

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE  
10 June 2014**

Agenda Item	6.7
Report No	PLN/044/14

**13/03899/FUL : Strathpeffer Community Council  
Former Strathpeffer – Fodderty Railway Line, Strathpeffer**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Installation of railway line, formation of operation base and parking area.

**Recommendation - GRANT**

**Ward :** 06, Wester Ross, Strathpeffer & Lochalsh

**Development category :** Local Development

**Pre-determination hearing :** Not required

**Reason referred to Committee :** Number of representations received.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application proposes the installation of a 0.8 mile railway line along part of the route of the former railway from Strathpeffer to Fodderty. The following associated infrastructure is also proposed:
- locomotive shed;
  - platform;
  - toilet, canteen/office, and fuel tank;
  - car park;
  - footpath/cycleway alongside part of the length of the railway;
  - road junction improvements/passing place on access road;
  - Bridge repairs and rebuilding works.
- 1.2 The applicant requested screening advice prior to the submission of the application.
- 1.3 The proposed site access will be via the existing private access road which runs between the A834 main road from Dingwall to Strathpeffer and the sewerage treatment works.

- 1.4 The applicant has submitted supporting information in the form of a noise assessment; an otter, bat and badger survey; and a brochure to illustrate the proposed chemical toilet.
- 1.5 **Variations:** The application has been amended to include a railway crossing point, a footpath/cycleway alongside part of the length, and junction improvements where the access track joins the A834 public road.

## **2. SITE DESCRIPTION**

- 2.1 The site runs from a point just to the east of the Strathpeffer settlement boundary to the outskirts of Fodderty, following the route of the former railway. None of the track is currently in situ. The operations base (proposed platform, office/canteen, engine shed, and car park lie to the east of the sewerage treatment works, and occupy in part the site of the former sewerage works. Fields lie between the north of the site and the A834 public road, and this area is relatively flat. The area to the south slopes steeply uphill to Knockfarrel.
- 2.2 The section from Strathpeffer to the sewerage works is currently used as a public footpath and is relatively clear, with trees along both sides. The footpath turns south to Knockfarrel adjacent to the sewerage treatment works.
- 2.3 The section from the sewerage treatment works to Fodderty is largely overgrown with trees.

## **3. PLANNING HISTORY**

- 3.1 None

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Section 34 – Schedule 3 development; unknown neighbour.  
Representation deadline : 10<sup>th</sup> January 2014  
Representations : 7 different households have written to object  
404 ‘template’ letters of support received (on receiving an acknowledgement letter 14 individuals have written and an additional 13 have phoned to say that the letter was not from them)  
9 individual letters of support  
Petition containing 47 signatures in support
- 4.2 Material considerations raised are summarised as follows:  
**Objections:**
- Noise from steam engines, whistles, coal delivery, building up a head of steam, etc. detrimental
  - Will lead to loss of peace and ambience currently enjoyed by local residents and tourists.

- Air pollution from smoke and soot – will adversely affect health, aggravate asthma, leave soot deposits on buildings & washing.
- Contrary to Government plans to reduce carbon emissions.
- Railway and its associated industrial paraphernalia will detract from village and Conservation area

**In support:**

- Number of trains would be limited so there would not be incessant noise and smoke / soot
- Heritage railways appeal to all ages and provide major boost to tourism.
- Would promote tourism and improve economic climate of area

Non-material considerations raised are summarised as follows:

**Objections:**

- Not viable - prohibitive start-up costs, no grants available, and high running costs. Will require a lot of man-hours and volunteers, and many of jobs are highly specialised so may be hard to recruit.
- Will not survive and will end up being abandoned, leading to dereliction and an eyesore. Applicants should guarantee restoration in case of failure.
- Have safety issues been adequately addressed?
- Train will go from nowhere in particular to nowhere and not serve a function.
- Route would be better used as a cycle path/footpath to link Strathpeffer and Dingwall and the proposal will conflict with plans to turn to do this.
- Houses near the old Station have a right of access across the old railway line which needs to be maintained.
- Would Network Rail allow this spur to connect to their lines, and are proposals in line with Network Rail's standards?
- Lack of public consultation
- No business plan
- Two existing heritage railways (Strathspey, and Keith / Dufftown) are struggling, and competition from a third railway could kill off all three.
- There is nothing of the original railway left to preserve (except the station)
- Would not help the economy since the jobs rely on volunteers
- Local road network is unsuitable for the large articulated lorries which would be required for delivery of locomotives.
- Ultimate aim of the railway is to link through to Dingwall and beyond – this application is only phase 1 of a larger scheme.

### **In support:**

- Will restore Victorian railway station to its original purpose
- Successful agreement with Network Rail could open up services between Strathpeffer and Dingwall, and link in with the Highland lines.
- Railways can operate alongside houses without generating complaints from residents.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

5.1 **Contaminated Land** : No objections. Former sewage treatment works should be used for parking only with no re-development.

5.2 **Forestry** : No objection, but conditions requiring a Tree and Woodland Management Plan, and a Tree Protection Plan and Arboricultural Method Statement recommended.

5.3 **Access Officer** : No objection. Right of way along railway is to be maintained. The location of the track beyond the boarded crossing point would not provide the required path and separation widths, particularly at bridges, should it be decided in future to continue the cycle/footpath towards Dingwall.

5.4 **Environmental Health** : No objection. Condition required re air quality. There are no sensitive receptors close enough to the route for noise to be an issue.

5.5 **Scottish Water** : No objection.

5.6 **SEPA** : No objection.

5.7 **SNH** : No objection. Development should be carried out strictly in accordance with the recommendations of the Otter, Bat and Badger survey report. Pre-construction survey also recommended.

5.8 **SSE** : There are high voltage overhead lines, cables, and a low voltage underground cable in the vicinity. Appropriate care should be taken.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

28	Sustainable design
29	Design quality and place making
42	Previously used land

43	Tourism
51	Trees and development
56	Travel
58	Protected Species
66	Surface water drainage
72	Pollution
73	Air quality
74	Green networks
77	Public access

## 6.2 **Ross and Cromarty East Local Plan (as continued in force 2012)**

Strathpeffer Amenity 15	Extend footpath network, including former railway connecting with Fodderty.
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## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Inner Moray Firth Proposed Local Development Plan 2013**

SP2 – Railway Station, business/tourism use. Re-open part of railway as visitor attraction. Maintain existing path along former rail line.

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

Highland's Statutorily Protected Species

Green Networks

Trees, Woodlands and Development

### 7.3 **Scottish Government Planning Policy and Guidance**

Not applicable

## 8. **PLANNING APPRAISAL**

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

The Ross and Cromarty East Local Plan is the adopted local plan, and this includes provision for the extension of the existing footpath network around Strathpeffer, to include the former railway connecting with Fodderty.

8.4 The Inner Moray Firth Proposed Local Development Plan is currently proceeding towards adoption, but has yet to be formally adopted. Its policies are, however, a material consideration. This recognises the business and tourism potential of the former railway station, and makes provision for the re-opening of part of the former railway as a visitor attraction. It also seeks to maintain the existing footpath which runs along part of the former railway line.

### 8.5 **Footpath / Cyclepath**

This application makes provision for a joint footpath/cyclepath running alongside the track for the section of the site between the sewerage treatment works and the edge of Strathpeffer, where the railway will terminate. This section is an existing right of way, and links in with the wider footpath network in the vicinity. The proposal affords the opportunity to provide a cyclepath whilst fulfilling the obligation to maintain the existing footpath link with the wider path network, and complying with Policy 77, public access.

8.6 The applicant has been asked about the potential to continue the footpath alongside the track from the sewerage treatment works to the end of the track in the Fodderty direction. This section of track is currently very overgrown and is not a right of way. They recognise that 2 out of the 3 bridges will be too narrow to accommodate both the track and a cycle/footpath, but that the remainder of the route has sufficient width to enable a footpath/cyclepath to be provided alongside the track should this be desired in the future. They state that they do not wish to block any future plans for a cyclepath/footpath and will be happy to work with any organisation which plans to provide one in the future. The provision of a footpath/cyclepath along this section will, however, require the purchase of additional land to facilitate the widening of the two narrow bridges. They see this as being the responsibility of any body which plans to provide the cyclepath/footpath in the future.

