has been a breach of planning control, as defined by Section 123(1)(a) of the Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

### **2. THE LAND AFFECTED**

Land at **Field 45M South East Of 1 Mount Pleasant Letham Mill St Vigean**s shown delineated in red on the attached plan.

### **3. THE BREACH OF PLANNING CONTROL ALLEGED**

Without the benefit of Planning Permission bricks, rubble and other materials have been brought on to the land and the ground level altered.

### **4. THE REASON FOR ISSUING THE NOTICE**

Brick, rubble and other materials have been brought on to the land and ground levels altered without the benefit of the requisite planning permission. The operational development was undertaken within the last 4 years.



## 5. WHAT YOU ARE REQUIRED TO DO

Action :-

1. Remove from the land the bricks, rubble and other imported materials and reinstate the ground level to that detailed on A.Craig's drawing 080217 dated February 2017 and reinstate the land to a greenfield condition within 3 calendar months from the date of this Notice becoming effective.
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**Dated: 28 August 2017**

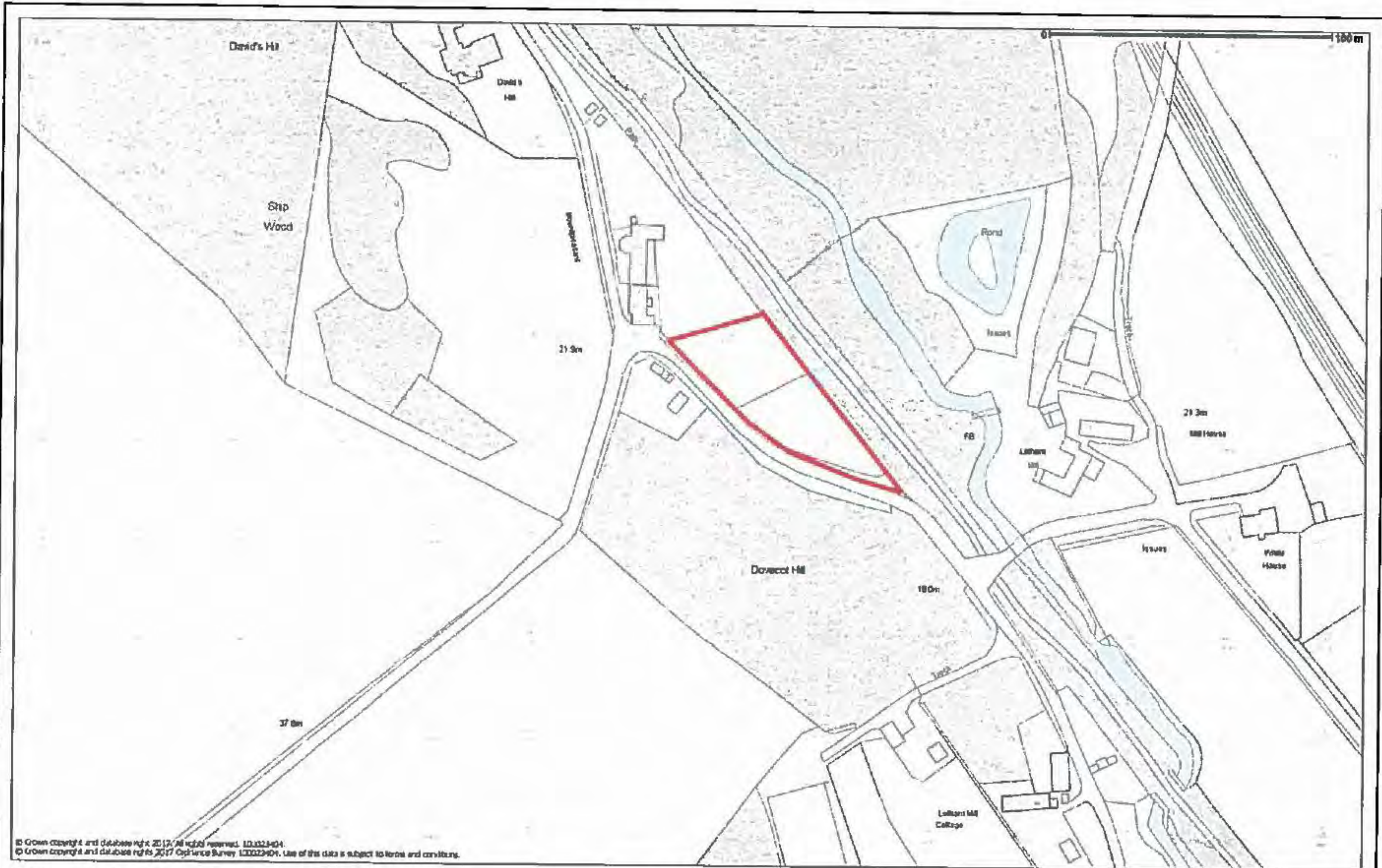
**Signed:** \_\_\_\_\_

**Council's Authorised Officer**



**On behalf of:**

Angus Council  
 Angus House  
 Orchardbank Business Park  
 Forfar  
 DD8 1AN





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<p>© Crown copyright and database rights 2017 Ordnance Survey 100023484. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p>	<p>Scale 1:17m</p>		<p><b>Field 45 Metres South East of 1 Mount Pleasant, Letham Mill, St Vigeans</b></p>	
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Created by Robert Parry on 14 August 2017



## SCHEDULE 1

### Explanatory note for those in receipt of an Enforcement Notice

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## SCHEDULE 2

### Sections 123-124, 127-130, 136 and 136A of the Town and Country Planning (Scotland) Act 1997

#### Enforcement

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(3) In this Part "planning permission" includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

##### **124. - Time limits**

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

(4) Subsections (1) to (3) do not prevent-

- (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or
- (b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.



## Enforcement Notices

### Section 127 – Issue of enforcement notice

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- (6) An enforcement notice issued in respect of a breach of planning control consisting of the demolition of a building may require the construction of a building (in this section referred to as a “replacement building” which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building –
  - (a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,
  - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and
  - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.
- (9) An enforcement notice shall specify the period for compliance with the notice at the end of which any steps are required to have been taken or any activities are required to have ceased, and may specify different periods for different steps or activities.
- (10) Where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to be taken or the activity is required to have ceased.
- (11) An enforcement notice shall specify such additional matters as may be prescribed.



(12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.

(13) Where -

- (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and
- (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(14) Where -

- (a) an enforcement notice requires the construction of a replacement building, and
- (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

#### **Section 129 - Variation and withdrawal of enforcement notice**

(1) The planning authority may -

- (a) withdraw an enforcement notice issued by them, or
- (b) waive or relax any requirement of such notice and, in particular, may extend any period specified in accordance with section 128(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

#### **Section 130 - Appeal against enforcement notice**

(1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Scottish Ministers against the notice on any of the following grounds -

- ~~(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged; \*~~
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 127;
- (f) that the steps required by the notice be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.

(2) An appeal under this section shall be made either -

- (a) by giving written notice of the appeal to the Scottish Ministers before the date specified in the enforcement notice as the date on which it takes effect, or
- (b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.

(3) A person who gives notice under subsection (2) shall submit to the Scottish Ministers, either when giving the notice or within the prescribed time, a statement in writing -

- (a) specifying the grounds on which he is appealing against the enforcement notice, and
- (b) giving such further information as may be prescribed.

#### **Section 136 Offence where enforcement notice not complied with**

(1) Where, at any time after the end of the compliance period in respect of an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.

(2) Where the owner of the land is in breach of the notice he shall be guilty of an offence.



(3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.

(5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

(6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

(7) Where—

(a) a person charged with an offence under this section has not been served with a copy of the enforcement notice, and

(b) the notice is not contained in the appropriate register kept under section 147,  
it shall be a defence for him to show that he was not aware of the existence of the notice.

(8) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £20,000, and

(b) on conviction on indictment, to a fine.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

\* Section 130(1)(a) repealed by the Planning etc. (Scotland) Act 2006.

#### **136A Fixed penalty notice where enforcement notice not complied with**

- (1) Where a planning authority have reason to believe that, by virtue of subsection (1) of section 136, a person is in breach of an enforcement notice they may, provided that the conditions mentioned in subsection (7) are satisfied, serve on him a fixed penalty notice as respects that breach.
- (2) The fixed penalty notice is to specify—
  - (a) the step specified, under subsection (3) of section 128, in the enforcement notice which has not been taken, or
  - (b) the activity so specified which has not ceased.
- (3) It is not competent to serve more than one fixed penalty notice in relation to a particular step or activity.
- (4) For the purposes of this section, a "fixed penalty notice" is a notice offering the person the opportunity of discharging, by paying to the planning authority, within the period of 30 days which immediately follows the day on which that notice is served, a penalty of an amount (being a prescribed amount) specified in the notice, any liability to conviction for an offence under section 136 as respects the breach of the enforcement notice.
- (5) But if payment is made within the first 15 days of the period mentioned in subsection (4) the amount payable is reduced by 25%.
- (6) The fixed penalty notice is to identify the period mentioned in subsection (4) and is also to state that if payment is made within the first 15 days of that period the amount payable is reduced by 25%.
- (7) The conditions are that the fixed penalty notice—
  - (a) is served within the period of 6 months which immediately follows the compliance period in relation to the enforcement notice, and
  - (b) is not served after the person has been charged with an offence under section 136 as respects the breach of the enforcement notice.
- (8) During the period mentioned in subsection (4) it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (9) If the amount (or as the case may be the reduced amount) is timeously paid it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (10) A penalty received by a planning authority by virtue of subsection (4) is to accrue to that authority.



(11) In prescribing an amount for the purposes of subsection (4), the Scottish Ministers may make different provision for different cases or for different classes of case."

\*the Town & Country Planning (Scotland) Act 1997.



## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: dpea@gov.scot



---

Decision by Andrew Fleming, a Reporter appointed by the Scottish Ministers

- Enforcement notice appeal reference: ENA-120-2010
- Site address: Field 45 metres south east of 1 Mount Pleasant, Letham Mill, St Vigean, Arbroath, DD11 4RG
- Appeal by Mrs P. Smith against the enforcement notice dated 28 August 2017 served by Angus Council
- The alleged breach of planning control: Bricks, rubble and other materials have been brought on to the land and the ground level altered
- Date of site visit by Reporter: 24 November 2017

Date of appeal decision: 21 December 2017

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## Decision

I dismiss the appeal and direct that the enforcement notice dated 28 August 2017 be upheld.

Subject to any application to the Court of Session, the enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Section 131(3) of the Act.

## Reasoning

1. The appeal against the enforcement notice was made on the following grounds as provided for by section 130(1) of the Town and Country Planning (Scotland) Act 1997:

f) the steps required by the notice to be taken (or the activities required by the notice to cease) exceed what is necessary to remedy any breach of planning control stated in the notice, or to remedy any injury to amenity caused by that breach; and

g) the period specified in the notice (to comply with the steps to be taken) falls short of what should reasonably be allowed.





*Ground (f)*

2. Section 26(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) defines 'development' as '...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.' I am satisfied that the works carried out at the site involving the scraping of the surface of the site, depositing bricks, rubble and other materials and raising the ground level at the site, constitute operational development and that such works are defined as development in the above act. Given that the said works do not benefit from planning permission, there has been a breach of planning control as defined by section 123(1)(a) of the above act.

3. Whilst a planning application (ref: 17/00161/FULL) for the alteration and raising of ground levels at the site was submitted to Angus Council, by the appellant in February 2017, this application was subsequently withdrawn in June 2017 due to outstanding objections from the Scottish Environment Protection Agency and the council in respect of concerns about flood risk.

4. The appellant's agent has commented that removing the materials from the site is unreasonable as it is hoped that a further planning application for the works will receive a favourable outcome. The appellant's agent also highlights that removing the material would incur storage costs and double handling from and to the site. The subsequent planning application is not before me for consideration and I cannot concern myself with a hypothetical planning permission in this regard. The incursion of costs, resulting from the enforcement notice, is also a consideration for the appellant and not something I can concern myself with.

5. Given that a breach of planning control has occurred, I consider that the requirement to remove the material and restore the site to its greenfield status is the only means of remedying this breach of planning control. Anything less would leave this operational development in breach of planning control. I therefore find that the steps required by the notice are not excessive.

6. Accordingly, I find that the appeal fails under ground (f).

*Ground (g)*

7. I note that unauthorised activity at the site was first brought to the attention of the council on 9 February 2017. Despite the council advising that works should stop, these continued with further observations of ongoing work being made on 25 April 2017 resulting in the issuing of a Temporary Stop Notice by the council on 26 April 2017. Whilst I understand that further works were carried out after this date, it is clear that within a three month time period (February 2017– April 2017), ground level alterations and the deposit of material had taken place at the site sufficient for the council to consider it necessary to take action.

8. Given the appellant had access to resources to undertake the unauthorised works, I consider that the appellant would similarly have access to resources in order to undertake the necessary works to comply with the requirements of the enforcement notice. I am



therefore satisfied, in the absence of any suggested alternative time period put forward by the appellant, that three months is a reasonable period of time in order to enable the appellant to complete the necessary works.

9. Accordingly, I find that the appeal fails under ground (g).

10. I have taken into account all other matters raised but there are none that would lead me to alter my conclusions.

*Andrew Fleming*

Reporter



**MOUNT PLEASANT**

**LETHAM MILL**

**ST VIGEANS**

**ARBROATH**

**PLANNING STATEMENT**

**October 2017**



**REASON FOR WORKS:**

The application site lies in a hollow and is of no significant use as it continually has water lying in it.

**PROPOSALS:**

It is proposed to raise the ground level of the small field which extends to 1971 sq. m. or thereby. The level will be raised using selected fill material and finished with topsoil. No part of the fill will be greater than 1 m. in depth.

**SITE HISTORY:**

My client owns the application site which is continually ponding and filling with water making it unusable. This is partly due to it being low lying and situated between a railway embankment and public road.

Permission for "Waste Construction and Relevant Works" allowing raising the ground level was applied for from SEPA and approved on 8 February 2017 Ref: WM/XC/1154679.

As soon as work started on site an objection was received which resulted in Angus Council Planning Department requesting a retrospective planning application being applied for.

Planning Application Ref: 17/00161/FULL was submitted and due to potential flooding concerns raised by SEPA and Angus Council Roads Department the application was withdrawn on 12 June 2017 to allow the application to have the concerns addressed.

After further objections had been received planning enforcement Ref: 16/00026/UNDV was received.

A report dated 26 September 2017 Ref: BC/21/14382 addressing the concerns raised has now been prepared by Millard Consulting.

**CONCLUSIONS:**

The concerns raised in the Planning Application Ref: 17/00161/FULL relating to SEPA and Angus Council Roads Department have been addressed in the Millard Consulting Report.



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Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Our Ref: BC/21/14382

26<sup>th</sup> September 2017

**Mr I Smith**  
Ian Smith Builders  
Arbroath

(Email only)

Dear Ian,

### **DERELICT GARDEN SITE ADJACENT MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, BY ARBROATH: STATEMENT ON DRAINAGE AND SURFACE WATER FLOODING**

I refer to our recent communications regarding the above site, and to your proposal to infill the ground to a higher level in order to remove the tendency for the site to become ponded due to the accumulation of surface water during periods of wet weather. I understand the reason you wish to do this is because the site will then be useable as a paddock.

#### **Site Description**

As well as a site meeting and site walkover, which I attended on 15<sup>th</sup> August 2017, we have inspected available OS mapping and SEPA indicative flood mapping. Hence based on anecdotal evidence and the mapping data, we can say that the site sits in a hollow between the road to the west/south, the old railway embankment to the northeast, and higher ground to the northwest. There is higher ground to the southwest of the main road which drains to the main road, hence runoff from both the road and the ground to the southwest will tend to collect at the low point of the road just to the south of the site. The catchment that therefore drains to the gully situated at this point is therefore as indicated on drawing 14382/21/001. It is therefore not surprising that the site has a tendency to pond during wet weather, as the old rail way embankment to the east forms a barrier to what would have been the natural drainage route to the Brothock Water.

#### **Issues to be addressed**

Our main findings are summarised in drawing 141382/001 (copy enclosed). This drawing should be read in conjunction with the following notes:

- The main source of flood risk to the site is from overland flow generated by and collected by the adjacent public road, combined with runoff from the adjacent disused railway embankment, and direct rainfall onto the site.
- As the site is at the foot of a slope, it is possible that there is raised groundwater also in this area, and this is further implied by the presence (exact location not known) of a well in the area of the southern end of the site.



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TA Millard Scotland Ltd trading as Millard Consulting



The runoff from the site was historically dealt with in part by a gully at the low point of the road which was connected to a pipe which ran through the old railway embankment (i.e. under the route of what is now a public path) to discharge on the banks of the Brothock Water. This pipe is apparently silted up and no longer capable of conveying a significant flow from the gully, hence water from the road simply runs off the road and into the site during wet weather.

- Notwithstanding the failed road drainage, the site does not flood. In very wet weather, the field has been observed to become waterlogged, with areas of ponded surface water. However no matter how wet the conditions, the depth of ponding stays shallow, and dissipates after rain ceases.
- We are aware of concerns expressed by Angus Council Roads that if the site were to be infilled to a higher level, that this will cause flooding to accumulate on the road itself rather than discharge into the field. Hence there has been an objection from the council to the proposed infilling and change of use until it can be demonstrated that this can be done without causing flooding of the main road,

### Calculations of Surface Water Volume

In order to quantify the likely accumulation of surface water during an extreme rainfall event, we have estimated the contributing area of runoff to the site based on topography. It is assumed that the event would be associated with antecedent conditions which leave the ground saturated and hence lead to 100% runoff (conservative assumption). Calculations were carried out using RefH2 software, and are appended to this report. Based on these calculations we can say that:

- Total volume that would accumulate during a 200 year return period storm even (plus an allowance of 20% additional volume due to climate change) would be 650m<sup>3</sup>
- Assuming all surface water would run off and accumulate on site, we have calculated the average depth of accumulation based on the plan area of the field to be 0.49m

### Surface Water Flooding Mitigation

Based on the predicted flood depth discussed above, we propose the following:

- With reference to Seaton Civils drawing DWG/DJL/02 (previously submitted to Angus Council) the proposed infill level for the field is to a level of 16.26m AOD, while the level of the gully at the low point in the road is at 16.5m AOD. Hence, assuming there would be flooding on the road if the gully is overtopped, the maximum depth of water which could be stored on site would be 0.24m.
- The depth of water storage available based on the above is 0.25m less than would be required to store the predicted surface water volume, therefore we propose the finished level in the field is lowered by just over 0.25m, i.e. to a level of 16.0m AOD
- The above proposal is conservative, as we have assumed 100% runoff from the catchment to the field, and that there will be no infiltration of surface water into the ground, nor any lateral flow through the old railway embankment or via the old drainage pipe previously discussed. Hence in practice, there would be less depth of storage in a 200 year storm event.

