

Agenda Item	5.2
Report No	PLS-03-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 07 February 2024

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 attached report presented to Committee at its meeting on 12 December 2023.

1. BACKGROUND

- 1.1 This application was deferred by the South Planning Applications Committee at its meeting on 12 December 2023 to allow for further consultation with NatureScot and the applicant on further mitigation measures to prevent seeds getting into the Urquhart Bay Woods Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) from the housing development.

2. UPDATE

- 2.1 NatureScot responded to the consultation on 10 January 2024. This was then followed by an email from the applicant on 11 January 2024. The full response from each are attached in the Appendix to this report. The original report is also attached.

Response from NatureScot

- 2.2 The response from NatureScot confirms that it is not possible to guarantee that non-native plant propagules will not enter Urquhart Bay Wood SAC/SSSI via the SUDS system. However, it is not aware of any realistic additional mitigation measures that can be taken to further reduce the level of risk. Its response of 14 August 2023 still stands (as detailed at paragraph 5.5 of the 12 December Committee Report) in that the measures that the developer has put in place will mitigate this risk to an acceptable level.

Response from applicant

- 2.3 The applicant's response draws attention to consultation with Scottish Water to address historic flooding issues in and around the site entrance caused by excess surface water entering the existing combined sewer, which has limited capacity. The amended site drainage strategy ensures that existing surface water, as well as the surface water from within the new development, is separated from the foul drainage network, treated, and discharged safely and effectively to the watercourse. The second SUDS pond was initially meant to be temporary for the duration of the construction period but after discussion with Scottish Water the benefits of its retention was realised in terms of the separation of surface water and foul flows, so increasing capacity within the combined sewer and solving a historic flooding issue in this part of the village.

3. CONCLUSION

- 3.1 In view of the response from the applicant with regard to their reasoning for the two SUDS ponds and NatureScot's response with regard to the confidence that can be given to the chosen design solution in managing the risks to the SAC/SSSI, it would appear that no further changes or additional measures are necessary with regard to the drainage solutions for the site.
- 3.2 Members are requested to consider this additional information and determine the application in line with the previous recommendation presented to the Committee at its meeting on 12 December 2023.

4. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

Revocation of previous N
permission

It is recommended to **GRANT** the application subject to the conditions and reasons set out in the Committee Report presented to South Planning Applications Committee at its meeting on 12 December 2023.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Keith Gibson

Background Papers: Documents referred to in the Committee Report and in case file.

Appendix 1

Dear Keith

Thank you for your email.

We note the comments raised by elected members on the South Planning Applications Committee regarding this development. As you state, it is not possible to guarantee that non-native plant propagules will not enter Urquhart Bay Wood SAC/SSSI via the SUDS system. We are not aware of any realistic additional mitigation measures that can be taken to further reduce the level of risk. However, we advise that the measures the developer has put in place will mitigate this risk to an acceptable level and that our advice dated 14 August 2023 stands. In addition, it is not necessary to have a 100% guarantee of no INNS entering the woods to be able to conclude the Conservation Objectives (COs) are met and there is No Adverse Effect on Site Integrity (NAESI). One or two plants would initially have very small and potentially reversible effects on the COs.

By way of context, more than half of British plant species are non-native as a result of centuries of introductions. Some 20% of these species are considered to be invasive and have negative impacts on native habitats and wildlife. Most of these plants reproduce via seed and vegetative propagation and employ a variety of dispersal strategies including wind, water and animal dispersal. For example, of the invasive plants that are already established in Urquhart Bay Wood, Himalayan balsam, Japanese knotweed, white butterbur and Alaskan lupin are spread mainly by running water; buddleia has tiny seeds that are spread by the wind; and snowberry and tutsan have berries that are eaten by birds. Most seeds fall to ground within a metre or so of the parent plant. To enter the SUDS system, garden plant propagules must be washed or blown into a gutter, and then into the drain. This selects against plants with large seeds, like skunk cabbage, and those that rely on vegetative propagation, such as knotweeds. Plants with smaller seeds, like Impatiens or Mimulus, are more likely to be washed into the SUDS pond. Holes cut in the bottom of the outflow pipe are designed to capture these seeds before they enter the River Enrick. Regular monitoring of the SUDS pond is aimed at detecting the presence of any problem species before they spread. Fly tipping of garden waste or deliberate planting in ponds are also important pathways for aquatic plants to escape from gardens. The developer will provide the residents with information from the Be Plantwise campaign to raise awareness of the impact that invasive pond plants can have on native habitats wildlife.

For these reasons, and the points set out in our letter of 14 August 2023, our advice remains that the mitigation measures in place will avoid adverse impacts on the integrity of Urquhart Bay Wood SAC. I hope this additional clarification will help you to address the concerns raised by your elected members.

Best wishes,

Rachael

Rachael Haylett | Operations Officer – Central Highland

10.01.2024

Appendix 2

Extract of email to Members from Stuart Morrison, Springfield – 11 January 2024

Dear Members,

Further to my previous email in respect of the deferment of the two housing applications at Drum Farm, I write in respect of the third application which relates to an amended drainage strategy for the proposals. This application was also deferred at the 12th of December 2023 South Area Planning Committee and Springfield is seeking a determination of the proposals at the next meeting on the 7th of February 2024. This email is intended to provide Members with some background and a detailed justification for the proposals to assist in their deliberations.

The submitted amended drainage arrangements fully reflect discussions with key stakeholders, particularly Scottish Water, and are designed to satisfactorily address historic flooding issues in and around the site entrance caused by excess surface water entering the existing combined sewer, which has limited capacity. The amended site drainage strategy ensures that existing surface water, as well as the surface water from within the new development, is separated from the foul drainage network, treated, and discharged safely and effectively to the watercourse. These arrangements have been designed in accordance with the relevant legislation, which ensures that all surface water is discharged to the watercourse at the greenfield rate i.e. the rate of water flowing from the outfall into the watercourse would be identical to circumstances were the site not developed. The provision of a second SUDs basin gives additional storage on site to ensure the amended arrangements have the capacity to take the increased surface water whilst operating appropriately and effectively in a 1:200-year plus climate change flooding event which, as Members will be aware, is the relevant test when assessed (and accepted) by SEPA and the Council's Flood Risk Management Team.

