

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
1 March 2016

Agenda Item	6.1
Report No	PLS 011/16

15/04743/FUL : Ardnamurchan Estates Ltd
Land 1290m SW of Dal-Ghorm, Ardtoe, Acharacle

Report by Area Planning Manager - South

SUMMARY

Description : Temporary change of use of forestry to film set and associated works

Recommendation - GRANT

Ward : 22 Fort William and Ardnamurchan

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 objections

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to change the use of an existing area of forestry to allow use of the land as a film set. Two zones have been identified for the likely settlement areas, however no details of any temporary structures to be built have been provided due to the nature of the project. The site extends to approximately 240ha and comprises an area of forestry which is due to be felled and restocked. This has been delayed for a year to facilitate the project.
- 1.2 Informal discussions have taken place with respect to the form and content of the application.
- 1.3 The site is accessed by an existing track (a core path). Composting toilets are to be constructed to serve settlement areas and the production team area is to be served by a septic tank and soakaway.
- 1.4 Supporting statement submitted, together with further information on the detail of the project including protocols, archaeology and tree felling
- 1.5 **Variations:** No variations have been made since original submission.

2. SITE DESCRIPTION

2.1 The site comprises an area of approximately 240ha of mixed woodland at Kentra on the Ardnamurchan Estate. The coastal boundary of the proposed site follows the Ordnance Survey mean high water spring (MHWS). The site is accessed from the end of the public road at Arivegaig where an existing track (Core Path LO01.07 Arivegaig-Gortenfern-Ockle) provides access to a few houses, the Singing Sands at Gortenfern and the adjoining beaches along the coast which form part of the application site. The core path extends some 8 miles to Ockle.

Where the core path leaves the coast and turns west into the forest is where the production team units (eight portable cabins) are to be situated. This area comprises a borrow pit which has recently been used to take material to use on repairing/improving the core path/estate track.

The core path then continues through the forest for approximately one and a half miles towards Gortenfern before branching north for a short section of footpath to the beach. The two beaches closest to Gortenfern (Camas an Lìghe) are not included within the application however the next two beaches to the north east (Cul na Croise) are part of the application site. The beach at Cul na Croise comprises a wide bay with a dune system to the south east, surrounded inland by native (predominantly birch) woodland, before changing into the conifer plantation. The two proposed settlement areas lie within this dune/birch woodland area.

A close boarded fence (approximately 1.8m high) has been erected along the site boundary with the core path and from where the application site leaves the core path and goes through the conifer plantation down to the coast where the fence extends to MHWS. The fence is a mix of close boarded and post and wire along this boundary. At the time of the site visit there were a few openings within the fence line to retain public access.

3. PLANNING HISTORY

3.1 None specific to this site.

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 Development

Representation deadline : 4.2.16

Timeous representations : 10 (8 Against, 1 For, 1 Neutral)

Late representations : 3 (1 Against, 2 For)

4.2 Material considerations raised are summarised as follows:

Against

1. Impact on important sand dunes, coastal heath and woodland
2. Impact on wildlife and habitat, nesting birds and plant life
3. Impact on remote area
4. Area not very remote wilderness and well used by the local community
5. Restrict access between beaches
6. Impose unfair restrictions on local land use and enjoyment of the area
7. Negative impact on tourism

8. Negative impact on local economy
9. Mitigation measures suggested together with supporting environmental studies
10. Pollution of Kentra Bay
11. Risks from residual ammunition in the area
12. Inappropriate fencing, not in keeping with the area, and confusion over position of fencing
13. Concerns over commitment to reinstatement of the area
14. Impact on archaeology

For

1. Financial benefits to local services and individuals
2. Highland-wide financial benefits
3. Local employment
4. Increased tourism

4.3 Applicant's Supporting Information

The applicant/agent have made the following (summarised) points in support of the application:

1. Planning policy supports growth in the creative industry
2. Project will bring significant inward financial investment
3. Jobs and training, both local and national
4. Use of local contractors and suppliers
5. Offer extended services to local schools and community

- 4.4 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Acharacle Community Council** : Advised they were unable to discuss the application at their scheduled meeting and that it would seem inappropriate in the circumstances to ask for a further extension to allow comment. They further advised that the agreed position of the Acharacle Community Council on the whole matter of the KEO Films and Ardnamurchan Estates use of the area in question is one of neutrality.
- 5.2 **Forestry Officer** : Initial objection, however following further information provided this objection has been removed and conditions recommended.
- 5.3 **Historic Environment Team** : Condition recommended regarding walkover survey due to importance of archaeology in the area. A desk based assessment and walkover survey has been completed and the information submitted to the Council's Archaeologist. A mitigation strategy has now been agreed.