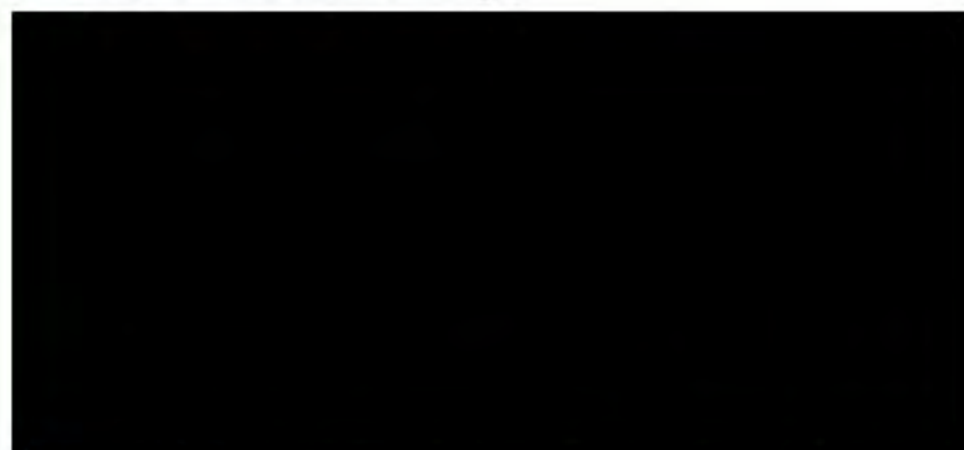
### Summary

We estimate that, provided the field is infilled to a height of no more than 16.0m AOD, there is no likelihood of surface water flooding on the adjacent road as a result of the infilling operation, for anything up to a 200 year return period storm event. We therefore support the proposed infilling operation on this basis.



I trust the above and the attached documents and plans are acceptable. However, should you have any queries on any aspect, please do not hesitate to get in touch.

Yours sincerely,



Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM  
Technical Director  
Millard Consulting

Enc                    RefH2 Calculations, 200 Year Summer Storm Profile  
                          Drawing 14382/21/001 Surface Water Features Plan  
                          Drawing DWG/DJL/02 Typical Section AA



## UK Design Flood Estimation

Generated on Tuesday, September 26, 2017 12:38:43 PM by abraid  
 Printed from the ReFH Flood Modelling software package, version 2.2.5989.21032

### Summary of estimate using the Flood Estimation Handbook revitalised flood hydrograph method (ReFH)

#### Site details

Checksum: 8703-7BB2

Site name: FEH\_Point\_Descriptors\_363329\_743736

Easting: 363329

Northing: 743736

Country: Scotland

Catchment Area (km<sup>2</sup>): 0.01 [0.01]\*

Using plot scale calculations: Yes

Site description: None

### Model run: 200 year

#### Summary of results

Rainfall - FEH 2013 (mm):	78.04	Total runoff (ML):	0.28
Total Rainfall (mm):	76.56	Total flow (ML):	0.54
Peak Rainfall (mm):	21.07	Peak flow (m <sup>3</sup> /s):	0.01

#### Parameters

*Where the user has overridden a system-generated value, this original value is shown in square brackets after the value used.*

*\* Indicates that the user locked the duration/timestep*

#### Rainfall parameters (Rainfall - FEH 2013 model)

Name	Value	User-defined?
Duration (hh:mm:ss)	13:00:00	No
Timestep (hh:mm:ss)	01:00:00	No
SCF (Seasonal correction factor)	0.98	No
ARF (Areal reduction factor)	1	No
Seasonality	Summer	n/a

#### Loss model parameters

Name	Value	User-defined?
Cini (mm)	101.01	No
Cmax (mm)	482.38	No
Use alpha correction factor	No	No
Alpha correction factor	n/a	No

#### Routing model parameters



Name	Value	User-defined?
Tp (hr)	7.36	No
Up	0.65	No
Uk	0.8	No

**Baseflow model parameters**

Name	Value	User-defined?
BF0 (m <sup>3</sup> /s)	0	No
BL (hr)	22.7	No
BR	0.96	No

**Urbanisation parameters**

Name	Value	User-defined?
Urban area (km <sup>2</sup> )	0	No
Urbext 2000	0	No
Impervious runoff factor	0.7	No
Imperviousness factor	0.3	No
Tp scaling factor	0.5	No
Sewered area (km <sup>2</sup> )	0.00	Yes
Sewer capacity (m <sup>3</sup> /s)	0.00	Yes



## Time series data

Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
00:00:00	1.4485	0.0000	0.3055	0.0000	0	0
01:00:00	2.0194	0.0000	0.4331	0.0000	1.32E-07	6.49E-06
02:00:00	2.8697	0.0000	0.6301	0.0000	8.43E-07	2.89E-05
03:00:00	4.1916	0.0000	0.9510	0.0001	2.88E-06	7.48E-05
04:00:00	6.4034	0.0000	1.5231	0.0001	7.33E-06	0.000156
05:00:00	10.8102	0.0000	2.7642	0.0003	1.58E-05	0.000293
06:00:00	21.0747	0.0000	6.0854	0.0005	3.12E-05	0.000525
07:00:00	10.8102	0.0000	3.4788	0.0009	5.86E-05	0.000954
08:00:00	6.4034	0.0000	2.1749	0.0015	0.000106	0.0016
09:00:00	4.1916	0.0000	1.4697	0.0022	0.000177	0.00236
10:00:00	2.8697	0.0000	1.0272	0.0029	0.000275	0.0032
11:00:00	2.0194	0.0000	0.7331	0.0037	0.0004	0.00407
12:00:00	1.4485	0.0000	0.5310	0.0044	0.00055	0.00493
13:00:00	0.0000	0.0000	0.0000	0.0050	0.00072	0.00573
14:00:00	0.0000	0.0000	0.0000	0.0054	0.000905	0.00633
15:00:00	0.0000	0.0000	0.0000	0.0055	0.00109	0.00658
16:00:00	0.0000	0.0000	0.0000	0.0053	0.00127	0.0066
17:00:00	0.0000	0.0000	0.0000	0.0050	0.00143	0.00647
18:00:00	0.0000	0.0000	0.0000	0.0047	0.00157	0.00623
19:00:00	0.0000	0.0000	0.0000	0.0042	0.00168	0.00591
20:00:00	0.0000	0.0000	0.0000	0.0038	0.00178	0.00555
21:00:00	0.0000	0.0000	0.0000	0.0033	0.00185	0.00516
22:00:00	0.0000	0.0000	0.0000	0.0029	0.0019	0.00483
23:00:00	0.0000	0.0000	0.0000	0.0026	0.00193	0.00453
24:00:00	0.0000	0.0000	0.0000	0.0023	0.00195	0.00425
25:00:00	0.0000	0.0000	0.0000	0.0020	0.00195	0.00398
26:00:00	0.0000	0.0000	0.0000	0.0018	0.00195	0.00372
27:00:00	0.0000	0.0000	0.0000	0.0015	0.00193	0.00345
28:00:00	0.0000	0.0000	0.0000	0.0013	0.00191	0.00319
29:00:00	0.0000	0.0000	0.0000	0.0011	0.00187	0.00292
30:00:00	0.0000	0.0000	0.0000	0.0008	0.00183	0.00266
31:00:00	0.0000	0.0000	0.0000	0.0006	0.00178	0.0024
32:00:00	0.0000	0.0000	0.0000	0.0004	0.00173	0.00215
33:00:00	0.0000	0.0000	0.0000	0.0003	0.00167	0.00192
34:00:00	0.0000	0.0000	0.0000	0.0002	0.0016	0.00175



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
35:00:00	0.0000	0.0000	0.0000	0.0001	0.00154	0.00163
36:00:00	0.0000	0.0000	0.0000	0.0000	0.00147	0.00152
37:00:00	0.0000	0.0000	0.0000	0.0000	0.00141	0.00143
38:00:00	0.0000	0.0000	0.0000	0.0000	0.00135	0.00136
39:00:00	0.0000	0.0000	0.0000	0.0000	0.00129	0.00129
40:00:00	0.0000	0.0000	0.0000	0.0000	0.00124	0.00124
41:00:00	0.0000	0.0000	0.0000	0.0000	0.00119	0.00119
42:00:00	0.0000	0.0000	0.0000	0.0000	0.00113	0.00113
43:00:00	0.0000	0.0000	0.0000	0.0000	0.00109	0.00109
44:00:00	0.0000	0.0000	0.0000	0.0000	0.00104	0.00104
45:00:00	0.0000	0.0000	0.0000	0.0000	0.000994	0.000994
46:00:00	0.0000	0.0000	0.0000	0.0000	0.000951	0.000951
47:00:00	0.0000	0.0000	0.0000	0.0000	0.00091	0.00091
48:00:00	0.0000	0.0000	0.0000	0.0000	0.000871	0.000871
49:00:00	0.0000	0.0000	0.0000	0.0000	0.000833	0.000833
50:00:00	0.0000	0.0000	0.0000	0.0000	0.000797	0.000797
51:00:00	0.0000	0.0000	0.0000	0.0000	0.000763	0.000763
52:00:00	0.0000	0.0000	0.0000	0.0000	0.00073	0.00073
53:00:00	0.0000	0.0000	0.0000	0.0000	0.000699	0.000699
54:00:00	0.0000	0.0000	0.0000	0.0000	0.000668	0.000668
55:00:00	0.0000	0.0000	0.0000	0.0000	0.00064	0.00064
56:00:00	0.0000	0.0000	0.0000	0.0000	0.000612	0.000612
57:00:00	0.0000	0.0000	0.0000	0.0000	0.000586	0.000586
58:00:00	0.0000	0.0000	0.0000	0.0000	0.00056	0.00056
59:00:00	0.0000	0.0000	0.0000	0.0000	0.000536	0.000536
60:00:00	0.0000	0.0000	0.0000	0.0000	0.000513	0.000513
61:00:00	0.0000	0.0000	0.0000	0.0000	0.000491	0.000491
62:00:00	0.0000	0.0000	0.0000	0.0000	0.00047	0.00047
63:00:00	0.0000	0.0000	0.0000	0.0000	0.00045	0.00045
64:00:00	0.0000	0.0000	0.0000	0.0000	0.00043	0.00043
65:00:00	0.0000	0.0000	0.0000	0.0000	0.000412	0.000412
66:00:00	0.0000	0.0000	0.0000	0.0000	0.000394	0.000394
67:00:00	0.0000	0.0000	0.0000	0.0000	0.000377	0.000377
68:00:00	0.0000	0.0000	0.0000	0.0000	0.000361	0.000361
69:00:00	0.0000	0.0000	0.0000	0.0000	0.000345	0.000345
70:00:00	0.0000	0.0000	0.0000	0.0000	0.00033	0.00033



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
71:00:00	0.0000	0.0000	0.0000	0.0000	0.000316	0.000316
72:00:00	0.0000	0.0000	0.0000	0.0000	0.000303	0.000303
73:00:00	0.0000	0.0000	0.0000	0.0000	0.000289	0.000289
74:00:00	0.0000	0.0000	0.0000	0.0000	0.000277	0.000277
75:00:00	0.0000	0.0000	0.0000	0.0000	0.000265	0.000265
76:00:00	0.0000	0.0000	0.0000	0.0000	0.000254	0.000254
77:00:00	0.0000	0.0000	0.0000	0.0000	0.000243	0.000243
78:00:00	0.0000	0.0000	0.0000	0.0000	0.000232	0.000232
79:00:00	0.0000	0.0000	0.0000	0.0000	0.000222	0.000222
80:00:00	0.0000	0.0000	0.0000	0.0000	0.000213	0.000213
81:00:00	0.0000	0.0000	0.0000	0.0000	0.000204	0.000204
82:00:00	0.0000	0.0000	0.0000	0.0000	0.000195	0.000195
83:00:00	0.0000	0.0000	0.0000	0.0000	0.000186	0.000186
84:00:00	0.0000	0.0000	0.0000	0.0000	0.000178	0.000178
85:00:00	0.0000	0.0000	0.0000	0.0000	0.000171	0.000171
86:00:00	0.0000	0.0000	0.0000	0.0000	0.000163	0.000163
87:00:00	0.0000	0.0000	0.0000	0.0000	0.000156	0.000156
88:00:00	0.0000	0.0000	0.0000	0.0000	0.00015	0.00015
89:00:00	0.0000	0.0000	0.0000	0.0000	0.000143	0.000143
90:00:00	0.0000	0.0000	0.0000	0.0000	0.000137	0.000137
91:00:00	0.0000	0.0000	0.0000	0.0000	0.000131	0.000131
92:00:00	0.0000	0.0000	0.0000	0.0000	0.000125	0.000125
93:00:00	0.0000	0.0000	0.0000	0.0000	0.00012	0.00012
94:00:00	0.0000	0.0000	0.0000	0.0000	0.000115	0.000115
95:00:00	0.0000	0.0000	0.0000	0.0000	0.00011	0.00011
96:00:00	0.0000	0.0000	0.0000	0.0000	0.000105	0.000105
97:00:00	0.0000	0.0000	0.0000	0.0000	0.000101	0.000101
98:00:00	0.0000	0.0000	0.0000	0.0000	9.63E-05	9.63E-05
99:00:00	0.0000	0.0000	0.0000	0.0000	9.21E-05	9.21E-05
100:00:00	0.0000	0.0000	0.0000	0.0000	8.81E-05	8.81E-05
101:00:00	0.0000	0.0000	0.0000	0.0000	8.43E-05	8.43E-05
102:00:00	0.0000	0.0000	0.0000	0.0000	8.07E-05	8.07E-05
103:00:00	0.0000	0.0000	0.0000	0.0000	7.72E-05	7.72E-05
104:00:00	0.0000	0.0000	0.0000	0.0000	7.39E-05	7.39E-05
105:00:00	0.0000	0.0000	0.0000	0.0000	7.07E-05	7.07E-05
106:00:00	0.0000	0.0000	0.0000	0.0000	6.77E-05	6.77E-05



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
107:00:00	0.0000	0.0000	0.0000	0.0000	6.48E-05	6.48E-05
108:00:00	0.0000	0.0000	0.0000	0.0000	6.2E-05	6.2E-05
109:00:00	0.0000	0.0000	0.0000	0.0000	5.93E-05	5.93E-05
110:00:00	0.0000	0.0000	0.0000	0.0000	5.67E-05	5.67E-05
111:00:00	0.0000	0.0000	0.0000	0.0000	5.43E-05	5.43E-05
112:00:00	0.0000	0.0000	0.0000	0.0000	5.2E-05	5.2E-05
113:00:00	0.0000	0.0000	0.0000	0.0000	4.97E-05	4.97E-05
114:00:00	0.0000	0.0000	0.0000	0.0000	4.76E-05	4.76E-05
115:00:00	0.0000	0.0000	0.0000	0.0000	4.55E-05	4.55E-05
116:00:00	0.0000	0.0000	0.0000	0.0000	4.36E-05	4.36E-05
117:00:00	0.0000	0.0000	0.0000	0.0000	4.17E-05	4.17E-05
118:00:00	0.0000	0.0000	0.0000	0.0000	3.99E-05	3.99E-05
119:00:00	0.0000	0.0000	0.0000	0.0000	3.82E-05	3.82E-05
120:00:00	0.0000	0.0000	0.0000	0.0000	3.65E-05	3.65E-05
121:00:00	0.0000	0.0000	0.0000	0.0000	3.5E-05	3.5E-05
122:00:00	0.0000	0.0000	0.0000	0.0000	3.34E-05	3.34E-05
123:00:00	0.0000	0.0000	0.0000	0.0000	3.2E-05	3.2E-05
124:00:00	0.0000	0.0000	0.0000	0.0000	3.06E-05	3.06E-05
125:00:00	0.0000	0.0000	0.0000	0.0000	2.93E-05	2.93E-05
126:00:00	0.0000	0.0000	0.0000	0.0000	2.8E-05	2.8E-05
127:00:00	0.0000	0.0000	0.0000	0.0000	2.68E-05	2.68E-05
128:00:00	0.0000	0.0000	0.0000	0.0000	2.57E-05	2.57E-05
129:00:00	0.0000	0.0000	0.0000	0.0000	2.46E-05	2.46E-05
130:00:00	0.0000	0.0000	0.0000	0.0000	2.35E-05	2.35E-05
131:00:00	0.0000	0.0000	0.0000	0.0000	2.25E-05	2.25E-05
132:00:00	0.0000	0.0000	0.0000	0.0000	2.15E-05	2.15E-05
133:00:00	0.0000	0.0000	0.0000	0.0000	2.06E-05	2.06E-05
134:00:00	0.0000	0.0000	0.0000	0.0000	1.97E-05	1.97E-05
135:00:00	0.0000	0.0000	0.0000	0.0000	1.89E-05	1.89E-05
136:00:00	0.0000	0.0000	0.0000	0.0000	1.81E-05	1.81E-05
137:00:00	0.0000	0.0000	0.0000	0.0000	1.73E-05	1.73E-05
138:00:00	0.0000	0.0000	0.0000	0.0000	1.65E-05	1.65E-05
139:00:00	0.0000	0.0000	0.0000	0.0000	1.58E-05	1.58E-05
140:00:00	0.0000	0.0000	0.0000	0.0000	1.51E-05	1.51E-05
141:00:00	0.0000	0.0000	0.0000	0.0000	1.45E-05	1.45E-05
142:00:00	0.0000	0.0000	0.0000	0.0000	1.39E-05	1.39E-05