Members will note this application is described as retrospective. It is however important to highlight that the proposed arrangements were only ever intended to be temporary for the duration of the construction period.....essentially a construction phase surface water management plan. In this regard, following further discussions with Scottish Water, Springfield applied to make the proposed arrangements permanent given the wider benefits of separating surface water and foul flows, thereby freeing up capacity within the combined sewer and solving a historic flooding issue in this part of the village. I have attached an email from Scottish Water which confirms its support for the proposals.

As requested by Members, further advice has been sought from NatureScot on the risk of non-native plant species entering the system and being discharged into the Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). NatureScot has maintained its position and does not object to the proposals.....please see below. The content of NatureScot's response was expected. In this regard, during the consultation course of the planning application, NatureScot provided Springfield with detailed advice on how the scheme could be designed to mitigate the risks associated with non-native species. Springfield acknowledged and fully implemented NatureScot's advice. Specifically, in addition to the standard levels of treatment, the pipes which connect the basins and outlet have been perforated (25mm triangular cuts) to allow seeds to fall through. Furthermore, the outlet itself has been held back from the watercourse so that a large filter drain could be installed- this will ensure that in the very unlikely event that any seeds do make it to the end of the drainage run, they would germinate at this point.

The risk of non-native species entering the designated area from this site is not increased when compared to the rest of Drumadrochit or any of the villages upstream, and Members should take significant comfort from the fact that if it does happen, additional mitigation is in place in the form

of a maintenance regime in perpetuity. Springfield submitted the attached Risk Assessment and Method Statement undertaken by A9 Ecology Ltd in June 2023, which comprehensively details the risks associated with this aspect of the proposals and provides recommendations for appropriate mitigation to minimise the risk to the Urquhart Bay Wood SSSI and SAC. These measures include 4 quarterly inspections of the drainage arrangements by a qualified botanist and, the provision of an information pamphlet for all new residents to advise them on non-native species and good plant hygiene. Springfield will be responsible for this maintenance regime for the full duration of the construction phase before it becomes the responsibility of the new residents thereafter, who will have this requirement transposed into their title deeds so that it can be effectively dealt with by an appointed factor in perpetuity. It is important to note that Springfield is required to make all customers aware of this ongoing future maintenance requirement under the Consumer Code before they purchase a property.

I trust the above and attached is helpful and satisfactorily answers the queries raised in the Chamber on the 12th of December 2023 which will allow Members to consider the proposals positively.



Drumnadrochit Housing Development:
Risk Assessment and Method
Statement for Control of Non-Native
Species

DR ERIC DONNELLY

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1. Introduction

A Risk Assessment and Method Statement has been produced by A9 Consulting Ltd and Springfield Properties PLC in relation to the control of the risk of the introduction of non-native and Invasive Non-Native Species (INNS) into Urquhart Bay Wood Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) from the SUDS outlet pipe at the designated site boundary.

This is a retrospective assessment, as the outlet pipe was installed (September 2022).

This document includes the following aspects:

- Designated features of the SAC/SSSI;
- Design and installation of the SUDS system and outflow;
- Assessment of risk to the designated site from the SUDs system on the designated site through release of non-native species with no mitigation;
- Proposed mitigation for elimination of spread of Invasive Non-Native Species (INNS) or Non-Native Species (NNS; e.g., garden plants);
- Assessment of risk to the designated site from the SUDs system on the designated site through release of non-native species with mitigation; and,
- Summary and conclusions.

2. Designated site Qualifying Interests and management

2.1 SSSI

Urquhart Bay Wood Site of Special Scientific Interest lies within the boundary of the Urquhart Bay Wood Special Area of Conservation. The site covers a total of 46.39ha and is owned and managed by Woodland Trust.

According to the SSSI citation:

Urquhart Bay Wood SSSI is located on the eastern edge of the village of Drumnadrochit on the west shore of Loch Ness. The site consists of swamp alderwood formed on a delta at the confluence of the Rivers Enrick and Coiltie as they flow into Loch Ness. Few such intact floodplain woodlands remain in the UK.

*Alder *Alnus glutinosa* dominates the wetter ground, with transitions on gradually rising land to stands of ash *Fraxinus excelsior*, gean *Prunus avium*, rowan *Sorbus aucuparia*, wych elm *Ulmus glabra*, white willow *Salix alba* and bird cherry *Prunus padus*. Shrubs include hazel *Corylus avellana* and blackthorn *Prunus spinosa*. The ground flora is typical of northern wet mixed broadleaved woodlands and there are characteristic transitions to swamp and open fresh water. Frequent inundation by floods, changes in channel and accumulations of woody debris are key parts of the interest.*

The site management statement for the SSSI¹ notes that *The edges of the site have ditches that were created to drain adjacent ground for improved agricultural use and some ditches are still occasionally cleared, and Integrated catchment management approaches are therefore particularly important for this site.*

2.2 SAC

According to the SAC citation, the following qualifying interests are associated with the site:

¹ Scottish Natural Heritage (2009) URQUHART BAY WOOD Site of Special Scientific Interest SITE MANAGEMENT STATEMENT

*Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion alvae), or common name Alder woodland on floodplains.*

The SAC Conservation Advice Package² notes that the following is one of the key aims for the management of the site: *A key measures that will restore the structure, function and supporting processes of the habitat at this site is addressing the widespread colonisation by non-native tree species and invasive species such as Himalayan balsam, Japanese knotweed and white butterbur which are prevalent on the site.*

2.3 NatureScot appropriate assessment

Requirements from NatureScot to for an appropriate assessment to be carried out include the following aspects (email from NatureScot to The Highland Council, 10 April 2023):

- *Clarification and evidence to show that the SuDS discharge pipe, that enters the upper end of the SAC, does not introduce a long-term threat for spreading non-native plants into the Protected Area (e.g. garden plants, etc.). This SAC has Conservation Objectives identified to restore/control non-native species currently spreading through the site, see: <https://sitelink.nature.scot/site/8406>.*
- *Should it not be possible to demonstrate that the current SuDS proposals present no risk of spreading non-native species into the Protected Area, details of additional mitigation measures that will be implemented and evidence of their efficacy.*
- *If evidence of this specific SuDS design and/or additional mitigation cannot be provided to show a negligible risk for the spread of non-natives plants within this SAC, then an amended proposal which re-routes the discharge pipe away from this Protected Area.*

3. Drum Farm development description

3.1 Introduction to the site

The drum farm housing development site is located off A82 in Drumnadrochit, Highland. The total site covers an approximate area of 6.4 hectares centred on approximately NH 5096 9675. The site is a greenfield site, located on grazing fields (overview Appendix A)).