8.7 The Ross and Cromarty East Local Plan has promoted a footpath along the former railway route from Strathpeffer to Dingwall since its adoption in 2007, but to date no such proposal or planning application has been received. It is not known whether this will be pursued in the future. It therefore seems unreasonable to insist on the provision of a cyclepath/footpath along the section of track from the sewerage treatment works towards Fodderty which would not link to any public location at this time.

8.8 The application complies with the provisions of the emerging Inner Moray Firth Local Development Plan in that it will facilitate the re-opening of part of the former railway as a tourist attraction, and maintains the existing footpath which runs along part of the former railway line. It also meets in part the provisions of the Ross and

Cromarty East Local Plan since it includes a footpath/cyclepath along part of the route, and sufficient land remains alongside the track for this to be extended in the future if the obstacles of the two narrow bridges can be overcome.

- 8.9 This also complies with Policy 28, sustainable design, of the Highland wide Local Development Plan, since a footpath/cyclepath link with Strathpeffer is included as part of the proposal, thus providing an alternative means of transport other than driving to access the proposed railway.
- 8.10 The Highland Wide Local Development Plan Policy 56, travel, states that development proposals which involve traffic generation should maximise opportunities to encourage walking and cycling, and also provide an appropriate level of parking. This proposal complies, since it includes ample staff and visitor parking provision (a car park with 40 spaces), and a cyclepath/footpath link between the proposed station and the existing footpath network, including the settlement of Strathpeffer.
- 8.11 **Design**
- The proposed railway associated structures consist of a platform, locomotive shed, toilet, canteen/office, fuel tank, car park and bridge repairs and rebuilding works.
- 8.12 The locomotive shed will be located at the end of the proposed platform, and will be a steel portal frame structure, with steel cladding for the walls and roof, and roller doors on the gables. It will be 4.8m in height to the eaves, and 5.6m to the ridge. This industrial style structure is acceptable given its function and its proximity to the sewerage treatment works and the visual separation from the historic village of Strathpeffer.
- 8.13 The proposed toilet is a 're-circulating chemical portable toilet' (portaloo style structure). It will be sited adjacent to the proposed canteen/office, and the fuel tank. The proposed canteen/office will be for the use of staff and not open to the public, and will consist of a 'portacabin' style building, with an access door in the side and a window in each end. It will be 2.4m wide x 4.8m long, with a flat roof, and grey plastic finish to the walls. Temporary style structures should be used on a temporary basis only until such time as they can be replaced by a permanent structure, and should not be considered as a permanent solution. These will all be located alongside the proposed locomotive shed, and therefore partially screened by the shed. A 1.8m high close boarded timber fence will run from the locomotive shed to enclose the compound at the side of the shed in which these structures will be located, and this will further screen them from public view. Although this fails to demonstrate high quality design (as required by Policy 28 and Policy 29), it is acceptable on a temporary basis given the context of the location.
- 8.14 Some of the letters of representation consider that the structures associated with the proposed railway will detract from the village of Strathpeffer and the Conservation Area. However, these are considered to be sufficiently distant from the village to be seen independently and not to impact upon the outstanding visual quality of Strathpeffer.

8.15 There are three existing bridges along the route, which were built to accommodate the original railway to Strathpeffer. It is proposed to renovate/repair all of these to carry the proposed new railway. The opportunity to repair and re-use part of the original railway fabric is welcomed, and complies with the aims of Policy 28 and Policy 29. It does, however, raise the issue of two of the bridges being too narrow to accommodate a footpath/cyclepath alongside the track, should the opportunity to provide a footpath/cyclepath link arise in the future.

8.16 **Previously used land / contamination**

The car park will occupy the site of the former sewerage treatment works (to the east of the existing sewerage treatment works, and between the proposed platform and the River Peffery). This area is currently vacant, and well screened by trees alongside the River Peffery. Policy 42 of the Highland Wide Local Development Plan, supports development which brings previously used land back into beneficial use, provided that it accords with all other policies, and that it is capable of being brought into a condition suitable for the proposed development. The Contaminated Land Unit is satisfied that the use of this area for parking, as proposed, is acceptable.

8.17 **Tourism**

Policy 43 requires proposals for tourist facilities to be of a scale proportionate to their location. They should be assessed according to whether they complement existing/allocated tourist facilities within the settlement; whether it will increase the length of peoples' stay, increase visitor spending or promote a wider spread of visitors; and whether it will safeguard and promote effective management, interpretation and responsible access of natural, built and cultural heritage features. The railway will be a short section of track (approximately 0.8 miles), with a station part way along the route, and therefore does not provide a transport link, since passengers will alight and disembark at the same location. Its function is therefore as a tourist attraction. Initially, it is planned to commence operations with a diesel engine, but ultimately the applicants aspire to purchase a steam locomotive.

8.18 The applicants consider that their proposals will increase the number of tourists visiting Strathpeffer, and will have a wider positive impact on the local economy, through increased spending locally. Many of the letters of support also raise this point.

8.19 **Forestry**

There are a large number of trees, mostly self seeded, along the former railway line. The trees vary considerably in size, age and quality, although collectively they are a significant feature when viewed from the A834 Strathpeffer – Dingwall road. The Forestry Officer comments that an element of felling will be inevitable, and recommends a suspensive condition requiring the submission, approval and implementation of a tree and woodland management plan. A Tree Protection Plan and Arboricultural Method Statement will also be required to demonstrate how retained trees will be protected during the construction phase. Policy 51 promotes protection to existing trees and woodlands on and around development sites. Although some tree felling will occur, this can be adequately managed and there is no objection from the Forestry Officer to the proposal.



## 8.20 **Protected Species**

A protected species survey has been carried out. This concludes that the proposal is unlikely to have an impact on bats, otters, or badgers. Mitigation is, however, proposed for bats and otters. SNH is content with the survey and its recommendations. This complies with Policy 58, protected species.

## 8.21 **Pollution**

Policy 72, pollution, requires a detailed assessment report on the levels, character, and transmission and receiving environment of the potential pollution where significant pollution may occur from the proposals. A Noise Assessment report has been carried out, and the Environmental Health Officer is content with its conclusions. Although noise is of concern to some of the objectors, the Environmental Health Officer has advised that since the proposed railway does not continue into Strathpeffer, but terminates before the edge of the settlement, there are no sensitive receptors close enough to the route for noise to be an issue.

8.22 Policy 73, air quality is also applicable, since diesel engines and steam locomotives can lead to issues regarding exposure to sulphur dioxide. An air quality assessment has not been submitted. The Environmental Health Officer advises that the railway needs to be managed to ensure that it complies with Air Quality Objectives, in particular the operation of the railway must ensure that the public can not be exposed to sulphur dioxide emissions for 15 minutes or more within 15m of stationary locomotives. Since the railway is approximately 50m away from the car park of Peffery House (offices) and approximately 90m away from the nearest dwelling, these residents/workers should not be adversely impacted in respect of air quality. However, the sewerage treatment works, footpath alongside the railway, railway facilities, and farmland are all within 15m of the track. Air quality is a concern which has been raised by some objectors. However, it should be possible to manage the railway operation to ensure that air quality objectives are fully met, and an appropriate condition can be imposed.

8.23 The applicant also points out that any smoke or steam generated by a locomotive will be blown away from the nearest houses and be dissipated. The prevailing winds are from the south-west, west and north-west, so the general air flow is down the strath towards Dingwall. They are content to produce an Air Quality Assessment in due course to demonstrate compliance with Air Quality Objectives. The Environmental Health Officer is content with this approach.

## 8.24 **Material Considerations**

### **Access**

The proposal will take access off the A834 Strathpeffer – Dingwall road via the existing track which serves the sewerage treatment works. The junction with the A834 will be improved to include the widening of the access, and the cutting back of roadside vegetation to provide visibility splays of 180m x 180m in both directions from a setback of 2.8m. An additional passing place is also proposed along the access track. Roads have commented verbally that they are content with this. They

have also pointed out that the maximum gradient at the junction must not exceed 1:16, with the gradient elsewhere not exceeding 1:10, and that the existing footpath sign will need to be re-positioned to facilitate the junction improvements.

