

Agenda Item	7.5
Report No	PLN/083/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: Tuesday 29th October 2024
Report Title: 23/04397/FUL: Mr Rupert Haig-Thomas
Land 220M NW Of Carbisdale Castle, Ardgay

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of 2no. holiday lodges, associated communal building and formation of access

Ward: 01 - North, West And Central Sutherland

Development category: Local

Reason referred to Committee: Called in by Majority of Local Ward Members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the siting of 2 holiday lodges, communal building and associated infrastructure, at the area of land 220m northwest of Carbisdale Castle, Ardgay. The proposed western lodge will measure an approximate footprint of 8m x 12.7m and a ground to roof ridge height of 7.1m, whereas the proposed eastern lodge will measure an approximate footprint of 8.6m x 12.8m, and a ground to roof ridge height of 7.1m. The proposed lodges will have a painted larch boarded exterior with an overhanging profile metal sheeted roof. Solar PV Panels are also incorporated within the designs. The proposed communal building will measure an approximate size of 10m x 3.9m, and a maximum height of 3.5m. The external materials of the storage building will be similar to that of the proposed lodges.
- 1.2 There is no existing infrastructure present within the site, apart from an existing field access gate of the adjacent public road.
- 1.3 Pre-Application advice was provided by the Planning Authority regarding the siting of 2 proposed holiday lodges under application ref. 23/01868/PREAPP. The advice concluded that based on the information submitted a formal application in the chosen location was unlikely to be supported as the siting of 2 holiday lodges (dwellinghouses) would not cohere to a long-established collection of buildings which had developed due to a historic function, event or land use and as such, the proposal could not be considered to support and sustain existing fragile communities. In addition, the chosen isolated location for the proposal, was not considered to cohere with the established settlement pattern and local character and therefore, it was advised that the applicants consider alternative locations, perhaps nearer to or within an existing settlement area, that coheres with the principles established within NPF4. Due to the significant constraints afforded to the site from designated Ancient Woodland as well as a Site of Special Scientific Interest and a Special Area of Conservation, in addition to the recognised medium to high coastal flood risk of the chosen site, it is advised by the Planning Authority that the applicant consider alternative sites for the siting of the proposal with less constraints and which will accord with the relevant policy considerations.
- 1.4 Supporting Information: Design Statement, Ecology Report, Private Water Supplies Questionnaire, and Further Planning Response.
- 1.5 Variations: Throughout the application process amended plans have been provided mainly regarding the site layout and a slight change in redline site boundary in an attempt to align with consultee responses and raised concerns.

2. SITE DESCRIPTION

- 2.1 The proposed site is located within an area of woodland situated between the public road and the Kyle of Sutherland, approximately 200 metres northwest of Carbisdale Castle. The site is contained within the Kyle of Sutherland Marshes Site of Special Scientific Interest (SSSI), which is designated for its flood plain fen, wet woodland and vascular plant assemblage. Immediately to the north of the site lies the River Oykel Special Area of Conservation, which is designated for its freshwater pearl mussel and Atlantic salmon interest. The site has a varying topography, generally

sloping downwards towards the nearby watercourse.

3. PLANNING HISTORY

None since electronic records began.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour 14 Days

Date Advertised: 20.10.2023

Representation deadline: 03.11.2023

Representations: 4 (2 Objections, 2 Support Comments)

4.2 Material considerations raised within the objections are summarised as follows:

- a) Detrimental to the aesthetic setting of Carbisdale Castle and incompatible with the historic building and the business model it operates.
- b) Potential loss and deterioration of an area of Carbisdale Wood, an ancient woodland designated as 1a Ancient Woodland of Semi Natural Origin (ASNO) woodland.
- c) Direct loss of ancient woodland.
- d) Noise, light and dust pollution both during construction and operation phases.
- e) Adverse hydrological impacts where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can affect the hydrological conditions of the ancient woodland soils and also allow for introduction of harmful pollutants into the woodland
- f) Cumulative effect of impacts resulting in long-term deterioration.
- g) Loss of ancient woodland is contrary to NPF4 and specifically Policy 6.
- h) Adverse effect on existing biodiversity, species and habitats.
- i) Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- j) Fragmentation as a result of the loss of natural habitat and separation of the woodland from adjacent semi-natural habitats, such as small, wooded areas, hedgerows, individual trees and wetland habitats.
- k) Where woodland trees overhang residential gardens and built infrastructure, they can become safety issues and be indiscriminately lopped or felled, creating a threat to the long-term retention of such trees.
- l) Impact on nature conservation designations.

Material considerations raised in the support comments are summarised below:

- a) Tourism is the main business of the area; proposal has potential to create jobs and provide accommodation for visitors to boost local economy by financially contributing to local business and services.
- b) No direct effect on any residence or property and will not impinge on surrounding visual amenity.
- c) No alternative use of the land in question and being sited next to the road will allow it to benefit from maintenance.

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

5.2 **Environmental Health Team:** Initially sought further information following concerns regarding private foul drainage arrangements and the proposed private water supply being in close proximity within the site. After further discussions between Environmental Health and the engineers involved with the proposed private water supply, satisfied with the proposed arrangements and state no further comment or observation to make with regards to the development proposed.

5.3 **Forestry: Objects** to the proposal development.

(First Response) The proposed site is located within an area of woodland between the public road and the Kyle of Sutherland, approximately 200 metre north west of Carbisdale Castle. The site is contained within the Kyle of Sutherland SSSI, which is designated for its flood plain fen, wet woodland and vascular plant assemblage. Immediately to the north of the site lies the River Oykel SAC, which is designated for its freshwater pearl mussel and Atlantic salmon interest. I note that NatureScot object to current proposals, unless conditions are applied which detail certain mitigation measures. The woodland surrounding Carbisdale Castle and down to the shore is listed in SNHs Inventory of Ancient Woodland (AWI) as 1a Ancient Woodland of Semi Natural Origin. This means that it appears as woodland on the Roy military maps of Scotland which were surveyed between 1747 and 1755. The applicant has identified a more open area which is largely excluded from the AWI, however, it is still identified as upland birchwood on the Native Woodland Survey of Scotland and is an integral component of the AWI site. Policy 6 of the National Planning Framework 4 seeks to protect and expand forests, woodland and trees, while ensuring that woodland and trees are sustainably managed on development sites. This will be achieved as follows: a) Development proposals that enhance, expand and improve woodland and tree cover will be supported. b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered. The Highland-wide Local Development Plan (April 2012) explains the Highland Councils vision and sets out how land can be used by developers for the next 20 years. The HwLDP highlights the multiple benefits provided by trees and woodlands throughout the Highlands and in recognition of this there is a strong presumption in favour of protecting the existing woodland resource. Policy 52 (Principle of Development in Woodland) of the Highland-wide Local Development Plan states: The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a

strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development supplementary guidance). With particular reference to NPF4 Policy 6.b, I object to this application as it will have an adverse impact on both ancient and native woodland, as well as fragmenting the woodland habitat. NPF4 Policy 3.a also reinforces the requirement to build and strengthen nature networks and the connections between them. NPF4 Policy 6.c and the HwLDP Policy 52 both make reference to the Scottish Government's policy on the Control of Woodland Removal (CWR policy). This policy includes a strong presumption against the removal of ancient semi-natural woodland, woodland integral to the value of a designated site (including SSSI) and where removal would lead to fragmentation or disconnection of important forest habitat networks. All of the above would apply in this case. Finally, I would be concerned that supporting an application within this currently undeveloped zone of woodland alongside the Kyle of Sutherland may set an unfavourable precedent for further development. I therefore object to the proposed development, which is contrary to NPF4 Policies 3 and 6, HwLDP Policy 52 and the Control of Woodland Removal policy.

Second response, refers to the most recent correspondence from the agent, along with the accompanying plans. This states that 'none of the development is within the boundary of the Ancient Woodland, or indeed any woodland, and accordingly the concerns of the Forestry Officer and those of the Woodland Trust are resolved' and that 'the proposal is limited to an area of open grazing ground'. The AWI is not a precise dataset and some mapping error is to be expected. In this instance, for example, the polygon extends into the Kyle of Sutherland to the north. It is, however, the best inventory currently available to identify woodlands of antiquity. It is therefore incorrect for the applicant to be using the AWI shapefile as a defined constraint boundary and any micro-siting should be based on a site based woodland assessment. During my recent site visit, it was disappointing to note that numerous trees, some of a significant size, had previously been cleared in advance of this planning application. Given that no Felling Permission application had been submitted, I can only assume that these trees were felled incrementally under the 5m³ per calendar quarter volume exemption? If this is the case, then this must have been carried out for legitimate woodland management operations, such as the creation of integral open space for species diversity. For the avoidance of any doubt, this site is not 'open grazing ground'. The incremental removal of trees under any of the Felling Permission exemptions, does not remove the woodland status and it certainly does not create an opportunity for development. In terms of visual impact, the felling which has taken place now opens up the view into the site from the A836, across the Kyle of Sutherland. The proposed development would be clearly visible within the otherwise undeveloped wooded foreground of Carbisdale Castle. The most recent supporting information in no way alleviates my previous concerns and only raises further issues in terms of pre-emptive woodland removal, visual impact and the need for further woodland removal in order to accommodate the proposed development. I therefore maintain my objection to this application.

Third response, refers to the comments from their agent uploaded on 8th April 2024,

in response to my consultee comments uploaded on 7th March 2024 and 27th November 2023. There is no new information that changes my previous position and I therefore maintain my objection for the reasons already given. I would just wish to reiterate that, contrary to the information submitted by the agent: 1. There will be an impact on woodland and connectivity with the ancient woodland site. 2. Trees have previously been cleared, most notably to the west of the site. 3. There will be further tree removal required to accommodate the proposed development. 4. There has been no input from either an Arboricultural or woodland consultant in support of the application.

- 5.4 **NatureScot:** Object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in the consultation response. (denoted within planning appraisal below).
- 5.5 **Scottish Water:** No objection stated that the proposed development will be served by the public fresh water supply however with no public foul drainage infrastructure in the vicinity of the site, private treatment options are required.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

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

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 12 - Zero Waste
Policy 13 – Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 19 - Heating and Cooling
Policy 22 - Flood Risk and Water Management
Policy 29 - Rural Development
Policy 30 - Tourism

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

28 - Sustainable Design
29 - Design Quality & Place-making
31 - Developer Contributions
36 - Development in the Wider Countryside
42 - Previously Used Land
43 - Tourism
44 - Tourist Accommodation
51 - Trees and Development
52 - Principle of Development in Woodland
57 - Natural, Built & Cultural Heritage
58 - Protected Species

- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.3 **Caithness and Sutherland Local Development Plan (CaSPlan) (2018)**

No site-specific policies apply.

