Agenda item	6.4
Report	PLN/054/17
no	

THE HIGHLAND COUNCIL

Committee:	North Planning Applications Committee
Date:	12 September 2017
Report Title:	16/05384/FUL Land 100M South Of Fire Station, Dunvegan
Report By:	Area Planning Manager North

1. Purpose/Executive Summary

1.1 Applicant : North West Skye Recreation Association

Description: The construction of a new grass sports pitch and associated facilities including access, car parking, fencing and lighting

Ward: 10 - Eilean A' Cheò

Category: Major Development

Reason for Referral: All Major Applications are to be referred to Committee

(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.)

2. Recommendations

2.2 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application proposes the construction of a grass sports pitch and associated facilities including a car park and new access, changing room buildings, fencing and lighting.
- 1.2 As development falling within the Major category, this proposal has been made the subject of mandatory pre-application consultation see 16/03239/PAN. A public consultation event was held in Dunvegan Community Hall on 28 July 2016. The applicants also made a major pre-application submission to the Council see 16/01743/PREAPP.
- 1.3 It is understood that a mains public water supply connection is available.
- 1.4 The application is accompanied by a soil investigation report, peat management report, proposed earthworks plan, habitat survey, transport assessment and supporting statement.

1.5 Variations:

- revised site layout plan showing re-designed access and parking layout
- revised peat management plan and drainage details

2. SITE DESCRIPTION

- 2.1 The site is an area of common grazings but shows little sign of active use being largely covered in heather and rough grasses. It rises slightly from the B884 road which forms its north-western frontage.
- 2.2 The only other property close by on this side of the road is the local fire station. However, the area as a whole reads as a small industrial estate with a number of commercial buildings on the opposite side of the road.

3. PLANNING HISTORY

- 3.1 16/01743/PREAPP The construction of an outdoor multi-function sports pitch and associated changing facilities, parking, fencing and earthworks advice provided 8.6.16
- 3.2 16/03239/PAN Construction of an outdoor multi-function sports pitch and associated changing facilities (100m2), fencing, earthworks and car park -

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 2 development – 16 December 2016 Representation deadline : 30 December 2016

Timeous representations: 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

∎ n/a

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

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

5. CONSULTATIONS

- 5.1 **Transport Planning Team** : In respect of revised details no objection in principle but further information, documentation and revised plans required in respect of some specific points of detail.
- 5.2 **Environmental Health** : No objection subject to time restriction and flood lighting condition
- 5.3 Building Standards : No comment
- 5.4 Landscape Officer : No comment
- 5.5 **Development Plans :** No further comment beyond pre-application advice
- 5.6 **Dunvegan Community Council :** No comment
- 5.7 SportScotland : No objection
- 5.8 **SEPA : Originally an objection was raised pending the submission of further information.** On receipt of revised information the issue was resolved and no objections were raised subject to conditions controlling peatland restoration areas and the required pollution prevention plan.
- 5.8 **Crofting Commission :** No objection
- 5.8 **Skye and Lochalsh Access Panel :** No objection some suggested improvements

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
29	Design Quality and Place-making
34	Settlement Development Areas
36	Development in the Wider Countryside
41	Business and Industrial Land
47	Inbye/Apportioned Land
55	Peat and Soils
56	Travel
57	Natural, Built and Cultural Heritage
58	Protected Species

- 59 Other Important Species
- 60 Other Important Habitats and Article 10 Features
- 61 Landscape
- 66 Surface Water Drainage
- 72 Pollution

6.2 West Highland and Islands Local Plan (WHILP) as retained in force (2012)

Policy 1 Land use allocations and settlement boundaries

7. OTHER MATERIAL CONSIDERATIONS

7.1 West Highlands and Islands Local Development Plan

Proposed plan retains previous industrial land allocation

7.2 Highland Council Supplementary Planning Policy Guidance Statutorily Protected Species

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

As identified in the pre-application report, the critical planning policy issue raised by this application is that it utilises an area of land currently allocated for business and industry uses – the Lonemore Industrial Estate. Policy 41 of the current local plan states that such land will be safeguarded from other competing uses.

However, some weight can be given to the emerging local plan now that it has reached the Proposed Plan stage. The Proposed Plan ("WestPlan") identifies the entire site as a mixed use (community, business) allocation – DV08. This proposal would be entirely compatible with such a land allocation.

The remainder of the site falls within the current wider countryside designation to which Policy 36 is the relevant guidance. It reiterates the sustainable material considerations of Policies 28 and the visual/landscape issues identified by Policies

29 and 61. It also stresses the need to support proposals which help to re-populate and strengthen services in Fragile Areas such as Dunvegan. Policy 28 requires consideration of accessibility in design.

Policy 56 requires traffic generating uses such as this to be supported by traffic assessments aimed at minimising car usage.

Policy 47 requires planning decisions to protect in-bye croftland – this site is common grazings only so the policy only applies in principle.

Policy 55 requires proposals to avoid unnecessary disturbance of peat and soils and to mitigate any peat disturbance through a peatland management plan.

In respect of the group of listed buildings associated with Lonmore Free Church (some 40m – 60m from the north-eastern boundary of the site, Policy 57 requires the proposal to demonstrate no significantly adverse effects on the special character of the buildings.

Policies 58, 59 and 60 require any proposal to identify protected species and habitats that might be affected by the proposal and propose appropriate mitigation.

Policy 66 requires all proposals to be drained by SuDS compatible systems.

Policy 72 requires the identification of potential pollution arising from the development and the incorporation of suitable mitigation.

8.4 Material Considerations

Principle of Development - the emerging local plan mixed use designation can be given some weight in respect of non-compliance with the existing business and industrial land allocation. It is considered that the positive contribution this proposed facility will have upon alleviating some of the social and economic problems experienced within this designated Fragile Area suggests that overall the policy considerations raised by the proposal are compatible with the development plan.

8.4.1 **Visual and Landscape Impact** – in visual terms the proposal will transform an area of open rough peat moorland into a level, grassed sports pitch and introduce other visual features into the landscape including eight 15m floodlights, two 5m high ballstop netting sections, post and wire fencing, a changing room building and a new access and parking area.

Set against their immediate built surroundings of commercial buildings and associated vehicles and open storage, these visual impacts are considered to be of relatively minimal significance and to be entirely acceptable.

The changing room building is proposed to be of a simple rectangular, low-pitched roof, modular design with timber cladding – as illustrated in the supporting statement. This is considered to have a low visual impact and to be acceptable in the proposed location. A condition is recommended to ensure that full details of the building are approved by the authority before construction commences.

In terms of floodlighting the eight masts will be seen clearly in such an open landscape but, again, are considered likely to find visual context in the commercial buildings which are in the foreground of most views from the main Dunvegan road. When lit, during the evening, the lights will create a strong visual glow which will stand in stark contrast to the surrounding open moorland. However, this is not considered to be significantly harmful to landscape quality and will only be illuminated for relatively short periods of time. A condition is recommended to control light spillage and glare which could be harmful to residential amenity at considerable separation distances – see section 8.4.9 below.

8.4.2 **Impact on Listed Buildings** – the proposal introduces built development and human activity into an area of land devoid of such features and which lies within 100m of the free church, schoolhouse and manse forming a notable historic group feature at the junction of the B884 and A863.

However, it is not considered that the physical impacts involved – ballstop netting, mown grass, players and spectators would have a significantly detrimental impact upon the setting of these buildings whose heritage value derives rather more from their historic association than from their visual setting. Sufficient separation is considered to be retained so as not to harm the integrity of this group of buildings.

8.4.3 **Peat and Pollution** – SEPA initially objected to this application on the grounds that it lacked detail on the disturbance and use of peat, drainage and environmental management/pollution control.

In response the applicants have submitted amended drainage details and a revised peat management plan.

In a further consultation response SEPA have been able to confirm that they are generally content with the peat management plan. However, the plan proposes a number of peatland restoration areas but does not include detail on these. Consequently, although satisfied with this approach to peat management, SEPA require a condition be imposed to ensure full details are agreed before construction commences.

The peat management plan also includes proposals for a pollution prevention plan and a site waste management plan. SEPA are satisfied that these plans are fit for purpose but recognise that they need more site specific detail. Consequently, they have requested the imposition of a condition requiring the approval of the details in advance of commencement of works.

8.4.4 **Drainage** – the revised details submitted included a revised drainage plan. Creating a grass playing surface from the existing landform requires an extensive network of surface water drainage pipework and associated earthworks. However, essentially the proposal amounts to a drainage solution utilising a new outfall into the burn running on the opposite side of the road.

Foul drainage from the changing room facilities is to be passed through a treatment plant and then into the same discharge outfall.

The details of these proposals will be controlled through the building warrant and CAR license regulations.

8.4.5 **Protected Species and Habitats** – the submitted habitat survey identifies the site to largely consist of 'wet heath' habitat. Whilst this is identified by SEPA as having the potential to be a groundwater dependant terrestrial ecosystem protected under the Water Framework Directive, they are content that this particular area is not very

groundwater dependant and no unacceptable ecological harm will result from the proposal. Equally, the wider impact of the drainage of the land on the surrounding wetland habitats is not considered likely to have any significant negative effect.

8.4.6 **Transport Impact, Access and Parking** – the original access plans for the proposal included a double 'in and out' arrangement onto the public road. The transport planning team objected to this on road safety grounds and a revised design with a single point of access and re-worked parking/manoeuvring areas has been submitted. Transport planning are satisfied with this general approach but want to see detailed dimensions including swept path analysis for 15m coaches. These can be secured by condition as can a requirement to ensure bituminous macadam surfacing is used for at least the first 6 metres into the site and adequate visibility splays of 90m x 4.5m are achieved.

