

Agenda Item	6.3
Report No	PLS-74-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2023

Report Title: 23/00520/FUL: Springfield Properties PLC
Land At Drum Farm South of Fire Station, Drumnadrochit

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Amended drainage strategy (in retrospect)

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: Community Council objection, and objections from more than 5 households

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 involves an amended strategy for the disposal of surface water (in retrospect) from the site in relation to residential development that has the benefit of planning permission in this site (21/03612/FUL). This consists of the formation of SUDS ponds at the east and west ends of the site. The outfall pipe for these ponds leads to the east adjacent to the north boundaries of 9 and 11 Enrick Crescent and then heads north with an outfall to a field next to the River Enrick.
- 1.2 The housing development originally had a single SUDS pond, located to the eastern end of the site, and further south than that now shown on the current application.
- 1.3 Two other applications (23/00532/FUL and 23/00533/FUL) for changes of house types on the site are associated with this proposal.
- 1.4 Pre-Application Consultation: None
- 1.5 Supporting Information: Drainage Statement, Flood Risk Assessment, Technical Memo, Risk Assessment and Method Statement for Control of Non-native Species
- 1.6 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located in Drumnadrochit on the east side of the A82(T) to the southeast of the fire station, with agricultural fields to the north. To the east are the residential properties on Enrick Crescent, with further housing to the south at Old School Court, and Kilmore Road along with the bakery.
- 2.2 The land is largely open and fairly level, albeit dropping towards its north-eastern extremity towards the River Enrick.
- 2.3 The site is currently being developed for housing.
- 2.4 There are no natural, built or cultural heritage designations on the site. Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located to the northeast. There is hydrological connectivity between the application site and the designated sites. The Loch Ness and Duntelchaig Special Landscape Area (SLA) lies over 900metres east of the application site at the nearest point.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------------------------|
| 3.1 | 22.03.2022 | 21/03612/FUL Erection of 91 residential units and associated roads, landscaping and ancillary infrastructure - (Redesign of Planning Permission 19/02761/FUL) | Planning Permission Granted |
|-----|------------|---|-----------------------------|

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 34 and Unknown Neighbour

Date Advertised: 24.03.2023

Representation deadline: 7 April 2023

Timeous representations: 7

Late representations: 7

4.2 Material considerations raised are summarised as follows:

- discharge of water onto adjacent land and existing field drains causing flooding
- responsibility for maintenance of surface water system.
- outlet into adjacent land (called Glenurquhart Bay Cover) which is Urquhart Bay Wood SAC and SSSI; impact of outflow from drainage system in terms of carrying additional seed from garden plants into Woodland Trust Site increasing introduction of invasive non-native plant species

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.

5. CONSULTATIONS

5.1 Glenurquhart Community Council: Objects.

[Note - Representations relate to the whole of the wider development of the housing site; however with regard to drainage specific matters:]

Adverse impact on biodiversity

"The SUDS schemes will direct water to neighbouring Woodland Trust site, and then to the River Enrick. These areas are noted as a Special Area of Conservation (SAC) and Site of Specific Scientific Interest (SSSI). Concern is that outflow would carry additional seed from garden plants directly into woodland, increasing introduction of invasive non-native plant species."

Potential incomplete drainage assessment

"Water currently backs up from the Enrick into Kilmore Farm and neighbouring properties when flows are high. Recently completed flood prevention scheme is further upstream and has no impact on this regular and anticipated flooding.

In preparation for this development, a drain has been installed north of the site linking into Enrick (via Woodland Trust property). Concerned that this installation has had a potential adverse impact on existing land drains on agricultural land to north of site, or drains installed as part of Enrick Crescent development.

No consultations conducted with neighbours immediately downstream from development, or neighbours impacted by discharge from development.

Amended applications for SUDS is retrospective and includes significant changes (doubling of SUDS) from initial application – suggesting that conditions on site have changed or were not as expected in initial application. Concerns remain that flood and flow assessments are incomplete, and do not fully address impacts of sizable development on neighbouring properties – including neighbouring SSSI and SAC.

This application does not include environmental assessment, or any impact assessment of directing additional flow into a system that is already regularly overwhelmed.”

Specific mitigation

“The retrospective application for significant amendments to drainage systems – including duplication of SUDS systems – suggests that initial application was incomplete and did not include (and still does not include) full drainage impact assessments.”

5.2 **Transport Planning Team:** No objection, subject to conditions

5.3 **Flood Risk Management Team:** No objection.

Flood Risk

Revised drainage layout includes an additional SUDS basin in the northwest corner of the site, within an area protected by the Drumnadrochit Flood Protection Scheme (FPS). No objection to this type of drainage infrastructure being located in a protected area.

