

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE**  
**21 February 2017**

Agenda Item	7.6
Report No	PLN/017/17

**16/04431/FUL: The Highland Council**  
**Land 340M NW of Achnashellach Lodge, Strathcarron**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Provision of a 6km length of new, two lane, single carriageway road between Balnacra and the Lair railway bridge

**Recommendation - GRANT**

**Ward** : 06 - Wester Ross, Strathpeffer And Lochalsh

**Development category** : Major Development

**Pre-determination hearing** : N/a

**Reason referred to Committee:** Number of Objections and Council Development.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application seeks full planning permission for the provision of a new two-lane public road which would connect with the existing A890 just east of the Lair railway bridge and run west for some 6km. The road would pass to the north of Balnacra before re-joining the existing single track section of the A890 to the west of this village. The new road would bypass the traffic constraints of the Balnacra level crossing and the Lair railway bridge. The existing single track road would be retained for local access.
- 1.2 Mandatory pre-application consultation took place between January and March 2016, with formal pre-application advice provided on 10.03.2016
- 1.4 The application is supported by an Environmental Assessment.
- 1.5 **Variations:** None

**2. SITE DESCRIPTION**

- 2.1 The site comprises a corridor of undeveloped land which slopes uphill away from the line of the existing single track A890 public road. The eastern section of the site consists of a commercial (non-native) forestry plantation which gives way to open hill land west of Achnashellach Station. This open land continues to the western section of the site, behind the village of Balnacra, where the land is in crofting tenure, specifically common grazing.

### 3. PLANNING HISTORY

- 3.1 16/01771/PAN - Re-alignment of A890 between Balnacra and Lair -19.04.2016
- 3.2 16/02093/SCOP - Road improvement scheme on A890. EIA issues identified in response - 07.06.2016
- 3.3 16/00272/PREAPP - A890 Balnacra to Lair Road Improvements - positive response - 10.03.2016.

### 4. PUBLIC PARTICIPATION

- 4.1 Advertised : Environmental Statement 28 Days, Unknown Neighbour 14 Days  
Representation deadline : 11.11.2016

Timeous representations : 9

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Adverse impact on private water supplies
- Loss of amenity from construction
- Loss of amenity and privacy
- Structural implications for existing houses from blasting
- Need to cross new road to access water supplies and livestock
- Cars travelling at speed may leave road and land on houses
- Road appears closer to houses than originally advised
- Road should be further up the hillside
- Increased risk of flooding and landslips
- Adverse impact on environment/scenery and wildlife
- Creation of bottleneck on the remaining single track road to the west
- Insufficient screening with new planting
- Disagree with Noise Assessment
- Retained single track road requires improvement
- No need for a new road if traffic lights placed either side of Lair bridge

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

### 5. CONSULTATIONS

- 5.1 **Access Officer:** No objection, recommend enlarging new parking area at Achnshellach Station for 8 to 10 spaces.

- 5.2 **Contaminated Land:** No objection, no conditions sought.
- 5.3 **Environmental Health:** No objection, subject to conditions relating to private water supplies, construction lighting and dust suppression, as well as informative on working hours and noise and vibration limits on construction activities including any blasting.
- 5.4 **Development Plans:** No objection, application supported in principle.
- 5.6 **Flood Risk Management:** No objection, subject to conditions relating to final detailed design of drainage and watercourse crossings.
- 5.5 **Historic Environment:** No objection, subject to condition requiring archaeological evaluation.
- 5.6 **Transport Planning:** No objection, subject to a condition requiring a Construction Traffic Management Plan.
- 5.7 **Forestry Officer:** No objection, subject to condition in respect of detailed plans for compensatory planting and landscaping and tree protection measures.
- 5.8 **Landscape Officer:** No objection, subject to conditions relating to concrete finishes on the River Lair bridge and minor changes to one element of the Forestry Officer's conditions.
- 5.9 **SEPA:** No objection, subject to conditions on detailed design of watercourse crossings, peat management, construction management, borrow pits and other detailed mitigation measures.
- 5.10 **SNH:** No objection, no conditions sought.
- 5.11 **Network Rail:** Response awaited.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **Highland Wide Local Development Plan 2012**
- |    |                                      |
|----|--------------------------------------|
| 28 | Sustainable Design                   |
| 30 | Physical Constraints                 |
| 36 | Development in the Wider Countryside |
| 51 | Trees and Development                |
| 53 | Minerals                             |
| 54 | Mineral Wastes                       |
| 55 | Peat and Soils                       |
| 56 | Travel                               |
| 57 | Natural, Built and Cultural Heritage |