- 5.4 **Access Officer** : Has advised there is currently an application for the suspension of public access rights throughout the proposed change of use area. Should this application not be granted, public access should be provided for at recognised routes into the area including the coastal approach from Camas an Lighe.
- 5.5 **Environmental Health Officer** : No objections raised - comments made regarding noise, water supply, staff facilities and construction work.
- 5.6 **Tourism and Film Officer** : Supports the application.
- 5.7 **Scottish Natural Heritage** : No objection, subject to the change of use being restricted to the fence line.
- 5.8 **Scottish Environment Protection Agency** : No objection subject to conditions.

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
30	Physical Constraints
36	Development in the Wider Countryside
51	Trees and Development
52	Principle of Development in Woodland
57	Natural, Built and Cultural Heritage
58	Protected Species
59	Other Important Species
60	Other Important Habitats and Article 10 Features
61	Landscape
65	Waste Water Treatment
72	Pollution
77	Public Access

6.2 West Highland and Islands Local Plan (2010) as continued in force

n/a

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Trees, Woodland and Development

Physical Constraints

Highland Historic Environment Strategy

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014

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 site lies within the wider countryside area as defined by the adopted Development Plan. Accordingly the proposal requires to be assessed in terms of Policy 36 of the Highland-wide Local Development Plan which sets criteria against which development proposals will be assessed. Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. Proposals also require to accord with the other general policies of the plan.

The site lies within the Morar, Moidart and Ardnamurchan National Scenic Area; the site contains areas of ancient woodland of semi-natural origin; and the site borders (and appears to very slightly overlap in the east) the Kentra Bay and Moss Site of Special Scientific Interest (SSSI) and is close to the Sound of Arisaig Special Area of Conservation (SAC). Accordingly, the proposal requires to be assessed in terms of Policy 57 of the Highland-wide Local Development Plan which requires all proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting. For features of national importance this policy allows for development that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance.

Policies 58, 59 and 60 of the Highland-wide Local Development Plan require development proposals to be assessed for their impact on protected species, other important species and other important habitats and features.

8.3.1 Siting and Design

As previously highlighted, it is proposed to change the use of an existing area of forestry to allow use of the land as a film set for a temporary period (18 months maximum, with one year of filming planned). Due to the nature of the project, essentially the setting up of a new community within this 240ha forest for the period of a year, there are unknowns about what structures/facilities the contributors will erect, as the project intends to just observe the community development. The agent has advised there will be 24 contributors as part of the project, all skilled in a variety of professions. Areas have been identified for likely settlement areas. The contributors will have no access to power and with only basic hand tools and supplies, it is anticipated the number and size of structures to be built will be limited. If the change of use application is granted, structures could be built under permitted development rights (providing they are temporary structures to be removed at the end of the temporary filming period). The land involved in the change of use is large and detached from the main settlements; largely screened by trees; is only to be used for a temporary period; and any structures on the land will be removed at the end of the project and the land reinstated. Taking all these points into account, it is considered that any structures associated with the use are likely to be acceptable in terms of siting and design for this temporary period.

8.3.2 Pattern of Development

The creation of a small node of development within countryside is not an unfamiliar pattern of development in this wider area, with the settlements of Arivegaig, Kentra and Ardtoe in the vicinity. Whilst the formation of a permanent settlement would introduce different considerations around longer term impacts, sustainability and servicing, a temporary, limited settlement here to facilitate the project can be supported in terms of the pattern of development.