#### 8.25 **Railway operation**

The railway is anticipated to operate 9am – 5pm at weekends and some bank holidays, and on summer evenings up to 9pm. The maximum number of trips per day is not expected to exceed 15.

8.26 The total number of passengers per annum is expected to be in the region of 5000.

8.27 The maintenance of the track will involve approximately 200 man-hours per year, most of which will be manual work generating little or no noise. It will take place during the working week or at weekends when the train is not operating. No noise generating work will be carried out at night.

8.28 Fuel deliveries will be undertaken by normal household delivery vehicles. These are expected to take place 4 times per year, but could increase to bi-monthly. Fuel oil will be stored in a bunded tank adjacent to the proposed office building and engine shed.

8.29 Since the activity will be concentrated in the vicinity of the operations base which will be outside Strathpeffer, noise and disturbance is unlikely to become an issue.

#### 8.30 **Other Considerations – not material**

The proposed railway will terminate just outside Strathpeffer, and will therefore not impact on the former railway station, nor the access currently enjoyed by local residents over part of the former track near the station.

8.31 The proposal will terminate in the vicinity of Fodderty and not continue in to Dingwall. It will therefore not connect in with Network Rail and the wider existing railway network. The application has to be determined as currently submitted. Any future expansion plans will need to be subject to separate planning applications as and when they arise, and should be assessed separately on their merits in relation to material planning considerations at that time.

8.32 The delivery of an engine should be a one-off occurrence, and the removal of the engine from site for maintenance will be infrequent. Roads should be consulted by the applicant to agree the most suitable route for any abnormal load, if this is required.

8.33 The viability of the railway is a matter for the applicant to assess, and is not a material planning consideration. Similarly, competition from other existing heritage railways is not a material planning consideration. There is no requirement for the applicant to submit a business plan in support of their proposals. It is, however, in the applicant's interests to ensure that their proposals are viable.

- 8.34 The application stands to be assessed on its merits, and a choice regarding whether a footpath/cyclepath is preferred to a railway is not being offered. There is currently no application for a footpath/cyclepath.
- 8.35 There was no requirement for the applicant to carry out a public consultation process in relation to their proposals as it is not classed as a major development. However, the Planning Authority is aware that the applicant did set up a small model railway display in the Strathpeffer pump room in June 2013, with a pile of 'template' letters alongside for visitors to fill in. These are many of the 'template' letters of support which have been received, although it would appear that some have been filled in on behalf of friends/relatives without their knowledge.
- 8.36 The applicants may be reliant on volunteers, where possible, rather than creating paid jobs and this aspect may not contribute to the local economy. However, the attraction of tourists and their associated spend is likely to have a positive impact on the local economy.

8.37 **Matters to be secured by Section 75 Agreement**

None

**9. CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

**10. RECOMMENDATION**

**Action required before decision issued**

**Subject to the above**, it is recommended the application be **granted** subject to the following conditions and reasons / notes to applicant:

1. Prior to the first operation of the railway hereby permitted, the applicant shall submit to the Planning Authority :
  - a desktop screening assessment of the likelihood of members of the public being present for 15 minutes or more within 15metres of stationary engines.
  - a scheme of operation to demonstrate that the UK Air Quality Objectives, in particular the 15 minute Sulphur dioxide objective, will continue to be achieved at locations with relevant exposure. For clarification, relevant exposure will occur where the public are exposed for 15 minutes or more within 15m of stationary locomotives.

The railway shall thereafter operate fully in accordance with this scheme of operation.

**Reason** : To ensure that the operation of the railway fully complies with Local Air Quality Management Guidance, in the interests of health and safety.

2. No development shall commence until a bat, badger and otter pre-commencement survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall thereafter progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

**Reason** : To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

3. All construction works shall be carried out fully in accordance with section 8 of the Otter, Bat and Badger survey report (Lyn Wells) dated 05 December 2012. Any deviation from these specifications shall first be submitted to and agreed in writing by the Planning Authority in consultation with SNH, and shall include appropriate alternative mitigation measures, which shall thereafter be implemented in full.

**Reason** : To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and their habitats.

4. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). The approved plan shall be prepared and all works supervised by a suitably qualified arboricultural consultant. Stages requiring supervision are to be agreed in writing with the Planning Authority and certificates of compliance for each stage are to be submitted for approval. The approved plans shall thereafter be implemented in full within the agreed timescales.

**Reason** : To ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

5. No development, site excavation or groundwork shall commence until a landscaping plan, to include a maintenance programme, has been submitted to, and approved in writing by, the Planning Authority. The approved landscaping plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

**Reason** : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

6. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) has been submitted to,

and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

**Reason :** To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

7. No development shall be commenced until sections through the proposed platform, along with full specifications of its proposed finish, have been submitted to and approved in writing by the Planning Authority. The platform shall thereafter be completed in full in accordance with these agreed details before the first operation of the railway.

**Reason :** In the interests of amenity.

8. The temporary toilet building (re-circulating chemical portable toilet) and the temporary office/canteen building within the application site shall be removed from the site, along with all associated fixtures and fittings, before 30<sup>th</sup> July 2020, unless a further consent has been obtained for their retention.

**Reason:** In recognition of the temporary nature of these structures, to enable the Planning Authority to reassess the impact of them after a given period of time and secure removal and restoration.

9. No development shall commence until the junction of the site access with the A834 public road has been upgraded to include:

- visibility splays of 2.8m x 180m in both directions
- a maximum gradient of 1:16 over the first 5m
- a minimum width of 6m over the first 10m of the access
- the repositioning of the existing footpath sign, to a location to be previously agreed in writing with the Planning Authority in consultation with the Roads Authority and the Access Officer

Thereafter, all construction traffic shall access the site via this route.

**Reason :** To ensure that an adequate level of access is timeously provided for the development, in the interests of road safety and amenity, and to ensure the safety and free flow of traffic on the public road.

10. Prior to the first operation of the railway hereby permitted, the additional passing place on the site access road shall be formed, and the entire length of access road including the improved junction with the A834 and the passing place shall be finished in a material to be agreed in writing by the Planning Authority in consultation with TEC Roads.

**Reason :** To ensure that an adequate level of access is timeously provided for the development, in the interests of road safety and amenity.

11. Prior to the first operation of the railway hereby permitted, the parking area shall be formed and finished as specified on approved drawing No 1217-3, and shall thereafter be retained for this use in perpetuity.

**Reason :** To ensure that sufficient space is provided for the parking and manoeuvring of cars, in the interests of road safety

12. No development shall commence until full details of cycle parking facilities have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, these shall be 'Sheffield' stands or similar. The cycle parking shall thereafter be installed in accordance with these approved details prior to the first operation of the railway and thereafter maintained on site.

**Reason :** In order to reduce dependency on the private car and facilitate the use of a variety of modes of transport.

13. No development shall commence until details of the colour of the walls, roof, and doors of the locomotive shed have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, these shall be a matt finish and recessive in nature. Thereafter, development and work shall progress in accordance with these approved details.

**Reason :** In the interests of visual amenity as no such details have been submitted.

14. No development shall commence until details of the location, design and finish of all proposed fences and gates have been submitted to and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason :** In order to ensure that the development is sensitive to and compatible with its surroundings, in the interests of visual amenity.

15. There shall be no hindrance to use of the right of way by the public and the proposed development must not obstruct or deter use of the route before, during or after construction. This would include any of the following:

- The placing of materials on the path;
- Allowing water, soil or any other substance to flow or spill onto the path;
- Erecting any fence or locked gates;
- Prohibitory signs or notices;
- Planting or overhanging any vegetation on the path;
- Projections from building;
- Park vehicles or place other structures.

Any unavoidable temporary obstruction or deterrent shall first be approved in writing by the Council's Access Officer and shall cover only the smallest area practicable for the shortest duration possible, with waymarked diversions provided as necessary.

Any damage to the route must be repaired to as good or better a standard than pre-development.

**Reason:** To safeguard public access both during and after the construction phase of the development

16. No development shall commence until elevations of the proposed toilet, including details of finishes of the walls and roof, have been submitted to and approved in writing by the Planning Authority. The toilet shall thereafter be completed in accordance with these details.