6.4 **Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Rural Housing (December 2021)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

- Designing Streets
- Creating Places

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. Section 24(1) requires that all planning applications must now be determined in accordance with the provisions of NPF4 and those of any the relevant, extant Local Development Plan unless material considerations provide justification otherwise. Section 24(3) states that in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

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) Siting and Design
- c) Impact on Woodland and Trees
- d) Designated Sites
- e) Amenity
- f) Access and Parking
- g) Drainage and Flooding
- h) Climate and Nature Crises
- i) developer contributions
- j) any other material considerations

Development plan/other planning policy

8.4

As an application for the erection of 2 holiday lodges, associated communal building and formation of access in the open countryside, the application requires to be primarily assessed against Policy 30 – Tourism of the National Planning Framework 4. This policy states that proposals for tourism related development will take into account: i. The contribution made to the local economy; ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; iii. Impacts on communities, for example by hindering the provision of homes and services for local people; iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; v. Accessibility for disabled people; vi. Measures taken to minimise carbon emissions; and vii. Opportunities to provide access to the natural environment. As the proposal is located within an area of existing Ancient Woodland, Policy 6 of the NPF4 also requires to be taken into consideration which states that development proposals will not be supported where they will result in, any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. Given the proximity of the proposal to the designated River Oykel Special Area of Conservation and the Kyle of Sutherland Marshes Site of Special Scientific Interest, Policy 4 is of relevance to any assessment undertaken. This policy states that proposals which are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives. Furthermore, the policy notes that proposals which will affect a Site of Special Scientific Interest will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Additionally, in response to the ongoing climate and nature crises, and to enhance biodiversity, policies; 1 – Tackling the Climate and Nature Crises, 2 – Climate Mitigation and Adaptation, and 3 – Biodiversity, of the NPF4 require to be considered. These policies state that when considering all development proposals, significant weight will be given to the global climate and nature crises, with development encouraged to minimise emissions, adapt to current and future risks of climate change, and include appropriate measures to conserve, restore and enhance biodiversity. Other pertinent policy

considerations from the NPF4 include policies: 5 – Soils, 13 – Sustainable Transport, 14 – Design, Quality and Place, 22 - Flood Risk and Water Management, and 29 - Rural Development.

- 8.5 Highland-wide Local Development Plan, as the proposal regards the provision of holiday letting accommodation Policy 44 – Tourist Accommodation is of significant relevance which states that proposals for tourist accommodation within the open countryside will be supported where: it can be demonstrated that a demand exists for this type of accommodation, that it can be achieved without adversely affecting landscape character or heritage features of the area and is consistent with the siting and design principles of policy 36 – Wider Countryside. Therefore, due to the rural location of the application site Policy 36 is also required to be considered which states that proposals will be assessed for the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development, are compatible with landscape character, avoid loss of Croftland, and can be adequately serviced. As the proposal is sited within the Kyle of Sutherland Marshes SSSI and an area of designated Ancient Woodland, in addition to being situated adjacently to the River Oykel SAC, Policy 57 – Natural, Built & Cultural Heritage requires to be considered. This policy states that for features of international importance, developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment, whereas in terms of features of national importance, developments shown not to compromise the natural environment are allowed. Policy 51 – Trees and Development and Policy 52 – Principle of Development in Woodland, are also relevant given the sites location within an area of Ancient Woodland and close proximity to surrounding trees. These policies state that the council will support development which promotes significant protection of trees on or around a site and will maintain a strong presumption in favour of protecting woodland resources, with development proposals in wooded locations only supported where they offer clear and significant public benefit. In addition, it is detailed that the acceptable developable area of a site is influenced by tree impact, and adequate separation distances which will be required between established trees and any new development. Other pertinent policy considerations from the HwLDP include policies: 43 – Tourism, 58 - Protected Species, 61 – Landscape, 64 - Flood Risk, 65 - Waste Water Treatment, and 66 - Surface Water Drainage.

Impact on Woodland and Trees

- 8.6 As denoted by the councils Forestry Officer in the context of the application site and surroundings, the woodland surrounding Carbisdale Castle and down to the shore is listed in SNHs Inventory of Ancient Woodland as 1a Ancient Woodland of Semi Natural Origin. This means that it appears as woodland on the Roy Military Maps of Scotland which were surveyed between 1747 and 1755. The applicant has identified a more open area which is largely excluded from the Ancient Woodland; however, it is still identified as upland birchwood on the Native Woodland Survey of Scotland and is an integral component of the Ancient Woodland site. Policy 6 – Forestry, Woodland, and Trees, of the NPF4 states that Development proposals will not be supported where they will result in: Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; Adverse impacts on

native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. In addition, this policy adds that proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered. The Planning Authority, consider that, as denoted by the councils Forestry Team, the proposal will have an adverse impact on both ancient and native woodland, as well as fragmenting the woodland habitat, and therefore is considered contrary to Policy 6 of the NPF4. In addition, as correlated by Policy 52 of the HwLDP and the associated Trees, Woodland and Development supplementary guidance, the applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features. Therefore, NPF4 Policy 6.c and the HwLDP Policy 52 both make reference to the Scottish Government's policy on the Control of Woodland Removal (CWR policy). This policy includes a strong presumption against the removal of ancient semi-natural woodland, woodland integral to the value of a designated site (including SSSI) and where removal would lead to fragmentation or disconnection of important forest habitat networks. All of the above would apply in this case and therefore, the development is significantly contrary to NPF4 policy 6 and HwLDP Policy 52, as well as the control of woodland removal policy. It is also worth adding, that the development of a site, which results in adverse impact on ancient woodland within a wider undeveloped area has the potential to create a precedent for development in place of woodland in the surroundings, which would not be supported by the Planning Authority.

- 8.7 It is worth noting that the Planning Authority have suggested that the proposal be amended to align the development with the aforementioned policies relating to woodland however this has not occurred. As a result, it is now considered that the site is not suitable to accommodate the proposal and therefore the applicant is advised to seek alternative locations to accommodate the development proposed. It has been noted by the Forestry Officer, that following a site visit, numerous existing trees, some of significant size have been felled within the site in advance of submitting the planning application which can also be confirmed by viewing available online mapping of the site dating back a few years. Pre-emptive felling of trees and existing woodland is not supported or welcomed by the Planning Authority, and as confirmed by the Forestry Officer, despite the claims of the applicant, the site is not considered as open grazing ground. The incremental removal of trees under any of the Felling Permission exemptions, does not remove the woodland status and it certainly does not create an opportunity for development. Throughout, the application process it has been debated by the applicant that the proposed development site is not situated within ancient woodland. Nevertheless, the councils Forestry Officer, who provides advice on such matters, has stated the application will

have an adverse impact on the existing woodland and the connectivity to surrounding ancient woodland which would not be considered acceptable in terms of relevant policy. Accordingly, despite claims made regarding whether the development is located within ancient woodland, the proposal will still have an adverse effect on the existing ancient woodland and therefore will not be supported by the Planning Authority.

Siting and Design

- 8.8 In terms of accordance with the principal policy consideration of the NPF4, Policy 30 – Tourism, the proposed development, will entice visitors to the local area, which in return will result in increased spending within local services and businesses, benefitting the local economy. The proposal will also help to provide access to the natural environment, with opportunities for sustainable travel also included, as well as measures to reduce carbon emissions. Overall, the proposal can be considered to comply with Policy 30 of the NPF4.
- 8.9 In terms of siting the proposed development is situated to the north of the single-track road running from Inveroykel to Culrain. The pattern of development and surrounding landscape predominantly consists of undisturbed natural environment, mainly areas of woodland and moorland rising upwards from the Kyle of Sutherland. The site itself consists of an area of woodland, with a small, cleared area to the centre. It is clear pre-emptive felling of trees has taken place within the site as noted above, as confirmed by the Forestry Officer and online historical satellite imagery. It is also considered that to allow appropriate spacing and avoidance of tree root protection areas to accommodate the proposed development, in particular the access and parking infrastructure, further felling would likely be required which is not considered acceptable in an area of existing woodland in proximity to Ancient Woodland. In addition, there has been no input from either an Arboricultural or woodland consultant in support of the application.
- 8.10 Although the application site is not recognised to be designated Croftland the application still requires to be assessed in accordance with Policy 5 – Soils of the NPF4. Scotland's National scale land capability for agriculture map distinguishes the site to be predominantly class 4.1 - Land capable of producing a narrow range of crops, primarily grassland with short arable breaks of forage crops and cereal. Therefore, it is considered that the application site is not prime agricultural land and as such, the proposed development is considered compatible with Policy 5 of the NPF4.
- 8.11 In terms of the proposed design of the holiday lodges, after further review it is considered by the Planning Authority that design amendments would be required to align the development to suit being situated within the open countryside of the Highlands. Given the natural setting of the development, although the use of larch cladding is welcomed, it is felt that this should be left to naturalise in order to prevent the proposal from sticking out within its chosen location. Furthermore, in accordance with the councils Rural Housing supplementary guidance, the roof pitch of the lodges is too steep, which results in an overhanging roof not common to the highland area. In line with Policy 14 of the NPF4 the proposed lodges presently are considered to be of a poor design by the Planning Authority and as such, are considered contrary to this policy.

Designated Sites

- 8.12 The proposed development is in proximity of the River Oykel Special Area of Conservation and the Kyle of Sutherland Marshes Site of Special Scientific Interest. NatureScot were consulted on the application given they manage and preserve these designated sites, stating that they object to the proposed development unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below. The River Oykel SAC, protected for its freshwater pearl mussel and Atlantic salmon lies less than 20m from the application site, with the requested mitigation regarding the following:
- Prior to the commencement of works, the Highland Council should be satisfied that the finalised foul drainage scheme proposed complies with SEPA's guidance and regulations
 - A construction method statement is submitted to the Highland Council for review which includes pollution prevention measures to mitigate the risk of spill events and silt/sedimentation runoff.
- 8.13 With regards to the Kyle of Sutherland Marshes SSSI, protected for its flood-plain fen, wet woodland and vascular plant assemblage, the proposed development lies within this protected area, and it is noted by NatureScot that the aforementioned mitigation regarding the SAC would also apply to the SSSI. It is considered by the Planning Authority that if consent were to be granted, these mitigation measures would be secured by condition to allow work to commence, in accordance with Policy 4 of the NPF4.

Amenity

- 8.14 There are no existing properties situated within a 20m radius of the application site. Given there is no immediate neighbours to the site there is no concerns that the proposal will adversely impact on surrounding amenity levels. In terms of increased noise and behaviour of guests, this would be in the interests of the applicant to control. It is considered by the Planning Authority that given the sufficient distance between Carbisdale Castle and the proposed lodges, in addition to the separation woodland, there are no concerns the proposal would adversely impact on the heritage asset and any associated activities taking place.

Access and Parking

- 8.15 The application site is to be access via an existing field gate, adjacent to the public road, with a new private access of the public road required to serve the proposed holiday letting units. Visibility is largely in accordance with assessed road speeds on the public road given its single-track nature with nearby road bends. There is sufficient space within the site for the parking and turning of cars, and the inclusion of a bicycle store is encouraged in accordance with Policy 13 of the NPF4, helping to promote active travels. The proposal overall is considered to accord with the provisions of the Access to Single Houses and Small Housing Developments.

Drainage and Flooding

- 8.16 Scottish Water were consulted on the application and raised no objection, stating that the proposal will be served by the public fresh water supply, however, with no

public foul drainage infrastructure in the vicinity of the application site, private treatment options are required. Nevertheless, the application proposes the instalment of a Private Water Supply to serve the proposal, and in consultation with the councils Environmental Health Team, who initially sought further information following concerns regarding private foul drainage arrangements and the proposed private water supply being in close proximity within the site. After further discussions between Environmental Health and the engineers involved with the proposed private water supply, Environmental Health were satisfied with the proposed arrangements and state no further comment or observation to make with regards to the development proposed.

8.17 The application proposes to install a shared sewage treatment plant and associated land soakaway to serve both holiday lodges proposed. No percolation tests have been provided to demonstrate ground conditions would accommodate this. In terms of surface water drainage arrangements, the development entails surface water drains which will discharge to a soakaway. On the proviso the proposals could be considered to accord with Policy 22 of NPF4 and Policy 65 and 66 of the HwLDP.

8.18 In terms of flood risk, the application site is located immediately to the south of the Kyle of Sutherland, with the potential for coastal flooding issues in the future. Nevertheless, following consultation with the councils Flood Team, no objections on flooding or drainage grounds were provided and as such the application can be considered compliant in terms of flood risk.