The site is located to the East of A82 and is bounded by Kilmore Road to the South, with open farmland to the north Boundary. River Enrick flows from west to east along the Northern boundary of the site.

3.2 Summary of SUDS system and impact on the water environment

A summary of the SUDS system requirements at this site includes³:

- Wastewater flows from the proposed development will discharge to existing Scottish water network – no mitigation is required and has been approved via Scottish Water technical team under reference DSCAS-0064081-TVM.
- Surface water run-off from the development – both roads and statutory run-off – will discharge to the existing watercourse to the North of the site.
- Surface water run-off will be attenuated to greenfield run-off characteristics prior to discharge.
- Surface water run-off will be treated in accordance with current best practice prior to discharge.

² Scottish Natural Heritage (2005) URQUHART BAY WOOD SPECIAL AREA OF CONSERVATION (SAC) CONSERVATION ADVICE PACKAGE

³ Springfield Properties Ltd (2022) Proposed Development at Drumnadrochit Drainage Assessment Rev G

- Surface water exceedance will be managed to ensure no new or existing properties are at risk of flooding.
- Permeable areas will be constructed to ensure they are as free draining as possible.

Surface water drainage on site is linked to two SUDS ponds, the outflows of which are linked and piped to an outflow pipe on the verge of the designated site (Appendix C). During storm events the water falls on hardstanding surfaces such as roads/footpaths/roofs/slabs being picked up through the gullies located at various intervals dependant on the grade of the road and at low points. From those entry points the water is then piped to the basins passing through the basin while also being treated. The water exits the basins and then passes through the filter trenches (Appendix C) being given a second form of treatment before exiting the network at the designated outfall point.

Originally the outflow was to be linked to an existing ditch to the east of the site, but this was adjusted due to landownership issues to an alternative location shown in Appendix B. The outflow here is just back from the boundary of the designated site (Photograph 1).



Photograph 1: End of outflow

The surface water designs were designed to comply with Ciria SUDs manual and also Scottish Planning policy whereby rainfall is collected and attenuated onsite and its discharge rate to any downstream watercourse is equivalent to the Greenfield Runoff rate, in this case the flow this would allow from the outflow is 14.8L/s.

The control of the release of water from the outflow will be achieved by discharging from the 2 proposed SUDs basins via a Hydrobrake manhole, one limiting discharging to 5L/s and the second to 9.8L/s.

Flow of water towards the designated site:

- The flow leaving the outflow pipe is designed so that there is no risk of high flows hitting the watercourse increasing downstream flood risks or causing erosion.

- The flow of water towards the designated site from the development will be maintained through the release of water through the outflow in high precipitation events but in a controlled manner.
- The original outflow location was tied into an existing ditch that was directly linked to the river through a watercourse channel, and therefore will not have changed the release of water into the watercourse.

4. Legislation in relation to INNS

The Wildlife and Natural Environment (Scotland) Act 2011 (WANE) made it the landowner or land manager's responsibility to prevent the planting or otherwise causing to grow in the wild of any non-native plant (e.g., Japanese knotweed), or releasing of any non-native animal or spread of any non-native species out-with its native range.

5. Assessment of risk of release of non-native species with no mitigation

The risk assessment includes the following aspects:

- Current situation in relation to invasive species;
- Potential sources of invasive plant species;
- System design as a filter for materials leaving the site;
- Potential risks from release of water through the above system from the site into the SAC/SSSI;
- Additional mitigation measures for potential release of invasive plant species; and,
- Resultant assessment of risks with additional mitigations in place.

The risk assessment is detailed in Table 1.

6. Summary

A SUDs system was required in relation to the Drum Farm housing development. This included an outflow close to the Urquhart Bay Wood SAC/SSSI. Due to landownership issues, this was altered to release water directly into the designated site.

NatureScot objected to the outflow due to the lack of information on the risk to the SAC/SSSI from the spread of INNS/NNS and how this would be avoided.

Due to the design of the SUDs pond, water flows slowly into her and is filtered, and therefore plant material and seeds will drop out of the water flow where they can either germinate/grow to be removed/disposed of, or rot.

The one in one hundred year rain event will lead to water well above the ground level where material can be floated off, but this is a rare event and plant material will be held by the aforementioned grate.

Regular inspections by the landscaping team in public areas and four yearly visits by a botanist will identify any INNS/NNS before they become an issue and are able to spread or set seed within the SUDs pond.

Educational material will be given to all households on NNS and good plant hygiene, which will reduce the potential for the spread of NNS from gardens.

Any fly-tipping will also be reported to the Council for its removal, which will also reduce the likelihood of spread.

With the above SUDs design, existing practices in relation to landscaping, and the additional mitigation proposed it should be considered that the potential for the release of INNS/NNS from the outflow is negligible.

