

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 19 August 2008**

Agenda Item	4.5
Report No	48-08

**05/00534/OUTCA – Erection of Lodge (Outline) adjacent to Loch Meadie, Cnoc A  
Bothian Forest, Near Westerdale**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The application is in outline for the erection of a fishing lodge adjacent to Loch Meadie, Cnoc A Bothian Forest, near Westerdale. The application is being reported to Committee due to a technical objection from Scottish Natural Heritage.

**The Recommendation is to REFUSE planning permission.**

Ward Number 4 – Caithness Landward

Applicant – Messrs Fountain PLC (Per Agent)

Agent: A.C. Foggo, Design Associates, The Studio, Dunnet, Caithness, KW14 8YD

No hearing is required.

**1. PROPOSAL**

1.1 The application is in outline to provide fishing lodge accommodation. The site extends to 0.6 hectares and it is proposed to use an existing forestry access road that connects onto the B870 Cnoc A Bothian to Westerdale public road.

**2. PLANNING HISTORY**

2.1 None.

**3. PUBLIC PARTICIPATION**

3.1 The proposal was advertised for a 21 day period as development not in accordance with the provisions of the Development Plan.

## 4. CONSULTATIONS

### 4.1 Internal Consultees

**Archaeology** – No objections subject to an ARC3 photographic record condition being attached to any consent given.

### 4.2 External Consultees

**Scottish Natural Heritage (SNH)** - Objects to the proposal on the basis of the information currently submitted.

- This development could have potentially serious impacts on important natural heritage interests. At this stage there is insufficient information to ascertain if there is likely to be a significant effect on the interests of the European sites and accordingly SNH **objects** to the proposal as submitted until it can be demonstrated that there will be no adverse impact on these interests. If it is established that there will be no adverse impact on the natural interest, SNH would have no objection in principle to a lodge in this location.
- There is insufficient information to establish that the protected natural features of the SSSI and Ramsar site will not be compromised as a result of the development. Therefore SNH **objects** to the proposal as submitted until it is demonstrated that the development will not adversely affect the SSSI and Ramsar interests.

SNH's advice is that there is insufficient information to determine whether there are likely to be significant effects on the qualifying interests of the site. In order for this to be determined, SNH requires that the following additional information is obtained:

- Specific site plan of the proposed development showing where the lodge and any other buildings and tracks would be located.
- Details of the scale and design of any buildings.
- Details of drainage and waste treatment associated with the development.
- The period any works would be undertaken and their likely duration.

**RSPB Scotland** - Object to the proposal for the following reasons:

Loch Meadie, which lies immediately adjacent to the proposed site, lies within the Strathmore Peatlands Site of Special Scientific Interest (SSSI), which in turn is a component part of the Caithness & Sutherland Peatlands Special Protection Area (SPA) and Special Area of Conservation (SAC). The loch is known to support several of the qualifying species of the SPA.

Accordingly, under Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) the proposal constitutes a plan or project likely to have a significant effect on a site subject to two European wildlife designations, and it should therefore be subject to appropriate assessment of its implications for the designations in view of their respective conservation objectives.

It is the responsibility of the Highland Council, as competent authority, to carry out this assessment.

In our opinion, the assessment should address in particular the question of whether the proposal is likely to cause deterioration of the habitat supporting the qualifying species and whether an associated increase in disturbance is likely to affect the qualifying interests of the SPA.

**SEPA** – No objections subject to a requirement for the development to adopt Sustainable Drainage Systems being in place.

## **5. POLICY**

5.1 The following policies are relevant to the assessment of the proposal :-

### **Highland Structure Plan**

- G2 Design for Sustainability
- T3 Self catering tourism accommodation – applications for self-contained accommodation must be designed to have minimal impact upon services.
- N1 Nature Conservation - new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible.

### **Caithness Local Plan**

- PP4 – The Council generally presumes against development unless there is a strong and over-riding social economic, public health or safety reason, or for benefits of primary importance to the environment. [This proposal is for tourism and is considered to therefore comply with policy in this respect.]

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- In this instance, in particular, SPP1 – The Planning System.

## **6. PLANNING APPRAISAL**

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents

- 6.3 The application is in outline for the provision of a lodge to be used for stalking, angling, walking, forest maintenance, a general meeting place and other leisure pursuits. Access into the site is from the existing forestry access road that connects onto the B870 Cnoc A Bothian to Westerdale public road.
- 6.4 Members will note that the application is being reported to Committee due to technical objections from SNH and RSPB Scotland who both object to the proposal on the grounds that the development would have a significant detrimental impact on the surrounding area as detailed in paragraph 4.3 above. Although the agent has demonstrated that the proposal is predominantly for tourism, the use of the development that includes forestry workers, stalkers, anglers and other leisure pursuits will put pressure on the surrounding area and could have a detrimental impact upon the designated area and its species.
- 6.5 The applicant's agent has advised that they do not consider that the issues raised by SNH are relevant to an outline planning application and that such matters can be adequately dealt with at detailed stage.

## **7. CONCLUSION**

- 7.1 I do not consider that the information provided by the agent is sufficient to meet the requirements of SNH and RSPB Scotland. The application is therefore recommended for refusal.