Climate and Nature Crises

8.19 As already mentioned, the recently adopted NPF4 sets out that when considering all development proposals significant weight will be given to the global climate and nature crises, with development encouraged to minimise emissions and adapt to current and future risks of climate change. The application includes the provision of Solar PV Panels with the use of renewable technology to sustainably serve the lodges welcomed. Furthermore, the proposed development the use of larch cladding that will aid climate change as this natural material is effectively carbon neutral with minimal energy usage and pollution associated during the construction process, in addition to low lifetime energy costs. On the proviso, the proposal can be considered compatible with Policy 1 and 2 of the NPF4.

8.20 In terms of Biodiversity, the proposed development is required to implement measures to conserve, restore and enhance biodiversity, in accordance with NPF4. The loss of woodland would result in a significant level of biodiversity loss, with Policy 3 emphasising the requirement to build and strengthen nature networks and the connections between them. Therefore, it is considered by the Planning Authority that the development does not entail any measures to advocate for this level of loss to existing habitats, with no provision to conserve, restore and enhance biodiversity. Therefore, the proposal is also deemed to be contrary to Policy 3 of the NPF4 and as such, cannot be deemed acceptable.

Other material considerations

8.21 There are no other material considerations.

Developer Contributions

8.22 In accordance with Policy 31, the Council's Developer Contributions Supplementary Guidance is used to determine which proposals have to make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified.

8.23 Developer contributions would not be required in connection with this development.

9. CONCLUSION

9.1 The site is located within an area of woodland situated between the public road and the Kyle of Sutherland. The site is contained within the Kyle of Sutherland Marshes Site of Special Scientific Interest, which is designated for its flood plain fen, wet woodland and vascular plant assemblage. Immediately to the north of the site lies the River Oykel Special Area of Conservation, which is designated for its freshwater pearl mussel and Atlantic salmon interest. The site has a varying topography, generally sloping downwards towards the nearby watercourse. The proposal aims to erect 2 holiday lodges on the chosen site as well as a communal building and associated infrastructure, with the presented lodge designs considered poor quality and unsupportable by the Planning Authority. It is considered that the proposed development will result in a significant adverse impact on existing woodland and ancient woodland, with no information submitted that justifies that the proposal will offer a clear and significant public benefit to otherwise, outweigh the loss of an important area of woodland and as such, the proposal cannot be considered supportable in accordance with Policy 6 of the NPF4 and Policy 52 of the HwLDP. Furthermore, the loss of woodland would result in a significant level of biodiversity loss and with a lack of measures proposed to advocate for this level of loss, the application does not include any appropriate measures to conserve, restore and enhance biodiversity. Therefore, the proposal is also deemed to be contrary to Policy 3 and Policy 6bii) of the NPF4 and as such, cannot be deemed acceptable. It is worth noting that concerns were raised to the applicant at Pre-Application stage and as such, this stance has not changed. Regarding the deliberation of whether the proposal is situated within ancient woodland, as expressed by the applicant, in addition to the expertise provided by the councils Forestry Officer it is also worth noting that we have also received a representation from The Woodland Trust Scotland, who have also expressed significant concerns with regards to the adverse impact that the proposal would have on the existing woodland resource within and surrounding the site.

9.2 The pre-emptive felling of trees and woodland, in proximity to areas of Ancient Woodland, prior to the submission of an application is disappointing. Further works within the application site will result in further tree and woodland loss in a wider undisturbed landscape, compounding the situation and it is considered that the proposed development will adversely affect the pattern of development and natural landscape in the vicinity of the site, along the banks of the Kyle of Sutherland.

9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The proposal will have an adverse impact on both ancient and native woodland, as well as fragmenting the woodland habitat, and therefore is considered contrary to Policy 6bi) of the NPF4.
2.	The proposed holiday lodges and associated infrastructure would extend development into an area of woodland. No information has been submitted that justifies that the proposal offers a clear and significant public benefit in terms of the loss and adverse impact on existing native and ancient woodland. The council will maintain a strong presumption against the removal of ancient semi-natural woodland, woodland integral to the value of a designated site (including SSSI) and where removal would lead to fragmentation or disconnection of important forest habitat networks. As such, the proposals fail to comply with the considerations of the NPF4 Policy 6c) and HwLDP Policy 52 in addition to the associated supplementary guidance.
3.	The proposed development is required to implement measures to conserve, restore and enhance biodiversity, in accordance with NPF4. The loss of woodland would result in a significant level of biodiversity loss, with Policy 3 of the NPF4 emphasising the requirement to build and strengthen nature networks and the connections between them. Therefore, it is considered by the Planning Authority that the development does not entail any measures to advocate for this level of loss to existing habitats, with no provision to conserve, restore and enhance biodiversity. Therefore, the proposal is also deemed to be contrary to Policy 3 and Policy 6bii) of the NPF4 and as such, cannot be deemed acceptable.
4.	In terms of the proposed design of the holiday lodges, the chosen exterior appearance and colour as well as the incredibly steep roof pitch of the accommodation units, resulting in an overhanging roof is not considered common to the Highland countryside nor is it aesthetically pleasing. In line with Policy 14 of the NPF4 and associated Rural Housing supplementary guidance the proposed lodges presently are considered to be of a poor design by the Planning Authority and as such, are considered contrary to this policy.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Liam Burnside
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 23-313A-00 – Location Plan
Plan 2 - 23-313A-01- Site Layout Plan
Plan 3 - 23-313A-03 – Site Layout Plan – Indicating Areas of Ancient Woodland
Plan 4 - 23-313A-04B – Site Layout Plan – Indicating Areas of Ancient Woodland
Plan 5 - 23-313A-10 – Floor Plan – West Lodge
Plan 6 - 23-313A-11 - Floor Plan – East Lodge
Plan 7 - 23-313A-15 – Elevation Plan – West Lodge
Plan 8 - 23-313A-16 – Elevation Plan – East Lodge
Plan 9 - 23-313A-50 – General Plan – Communal Building

Appendix – Details for Section 75 Agreement or Up Front Payment

If this is for 1 to 3 house applications, delete the below tables and copy and paste in the details from the calculator. This table is required even though the application is refused in case of appeal.(delete this text box once actioned as appropriately).

Delete the full appendix if no contributions would be required on this development (delete this text box once actioned as appropriate).

Developer Contributions

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount**1	Index Linked	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools									
Primary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Community Facilities	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC		15 or 20
Affordable Housing									
On-site provision	X units. Insert details of unit size and timescale for delivery if agreed				No			Apr/Oct	
Off-site provision	X units. Insert details of location, unit size and timescale for delivery if agreed				No			Apr/Oct	
Commuted Sum	£0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments			£0.00	No			Apr/Oct	5 Years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be						TOC/CC	Apr/Oct	

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	submitted for approval								
Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20

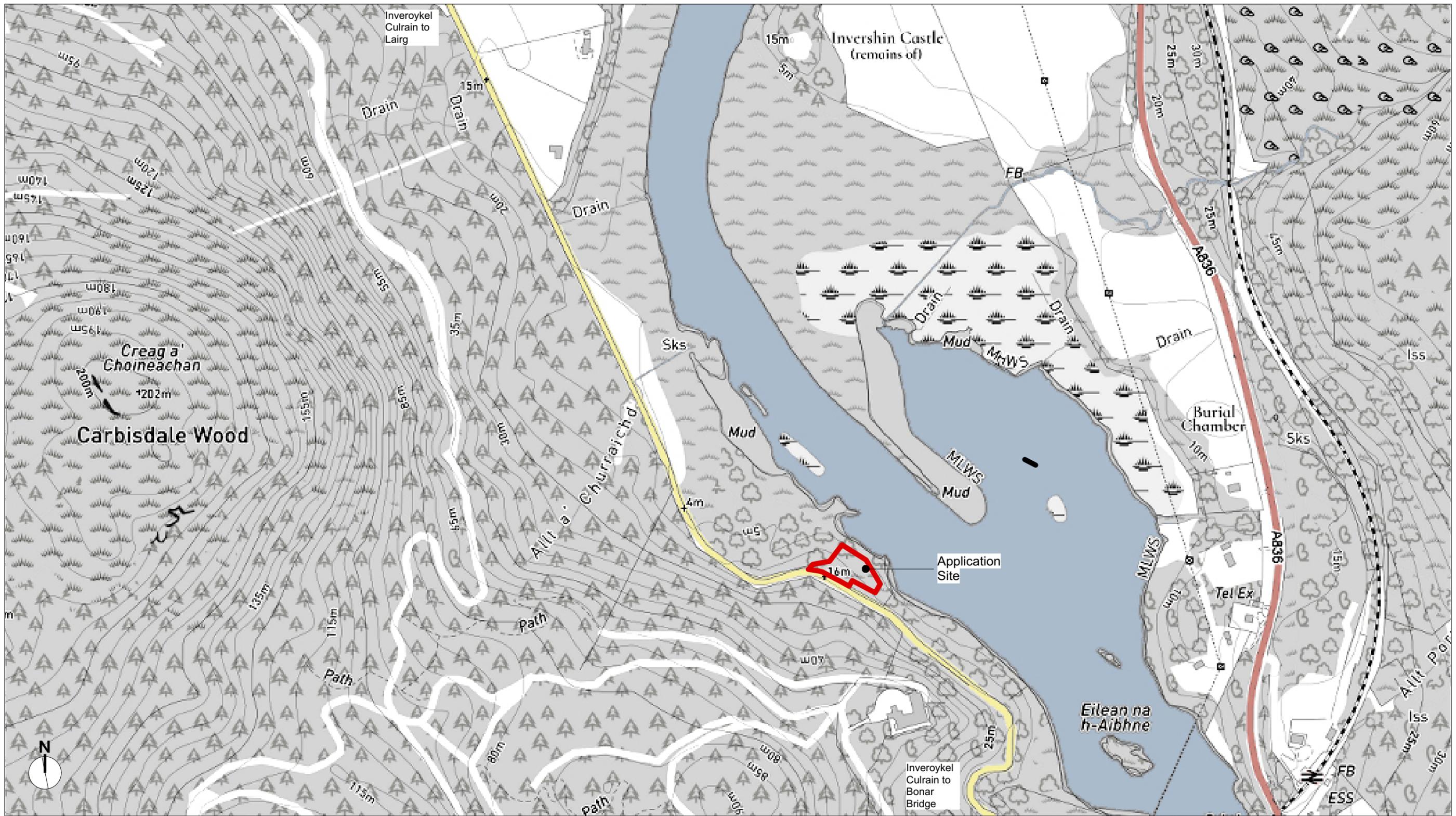
*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

- *3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate
- *4 Accounting dates - 1 April & 1 October each year of development
- *5 Clawback – 15 years for Major development; 20 years for Local development

Other Section 75 Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details



LOCATION PLAN
Scale: 1:5000



PLANNING DRAWINGS: Not for construction

NOTE
All critical dimensions to be checked on site. No critical dimensions to be scaled from this drawing. Any discrepancies on site to be notified to the client for clarification. Up to date drawings and information must be obtained before commencement of work. Drawings may be copied by contractors and clients etc. but copyright of all designs remain with the designer.