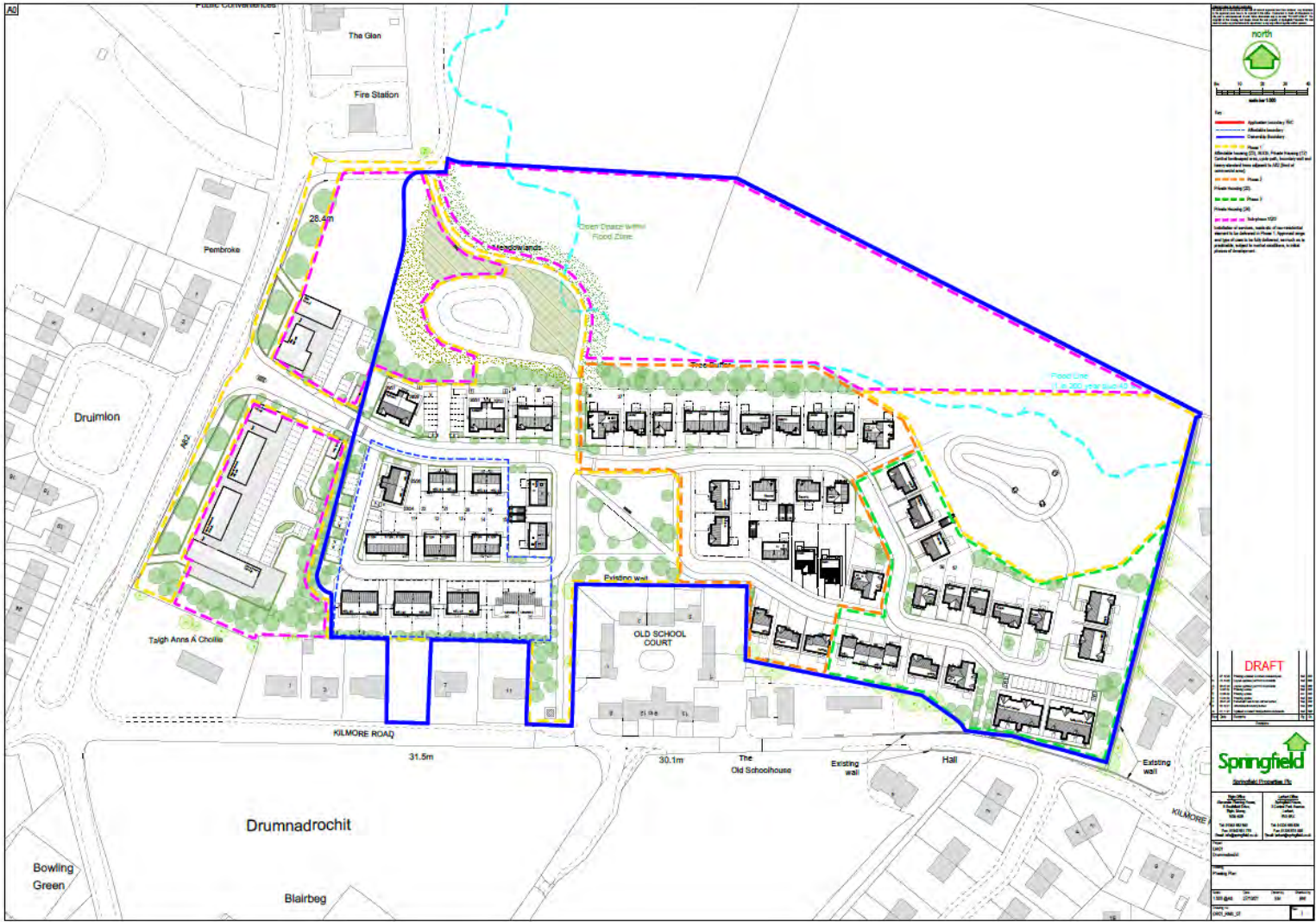
Table 1: Risk Assessment and Method Statement: elimination of INNS/NNS from SUDs outflow

Item	Baseline approach	Mitigation measure	Risk following
INNS leaving the outflow during construction.	<ul style="list-style-type: none"> • Regular inspections by site manager, including for INNS; • All plant cleaned prior to entering the site, to reduce potential for spread of INNS; • No INNS currently on site. 	<ul style="list-style-type: none"> • Continued inspections through until complete commissioning; • In the event that any INNS are located during inspections consultations with a specialist would occur. 	Negligible.
Spread of INNS/NNS from the water catchment area of the site when completed and occupied.	<ul style="list-style-type: none"> • Regular inspections by landscaping team in public areas. In the event that any INNS are located during inspections consultations with a specialist would occur; • Where NNS are located, local council or SEPA will be informed as fly tipping is an illegal activity; • In the event that any INNS are located during inspections consultations with a specialist would occur. 	<ul style="list-style-type: none"> • Four inspections per year of the public areas of the site by a botanist (Dr Eric Donnelly, A9 Consulting Ltd), including areas within the catchment to identify any invasive species; • A pamphlet will be produced by Springfield Properties PLC in association with a botanist on the risk of spread of INNS/NNS and given to all new residents. This pamphlet will include species which is it recommended not to plant, and information on good plant hygiene. 	Negligible.
Spread of NNS from the SUDs pond.	<ul style="list-style-type: none"> • No NNS to be planted in the SUDs pond; • Water entering the SUDs pond flows through a filter trench, which allows some material to drop out. Under normal situations, larger pieces of plants will be contained within the SUDs pond along the trench, and therefore any NNS 	<ul style="list-style-type: none"> • Four inspections per year of the public areas of the site by a botanist, including areas within the catchment to identify any INNS/NNS within the pond; • In the event that any INNS are located during inspections consultations with a specialist would occur; 	Low.

