

Agenda Item	<b>7.2</b>
Report No	<b>PLS/06/26</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 5 February 2026

**Report Title:** 24/01092/FUL: Glendoe Limited  
Land 1200M East of Ardach House, Fort Augustus

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Construction of mountain bike trail centre, hub building, cafe, retail, bike hire/store building; 40 motorhome pitches, 8 shepherd's huts; play areas; maintenance storage building, parking

**Ward:** 12 - Aird and Loch Ness

**Development category:** Major

**Reason referred to Committee:** Major

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

### Recommendation

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

## 1. PROPOSED DEVELOPMENT

1.1 The proposal seeks to develop a mountain bike trail centre, tourism and recreation facility - to be known as Ride Ness, at Glendoe Estate, near Fort Augustus. The proposal will consist of:

- 24 km of trails of different grades from one trail head; all accessed by a dedicated uplift service;
- 7 km of multi-use trails / paths also available to walkers;
- 846sqm hub building;
- 72sqm bike store/bike wash building;
- 72sqm building for the storage of equipment;
- 264sqm building for the storage of site maintenance equipment;
- Up to 40 motorhome / campervan pitches providing overnight accommodation;
- 8 shepherd's huts providing overnight accommodation;
- Skills Park to enable riders to hone their skills and receive specialist coaching;
- Outdoor children's rurally themed play area;
- Solar array over 0.08 ha to provide renewable energy generation to support the development;
- Use of an existing access road to provide a dedicated uplift service to the top of the trails; and
- Associated car parking, landscaping and underground gas tank and package treatment plant.

1.2 The individual elements of the proposal are:

**The Hub** – will measure approximately 42m on the northwest elevation and 24m along the northeast elevation. It will have a ridge height of 5.7m and 2.7m to the eaves. The walls will be constructed from Scottish Larch cladding with a combination of white UPVC and grey Alu Clad Timber windows. The roof will be constructed from red/orange Sinusoidal roof sheeting with black ridge and flashings.

**Bike Store** – will measure approximately 6m along the northeast elevation by 12m along the northwest elevation. It will have a ridge height of 4.35m and 2.7m to the eaves. The walls will be constructed from Scottish Larch cladding.

**Maintenance Building** – will measure 12m along the southwest elevation and 22m along the southeast elevation. It will have a monopitch structure to a ridge height of 6.07m and eaves height of 4.4m. It will be constructed from treated Scottish Larch cladding to the walls and will be fitted with roller shutter doors on the southeast elevation. The roof will be constructed from red/orange Sinusoidal roof sheeting.

**Mini Land Rovers Storage Building** – will measure 12m by 6m. It will be

constructed from treated Scottish Larch cladding to the walls with red/orange Sinusodial roof sheeting.

Up to 40No. serviced motorhome pitches and 8No. shepherd's huts (8.6m by 3.2m) are proposed. These will be constructed from metal/timber cladding to the walls and metal cladding to the roof.

The biking and walking trails, pump track, skills park, finish zones and viewing points will consist of bare earth.

The access roads to be created within the site, the main car park, the uplift zone, motorhome pitches, parking associated with the shepherd's huts, footpaths and Mini Land Rover course will be constructed from gravel. A condition to control the finish colour of the access roads is considered to be appropriate, so that the finish material colour and its chemical composition matches to that of the local rock, thus reducing its visual prominence and reducing the potential of different vegetation cover on the track becoming a linear landscape feature, particularly from distant views, should the tracks 'green up' in the future.

**Children's Play Area** – this will be constructed from bark chippings to provide a safe surface for play.

**Overspill Parking Area** – this will be retained as grass. The frontage to the hub building and a small section to the rear will be paved to provide an attractive and safe, accessible access/welcome to the site.