58	Protected Species
59	Other Important Species
60	Other Important Habitats
61	Landscape
64	Flood Risk
66	Surface Water Drainage
72	Pollution
77	Public Access

## 6.2 **Wester Ross Local Plan 2006 (As remains in force)**

No site specific policies, all relevant general policies have been superseded by the Highland wide Local Development Plan.

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Emerging West Highlands and Islands Local Development Plan (WestPlan)**

The emerging WestPlan Main Issues Report was released for consultation on April 1st 2016. Responses are now being evaluated as the document progresses into the Proposed Plan stage. Within the Main Issues Report, the transport section identifies the A890 bypass between Balnacra and Lair as a preferred option. The MIR also references the project as being listed in the Council's Capital Programme.

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

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Special Landscape Area Citations (June 2011)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

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

n/a

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

#### **Siting and Landscape/Visual Impact**

8.3.1 Three alternative routes were considered by the design team for the proposed road, and are discussed in Section 2 of the Environmental Assessment. The 'Blue Route' took the road south of the existing road and rail corridor, traversing the flood plain of the River Carron on the northern shore of Loch Dughaill, with two new railway bridges, one at either end of the route. This option was discounted due to the significant adverse effects upon the floodplain. The 'Green Route' avoided the floodplain with a new railway bridge to the west of the existing structure at Lair, and then followed a similar alignment to the Blue route until swinging north of the Balnacra houses after the level crossing. The adverse impact of the Green Route upon the mature woodland policies around Achnashellach Lodge and Os Lair weighed against this option. The 'Red Route' was the option chosen on the basis that adverse impacts on native woodland and the floodplain were avoided. Environmental impact from excavation into the hillside behind Balnacra would be limited due to the presence of rock near the ground surface which would minimise the extents of cut involved.

8.3.2 The above rationale for the selection of the route as submitted is accepted. While the section of road above Balnacra would introduce a significant new feature into the landscape, this would be mitigated by the planting of new native trees along the road corridor. Furthermore, the additional railway crossings required by both the Blue and Green Routes would have significant visual and landscape impacts, which the selected route avoids.

8.3.3 SNH's consultation response raises no concerns in respect of landscape and visual impacts. The response notes that while the site is within 1km of the Central Wild Land area and within 2.5km of the Ledgowan Forest Wild Land Area, the resultant effects of the scheme on these areas are not considered to be significant.

8.3.4 The Landscape Officer accepts the conclusions of the Landscape and Visual Impact Assessment section of the submitted Environmental Statement. While some adverse effects are noted, the Landscape Officer concludes that the mitigation proposed, together with the benefits from the removal of traffic close to the front of existing dwelling houses, offset these impacts. The change in the design of the River Lair bridge crossing from that presented at the pre-application stage is noted. No opposition to this change is offered, but a condition is sought requiring the submission and approval of the finishes to the concrete facing of the bridge. Such a condition can be applied. Finally, a minor

change is suggested to a condition sought by the Forestry Officer to include the *layouts* of landscaping and compensatory planting as well as their specifications. This can also be conditioned.