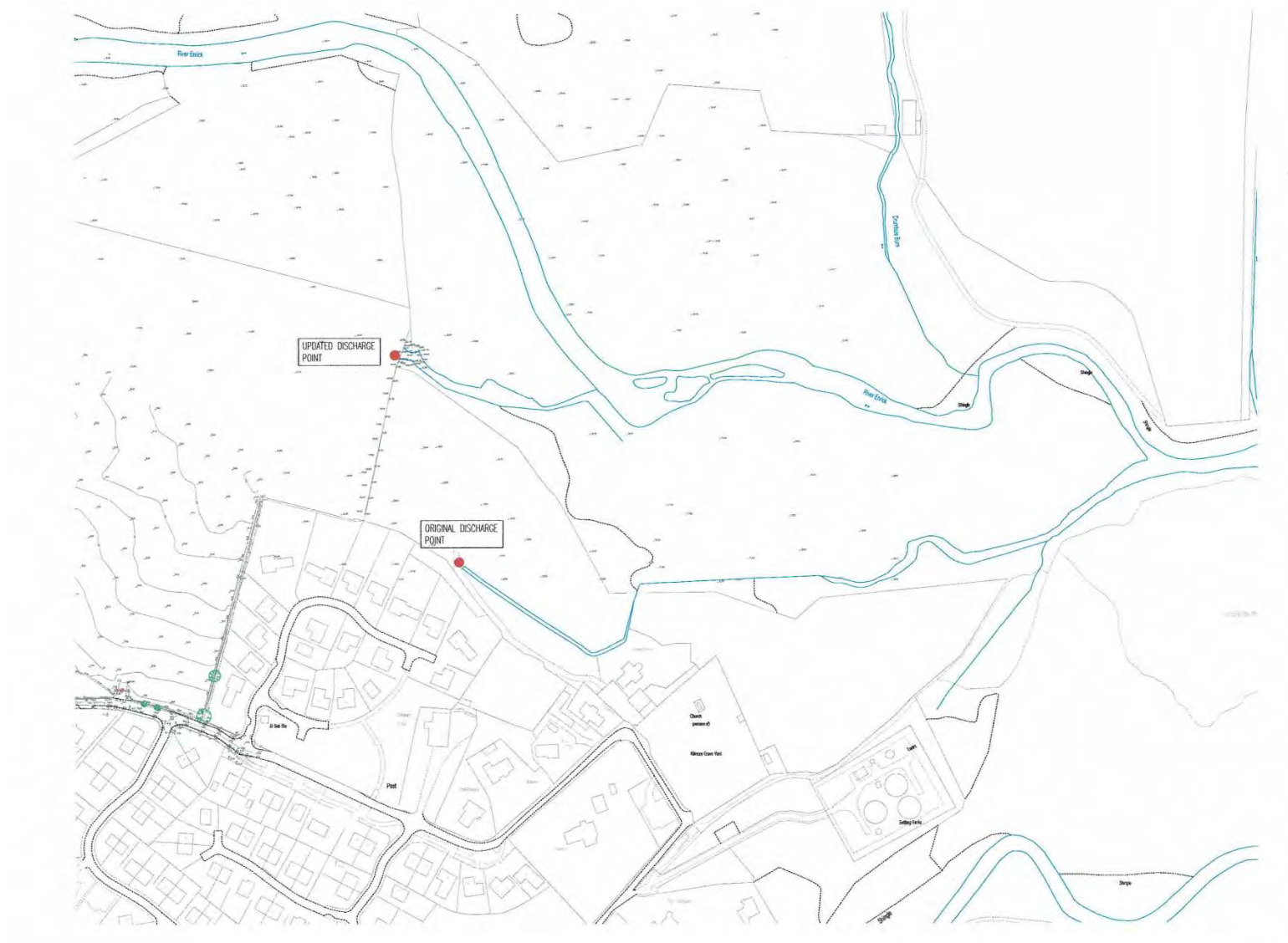
	<p>found growing in the pond can be removed by the landscaping team through regular inspections;</p> <ul style="list-style-type: none"> • Many seeds released by NNS that enter the SUDs pond during heavy rains/snow melt are likely to drop out. Any which germinate will be identified and removed; • The SUDs pond is designed to fill only during a one in one hundred year rain event, and so therefore the likelihood of large pieces of plants floating out of the pond into the outflow is very low; • The entrance to the outflow at the end of the SUDs pond has a grate on it, which will be checked following heavy rainfall/snow melt events and cleared of debris include NNS, which will be disposed of off-site. 	<ul style="list-style-type: none"> • In the event NNS are located by the botanist, Springfield Properties PLC will be informed, and the plants removed and safely disposed of. 	
<p>Growth of any INNS/NNS leaving the outflow into the SAC/SSSI</p>	<ul style="list-style-type: none"> • For the above reason, the likelihood if this is low-negligible. 	<ul style="list-style-type: none"> • As a final mitigation measure, the botanist visiting the site four times per year will inspect the area immediate to the outflow. This will start prior to the commissioning of the whole site to provide a baseline of the presence of INNS/NNS immediate (within 20m) of the outflow. Photographic records will be kept. In the event INNS/NNS are suspected from 	<p>Negligible</p>

		the view outside of the SAC/SSSI, permission will be sought from the landowner (Woodland Trust) to identify the species. it is illegal to cause the spread of INNS and therefore the matter would then be referred to SEPA.	
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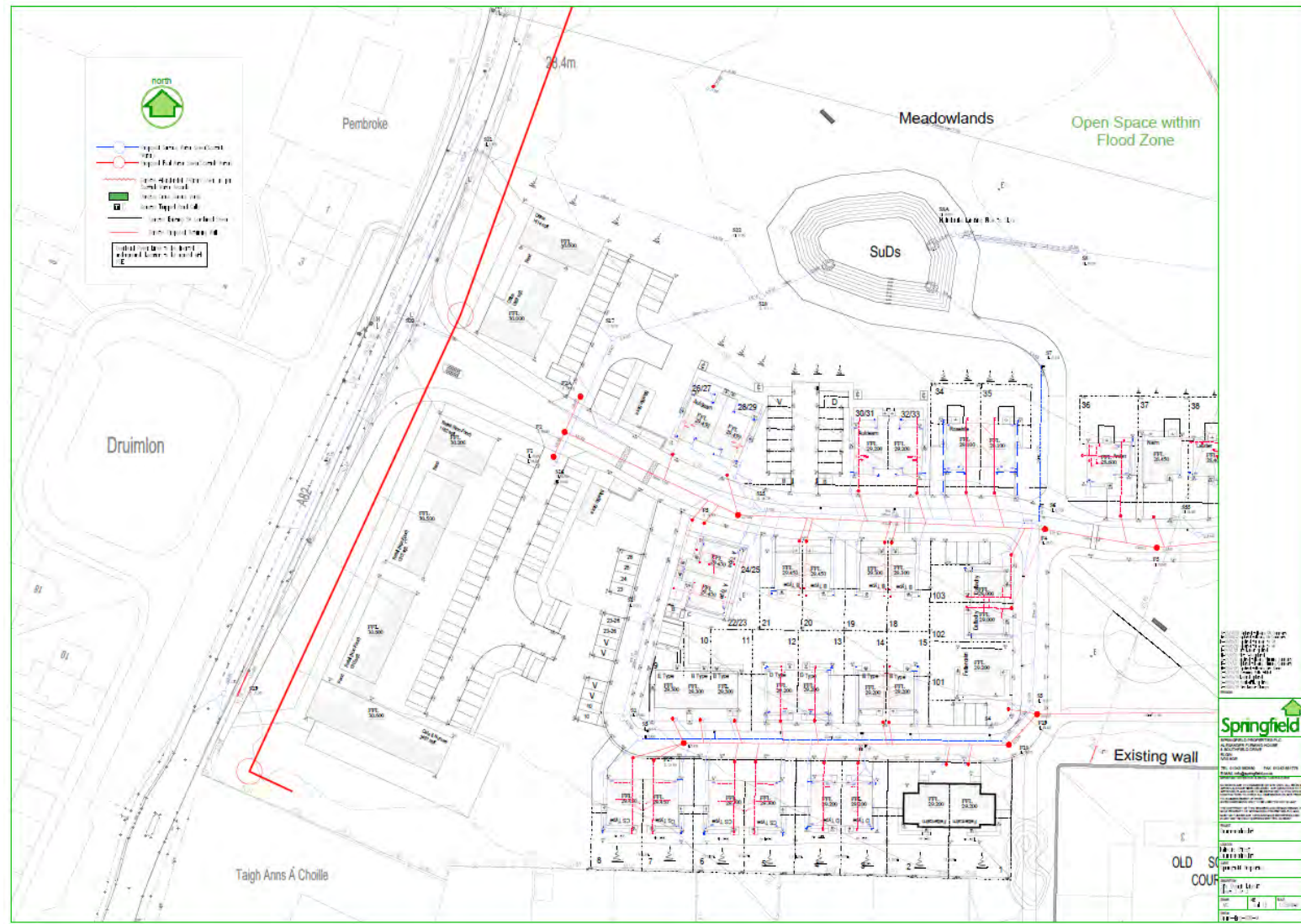
Appendix A: Site layout, including SUDs ponds