For information, the approved (21/03612/FUL) Phasing Plan drawing (DR01_RMX_07 Rev: D) shows 1 in 200 year plus climate change fluvial flood extents that would occur if the area were not protected by the FPS and denotes the area where land raising should be avoided. The flood extents shown on the more recent Phasing Plan drawing (DR01_RMX_07 Rev: H) show the areas that are not protected by the FPS (submitted with applications 23/00532/FUL and 23/00533/FUL).

Drainage

The additional drainage basin has been included to allow runoff from part of the A82, adjacent to the site, to be managed through the site drainage. The proposed surface water discharge rate from the site drainage network has not increased as a result and the proposal will also reduce incidents of standing water on the A82. We are therefore content with the proposed changes to the drainage strategy.

The drainage impact assessment demonstrates that there is no flooding from the drainage network during 2, 30 and 200 year plus climate change storm events. A climate change allowance of 40% has been used for the 2 and 30 year simulations and an allowance of 20% for the 200 year simulation. It is not clear why a different allowance has been used. Sewers for Scotland recommends a 30%. This will need to be addressed at detailed design stage.

No objection to the changes to the drainage strategy, all relevant flood risk and drainage conditions attached to the original permission will need to be carried over to any new permission. This includes the condition that the final detailed drainage design is submitted for review/approval.

5.4 **SEPA:** No objection, subject to conditions

5.5 **NatureScot:** Discussions with the developer to help reduce risk of additional non-native species being transported into Urquhart Bay Woods Special Area of Conservation (SAC). The developer has provided additional information on construction methods and has adopted good practice measures to help reduce this risk. Proposal could be progressed with conditions so that the works are undertaken strictly in accordance with the detailed mitigation.

Appraisal of impacts and our advice

Urquhart Bay Woods Special Area of Conservation (SAC)

The SUDS pipe layout has been constructed so that it discharges into the upper part of Urquhart Bay Woods SAC, protected for its alder woodland on floodplains.

Proposal is likely to have a significant effect on Alder woodland on floodplains of Urquhart Bay Wood SAC. Consequently, an appropriate assessment is required in view of the site's conservation objectives for its qualifying interest.

SNH consider that on the basis of additional information received and the appraisal carried out to date, if the proposal is carried out strictly in accordance with the following changes and mitigation, the proposal will not adversely affect the integrity of the site:

- Holes were cut into SUDS discharge pipe before it was installed. These were large enough to help trap seeds and propagules of non-native plants within the stone filter trench surrounding parts of the pipe. This filter trench will capture non-native seeds & plant parts thus reducing risk of further invasive species spreading into the SAC.
- If this discharge pipe needs to be cleaned, it will be flushed out back towards the SUDS pond, as opposed to being flushed out into the SAC. Thus any non-native seed, etc. will be flushed back into the SUDS where checks and control measures will be implemented.
- Regular inspections and monitoring of SUDS ponds to ensure any INNS and NNS are identified quickly and removed appropriately. This will include four inspections per year of public areas, involving the development area and the SUDS pond.
- Educational material to be provided to all households regarding INNS and NNS, as stated in the RAMS for Control of Non-Native Species document. This should include use of 'Be Plant Wise' materials aimed at gardeners and pond owners: <https://www.nonnativespecies.org/what-can-i-do/be-plant-wise/>. A list of invasive non-native species to avoid in Annex B of the 'Developing with Nature Guidance' (<https://www.nature.scot/doc/developing-nature-guidance>) should also be included in the awareness raising pack.
- All of the above measures should be captured and initiated as part of the revised RAMS for Control of Non-Native Species document (as attached in email). This should be reviewed regularly, and should any changes be required, in light of the monitoring, these would also need to be subject to HRA. Please send us a copy of this finalised plan for our files in

connection with future management of this Protected Area.

The measures highlighted above provide enough mitigation to minimise any risk of spread of invasive non-native species from the SUDS outflow within the SAC.

Urquhart Bay Woods Site of Special Scientific Interest (SSSI)

The proposal has outlet which leads into the Urquhart Bay Woods SSSI notified for its wet woodland (<https://sitelink.nature.scot/site/1584>). The proposal could be progressed with the mitigation measures identified above.

5.6 **Transport Scotland:** No objection.

