

Agenda Item	<b>6.4</b>
Report No	<b>PLS-64-23</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 22 November 2023  
**Report Title:** 21/03060/FUL: Dipper Development Ltd.  
Land 35m North of Birdston, Kirkhill  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Change of use of site from storage and distribution (Landscaping and construction operations (class 6)) and office (class 4) to include storage and distribution for leisure equipment including caravans, campervans, boats and kayaks

**Ward:** 12 – Aird and Loch Ness

**Development category:** Local

**Reason referred to Committee:** Community Council objection

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.

### **Recommendation**

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to change the use of the site which is currently limited to storage and distribution associated with existing landscaping and construction operations, along with an office on site, to include storage and distribution for leisure equipment including caravans, campervans, boats and kayaks within the site. There is minimal proposed alteration to the existing site beyond the updated parking arrangements.
- 1.2 There is an existing access to the C1102 public road.
- 1.3 Pre-Application Consultation: Discussion with Area Planning Manager on site on 15.04.2021 prior to submission of application.
- 1.4 Supporting Information: Visibility splays, indicative car parking layout, Flood Risk Statement.
- 1.5 Variations: None

## 2. SITE DESCRIPTION

- 2.1 The site is located approximately 1km south of Kirkhill. It is flat and to the west side of a burn. There is an existing storage building on site as well as a chalet style building used as an office located just to the north of it. Access to the site is from the south from an existing access from the C1102 public road that continues onto the A832 Inverness to Beaulieu road to the north. There are houses to the southern and southwestern edges of the site. The site is within an area of fluvial flood risk.
- 2.2 There is an established use for the site as a landscaping business and construction company, Dipper Developments, at the location since 2007. The yard area and storage building have been used for the storage and distribution of vehicles, equipment and machinery in relation to these businesses (landscaping business and construction company). This was confirmed a Certificate of Lawfulness for an Existing Use (19/04626/CLE).

## 3. PLANNING HISTORY

- |     |            |   |                           |
|-----|------------|---|---------------------------|
| 3.1 | 25.02.2020 | 19/04626/CLE: Existing use of land and buildings for storage & distribution (landscaping and construction operations) and associated Class 4 office | Certificate of Lawfulness |
| 3.2 | 29.03.2019 | 19/00475/PIP: Erection of house   | Application withdrawn     |
| 3.3 | 29.03.2019 | 19/00476/PIP: Erection of house   | Application withdrawn     |

3.4	21.04.2019	15/04642/FUL: 3 house plots	Planning Permission Granted
3.5	13.01.2005	04/00053/OUTIN: Erection of 6 houses and garages (revision to proposal submitted under planning ref 03/00817/OUTIN)	Outline Planning Permission Granted
3.6	26.01.2004	03/00817/OUTIN: Erection of 9 houses and garages	Application withdrawn

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development and Unknown Neighbour

Date Advertised: 23.07.2021

Representation deadline: 06.08.2021

Timeous representations: 3 representations against (from 3 households)

Late representations: 1 additional representation against (from one of the households noted above)

4.2 Material considerations raised are summarised as follows:

- a) Does not accord with the Development Plan;
- b) Inappropriate access, parking and turning arrangements;
- c) Increased vehicle movements;
- d) Adverse impact on neighbour amenity;
- e) Over development;
- f) Noise;
- g) Lighting;
- h) Fire risk.

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).

#### 5. CONSULTATIONS

5.1 **Kirkhill and Bunchrew Community Council** – Object.

- Rural site unsuitable for semi-industrial use;
- Inappropriate access;
- Increased vehicle movements.

5.2 **Flood Risk Management Team:** No objections following the submission of the flood risk statement. They consider that the proposed development is unlikely to lead to a significant increase in flood risk. FRMT does not accept the claimed benefits from

the informal flood barrier. Note that there may be an element of commercial risk should significant flooding occur.