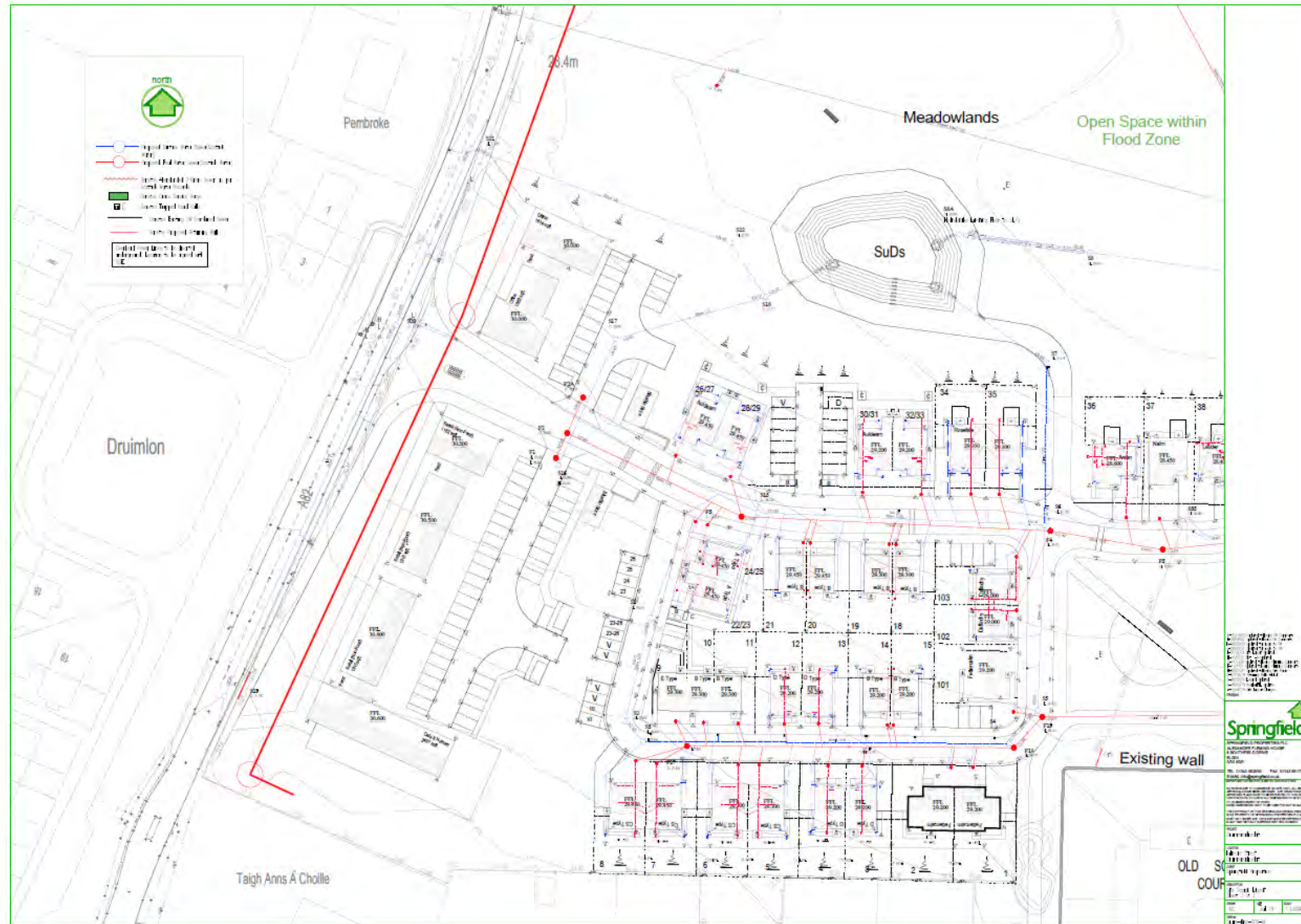


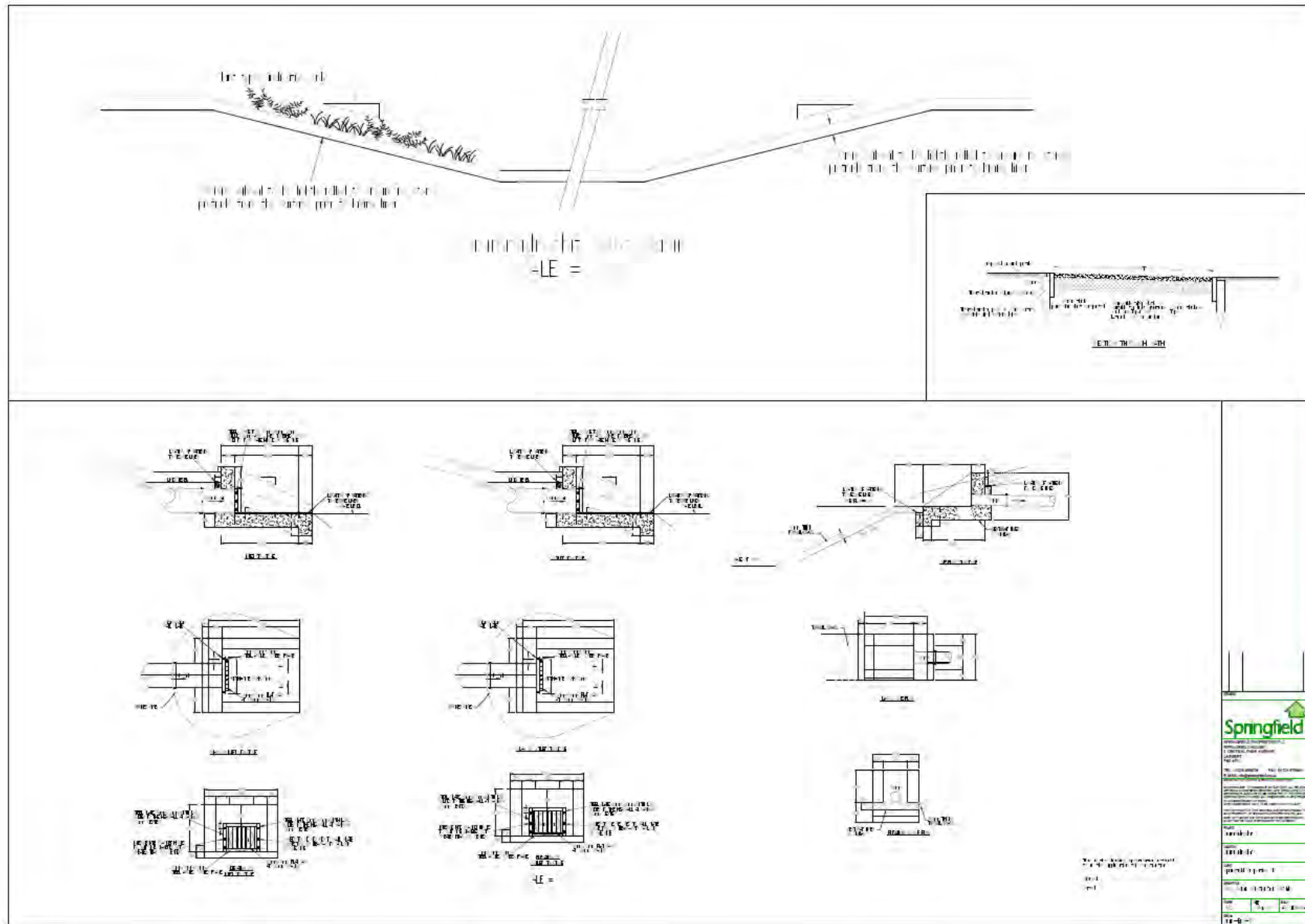
Appendix B: Outflow location (original and updated)