**Reason :** In the interests of visual amenity, since insufficient information has been submitted.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

### **TIME LIMITS**

#### **LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **FOOTNOTE TO APPLICANT**

#### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>



### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

### **Construction Hours and Noise-Generating Activities**

**You are advised that construction work associated with the approved development** (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Bilingual Signage**

In line with the Council's Gaelic Language Plan and policies, you are encouraged to consider the use of both Gaelic and English on signage within in this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or

to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

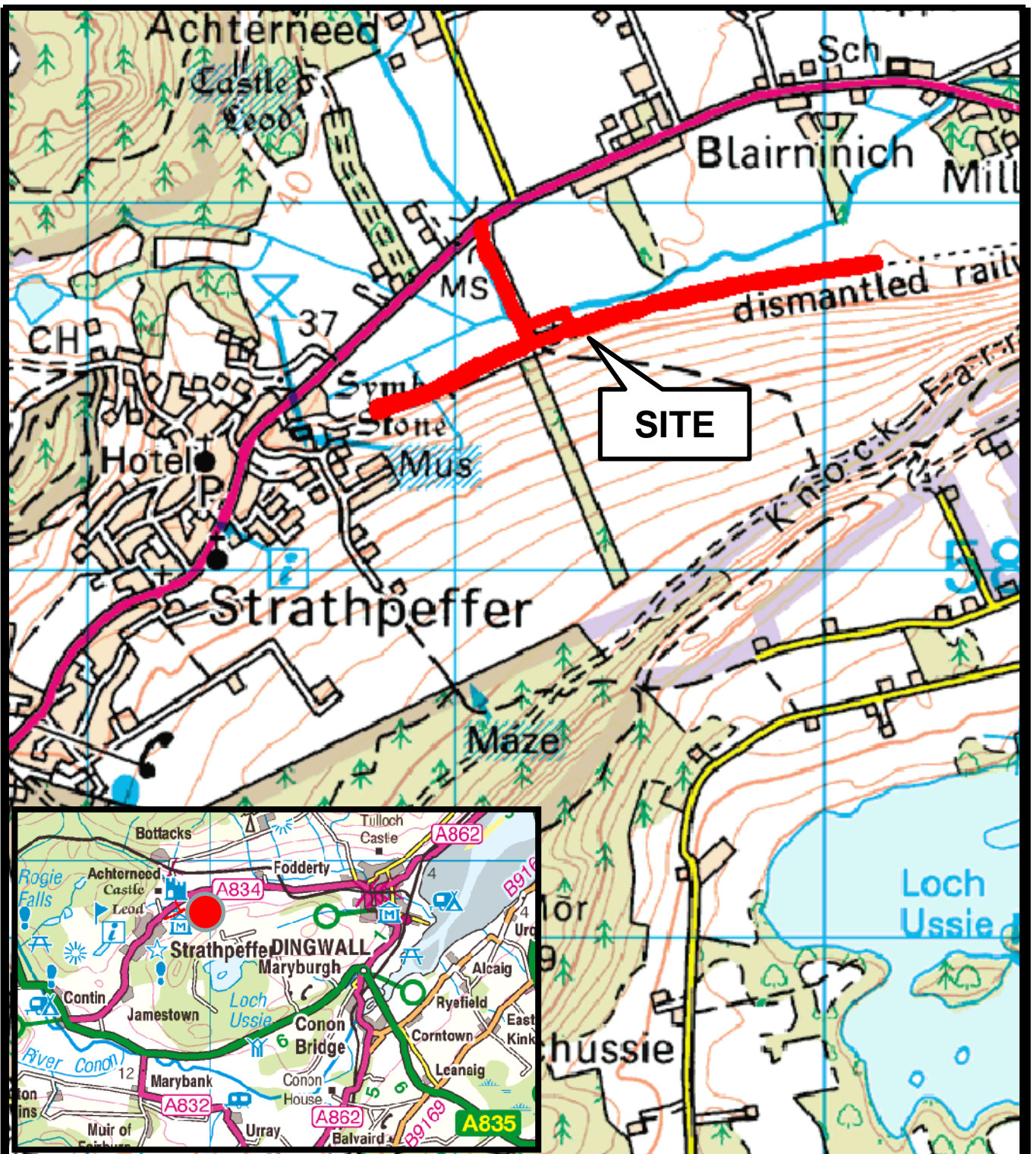
Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Susan Hadfield  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Plan  
Plan 3 – General Plan  
Plan 4 – General Plan  
Plan 5 - Elevations

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
David John	Ulva, Strathpeffer	15/4/14	Against
Paul Stariski	Old Police House, Strathpeffer	10/12/13 & 11/12/13	Against
Jacobus De Man	Viewfield, Strathpeffer	13/12/13	Against
Mrs E Watt	Burnhill, Strathpeffer	13/12/13	Against
Margaret Bluefield	Railway Cottages Strathpeffer	10/01/14	Against
Murdo Macdonald	Tigh Nam Beithe, A834 Jamestown – Strathpeffer	21/1/14	Against

## Appendix – Letters of Support

Name	Address	Date Received	For/Against
Stephen Dovey	Wyvis View Ardival Terrace Strathpeffer	10/12/13	For
Posy Piper	28 Ulladale Cresc Strathpeffer	9/12/13	For
Alasdair Lavery	78 Deas Ave Dingwall	9/12/13	For
Mike Rogers	Glenbank, Obsdale Park, Alness	9/12/13	For
Alasdair MacCaluim	12a Torridon Ave, An Dun Breac Glaschu	12/12/13	For
Alexander Cunningham	27 Atkinson Road Hawick	13/12/13	For
Gavin Adamson	1 Halsey Drive Edzell Woods Brechin	14/12/13	For
Michael Neale	Firthside Balblair Dingwall	14/12/13	For
D Duncan	53E Glenbervie Road Aberdeen	8/1/14	For
Petition			For
Template letters			For



The Highland  
Council  
Comhairle na  
Gàidhealtachd

Planning & Development  
Service

**PLAN 1**  
**13/03899/FUL**

Installation of railway line, formation of  
operation base and parking area

10 June 2014

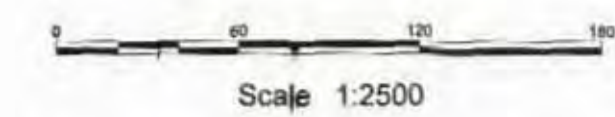
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LAND TO BE PURCHASED BY SSRA IN RED



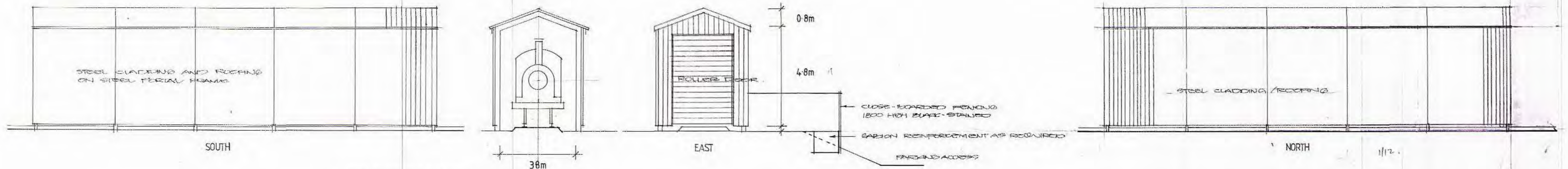
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 The representation of features as lines is no evidence of a property boundary.