The required plan can also show detailed changes to the pedestrian route around the parking area required by the transport planning team to enhance safety.

A condition is also required to control the cycle parking provision and ensure it is roofed as required by Council standards.

The transport planning team also require that a draft or framework construction traffic management plan be secured by condition before any works commence.

- 8.4.7 **Croftland** the site consists of common grazing land of low grazing potential and so no loss of in-bye land will result from the development.
- 8.4.8 Access Panel Comments the access panel have provided a brief audit of the submitted scheme and suggested improvements in respect of the width of paths, ramps and step design and internal changing room design and accessibility provisions. Some of these improvements may be possible to deliver as part of the discharge of the recommended conditions and those relating to the car park layout design and the final design of the changing rooms have been worded accordingly
- 8.4.9 **Noise and Lighting** Environmental Health have no objection to the proposal but recommend the imposition of conditions to control noise and light pollution. In both respects, the nearest dwelling to the pitch and the floodlights is the free church school and schoolhouse which lies some 50m from the north-eastern edge of the proposed pitch.

With noise and in the absence of a noise management plan, Environmental Health are recommending a simple time restriction on use so that the facility is closed between 23:00 and 07:00 each night. Given the distance to the nearest residential dwelling this is considered an appropriate restriction and is relevant to the control of light pollution also.

A condition has also been recommended to ensure that the proposed floodlighting does not spill outside the site boundary and adheres to the submitted lighting spill assessment. A misdirected floodlight could certainly have a detrimental impact upon the nearest dwelling identified above. However, the lighting spill drawing indicates that properly adjusted lights will have a very limited impact.

8.5 **Other Considerations – not material**

n/a

8.6 Matters to be secured by Section 75 Agreement

n/a

9. CONCLUSION

9.1 The principle of development is welcomed and will provide welcomed and improved recreational facilitates for the communities within this part of Skye. 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) Provision of social infrastructure within a Fragile Area
- 10.4 Climate Change/Carbon Clever Not applicable
- 10.5 Risk Not applicable
- 10.6 Gaelic signage can be bi-lingual

11. **RECOMMENDATION**

Action required before decision issued N

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

- 1. No development shall commence until full details of the proposed peatland restoration areas have been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. These details shall include:
 - i. 'before' and 'after' profiles for each area,
 - ii. confirmation of the amount of peat required in each location,
 - iii. monitoring proposals thereafter.

The peatland restoration works shall not be carried out other than in strict accordance with the approved details.

Reason : To protect and enhance the nature conservation interests of the area

- 2. No development shall commence until full details of the Pollution Prevention Plan have been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. These details shall include a Site Waste Management Plan which shall contain;
 - i. proposals for the waste soil and rock to be created by the development.

The development shall not be carried out other than in strict accordance with the approved details.

Reason : To protect the nature conservation interests of the area

- 3. No development shall commence until a fully dimensioned site layout plan of the access and parking area has been submitted to, and approved in writing by, the Planning Authority. The plan shall detail the following;
 - i. the size of the radii at the junction with the public road
 - ii. the width of the access road
 - iii. the width of the parking aisles and the size of the car and coach parking bays
 - iv. revised swept path analysis for a 15m coach length
 - v. a revised pedestrian route from the B884 that responds positively to the relevant requirements of the transport planning team's consultation response dated 12 June 2017 and the accessibility recommendations contained within the Access Panel response dated 21 December 2017.
 - vi. visibility splays that comply with the Council's "Roads and Transport Guidelines for New Developments" document.

The development shall not be carried out other than in strict accordance with the approved details.

Reason : In the interests of road and pedestrian safety

4. No development shall commence until full details of the modular changing room unit(s) to be sited within the development have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

i. elevational and site layout drawings of the units with a schedule of external materials and finishes

ii. a floorplan layout of the unit(s) which responds positively to the accessibility recommendations contained within the Access Panel response dated 21 December 2017.

The development shall not be carried out other than in strict accordance with the approved details.

Reason : In the interests of visual amenity and user accessibility

5. No development shall commence until full details of a covered and secure communal bicycle storage/racking system has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason : In order to facilitate the use of a variety of modes of transport.

6. Prior to the first occupation of the development hereby approved, the first 6 metres of the access, as measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority. Only the approved details shall be employed and thereafter the access shall be maintained to the agreed standard.

Reason : To maintain the integrity of the public road carriageway

- 7. No development shall commence until a framework/draft construction traffic management plan has been submitted to and approved in writing by the Planning Authority. This draft plan shall include:
 - i. measures to mitigate the impact of construction traffic on the B884 following an assessment of the road
 - ii. proposals for consultation with adjacent businesses and the Fire Service
 - iii. traffic management procedures to ensure the free flow of traffic, especially emergency vehicles
 - iv. construction traffic hours of operation
 - v. construction duration
 - vi. measures to protect the road from any dirt and debris.

The development shall not be carried out other than in strict accordance with the approved details.

Reason : In the interests of road safety

8. The development hereby approved shall not be used between the hours of 23:00 and 07:00.

Reason : In the interests of protecting residential amenity

9. The floodlighting system shall not be used other than positioned and controlled so as to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason : In the interests of protecting residential amenity

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.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

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

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.

Septic Tanks and Soakaways

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

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: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

Please note that it 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.

Damage to the Public Road

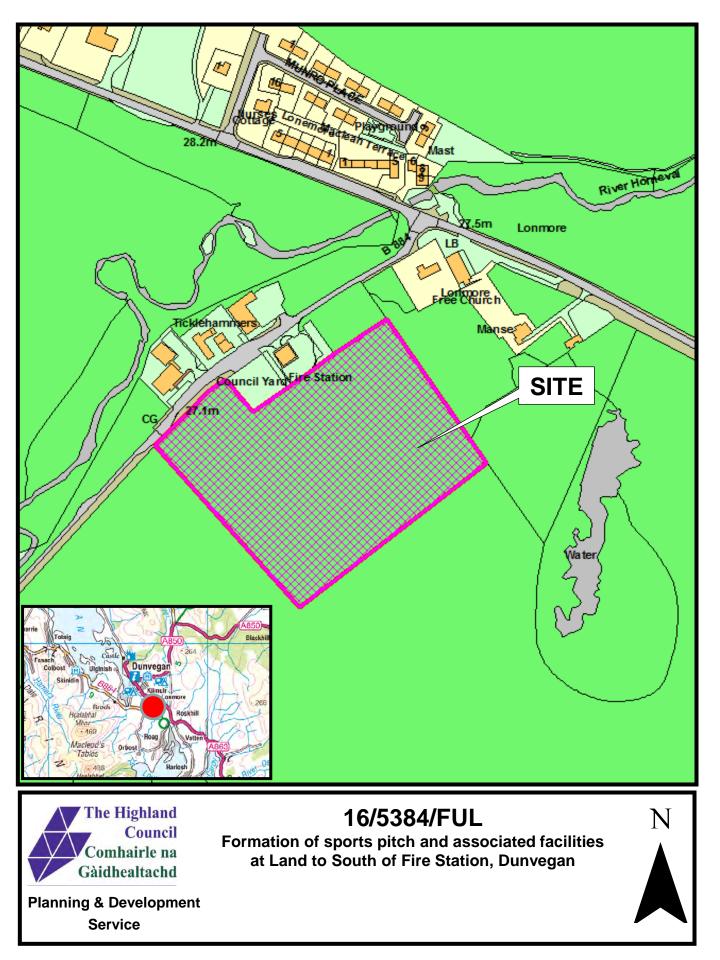
Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