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**RUPERT
HAIG-THOMAS**

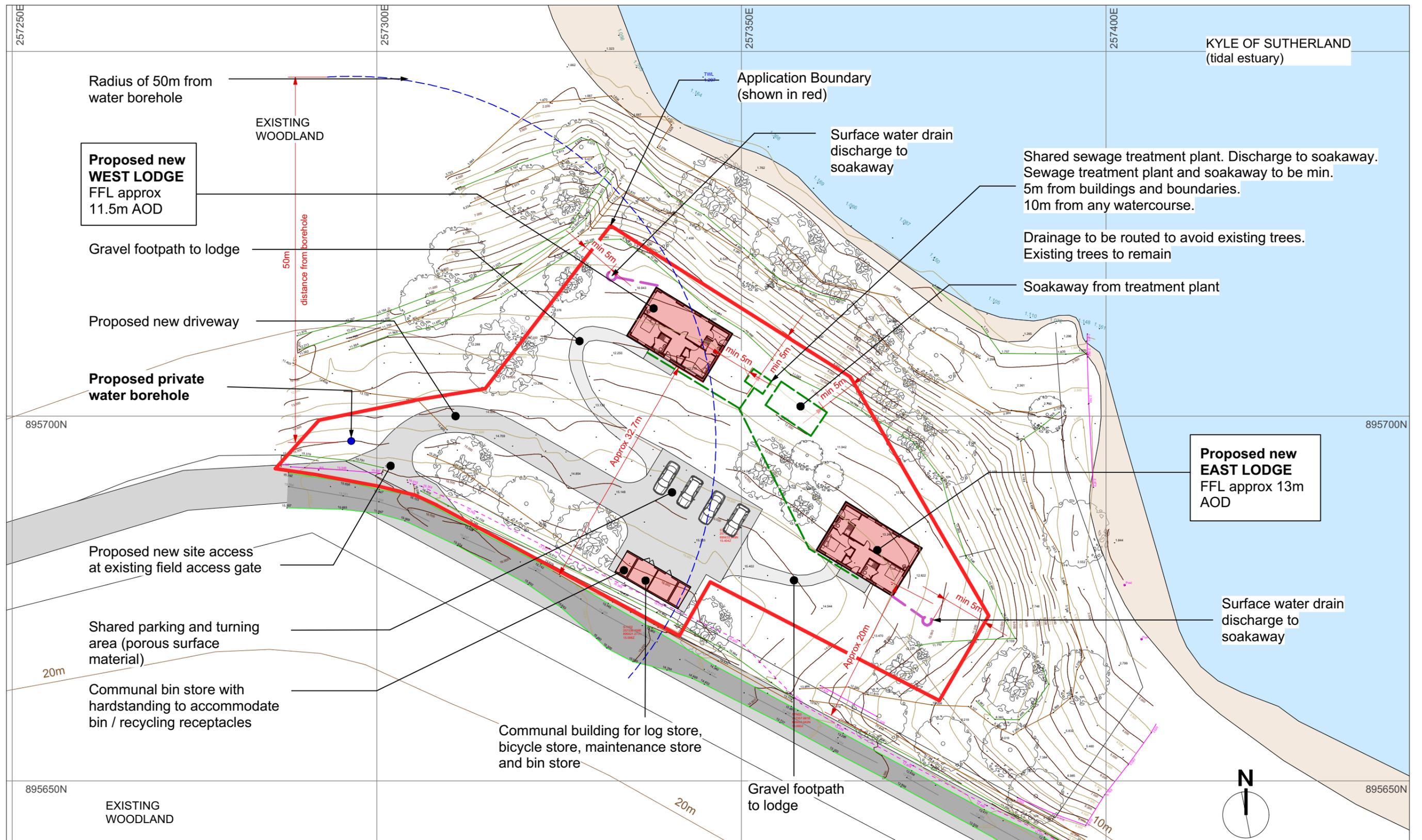
PROJECT
**NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND**

TITLE
LOCATION PLAN

SCALE 1 : 5000
A3 SHEET SIZE
DRAWING NO: 23-313A-00

**MACBEATH
ARCHITECTS**

Morrish House
20 Davidson Drive
Invergordon, IV18 0SA
01349 854590 07793961387
im.thermosps@gmail.com
www.thermopassive.com



SITE PLAN
Scale: 1:500

Application Boundary
0.3 Ha



PLANNING DRAWINGS: Not for construction

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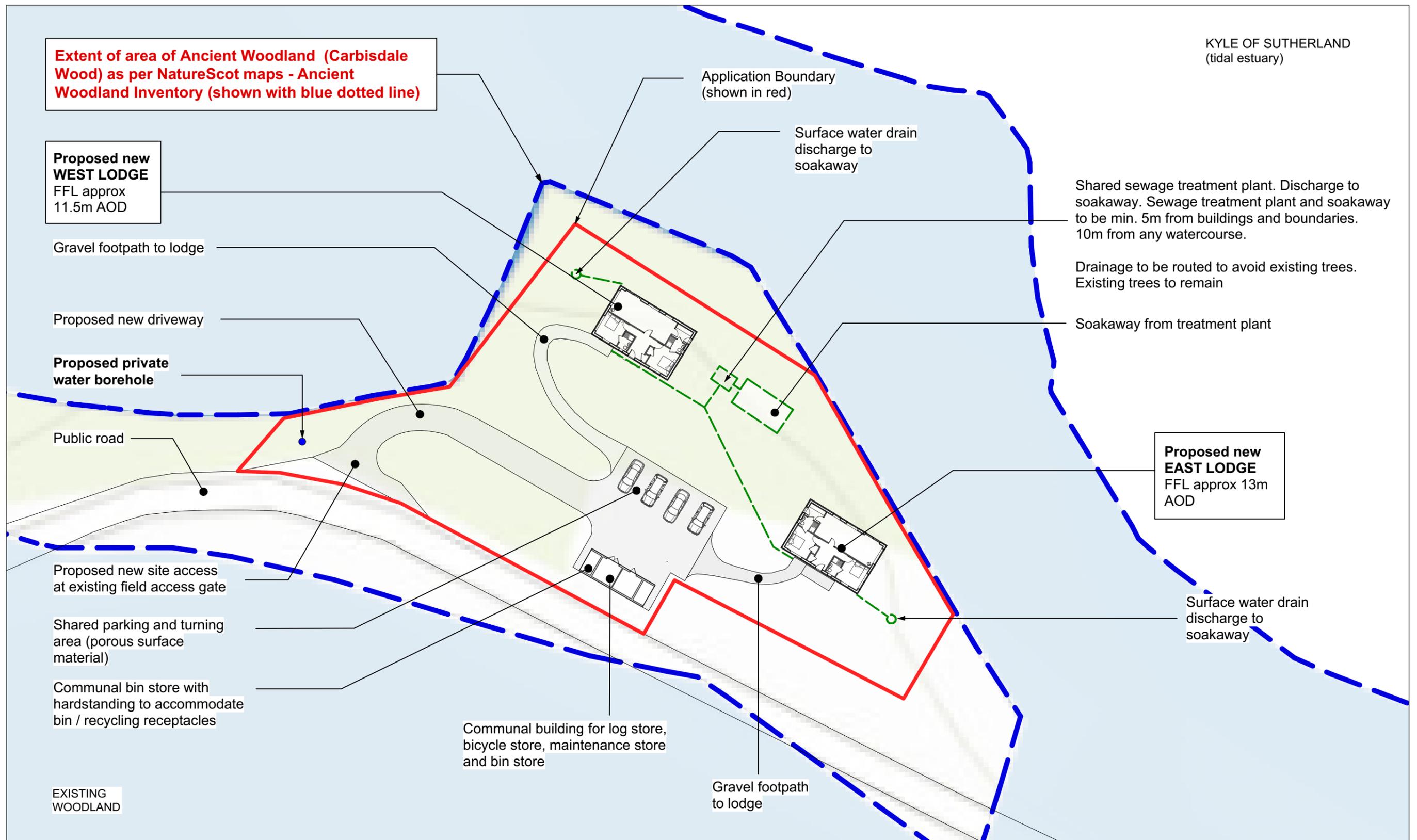
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PROJECT
**PROPOSED 2 LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND**

TITLE
SITE PLAN

SCALE 1 : 500
A3 SHEET SIZE
DRAWING NO: **23-313A-01**

**MACBEATH
ARCHITECTS**
Morrish House
20 Davidson Drive
Invergordon, IV18 0SA
01349 854590 07793961387
im.thermosips@gmail.com
www.thermopassive.com



SITE PLAN
Scale: 1:500

Extent of area of Ancient Woodland (shown with blue dotted line)



Application Boundary
0.3 Ha



PLANNING DRAWINGS: Not for construction

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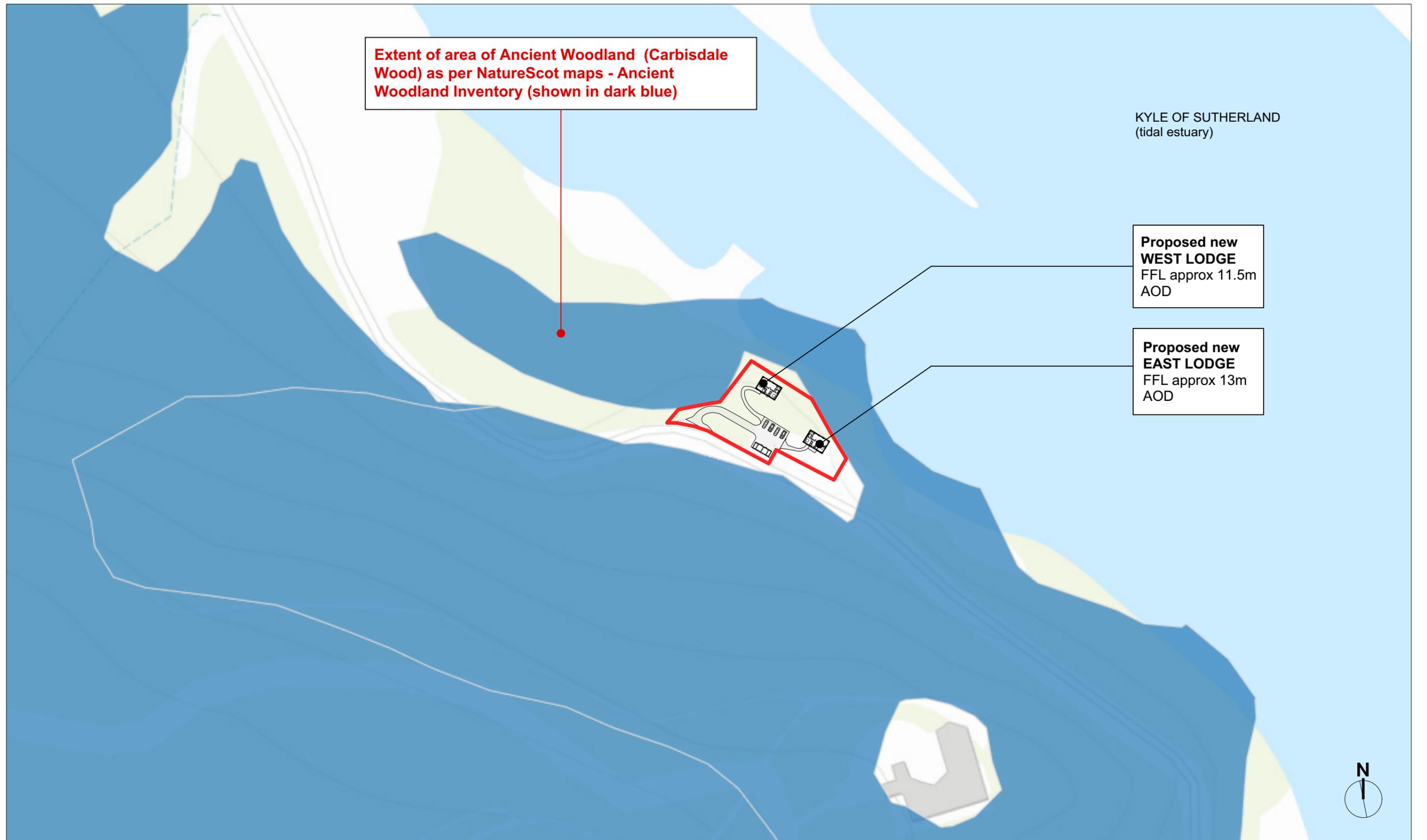
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PROJECT
NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND

TITLE
SITE PLAN (INDICATING
AREAS OF ANCIENT
WOODLAND)
SCALE 1 : 500
A3 SHEET SIZE
DRAWING NO: 23-313A-03

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ARCHITECTS**
Morrich House
20 Davidson Drive
Invergordon, IV18 0SA
01349 854590 07793961387
im.thermosips@gmail.com
www.thermopassive.com



Extent of area of Ancient Woodland (Carbisdale Wood) as per NatureScot maps - Ancient Woodland Inventory (shown in dark blue)

KYLE OF SUTHERLAND
(tidal estuary)

Proposed new WEST LODGE
FFL approx 11.5m
AOD

Proposed new EAST LODGE
FFL approx 13m
AOD

SITE PLAN
Scale: 1:2000

Extent of area of Ancient Woodland (shown in dark blue)

Application Boundary
0.3 Ha



PLANNING DRAWINGS: Not for construction

NOTE
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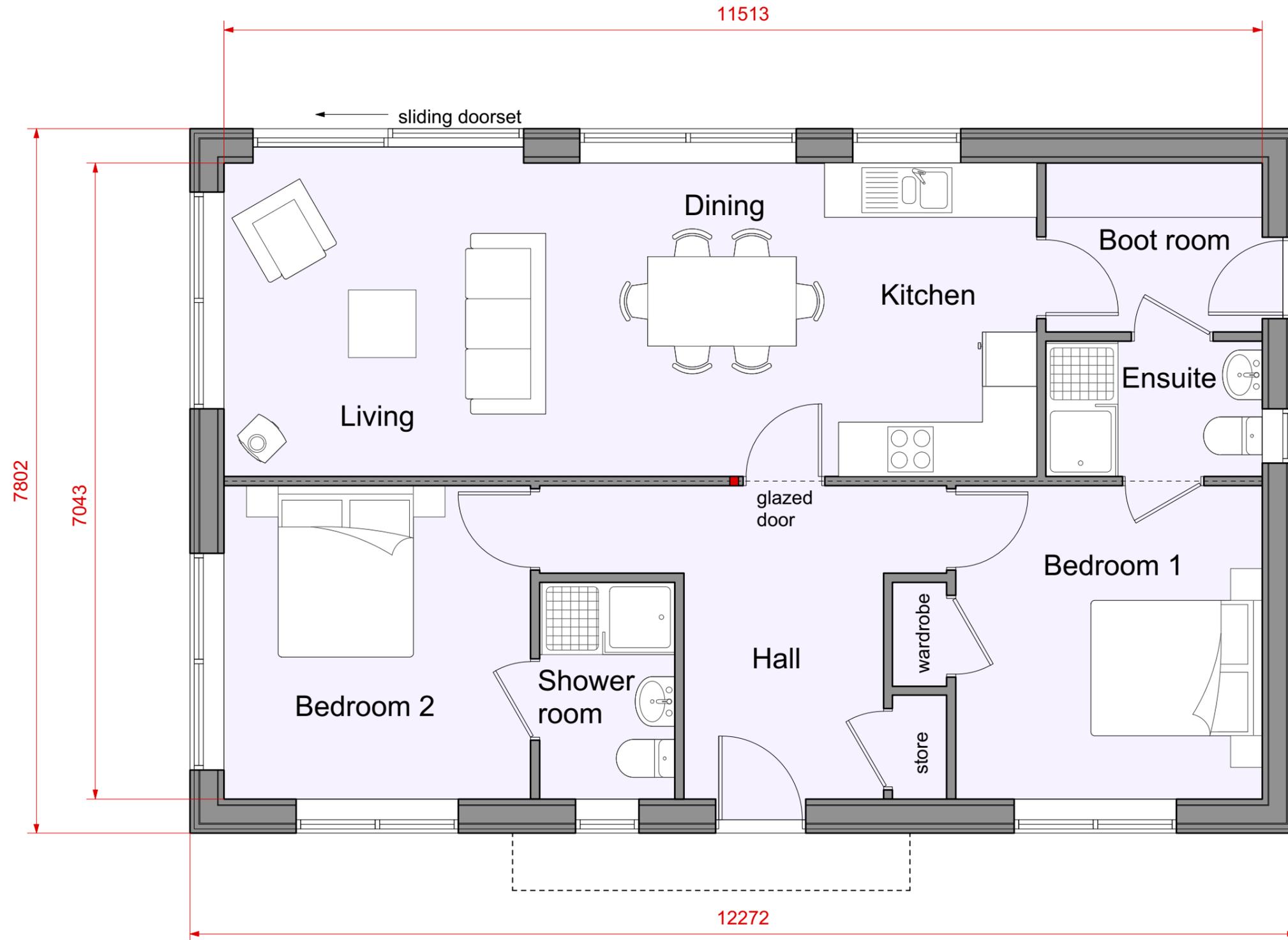
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PROJECT
NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND

TITLE
SITE PLAN (INDICATING
AREAS OF ANCIENT
WOODLAND)
SCALE 1 : 2000
A3 SHEET SIZE
DRAWING NO: 23-313A-04B

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ARCHITECTS**
Morrich House
20 Davidson Drive
Invergordon, IV18 0SA
01349 854590 07793961387
im.thermosips@gmail.com
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WEST LODGE FLOOR PLAN

Scale: 1:50



PLANNING DRAWINGS: Not for construction

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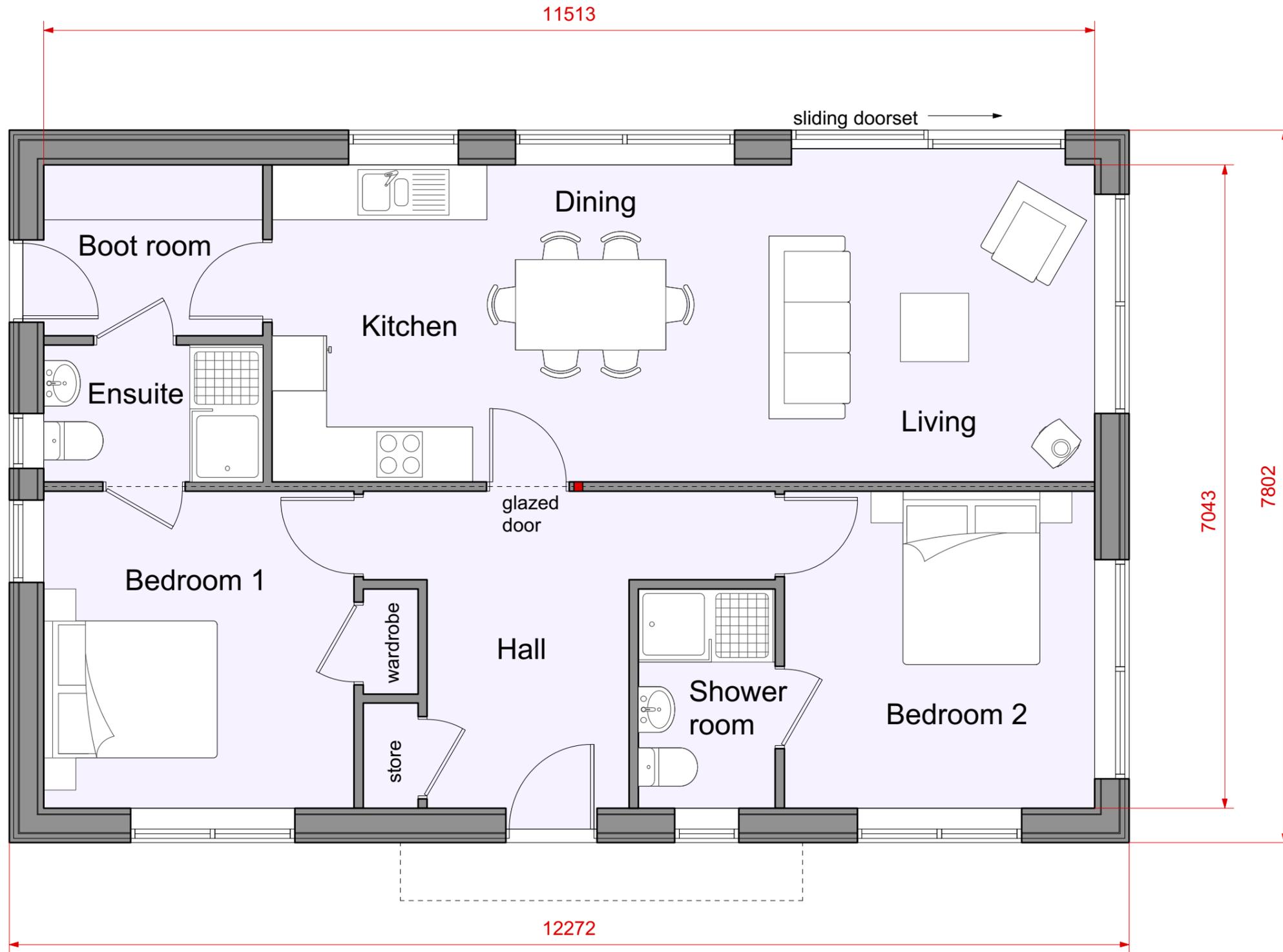
PROJECT
 NEW LODGES
 CULRAIN
 ARDGAY
 KYLE OF
 SUTHERLAND

TITLE
 FLOOR PLAN
 (WEST LODGE)

SCALE 1 : 50
 A3 SHEET SIZE
 DRAWING NO: 23-313A-10

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 ARCHITECTS**

Morrish House
 20 Davidson Drive
 Invergordon, IV18 0SA
 01349 854590 07793961387
 im.thermosips@gmail.com
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EAST LODGE FLOOR PLAN
Scale: 1:50