- 5.3 **Transport Planning Team** object. Note that the Certificate of Lawfulness of an Existing Use (19/04626/CLE) was issued for storage and distribution relating to landscaping and construction operations and an associated office. Further clarification by the applicant gave examples of typical operations that would take place including sorting gravel into bags, storing plant, machinery and landscaping and construction materials such as scaffolding and roof trusses. No evidence has been provided regarding the number of vehicles/plant currently stored on or accessing the site.
- 5.4 From previous discussion the applicant has confirmed that they can only guess at the number of trips that this proposed site may generate and that due to the variations in sizes of caravans, campervans, boats and kayaks etc. they are unable to confirm the number that would be stored on site.
- 5.5 The Transport Planning Team consider that the current proposal to store caravans, campervans, boats and kayaks etc. will generate significantly more vehicular trips than the current use. It is concerned that the C1102 public road is not suitable for the considerable increase in traffic that this development would create and the impact it would have on vulnerable road users such as pedestrians, cyclists and equestrians.
- 5.6 The C1102 public road is an evolved road that is not built to the current standard of modern roads both in terms of structural integrity and width and the transport impacts from a large-scale development such as this are likely to exacerbate the degradation of the road. Increases in traffic, especially large vehicles and HGV's are the primary cause of road edge deterioration which sets in motion the continued deterioration of the road as drainage features and over-edge drainage are compromised and the road edges continue to weaken and crumble. Photographs provided by the applicant show that the verge opposite the access has been damaged by vehicles which verifies the concern of the Transport Planning Team that verges on the C1102 public road are deteriorating due to verge overrun as the width of the road is substandard.
- 5.7 Additionally, the C1102 public road forms part of a network of lightly trafficked rural roads which are popular with cyclists, walkers and equestrians. Any increases in traffic volumes will be detrimental to them in terms of road safety. Furthermore, in collisions with HGV's and larger vehicles, injuries to cyclists and pedestrians are far more serious than from cars.
- 5.8 The visibility splay drawing provided does not show the locations of any trees, fences, hedges or vegetation. However, one of the photographs provided clearly shows that the visibility to the southeast is restricted by vegetation and there is a fence in the splay to the north. Appropriate visibility splays in line with Highland Council guidance are to be delivered and the access to the site shall be designed as per an SDB2 service bay.

- 5.9 Photographs provided show that the access road is not surfaced. The first 6 metres of the access shall be surfaced with bituminous materials to prevent any debris being dragged onto the public road.
- 5.10 The Transport Planning Team consider the proposed development is at odds with the rural nature of the area and is more suited to a site that is served by a more appropriate road network that is designed for access by HGV's and other large vehicles. They consider the potential volume and type of additional vehicles that this development will generate will exacerbate and speed up damage to the C1102 public road and increase the risk of injury to vulnerable road users.

## **6. DEVELOPMENT PLAN POLICY**

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Inner Moray Firth Local Development Plan, 2015 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

### **National Planning Framework 4 (NPF4) 2023**

- 6.2
- 1 – Tackling the climate and nature crises
  - 2 – Climate mitigation and adaptation
  - 3 - Biodiversity
  - 14 – Design, quality and place
  - 22 – Flood risk and water management
  - 26 – Business and industry
  - 29 – Rural Development

### **Highland-wide Local Development Plan (HwLDP) 2012**

- 6.3
- 28 - Sustainable Design
  - 29 - Design Quality & Place-making
  - 41 – Business and Industrial Land
  - 42- Previously Used Land
  - 64 - Flood Risk

### **Inner Moray Firth Local Development Plan IMFLDP (2015)**

- 6.4 None

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

- 7.1 Roads and Transport Guidelines for New Developments (May 2013)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Sustainable Design Guide (Jan 2013)

## **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.

### **Determining Issues**

- 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.

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) Compliance with the development plan and other planning policy;
  - b) Access, parking and turning arrangements;
  - c) Vehicle movements;
  - d) Impact on amenity;
  - e) Flood risk
  - f) Any other material considerations.