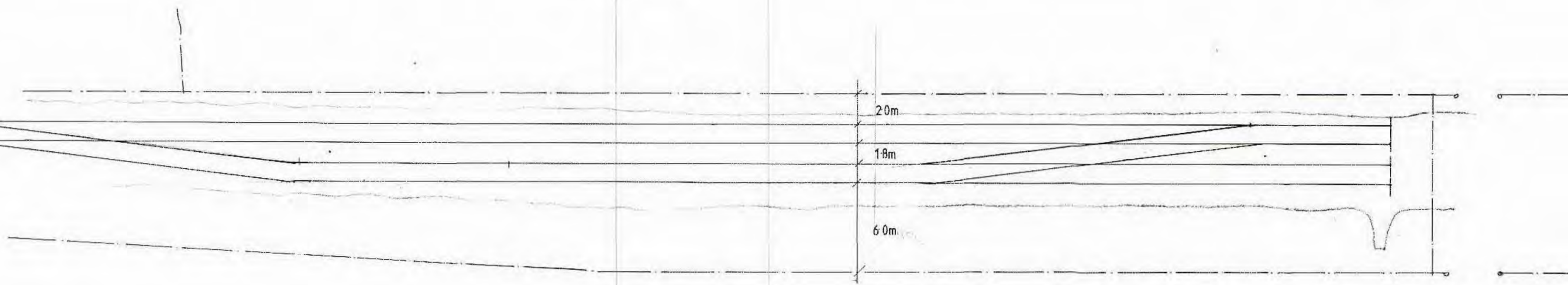


Project	RESTORATION OF STRATHPEFFER TO FODDERTY RAILWAY		
Scale		Drawn	
Date		Checked by	
Drawing No. 1217-1		Revision	8.2.14