8.3.3 Landscape Character and Capacity

As discussed in 8.3.2 above, the formation of a permanent settlement in this location would introduce different considerations, including the long term impact on the landscape character of the area. This remote area is enjoyed in particular for its sea views, beaches, dunes and mudflats. Introducing a permanent settlement in this location would raise issues over landscape character. This however is not what has been applied for. This is a small scale, temporary project which can be accommodated within the wider landscape character without significant impact on the character of the area. There will be a change to the more remote aspect of the character as a result of the fencing, particularly the close boarded timber fence sections, and exclusion of public access to part of the area, however this will be over a fairly short time frame and the first two beaches at Singing Sands will remain open to public access.

8.3.4 Development Type

The proposal will not result in the incremental expansion of one particular development type.

8.3.5 Croft Land

The proposal does not affect croft land.

8.3.6 Servicing

Two composting toilets are intended to be built by the contributors to serve the community part of the project and the production team area is to be served by a septic tank and soakaway. Existing vehicular access will be used to serve the production team area.

Following the submission of additional information, SEPA have advised they are now content that the administration area (production team area) is large enough to accommodate the proposed infrastructure and not have negative effects on the water environment. They have requested a condition requiring the administration area to be located at least 6m from the top of the bank of any watercourse, and a condition requiring restoration of all areas disturbed by the proposals.

Water supply for the contributors will be taken from burns within the site and protocols will be in place to ensure the water is boiled before consumption.

No adverse issues are raised by the servicing of this temporary proposal, and there is separate legislation in place to regulate the servicing of the area as a workplace. Environmental Health have made comments in relation to noise from generators (Production Team area) and general low background noise levels. Both the production team area and the settlement areas are significantly detached from noise sensitive properties. Accordingly, specific noise conditions are not considered reasonable in this instance.

8.3.7 Impact on National Scenic Area (NSA)

The proposed area is within the Morar, Moidart and Ardnamurchan NSA.

Scottish Natural Heritage has advised that one of the Special Qualities of this NSA is its "Peaceful, unspoilt and remote" nature. This Special Quality refers specifically to access to the northern Ardnamurchan coast along a series of single track, no through roads, with footpaths leading to the shore. They have advised that normal public access routes remain accessible and are not restricted or closed by construction or filming to ensure that this Special Quality is not affected. The core path and existing access to the Singing Sands will remain as part of the current proposal. Wider public access issues are subject to a Section 11 application under the Land Reform Act and are beyond the scope of this planning application (see 8.4.1 below).

Concerns have been raised over the impact the close boarded timber fence will have on the character of the area and its scenic qualities. The close boarded fence, runs alongside the core path and part way through the woods and down to the beach. Where the fence is beyond 20 metres from any road it is permitted development. Where the fence runs alongside the core path, there is a question over whether it is permitted development (a fence over 1 metre in height, within 20m of a road requires permission under the Class referred to by the applicant). The question relates to the legal definition of a 'road'. In order to ensure that the planning application covers all elements of the proposal, this section of fence has been included in the assessment of the application. (For the avoidance of doubt, if the fence were solely for forestry purposes it would not require planning permission).

The close boarded timber fence along the side of the core path does visually affect the character of the core path, adding a feeling of enclosure and lessening the unspoilt nature of the area. It is however a temporary feature for the duration of the project and the applicant's agent has confirmed that it is intended to remove the close boarded timber fencing at the end of the project. On balance, to facilitate the project, the temporary adverse effect is considered acceptable.

With respect to the visual impacts of the wider project, this is a large area to accommodate a relatively small number of people and associated activities. The scale of the changes/structures likely under permitted development rights if the change of use were to go ahead are considered to be small and acceptable for a temporary period. This is also balanced against the changes already approved under the Long Term Forestry Plan which will see impacts on the area as a result of the felling and restocking of the area.

8.3.8 Impact on SSSI

The application site borders (and partially overlaps in the east) the Kentra Bay and Moss Site of Special Scientific Interest (SSSI), with notified features including mudflats and saltmarsh.

Scottish Natural Heritage has advised that there are natural heritage interests of national importance on the site, but these will not be affected by the proposal provided the temporary change of use area is within the existing fence line. There appears to have been some confusion over the boundary of the SSSI and the application site boundary. The planning application site boundary extends to MHWS, on the eastern side of the site. This overlaps with the Kentra Bay and Moss SSSI which extends from the mudflats at Kentra Bay up to an existing fenceline within the site boundary. However, it has been confirmed that there will be no new fencing along this eastern boundary of the site as a result of the current application, and therefore no works are proposed which would affect the SSSI.