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 Policy 1 - Tackling the Climate and Nature Crises
 Policy 2 - Climate Mitigation and Adaptation
 Policy 3 – Biodiversity
 Policy 6 – Forestry, woodland and trees
 Policy 22 - Flood Risk and Water Management

6.3 Highland Wide Local Development Plan 2012

28 - Sustainable Design
 31 - Developer Contributions
 51 – Trees and Development
 57 - Natural, Built & Cultural Heritage
 58 - Protected Species
 64 - Flood Risk
 66 - Surface Water Drainage

6.4 Inner Moray Firth Local Development Plan 2015

Allocation DR5 - Housing, Business, Retail, Community
 Drumnadrochit – Settlement Development Area (SDA)

6.5 Inner Moray Firth proposed Local Development Plan March 2023

DR03: Drum Farm Housing, Community, Business, Retail capacity 93 Houses

6.6 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)
 Highland's Statutorily Protected Species (March 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

PAN 61 Sustainable Urban Drainage Systems (SUDS)
PAN 79 Water and Drainage

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) flood risk and drainage
- c) impacts on the natural environment
- d) any other material considerations.

Development plan/other planning policy

8.4 The principle of residential development on this site has been established through the planning permission that was granted on appeal in October 2021. This permission was granted subject to 27 planning conditions and the prior conclusion of a section 75 legal agreement securing contributions towards Glenurquhart Primary School, delivery of affordable unit, the provision of a pedestrian crossing across the A82 (T) in the vicinity of the Health Centre, and to address delivery of the associated village core proposals as Phase 2 in accordance with the single overall phasing plan and masterplan.

8.5 A further permission, amending this original permission, was granted for the erection of 91 residential units and associated roads, landscaping and ancillary infrastructure. This included the provision of a SUDS Basin to the east of the site.

8.6 Notwithstanding that the application is made in retrospect and that it is connected with the two most recent applications for housing on the site, the applicant must be considered on its own merits against the policies within the development plan which comprises National Planning Framework 4 alongside the Highland wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP).

- 8.7 For this development one of the key policies of NPF4 is Policy 22 that relates to Flood Risk and Water Management. Its aim is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals should not increase the risk of surface water flooding to others, or itself be at risk and manage all rain and surface water through sustainable urban drainage systems (SUDS). Highland wide Local Development Plan Policies 64 and 66 largely set out similar requirements whereby development proposals should avoid areas susceptible to flooding and promote sustainable flood management requiring all development to be drained by Sustainable Drainage Systems (SuDS).
- 8.8 NPF4 Policies 1-3 apply to all development proposals. When considering development proposals, significant weight will be given to the global climate and nature crises. Development proposals should be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals should 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. Policy 6 and HWLDP Policies 51 and 57 relate to the protection of trees within designated sites, whereby proposals will not be supported where they would result in any adverse impact on their ecological condition.
- 8.9 Policy 28 Sustainable Design of the Highland wide Local Development Plan assesses proposals against a number of criteria, including their compatibility with public service provision; transport; impact on individual and community residential amenity; demonstration of sensitive siting and high-quality design in keeping with local character; and contribution to the economic and social development of the community.
- 8.10 Where the proposal ensures that proper flood and water management is in place to accommodate development without adverse impact on the existing built and/or natural environment and/or services and without impacting on individual and community residential amenity it would comply with the Development Plan.

Flood Risk and Drainage

- 8.11 The original housing layout included a SUDS basin to the east of the site on the mutual boundary with houses on Enrick Crescent, further to the south of that now proposed.
- 8.12 The proposal now features a second SUDS basin to the west of the site to allow runoff from part of the A82, adjacent to the site, and for that to be managed through the on-site drainage. This was initially formed as a temporary measure to deal with surface water from the Trunk Road.
- 8.13 Water from the gullies on the A82 was previously directed into a combined sewer. The proposed increase in the site's drainage capacity through the adjustments to the SUDS infrastructure would help to alleviate pressure on the combined sewer and mitigate against historic flooding issues in this part of Drumnadrochit.