### **Development plan/other planning policy**

- 8.4 The proposal requires to be assessed against the National Planning Framework 4 (NPF4) and the Highland-wide Local Development Plan (HwLDP).
- 8.5 NPF4 Policies 1 to 3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.
- 8.6 A number of policies relate to the proposal. Policy 26 Business and Industry supports proposals that encourage, promote and facilitate business and industry uses. This has to be balanced against Policy 14 Design Quality and Place which supports proposals that encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach. Given the location, Policy 29 Rural Development is relevant, this supports rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function are safeguarded and enhanced. This includes support for the reuse of brownfield land and unused buildings. Policy 22 Flood Risk and Water

Management is also relevant with the aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

- 8.7 In terms of HwLDP, the application requires to be assessed against Policy 28 Sustainable Design which aims to ensure that development is sustainable and lists the criteria against which proposals shall be assessed. Of particular note to this proposal is the use of brownfield sites and existing buildings, impact on individual and community residential amenity, demonstrate sensitive siting and high quality design in keeping with local character.
- 8.8 Policy 29 Design Quality and Place-Making requires new development to be designed to make a positive contribution to the architectural and visual quality of the area. Furthermore, development proposals must demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts of their proposals.
- 8.9 Storage and distribution facilities are acceptable where they are located on existing or allocated industrial land, provided they meet a number of criteria including the suitability of the local road network and of the site access to accommodate the nature and volume of traffic likely to be generated by the proposed development, and compatibility with surrounding existing and allocated land uses.
- 8.10 Having said that, the Development Plan directs this type of activity to existing business and industrial sites. The proposal would therefore not appear to accord with Policy 41 of the Highland wide Local Development Plan in this regard. Having said that, Policy 41 can support development outwith such sites where the need can be justified. There is an established use as a landscaping business and construction company since 2007 with the site used for the storage and distribution of vehicles, equipment and machinery in relation to these businesses. This was confirmed through the previous application for a Certificate of Lawfulness for an Existing Use (19/04626/CLE). Previously, it is noted that the wider site had some historic use by Wester Ross Salmon as an operational base.
- 8.11 The opinion of the Kirkhill and Bunchrew Community Council, and other third parties, that the rural location is unsuitable for the business and industrial use, and not complying with Development Plan policy in this regard, is noted.
- 8.12 Policy 41 refers to proposals for new business and industrial development on sites and other land already allocated for or accommodating an existing employment use. Although the site is not allocated for such use, the recent Certificate of Lawfulness, and the previous historical use, suggest that the land has effectively become a business/industrial site.
- 8.13 Policy 42 identifies support for proposals that bring previously-used land back into beneficial use, provided that the site is in a condition suitable for the proposed development.

- 8.14 On this basis, it is considered that the proposed use of the site – for a change of use of site from storage and distribution (Landscaping and construction operations (class 6)) and office (class 4) to include storage and distribution for leisure equipment including caravans, campervans, boats and kayaks etc – generally accords with Policy 42 of HwLDP and Policy 29 of NPF4, as it would consolidate the land use previously confirmed through the legal certificate, and extending this use to also include the use of this land for the storage and distribution of leisure equipment. The physical condition of the land is assessed as easily accommodating this proposed use, and without detriment to it, or the surrounding land uses.
- 8.15 Subject to there being no significant detrimental impact on local amenity, the environment or infrastructure, the proposal could be supported by the Development Plan.

### **Access, parking and turning arrangements**

- 8.16 Representations from Kirkhill and Bunchrew Community Council and third parties raise concerns regarding the existing site access along with the proposed parking and turning provision within the site.
- 8.17 Transport Planning has indicated that it considers the existing access from the C1102 public road to be inadequate. It notes that the submitted visibility splay drawing does not show the locations of trees, fences, hedges or vegetation, and consider that the visibility, particularly to the south east, is restricted, with further vegetation, and a fence in the splay to the north.
- 8.18 Transport Planning highlight the required technical standards for the access to demonstrate and include appropriate visibility splays, including an SDB2 service bay. Additionally, the first 6 metres of the access road needs to be surfaced with bituminous material to prevent any debris being dragged onto the public road. These details can be controlled by condition.
- 8.19 Whilst vehicles currently utilise the existing access to the site under the current use for the storage and distribution of vehicles, equipment and machinery in relation to landscaping and construction, this application offers an opportunity for the access to be upgraded to current Highland Council standards.
- 8.20 The application includes a Caravan Parking Layout Plan (2018 067-005). This identifies a total of 110 spaces measuring 7m x 5m each. These are split into two U-shaped areas, one to the western part of the site (76 spaces) to the rear and north of Birdston; the second to the eastern part of the site (34 spaces) to the rear of Westbrook. The spaces are access by a 6m wide from the public road. It is considered that the site is sufficiently sizeable to accommodate this number of vehicles. Parking and turning arrangements can also be controlled by condition.