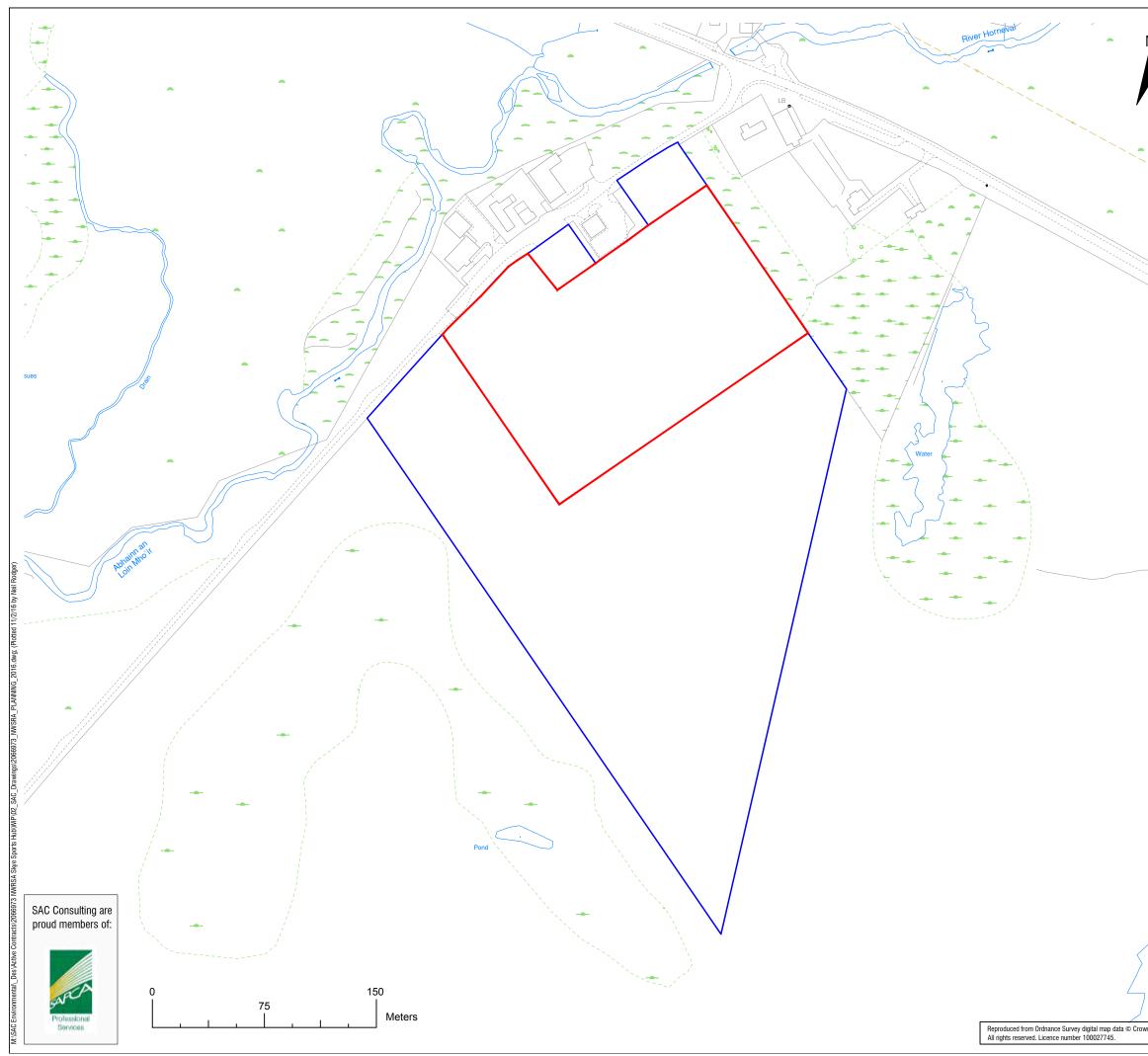
Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Designation:	Area Planning Manager - North
Author:	Mark Harvey
Background Papers: Relevant Plans:	Documents referred to in report and in case file. Plan 1 – Drwg No. 2066973-P-01 Location Plan Plan 2 – Drwg No. 2066973-P-02A Site Layout Plan 3 – Drwg No. 2066973-P-03 Existing Site Contours Plan 4 – Drwg No. 2066973-P-04A Site Contours

Plan 5 – Drwg No. 2066973-P-05A Earthworks Plan 6 – Drwg No. 2066973-P-06B Drainage Layout Plan 7 – Drwg No. 2066973-P-07A Drainage Details Plan 8 – Drwg No. 2066973-P-08A Fence Layout Plan 9 - Drwg No. 2066973-P-09A Car Park Layout and Details Plan 10 – Drwg No. 2066973-P-10A Hardstanding Layout and Details Plan 11 – Drwg No. 2066973-P-11A Site Sections AA and BB Plan 12 – Drwg No. 2066973-P-12 Lighting Layout Plan 13 – Drwg No. 2066973-P-13 Lighting Details Plan 14 – Drwg No. 2066973-P-14 Indicative Lighting Spill Plan 15 – Drwg No. 2066973-P-15 Ball-Stop Netting Plan 16 – Drwg No. 2066973-P-16 Changing Facilities - Elevations Plan 17 – Drwg No. 2066973-P-17 Changing Facilities – Floor Plan Plan 18 - Drwg No. 2066973-P-18 Site Access Details Plan 19 - Drwg No. 2066973-P-19 Access Ramp Details Plan 20 – Drwg No. 2066973-PS-01 Peat Depth Information