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
143:00:00	0.0000	0.0000	0.0000	0.0000	1.33E-05	1.33E-05
144:00:00	0.0000	0.0000	0.0000	0.0000	1.27E-05	1.27E-05
145:00:00	0.0000	0.0000	0.0000	0.0000	1.21E-05	1.21E-05
146:00:00	0.0000	0.0000	0.0000	0.0000	1.16E-05	1.16E-05
147:00:00	0.0000	0.0000	0.0000	0.0000	1.11E-05	1.11E-05
148:00:00	0.0000	0.0000	0.0000	0.0000	1.06E-05	1.06E-05
149:00:00	0.0000	0.0000	0.0000	0.0000	1.02E-05	1.02E-05
150:00:00	0.0000	0.0000	0.0000	0.0000	9.74E-06	9.74E-06
151:00:00	0.0000	0.0000	0.0000	0.0000	9.32E-06	9.32E-06
152:00:00	0.0000	0.0000	0.0000	0.0000	8.92E-06	8.92E-06
153:00:00	0.0000	0.0000	0.0000	0.0000	8.54E-06	8.54E-06
154:00:00	0.0000	0.0000	0.0000	0.0000	8.17E-06	8.17E-06
155:00:00	0.0000	0.0000	0.0000	0.0000	7.82E-06	7.82E-06
156:00:00	0.0000	0.0000	0.0000	0.0000	7.48E-06	7.48E-06
157:00:00	0.0000	0.0000	0.0000	0.0000	7.16E-06	7.16E-06
158:00:00	0.0000	0.0000	0.0000	0.0000	6.85E-06	6.85E-06
159:00:00	0.0000	0.0000	0.0000	0.0000	6.55E-06	6.55E-06
160:00:00	0.0000	0.0000	0.0000	0.0000	6.27E-06	6.27E-06
161:00:00	0.0000	0.0000	0.0000	0.0000	6E-06	6E-06
162:00:00	0.0000	0.0000	0.0000	0.0000	5.74E-06	5.74E-06
163:00:00	0.0000	0.0000	0.0000	0.0000	5.5E-06	5.5E-06
164:00:00	0.0000	0.0000	0.0000	0.0000	5.26E-06	5.26E-06
165:00:00	0.0000	0.0000	0.0000	0.0000	5.03E-06	5.03E-06
166:00:00	0.0000	0.0000	0.0000	0.0000	4.82E-06	4.82E-06
167:00:00	0.0000	0.0000	0.0000	0.0000	4.61E-06	4.61E-06
168:00:00	0.0000	0.0000	0.0000	0.0000	4.41E-06	4.41E-06
169:00:00	0.0000	0.0000	0.0000	0.0000	4.22E-06	4.22E-06
170:00:00	0.0000	0.0000	0.0000	0.0000	4.04E-06	4.04E-06
171:00:00	0.0000	0.0000	0.0000	0.0000	3.86E-06	3.86E-06
172:00:00	0.0000	0.0000	0.0000	0.0000	3.7E-06	3.7E-06
173:00:00	0.0000	0.0000	0.0000	0.0000	3.54E-06	3.54E-06
174:00:00	0.0000	0.0000	0.0000	0.0000	3.39E-06	3.39E-06
175:00:00	0.0000	0.0000	0.0000	0.0000	3.24E-06	3.24E-06
176:00:00	0.0000	0.0000	0.0000	0.0000	3.1E-06	3.1E-06
177:00:00	0.0000	0.0000	0.0000	0.0000	2.97E-06	2.97E-06
178:00:00	0.0000	0.0000	0.0000	0.0000	2.84E-06	2.84E-06



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
179:00:00	0.0000	0.0000	0.0000	0.0000	2.72E-06	2.72E-06
180:00:00	0.0000	0.0000	0.0000	0.0000	2.6E-06	2.6E-06
181:00:00	0.0000	0.0000	0.0000	0.0000	2.49E-06	2.49E-06
182:00:00	0.0000	0.0000	0.0000	0.0000	2.38E-06	2.38E-06
183:00:00	0.0000	0.0000	0.0000	0.0000	2.28E-06	2.28E-06
184:00:00	0.0000	0.0000	0.0000	0.0000	2.18E-06	2.18E-06
185:00:00	0.0000	0.0000	0.0000	0.0000	2.09E-06	2.09E-06
186:00:00	0.0000	0.0000	0.0000	0.0000	2E-06	2E-06
187:00:00	0.0000	0.0000	0.0000	0.0000	1.91E-06	1.91E-06
188:00:00	0.0000	0.0000	0.0000	0.0000	1.83E-06	1.83E-06
189:00:00	0.0000	0.0000	0.0000	0.0000	1.75E-06	1.75E-06
190:00:00	0.0000	0.0000	0.0000	0.0000	1.67E-06	1.67E-06
191:00:00	0.0000	0.0000	0.0000	0.0000	1.6E-06	1.6E-06
192:00:00	0.0000	0.0000	0.0000	0.0000	1.53E-06	1.53E-06
193:00:00	0.0000	0.0000	0.0000	0.0000	1.47E-06	1.47E-06
194:00:00	0.0000	0.0000	0.0000	0.0000	1.4E-06	1.4E-06
195:00:00	0.0000	0.0000	0.0000	0.0000	1.34E-06	1.34E-06
196:00:00	0.0000	0.0000	0.0000	0.0000	1.28E-06	1.28E-06
197:00:00	0.0000	0.0000	0.0000	0.0000	1.23E-06	1.23E-06
198:00:00	0.0000	0.0000	0.0000	0.0000	1.18E-06	1.18E-06
199:00:00	0.0000	0.0000	0.0000	0.0000	1.13E-06	1.13E-06
200:00:00	0.0000	0.0000	0.0000	0.0000	1.08E-06	1.08E-06
201:00:00	0.0000	0.0000	0.0000	0.0000	1.03E-06	1.03E-06
202:00:00	0.0000	0.0000	0.0000	0.0000	9.86E-07	9.86E-07
203:00:00	0.0000	0.0000	0.0000	0.0000	9.44E-07	9.44E-07
204:00:00	0.0000	0.0000	0.0000	0.0000	9.03E-07	9.03E-07
205:00:00	0.0000	0.0000	0.0000	0.0000	8.64E-07	8.64E-07
206:00:00	0.0000	0.0000	0.0000	0.0000	8.27E-07	8.27E-07
207:00:00	0.0000	0.0000	0.0000	0.0000	7.91E-07	7.91E-07
208:00:00	0.0000	0.0000	0.0000	0.0000	7.57E-07	7.57E-07
209:00:00	0.0000	0.0000	0.0000	0.0000	7.25E-07	7.25E-07
210:00:00	0.0000	0.0000	0.0000	0.0000	6.93E-07	6.93E-07
211:00:00	0.0000	0.0000	0.0000	0.0000	6.64E-07	6.64E-07
212:00:00	0.0000	0.0000	0.0000	0.0000	6.35E-07	6.35E-07
213:00:00	0.0000	0.0000	0.0000	0.0000	6.08E-07	6.08E-07
214:00:00	0.0000	0.0000	0.0000	0.0000	5.81E-07	5.81E-07



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
215:00:00	0.0000	0.0000	0.0000	0.0000	5.56E-07	5.56E-07
216:00:00	0.0000	0.0000	0.0000	0.0000	5.32E-07	5.32E-07
217:00:00	0.0000	0.0000	0.0000	0.0000	5.09E-07	5.09E-07
218:00:00	0.0000	0.0000	0.0000	0.0000	4.88E-07	4.88E-07
219:00:00	0.0000	0.0000	0.0000	0.0000	4.66E-07	4.66E-07
220:00:00	0.0000	0.0000	0.0000	0.0000	4.46E-07	4.46E-07
221:00:00	0.0000	0.0000	0.0000	0.0000	4.27E-07	4.27E-07
222:00:00	0.0000	0.0000	0.0000	0.0000	4.09E-07	4.09E-07
223:00:00	0.0000	0.0000	0.0000	0.0000	3.91E-07	3.91E-07
224:00:00	0.0000	0.0000	0.0000	0.0000	3.74E-07	3.74E-07
225:00:00	0.0000	0.0000	0.0000	0.0000	3.58E-07	3.58E-07
226:00:00	0.0000	0.0000	0.0000	0.0000	3.43E-07	3.43E-07
227:00:00	0.0000	0.0000	0.0000	0.0000	3.28E-07	3.28E-07
228:00:00	0.0000	0.0000	0.0000	0.0000	3.14E-07	3.14E-07
229:00:00	0.0000	0.0000	0.0000	0.0000	3E-07	3E-07
230:00:00	0.0000	0.0000	0.0000	0.0000	2.87E-07	2.87E-07
231:00:00	0.0000	0.0000	0.0000	0.0000	2.75E-07	2.75E-07
232:00:00	0.0000	0.0000	0.0000	0.0000	2.63E-07	2.63E-07
233:00:00	0.0000	0.0000	0.0000	0.0000	2.52E-07	2.52E-07
234:00:00	0.0000	0.0000	0.0000	0.0000	2.41E-07	2.41E-07
235:00:00	0.0000	0.0000	0.0000	0.0000	2.31E-07	2.31E-07
236:00:00	0.0000	0.0000	0.0000	0.0000	2.21E-07	2.21E-07
237:00:00	0.0000	0.0000	0.0000	0.0000	2.11E-07	2.11E-07
238:00:00	0.0000	0.0000	0.0000	0.0000	2.02E-07	2.02E-07
239:00:00	0.0000	0.0000	0.0000	0.0000	1.93E-07	1.93E-07
240:00:00	0.0000	0.0000	0.0000	0.0000	1.85E-07	1.85E-07
241:00:00	0.0000	0.0000	0.0000	0.0000	1.77E-07	1.77E-07
242:00:00	0.0000	0.0000	0.0000	0.0000	1.69E-07	1.69E-07
243:00:00	0.0000	0.0000	0.0000	0.0000	1.62E-07	1.62E-07
244:00:00	0.0000	0.0000	0.0000	0.0000	1.55E-07	1.55E-07
245:00:00	0.0000	0.0000	0.0000	0.0000	1.48E-07	1.48E-07
246:00:00	0.0000	0.0000	0.0000	0.0000	1.42E-07	1.42E-07
247:00:00	0.0000	0.0000	0.0000	0.0000	1.36E-07	1.36E-07
248:00:00	0.0000	0.0000	0.0000	0.0000	1.3E-07	1.3E-07
249:00:00	0.0000	0.0000	0.0000	0.0000	1.24E-07	1.24E-07
250:00:00	0.0000	0.0000	0.0000	0.0000	1.19E-07	1.19E-07



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
251:00:00	0.0000	0.0000	0.0000	0.0000	1.14E-07	1.14E-07
252:00:00	0.0000	0.0000	0.0000	0.0000	1.09E-07	1.09E-07
253:00:00	0.0000	0.0000	0.0000	0.0000	1.04E-07	1.04E-07
254:00:00	0.0000	0.0000	0.0000	0.0000	9.99E-08	9.99E-08
255:00:00	0.0000	0.0000	0.0000	0.0000	9.55E-08	9.55E-08
256:00:00	0.0000	0.0000	0.0000	0.0000	9.14E-08	9.14E-08
257:00:00	0.0000	0.0000	0.0000	0.0000	8.75E-08	8.75E-08
258:00:00	0.0000	0.0000	0.0000	0.0000	8.37E-08	8.37E-08
259:00:00	0.0000	0.0000	0.0000	0.0000	8.01E-08	8.01E-08
260:00:00	0.0000	0.0000	0.0000	0.0000	7.67E-08	7.67E-08
261:00:00	0.0000	0.0000	0.0000	0.0000	7.34E-08	7.34E-08
262:00:00	0.0000	0.0000	0.0000	0.0000	7.02E-08	7.02E-08
263:00:00	0.0000	0.0000	0.0000	0.0000	6.72E-08	6.72E-08
264:00:00	0.0000	0.0000	0.0000	0.0000	6.43E-08	6.43E-08
265:00:00	0.0000	0.0000	0.0000	0.0000	6.15E-08	6.15E-08
266:00:00	0.0000	0.0000	0.0000	0.0000	5.89E-08	5.89E-08
267:00:00	0.0000	0.0000	0.0000	0.0000	5.63E-08	5.63E-08
268:00:00	0.0000	0.0000	0.0000	0.0000	5.39E-08	5.39E-08
269:00:00	0.0000	0.0000	0.0000	0.0000	5.16E-08	5.16E-08
270:00:00	0.0000	0.0000	0.0000	0.0000	4.94E-08	4.94E-08
271:00:00	0.0000	0.0000	0.0000	0.0000	4.72E-08	4.72E-08
272:00:00	0.0000	0.0000	0.0000	0.0000	4.52E-08	4.52E-08
273:00:00	0.0000	0.0000	0.0000	0.0000	4.32E-08	4.32E-08
274:00:00	0.0000	0.0000	0.0000	0.0000	4.14E-08	4.14E-08
275:00:00	0.0000	0.0000	0.0000	0.0000	3.96E-08	3.96E-08
276:00:00	0.0000	0.0000	0.0000	0.0000	3.79E-08	3.79E-08
277:00:00	0.0000	0.0000	0.0000	0.0000	3.63E-08	3.63E-08
278:00:00	0.0000	0.0000	0.0000	0.0000	3.47E-08	3.47E-08
279:00:00	0.0000	0.0000	0.0000	0.0000	3.32E-08	3.32E-08
280:00:00	0.0000	0.0000	0.0000	0.0000	3.18E-08	3.18E-08
281:00:00	0.0000	0.0000	0.0000	0.0000	3.04E-08	3.04E-08
282:00:00	0.0000	0.0000	0.0000	0.0000	2.91E-08	2.91E-08
283:00:00	0.0000	0.0000	0.0000	0.0000	2.78E-08	2.78E-08
284:00:00	0.0000	0.0000	0.0000	0.0000	2.66E-08	2.66E-08
285:00:00	0.0000	0.0000	0.0000	0.0000	2.55E-08	2.55E-08
286:00:00	0.0000	0.0000	0.0000	0.0000	2.44E-08	2.44E-08



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
287:00:00	0.0000	0.0000	0.0000	0.0000	2.33E-08	2.33E-08
288:00:00	0.0000	0.0000	0.0000	0.0000	2.23E-08	2.23E-08
289:00:00	0.0000	0.0000	0.0000	0.0000	2.14E-08	2.14E-08
290:00:00	0.0000	0.0000	0.0000	0.0000	2.05E-08	2.05E-08
291:00:00	0.0000	0.0000	0.0000	0.0000	1.96E-08	1.96E-08
292:00:00	0.0000	0.0000	0.0000	0.0000	1.87E-08	1.87E-08
293:00:00	0.0000	0.0000	0.0000	0.0000	1.79E-08	1.79E-08
294:00:00	0.0000	0.0000	0.0000	0.0000	1.71E-08	1.71E-08
295:00:00	0.0000	0.0000	0.0000	0.0000	1.64E-08	1.64E-08
296:00:00	0.0000	0.0000	0.0000	0.0000	1.57E-08	1.57E-08
297:00:00	0.0000	0.0000	0.0000	0.0000	1.5E-08	1.5E-08
298:00:00	0.0000	0.0000	0.0000	0.0000	1.44E-08	1.44E-08
299:00:00	0.0000	0.0000	0.0000	0.0000	1.38E-08	1.38E-08
300:00:00	0.0000	0.0000	0.0000	0.0000	1.32E-08	1.32E-08
301:00:00	0.0000	0.0000	0.0000	0.0000	1.26E-08	1.26E-08
302:00:00	0.0000	0.0000	0.0000	0.0000	1.21E-08	1.21E-08
303:00:00	0.0000	0.0000	0.0000	0.0000	1.15E-08	1.15E-08
304:00:00	0.0000	0.0000	0.0000	0.0000	1.1E-08	1.1E-08
305:00:00	0.0000	0.0000	0.0000	0.0000	1.06E-08	1.06E-08
306:00:00	0.0000	0.0000	0.0000	0.0000	1.01E-08	1.01E-08
307:00:00	0.0000	0.0000	0.0000	0.0000	9.67E-09	9.67E-09
308:00:00	0.0000	0.0000	0.0000	0.0000	9.26E-09	9.26E-09
309:00:00	0.0000	0.0000	0.0000	0.0000	8.86E-09	8.86E-09
310:00:00	0.0000	0.0000	0.0000	0.0000	8.48E-09	8.48E-09
311:00:00	0.0000	0.0000	0.0000	0.0000	8.11E-09	8.11E-09
312:00:00	0.0000	0.0000	0.0000	0.0000	7.76E-09	7.76E-09
313:00:00	0.0000	0.0000	0.0000	0.0000	7.43E-09	7.43E-09
314:00:00	0.0000	0.0000	0.0000	0.0000	7.11E-09	7.11E-09
315:00:00	0.0000	0.0000	0.0000	0.0000	6.8E-09	6.8E-09
316:00:00	0.0000	0.0000	0.0000	0.0000	6.51E-09	6.51E-09
317:00:00	0.0000	0.0000	0.0000	0.0000	6.23E-09	6.23E-09
318:00:00	0.0000	0.0000	0.0000	0.0000	5.96E-09	5.96E-09
319:00:00	0.0000	0.0000	0.0000	0.0000	5.7E-09	5.7E-09
320:00:00	0.0000	0.0000	0.0000	0.0000	5.46E-09	5.46E-09
321:00:00	0.0000	0.0000	0.0000	0.0000	5.22E-09	5.22E-09
322:00:00	0.0000	0.0000	0.0000	0.0000	5E-09	5E-09