## **Vehicle movements**

- 8.21 Representations from Kirkhill and Bunchrew Community Council and third parties refer to the potential for additional traffic at the site. Transport Planning has also identified that the proposal has the potential to generate significantly more vehicular trips than the current land use, noting that the C1102 public road is an evolved road not built to current modern standards in terms of width and structural integrity. As such, Transport Planning does not consider the potential increase in traffic is appropriate as it would lead to further degradation of the public road and would have a detrimental impact on vulnerable road users including pedestrians, cyclists and equestrians.
- 8.22 While the concerns above are noted, the site could feasibly be operated under its existing use for the storage and distribution of vehicles, equipment and machinery in relation to landscaping and construction with no limits on traffic movements. Given the current use, it is not considered reasonable and proportionate in planning terms to apply additional limitations to the proposed use.
- 8.23 The Transport Planning Team noted verge overrun shown on photos provided by the applicant, particularly on the verge of the C1102 public road opposite the access. It was also noted that the C1102 public road is part of a network of lightly trafficked rural roads popular with vulnerable road users and any potential increase in traffic would have a detrimental impact on their road safety.
- 8.24 Again, while the concerns above are noted, the site could feasibly be operated under its existing use for the storage and distribution of vehicles, equipment and machinery in relation to landscaping and construction, with no limits on traffic movements or any requirement to improve the road. Given the existing use of the site and the potential that has to increase activity it is not considered necessary nor reasonable for there to be any limits placed on the development in respect of the C1102 or for any upgrading works, other than at the entrance to the site, to be undertaken.
- 8.25 When the scale of the operation was discussed with the applicant, they initially hoped to store up to 400 caravans, campervans, boats and kayaks. Following further discussion, the applicant has scaled back their proposal with the Caravan Parking Layout Plan 2018 067-005 now showing 110 parking spaces, which is considered to be readily accommodated within the site.
- 8.26 Although no detailed traffic generation information has been submitted, the applicant expects that each caravan, campervan, boat, kayak etc. would be accessing and exiting the site approximately 4 times during the period from April to October. Outwith these dates the level of traffic movement is expected to be much less. As well as the peak spring/summer period it is expected bank holiday weekends will see the highest use of the site with up to 30 vehicle movements estimated in any one day. If the site was to be leased under its existing use, to a building firm for example, it would be reasonable to potentially expect a similar level of vehicle movements every day throughout the year with frequent HGV visits for deliveries, collections etc. With

regard to the storage of caravans, campervans, boats and kayaks, it is not expected that these would be picked up and dropped off by HGV with the vast majority arriving using private car before collecting their vehicle from the site.