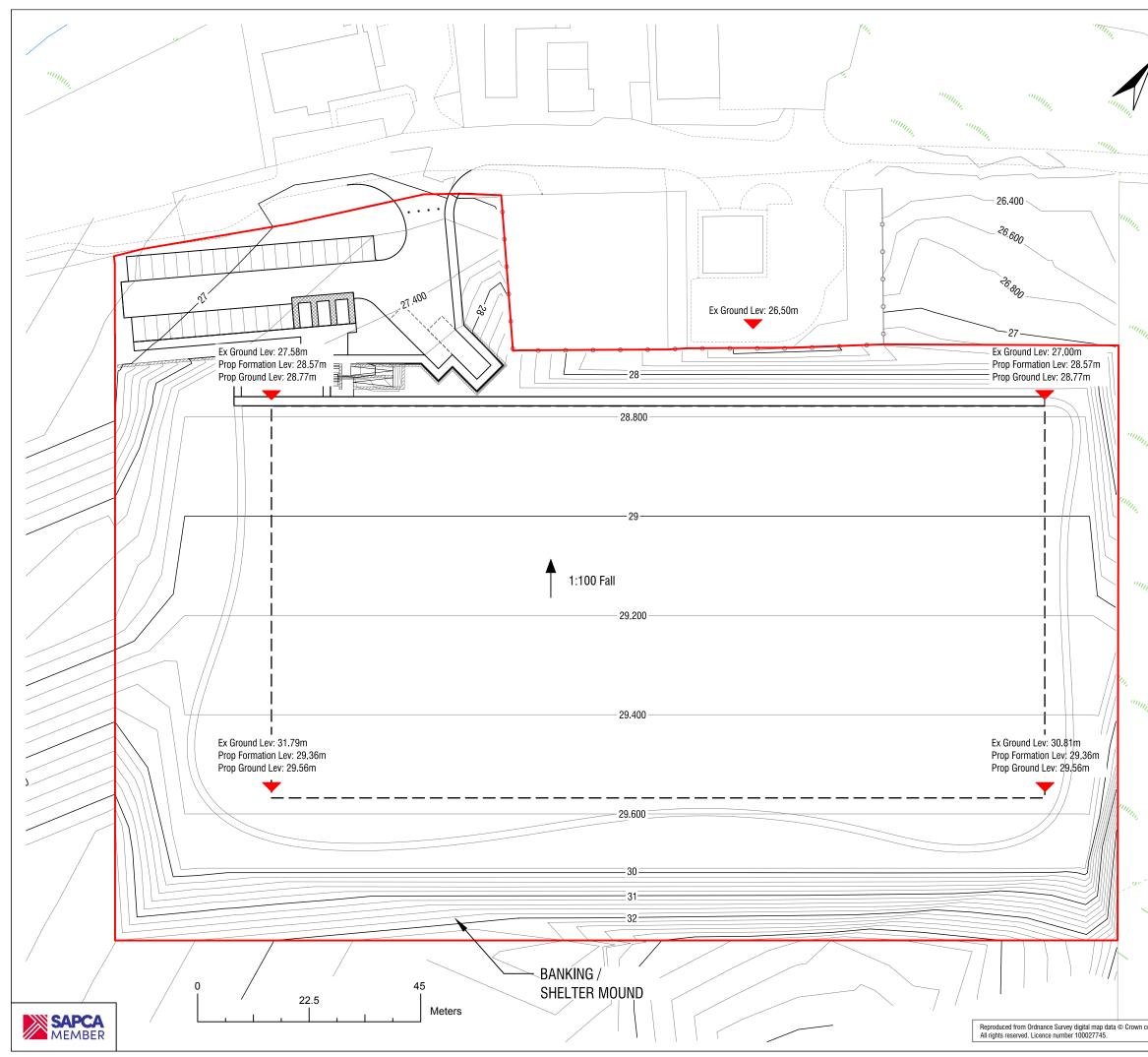
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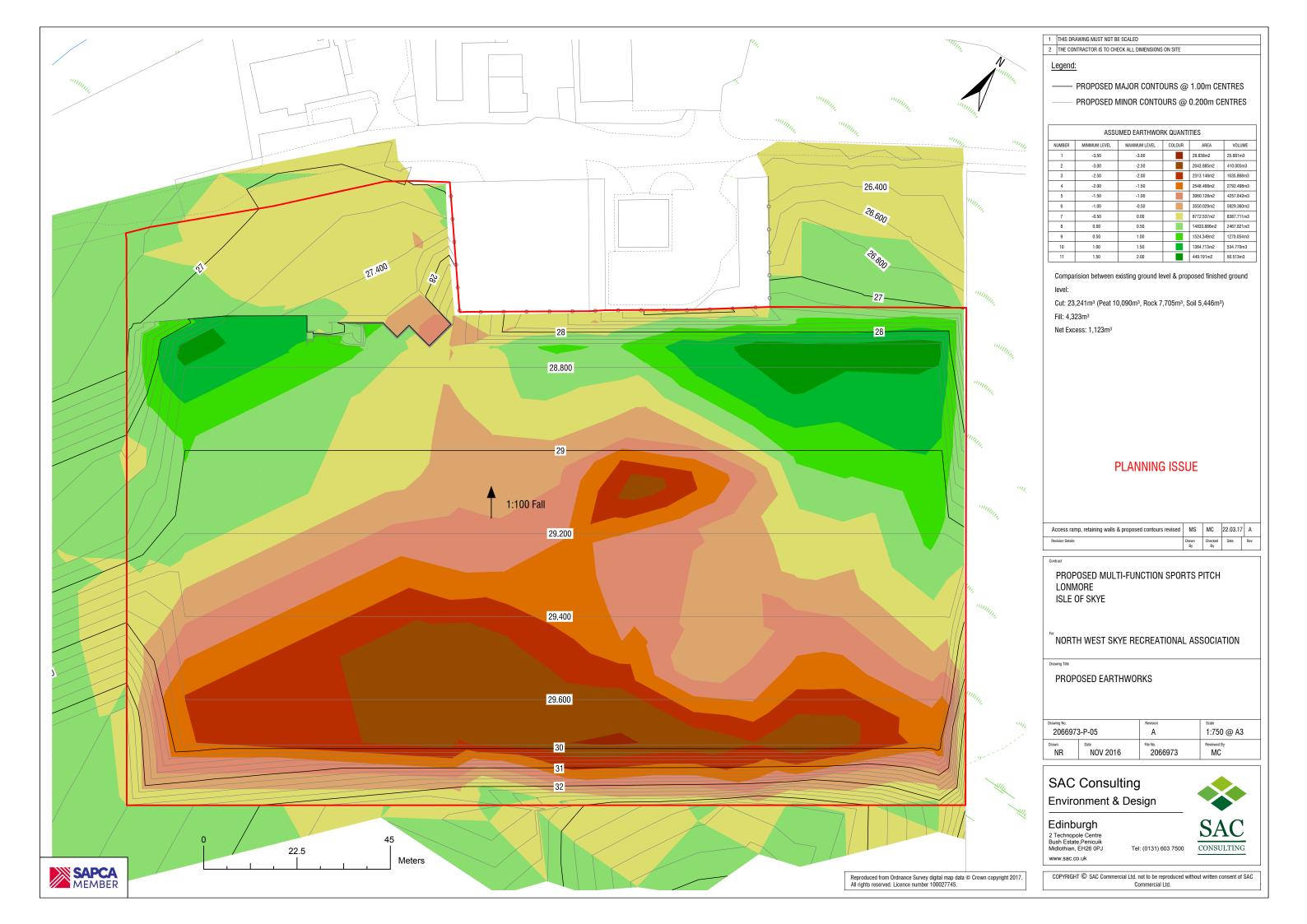
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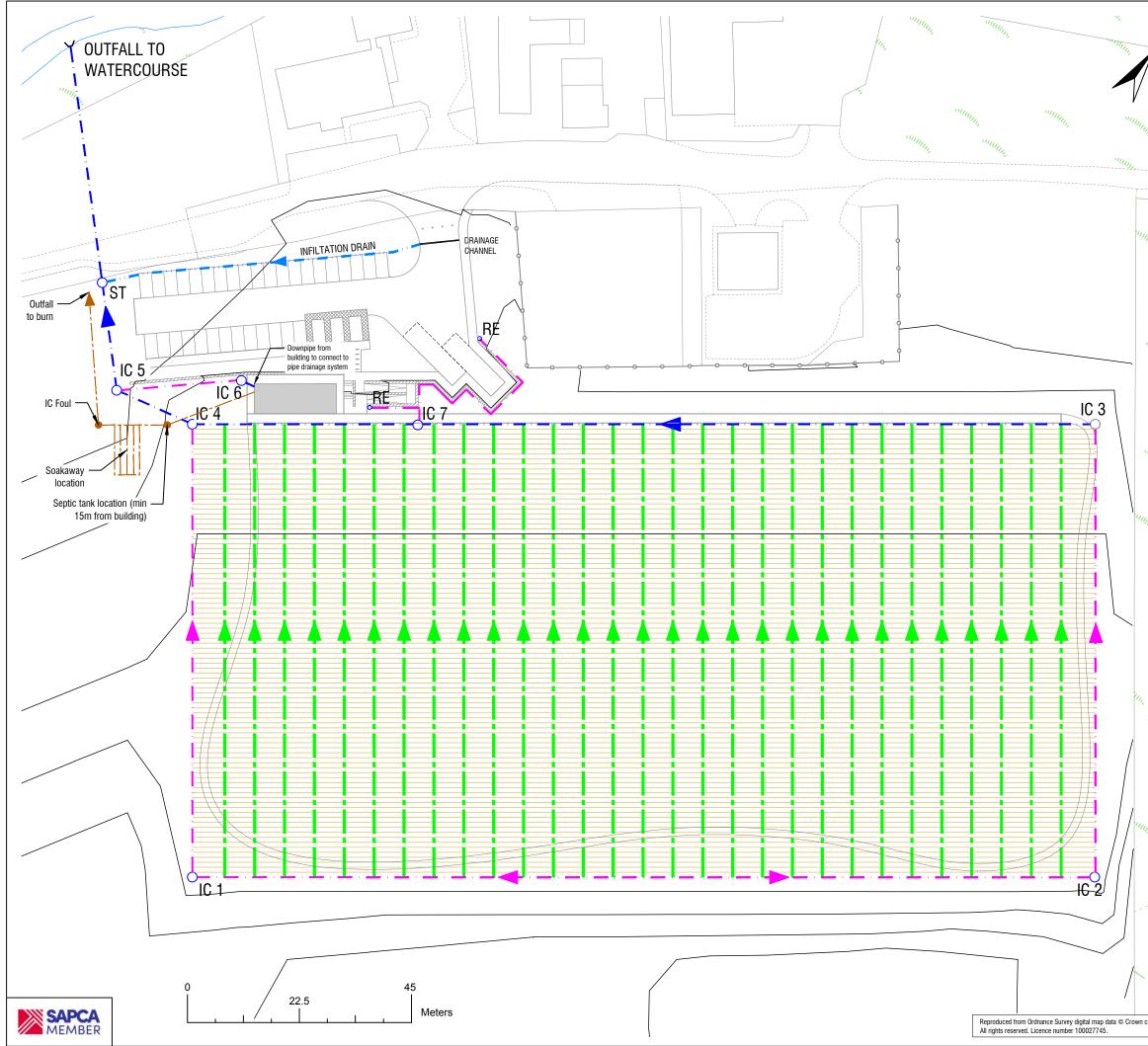


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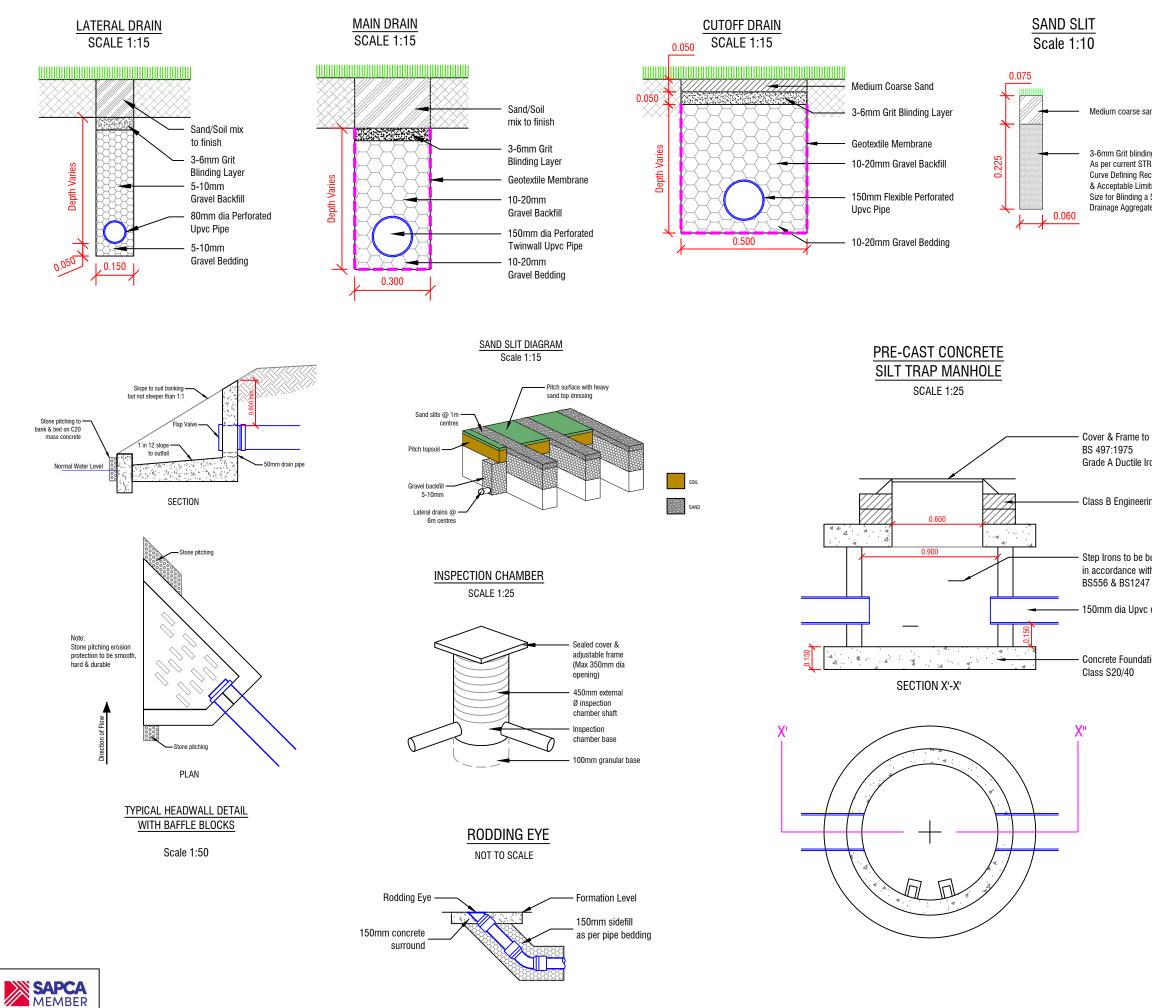