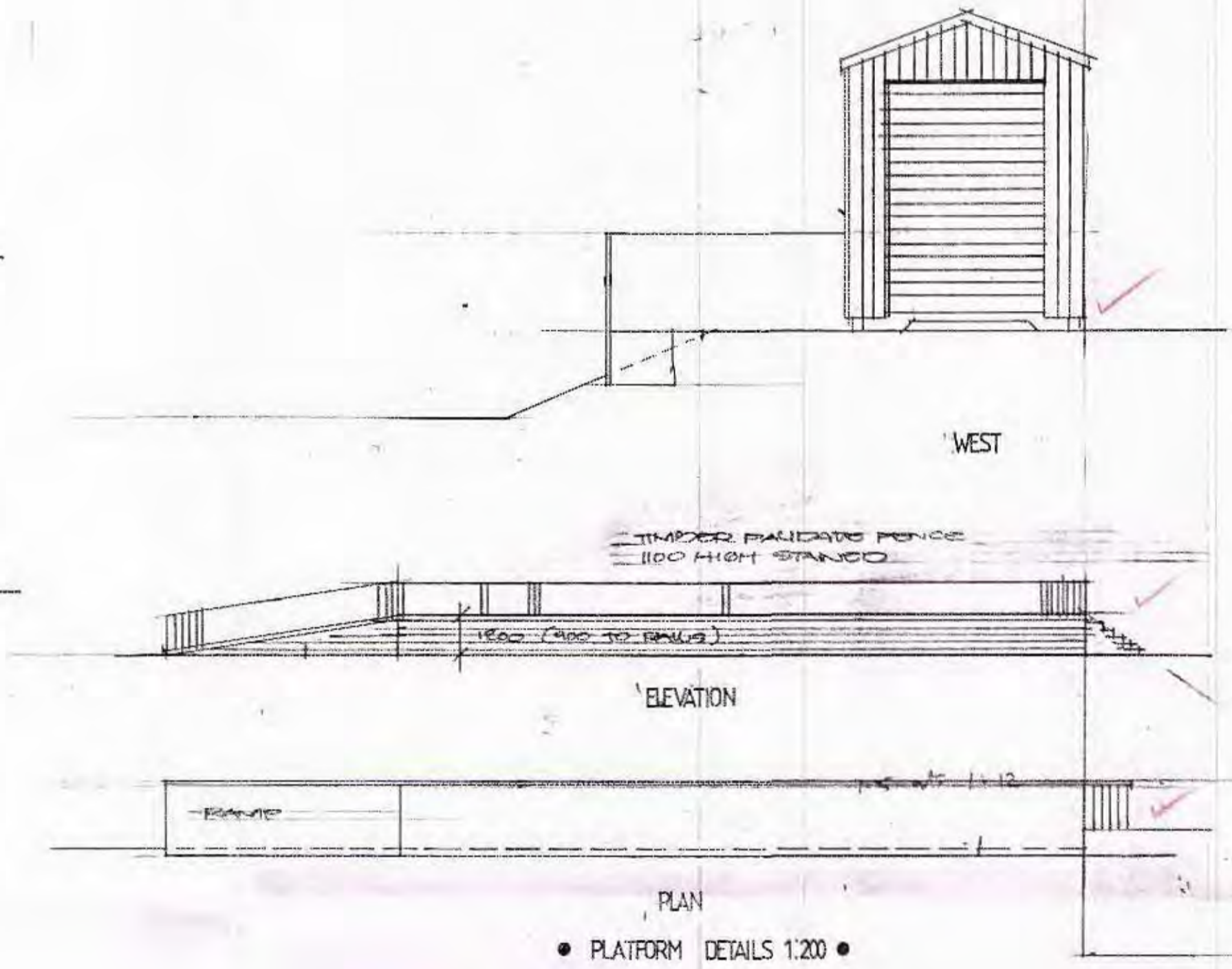




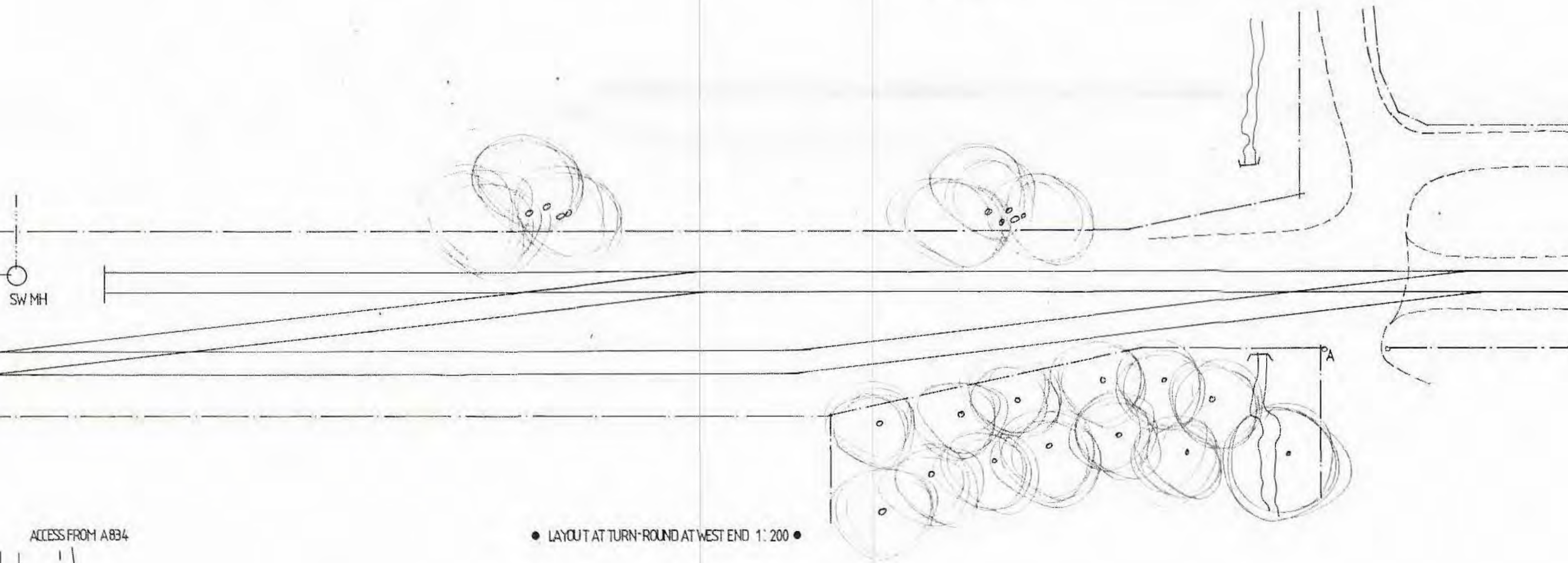
● DESIGN OF LOCOMOTIVE SHED 1:100 ●



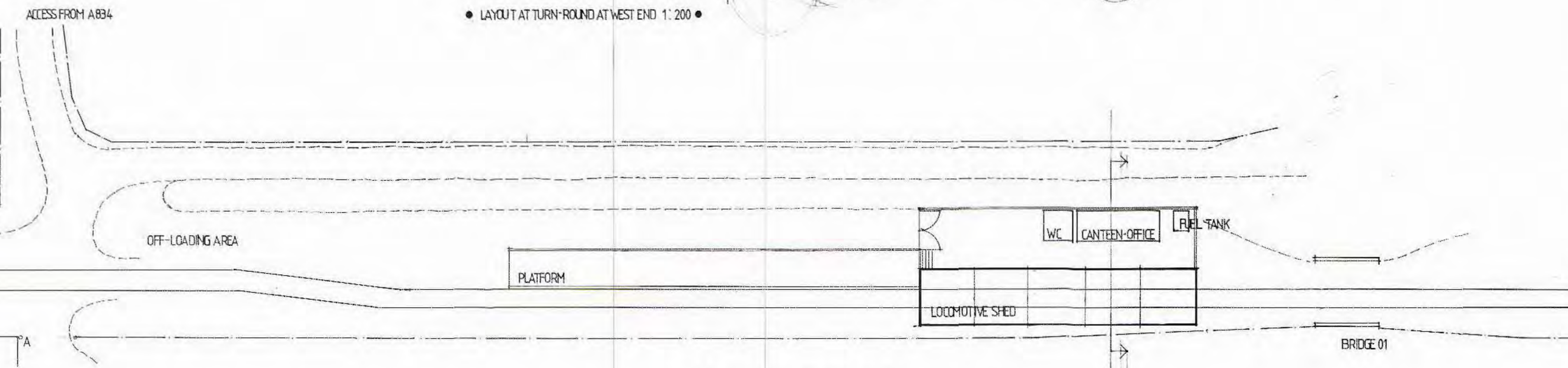
● LAYOUT AT EAST END 1:200 ●



● PLATFORM DETAILS 1:200 ●



● LAYOUT AT TURN-ROUND AT WEST END 1:200 ●



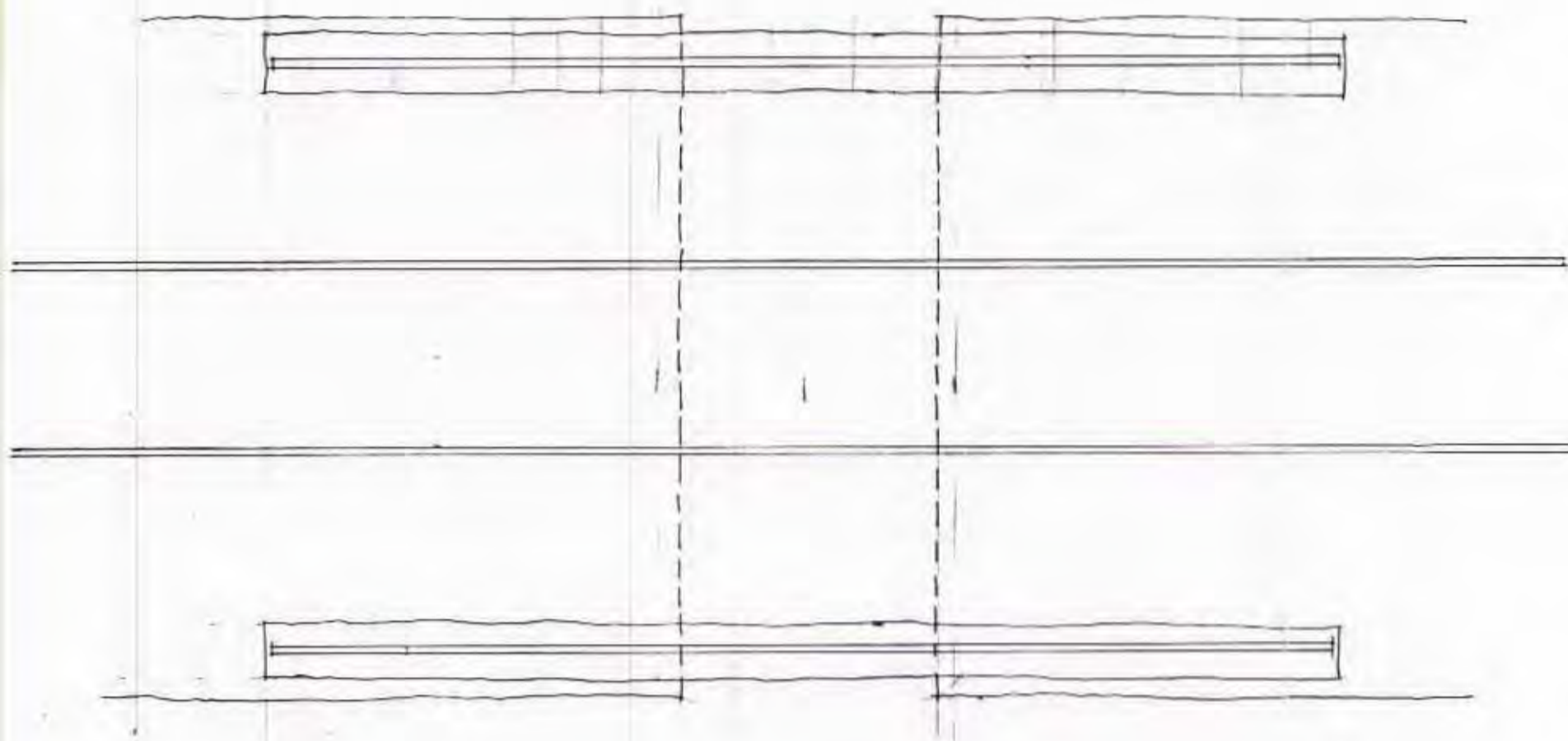
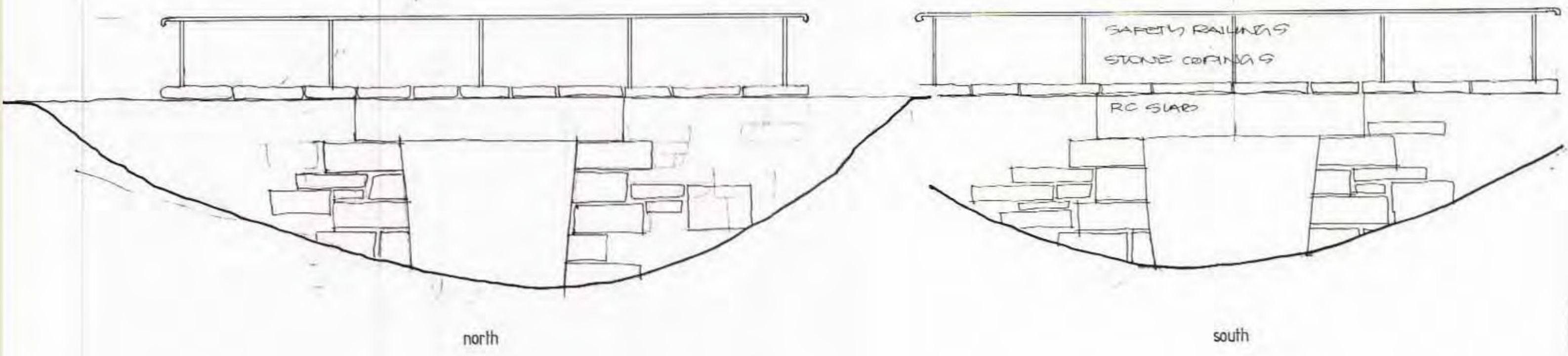
● LAYOUT OF OPERATION BASE 1:200 ●