## **RECOMMENDATION**

### **Refuse planning permission for the following reasons:**

- 1 There is insufficient information to determine whether the proposed development would have an adverse impact on sites and species of international and national importance as defined in Article 1 of the Habitats Directive. As such, the proposed development does not accord with Highland Structure Plan Policy G2 Design for Sustainability and Highland Structure Plan Policy N1 Nature Conservation as it would be likely to have a significantly detrimental and adverse impact on sites and species of international and national importance as defined in Article 1 of the Habitats Directive.
- 2 Approval would set a dangerous precedent making it difficult to refuse applications of a similar nature in the future.

**In the event that Committee is minded to approve the application then it will require to be notified to Scottish Ministers given the objection by Scottish Natural Heritage.**

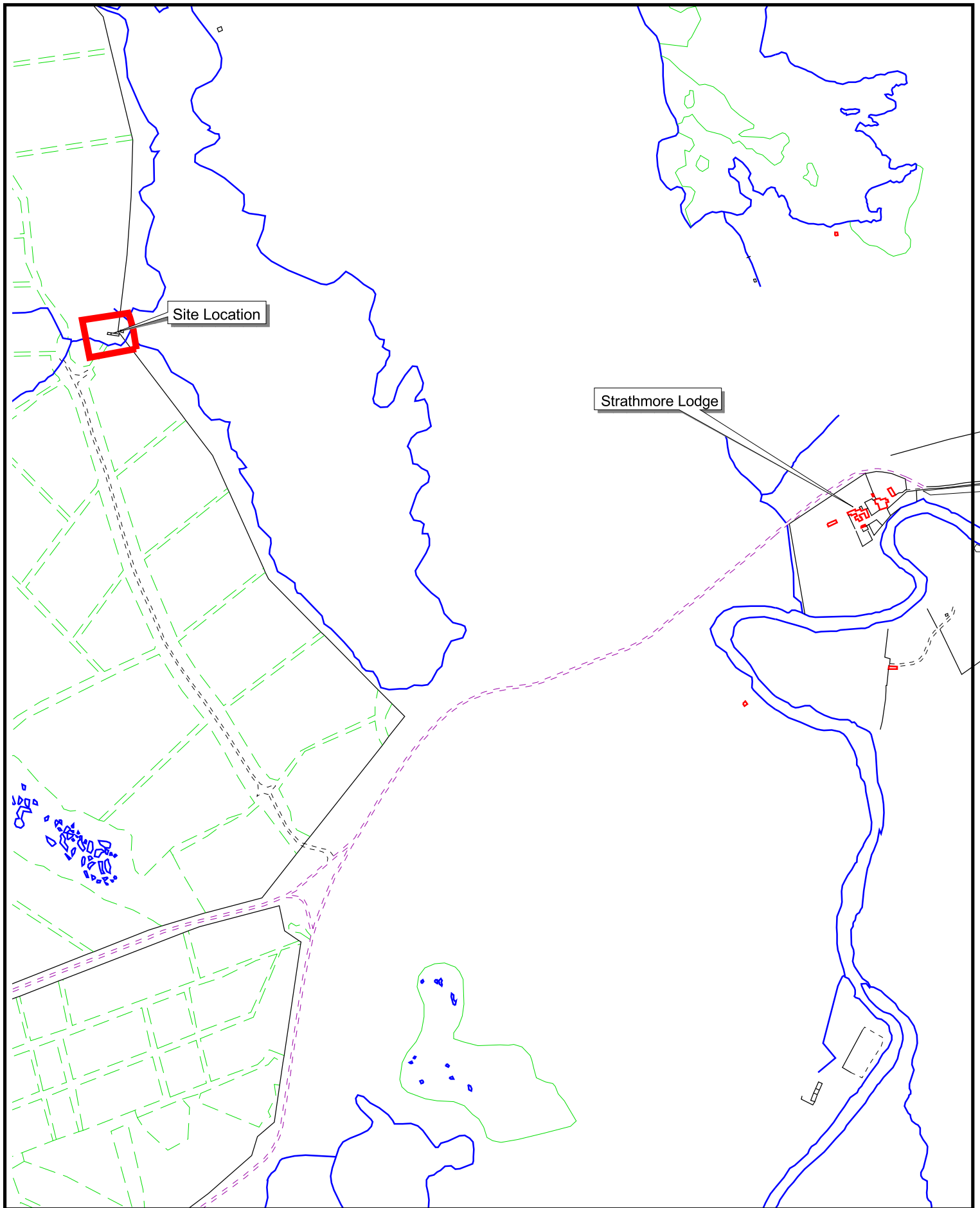
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Andrew Parker 01955 607754

Background Papers: As referred to in the report above and case file reference number 05/00534/OUTCA

Date: 1 August 2008



05/00534/OUTCA  
 Land To West Of Loch Meadie  
 Westerdale, Halkirk  
 Erection of lodge (outline)