### **Impact on amenity**

- 8.27 A number of representations raise concerns regarding the description of development which they consider is vague in terms of what leisure equipment could be stored at the site. The description includes caravans, campervans, boats and kayaks. The applicant has indicated that the vast majority of vehicles stored on site will be caravans and campervans, and that the proposal would allow for the storage of more specialist leisure equipment. As noted previously, it is not expected that large scale leisure equipment beyond that noted would be stored at the site, with the vast majority of customers arriving using their own transport before collecting their stored vehicle or equipment from the site. The level of development proposed through the application in addition to that which is permitted through the existing Certificate of Lawfulness is not considered to be excessive, and that it would not result in overdevelopment of the site.
- 8.28 Representations also refer to the potential detrimental impact on neighbour amenity, particularly in relation to noise. There are a number of houses within close proximity to the site including Birdston and Westbrook adjacent to the southern boundary, along with Lower Achnagairn slightly further beyond the southwestern boundary, and Eilean Tulloch House adjacent to the northwestern boundary. While the proposed parking areas are only set back approximately 5m from the closest properties at Birdston and Westbrook, vehicles will remain on site for the most part with vehicles occasionally collected and returned. Due to the close proximity of the site to residential properties any increase in the operational noise level or change in acoustic characteristics of the noise could potentially adversely impact and cause loss of amenity to local residents. Given these concerns, the application offers the opportunity to control the operational hours of the site, and therefore the movement of vehicles, through the use of conditions, thus minimising the impact neighbour amenity.
- 8.29 The potential for light pollution has been identified at the site. Light pollution can significantly affect the rural countryside, from disturbing the way animals and plants perceive daytime and nighttime to making developments visible across wide areas. The use of LED lighting to provide a focused area of illumination, with external lighting controlled by Passive Infrared sensors (PIR) and angled in a downwards direction can significantly reduce the effects of potential light pollution. It is currently unclear what the proposed lighting arrangements will be, and accordingly it is considered appropriate to have this controlled by condition.
- 8.30 Representations highlight potential fire risk, particularly in relation to gas stored/installed within caravans and campervans. Following further discussion, the applicant has scaled back their initial proposal with 110 parking spaces. The layout

does not appear overly dense, and the site is considered sufficiently sizeable to safely accommodate this number of vehicles.

### **Flood Risk**

- 8.31 The site is within an area of fluvial flood risk. Policy 64 Flood Risk requires development within or bordering medium to high-risk flood risk areas to demonstrate compliance with NPF4 through the submission of appropriate supporting information.
- 8.32 Following the review of the Flood Risk Statement, the Flood Risk Management Team confirmed that the proposed development is unlikely to lead to a significant increase in flood risk. However, they noted that there may be an element of commercial risk should significant flooding occur.

### **Other material considerations**

- 8.33 Representations have referred to the application description:  
“Change of use of site from storage and distribution (Landscaping and construction operations (class 6)) and office (class 4) to include storage and distribution for leisure equipment including caravans, campervans, boats and kayaks etc”  
and in particular to the use of “etc”. This suggests that further, similar items may be included. The use of etc was included by the applicant in their description in order to provide some flexibility for the storage of leisure items, whatever they may be. However, it was considered that, in the interests of clarify, this should be removed from the description of development and will not form part of the decision notice should planning permission be granted.

### **Non-material considerations**

- 8.34 One representation makes reference to land ownership in relation to the access. While the applicant states that their ownership of the access has now been confirmed by the Registers of Scotland, this is a civil matter between the individual landowners and not material to the determination of this application.
- 8.36 The issue of potential detrimental impact on surrounding property values adjacent to the development is not a material planning consideration.

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

- 8.37 None

## **9. CONCLUSION**

- 9.1 The proposal involves a use which is assessed as being generally compatible with the existing use of the site as established by the recent Certificate of Lawfulness, and accordingly would be broadly supported by the Development Plan. The application has been the subject of objections from the Community Council, and third parties.

Additionally, the Roads Authority have advised that they have various concerns on the proposed use in relation to the public road.

- 9.2 Notwithstanding this, it is noted that the applicant can currently operate the site with unlimited storage and distribution of vehicles, equipment and machinery on site, and unlimited vehicle movements, albeit that these are in relation to the current landscaping business and construction company, as set out by the Certificate of Lawfulness. In the circumstances, it is not considered necessary nor reasonable for there to be any limits placed on the development in respect of the C1102 or for any upgrading works, other than at the entrance to the site, to be undertaken.
- 9.3 The applicant has taken on board concerns raised and has reduced the scale of the proposal with parking for 110 vehicles within the site. Additionally, the application offers the opportunity to regularise elements of the site to safeguard neighbour amenity with conditions attached, controlling the specification of the access, operational hours and lighting.
- 9.4 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. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## **11. RECOMMENDATION**

### **Action required before decision issued**

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the first use of the site for the development hereby approved, the developer shall have surfaced the first 6m of the access from its junction with the public road in a bound and sealed bituminous material.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

3. Prior to the operation of the development hereby approved, 110 parking spaces shall be provided within the application site. Thereafter, all parking spaces shall be maintained for this use in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of vehicles, so they do not have to park within or reverse onto the public road.