**Solar Array** – this will comprise an area of approximately 0.08 hectares located to the west of the car parking area.

- 1.3 The proposed mountain bike trails and multi-use trails will be located on the western flank of Borlum Hill, with the hub, café, parking and other elements of the development located in a core area at the base of the hill, on a plateau around the Tomamhoid ruin which will be retained. Vehicular access to Ride Ness will be via an existing access point from the B862 to the north. Access by foot or bike will be from the existing path that runs adjacent to the B862 through other land in control of the applicant, via an extended multi use path to serve the project.
- 1.4 A native woodland creation scheme is proposed as a separate project alongside the proposed development. The new woodland will extend over an area of approximately 197ha of Borlum Hill. The overriding objectives of the woodland creation scheme are to:
- create a native woodland the blends in with the surrounding environment;
  - contribute to achieving Scottish Government targets to increase woodland cover across Scotland;
  - increase Native Caledonian Pine woodland within a target area; and
  - create a native woodland around which Ride Ness will be developed that in turn will increase local jobs and bring income to local communities.

The woodland creation scheme offers the opportunity to diversify the rider experience, provide wind protection to riders and assist in assimilating the development into the landscape.

1.5 Pre-Application Consultation: 22/03206/PREMAJ – Generally supportive of appropriately located and designed leisure facilities, with these contributing towards Highland's tourism industry. The principle of a well-designed visitor attraction with accommodation in this location can be supported, subject to other environmental considerations, devising a sustainable operational travel plan for the site, and maintaining public access rights.

1.6 Supporting Information:

- Pre-application Consultation Report
- Flood Risk Assessment
- Planning Statement
- Transport Statement
- Arboricultural Impact Assessment Method Statement and Tree Protection Plan
- Preliminary Ecological Appraisal
- Habitat Management Plan
- Habitat Survey Report
- Deer Management Plan
- Otter Survey Report and Species Protection Plan
- Peat Management Plan
- Phase 1 Peat Depth Survey Report
- Landscape & Visual Appraisal
- Landscape and Visual Impact Assessment – images
- Landscape Mitigation Plan
- Visual Information
- Market Appraisal Report
- Outdoor Access Management Plan
- Site Wide Energy Report
- Tree Assessment Plan
- Tree Protection Plan

1.7 Variations: Revisions and amendments to supporting information and plans/reports following assessment of application.

## **2. SITE DESCRIPTION**

2.1 The site is located approximately 1km to the east of Fort Augustus and extends to approximately 19.6ha. It comprises undeveloped hillside and open grassland intersected by existing tracks and localised areas of hardstanding. There is established woodland along the western edge and further parcels of woodland

along the eastern edge. The site forms part of the wider Glendoe Estate, with existing uses across the site principally focused on sheep grazing as part of Borlum Farm.

- 2.2 The local area is rural in nature with agriculture and forestry being the predominant land uses. The area comprises a series of low-lying valleys enclosed by steeply sloping valley sides and intervening areas of undulating upland moorland. Large scale renewable energy projects have been established in the area including the Glendoe Hydro Electric Project and Stronelairg Windfarm.

### 3. PLANNING HISTORY

3.1	18.04.2006	06/00031/FULIN - Temporary workers camp associated with the Glendoe Hydro Electric scheme.	Permission granted
3.2	26.09.2006	06/00827/FULIN - Temporary conveyor to carry waste rock from the Glendoe Hydro Electric scheme through the Ride Ness area.	Permission granted
3.3	08.07.2009	09/00395/FULIN - Retention of a temporary access road.	Permission granted
3.4	18.09.2015	14/03809/FUL - Construction of a new public path adjacent to the B862 between Fort Augustus and the proposed Stronelairg Wind Farm site entrance.	Permission granted
3.5	29.09.2016	16/03992/FUL - Adjustment to the approved route for a public footpath (14/03809/FUL)	Permission granted
3.6	20.03.2024	22/03236/PAN - Mountain bike trail centre and associated facilities	Case closed
3.7	06.07.2022	22/02469/PNO - Agricultural track. Prior approval granted and track constructed.	Prior approval granted
3.8	08.10.2022	22/03206/PREMAJ - To develop a mountain bike trail centre and associated facilities. To include a range of bike trails, vehicular uplift, up-lift track, parking, café, associated retail, bike hire, mountain bike coaching areas, and adventure play facilities for children, landscaped areas and marked walks within the development area for use by non-mountain bikers. In addition to develop accommodation for both short term holiday lets and staff housing. With access.	Response Pack issued
3.9	15.01.2026	25/04501/SCRE – Screening Opinion for Construction of mountain bike trail centre,	EIA required not

hub building, cafe, retail, bike hire/store building; 40 motorhome pitches, 8 shepherd's huts; play areas; maintenance storage building, parking