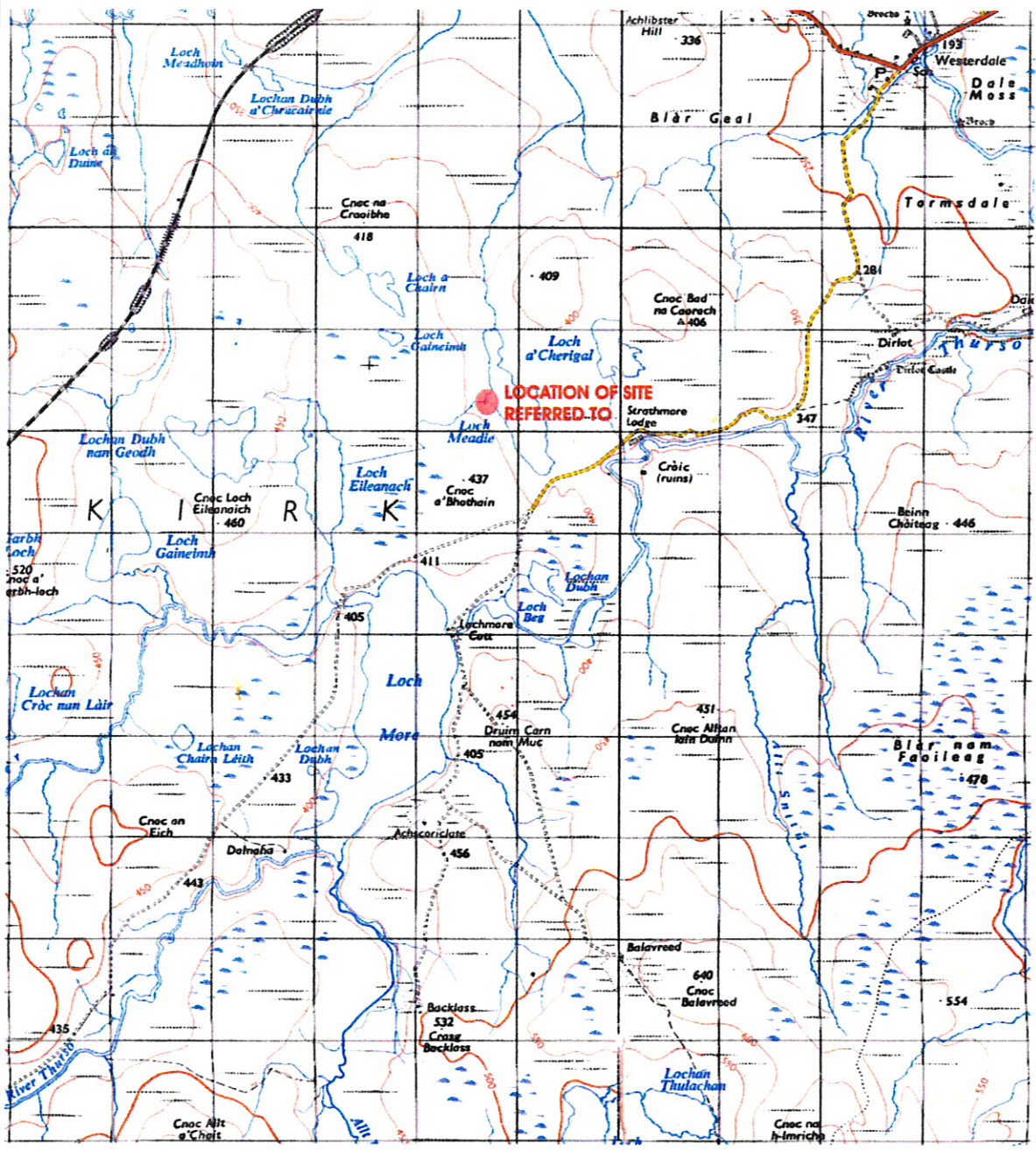
Messrs Fountain Plc  
 Per Agent A.C. Foggo  
 Design Associates, The Studio  
 DUNNET, KW14 8YD

Date: 6th August 2008

**SUPPLIED BY THE HIGHLAND COUNCIL**



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HIGHLAND COUNCIL

1 OF 2 OF APP... REFERED...

05/534

RECEIVED

11 NOV 2000

Proposed site for a Lodge  
for  
Messrs Fountains plc  
(as managers of the forest)  
at  
Cnoc a Bhothain Forest  
Strathmore





Cnoc a Bothain Forest  
is managed by Messrs Fountains plc

Proposed Site Boundaries

Ruins

SITE REFERRED TO

**Design Notes**

The Lodge will be designed as a timber building using timber from sustainable sources to blend in with the forest setting.  
The building will be insulated to the highest standards available.  
There will be utilised, solar panels, ground source heat pumps, a small wind generator and log burning stoves.  
Drainage will be by proprietary plant and approved soakaway/treatment.

Loch Meadie

Alltan-Laogh

Loch Meadie and surrounding open moorland owned by The Ulbster Estates, Thurso East, Thurso

Existing Access Track

Cnoc a Bothain Forest  
is managed by Messrs Fountains plc

Scale 1 : 2500

Proposed site for a Lodge for Messrs Fountains plc (as managers of the forest) at Cnoc a Bothain Forest Strathmore