PLANNING DRAWINGS: Not for construction

NOTE
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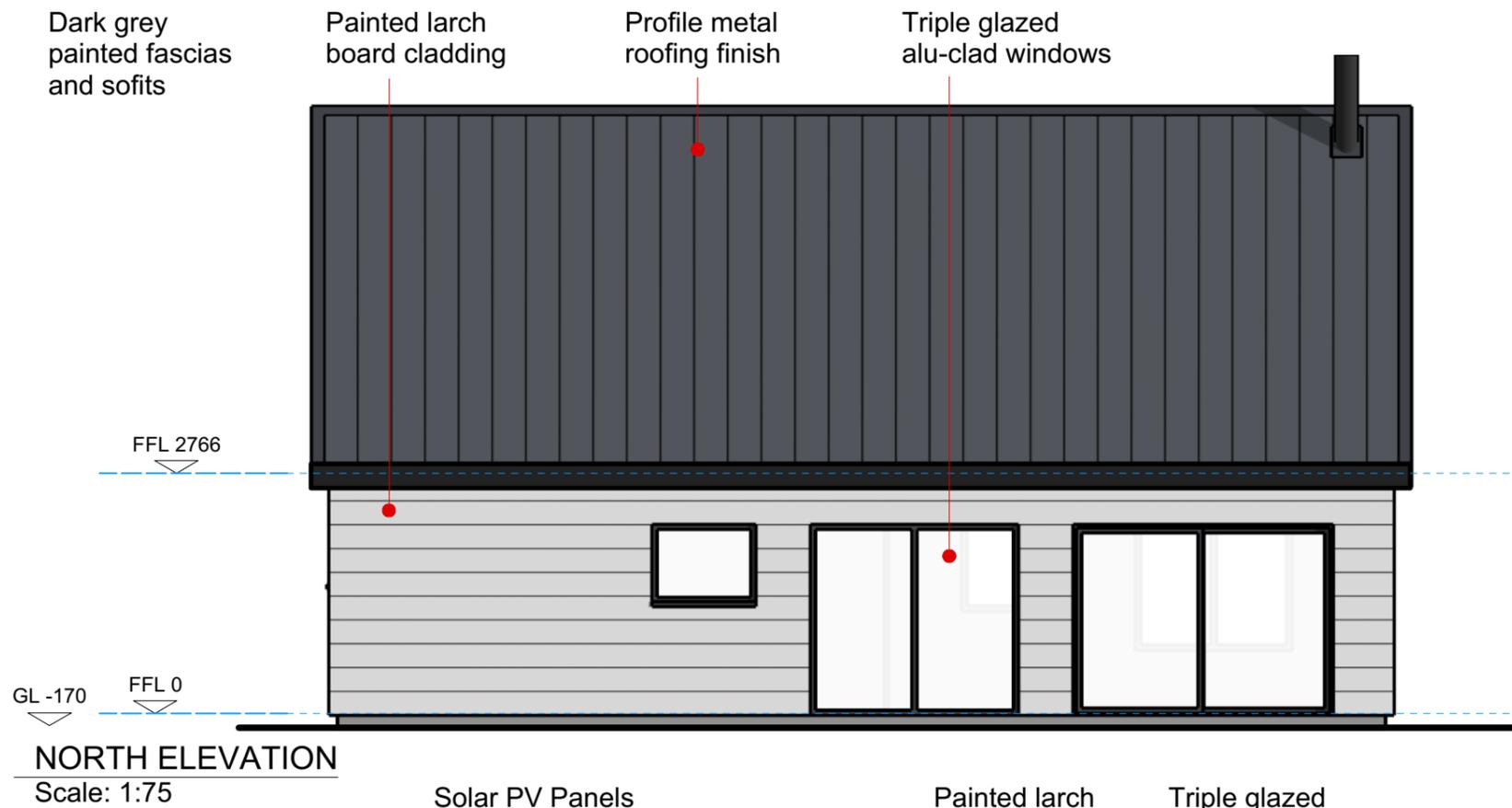
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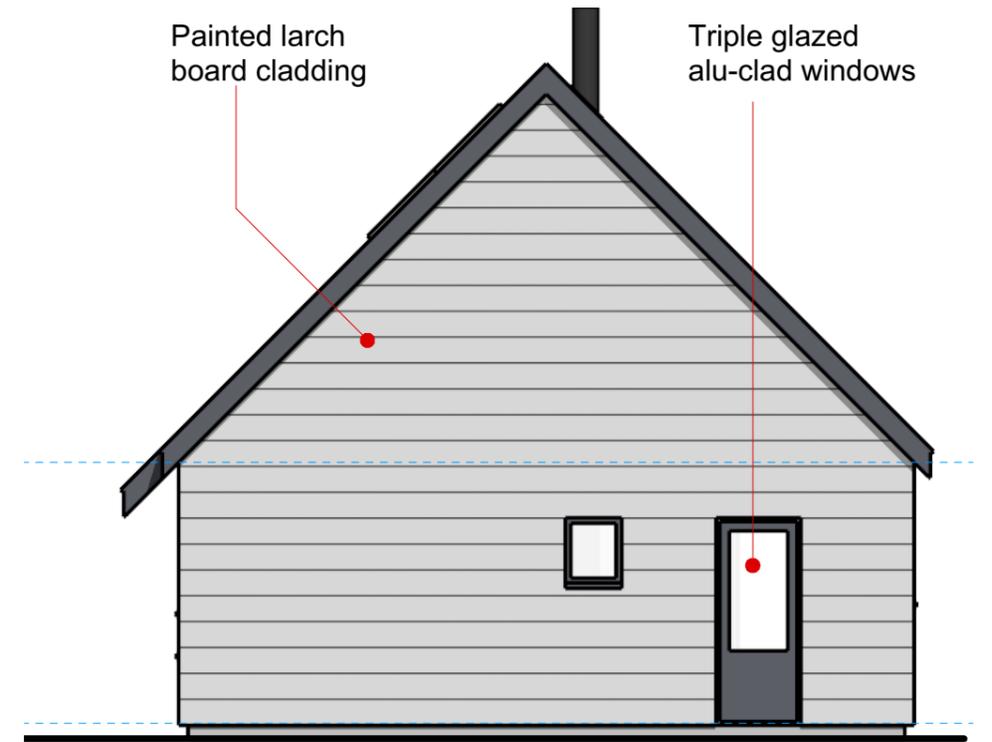
PROJECT
**NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND**

TITLE
**FLOOR PLAN
(EAST LODGE)**
SCALE 1 : 50
A3 SHEET SIZE
DRAWING NO: **23-313A-11**

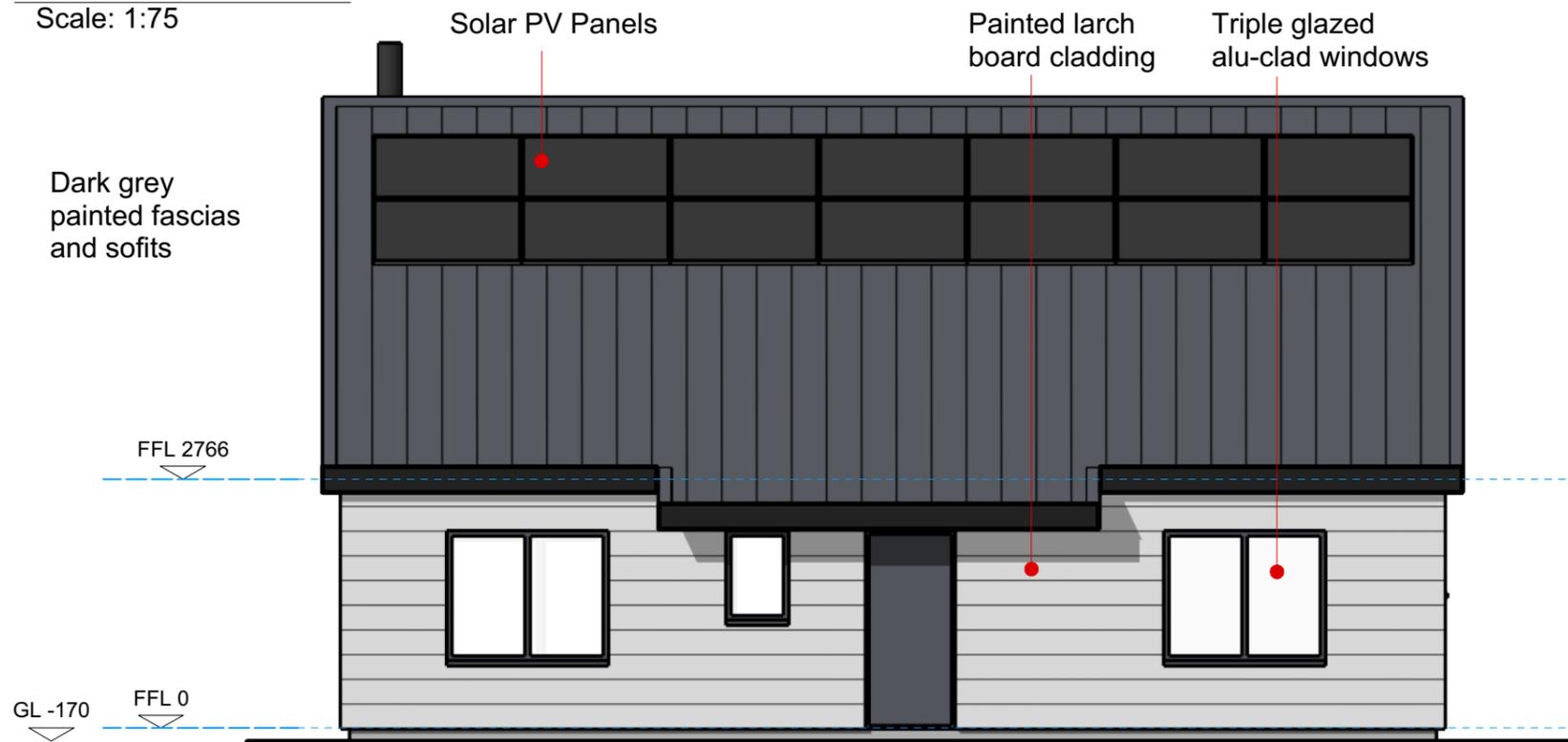
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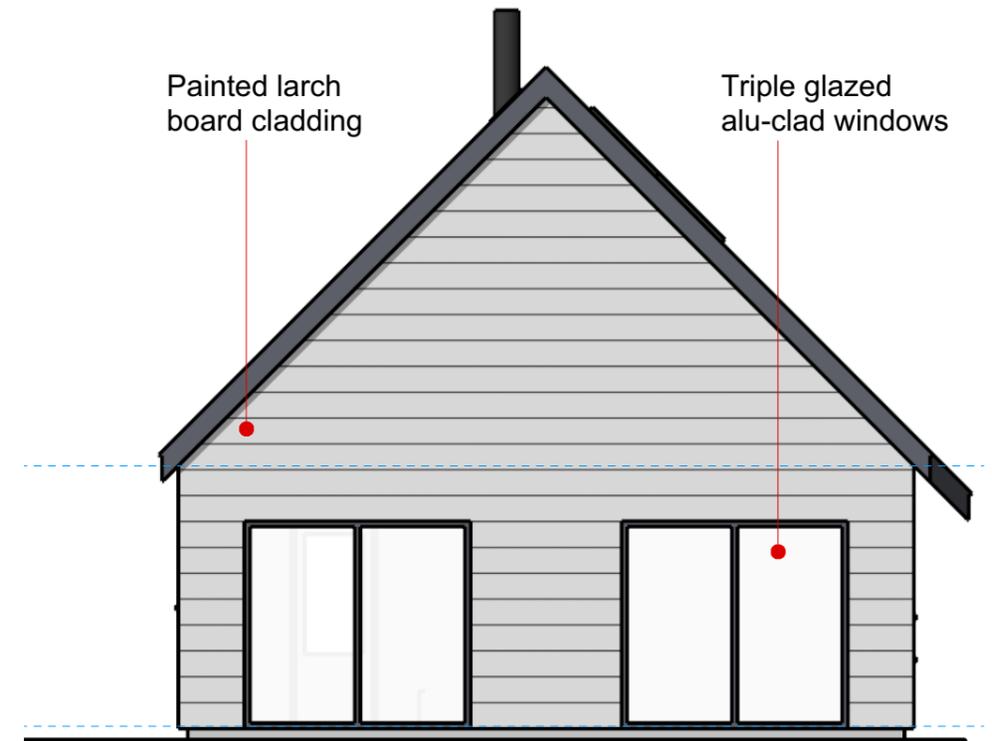
NORTH ELEVATION
Scale: 1:75