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
323:00:00	0.0000	0.0000	0.0000	0.0000	4.78E-09	4.78E-09
324:00:00	0.0000	0.0000	0.0000	0.0000	4.57E-09	4.57E-09
325:00:00	0.0000	0.0000	0.0000	0.0000	4.38E-09	4.38E-09
326:00:00	0.0000	0.0000	0.0000	0.0000	4.19E-09	4.19E-09
327:00:00	0.0000	0.0000	0.0000	0.0000	4.01E-09	4.01E-09
328:00:00	0.0000	0.0000	0.0000	0.0000	3.84E-09	3.84E-09
329:00:00	0.0000	0.0000	0.0000	0.0000	3.67E-09	3.67E-09
330:00:00	0.0000	0.0000	0.0000	0.0000	3.51E-09	3.51E-09
331:00:00	0.0000	0.0000	0.0000	0.0000	3.36E-09	3.36E-09
332:00:00	0.0000	0.0000	0.0000	0.0000	3.22E-09	3.22E-09
333:00:00	0.0000	0.0000	0.0000	0.0000	3.08E-09	3.08E-09
334:00:00	0.0000	0.0000	0.0000	0.0000	2.94E-09	2.94E-09
335:00:00	0.0000	0.0000	0.0000	0.0000	2.82E-09	2.82E-09
336:00:00	0.0000	0.0000	0.0000	0.0000	2.7E-09	2.7E-09
337:00:00	0.0000	0.0000	0.0000	0.0000	2.58E-09	2.58E-09
338:00:00	0.0000	0.0000	0.0000	0.0000	2.47E-09	2.47E-09
339:00:00	0.0000	0.0000	0.0000	0.0000	2.36E-09	2.36E-09
340:00:00	0.0000	0.0000	0.0000	0.0000	2.26E-09	2.26E-09
341:00:00	0.0000	0.0000	0.0000	0.0000	2.16E-09	2.16E-09
342:00:00	0.0000	0.0000	0.0000	0.0000	2.07E-09	2.07E-09
343:00:00	0.0000	0.0000	0.0000	0.0000	1.98E-09	1.98E-09
344:00:00	0.0000	0.0000	0.0000	0.0000	1.9E-09	1.9E-09
345:00:00	0.0000	0.0000	0.0000	0.0000	1.81E-09	1.81E-09
346:00:00	0.0000	0.0000	0.0000	0.0000	1.74E-09	1.74E-09
347:00:00	0.0000	0.0000	0.0000	0.0000	1.66E-09	1.66E-09
348:00:00	0.0000	0.0000	0.0000	0.0000	1.59E-09	1.59E-09
349:00:00	0.0000	0.0000	0.0000	0.0000	1.52E-09	1.52E-09
350:00:00	0.0000	0.0000	0.0000	0.0000	1.46E-09	1.46E-09
351:00:00	0.0000	0.0000	0.0000	0.0000	1.39E-09	1.39E-09



## Appendix

## Catchment descriptors \*

Name	Value	User-defined value used?
BFIHOST	0.56	No
PROPWET (mm)	0.36	No
SAAR (mm)	676	No

*Values in square brackets are the original values loaded from the FEH Web Service or FEH CD-ROM*



**FIELD 45M SOUTH EAST OF 1 MOUNT PLEASANT LETHAM MILL ST VIGEANS**

**LEVELLING OF LAND RE-APPLICATION**

**17/00860/FULL**

**SUPPLEMENTARY NOTES**

**December 2017**

**Assessed against The Policy Framework – Part 2**

**Protected and Valued**

**Policies PV17, PV18 & PV20**



**REASON for APPLICATION**

The application applied for is to raise the ground level of an area of ground extending to approximately 1970 square metres to eliminate the present situation of water ponding on the surface.

**Policy PV17 Waste management Facilities:**

At present the land is not suitable for agriculture or paddock due to water ponding caused by water run-off on all sides of the site.

The proposals have been designed and calculated by Millard Consulting to provide confirmation that there is no likelihood of surface water flooding on to adjacent land/road for anything up to a 200 year return period storm event.

Proposed upfill is to be of inert material recycled from building demolition locally and has been approved by SEPA Ref: WML/XC/1154679 dated 8 February 2017.

Proposals meet the following requirements:

- impacts on the natural and built environment, amenity, landscape character, visual amenity, air quality, water quality, groundwater resources, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions or planning agreement; and
- appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use

All points listed in Policy PV17 SEA Implications are covered or addressed in the proposals.

**Policy PV18 Waste Management in New Development**

Recycled waste is being incorporated in the proposed development.

All Policy PV18 SEA Implications requirements are met in the proposals



**Policy PV20 Soils and Geodiversity**

The proposals are small scale and are directly related to rural activity.

Design and layout will represent an improvement and make the land usable.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

**SUMMARY**

The proposals will improve the surroundings and bring the land back into a usable unit.

ACRAIG ARCHITECTURAL CONSULTANT  
6 CLERK STREET  
BRECHIN DD9 6AE



**FIELD 45M SOUTH EAST OF 1 MOUNT PLEASANT LETHAM MILL ST VIGEANS**

**LEVELLING OF LAND RE-APPLICATION**

**17/00860/FULL**

**SUPPLEMENTARY NOTES**

**December 2017**

**Assessed against The Policy Framework – Part 2**

**Protected and Valued**

**Policies PV17, PV18 & PV20**



**REASON for APPLICATION**

The application applied for is to raise the ground level of an area of ground extending to approximately 1970 square metres to eliminate the present situation of water ponding on the surface.

**Policy PV17 Waste management Facilities:**

At present the land is not suitable for agriculture or paddock due to water ponding caused by water run-off on all sides of the site.

The proposals have been designed and calculated by Millard Consulting to provide confirmation that there is no likelihood of surface water flooding on to adjacent land/road for anything up to a 200 year return period storm event.

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**Policy PV18 Waste Management in New Development**

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All Policy PV18 SEA Implications requirements are met in the proposals



## **Policy PV20 Soils and Geodiversity**

The proposals are small scale and are directly related to rural activity.

Design and layout will represent an improvement and make the land usable.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

## **SUMMARY**

The proposals will improve the surroundings and bring the land back into a usable unit.



**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**NON-DETERMINATION OF PLANNING PERMISSION FOR LEVELLING  
OF LAND (RE-APPLICATION) AT FIELD 45M SOUTH EAST OF  
1 MOUNT PLEASANT, LETHAM MILL, ST VIGEANS**

**APPLICATION NO 17/00860/FULL**

**APPLICANT'S SUBMISSION**

		<b>Page No</b>
<b>ITEM 1</b>	Notice of Review	<b>136 - 143</b>
<b>ITEM 2</b>	Application for Planning Permission	<b>144 - 149</b>
<b>ITEM 3</b>	Drawing No. 080217	<b>150</b>
<b>ITEM 4</b>	Planning Statement	<b>151 - 152</b>
<b>ITEM 5</b>	Millard Consulting Report dated 26 September 2017	<b>153 - 171</b>
<b>ITEM 6</b>	Correspondence from SEPA dated 8 February 2017	<b>172 - 174</b>
<b>ITEM 7</b>	Roads Department Memorandum dated 4 December 2017	<b>175 - 176</b>
<b>ITEM 8</b>	SEPA Correspondence dated 27 November 2017	<b>177 - 179</b>
<b>ITEM 9</b>	Letter to Planning dated 7 December 2017	<b>180</b>
<b>ITEM 10</b>	Photograph No 1 showing water ponding on site	<b>181</b>
<b>ITEM 11</b>	Photograph No 2 showing road signage	<b>182</b>
<b>ITEM 12</b>	Supplementary Notes dated December 2017	<b>183 - 185</b>



Received  
Legal & Democratic Services

12 FEB 2018

Time 150 Ints lmh



**A CRAIG**  
**ARCHITECTURAL**  
**CONSULTANT**

FAO S. Forsyth  
Legal and Democratic Services  
Angus Council  
Angus House  
Orchardank Business Park  
Forfar  
DD8 1AN

09 February 2018  
Ref: ADC/adc

Dear Ms Forsyth,

**MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, ARBROATH**  
**Planning Ref: 17/00860/FULL – Notice of Review**

My client wishes to lodge an appeal in respect of both Non Determination of the above Planning Application along potential reasons for refusal.

Enclosed are the following documents:

- Notice of Review Application Form
- Application for Planning Permission Form
- Drawing No 080217 which accompanied the planning application
- Planning Statement
- Millard Consulting Report dated 26 September 2017 Ref: BC/21/14382
- Correspondence from SEPA dated 8 February 2017 Ref: WML/XC/1154679
- Roads department memorandum dated 4 December 2017
- SEPA correspondence dated 27 November 2017 Ref: PCS/155700
- Letter to planning Ref: ADC/adc dated 7 December 2017
- Photograph No 1 showing water ponding on the site
- Photograph No 2 showing road signage located on the road verge adjacent to the site

I trust this meets with your approval and will allow the Notice of Review to be processed.

Yours sincerely,

A.D.Craig

6 CLERK STREET  
BRECHIN  
ANGUS DD9 6AE

Telephone: (01356) 625500  
07836 692314

Fax: (01356) 625572  
email: [info@adcraig.co.uk](mailto:info@adcraig.co.uk)



# NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)	Agent (if any)
Name <input type="text" value="MRS P. SMITH"/>	Name <input type="text" value="A. CRAIG"/>
Address <input type="text" value="MILLFIELD HOUSE&lt;br/&gt;FORFAR ROAD&lt;br/&gt;ARBROATH&lt;br/&gt;DD10 3RA"/>	Address <input type="text" value="ARCHITECTURAL CONSULTANT&lt;br/&gt;6 CLERK STREET&lt;br/&gt;BRECHIN&lt;br/&gt;DD9 6AE"/>
Postcode <input type="text"/>	Postcode <input type="text"/>
Contact Telephone 1 <input type="text"/>	Contact Telephone 1 <input type="text" value="01356 625500"/>
Contact Telephone 2 <input type="text"/>	Contact Telephone 2 <input type="text" value="07836 692314"/>
Fax No <input type="text"/>	Fax No <input type="text" value="01356 625572"/>
E-mail* <input type="text"/>	E-mail* <input type="text" value="adc@adcraig.co.uk"/>
Mark this box to confirm all contact should be through this representative: X	
* Do you agree to correspondence regarding your review being sent by e-mail? YES <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Planning authority	<input type="text" value="ANGUS COUNCIL"/>		
Planning authority's application reference number	<input type="text" value="17/00860/FULL"/>		
Site address	<input type="text" value="FIELD 45M SOUTH EAST of&lt;br/&gt;1 MOUNT PLEASANT, LETHAM MILL, ST VIGEANS"/>		
Description of proposed development	<input type="text" value="LEVELLING OF LAND – RE APPLICATION"/>		
Date of application	<input type="text" value="20 OCT. 2017"/>	Date of decision (if any)	<input type="text" value="N/A"/>

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



**Nature of application**

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

**Reasons for seeking review**

- 1. Refusal of application by appointed officer – Not yet available – non determination
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

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

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

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

N/A

**Site inspection**

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

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

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

NONE



**Statement**

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

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

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

**SITE HISTORY:**

My client purchased the site which extends to 1971 sq. m. solely for horse grazing purposes and to be used in conjunction with neighbouring stabling. Unfortunately the site is liable to ponding (see Photograph No. 1) making it unusable. SEPA granted a Waste Management Licence Ref: WML/XC/1154679 which would allow to scrape back the top soil, deposit upfill material to raise the ground level and reinstate topsoil.

As soon as work commenced a neighbour objected, resulting in Angus Council Planning Department requesting a planning application be submitted as the work was termed engineering operations. Planning Application Ref: 17/00161/FULL was submitted and subsequently withdrawn to allow a Flood Risk Report to be prepared, as otherwise the application would be refused due to objections to potential flooding having been received from SEPA and Angus Council Roads Department. These being the only reasons stated giving reason for refusal.

An Enforcement Notice was subsequently served on the applicant and an appeal lodged with DPEA. Millard Consulting prepared a Report Ref: BC/21/14382 dated 26 September 2017 and re-application for Planning Permission submitted Ref: 17/00860/FULL

**REASONS FOR APPEAL**

Points contained in application Ref: 17/00161/FULL which were given as the reasons for refusal have now been resolved and agreed subject to conditions by SEPA and Angus Council Roads Department.

1: Sight Lines – Angus Council Roads Department requested sight lines be indicated. These can be achieved and are related to vehicular access. The site is intended for horse grazing only, no vehicular access is required. An existing road sign in the verge adjacent to the site presently exists confirming the pedestrian and horse use of this section of road. (see Photograph No 2)

Further points have now been raised which were not mentioned in the first application

2. It is also understood..... continued on a further page



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

Yes No  
 X

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

N/A



**List of documents and evidence**

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

Application for Planning Permission Form  
 Drawing No. 080217 which accompanied the planning application  
 Planning Statement  
 Millard Consulting Report dated 26 September 2017 Ref: BC/21/14382  
 Correspondence from SEPA dated 8 February 2017 Ref: WML/XC/1154679  
 Roads Department Memorandum dated 4 December 2017  
 SEPA correspondence dated 27 November 2017 Ref: PCS/155700  
 Letter to planning dated 7 December 2017 Ref: ADC/adc  
 Photograph No 1 showing water ponding on site  
 Photograph No 2 showing road signage located on the verge adjacent to the site

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

**Checklist**

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

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

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

**Declaration**

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



Signed

--	--	--

Date

9 FEBRUARY 2018

Notice of Review



Reasons for Review of Notice - Continued

**FURTHER POINTS/POLICIES RAISED**

2. It is also understood the further reasons for refusal are related to Policies PV17, PV18 & PV20. These points were addressed in December 2017 (see enclosed Supplementary Notes) I understand the Case Officer did not agree with the Supplementary Notes and on 10 January 2018 he advised the application was to be recommended the application for refusal. This resulted in Councillor Fairweather visiting the site, discussing the application with a planning department representative on 16 January 2018 and reporting back to the applicant that he had had a positive response. I spoke to the case officers' line manager on 19 January 2018 who advised the application was still to be refused.

It appears the planning departments issue is that we have an unusable greenfield site on which we wish to carry out work to make into a usable green field site and the planning department are not in agreement for us to use material reclaimed from a brownfield site for this purpose. Materials which have been approved by SEPA for the purpose.

**NON DETERMINATION**

3. To date the application is still awaiting decision making this appeal necessary, both on grounds of non-determination ( date for determination deadline being 19 December 2017) and also not being in agreement with reasons for refusal previously given.

**CONCLUSION**

The points raised in the withdrawn application Ref: 17/00161/FULL and application Ref: 17/00860/FULL can/have all been resolved and would make the land which is currently subject to flooding usable. Once completed the reinstatement will allow the land to match surroundings as previously and fit in with the local environment.



# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs	Ref No.	
Forename	P.	Forename	Alex.
Surname	Smith	Surname	Craig
Company Name		Company Name	A. Craig Arch. Consultant
Building No./Name	Millfield House	Building No./Name	
Address Line 1	Forfar Road	Address Line 1	6 Clerk Street
Address Line 2		Address Line 2	
Town/City	Arbroath	Town/City	Brechin
Postcode	DD11 3RA	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836 692314
Fax		Fax	01356 625572
Email		Email	adc@adcraig.co.uk
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
Mount Pleasant Letham Mill St Vigeans Arbroath			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input checked="" type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	17/00161/FULL	Date:	Withdrawn 12/06/17
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			



### 5. Description of the Proposal

Please describe the proposal including any change of use:

Proposed Levelling of Land

Is this a temporary permission?

Yes  No

If yes, please state how long permission is required for and why:

N/A

Have the works already been started or completed?

Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started: 13/02/17

Date completed: Not Completed

If yes, please explain why work has already taken place in advance of making this application

Work was stopped at the request of Angus Council Planning Department/Enforcement

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name: Mr D. Brennan

Date: Withdrawn 12/06/17

Ref No.: 17/00110/PREAPP

Planning Permission is required

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.) 1791

### 8. Existing Use



Please describe the current or most recent use:

Small field for pony paddock

### 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access? Yes  No

*If yes, please show on your drawings the position of any affected areas and explain 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?

N/A

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

N/A

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

### 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes  No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network   
No, proposing to make private drainage arrangements   
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway   
Discharge to watercourse(s) (including partial soakaway)   
Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?  
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)   
Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water? Yes  No



Note:- Please include details of SUDS arrangements on your plans

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

Yes  No

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

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes  No

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

If yes, briefly describe how the risk of flooding might be increased elsewhere.

See Millard Consulting Report

### 12. Trees

Are there any trees on or adjacent to the application site?

Yes  No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes  No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

N/A

### 14. Residential Units Including Conversion

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

Yes  No

If yes how many units do you propose in total?