8.3.9 Impact on SAC

The site of this change of use application lies adjacent to the Sound of Arisaig marine Special Area of Conservation which has been designated for the habitat Sandbanks which are slightly covered by sea water all the time. SNH has advised that there are extensive areas of Maerl around the Gorteneorn woodland block and these are sensitive to high levels of sedimentation, high increases in nitrogen and phosphorus and high deposition of organic matter. However, it is unlikely the activities undertaken will generate damaging high levels of sediments, nitrogen, phosphorus and organic matter. The participants will not have access to heavy equipment or tools and they are unlikely to carry out operations which will create high levels of sediments to be deposited in the water column.

SNH has further advised that foul waste will be deposited on land and although there is no formal soak-away, the amount of waste likely to seep into the water environment will be minimal provided there is a significant physical distance between the sea and waste disposal point. The natural soil ecosystem should be enough to lower nitrate, phosphate and organic matter levels. It is unlikely that the number of participants, who are living a fairly basic level of living – i.e. not using high levels of artificial detergents and bactericides etc. – will produce enough effluent to overwhelm a system of disposing of waste over a wide area.

Further, the high levels of dilution which will be experienced once any resultant liquor enters the water will not be enough to raise nitrogen, phosphorus and organic matter levels. SNH therefore consider it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly.

8.3.10 Impact on Woodland

Large parts of the site are listed in the Ancient Woodland Inventory (AWI) as Ancient semi-natural woodland and Long established semi-natural origin woodland. These are listed features of national importance under Policy 57 of the Highland-wide Local Development Plan. Under this Policy the Council will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. It must also be noted that much of the AWI areas have been planted with commercial conifers which can significantly reduce the ecological value of the area.

The Council's Forestry Officer has advised that within the site boundary there is predominantly commercial conifer woodland with some areas of birch woodland and occasional oak. The commercial conifers are under a Long Term Forest Plan (LTFP) through the Forestry Commission which runs out in December 2016. It is the intention for the Estate to postpone felling of the existing 2016 agreed areas until the completion of filming in 2017. It is also the intention of Ardnamurchan Estates to fell the remaining commercial conifers in this area after the filming, subject to the approval of a new Forest Plan, as this area is now at maturity. The existing LTFP shows significant areas of commercial forestry to be cleared in the upcoming year and also shows an intention to convert the woodland area from conifer to long term retention of mixed broadleaves as the conifers are gradually felled out. It should be noted that the existing broadleaves within the site are currently marked in the LTFP as long term retention.

It is accepted that the commercial conifers are to be felled under a LTPF therefore there is no objection to the felling of commercial conifers as part of the proposed project. The felling of any oak was excluded by the applicant's original felling protocol. The Forestry Officer did however have concerns over the potential felling of birch as part of the project. Following consideration of the issues raised by the Forestry Officer the applicant has amended their felling protocol to exclude live birch in addition to already excluded oak. Conditions are recommended.

8.3.11 Impact on Wildlife, Habitat and Protected Species

Concerns have been raised by third parties over the impact the introduction of a community into this area will have on existing habitat, the important dune system, and wildlife/birds using the area.

Scottish Natural Heritage has been consulted and has not raised objections to the proposal.

There are no specific designations on the land, beyond the National Scenic Area, Ancient Woodland, and a small section of SSSI as discussed elsewhere within the report.

This does not mean there are not other nature conservation interests in the area. The area of the change of use extends to approximately 240ha and the project intends to introduce 24 people into the area. An area of this size, in this location, will almost certainly feature protected species; bats, otter, sea eagle and possibly wildcat. However it is considered that the scale and nature of the activities introduced by the change of use would in themselves not significantly affect these species. Users of this area would still be bound by the Habitats Regulations and failure to adhere to these Regulations would be an illegal activity. This would include general use of the area and the building of any structures under permitted development rights. The difficulty with this project is the unknown nature of what the programme contributors may seek to construct on the land under permitted development rights. Under the Habitats Regulations the programme contributors would be required by law to avoid damage or disturbance to protected species and their habitats. This will be a management issue for the Production Company and the individual programme contributors, together with Scottish Natural Heritage. An informative is proposed to bring this to the Production Company's attention.