EAST ELEVATION
Scale: 1:75



SOUTH ELEVATION
Scale: 1:75



WEST ELEVATION
Scale: 1:75



PLANNING DRAWINGS: Not for construction

NOTE
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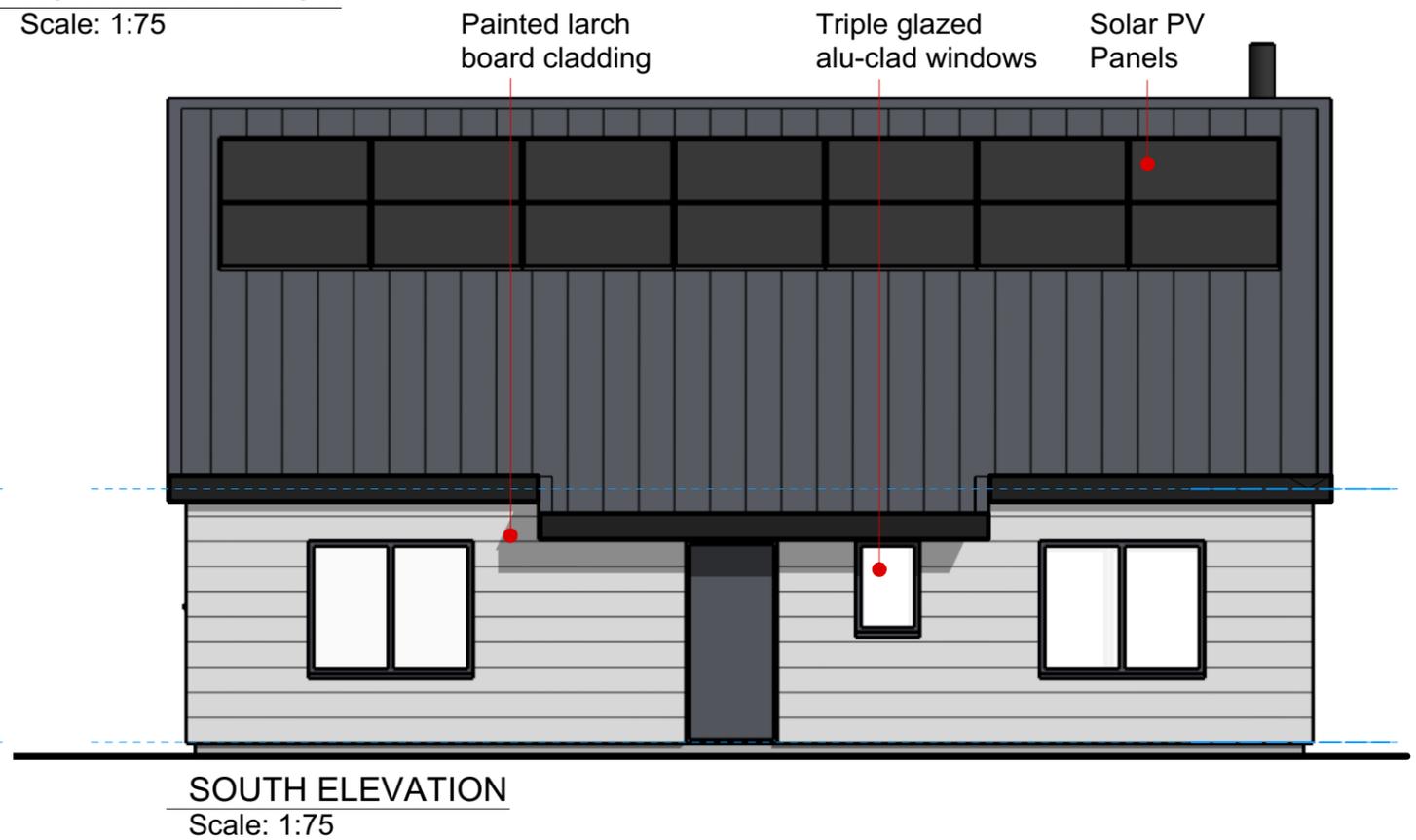
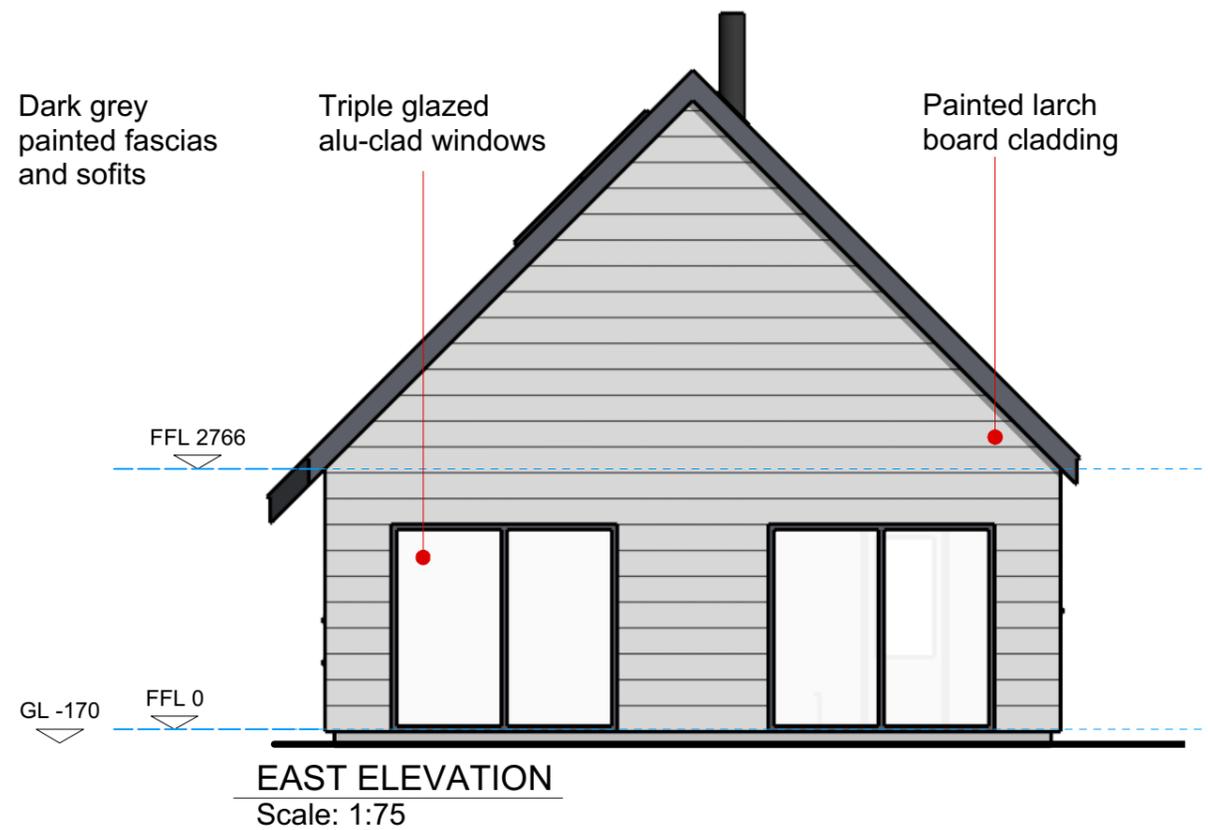
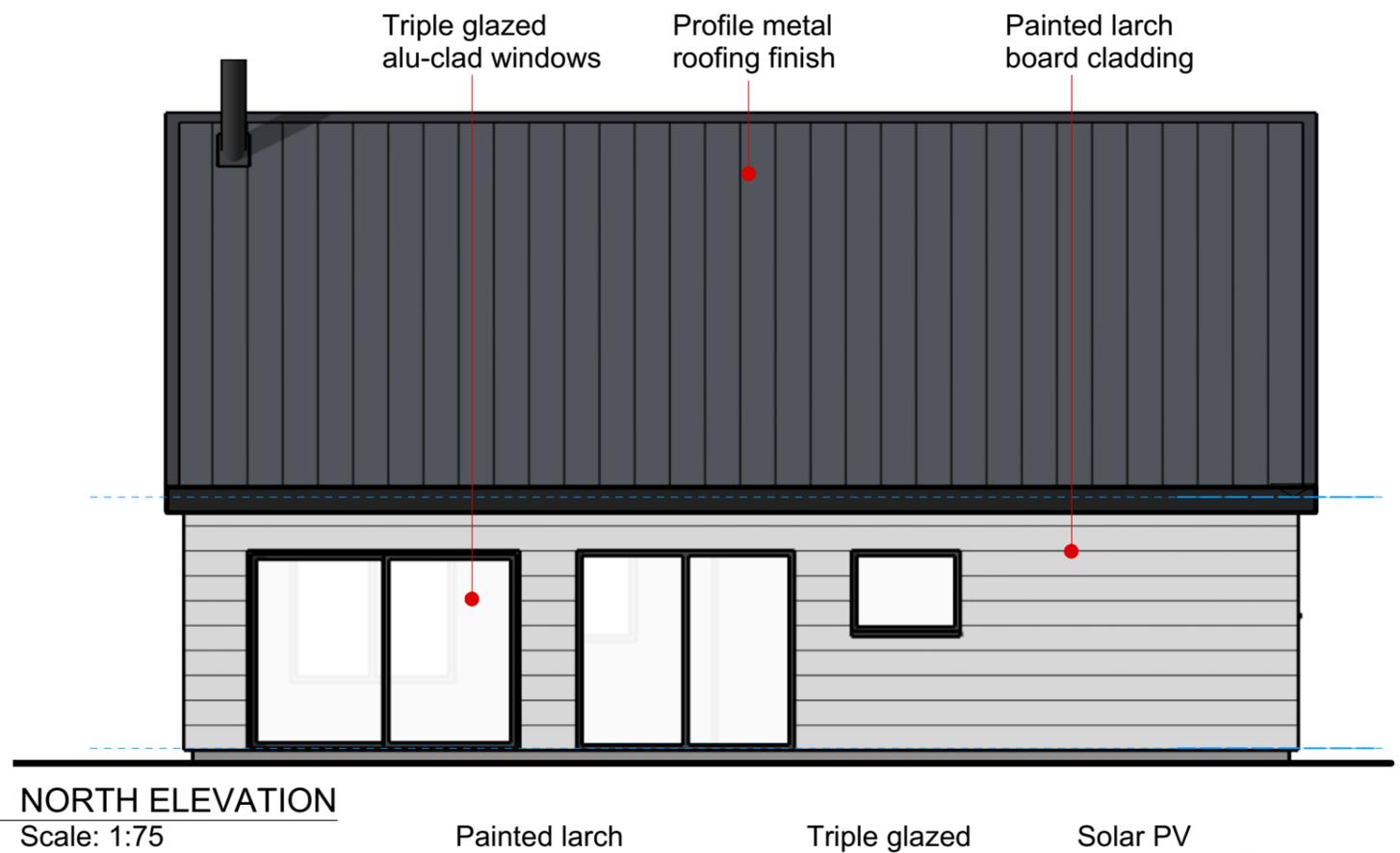
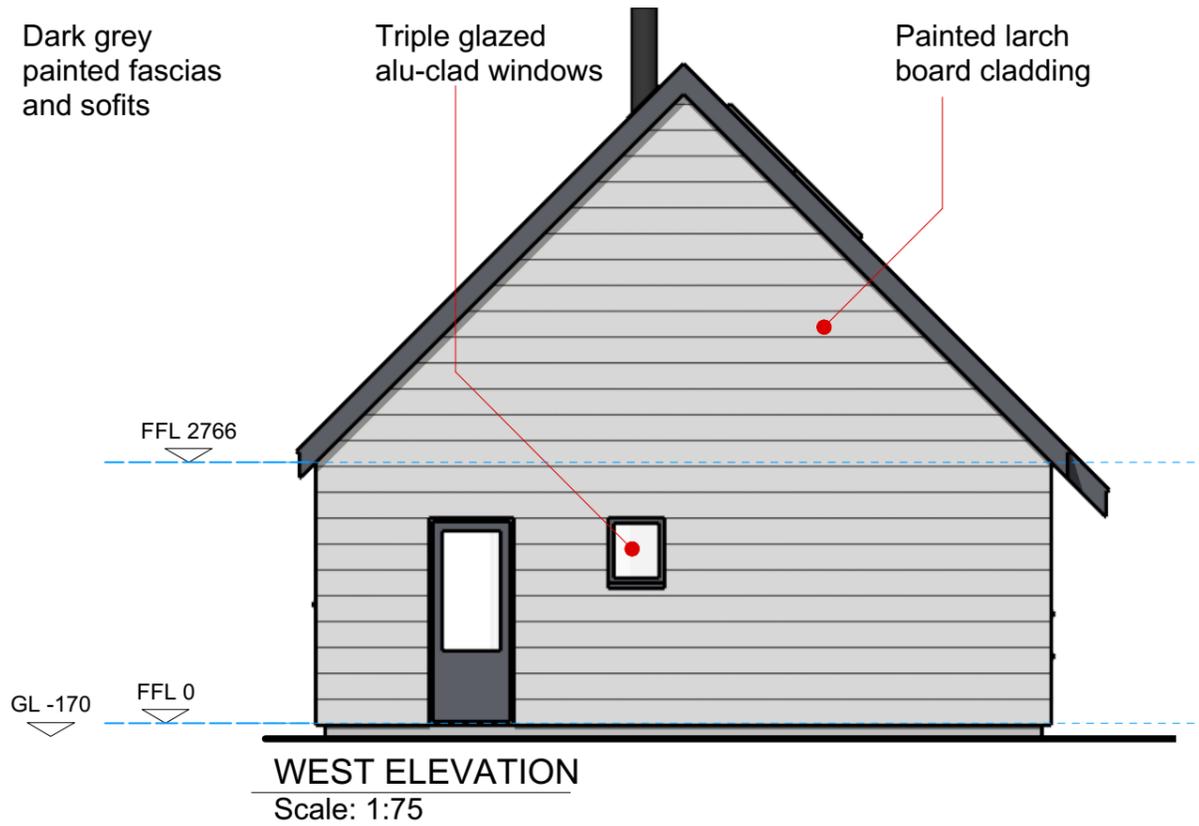
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PROJECT
NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND