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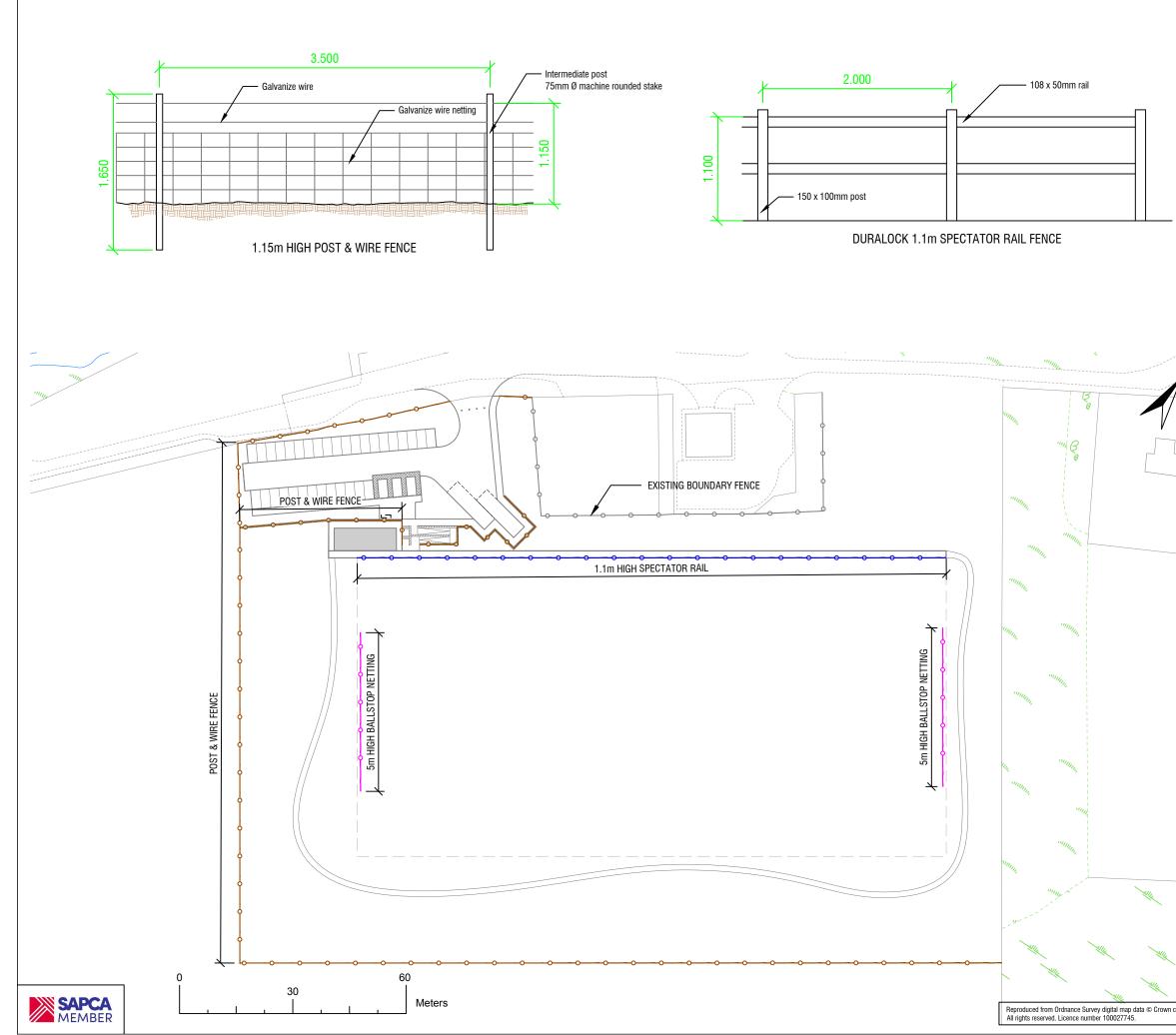