The Production Company and the individual programme contributors also have a responsibility to protect all wild birds, their nests and eggs under the Nature Conservation (Scotland) Act 2004. It is therefore recommended that a protocol regarding wild birds is agreed and that the Production Company liaise directly with Scottish Natural Heritage in terms of their responsibilities under the Nature Conservation Act. An informative is proposed to bring this to the Production Company's attention.

8.3.12 Impact on Archaeology

The Council's Archaeologist advised that this area has been occupied extensively in the past and is recorded as being the site of at least two battles. The HER records traces of both Mesolithic and Bronze Age occupation that have been identified eroding out of the sand dunes behind Cul na Croise and it is expected that further remains lie buried in this area. It is assumed that any structures that may be built as part of this film set will be low-impact and temporary. However, it is also assumed that a degree of manual surface levelling would be expected for any structures built on the exposed dunes (for example in the southern area marked as a possible occupancy site). As there may be archaeological sites and artefacts contained within the dunes that would be impacted by this development, the Archaeologist recommended that a survey is carried out in advance of the start of development/filming and recommended a condition to secure this.

A desk based assessment and walkover survey has been completed and the information submitted to the Council's Archaeologist. A mitigation strategy has now been agreed. It is proposed that the archaeological contractor takes the applicant to the prehistoric sites (Sites 3-6) to provide information about the archaeological background and potential buried features and artefacts that could be present. A protocol would be established to allow staff on site to look out for significant archaeological remains or artefacts being found during filming and report them as necessary. A further visit by the archaeological contractor following filming will check for anything that may have been unknowingly uncovered during the project. The artefacts identified during the recent (and future) survey will be analysed and a report produced.

This work is all covered by the archaeological condition originally recommended.

8.4 **Material Considerations**

8.4.1 Public Access

The Council is currently dealing with a separate application to exempt this land from access rights (under Section 11 of the Land Reform (Scotland) Act 2003). The extent of the land applied for under the Section 11 application is larger than that applied for under the planning application, however it is understood that the Section 11 Order is to be amended to reduce the area to reflect that in the planning application, namely by removing the parcel of land at Gortfern and excluding the beaches along the coast by amending the boundary to Mean High Water Mark. Issues raised relating to the temporary removal of public access rights are being considered under the Section 11 application and do not require further consideration under the planning application. At the time of writing, the Section 11 Order is being considered by Scottish Ministers.

8.4.2 Tourism

In addition to the issues discussed above, concerns have been raised from objectors over the impact on tourism as a result of the proposals, both short and long term. This includes the uptake of bed spaces by crew limiting access for accommodation for tourists; the impacts on visitors returning if access to this important area is restricted; and the impact the development would have on wildlife tourism which is extremely important to the area. Issues around public access and impact on wildlife and habitats are discussed above. The impact on the tourist industry in the area is harder to quantify, and information has been received from other parties and consultees which counters the objectors' views. As highlighted by the Council's Tourism and Film Officer, a place being featured in film or television plays a large part in the promotion of the Highlands as a place to visit (25% of visitors are influenced to visit an area by having seen it as a film location, therefore they would expect a production such as this to give an increased profile to the area). Taking into account that the disruption to public access will be short term (18 months maximum); that the access to the beaches will largely remain (although restricted at Cul na Croise); and the likely benefits to the area as a result of the project, it is considered, on balance, that the proposal is unlikely to affect tourism in the area to its detriment.

8.4.3 Health and Safety

The beaches in the area were used for commando training during the Second World War and, although work has previously been undertaken to remove munitions, it is understood there is still the possibility of further munitions being uncovered due to the nature of the area (moving sand). The agent has provided a copy of the protocol to be given to the contributors in respect of munitions.

Although not directly a material planning consideration, a copy of the film company's draft Risk Assessment has been provided in support of the application.

8.4.4 Site Restoration

Support for this application would only be on the basis of a temporary period, and on the basis that anything built on the land would be removed at the end of the project. Conditions are therefore proposed limiting the length of the permission and securing reinstatement of the site. To aid the second of these conditions, a further condition is proposed requiring a photographic survey of the beach, dunes and proposed settlement areas.