- 8.14 This change is a benefit by Transport Scotland as it significantly reduces flooding on the trunk road network.
- 8.15 The Flood Risk Management Team (FRMT) has reviewed the Flood Risk Assessment submitted in support of the proposal, noting that the new basin is in an area protected by the Drumnadrochit Flood Protection Scheme (FPS).
- 8.16 FRMT has reviewed the Drainage Impact Assessment and note that the proposed surface water discharge rate from the site drainage network has not increased; and that the proposal will reduce incidents of standing water on the A82. Additionally, it is satisfied with the proposed changes to the drainage strategy and has indicated that all relevant flood risk and drainage conditions attached to permission 21/03612/FUL should be carried over to this proposal. Furthermore, it is noted that SEPA is satisfied with the proposal, subject to conditions.
- 8.17 Representations suggest that the outfall pipe for the SUDS system would connect to an old field drain on land to the east in the ownership of Kilmore Farm. However, the submitted plan, Drum-Eng-042 Rev A, indicates that it is on land within the applicant's control. It is understood that surface water drainage will be vested by Scottish Water and any other parts not vested will be the responsibility of the developer.
- 8.18 Additionally, representations refer to the installation of the drain and the potential adverse impact on the surrounding agricultural land. They also relate to water backing up from River Enrick into Kilmore Farm and neighbouring Enrick Crescent properties when river flows are high.
- 8.19 Surface water runoff would discharge onto the land in the control of the applicant and to the River Enrick if necessary. The design of the SUDS ponds and the outlet pipe have been agreed with Scottish Water. Drawing Drum-Eng-042 Rev A shows the line of the agreed route.
- 8.20 The applicant is aware of recent flooding events and is of the opinion that the installation of the outfall, which discharges into the River Enrick, is not related to flooding of the agricultural land, and that it would not have any impact on nearby drainage arrangements. The applicant draws attention to the River Enrick Flood Alleviation works. The submitted Flood Risk Assessment and Drainage Assessment have been considered by SEPA and FRMT, so there has been significant rigour in the process. The modelling undertaken by the applicant's consultants in the Flood Risk Assessment (reflecting the Council's own detailed modelling) was prepared in advance of the River Enrick Flood Alleviation works.

Impacts on the natural environment

- 8.21 Representations suggest that the outflow from the detention ponds could carry additional seed from garden plants directly into the woodland, increasing the potential introduction of invasive non-native plant species.
- 8.22 NatureScot were originally concerned about the risk of the transport of additional non-native species into the Urquhart Bay Woods Special Area of Conservation

(SAC) due to the outfall from the SUDS scheme. However, following the submission of additional information on construction methods and good practice measures, and a Risk Assessment and Method Statement for Control of Non-native Species, NatureScot has indicated that it is satisfied with the mitigation measures outlined, subject to these being controlled by condition.

Other material considerations

- 8.23 As the site is located adjacent to a site designated for its natural heritage interests - Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) – an Appropriate Assessment has been undertaken in view of the site's conservation objectives for its qualifying interest (alder woodland on floodplains) - following advice from NatureScot. This Appropriate Assessment has concluded that the proposal will not adversely affect the integrity of the site, subject to the proposed works being undertaken in accordance with conditions.

Non-material considerations

- 8.24 None

Matters to be secured by Section 75 Agreement

- 8.25 No Section 75 Agreement is necessary for this application

9. CONCLUSION

- 9.1 The proposal involves an amendment to the original scheme for surface water disposal through the relocation of the SUDS basin to the east of the site and the introduction of a new SUDS basin to the west of the site.
- 9.2 The Flood Risk Management Team and SEPA have reviewed the revised Drainage Statement and Flood Risk Assessment. Both have confirmed that the revised drainage strategy is acceptable and that the mitigation measures can be controlled by condition.
- 9.3 An ecological report has been submitted to address the concerns of NatureScot with regard to the potential impacts of the proposal on the adjacent designated site - Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) - identified for its alder woodland on floodplains.
- 9.4 NatureScot has confirmed that the proposal is acceptable, subject to mitigation measures, which can also be controlled by condition.
- 9.5 The development of the revised drainage strategy for the site would enable the completion of the currently under construction housing development, which is a key driver for the long-term development of the village. Furthermore, it will assist in addressing a long-standing issue of surface water drainage on the adjacent A82(T).
- 9.6 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 N
Obligation

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. 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: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. None of the houses or flats shall be occupied until a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

3. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland 4, or any superseding guidance prevailing at the time and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on the established principles of flood risk and drainage established through this application. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

4. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water shall remain the responsibility of the developer and maintained in line with the scheme to be approved under Condition 3 above.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

5. For the avoidance of doubt, there be no land-raising within the functional floodplain including for the formation of the footpath and the Finished Floor Level (FFL) of the buildings shall be a minimum of 600mm above the 1 in 200 year plus climate change (37%) level in accordance with the site layout plans DRUM-ENG-007 REV R, DRUM-ENG-008 REV Q and DRUM-ENG-009 REV O.

Reason: To minimise the risk of flooding.

6. No development shall commence on site until the final detailed design of the SUDS discharge pipe and its layout shall have been submitted for the approval in writing of the Planning Authority, in consultation with NatureScot. For the avoidance of doubt, the final detailed design, its layout, and installation shall include:
 - The retention of holes cut into the SUDS discharge pipe before its installation. These shall be small enough to help trap seeds and propagules of non-native plants within the stone filter trench surrounding parts of the pipe. This filter trench shall capture non-native seeds and plant parts thus reducing the risk of further

invasive species spreading into the SAC.