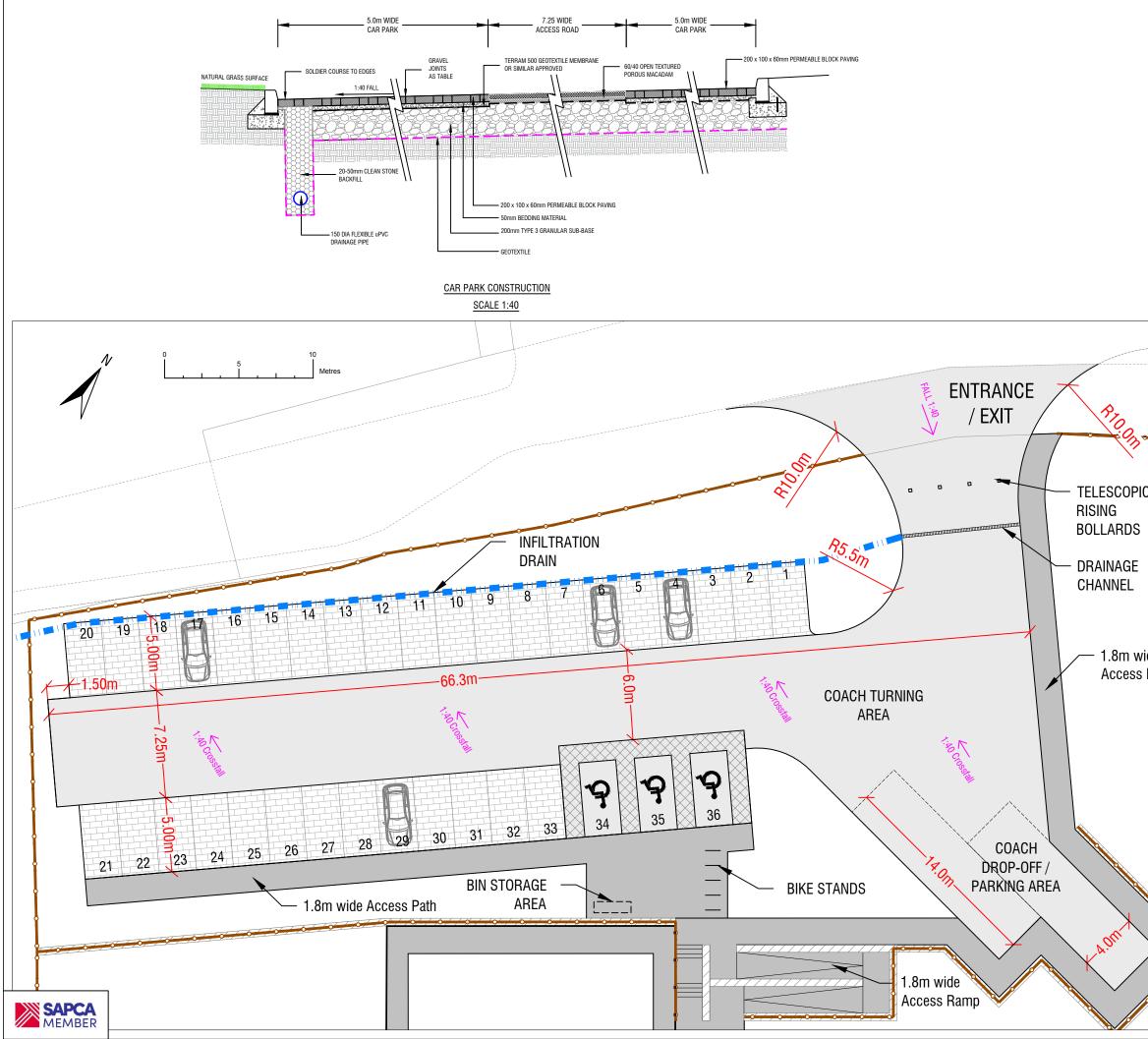
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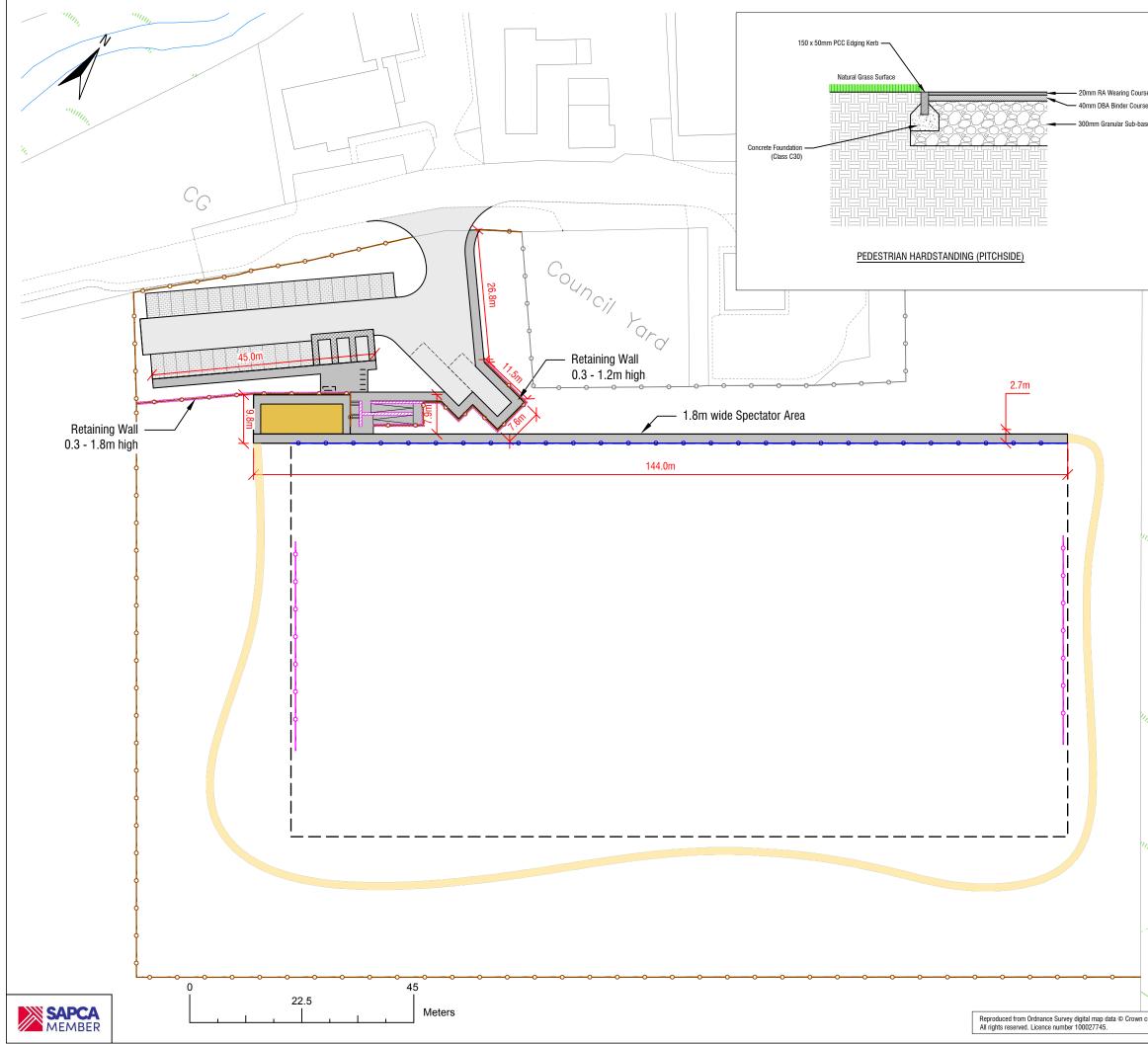
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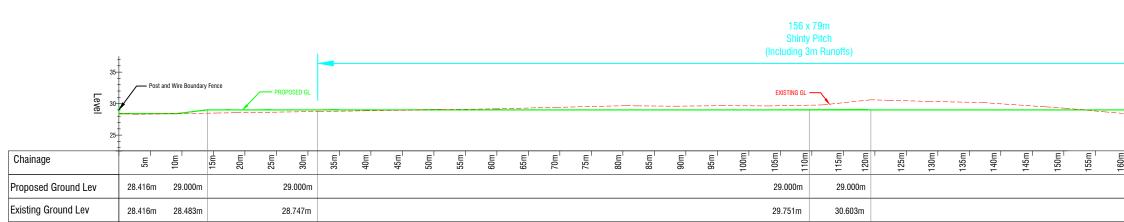
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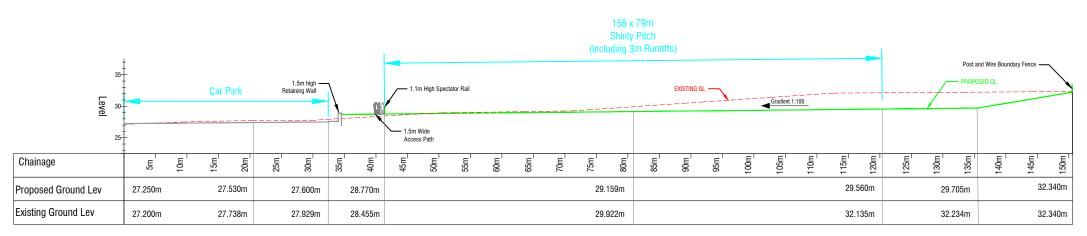
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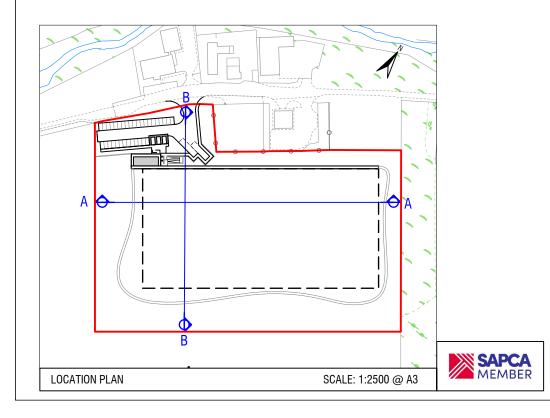
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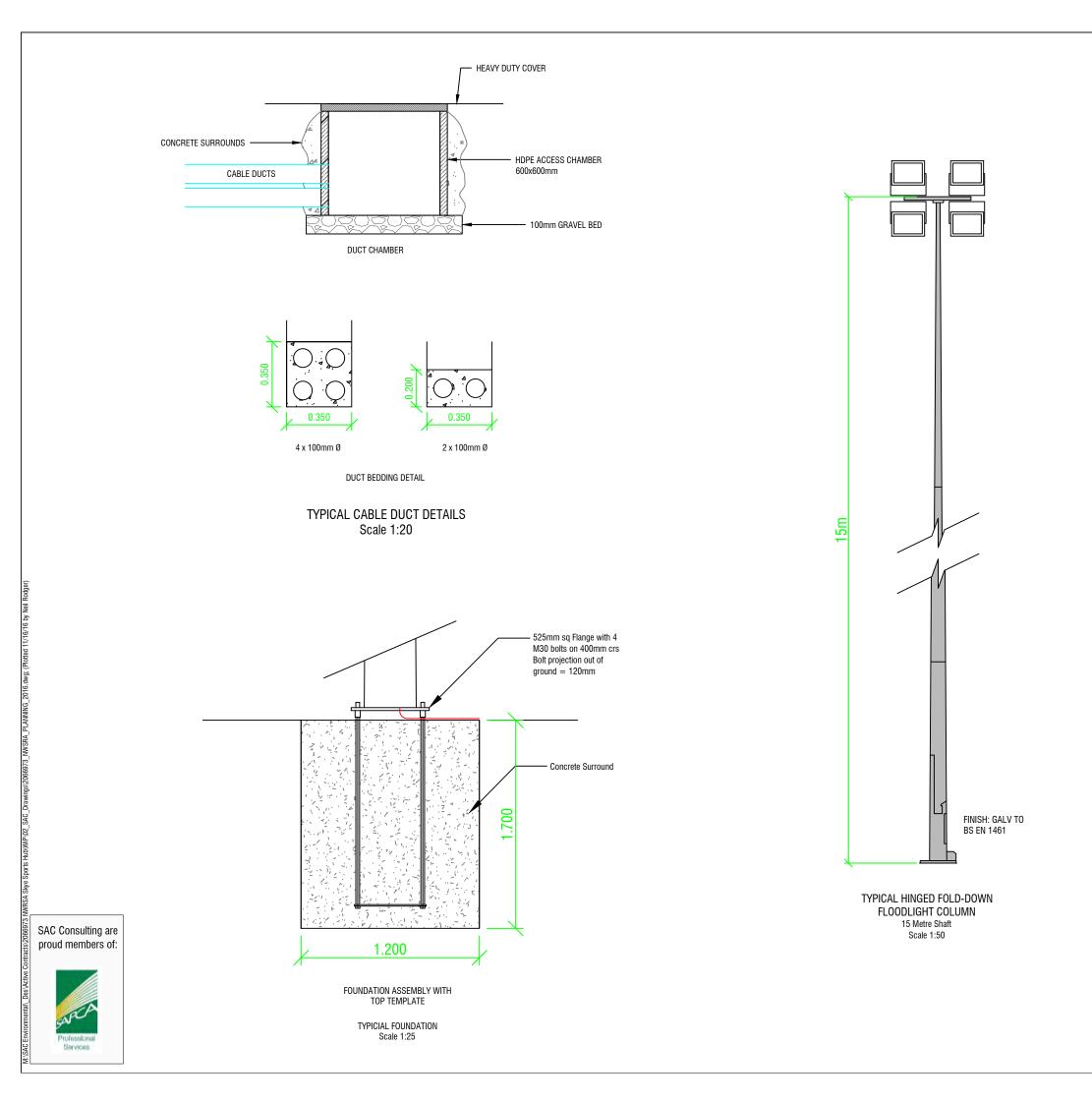