N/A

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

N/A



**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes  No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes  No  N/A

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
 Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
 Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

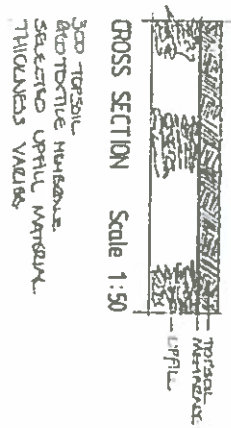
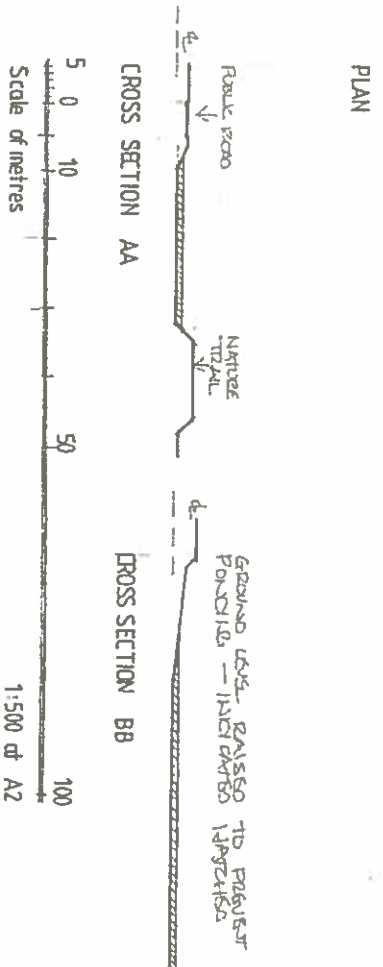
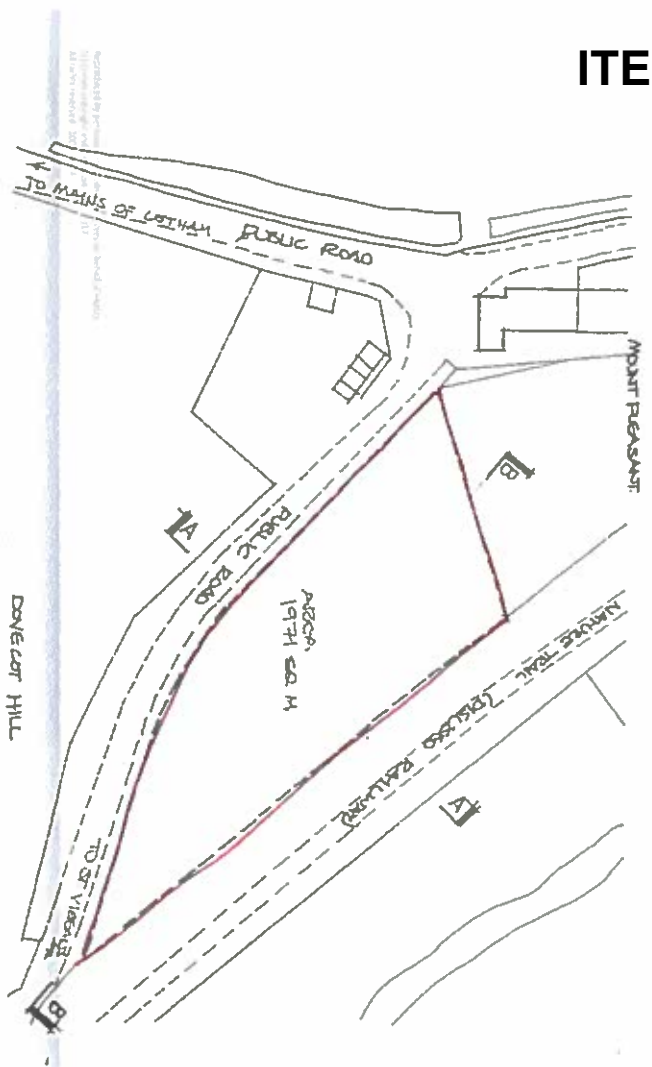
I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

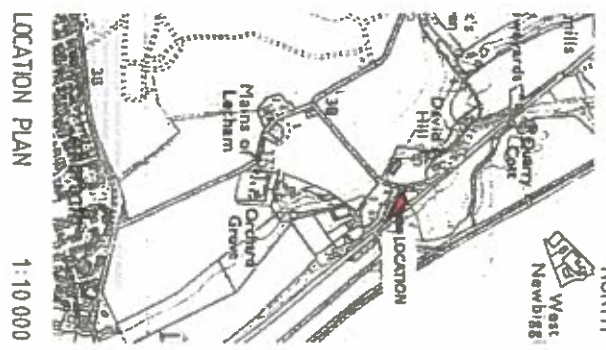
Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:





<p><b>ACRAIG</b> ARCHITECTURAL CONSULTANT</p> <p>6 CLERK STREET, BRECHIN ANGUS DD9 6AU TEL: (01330) 633500 FAX: (01330) 621572</p> <p>IF YOU ARE REFERRED TO A CLIENT BY ANOTHER REFERRING PARTY ESTABLISHED IN 1983</p>	<p><b>WORKS AT</b> MOUNT PLEASANT LETHAM MILL ST VIGEAN ARBRATH FOR MRS P. SMITH</p>
	<p>DRAWING No 080217 SD 22.02.17 SCALE 1:500 1:10000 DATE FEBRUARY 2017</p>





**MOUNT PLEASANT**

**LETHAM MILL**

**ST VIGEANS**

**ARBROATH**

**PLANNING STATEMENT**

**October 2017**



#### REASON FOR WORKS:

The application site lies in a hollow and is of no significant use as it continually has water lying in it.

#### PROPOSALS:

It is proposed to raise the ground level of the small field which extends to 1971 sq. m. or thereby. The level will be raised using selected fill material and finished with topsoil. No part of the fill will be greater than 1 m. in depth.

#### SITE HISTORY:

My client owns the application site which is continually ponding and filling with water making it unusable. This is partly due to it being low lying and situated between a railway embankment and public road.

Permission for "Waste Construction and Relevant Works" allowing raising the ground level was applied for from SEPA and approved on 8 February 2017 Ref: WM/XC/1154679.

As soon as work started on site an objection was received which resulted in Angus Council Planning Department requesting a retrospective planning application being applied for.

Planning Application Ref: 17/00161/FULL was submitted and due to potential flooding concerns raised by SEPA and Angus Council Roads Department the application was withdrawn on 12 June 2017 to allow the application to have the concerns addressed.

After further objections had been received planning enforcement Ref: 16/00026/UNDV was received.

A report dated 26 September 2017 Ref: BC/21/14382 addressing the concerns raised has now been prepared by Millard Consulting.

#### CONCLUSIONS:

The concerns raised in the Planning Application Ref: 17/00161/FULL relating to SEPA and Angus Council Roads Department have been addressed in the Millard Consulting Report.



Millard Consulting,  
Inveralmond Business Centre  
Auld Bond Road, Perth PH1 3FX

t: 01738 646750  
e: perth@millardconsulting.co.uk  
w: millardconsulting.co.uk



Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Our Ref: BC/21/14382

26<sup>th</sup> September 2017

**Mr I Smith**  
Ian Smith Builders  
Arbroath

(Email only)

Dear Ian,

#### **DERELICT GARDEN SITE ADJACENT MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, BY ARBROATH: STATEMENT ON DRAINAGE AND SURFACE WATER FLOODING**

I refer to our recent communications regarding the above site, and to your proposal to infill the ground to a higher level in order to remove the tendency for the site to become ponded due to the accumulation of surface water during periods of wet weather. I understand the reason you wish to do this is because the site will then be useable as a paddock.

#### **Site Description**

As well as a site meeting and site walkover, which I attended on 15<sup>th</sup> August 2017, we have inspected available OS mapping and SEPA indicative flood mapping. Hence based on anecdotal evidence and the mapping data, we can say that the site sits in a hollow between the road to the west/south, the old railway embankment to the northeast, and higher ground to the northwest. There is higher ground to the southwest of the main road which drains to the main road, hence runoff from both the road and the ground to the southwest will tend to collect at the low point of the road just to the south of the site. The catchment that therefore drains to the gully situated at this point is therefore as indicated on drawing 14382/21/001. It is therefore not surprising that the site has a tendency to pond during wet weather, as the old rail way embankment to the east forms a barrier to what would have been the natural drainage route to the Brothock Water.

#### **Issues to be addressed**

Our main findings are summarised in drawing 141382/001 (copy enclosed). This drawing should be read in conjunction with the following notes:

- The main source of flood risk to the site is from overland flow generated by and collected by the adjacent public road, combined with runoff from the adjacent disused railway embankment, and direct rainfall onto the site.
- As the site is at the foot of a slope, it is possible that there is raised groundwater also in this area, and this is further implied by the presence (exact location not known) of a well in the area of the southern end of the site.



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TA Millard Scotland Ltd trading as Millard Consulting



The runoff from the site was historically dealt with in part by a gully at the low point of the road which was connected to a pipe which ran through the old railway embankment (i.e. under the route of what is now a public path) to discharge on the banks of the Brothock Water. This pipe is apparently silted up and no longer capable of conveying a significant flow from the gully, hence water from the road simply runs off the road and into the site during wet weather.

- Notwithstanding the failed road drainage, the site does not flood. In very wet weather, the field has been observed to become waterlogged, with areas of ponded surface water. However no matter how wet the conditions, the depth of ponding stays shallow, and dissipates after rain ceases.
- We are aware of concerns expressed by Angus Council Roads that if the site were to be infilled to a higher level, that this will cause flooding to accumulate on the road itself rather than discharge into the field. Hence there has been an objection from the council to the proposed infilling and change of use until it can be demonstrated that this can be done without causing flooding of the main road,

### **Calculations of Surface Water Volume**

In order to quantify the likely accumulation of surface water during an extreme rainfall event, we have estimated the contributing area of runoff to the site based on topography. It is assumed that the event would be associated with antecedent conditions which leave the ground saturated and hence lead to 100% runoff (conservative assumption). Calculations were carried out using RefH2 software, and are appended to this report. Based on these calculations we can say that:

- Total volume that would accumulate during a 200 year return period storm even (plus an allowance of 20% additional volume due to climate change) would be 650m<sup>3</sup>
- Assuming all surface water would run off and accumulate on site, we have calculated the average depth of accumulation based on the plan area of the field to be 0.49m

### **Surface Water Flooding Mitigation**

Based on the predicted flood depth discussed above, we propose the following:

- With reference to Seaton Civils drawing DWG/DJL/02 (previously submitted to Angus Council) the proposed infill level for the field is to a level of 16.26m AOD, while the level of the gully at the low point in the road is at 16.5m AOD. Hence, assuming there would be flooding on the road if the gully is overtopped, the maximum depth of water which could be stored on site would be 0.24m.
- The depth of water storage available based on the above is 0.25m less than would be required to store the predicted surface water volume, therefore we propose the finished level in the field is lowered by just over 0.25m, i.e. to a level of 16.0m AOD
- The above proposal is conservative, as we have assumed 100% runoff from the catchment to the field, and that there will be no infiltration of surface water into the ground, nor any lateral flow through the old railway embankment or via the old drainage pipe previously discussed. Hence in practice, there would be less depth of storage in a 200 year storm event.

### **Summary**

We estimate that, provided the field is infilled to a height of no more than 16.0m AOD, there is no likelihood of surface water flooding on the adjacent road as a result of the infilling operation, for anything up to a 200 year return period storm event. We therefore support the proposed infilling operation on this basis.



I trust the above and the attached documents and plans are acceptable. However, should you have any queries on any aspect, please do not hesitate to get in touch.

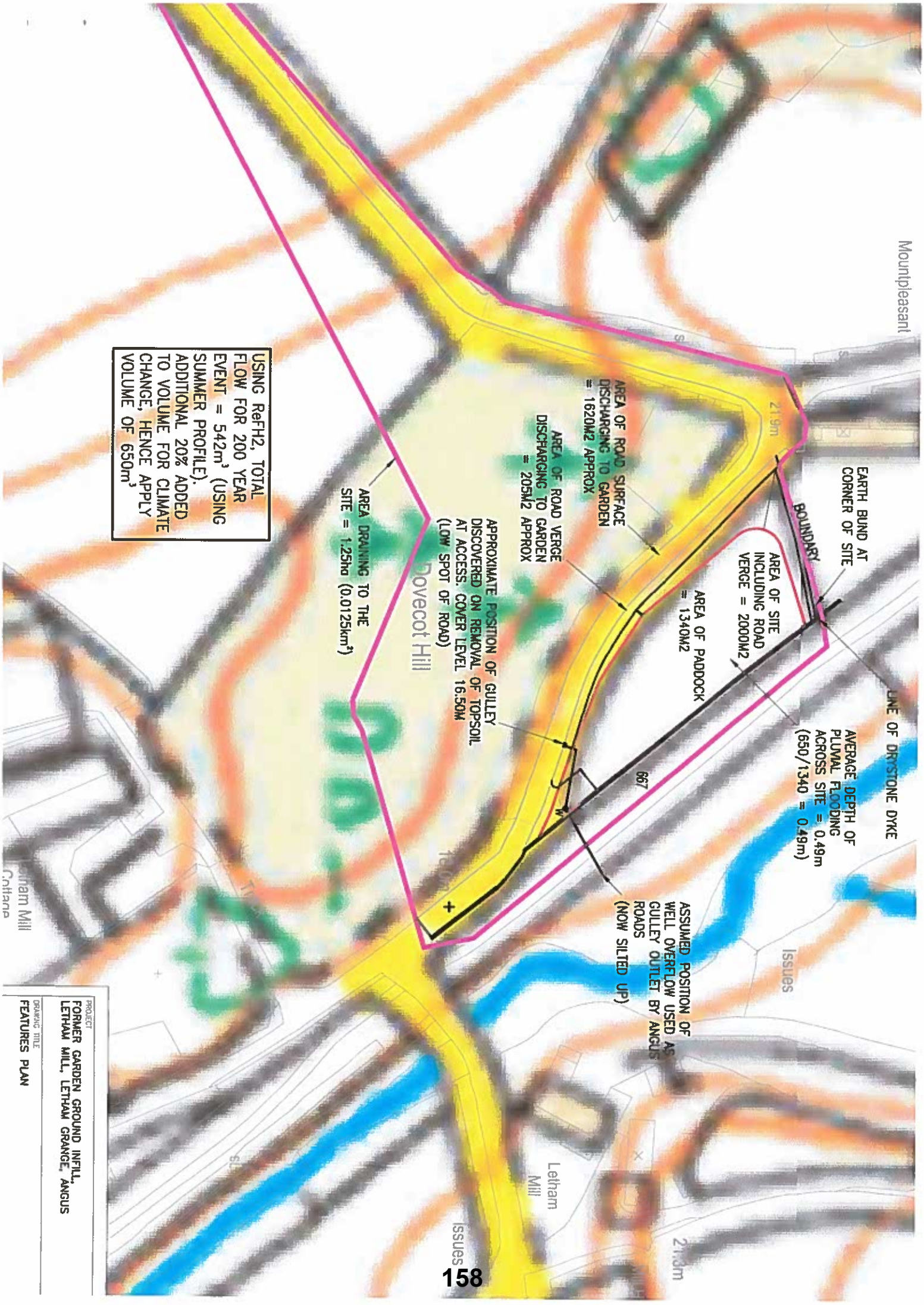
Yours sincerely,



Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM  
Technical Director  
Millard Consulting

Enc            RefH2 Calculations, 200 Year Summer Storm Profile  
                 Drawing 14382/21/001 Surface Water Features Plan  
                 Drawing DWG/DJL/02 Typical Section AA





Mounpleasant

EARTH BUND AT CORNER OF SITE

BOUNDARY

AREA OF SITE INCLUDING ROAD VERGE = 2000M2

AREA OF PADDOCK = 1340M2

AREA OF ROAD SURFACE DISCHARGING TO GARDEN = 1620M2 APPROX

AREA OF ROAD VERGE DISCHARGING TO GARDEN = 205M2 APPROX

APPROXIMATE POSITION OF GULLEY DISCOVERED ON REMOVAL OF TOPSOIL AT ACCESS. COVER LEVEL 16.50M (LOW SPOT OF ROAD)

Dovecot Hill

AREA DRAINING TO THE SITE = 1,25km² (0.0125km²)

LINE OF DRystone DYKE

AVERAGE DEPTH OF PLUMAL FLOODING ACROSS SITE = 0.49m (650/1340 = 0.49m)

ASSUMED POSITION OF WELL OVERFLOW USED AS GULLEY OUTLET BY ANGUS ROADS (NOW SILTED UP)

Issues

Letham Mill

Issues

USING RefH2, TOTAL FLOW FOR 200 YEAR EVENT = 542m³ (USING SUMMER PROFILE). ADDITIONAL 20% ADDED TO VOLUME FOR CLIMATE CHANGE, HENCE APPLY VOLUME OF 650m³

PROJECT  
 FORMER GARDEN GROUND INFILL,  
 LETHAM MILL, LETHAM GRANGE, ANGUS  
 GRAPHIC TITLE  
 FEATURES PLAN



# UK Design Flood Estimation

Generated on Tuesday, September 26, 2017 12:38:43 PM by abraiaid  
Printed from the ReFH Flood Modelling software package, version 2.2.5989.21032

## Summary of estimate using the Flood Estimation Handbook revitalised flood hydrograph method (ReFH)

### Site details

Checksum: 8703-7BB2

Site name: FEH\_Point\_Descriptors\_363329\_743736

Easting: 363329

Northing: 743736

Country: Scotland

Catchment Area (km<sup>2</sup>): 0.01 [0.01]\*

Using plot scale calculations: Yes

Site description: None

## Model run: 200 year

### Summary of results

Rainfall - FEH 2013 (mm):	78.04	Total runoff (ML):	0.28
Total Rainfall (mm):	76.56	Total flow (ML):	0.54
Peak Rainfall (mm):	21.07	Peak flow (m <sup>3</sup> /s):	0.01

### Parameters

*Where the user has overridden a system-generated value, this original value is shown in square brackets after the value used.*

*\* Indicates that the user locked the duration/timestep*

#### Rainfall parameters (Rainfall - FEH 2013 model)

Name	Value	User-defined?
Duration (hh:mm:ss)	13:00:00	No
Timestep (hh:mm:ss)	01:00:00	No
SCF (Seasonal correction factor)	0.98	No
ARF (Areal reduction factor)	1	No
Seasonality	Summer	n/a

#### Loss model parameters

Name	Value	User-defined?
Cini (mm)	101.01	No
Cmax (mm)	482.38	No
Use alpha correction factor	No	No
Alpha correction factor	n/a	No