- If this discharge pipe needs to be cleaned, it shall be flushed out back towards the SUDS pond, as opposed to being flushed out into the SAC. Thus any non-native seed, etc. will be flushed back into the SUDS pond where checks and control measures will be implemented.
- Regular inspections and monitoring of SUDS ponds shall be undertaken by the developer, or any subsequent factor, to ensure that any Invasive Non-Native Species and Non-Native Species are identified quickly and removed appropriately. This shall include four inspections per year of public areas, involving the development area and the SUDS pond.
- Educational material shall be provided to all households regarding Invasive Non-Native Species and Non-Native Species, as stated in the RAMS for Control of Non-Native Species document. This shall include use of 'Be Plant Wise' materials aimed at gardeners and pond owners: <https://www.nonnativespecies.org/what-can-i-do/be-plant-wise/>. A list of invasive non-native species to avoid in Annex B of the 'Developing with Nature Guidance' (<https://www.nature.scot/doc/developing-nature-guidance>) should also be included in the awareness raising pack.

The development shall thereafter be undertaken in accordance with the agreed details and shall thereafter be maintained in perpetuity.

Reason: In order to safeguard the natural heritage and conservation interests of the adjacent Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

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/permissions_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.

Road Construction Consent

The design details for all required changes for all drainage features impacting on the proposed local public road network, including gully locations, will need to be agreed through a formal Variation to the existing Road Construction Consent (RCC) Ref. 22/02198/RCC.

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 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: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Location Plan DR01-SUDSLP-01 REV A
Site Layout Plan DR01_SUDS_01 REV A
Site Layout Plan Drum-Eng-042 Rev A

Appendix 1 – Letters of Representation

Name	Address	Date	For/Against
Mrs Sara Murdoch	5 Enrick Crescent Drumnadrochit	27.03.2023	Against
David Clark	1 Enrick Crescent Drumnadrochit	28.03.2023	Against
Mrs Anna Macfie	Tornabreac Drumnadrochit	05.04.2023	Against
Ms Carolyn Wilson	21 Enrick Crescent Drumnadrochit I	05.04.2023	Against
Woodland Trust Scotland	Per: Jack Taylor South Inch Business Centre Shore Road Perth	07.04.2023	Against
Lorraine Maclennan	Kilmore Farm Kilmore Road Drumnadrochit	11.04.2023	Against
Ms Susan Clark	Dalmeny Lewiston Drumnadrochit	25.04.2023	Against

APPROPRIATE ASSESSMENT

Urquhart Bay Woods Special Area of Conservation (SAC) and Urquhart Bay Special Scientific Interest (SSSI)

Amended drainage strategy (in retrospect) (23/00520/FUL)

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of the Urquhart Bay Woods Special Area of Conservation (SAC) and Urquhart Bay Special Scientific Interest (SSSI) means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a European site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening in Likely Significant Effects

The proposal lies adjacent to Urquhart Bay Woods Special Area of Conservation (SAC) and Urquhart Bay Woods Special Scientific Interest (SSSI).

The qualifying interest of the Urquhart Bay Woods Special Area of Conservation (SAC) is its Alder woodland on floodplains.

The qualifying interest of the Urquhart Bay Woods Special Scientific Interest (SSSI) is Wet woodland.

The proposal relates to drainage emanating from a new purpose-built housing development. It is therefore not directly connected with or necessary to site management for conservation purposes. It will result in connectivity.

Given the proximity and nature of the proposed development it is considered that the proposal is likely to have a significant effect on Alder woodland on floodplains of Urquhart Bay Wood and SAC Urquhart Bay Woods Special Scientific Interest (SSSI). An appropriate assessment is therefore required.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the appropriate assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the appropriate assessment is informed by details supplied by the applicant and the consultation response of NatureScot.

Appraisal

The qualifying features of the Urquhart Bay Woods Special Area of Conservation (SAC) and its component SSSI is its wet woodland habitat (Alder).

The integrity of the site is under pressure from potential for invasive species, over grazing and water management. Its condition is currently unfavourable.

The proposal would connect with the SAC and SSSI through the discharge of water from the proposed developments onsite sustainable drainage system. There are potentially both short term and long term impacts on water quality and potential contamination from both non-native and invasive non-native species from both the construction and the ongoing management of the sustainable drainage system.

This SAC has conservation objectives identified to restore/control non-native species currently spreading through the site.