The applicant for this proposal is Ardnamurchan Estates who own the land and are leasing the land to the KEO Films for the duration of the project. Information has been provided relating to the draft lease, which is proposed to include an agreement for KEO Films to restore the site at the end of the project. It is in the applicant's interest to ensure a restoration clause within the lease, as, if the site is not satisfactorily restored at the end of the project, the remediation of any breach of condition/enforcement action would ultimately be the responsibility of the landowner.

8.5 **Other Considerations – not material**

As part of the letters of representation a number of issues were raised that are not material to the consideration of the application; namely, questions over the application being a foregone conclusion due to statements/language used by the applicant; questions raised over the reason for the area being chosen by the film crew; uncertainty over the delivery of the financial benefits highlighted in the supporting statement; and questions over the financial position of the film company.

Where the financial matters are material, they are considered above.

8.6 **Matters to be secured by Section 75 Obligation**

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 N

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

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 1 September 2017 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission.

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

2. No later than 1 May 2017 full details of a scheme for restoring the application site to its condition prior to the temporary development being carried out, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

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

3. The change of use hereby approved shall not take effect until a photographic record of the beaches at Cul na Croise within the application site, the associated dunes, and the two identified settlement areas (shown in pink on the approved plans) has been submitted to, and approved in writing by, the Planning Authority.

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

4. For the duration of the planning permission hereby approved, the users of the site shall fully adhere to the agreed felling protocol titled "Tree Felling Protocol for KEO Films Lease of Gorteneorn Forest Area" dated 9 February 2016.

Reason : In order to protect the broadleaf woodland within the Ancient Woodland designation and to secure its long term retention as part of the Long Term Forest Plan.

5. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason : In order to protect the archaeological and historic interest of the site.

6. The Production Team area (administrative area) shall be located at least 6 metres from the top of the bank of any watercourse.

Reason : In order to protect the water environment.

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.

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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.

Environmental Health

1. In view of the existing background noise levels being extremely low, the operation of the facility upon completion must not result in any significant increase in background noise levels likely to affect nearby noise sensitive receptors.
2. Specifically, noise from the operation of generators and other apparatus will require to be kept within a level that will not result in nuisance to occupiers of neighbouring properties.
3. The premises, when complete, must be served by the public water supply or, if the public supply is not available, a private water supply which will ensure a sufficient constant supply of wholesome water to the premises.

Where it is proposed to connect to a private water supply, the supply must incorporate a means of purification that will be adequate to sustain its wholesomeness. A specification for the supply, including descriptions of the source, distribution pipework and purification equipment, must be submitted to Environmental Health for approval prior to commencement of works.

4. Any catering or staff canteen facilities being provided at the compound will require to be registered with The Highland Council, Environmental Health department 28 days prior to operating. The Food Business Registration form is available on the Council's website.
5. Any 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).

Protected Species - Ground Nesting Birds

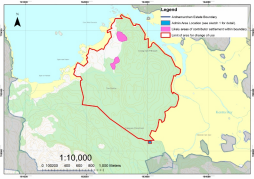
Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. It is recommended that a protocol regarding wild birds is agreed and that the Production Company liaise directly with Scottish Natural Heritage in terms of their responsibilities under the Nature Conservation Act. www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Protected Species

You must ensure 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 (including guidance on identifying their presence) and should be made aware of all applicable legal requirements (including responsibilities and penalties for non-compliance).

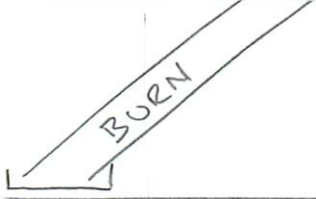
It is recommended that initial protected species surveys of the likely settlement areas are undertaken in order to inform the landowner and users of the site of any specific features to avoid to ensure they adhere to the Habitats Regulations and the Nature Conservation Act and to ensure that permitted development rights are not affected by Regulations 60-63 of the Habitats Regulations 1994.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Susan Macmillan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Fencing and Servicing Plan