#### Routing model parameters



Name	Value	User-defined?
Tp (hr)	7.36	No
Up	0.65	No
Uk	0.8	No

**Baseflow model parameters**

Name	Value	User-defined?
BF0 (m <sup>3</sup> /s)	0	No
BL (hr)	22.7	No
BR	0.96	No

**Urbanisation parameters**

Name	Value	User-defined?
Urban area (km <sup>2</sup> )	0	No
Urbext 2000	0	No
Impervious runoff factor	0.7	No
Imperviousness factor	0.3	No
Tp scaling factor	0.5	No
Sewered area (km <sup>2</sup> )	0.00	Yes
Sewer capacity (m <sup>3</sup> /s)	0.00	Yes



Time series data

Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
00:00:00	1.4485	0.0000	0.3055	0.0000	0	0
01:00:00	2.0194	0.0000	0.4331	0.0000	1.32E-07	6.49E-06
02:00:00	2.8697	0.0000	0.6301	0.0000	8.43E-07	2.89E-05
03:00:00	4.1916	0.0000	0.9510	0.0001	2.88E-06	7.48E-05
04:00:00	6.4034	0.0000	1.5231	0.0001	7.33E-06	0.000156
05:00:00	10.8102	0.0000	2.7642	0.0003	1.58E-05	0.000293
06:00:00	21.0747	0.0000	6.0854	0.0005	3.12E-05	0.000525
07:00:00	10.8102	0.0000	3.4788	0.0009	5.86E-05	0.000954
08:00:00	6.4034	0.0000	2.1749	0.0015	0.000106	0.0016
09:00:00	4.1916	0.0000	1.4697	0.0022	0.000177	0.00236
10:00:00	2.8697	0.0000	1.0272	0.0029	0.000275	0.0032
11:00:00	2.0194	0.0000	0.7331	0.0037	0.0004	0.00407
12:00:00	1.4485	0.0000	0.5310	0.0044	0.00055	0.00493
13:00:00	0.0000	0.0000	0.0000	0.0050	0.00072	0.00573
14:00:00	0.0000	0.0000	0.0000	0.0054	0.000905	0.00633
15:00:00	0.0000	0.0000	0.0000	0.0055	0.00109	0.00658
16:00:00	0.0000	0.0000	0.0000	0.0053	0.00127	0.0066
17:00:00	0.0000	0.0000	0.0000	0.0050	0.00143	0.00647
18:00:00	0.0000	0.0000	0.0000	0.0047	0.00157	0.00623
19:00:00	0.0000	0.0000	0.0000	0.0042	0.00168	0.00591
20:00:00	0.0000	0.0000	0.0000	0.0038	0.00178	0.00555
21:00:00	0.0000	0.0000	0.0000	0.0033	0.00185	0.00516
22:00:00	0.0000	0.0000	0.0000	0.0029	0.0019	0.00483
23:00:00	0.0000	0.0000	0.0000	0.0026	0.00193	0.00453
24:00:00	0.0000	0.0000	0.0000	0.0023	0.00195	0.00425
25:00:00	0.0000	0.0000	0.0000	0.0020	0.00195	0.00398
26:00:00	0.0000	0.0000	0.0000	0.0018	0.00195	0.00372
27:00:00	0.0000	0.0000	0.0000	0.0015	0.00193	0.00345
28:00:00	0.0000	0.0000	0.0000	0.0013	0.00191	0.00319
29:00:00	0.0000	0.0000	0.0000	0.0011	0.00187	0.00292
30:00:00	0.0000	0.0000	0.0000	0.0008	0.00183	0.00266
31:00:00	0.0000	0.0000	0.0000	0.0006	0.00178	0.0024
32:00:00	0.0000	0.0000	0.0000	0.0004	0.00173	0.00215
33:00:00	0.0000	0.0000	0.0000	0.0003	0.00167	0.00192
34:00:00	0.0000	0.0000	0.0000	0.0002	0.0016	0.00175



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
35:00:00	0.0000	0.0000	0.0000	0.0001	0.00154	0.00163
36:00:00	0.0000	0.0000	0.0000	0.0000	0.00147	0.00152
37:00:00	0.0000	0.0000	0.0000	0.0000	0.00141	0.00143
38:00:00	0.0000	0.0000	0.0000	0.0000	0.00135	0.00136
39:00:00	0.0000	0.0000	0.0000	0.0000	0.00129	0.00129
40:00:00	0.0000	0.0000	0.0000	0.0000	0.00124	0.00124
41:00:00	0.0000	0.0000	0.0000	0.0000	0.00119	0.00119
42:00:00	0.0000	0.0000	0.0000	0.0000	0.00113	0.00113
43:00:00	0.0000	0.0000	0.0000	0.0000	0.00109	0.00109
44:00:00	0.0000	0.0000	0.0000	0.0000	0.00104	0.00104
45:00:00	0.0000	0.0000	0.0000	0.0000	0.000994	0.000994
46:00:00	0.0000	0.0000	0.0000	0.0000	0.000951	0.000951
47:00:00	0.0000	0.0000	0.0000	0.0000	0.00091	0.00091
48:00:00	0.0000	0.0000	0.0000	0.0000	0.000871	0.000871
49:00:00	0.0000	0.0000	0.0000	0.0000	0.000833	0.000833
50:00:00	0.0000	0.0000	0.0000	0.0000	0.000797	0.000797
51:00:00	0.0000	0.0000	0.0000	0.0000	0.000763	0.000763
52:00:00	0.0000	0.0000	0.0000	0.0000	0.00073	0.00073
53:00:00	0.0000	0.0000	0.0000	0.0000	0.000699	0.000699
54:00:00	0.0000	0.0000	0.0000	0.0000	0.000668	0.000668
55:00:00	0.0000	0.0000	0.0000	0.0000	0.00064	0.00064
56:00:00	0.0000	0.0000	0.0000	0.0000	0.000612	0.000612
57:00:00	0.0000	0.0000	0.0000	0.0000	0.000586	0.000586
58:00:00	0.0000	0.0000	0.0000	0.0000	0.00056	0.00056
59:00:00	0.0000	0.0000	0.0000	0.0000	0.000536	0.000536
60:00:00	0.0000	0.0000	0.0000	0.0000	0.000513	0.000513
61:00:00	0.0000	0.0000	0.0000	0.0000	0.000491	0.000491
62:00:00	0.0000	0.0000	0.0000	0.0000	0.00047	0.00047
63:00:00	0.0000	0.0000	0.0000	0.0000	0.00045	0.00045
64:00:00	0.0000	0.0000	0.0000	0.0000	0.00043	0.00043
65:00:00	0.0000	0.0000	0.0000	0.0000	0.000412	0.000412
66:00:00	0.0000	0.0000	0.0000	0.0000	0.000394	0.000394
67:00:00	0.0000	0.0000	0.0000	0.0000	0.000377	0.000377
68:00:00	0.0000	0.0000	0.0000	0.0000	0.000361	0.000361
69:00:00	0.0000	0.0000	0.0000	0.0000	0.000345	0.000345
70:00:00	0.0000	0.0000	0.0000	0.0000	0.00033	0.00033



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
71:00:00	0.0000	0.0000	0.0000	0.0000	0.000316	0.000316
72:00:00	0.0000	0.0000	0.0000	0.0000	0.000303	0.000303
73:00:00	0.0000	0.0000	0.0000	0.0000	0.000289	0.000289
74:00:00	0.0000	0.0000	0.0000	0.0000	0.000277	0.000277
75:00:00	0.0000	0.0000	0.0000	0.0000	0.000265	0.000265
76:00:00	0.0000	0.0000	0.0000	0.0000	0.000254	0.000254
77:00:00	0.0000	0.0000	0.0000	0.0000	0.000243	0.000243
78:00:00	0.0000	0.0000	0.0000	0.0000	0.000232	0.000232
79:00:00	0.0000	0.0000	0.0000	0.0000	0.000222	0.000222
80:00:00	0.0000	0.0000	0.0000	0.0000	0.000213	0.000213
81:00:00	0.0000	0.0000	0.0000	0.0000	0.000204	0.000204
82:00:00	0.0000	0.0000	0.0000	0.0000	0.000195	0.000195
83:00:00	0.0000	0.0000	0.0000	0.0000	0.000186	0.000186
84:00:00	0.0000	0.0000	0.0000	0.0000	0.000178	0.000178
85:00:00	0.0000	0.0000	0.0000	0.0000	0.000171	0.000171
86:00:00	0.0000	0.0000	0.0000	0.0000	0.000163	0.000163
87:00:00	0.0000	0.0000	0.0000	0.0000	0.000156	0.000156
88:00:00	0.0000	0.0000	0.0000	0.0000	0.00015	0.00015
89:00:00	0.0000	0.0000	0.0000	0.0000	0.000143	0.000143
90:00:00	0.0000	0.0000	0.0000	0.0000	0.000137	0.000137
91:00:00	0.0000	0.0000	0.0000	0.0000	0.000131	0.000131
92:00:00	0.0000	0.0000	0.0000	0.0000	0.000125	0.000125
93:00:00	0.0000	0.0000	0.0000	0.0000	0.00012	0.00012
94:00:00	0.0000	0.0000	0.0000	0.0000	0.000115	0.000115
95:00:00	0.0000	0.0000	0.0000	0.0000	0.00011	0.00011
96:00:00	0.0000	0.0000	0.0000	0.0000	0.000105	0.000105
97:00:00	0.0000	0.0000	0.0000	0.0000	0.000101	0.000101
98:00:00	0.0000	0.0000	0.0000	0.0000	9.63E-05	9.63E-05
99:00:00	0.0000	0.0000	0.0000	0.0000	9.21E-05	9.21E-05
100:00:00	0.0000	0.0000	0.0000	0.0000	8.81E-05	8.81E-05
101:00:00	0.0000	0.0000	0.0000	0.0000	8.43E-05	8.43E-05
102:00:00	0.0000	0.0000	0.0000	0.0000	8.07E-05	8.07E-05
103:00:00	0.0000	0.0000	0.0000	0.0000	7.72E-05	7.72E-05
104:00:00	0.0000	0.0000	0.0000	0.0000	7.39E-05	7.39E-05
105:00:00	0.0000	0.0000	0.0000	0.0000	7.07E-05	7.07E-05
106:00:00	0.0000	0.0000	0.0000	0.0000	6.77E-05	6.77E-05



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
107:00:00	0.0000	0.0000	0.0000	0.0000	6.48E-05	6.48E-05
108:00:00	0.0000	0.0000	0.0000	0.0000	6.2E-05	6.2E-05
109:00:00	0.0000	0.0000	0.0000	0.0000	5.93E-05	5.93E-05
110:00:00	0.0000	0.0000	0.0000	0.0000	5.67E-05	5.67E-05
111:00:00	0.0000	0.0000	0.0000	0.0000	5.43E-05	5.43E-05
112:00:00	0.0000	0.0000	0.0000	0.0000	5.2E-05	5.2E-05
113:00:00	0.0000	0.0000	0.0000	0.0000	4.97E-05	4.97E-05
114:00:00	0.0000	0.0000	0.0000	0.0000	4.76E-05	4.76E-05
115:00:00	0.0000	0.0000	0.0000	0.0000	4.55E-05	4.55E-05
116:00:00	0.0000	0.0000	0.0000	0.0000	4.36E-05	4.36E-05
117:00:00	0.0000	0.0000	0.0000	0.0000	4.17E-05	4.17E-05
118:00:00	0.0000	0.0000	0.0000	0.0000	3.99E-05	3.99E-05
119:00:00	0.0000	0.0000	0.0000	0.0000	3.82E-05	3.82E-05
120:00:00	0.0000	0.0000	0.0000	0.0000	3.65E-05	3.65E-05
121:00:00	0.0000	0.0000	0.0000	0.0000	3.5E-05	3.5E-05
122:00:00	0.0000	0.0000	0.0000	0.0000	3.34E-05	3.34E-05
123:00:00	0.0000	0.0000	0.0000	0.0000	3.2E-05	3.2E-05
124:00:00	0.0000	0.0000	0.0000	0.0000	3.06E-05	3.06E-05
125:00:00	0.0000	0.0000	0.0000	0.0000	2.93E-05	2.93E-05
126:00:00	0.0000	0.0000	0.0000	0.0000	2.8E-05	2.8E-05
127:00:00	0.0000	0.0000	0.0000	0.0000	2.68E-05	2.68E-05
128:00:00	0.0000	0.0000	0.0000	0.0000	2.57E-05	2.57E-05
129:00:00	0.0000	0.0000	0.0000	0.0000	2.46E-05	2.46E-05
130:00:00	0.0000	0.0000	0.0000	0.0000	2.35E-05	2.35E-05
131:00:00	0.0000	0.0000	0.0000	0.0000	2.25E-05	2.25E-05
132:00:00	0.0000	0.0000	0.0000	0.0000	2.15E-05	2.15E-05
133:00:00	0.0000	0.0000	0.0000	0.0000	2.06E-05	2.06E-05
134:00:00	0.0000	0.0000	0.0000	0.0000	1.97E-05	1.97E-05
135:00:00	0.0000	0.0000	0.0000	0.0000	1.89E-05	1.89E-05
136:00:00	0.0000	0.0000	0.0000	0.0000	1.81E-05	1.81E-05
137:00:00	0.0000	0.0000	0.0000	0.0000	1.73E-05	1.73E-05
138:00:00	0.0000	0.0000	0.0000	0.0000	1.65E-05	1.65E-05
139:00:00	0.0000	0.0000	0.0000	0.0000	1.58E-05	1.58E-05
140:00:00	0.0000	0.0000	0.0000	0.0000	1.51E-05	1.51E-05
141:00:00	0.0000	0.0000	0.0000	0.0000	1.45E-05	1.45E-05
142:00:00	0.0000	0.0000	0.0000	0.0000	1.39E-05	1.39E-05



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
143:00:00	0.0000	0.0000	0.0000	0.0000	1.33E-05	1.33E-05
144:00:00	0.0000	0.0000	0.0000	0.0000	1.27E-05	1.27E-05
145:00:00	0.0000	0.0000	0.0000	0.0000	1.21E-05	1.21E-05
146:00:00	0.0000	0.0000	0.0000	0.0000	1.16E-05	1.16E-05
147:00:00	0.0000	0.0000	0.0000	0.0000	1.11E-05	1.11E-05
148:00:00	0.0000	0.0000	0.0000	0.0000	1.06E-05	1.06E-05
149:00:00	0.0000	0.0000	0.0000	0.0000	1.02E-05	1.02E-05
150:00:00	0.0000	0.0000	0.0000	0.0000	9.74E-06	9.74E-06
151:00:00	0.0000	0.0000	0.0000	0.0000	9.32E-06	9.32E-06
152:00:00	0.0000	0.0000	0.0000	0.0000	8.92E-06	8.92E-06
153:00:00	0.0000	0.0000	0.0000	0.0000	8.54E-06	8.54E-06
154:00:00	0.0000	0.0000	0.0000	0.0000	8.17E-06	8.17E-06
155:00:00	0.0000	0.0000	0.0000	0.0000	7.82E-06	7.82E-06
156:00:00	0.0000	0.0000	0.0000	0.0000	7.48E-06	7.48E-06
157:00:00	0.0000	0.0000	0.0000	0.0000	7.16E-06	7.16E-06
158:00:00	0.0000	0.0000	0.0000	0.0000	6.85E-06	6.85E-06
159:00:00	0.0000	0.0000	0.0000	0.0000	6.55E-06	6.55E-06
160:00:00	0.0000	0.0000	0.0000	0.0000	6.27E-06	6.27E-06
161:00:00	0.0000	0.0000	0.0000	0.0000	6E-06	6E-06
162:00:00	0.0000	0.0000	0.0000	0.0000	5.74E-06	5.74E-06
163:00:00	0.0000	0.0000	0.0000	0.0000	5.5E-06	5.5E-06
164:00:00	0.0000	0.0000	0.0000	0.0000	5.26E-06	5.26E-06
165:00:00	0.0000	0.0000	0.0000	0.0000	5.03E-06	5.03E-06
166:00:00	0.0000	0.0000	0.0000	0.0000	4.82E-06	4.82E-06
167:00:00	0.0000	0.0000	0.0000	0.0000	4.61E-06	4.61E-06
168:00:00	0.0000	0.0000	0.0000	0.0000	4.41E-06	4.41E-06
169:00:00	0.0000	0.0000	0.0000	0.0000	4.22E-06	4.22E-06
170:00:00	0.0000	0.0000	0.0000	0.0000	4.04E-06	4.04E-06
171:00:00	0.0000	0.0000	0.0000	0.0000	3.86E-06	3.86E-06
172:00:00	0.0000	0.0000	0.0000	0.0000	3.7E-06	3.7E-06
173:00:00	0.0000	0.0000	0.0000	0.0000	3.54E-06	3.54E-06
174:00:00	0.0000	0.0000	0.0000	0.0000	3.39E-06	3.39E-06
175:00:00	0.0000	0.0000	0.0000	0.0000	3.24E-06	3.24E-06
176:00:00	0.0000	0.0000	0.0000	0.0000	3.1E-06	3.1E-06
177:00:00	0.0000	0.0000	0.0000	0.0000	2.97E-06	2.97E-06
178:00:00	0.0000	0.0000	0.0000	0.0000	2.84E-06	2.84E-06