Having sought advice from NatureScot on the potential effects of the proposal on the conservation objectives of the site, it advises that, on the basis of the further information supplied by the applicant, subject to changes and mitigation, the proposal will not adversely affect the integrity of the site. These changes and mitigation has been set out as follows:

- Holes were cut into SUDS discharge pipe before it was installed. These were large enough to help trap seeds and propagules of non-native plants within the stone filter trench surrounding parts of the pipe. This filter trench will capture non-native seeds & plant parts thus reducing risk of further invasive species spreading into the SAC.
- If this discharge pipe needs to be cleaned, it will be flushed out back towards the SUDS pond, as opposed to being flushed out into the SAC. Thus any non-native seed, etc. will be flushed back into the SUDS where checks and control measures will be implemented.
- Regular inspections and monitoring of SUDS ponds to ensure any INNS and NNS are identified quickly and removed appropriately. This will include four inspections per year of public areas, involving the development area and the SUDS pond.
- Educational material to be provided to all households regarding INNS and NNS, as stated in the RAMS for Control of Non-Native Species document. This should include use of 'Be Plant Wise' materials aimed at gardeners and pond owners: <https://www.nonnativespecies.org/what-can-ido/be-plant-wise/> . A list of invasive non-native species to avoid in Annex B of the 'Developing with Nature Guidance' (<https://www.nature.scot/doc/developing-nature-guidance>) should also be included in the awareness raising pack.
- All of the above measures should be captured and initiated as part of the revised RAMS for Control of Non-Native Species document (as attached in email). This should be reviewed regularly, and should any changes be required, in light of the monitoring, these would also need to be subject to HRA. Please send us a copy of this finalised plan for our files in connection with future management of this Protected Area.

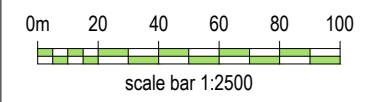
The appraisal that NatureScot undertook carried out considered the impact of the proposals on the following factors:

- The measures highlighted above provide enough mitigation to minimise any risk of spread of invasive non-native species from the SUDS outflow within the SAC.

Conclusion

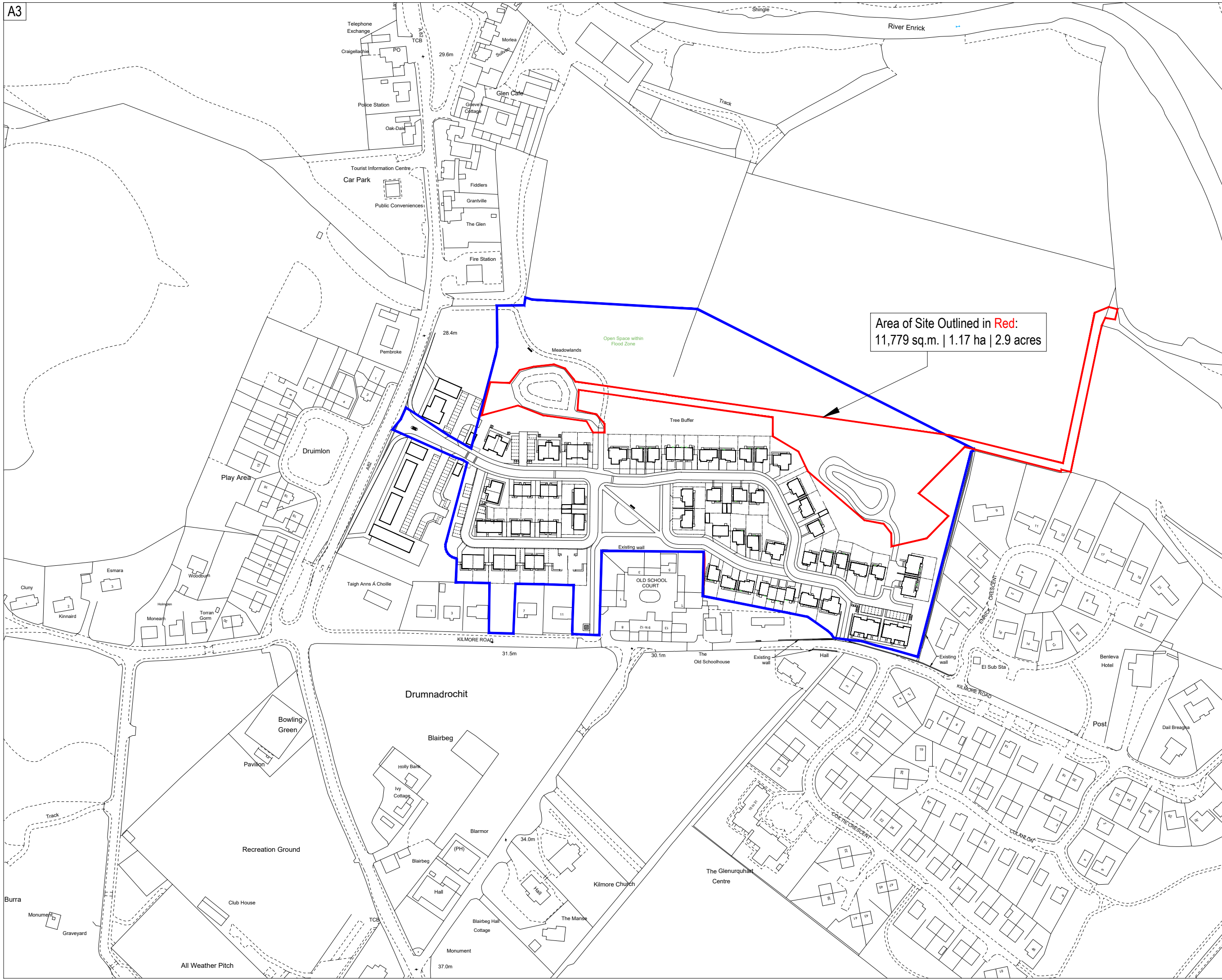
Subject to securing the mitigation measures suggested, it is considered the proposal will not adversely affect the integrity of the Urquhart Bay Woods Special Area of Conservation (SAC) and Urquhart Bay Woods Special Scientific Interest (SSSI).