4. A vehicle turning area shall be provided within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of vehicles, so they do not have to park within or reverse onto the public road.

5. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

6. The development hereby approved and thereafter, any operations on site shall only be carried out between 0700 hours and 1900 hours Monday to Sunday.

**Reason:** For the avoidance of doubt and in order to safeguard the amenity of occupants of the adjacent properties.

## **REASON FOR DECISION**

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.

## **INFORMATIVES**

### **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.

### **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 (paragraph 259), 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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

## **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.

## **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.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Roddy Dowell  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan 000004  
Plan 2 - Caravan Parking Layout 2018 067 - 005

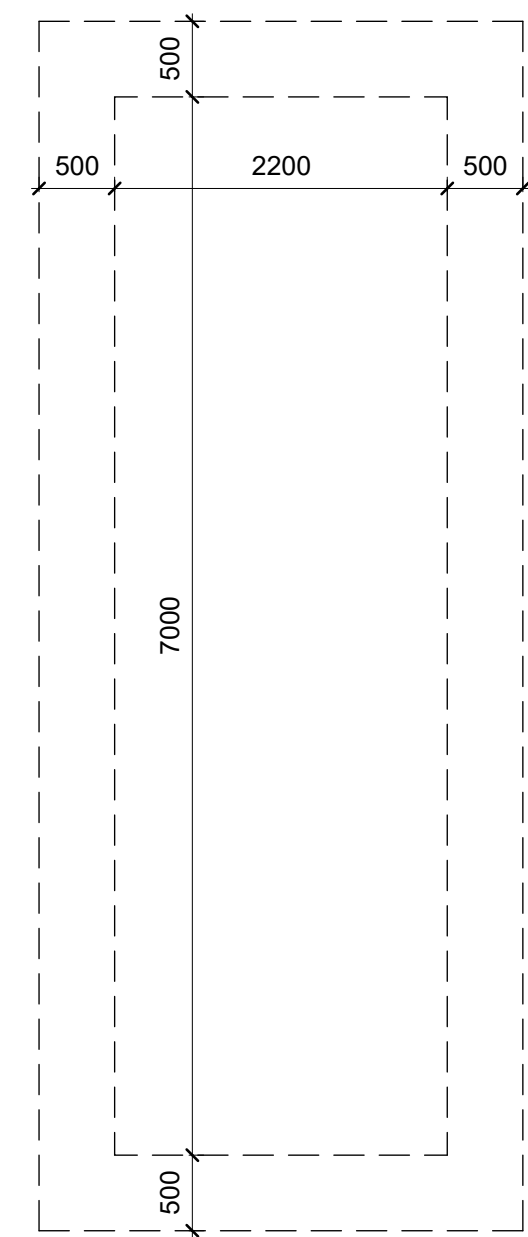