TITLE
ELEVATIONS
(WEST LODGE)
SCALE 1 : 75
A3 SHEET SIZE
DRAWING NO: 23-313A-15

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ARCHITECTS**
Morrich House
20 Davidson Drive
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PLANNING DRAWINGS: Not for construction

NOTE
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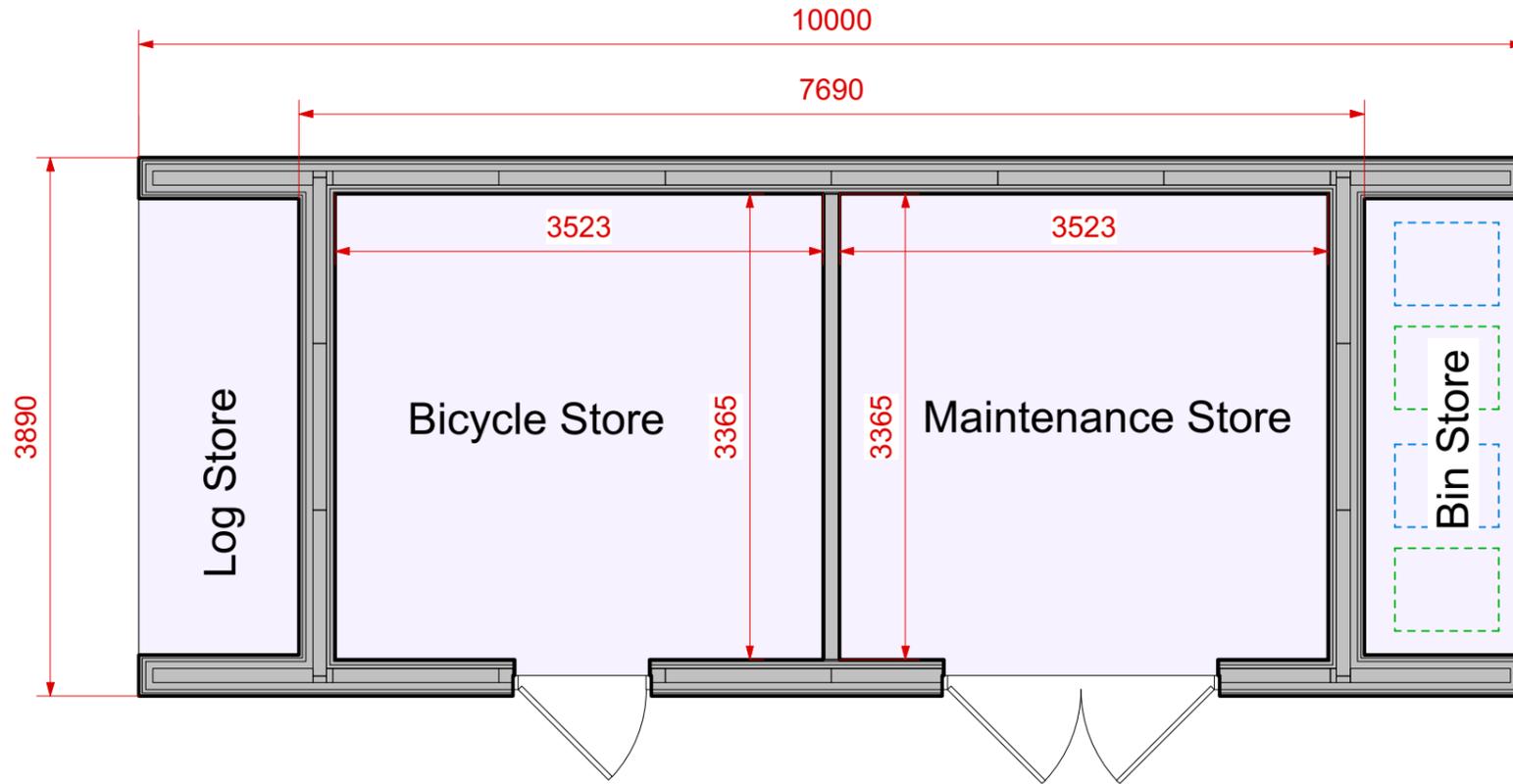
PROJECT
NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND

TITLE
ELEVATIONS
(EAST LODGE)

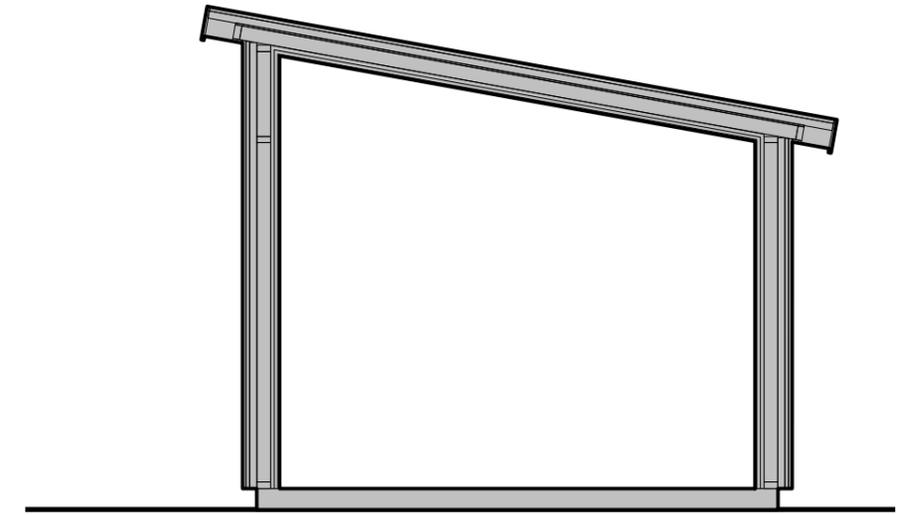
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A3 SHEET SIZE
DRAWING NO: 23-313A-16

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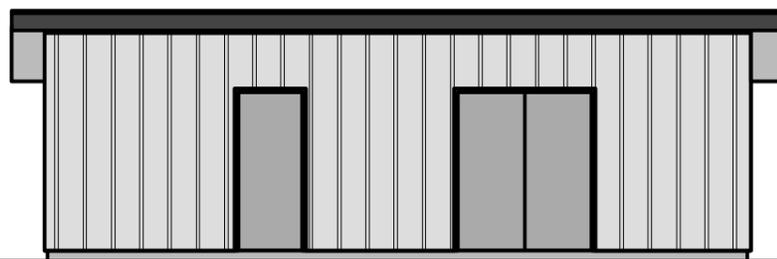
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im.thermosips@gmail.com
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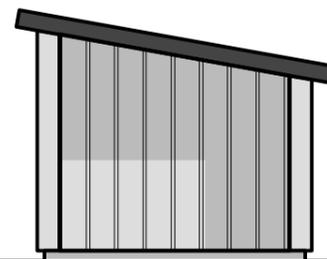
COMMUNAL BUILDING PLAN
Scale: 1:50



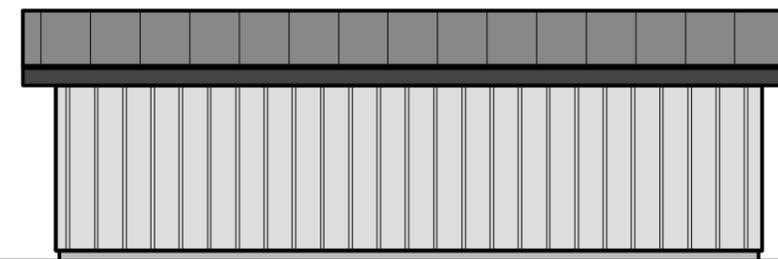
COMMUNAL BUILDING SECTION
Scale: 1:50



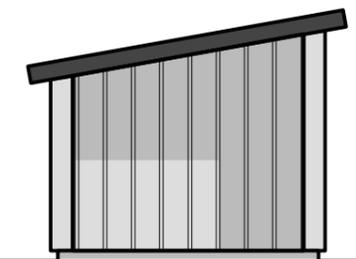
NORTH ELEVATION
Scale: 1:100



WEST ELEVATION
Scale: 1:100



SOUTH ELEVATION
Scale: 1:100



EAST ELEVATION
Scale: 1:100

PLANNING DRAWINGS: Not for construction

NOTE
All critical dimensions to be checked on site. No critical dimensions to be scaled from this drawing. Any discrepancies on site to be notified to the client for clarification. Up to date drawings and information must be obtained before commencement of work. Drawings may be copied by contractors and clients etc. but copyright of all designs remain with the designer.

These drawings are intended for Building Warrant and Planning applications and are not necessarily exhaustive. If they are used as a basis for preparing tenders or carrying out the works fully, details of all items included or excluded should be provided to the client. It should be noted that items that may be required are not necessarily mentioned. Contractors are to ensure full compliance with the building regulations an all relevant Codes, Building Standards etc. and in accordance with normal quality tradesmen practices.

CLIENT
RUPERT
HAIG-THOMAS

PROJECT
NEW LODGES
CULRAIN
ARDGAY
KYLE OF
SUTHERLAND

TITLE
COMMUNAL BUILDING

SCALE AS NOTED
A3 SHEET SIZE
DRAWING NO: 23-313A-50

**MACBEATH
ARCHITECTS**
Morrish House
20 Davidson Drive
Invergordon, IV18 0SA
01349 854590 07793961387
im.thermosips@gmail.com
www.thermopassive.com