Important notes for clients / contractors
 No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. "DO NOT SCALE". The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.



— Application Boundary
 — Ownership Boundary

Area of Site Outlined in Red:
 11,779 sq.m. | 1.17 ha | 2.9 acres



Rev	Date	Remarks	By	Ch.
A	Jan 23	Boundary updated	SM	

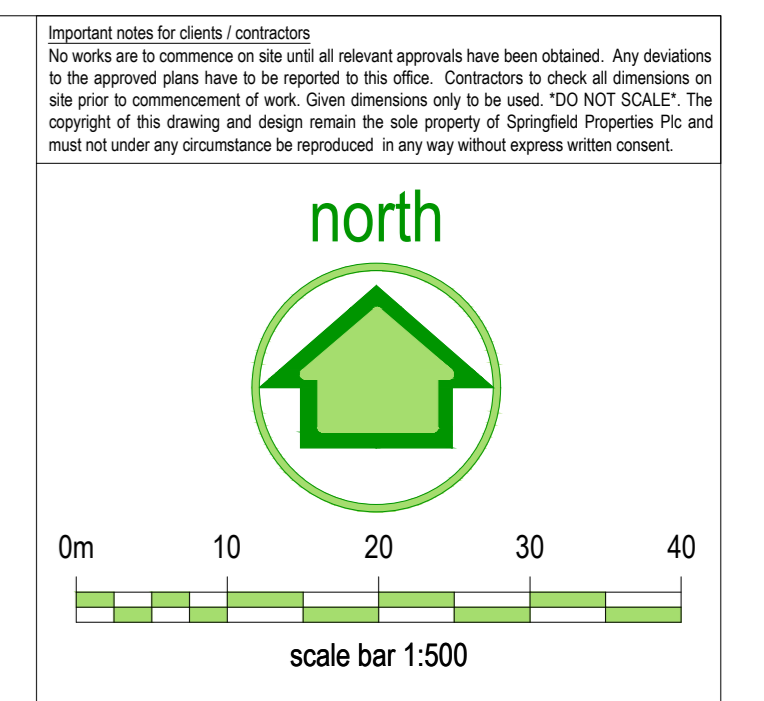


<p>Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, IV30 6GR</p> <p>Tel: 01343 552 550 Fax: 01343 551 776 Email: info@springfield.co.uk</p>	<p>Larbert Office Springfield House, 3 Central Park Avenue, Larbert, FK5 4RX</p> <p>Tel: 01324 555 536 Fax: 01324 574 890 Email: larbert@springfield.co.uk</p>
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Project
 DR01
 Drumadrochit
 SuDS

Drawing
 Location Plan

Scale	Date	Drawn by	Checked by
1:2500@A3	Jan 2023	SM	BW
Drawing no.	Rev		
DR01_SuDSLPL_01	A		