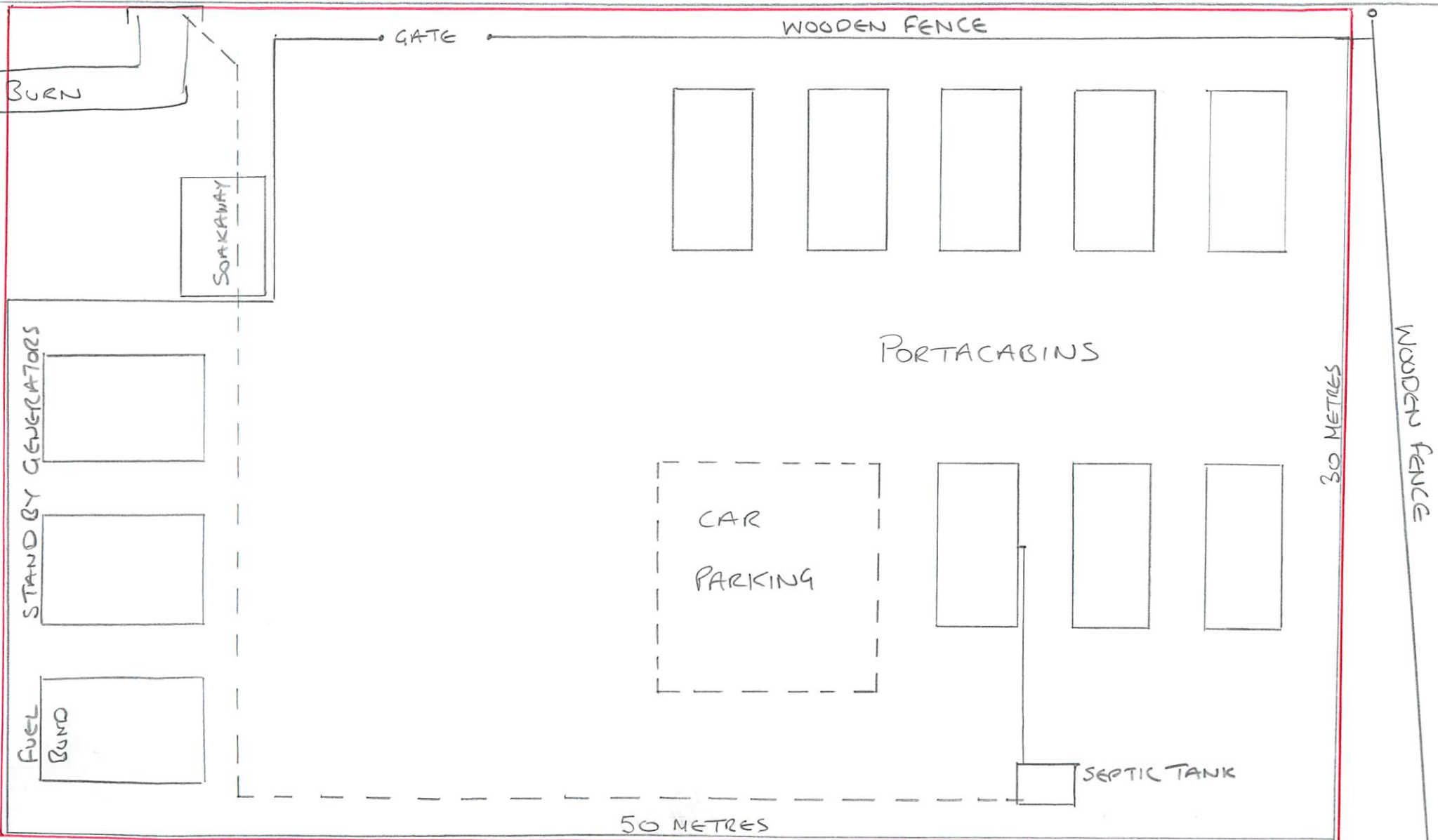
SKETCH 1 - ADMIN AREA



PEDESTRIAN GATE

FOREST TRACK

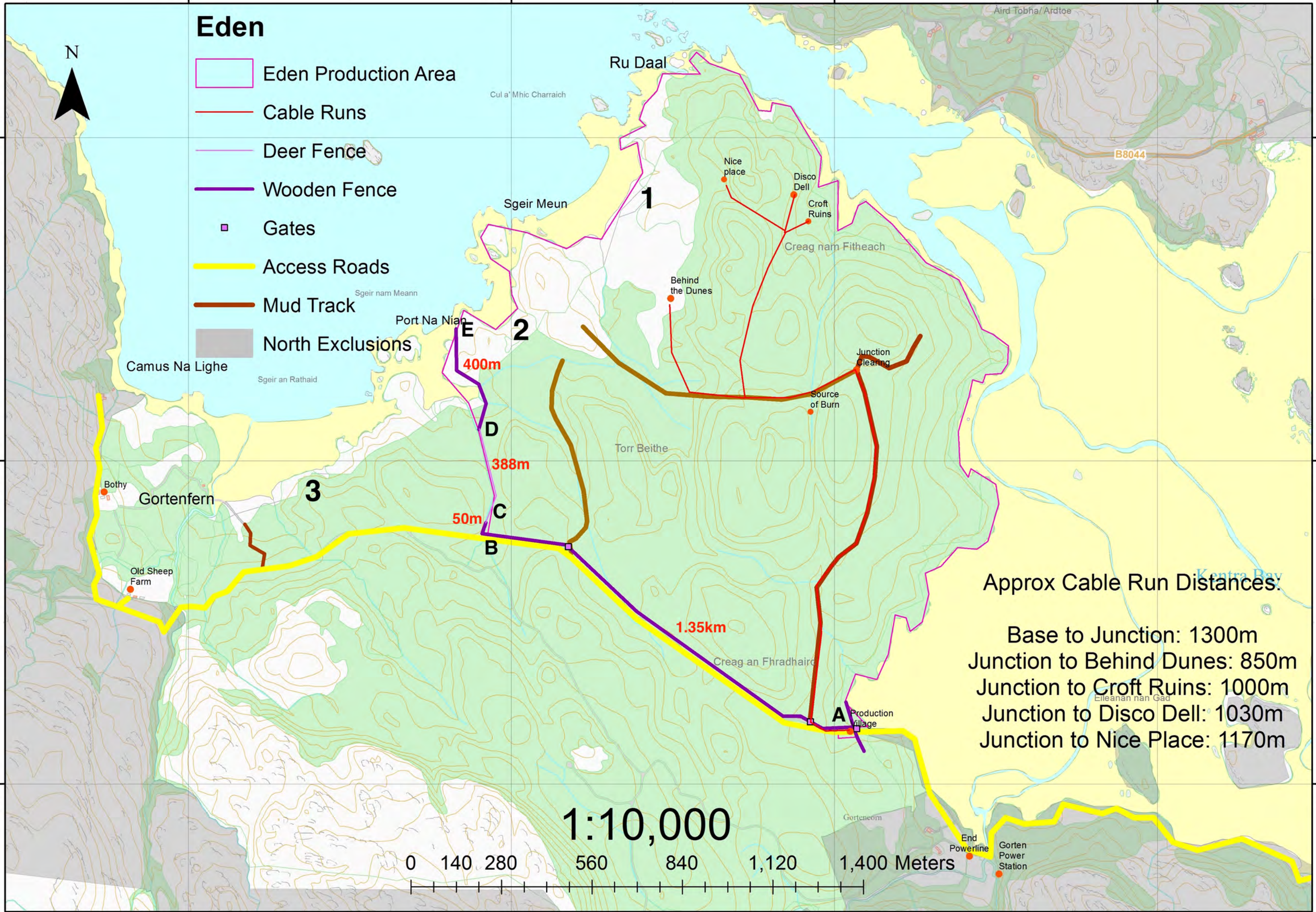
VEHICLE GATE



SCALE: 1CM = 2METRES

Eden

-  Eden Production Area
-  Cable Runs
-  Deer Fence
-  Wooden Fence
-  Gates
-  Access Roads
-  Mud Track
-  North Exclusions



Approx Cable Run Distances:

- Base to Junction: 1300m
- Junction to Behind Dunes: 850m
- Junction to Croft Ruins: 1000m
- Junction to Disco Dell: 1030m
- Junction to Nice Place: 1170m

1:10,000

0 140 280 560 840 1,120 1,400 Meters