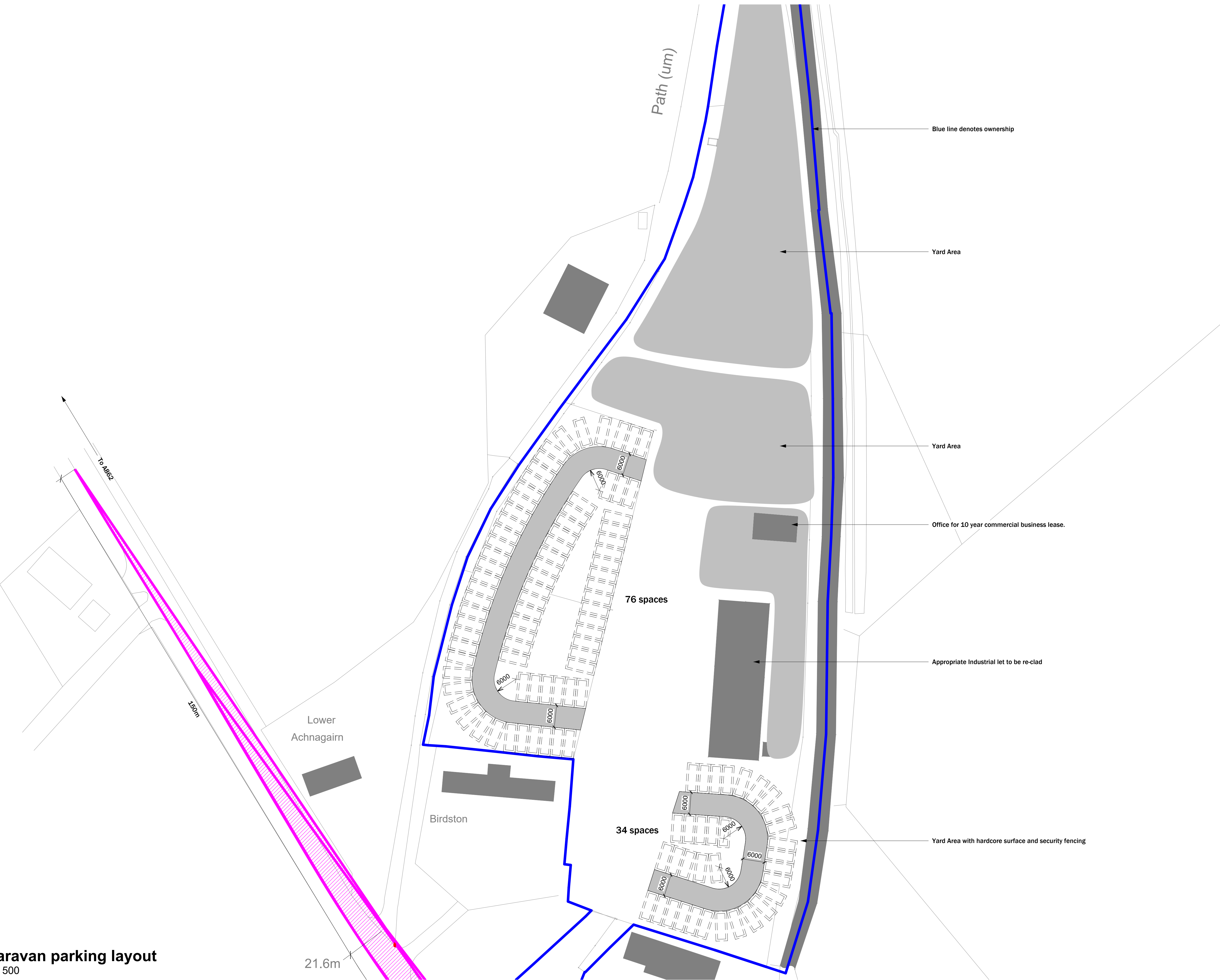


 AREA TO WHICH THIS APPLICATION APPLIES

7

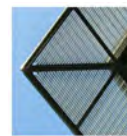


Plan shows area bounded by: 255208.48, 844008.1, 255492.07, 844324.34 (at a scale of 1:1000), OSGridRef: NH55354416. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.  
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**Caravan parking space**  
1 : 50

**Caravan parking layout**  
1 : 500

For Planning in Principle		
 <b>reynolds architecture ltd.</b> 1 tulloch street, dingwall, IV15 9JY tel. 01349 867766 fax. 01349 867769 <a href="http://www.reynolds-architecture.com">www.reynolds-architecture.com</a>		
<b>No.</b>	<b>Description</b>	<b>Date</b>
Dipper Developments Ltd		
Industrial Park at Moniak		
Caravan parking layout		
Date	20.12.21	
Drawn by	RS	
2018 067 - 005		
Scale	As indicated	
<small>           1. Protected by copyright, no reproduction without express permission from architect.            2. Contractor is responsible for checking all dimensions prior to construction.            3. Discrepancies to be referred to architect for decision.            4. Must be read in conjunction with written specification and engineers/sub contractors construction information.         </small>		