Legend

	Ownership Boundary
	Application Boundary
	Affordable Boundary
	Flood Extents

Rev.	Date	Remarks	By	Chk.
A	Mar 23	Application boundary updated	SM	JM

Springfield
Springfield Properties Plc

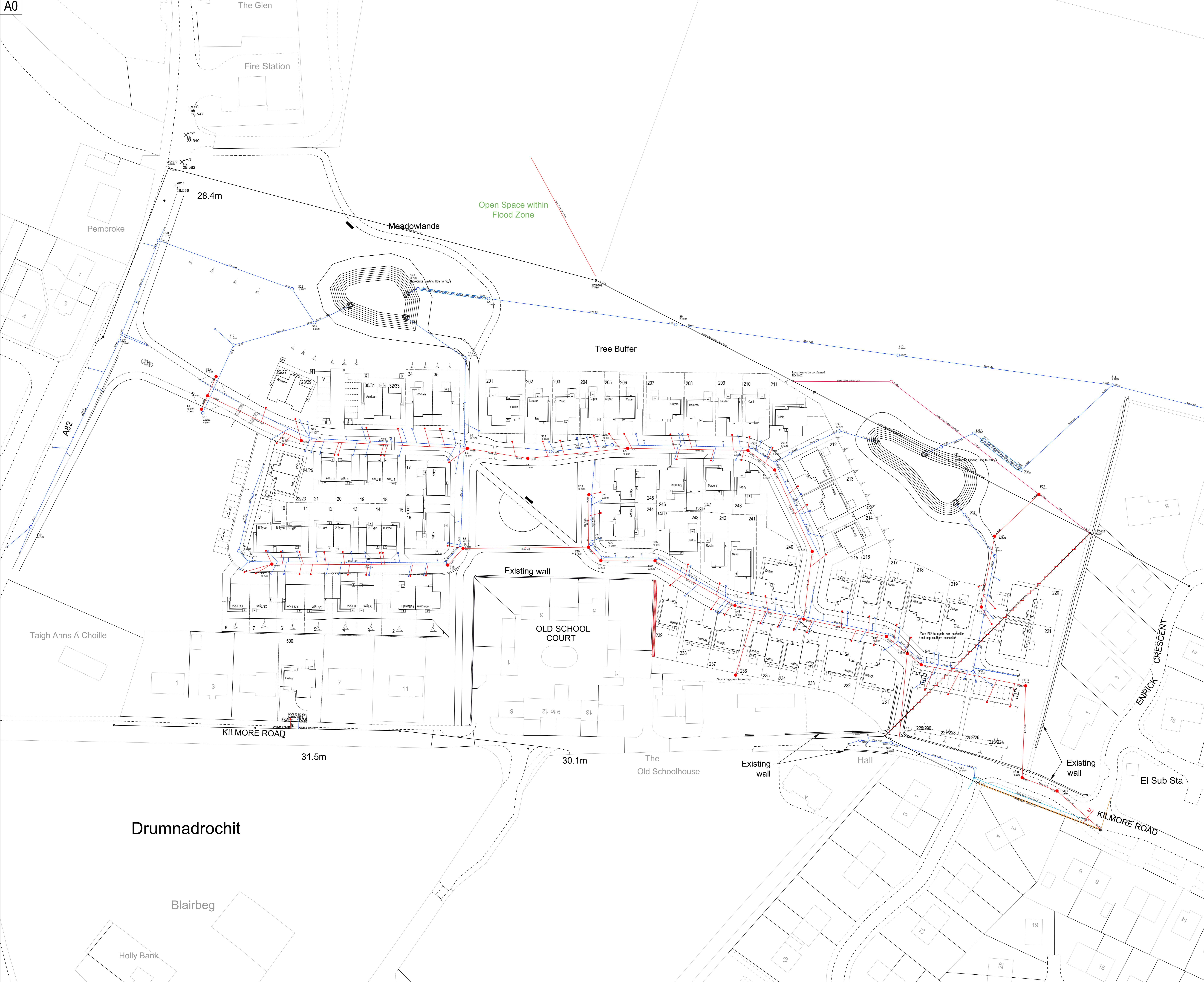
<p>Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, T93 6GR</p> <p>Tel: 01343 552 550 Fax: 01343 551 175 Email: info@springfield.co.uk</p>	<p>Larbert Office Springfield House, 3 Central Park Avenue, Larbert, F15 6PX</p> <p>Tel: 01224 555 536 Fax: 01224 574 690 Email: larbert@springfield.co.uk</p>
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Project: DR01
Drumnadrochit
SuDS Application
Drawing: Site Layout

Scale	Date	Drawn by	Checked by
1:500 @A0	Jan 2023	SM	BW

Drawing no: DR01_SuDS_01

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Rev	Date	Remarks	By	Ch
A	07.11.2023	South-eastern foul outfall updated		KC

Revisions



Springfield Properties Plc

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Project
Drum Farm
Drumnadrochit

Drawing
Drainage Layout

Scale 1:500	Date Aug-23	Drawn by KF	Checked by
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Drawing no. Drum-Eng-042	Rev A
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