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
179:00:00	0.0000	0.0000	0.0000	0.0000	2.72E-06	2.72E-06
180:00:00	0.0000	0.0000	0.0000	0.0000	2.6E-06	2.6E-06
181:00:00	0.0000	0.0000	0.0000	0.0000	2.49E-06	2.49E-06
182:00:00	0.0000	0.0000	0.0000	0.0000	2.38E-06	2.38E-06
183:00:00	0.0000	0.0000	0.0000	0.0000	2.28E-06	2.28E-06
184:00:00	0.0000	0.0000	0.0000	0.0000	2.18E-06	2.18E-06
185:00:00	0.0000	0.0000	0.0000	0.0000	2.09E-06	2.09E-06
186:00:00	0.0000	0.0000	0.0000	0.0000	2E-06	2E-06
187:00:00	0.0000	0.0000	0.0000	0.0000	1.91E-06	1.91E-06
188:00:00	0.0000	0.0000	0.0000	0.0000	1.83E-06	1.83E-06
189:00:00	0.0000	0.0000	0.0000	0.0000	1.75E-06	1.75E-06
190:00:00	0.0000	0.0000	0.0000	0.0000	1.67E-06	1.67E-06
191:00:00	0.0000	0.0000	0.0000	0.0000	1.6E-06	1.6E-06
192:00:00	0.0000	0.0000	0.0000	0.0000	1.53E-06	1.53E-06
193:00:00	0.0000	0.0000	0.0000	0.0000	1.47E-06	1.47E-06
194:00:00	0.0000	0.0000	0.0000	0.0000	1.4E-06	1.4E-06
195:00:00	0.0000	0.0000	0.0000	0.0000	1.34E-06	1.34E-06
196:00:00	0.0000	0.0000	0.0000	0.0000	1.28E-06	1.28E-06
197:00:00	0.0000	0.0000	0.0000	0.0000	1.23E-06	1.23E-06
198:00:00	0.0000	0.0000	0.0000	0.0000	1.18E-06	1.18E-06
199:00:00	0.0000	0.0000	0.0000	0.0000	1.13E-06	1.13E-06
200:00:00	0.0000	0.0000	0.0000	0.0000	1.08E-06	1.08E-06
201:00:00	0.0000	0.0000	0.0000	0.0000	1.03E-06	1.03E-06
202:00:00	0.0000	0.0000	0.0000	0.0000	9.86E-07	9.86E-07
203:00:00	0.0000	0.0000	0.0000	0.0000	9.44E-07	9.44E-07
204:00:00	0.0000	0.0000	0.0000	0.0000	9.03E-07	9.03E-07
205:00:00	0.0000	0.0000	0.0000	0.0000	8.64E-07	8.64E-07
206:00:00	0.0000	0.0000	0.0000	0.0000	8.27E-07	8.27E-07
207:00:00	0.0000	0.0000	0.0000	0.0000	7.91E-07	7.91E-07
208:00:00	0.0000	0.0000	0.0000	0.0000	7.57E-07	7.57E-07
209:00:00	0.0000	0.0000	0.0000	0.0000	7.25E-07	7.25E-07
210:00:00	0.0000	0.0000	0.0000	0.0000	6.93E-07	6.93E-07
211:00:00	0.0000	0.0000	0.0000	0.0000	6.64E-07	6.64E-07
212:00:00	0.0000	0.0000	0.0000	0.0000	6.35E-07	6.35E-07
213:00:00	0.0000	0.0000	0.0000	0.0000	6.08E-07	6.08E-07
214:00:00	0.0000	0.0000	0.0000	0.0000	5.81E-07	5.81E-07



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
215:00:00	0.0000	0.0000	0.0000	0.0000	5.56E-07	5.56E-07
216:00:00	0.0000	0.0000	0.0000	0.0000	5.32E-07	5.32E-07
217:00:00	0.0000	0.0000	0.0000	0.0000	5.09E-07	5.09E-07
218:00:00	0.0000	0.0000	0.0000	0.0000	4.88E-07	4.88E-07
219:00:00	0.0000	0.0000	0.0000	0.0000	4.66E-07	4.66E-07
220:00:00	0.0000	0.0000	0.0000	0.0000	4.46E-07	4.46E-07
221:00:00	0.0000	0.0000	0.0000	0.0000	4.27E-07	4.27E-07
222:00:00	0.0000	0.0000	0.0000	0.0000	4.09E-07	4.09E-07
223:00:00	0.0000	0.0000	0.0000	0.0000	3.91E-07	3.91E-07
224:00:00	0.0000	0.0000	0.0000	0.0000	3.74E-07	3.74E-07
225:00:00	0.0000	0.0000	0.0000	0.0000	3.58E-07	3.58E-07
226:00:00	0.0000	0.0000	0.0000	0.0000	3.43E-07	3.43E-07
227:00:00	0.0000	0.0000	0.0000	0.0000	3.28E-07	3.28E-07
228:00:00	0.0000	0.0000	0.0000	0.0000	3.14E-07	3.14E-07
229:00:00	0.0000	0.0000	0.0000	0.0000	3E-07	3E-07
230:00:00	0.0000	0.0000	0.0000	0.0000	2.87E-07	2.87E-07
231:00:00	0.0000	0.0000	0.0000	0.0000	2.75E-07	2.75E-07
232:00:00	0.0000	0.0000	0.0000	0.0000	2.63E-07	2.63E-07
233:00:00	0.0000	0.0000	0.0000	0.0000	2.52E-07	2.52E-07
234:00:00	0.0000	0.0000	0.0000	0.0000	2.41E-07	2.41E-07
235:00:00	0.0000	0.0000	0.0000	0.0000	2.31E-07	2.31E-07
236:00:00	0.0000	0.0000	0.0000	0.0000	2.21E-07	2.21E-07
237:00:00	0.0000	0.0000	0.0000	0.0000	2.11E-07	2.11E-07
238:00:00	0.0000	0.0000	0.0000	0.0000	2.02E-07	2.02E-07
239:00:00	0.0000	0.0000	0.0000	0.0000	1.93E-07	1.93E-07
240:00:00	0.0000	0.0000	0.0000	0.0000	1.85E-07	1.85E-07
241:00:00	0.0000	0.0000	0.0000	0.0000	1.77E-07	1.77E-07
242:00:00	0.0000	0.0000	0.0000	0.0000	1.69E-07	1.69E-07
243:00:00	0.0000	0.0000	0.0000	0.0000	1.62E-07	1.62E-07
244:00:00	0.0000	0.0000	0.0000	0.0000	1.55E-07	1.55E-07
245:00:00	0.0000	0.0000	0.0000	0.0000	1.48E-07	1.48E-07
246:00:00	0.0000	0.0000	0.0000	0.0000	1.42E-07	1.42E-07
247:00:00	0.0000	0.0000	0.0000	0.0000	1.36E-07	1.36E-07
248:00:00	0.0000	0.0000	0.0000	0.0000	1.3E-07	1.3E-07
249:00:00	0.0000	0.0000	0.0000	0.0000	1.24E-07	1.24E-07
250:00:00	0.0000	0.0000	0.0000	0.0000	1.19E-07	1.19E-07



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
251:00:00	0.0000	0.0000	0.0000	0.0000	1.14E-07	1.14E-07
252:00:00	0.0000	0.0000	0.0000	0.0000	1.09E-07	1.09E-07
253:00:00	0.0000	0.0000	0.0000	0.0000	1.04E-07	1.04E-07
254:00:00	0.0000	0.0000	0.0000	0.0000	9.99E-08	9.99E-08
255:00:00	0.0000	0.0000	0.0000	0.0000	9.55E-08	9.55E-08
256:00:00	0.0000	0.0000	0.0000	0.0000	9.14E-08	9.14E-08
257:00:00	0.0000	0.0000	0.0000	0.0000	8.75E-08	8.75E-08
258:00:00	0.0000	0.0000	0.0000	0.0000	8.37E-08	8.37E-08
259:00:00	0.0000	0.0000	0.0000	0.0000	8.01E-08	8.01E-08
260:00:00	0.0000	0.0000	0.0000	0.0000	7.67E-08	7.67E-08
261:00:00	0.0000	0.0000	0.0000	0.0000	7.34E-08	7.34E-08
262:00:00	0.0000	0.0000	0.0000	0.0000	7.02E-08	7.02E-08
263:00:00	0.0000	0.0000	0.0000	0.0000	6.72E-08	6.72E-08
264:00:00	0.0000	0.0000	0.0000	0.0000	6.43E-08	6.43E-08
265:00:00	0.0000	0.0000	0.0000	0.0000	6.15E-08	6.15E-08
266:00:00	0.0000	0.0000	0.0000	0.0000	5.89E-08	5.89E-08
267:00:00	0.0000	0.0000	0.0000	0.0000	5.63E-08	5.63E-08
268:00:00	0.0000	0.0000	0.0000	0.0000	5.39E-08	5.39E-08
269:00:00	0.0000	0.0000	0.0000	0.0000	5.16E-08	5.16E-08
270:00:00	0.0000	0.0000	0.0000	0.0000	4.94E-08	4.94E-08
271:00:00	0.0000	0.0000	0.0000	0.0000	4.72E-08	4.72E-08
272:00:00	0.0000	0.0000	0.0000	0.0000	4.52E-08	4.52E-08
273:00:00	0.0000	0.0000	0.0000	0.0000	4.32E-08	4.32E-08
274:00:00	0.0000	0.0000	0.0000	0.0000	4.14E-08	4.14E-08
275:00:00	0.0000	0.0000	0.0000	0.0000	3.96E-08	3.96E-08
276:00:00	0.0000	0.0000	0.0000	0.0000	3.79E-08	3.79E-08
277:00:00	0.0000	0.0000	0.0000	0.0000	3.63E-08	3.63E-08
278:00:00	0.0000	0.0000	0.0000	0.0000	3.47E-08	3.47E-08
279:00:00	0.0000	0.0000	0.0000	0.0000	3.32E-08	3.32E-08
280:00:00	0.0000	0.0000	0.0000	0.0000	3.18E-08	3.18E-08
281:00:00	0.0000	0.0000	0.0000	0.0000	3.04E-08	3.04E-08
282:00:00	0.0000	0.0000	0.0000	0.0000	2.91E-08	2.91E-08
283:00:00	0.0000	0.0000	0.0000	0.0000	2.78E-08	2.78E-08
284:00:00	0.0000	0.0000	0.0000	0.0000	2.66E-08	2.66E-08
285:00:00	0.0000	0.0000	0.0000	0.0000	2.55E-08	2.55E-08
286:00:00	0.0000	0.0000	0.0000	0.0000	2.44E-08	2.44E-08



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
287:00:00	0.0000	0.0000	0.0000	0.0000	2.33E-08	2.33E-08
288:00:00	0.0000	0.0000	0.0000	0.0000	2.23E-08	2.23E-08
289:00:00	0.0000	0.0000	0.0000	0.0000	2.14E-08	2.14E-08
290:00:00	0.0000	0.0000	0.0000	0.0000	2.05E-08	2.05E-08
291:00:00	0.0000	0.0000	0.0000	0.0000	1.96E-08	1.96E-08
292:00:00	0.0000	0.0000	0.0000	0.0000	1.87E-08	1.87E-08
293:00:00	0.0000	0.0000	0.0000	0.0000	1.79E-08	1.79E-08
294:00:00	0.0000	0.0000	0.0000	0.0000	1.71E-08	1.71E-08
295:00:00	0.0000	0.0000	0.0000	0.0000	1.64E-08	1.64E-08
296:00:00	0.0000	0.0000	0.0000	0.0000	1.57E-08	1.57E-08
297:00:00	0.0000	0.0000	0.0000	0.0000	1.5E-08	1.5E-08
298:00:00	0.0000	0.0000	0.0000	0.0000	1.44E-08	1.44E-08
299:00:00	0.0000	0.0000	0.0000	0.0000	1.38E-08	1.38E-08
300:00:00	0.0000	0.0000	0.0000	0.0000	1.32E-08	1.32E-08
301:00:00	0.0000	0.0000	0.0000	0.0000	1.26E-08	1.26E-08
302:00:00	0.0000	0.0000	0.0000	0.0000	1.21E-08	1.21E-08
303:00:00	0.0000	0.0000	0.0000	0.0000	1.15E-08	1.15E-08
304:00:00	0.0000	0.0000	0.0000	0.0000	1.1E-08	1.1E-08
305:00:00	0.0000	0.0000	0.0000	0.0000	1.06E-08	1.06E-08
306:00:00	0.0000	0.0000	0.0000	0.0000	1.01E-08	1.01E-08
307:00:00	0.0000	0.0000	0.0000	0.0000	9.67E-09	9.67E-09
308:00:00	0.0000	0.0000	0.0000	0.0000	9.26E-09	9.26E-09
309:00:00	0.0000	0.0000	0.0000	0.0000	8.86E-09	8.86E-09
310:00:00	0.0000	0.0000	0.0000	0.0000	8.48E-09	8.48E-09
311:00:00	0.0000	0.0000	0.0000	0.0000	8.11E-09	8.11E-09
312:00:00	0.0000	0.0000	0.0000	0.0000	7.76E-09	7.76E-09
313:00:00	0.0000	0.0000	0.0000	0.0000	7.43E-09	7.43E-09
314:00:00	0.0000	0.0000	0.0000	0.0000	7.11E-09	7.11E-09
315:00:00	0.0000	0.0000	0.0000	0.0000	6.8E-09	6.8E-09
316:00:00	0.0000	0.0000	0.0000	0.0000	6.51E-09	6.51E-09
317:00:00	0.0000	0.0000	0.0000	0.0000	6.23E-09	6.23E-09
318:00:00	0.0000	0.0000	0.0000	0.0000	5.96E-09	5.96E-09
319:00:00	0.0000	0.0000	0.0000	0.0000	5.7E-09	5.7E-09
320:00:00	0.0000	0.0000	0.0000	0.0000	5.46E-09	5.46E-09
321:00:00	0.0000	0.0000	0.0000	0.0000	5.22E-09	5.22E-09
322:00:00	0.0000	0.0000	0.0000	0.0000	5E-09	5E-09



Time (hh:mm:ss)	Rain (mm)	Sewer Loss (mm)	Net Rain (mm)	Runoff (m <sup>3</sup> /s)	Baseflow (m <sup>3</sup> /s)	Total Flow (m <sup>3</sup> /s)
323:00:00	0.0000	0.0000	0.0000	0.0000	4.78E-09	4.78E-09
324:00:00	0.0000	0.0000	0.0000	0.0000	4.57E-09	4.57E-09
325:00:00	0.0000	0.0000	0.0000	0.0000	4.38E-09	4.38E-09
326:00:00	0.0000	0.0000	0.0000	0.0000	4.19E-09	4.19E-09
327:00:00	0.0000	0.0000	0.0000	0.0000	4.01E-09	4.01E-09
328:00:00	0.0000	0.0000	0.0000	0.0000	3.84E-09	3.84E-09
329:00:00	0.0000	0.0000	0.0000	0.0000	3.67E-09	3.67E-09
330:00:00	0.0000	0.0000	0.0000	0.0000	3.51E-09	3.51E-09
331:00:00	0.0000	0.0000	0.0000	0.0000	3.36E-09	3.36E-09
332:00:00	0.0000	0.0000	0.0000	0.0000	3.22E-09	3.22E-09
333:00:00	0.0000	0.0000	0.0000	0.0000	3.08E-09	3.08E-09
334:00:00	0.0000	0.0000	0.0000	0.0000	2.94E-09	2.94E-09
335:00:00	0.0000	0.0000	0.0000	0.0000	2.82E-09	2.82E-09
336:00:00	0.0000	0.0000	0.0000	0.0000	2.7E-09	2.7E-09
337:00:00	0.0000	0.0000	0.0000	0.0000	2.58E-09	2.58E-09
338:00:00	0.0000	0.0000	0.0000	0.0000	2.47E-09	2.47E-09
339:00:00	0.0000	0.0000	0.0000	0.0000	2.36E-09	2.36E-09
340:00:00	0.0000	0.0000	0.0000	0.0000	2.26E-09	2.26E-09
341:00:00	0.0000	0.0000	0.0000	0.0000	2.16E-09	2.16E-09
342:00:00	0.0000	0.0000	0.0000	0.0000	2.07E-09	2.07E-09
343:00:00	0.0000	0.0000	0.0000	0.0000	1.98E-09	1.98E-09
344:00:00	0.0000	0.0000	0.0000	0.0000	1.9E-09	1.9E-09
345:00:00	0.0000	0.0000	0.0000	0.0000	1.81E-09	1.81E-09
346:00:00	0.0000	0.0000	0.0000	0.0000	1.74E-09	1.74E-09
347:00:00	0.0000	0.0000	0.0000	0.0000	1.66E-09	1.66E-09
348:00:00	0.0000	0.0000	0.0000	0.0000	1.59E-09	1.59E-09
349:00:00	0.0000	0.0000	0.0000	0.0000	1.52E-09	1.52E-09
350:00:00	0.0000	0.0000	0.0000	0.0000	1.46E-09	1.46E-09
351:00:00	0.0000	0.0000	0.0000	0.0000	1.39E-09	1.39E-09



## Appendix

### Catchment descriptors \*

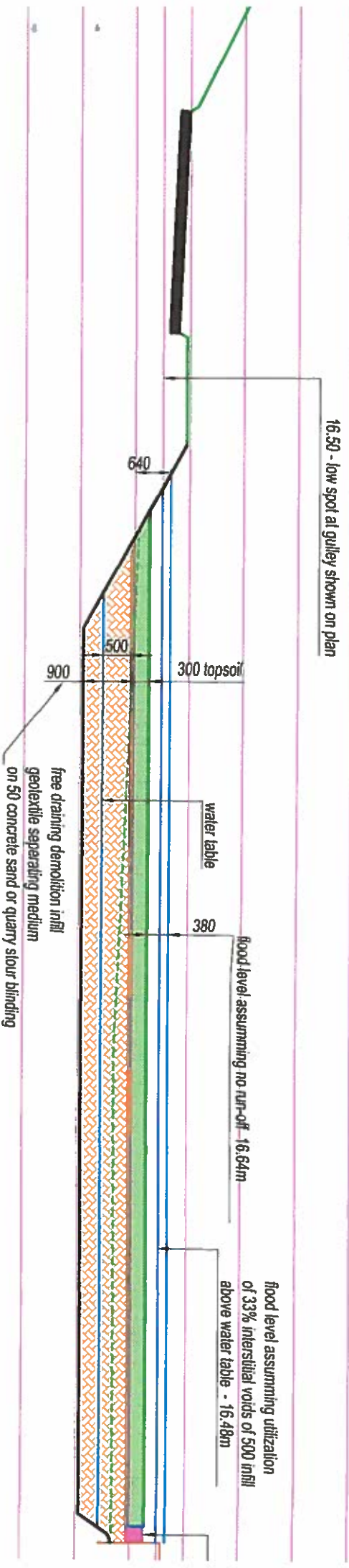
Name	Value	User-defined value used?
BFIHOST	0.56	No
PROPWET (mm)	0.36	No
SAAR (mm)	676	No