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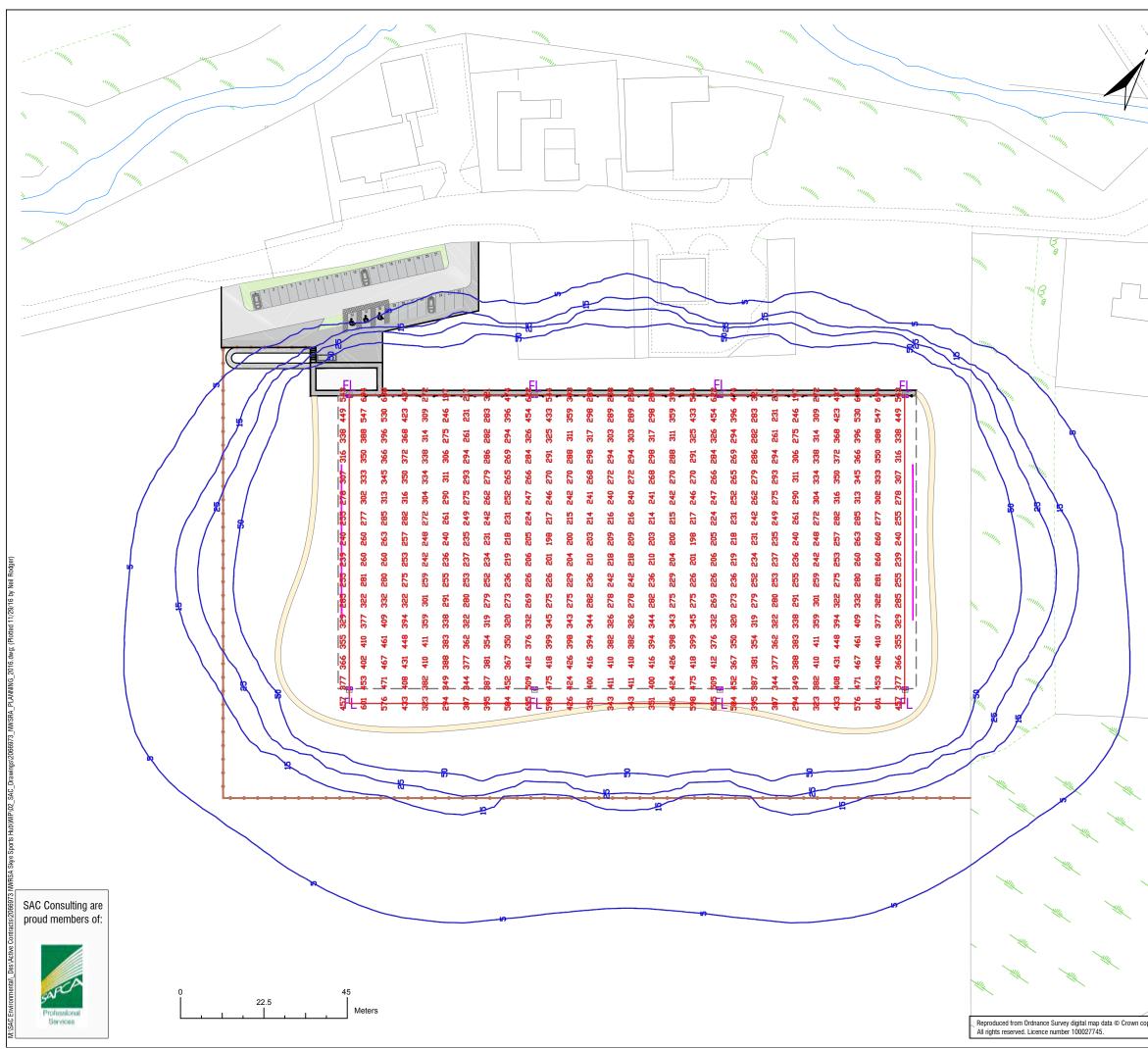
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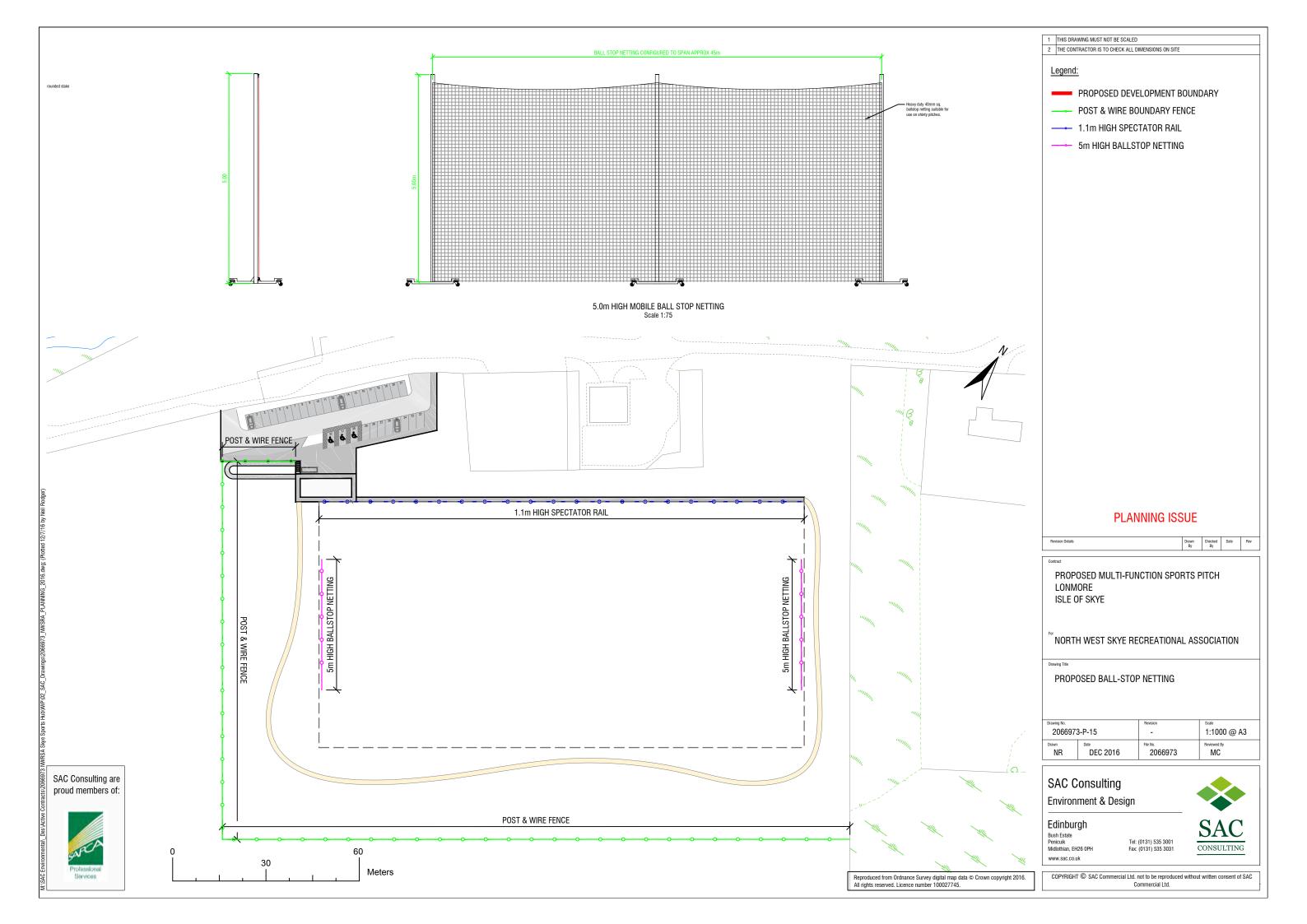
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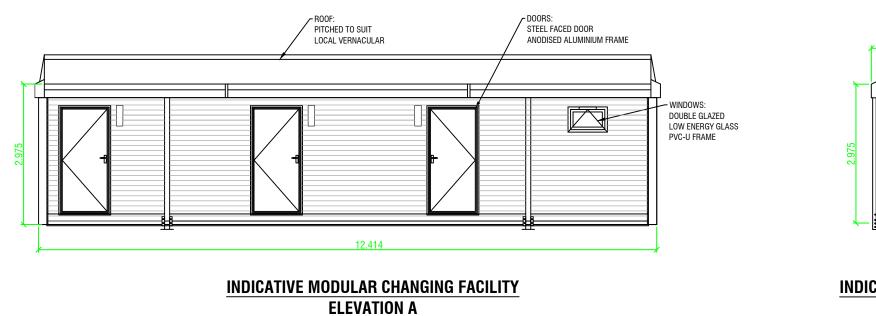


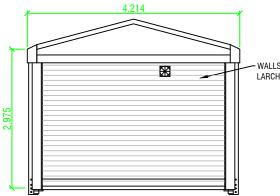
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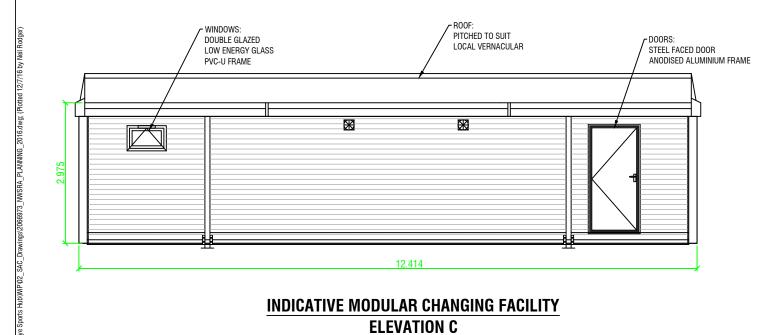
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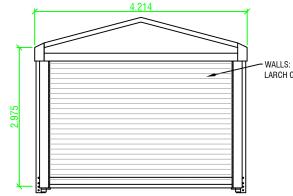