### **Existing Residential Amenity**

- 8.3.5 Of the nine representations submitted, six expressed concerns about the visual and noise impacts of the proposed road on existing residential properties at Balnacra and Achnashellach. However, it should be noted that the proposed new road would be further away from all of these objectors' houses than the existing road. While it is accepted that vehicle speeds would be higher on the proposed road than on the existing route, it must be recognised that both visual and noise impacts on these existing houses would be mitigated by extensive planting of native trees and shrubs. The Noise Assessment submitted by the applicant as part of the Environmental Statement concludes that the operational noise effects of the completed road at the residential receptors involved is considered to be of minor significance. A key factor in this assessment was that those properties in Balnacra which currently have the existing A890 passing very close to the front of their houses would experience some reduction in noise levels from the new road being further away.
- 8.3.6 It is accepted that the noise impacts from the construction phase would be higher than the operational phase. However, this would be for a relatively short period of some 10 months in the vicinity of existing houses, and is therefore considered acceptable. Any night time, Saturday afternoon, Sunday, or public holiday working would require the specific permission of the Environmental Health.
- 8.3.7 Some of the objectors claim that the proposed road is sited closer to the Balnacra houses than was originally proposed, and that it should be sited further up the hill, so as to increase the separation from these houses. The applicant has stated that the route of the road in the vicinity of Balnacra has not changed, with earthwork encroachment onto existing ownership boundaries actually reduced as the design has evolved. The applicant has also stated that it is not possible to move the road any further away from the Balnacra houses due to the increasing steepness of the hillside.

### **Private Water Supplies**

- 8.3.8 The applicant has stated that a specialist consultant shall be engaged to advise on suitable alternative water sources to replace existing private supplies which are affected by the proposed road. Conditions can be applied to ensure that affected supplies are improved or replaced as necessary, and that the quality and quantity of these supplies conform to the appropriate standards.

### **Flood Risk and the Water Environment**

- 8.3.9 Two of the submitted objections raise concerns that there could be a risk of flooding to property due to the removal of many trees and their replacement with tarmac and other hard surfaces, and the disruption to small watercourses. However, the Council's Flood Risk Management Team accepts the findings of the submitted Flood Risk Assessment and has no objection to the scheme. They

ask for some conditions in respect of the detailed design of watercourse crossings and drainage channels; these issues can be addressed by conditions. SEPA has no objection in relation to flood risk and seek similar conditions.

- 8.3.10 In relation to groundwater and peat, SEPA have no objection but require conditions relating to a finalised Peat Management Plan, and the application of the mitigation measures proposed by the applicant. These issues can be addressed by conditions.

### **Public Access**

- 8.3.11 A public car park in the form of a 130m long layby north of Achnashellach Station forms part of the scheme. This was initially proposed to accommodate 5 cars, but following pre-application advice has been increased in size to accommodate 8 vehicles. The Access Officer asks for a further increase to 10 cars, but this would result in increased visual impact. In addition, the existing parking facility adjacent to the existing road would remain open and available for use. Accordingly it is not considered that the suggested increase in size of the proposed layby is necessary or desirable. The Access Officer welcomes the inclusion of a footway from the new car park to the Coire Lair path, the retention of a walkway and cycle track to the Coulin Pass forest road, and appropriate provision for cyclists and retained/new signage.

- 8.3.12 In response to concerns regarding the new road interrupting access to common grazing and livestock the applicant has pointed out that access to hill land is accommodated within the scheme, with the location of an underpass suitable for vehicles having been discussed with the four crofters who use the hill ground in the vicinity of Balnacra.

### **Ecology**

- 8.3.13 Protected and other important animal species surveys were undertaken between March and May 2016, with bryophyte and lichen surveys in May and June 2016. Bats and Pine Marten were found in the survey area. Moderate adverse impacts are expected for these species in respect of some loss of habitat, and increased mortality risk for pine martens only. SNH accept the survey findings, the conclusions drawn and support the mitigation measures proposed. A condition can be applied which requires the development to proceed in accordance with these measures. Licensing in respect to loss of bat habitat would be addressed through the required tree felling licence regime.