*Values in square brackets are the original values loaded from the FEH Web Service or FEH CD-ROM*

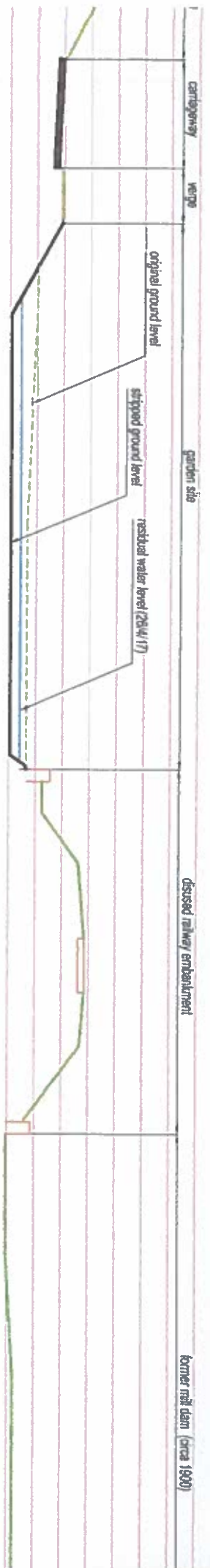




TYPICAL SECTION AA - PRIOR TO BACKFILLING - SCALE 1:200

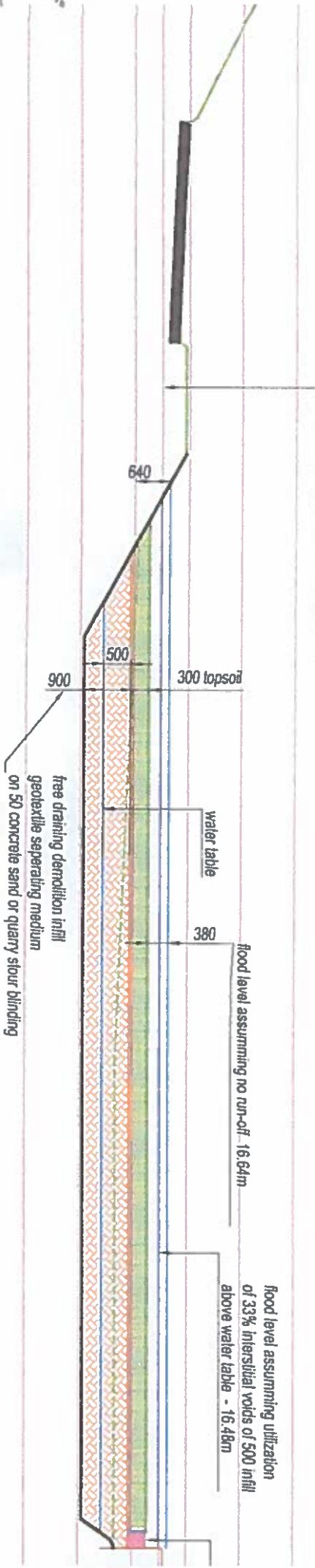






TYPICAL SECTION AA - PRIOR TO BACKFILLING - SCALE 1:200

16.50 - low spot at gully shown on plan







Scottish Environment  
Protection Agency

Buidheann Dìon  
Màinneachd na h-Àba

Our Ref: WML/XC/1154679

If telephoning ask for:  
Graham Ross

08 February 2017

Patricia Smith  
Millfield House  
Forfar Road  
ARBROATH  
Angus  
DD11 3RA

Dear Madam

**WASTE MANAGEMENT LICENSING (SCOTLAND) REGULATIONS 2011 ("THE REGULATIONS")**  
**REGISTRATION OF EXEMPT ACTIVITY, SCHEDULE 1, PARAGRAPH 19**  
**REGISTRATION NUMBER: WML/XC/1154679**  
**DETAILS OF ACTIVITY: WASTE FOR CONSTRUCTION AND RELEVANT WORKS**  
**AT: MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, BY ARBROATH**

Thank you for the information you provided to SEPA on 03 February 2017 together with the fee of £465. I confirm that the above exemption was registered to you for one year on 08 February 2017

Activity Registered

The exempt activity which you have advised us that you intend to carry out is Up fill of Garden Ground in accordance with Paragraph 19 of Schedule 1 of the Regulations

As the activity has been registered as 'exempt' you do not need to obtain a waste management licence in order to lawfully carry it out provided you comply with the requirements set out in Paragraph 19 and the other provisions of the Regulations as follows:

1. You must comply with the Registration Obligations (See Annex 1 below). These require you to inform SEPA of the date on which you first begin to carry on the exempt activity (if you haven't already done this in the registration form) and you must keep records about the waste types and quantities you treat.
2. You may have to report to SEPA, the waste types and quantities you have treated during the registration period (See Annex 1 to check if you have to do this). Enclosed with this letter is a reporting form you may use to do this, if required.
3. You must comply with the Relevant Objectives which are set out below and in the regulations (Paragraph 6 of Part I of Schedule 4).



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

SEPA Arbroath Office

62 High Street,  
Arbroath DD11 1AW

tel 01241 874370 fax 01241 430695

www.sepa.org.uk • customer enquiries 03000 99 66 99



### Relevant Objectives:

You must ensure that waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without –

- Risk to water, air, soil, plants or animals; or
- Causing nuisance through noise or odours; or
- Adversely affecting the countryside or places of special interest.

If you fail to comply with the relevant objectives, you may be committing an offence under section 33(1)(c) of the Environmental Protection Act 1990 by treating keeping or managing controlled waste in a manner likely to cause pollution of the environment or harm to human health. It is also an offence to carry on an exempt activity in breach of the Registration Obligations.

### Scottish Landfill Tax

Scottish Landfill Tax (SLFT) has applied to waste disposals made in Scotland from 1 April 2015. Where an exempt activity relating to the storage, treatment or recovery of waste is operating out with the parameters specified for that activity it may be determined that a waste disposal activity is taking place. If you dispose of waste, you may be liable to pay Scottish Landfill Tax.

For further information on SLFT, please visit the Revenue Scotland website <https://www.revenue.scot/>

### Registration expiry and renewal

Your exemption registration lasts for one year. To remain registered for this exempt activity (renew) after this date then you must provide us with a Renewal Notice confirming the required details and the relevant charge by no later than 17 January 2018. SEPA can provide you with a renewal form to do this.

We may remove your entry from the register if:

- a) your establishment or undertaking no longer carries out the activity (or the establishment or undertaking no longer exists);
- b) the activity is no longer being carried on in compliance with the conditions or limitations of paragraph 19 or the relevant provisions of Regulation 17 of the Regulations;
- c) you have not complied with the annual requirements of Regulations 24, 26 or 27 (where relevant), or;
- d) there has been a breach any of the Registration Obligations.

If we have to remove your entry from the register we will send you a Notice of Removal before we remove it to you to advise you of this.

We will carry out inspections to make sure that you are complying with the terms of the exemption.



-3-

If you require any further information, please contact Graham Ross at SEPA's Arbroath Office.

Yours faithfully



Stuart McGowan  
Unit Manager

Encl: Annual Return Form for Exempt Activities

Cc: Registry





# Memorandum

Place Directorate – Technical & Property Services  
Roads & Transport Business Unit

TO: SERVICE MANAGER, PLANNING

FROM: INTERIM SERVICE MANAGER, ROADS

YOUR REF:

OUR REF: GH/AG/ TD1.3

DATE: 04 DECEMBER 2017

SUBJECT: **PLANNING APPLICATION REF. NO. 17/000860/FULL – PROPOSED LEVELLING OF LAND AT MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, ARBROATH FOR MRS P SMITH**

---

I refer to the above planning application which is similar to a previously withdrawn application, reference number 17/00161/FULL. That application was withdrawn as a result of enforcement action by the planning authority.

The site is located on the north side of the unclassified Peebles Road (U491 - U49 - C48) at Letham Mill, Arbroath.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

## Access

Contrary to the application form submitted, the creation of an unauthorised vehicle access into the site has taken place from the public road. The access is in such a place that it may be taken for the line of the road for vehicles travelling in a northerly direction.

As the applicant has stated that they do not plan to provide an access to the site I am not sure how the site will be accessed in order to carry out the infilling operations. Further information should be provided to clarify this matter.

## Summary

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I object to the application due to the unsatisfactory location of the unauthorised access from the public road.



\* ||| Should you determine the principle of the development to be acceptable, I would request that further information be provided to show that the site access can be provided at an acceptable location on the public road. The additional information should include a plan showing sightlines of at least 2.4 x 43 metres on each side of the access. Further, the access should be site so as to afford a forward visibility sightline of 70 metres for right turning vehicles entering the site on the approach to the site access. This sightline should also be shown on the submitted plan.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

pp

\* PEDESTRIAN / HORSE ACCESS  
NO VEHICULAR ACCESS REQUIRED





Buidheann Dion  
Àrainneachd na h-Alba

Our ref: PCS/155700  
Your ref: 17/00860/FULL

If telephoning ask for:  
Alasdair Milne

27 November 2017

Fraser MacKenzie  
Angus Council  
Planning & Transport  
County Buildings  
Market Street  
Forfar  
DD8 3LG

By email only to: [PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk)

Dear Sir

**Town and Country Planning (Scotland) Acts**  
**Planning application: 17/00860/FULL**  
**Levelling of Land Re-Application**  
**Field 45M South East of 1 Mount Pleasant Letham Mill St Vigeans**

Thank you for your consultation email which SEPA received on 23 October 2017.

### **Advice for the planning authority**

We ask that the planning condition in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

#### **1. Flood Risk**

1.1 Should the Planning Authority be minded to approve this application, the following planning condition should be imposed.

- Ground levels to be no higher than 16.0mAOD

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

\* 1.3 Notwithstanding the removal of our objection subject to the above conditions, we would expect Angus Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) - customer enquiries 03000 99 66 99



- 1.4 We previously responded to this application on the 5 June 2017 and in April 2017. We objected due to lack of information and requested further information and that the volume of water to be calculated using the FEH13 depth duration frequency.
- 1.5 Further information has been supplied and an estimated total volume of flooding on site has been given from ReFH2 calculations. The catchment area draining to the paddock has been increased and FEH13 rainfall data has been used. A total depth of 0.49m on site is predicted and it is now proposed that the finished ground level will be generally below 16.0mAOD. We therefore remove our objection subject to the insertion of a condition requiring that ground levels are no higher than 16.0mAOD.
- 1.6 We would note that the proposed lowering of ground levels will be a business risk to the applicant.

#### Caveats & Additional Information for Applicant

- 1.7 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 1.8 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 1.9 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Angus Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

#### Regulatory advice for the applicant

### 2. Regulatory requirements

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, 62 high Street, Arbroath, DD11 1AW, tel: 01241 874370



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) - customer enquiries 03000 99 66 99



If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Yours faithfully

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [adc@adcraig.co.uk](mailto:adc@adcraig.co.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

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**A CRAIG**  
**ARCHITECTURAL**  
**CONSULTANT**

Mr F. McKenzie  
Planning Department  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
Angus  
DD8 1AX

7 December 2017  
Ref: ADC/adc

Dear Mr McKenzie,

**LAND AT MOUNT PLEASANT, LETHAM MILL, ST VIGEANS, ARBROATH – Ref: 17/00860/FULL**

I refer to the above planning application, in particular the comments received from SEPA and Angus Council Roads Department and wish to make the following comments.

**SEPA:** I agree to the condition suggested by SEPA be imposed on a planning approval

**ROADS-TRAFFIC:** Drawing No 080217 enclosed showing the proposed access and visibility sight lines to satisfy the requirements of Angus Council Roads Department.

I trust this meets with your approval and will allow the application to be determined.

Yours sincerely,

A.D.Craig

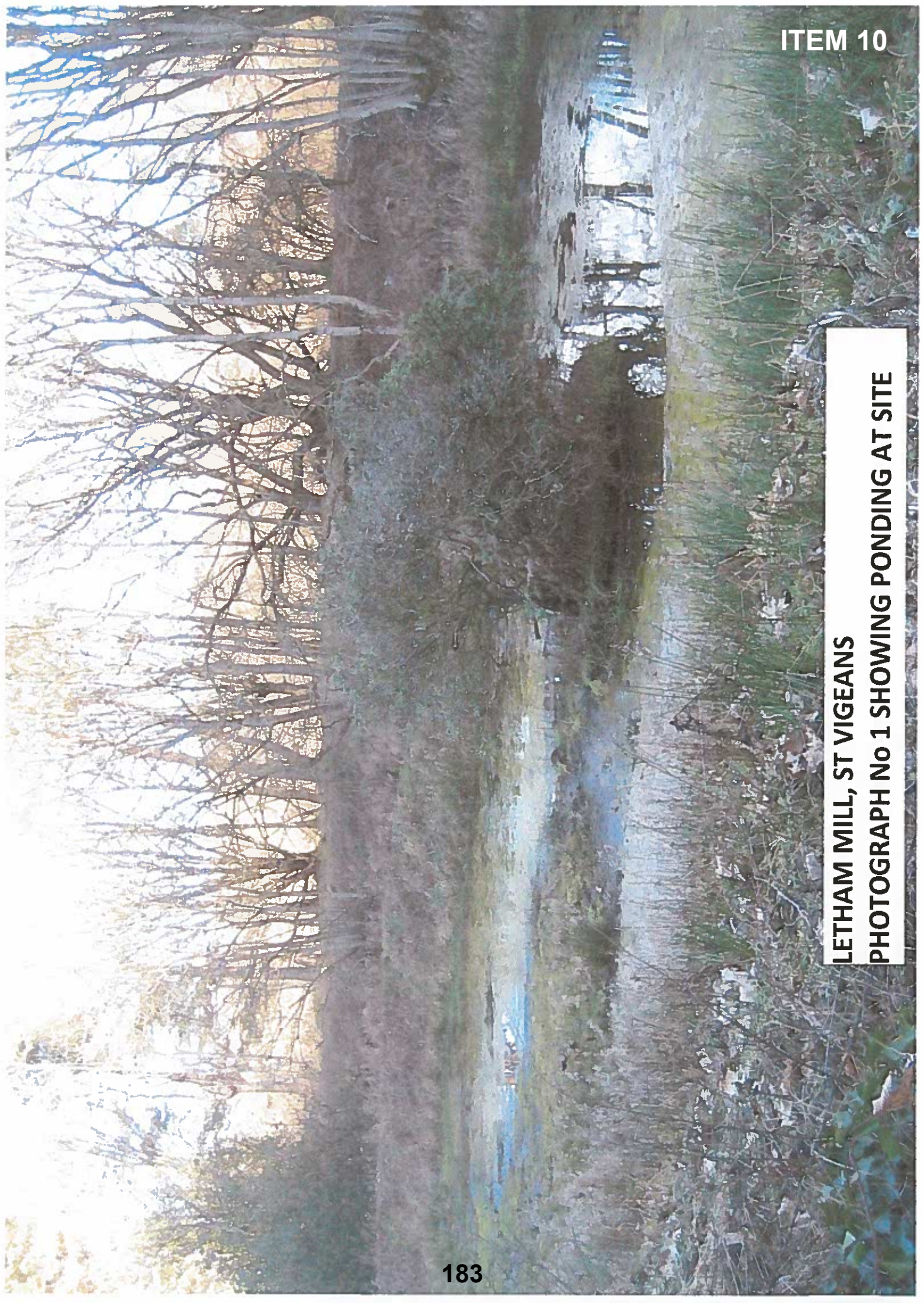
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**LETHAM MILL, ST VIGEANS  
PHOTOGRAPH No 1 SHOWING PONDING AT SITE**







**LETHAM MILL, ST VIGEANS  
PHOTOGRAPH No 2 SHOWING ROADSIGN ADJACENT TO SITE**



**FIELD 45M SOUTH EAST OF 1 MOUNT PLEASANT LETHAM MILL ST VIGEANS**

**LEVELLING OF LAND RE-APPLICATION**

**17/00860/FULL**

**SUPPLEMENTARY NOTES**

**December 2017**

**Assessed against The Policy Framework – Part 2**

**Protected and Valued**

**Policies PV17, PV18 & PV20**



## **REASON for APPLICATION**

The application applied for is to raise the ground level of an area of ground extending to approximately 1970 square metres to eliminate the present situation of water ponding on the surface.

### **Policy PV17 Waste management Facilities:**

At present the land is not suitable for agriculture or paddock due to water ponding caused by water run-off on all sides of the site.

The proposals have been designed and calculated by Millard Consulting to provide confirmation that there is no likelihood of surface water flooding on to adjacent land/road for anything up to a 200 year return period storm event.

Proposed upfill is to be of inert material recycled from building demolition locally and has been approved by SEPA Ref: WML/XC/1154679 dated 8 February 2017.

Proposals meet the following requirements:

- impacts on the natural and built environment, amenity, landscape character, visual amenity, air quality, water quality, groundwater resources, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions or planning agreement; and
- *appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use*

All points listed in Policy PV17 SEA Implications are covered or addressed in the proposals.

### **Policy PV18 Waste Management in New Development**

Recycled waste is being incorporated in the proposed development.

All Policy PV18 SEA Implications requirements are met in the proposals



**Policy PV20 Soils and Geodiversity**

The proposals are small scale and are directly related to rural activity.

Design and layout will represent an improvement and make the land usable.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

**SUMMARY**

The proposals will improve the surroundings and bring the land back into a usable unit.

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