**DOUGLAS MURRAY**  
A·R·C·H·I·T·E·C·T

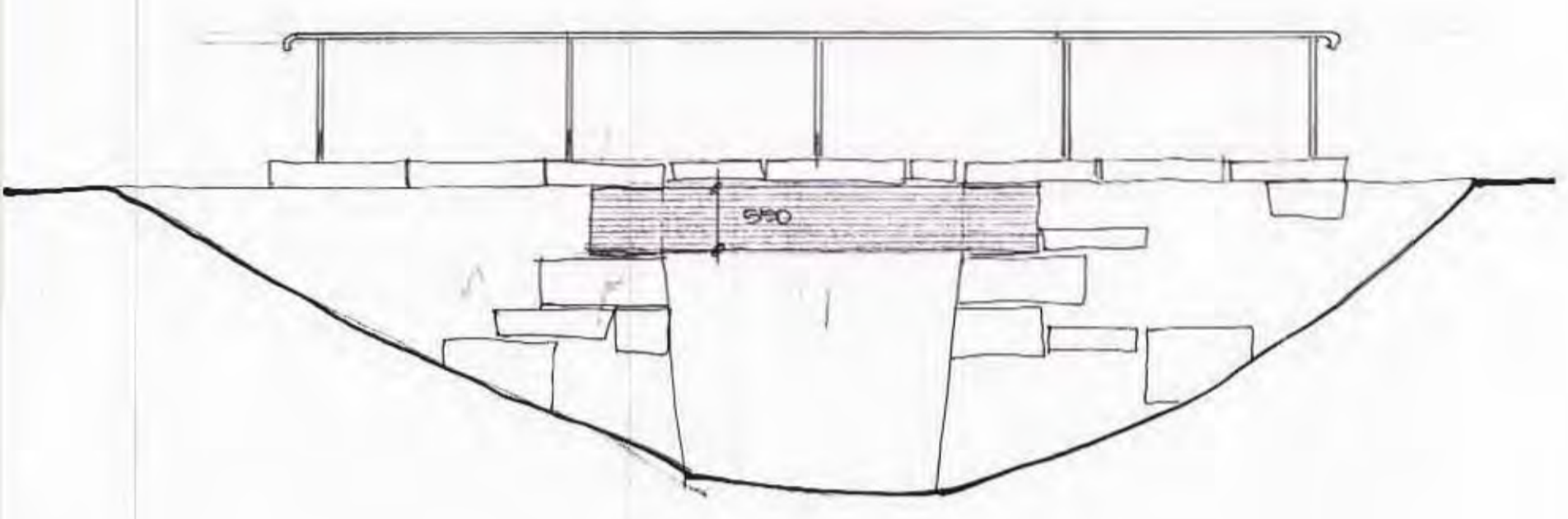
RECEIVED 07 JUL 2013

Project	RESTORATION OF STRATHPEPPER TO FODDERTY RAILWAY		
Scale		Drawn	Checked by
Date		Checked by	Revision
Drawing No.	1217-2		

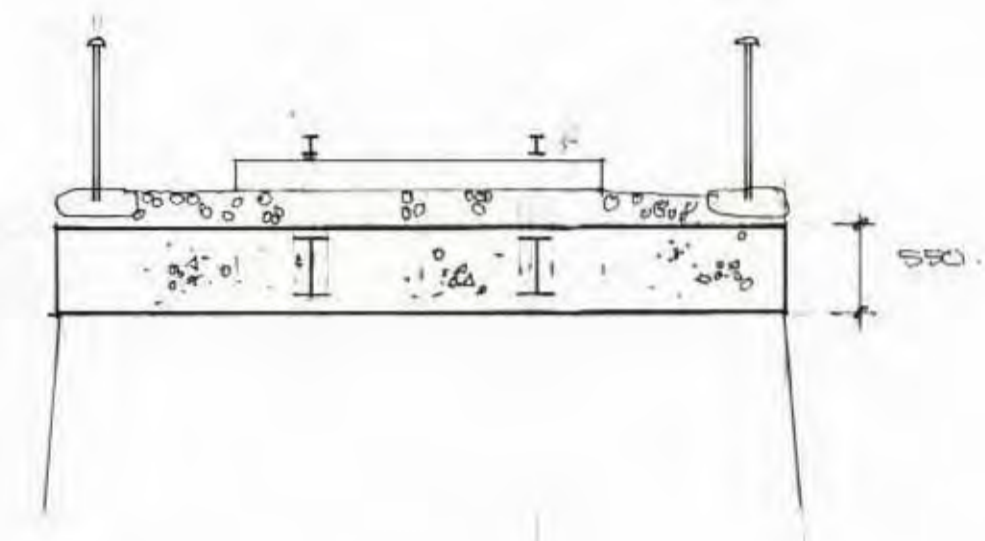
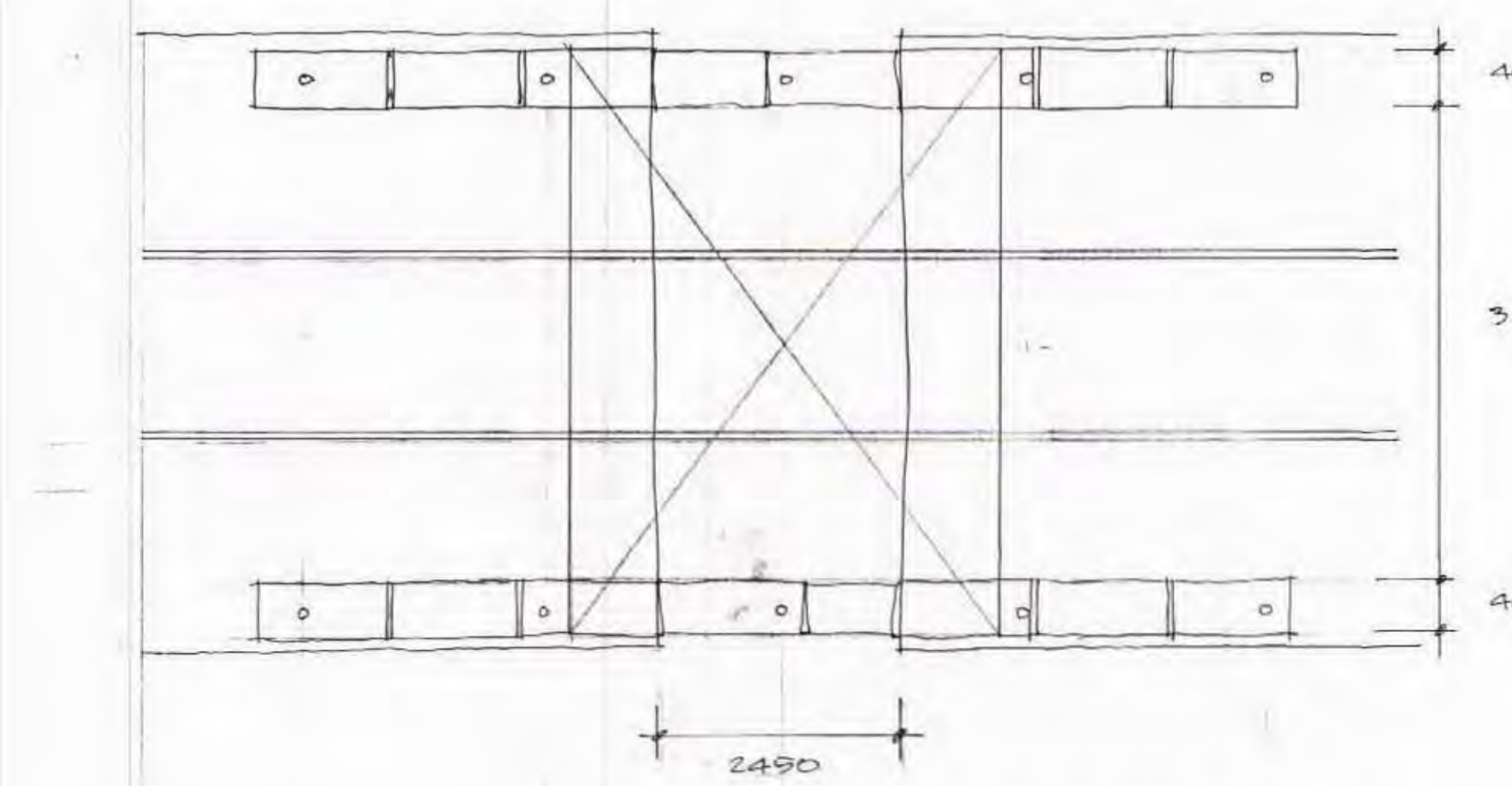