### **Woodland**

- 8.3.14 The Forestry Officer accepts that considerable work has gone into providing the information requested at the pre-application and scoping stages and recommends conditions requiring the agreement of a detailed scheme for landscaping and compensatory tree planting, as well as tree protection measures, with the implementation of these requirements to be supervised by a suitably qualified landscape or forestry consultant. These conditions are considered appropriate, subject to the minor change suggested by the Landscape Officer, as discussed above.

## **Archaeology**

- 8.3.15 The Historic Environment Team's consultation response advises that the area around the site is considered to have the potential for the survival of unrecorded historic features that might be impacted by the proposed road. As such, they request a condition which requires a walkover survey of the affected area to identify any such features and to propose appropriate mitigation. This can be addressed by condition.

## **8.4 Material Considerations**

### **Road and Public Safety**

- 8.4.1 Some objectors note that the speed limit for the new road at 60mph would be higher than the 40mph limit for the existing road at Balnacra, and claim that this could adversely affect the safety of their properties due to an increased risk of cars leaving the road. The applicant has responded by advising that a safety barrier has been included within the design to ensure the safety of vehicles and nearby housing. An independent Stage 1 Road Safety Audit has been submitted as part of the application. The various points made by the auditor have been accepted by the applicant, with a Stage 2 independent audit to be undertaken prior to tendering once detailed design has been completed.
- 8.4.2 A number of the submitted objections also refer to the poor state of the existing road, and query whether it shall be maintained by the Council following completion of the new road. The applicant has stated that the existing road will continue to be maintained by the Council as a public road following completion of the proposed new road.

## **8.5 Other Considerations – not material**

- 8.5.1 The issues of whether the applicant's insurance would cover any damage to existing households during and after construction, the loss of a family pet's burial site, together with suggestions for downgrading the existing road to a footpath or cycle track are not material planning considerations.

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

None

## **9. CONCLUSION**

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



## 10. RECOMMENDATION

### Action required before decision issued N

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

1. The development shall be undertaken in accordance with the application, Environmental Statement, Schedule of Mitigation, and approved plans, except insofar as amended by the terms of this consent or as approved by the Planning Authority in consultation with other relevant authorities. The development shall be undertaken in its entirety, in one continuous phase, with no partial implementation, unless otherwise approved in writing by the Planning Authority. Construction activities shall be completed within a three year period from the commencement of development unless otherwise approved as a non-material variation in writing by the Planning Authority.

**Reason** : To ensure the development is implemented in accordance with the provisions of the application and associated documents, and that it is constructed in one continuous phase and within an acceptable timescale.

2. At least 6 months prior to the commencement of any development, a full set of finalised design plans for all site infrastructure and enabling works with site specific mitigation measures shall be submitted for the written approval of the Planning Authority in consultation with other relevant authorities as appropriate. Thereafter, the development shall proceed in accordance with these approved details.

**Reason** : To ensure that development is implemented in an acceptable manner with sensitivity to the established amenity of the area and to control pollution of air, land and water.

3. At least 6 months prior to the commencement of any development, a finalised Peat Management Plan shall be submitted for the written approval of the Planning Authority in consultation with other relevant authorities as appropriate. Thereafter, the development shall proceed in accordance with these approved details.

**Reason** : To ensure that development is implemented in an acceptable manner with sensitivity to the established amenity of the area and to control pollution of land and water.

4. At least 6 months prior to the commencement of any development, the finalised detailed design of all watercourse crossings and related engineering works shall be submitted for the written approval of the Planning Authority in consultation with other relevant authorities as appropriate. Thereafter, the development shall proceed in accordance with these approved details.

**Reason** : To ensure that development is implemented in an acceptable manner with sensitivity to the established amenity of the area and to minimise the risk of flooding and pollution.

5. No borrow pits or quarries shall be excavated within the site boundary unless the location and extent of works are agreed in writing with the planning authority in consultation with SEPA.