Appendix C: SUDs pond locations and filter trench designs







Appendix 4

Agenda Item	
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

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

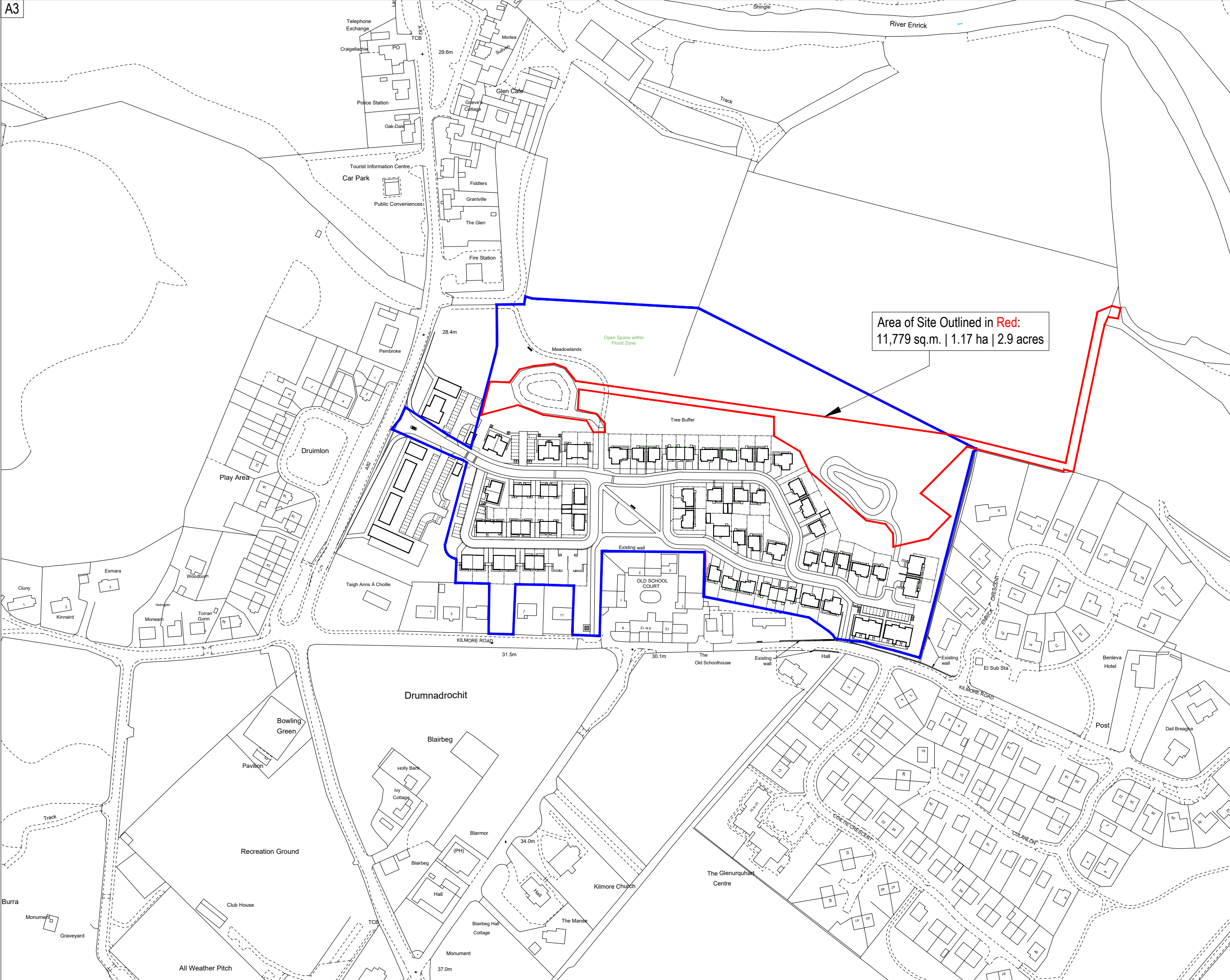
Subject to securing the mitigation measures suggested, it is considered the proposal will not adversely affect the integrity of the Urquhart Bay Woods Special Area of Conservation (SAC) and Urquhart Bay Woods Special Scientific Interest (SSSI).