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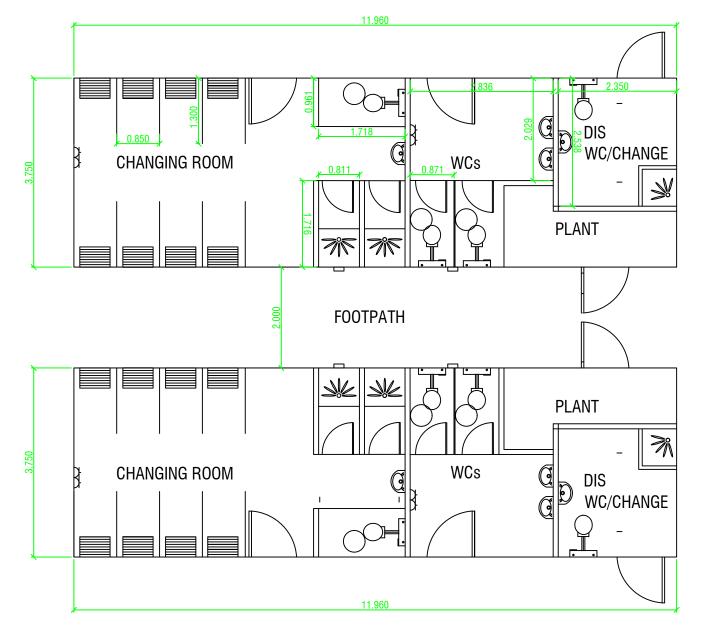
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FLOOR AREA: 44.79m² CEILING HEIGHT: 2.5m

FLOOR AREA: 44.79m² CEILING HEIGHT: 2.5m

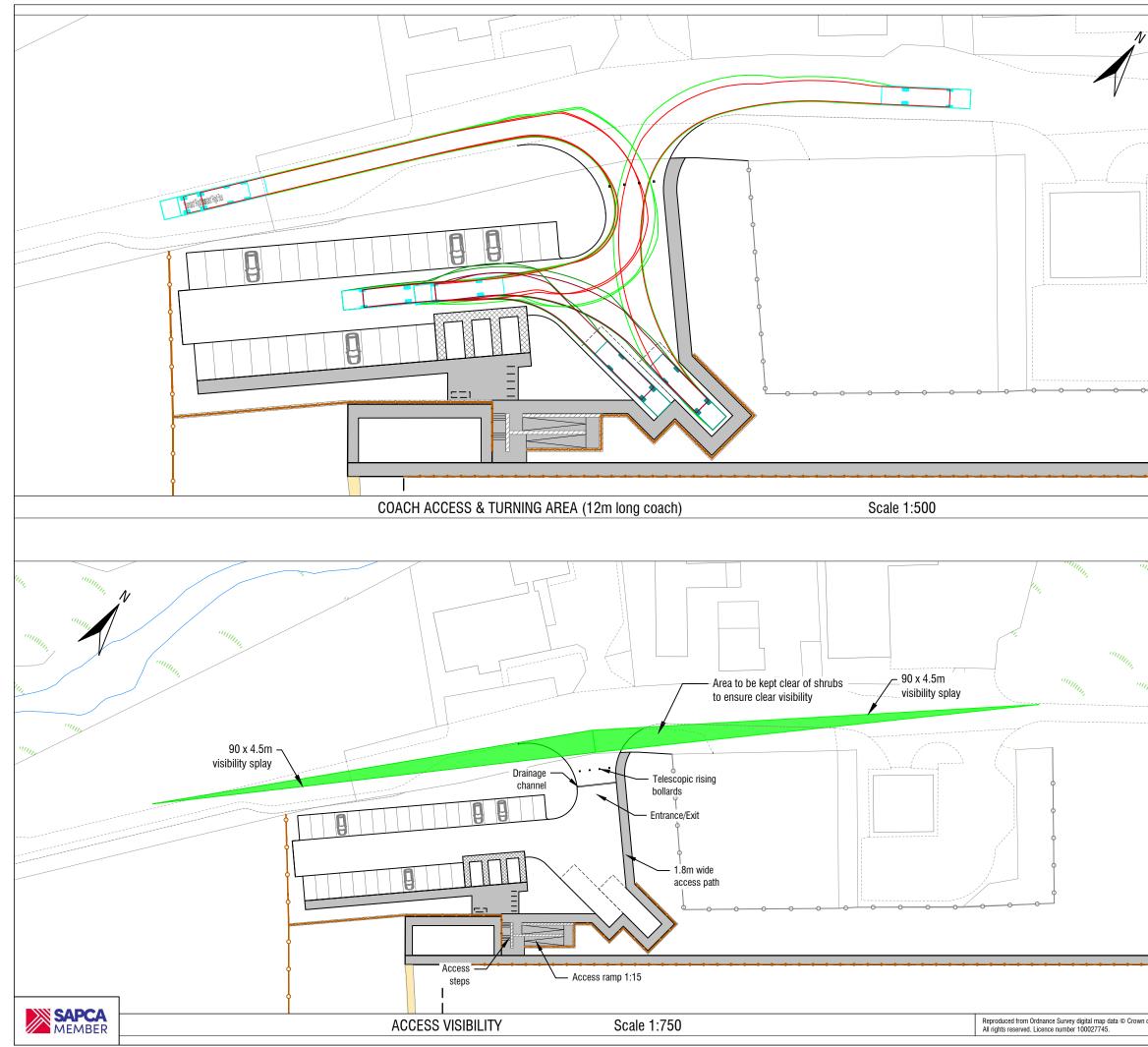
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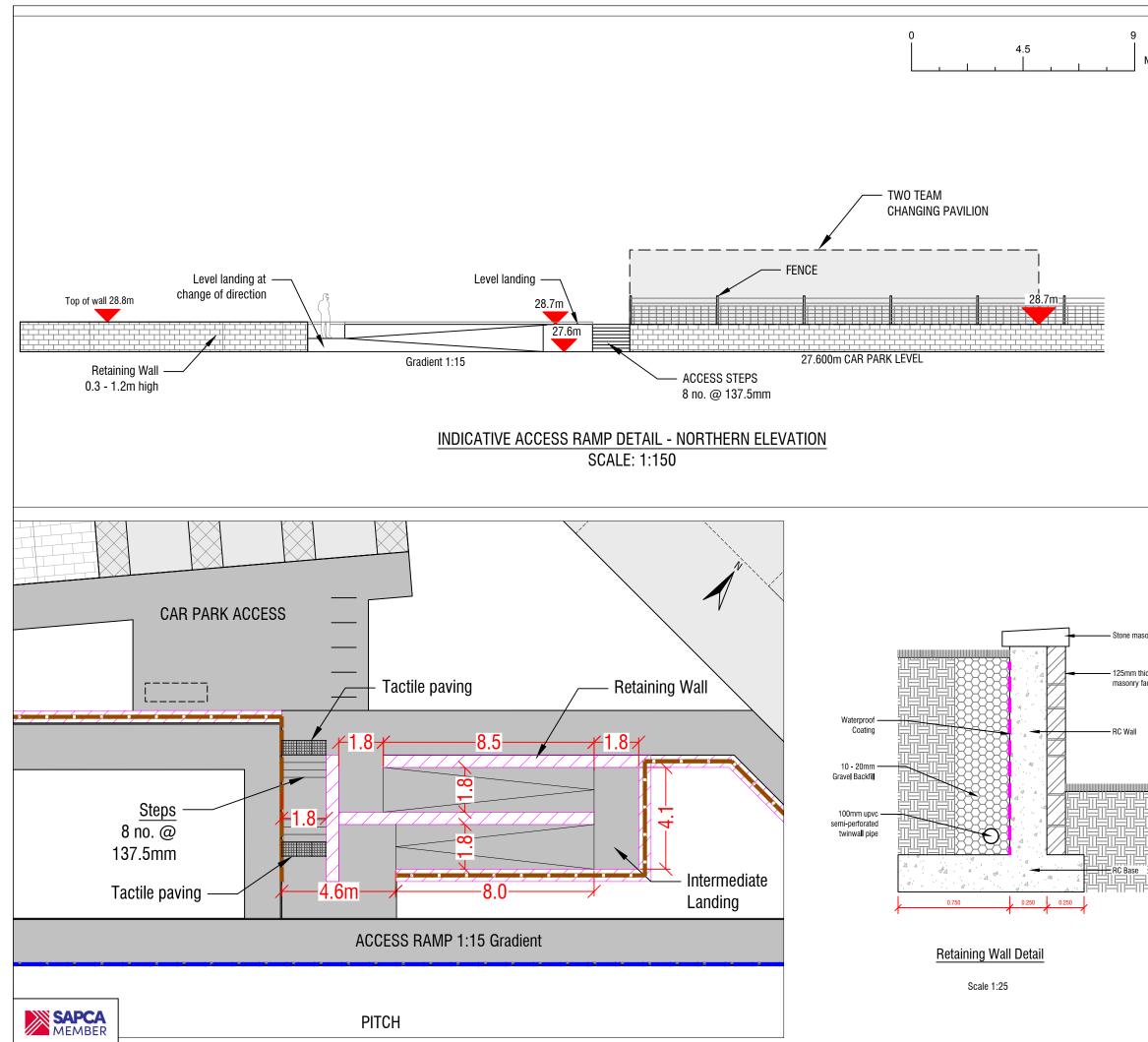


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PEAT DEPTH						
NUMBER	MINIMUM LEVEL	MAXIMUM LEVEL	COLOUR	AREA	VOLUME	
1	-0.80	-0.60		6783.9m2	656.6m3	
2	-0.60	-0.40		7127.32m2	2017.2m3	
3	-0.40	-0.20		6311.4m2	3215.4m3	
4	-0.20	0.00		5818.6m2	5200.3m3	

Approx volume of Peat within redline boundary: 10,090m³

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