**Reason :** In order to enable the planning authority to consider any issues pertaining to such excavations in detail prior to the commencement of development; in the interests of amenity.

6. At least 6 months prior to the commencement of any development, the finalised detailed design for the disposal of surface water drainage from the development shall be submitted for the written approval of the Planning Authority in consultation with other relevant authorities as appropriate. Thereafter, the development shall proceed in accordance with these approved details.

**Reason :** To ensure that development is implemented in an acceptable manner with sensitivity to the established amenity of the area and to minimise the risk of flooding and pollution.

7. At least 6 months prior to the commencement of any development, a scheme for the replacement or improvement of any private water supplies affected by the development shall be submitted for the written approval of the Planning Authority. This scheme must demonstrate that a sufficient private water supply in terms of both quality and quantity can serve the affected households. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to these households. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised. Thereafter, the development shall proceed in accordance with these approved details.

**Reason :** To ensure continuity of private water supplies.

8. No development shall commence until a detailed specification and layouts (including future maintenance) for landscaping and compensatory planting, as outlined in the Environmental Statement, has been submitted to and approved in writing by the planning authority in consultation with the forestry officer. All approved compensatory planting and landscaping shall be implemented in full and protected prior to first use of the new road and maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the planning authority.

**Reason :** To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal, to ensure appropriate design to achieve the maximum mitigation of visual and landscape impacts.

9. A suitably qualified landscape or forestry consultant shall be employed at the applicant's expense to ensure that the approved landscaping and compensatory planting is implemented to the agreed standard. Stages requiring supervision are to be agreed in writing with the planning authority and certificates of compliance for each stage are to be submitted for written approval. No development shall

commence until a work instruction has been issued to the consultant to enable them to undertake the necessary supervision unhindered for the duration of the project.

**Reason** : To secure the successful implementation of the approved landscape works.

10. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction) has been submitted to and subsequently approved in writing by the planning authority, in consultation with the forestry officer.

**Reason** : To ensure the protection of retained trees during construction and thereafter.

11. A suitably qualified arboricultural consultant shall be employed at the applicant's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed in writing with the planning authority in consultation with the forestry officer and certificates of compliance for each stage are to be submitted for written approval. No development shall commence until a work instruction has been issued to the consultant to enable them to undertake the necessary supervision unhindered for the duration of the project.

**Reason** : To secure the successful implementation of the approved tree protection measures.

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

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

13. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority in consultation with Environmental Health. The approved scheme shall be implemented before any development commences and be maintained throughout the construction works period until development is complete.

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

14. No development shall commence on site until a Construction Transport Management Plan and a Construction Access Management Plan have been submitted for the written approval of the Planning Authority, in consultation with the Roads Authority. Thereafter, the development shall proceed in accordance with these approved details.

**Reason** : In the interests of road safety.

15. Any construction lighting shall be positioned and controlled so as to prevent any direct illumination, glare or light spillage outwith the site boundary.

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

### **REASON FOR DECISION**

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

### **TIME LIMITS**

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

### **FOOTNOTE TO APPLICANT**

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

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

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

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

#### **Flood Risk**

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

### **Mud and Debris on Road**

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

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

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

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

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

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

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

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

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

### **Protected Species - Tree Felling**

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

### **Network Rail**

The developer's attention is drawn to Network Rail's Standard Conditions for Contractors, Contractor's Public Liability Insurance, and Asset Protection requirements.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Graham Sharp  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Committee Location Plan  
Plan 2 -Drawing No PA 00 Rev.A – Location Plan  
Plan 3 – Drawing No 2.1 Rev. B - Route Options Plan  
Plans 4 to 20 – Drawing Nos PA 01 to PA 017 - Site Layout Plans  
Plan 21 – PA 20 – Section Plan  
Plan 22 – PA 21 Site Section Plan  
Plans 23 to 28 – Drawing Nos PA 22 to PA 27 – Drainage Plans  
Plan 29 – PA 28 General Plan