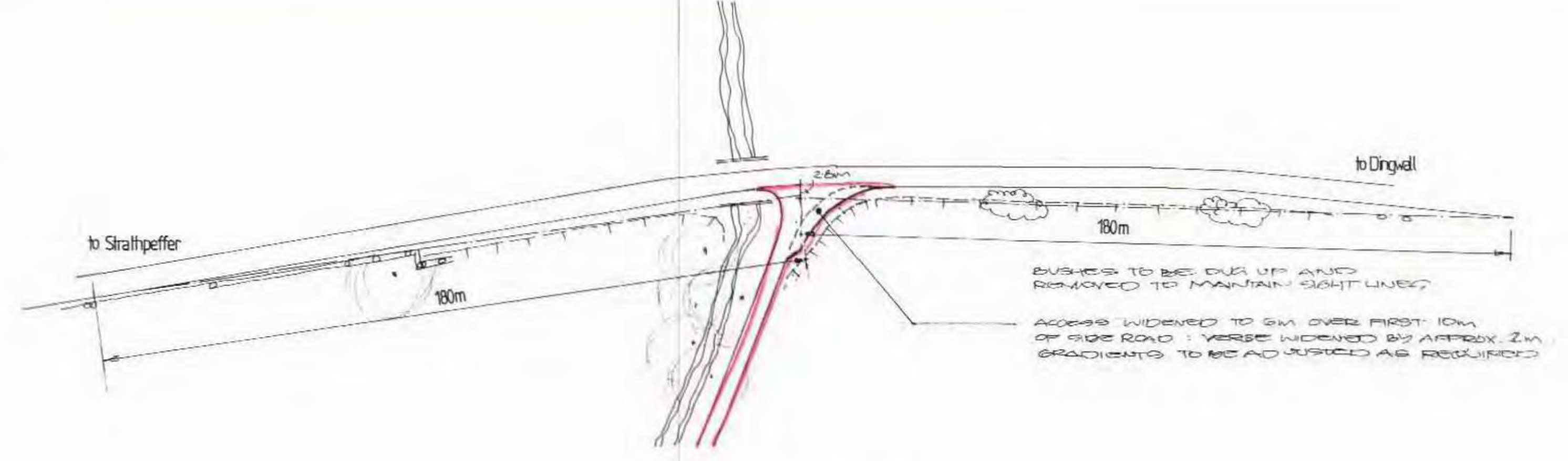
BRIDGES 01  
 RAZE OUT JOINTS IN STONEMWORK AND RE-POINT IN CEMENT-LIME MORTAR  
 LOCATE STONE COPINGS AND RE-LAY AND POINT UP  
 PROVIDE RAILINGS OF 50x12 THICK SHAPED W/1 HANDRAIL ON 38 DIAM. W/1 BALUSTERS LEANED INTO COPINGS  
 SCUM OF BRIDGE CLEANED OUT RC CONCRETE SLAB INTACT



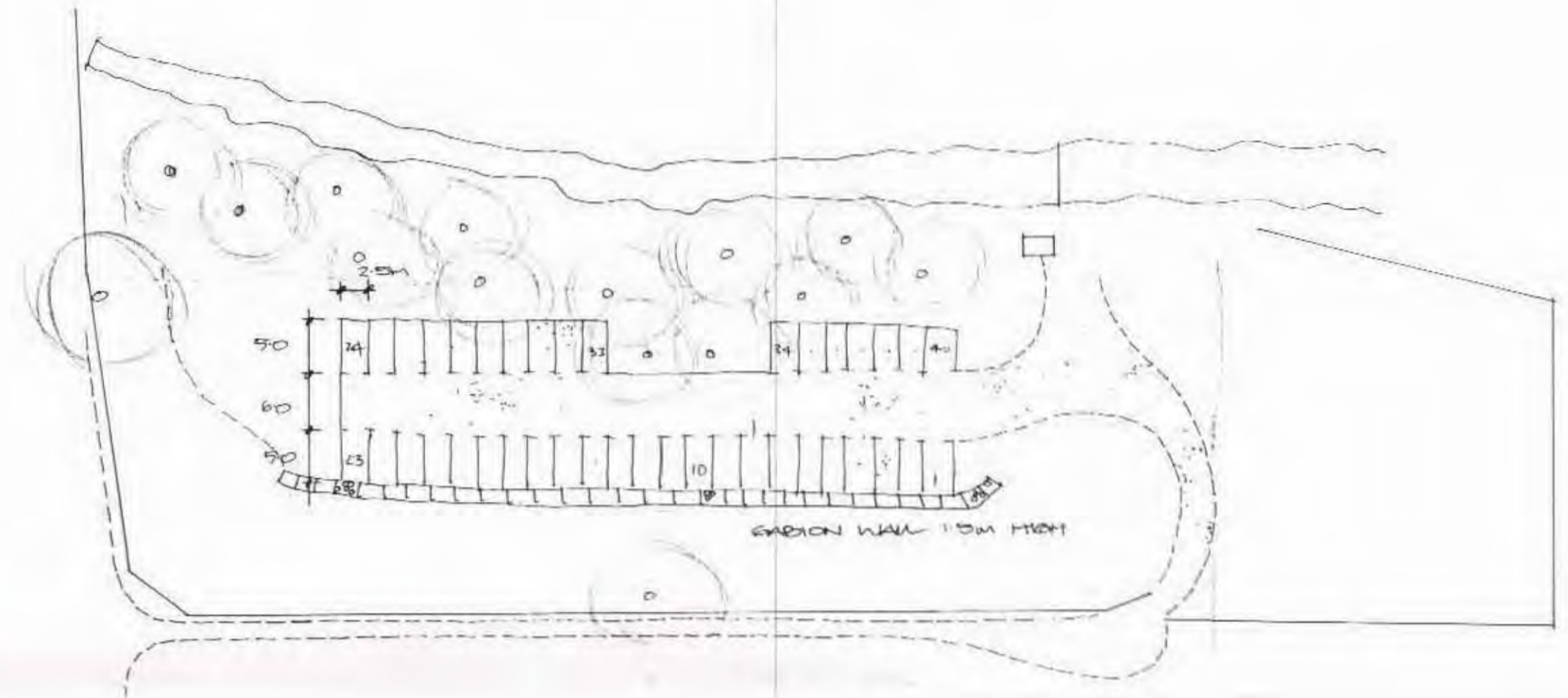
BRIDGES 02 AND 03  
 TAKE DOWN STONE ABUTMENTS, NUMBERING EACH STONE AND RE-BUILD WITH CEMENT-LIME MORTAR: OMIT STONEMWORK FOR AND REINFORCED CONCRETE FLOOR SLAB 850 THICK WITH REINFORCING PER ADVICE OF STRUCTURAL ENGINEER  
 LOCATE STONE COPINGS (DISCARDED ON SITE) AND RE-LAY AS ABOVE  
 PROVIDE RAILINGS AS ABOVE  
 CLEAN OUT SCUM AS ABOVE



• BRIDGES REPAIRS 1:50 •



• SURVEY OF SIGHT-LINES AT ACCESS ROAD 1:1000 •



• STAFF AND PUBLIC CAR PARKING 1:500 •

SPECIFICATION NOTES

- 1 All trees and shrubs on track and between fences to be cut down and roots grubbed up and removed off site.
- 2 Track ballast to be removed and cleaned then replaced or new ballast laid.
- 3 Bridges to be repaired per detail drawings, balustrading to be provided to bridges as detail.
- 4 Rails, sleepers etc. to be provided and fitted in accordance with current regulations and standards.
- 5 All boundary fencing to be repaired or replaced as necessary.
- 6 Ditches and water-courses affecting the track to be cleaned out and/or repaired.
- 7 Accommodation units at Operation Base to be standard Portakabin design, or similar.
- 8 Locomotive shed to be constructed per detail drawing.
- 9 Surface water drainage from Shed to connect to existing water-course via swale, all ground surface finishes to be of percolating design; foul drainage from Toilet Unit to be connected to Scottish Water sewerage.
- 10 2500-litre diesel fuel tank to be bunded design.
- 11 Access road: provide additional passing place as indicated.
- 12 Parking: Excavate out ground and lay hardcore and chippings; construct gabion wall as indicated; provide road planings finish to access to car parking.

12/11/2012



Project	RESTORATION OF STRATHPEFFER TO FODDERY RAILWAY		
Scale		Drawn	
Date		Checked by	
Drawing No. 1217-3		Revision	