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 (Red line)
Ownership Boundary (Blue line)

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	



Elgin Office
 Alexander Fleming House,
 8 Southfield Drive,
 Elgin, Moray,
 IV30 6GR
 Tel: 01343 552 550
 Fax: 01343 551 776
 Email: info@springfield.co.uk

Larbert Office
 Springfield House,
 3 Central Park Avenue,
 Larbert,
 FK5 4RX
 Tel: 01324 555 536
 Fax: 01324 574 890
 Email: larbert@springfield.co.uk

Project
DR01
 Drumadrochit
 SuDS

Drawing
Location Plan

Scale	Date	Drawn by	Checked by
1:2500@A3	Jan 2023	SM	BW

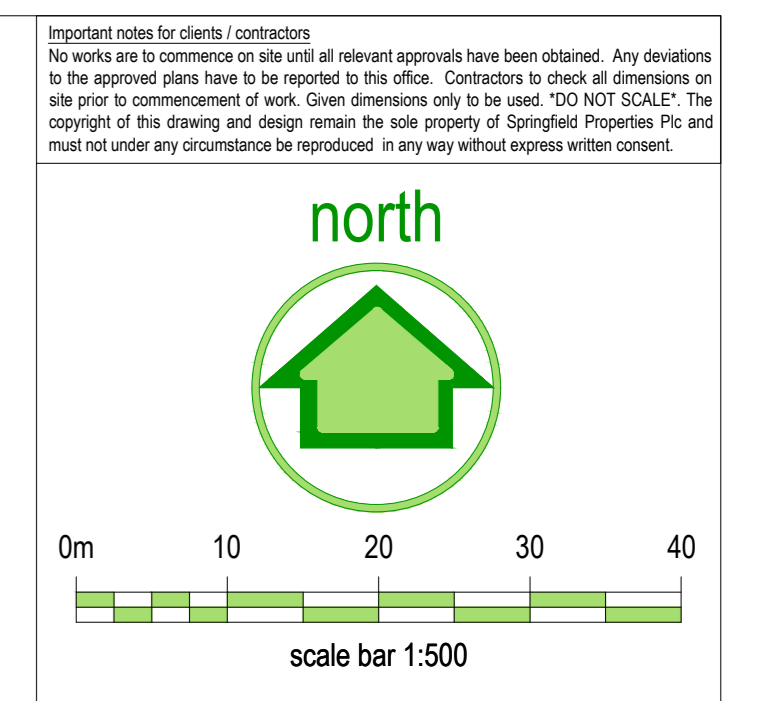
Drawing no.	Rev
DR01_SuDSLPL_01	A



Area subject to separate application

Area approved under application ref; 21/03612/FUL

Area subject to separate application



Legend

- Ownership Boundary
- Application Boundary
- Affordable Boundary
- Flood Extents

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

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Project	DR01
Location	Drumnadrochit
Application	SuDS Application
Drawing	Site Layout
Scale	1:500 @A0
Date	Jan 2023
Drawn by	SM
Checked by	BW
Drawing no.	DR01_SuDS_01
Rev.	A

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 the 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.



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



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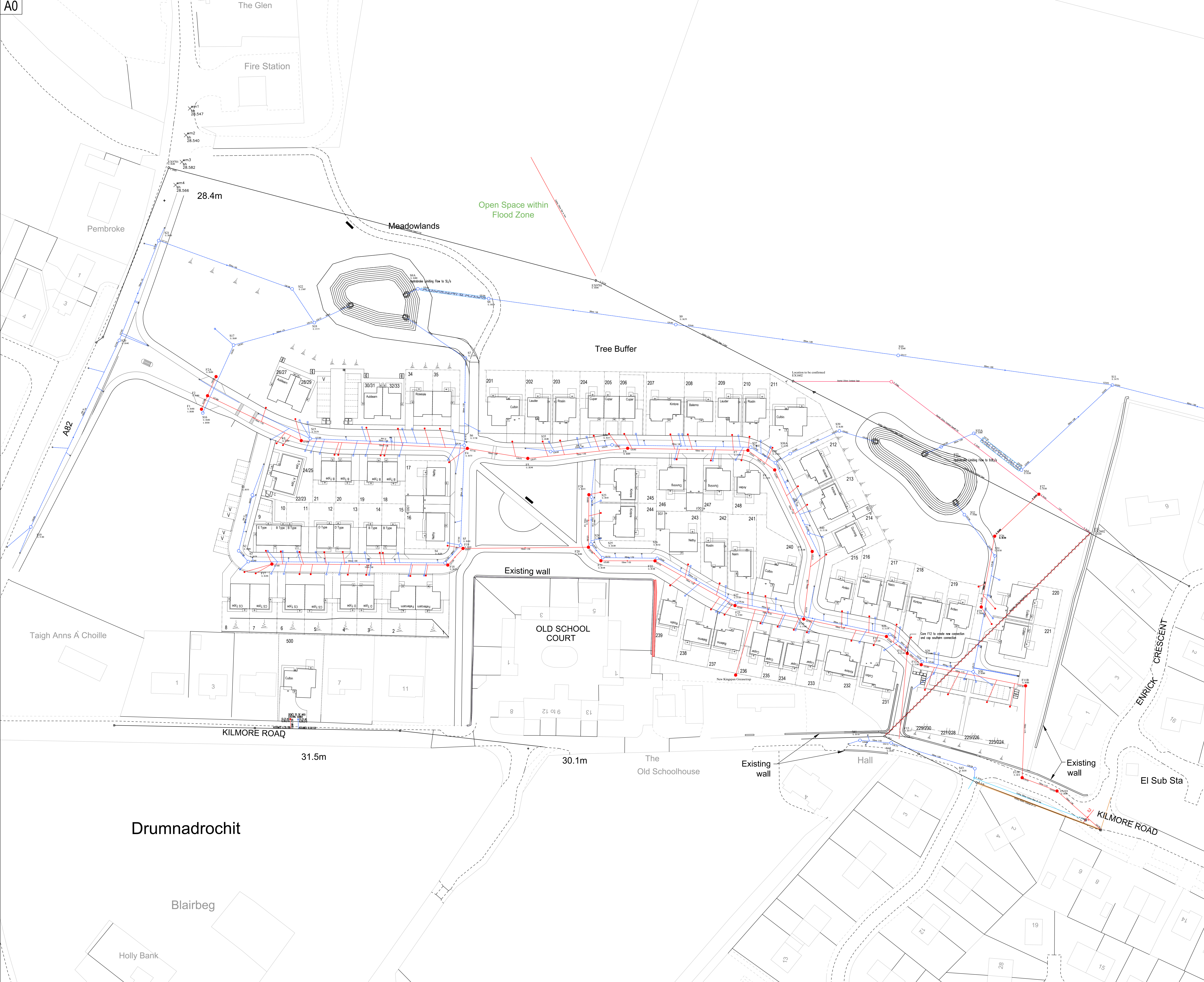
Project
Drum Farm
Drumnadrochit

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



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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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