#### 4. PUBLIC PARTICIPATION

##### 4.1 Advertised: Schedule 3 development

Date Advertised: 31.05.2024

Representation deadline: 14 June 2024

Timeous representations: 41 (8 Against, 32 Support, 1 Neutral)

Late representations: 0

##### 4.2 Material considerations raised are summarised as follows:

- Visual impact on rural amenity and landscape;
- Increase in traffic congestion;
- Light and noise pollution;
- Overprovision of cycling trails;
- Overprovision for motor homes;
- Impact on biodiversity of flora and fauna of the hillside; and
- Impact on Glendoe airstrip (GB-0442) owned by the Estate

##### 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

#### 5. CONSULTATIONS

##### 5.1 **Fort Augustus and Glenmoriston Community Council:** "does not wish to object to the proposed development but would like to make the following comments.

Concern has been expressed by local residents about the impact of light pollution on the hillside arising from the development. We have been assured by the applicant that no night-time riding will take place, and we would like this to be made a condition should planning permission be granted. The impact of light from the core area has not been considered in detail in the Landscape and Visual Appraisal submitted with the application as it states that "there would be very limited light spillage into adjoining areas under normal operating conditions". The concern is not about light in adjoining areas (which is generally land owned by the applicant), but the view of the hillside from the village. We would be grateful if it could be conditioned that appropriate lighting and screening is used to limit the visibility of the development from the village after dark.

The Major Pre-Application Advice requested an Aviation Impact Assessment, but this has not been supplied as the applicant considers that "no impact is

anticipated on existing airstrip that will remain in use". Given that the airstrip runs along the boundary of the core area, the uplift road runs alongside its northern end and that a proposed trail runs approximately parallel to the airstrip within 50-100m of it and then turns and crosses its northern end, we don't see how there can be no impact and request that this matter is considered further.

With regards to the Transportation Statement, we are surprised that, given the development is described as a "leisure and tourism project" in the second paragraph, the traffic count data used is from a survey undertaken in January. However, given the very low RFCs resulting from the junction analysis, we accept that more realistic base traffic data would not unduly affect the results.

We welcome the acknowledgement that Ardachy Road is unsuitable for use by both construction traffic and users of the development and note the proposed measures to discourage its use. However, we feel that in practice it is likely to be used by both. In the Community Council's experience, workers travelling to construction sites simply take the shortest route, regardless of any authorised routes set out in Construction Traffic Management Plans, and tourists always follow their satnavs. Could a pre- and post-development traffic count be undertaken on Ardachy Road in order to assess whether the proposed measures are working or whether additional measures need implementing?

We feel that the existing gateway feature on the B862 by the Tarff Bridge does not work well. We realise that limiting forward visibility for vehicles entering the village encourages them to slow down to the 20mph speed limit but feel that in this case the forward visibility at the give-way line is too restricted. Having passed the give-way line, vehicles often have to reverse to give way to oncoming vehicles as they were not visible from the give-way line. We would request that if planning permission is to be granted, consideration is given to putting any contributions payable under the South Loch Ness Road Improvement Strategy towards replacing the give-way with traffic signals. The signal for vehicles entering the village could always revert to red so the driver is always faced with a red signal on approaching it, until they get in range of the detector, thus encouraging them to slow down.

We note the recommendation by Transport Planning that should the development be permitted, a condition be attached that the existing path between the development and Fort Augustus be upgraded. We also note the recommendation of the Access Officer that this path should be a minimum of 3m wide, tarmacked and the fence moved to reduce the number of gates to be negotiated, thus effectively bringing the path within the highway boundary. We would strongly object to such a path being built as we feel it would urbanise the appearance of the Borlum Bay area and request that a Departure from Standard be considered in this case. Realistically, most users of the development would travel by their own vehicle or the pickup/drop off service and the existing path, which does not adversely affect the nature of Borlum Bay and the fields leading down to it, would be adequate for the few who don't."

5.2     **Development Plans:** No objections

5.3     **Transport Planning:** No objections (12.07.2024 and 10.10.2024)

## **Access and Connectivity**

Vehicular access to the site will be taken from the B862 via an existing priority give-way junction upgraded in the past to serve a temporary workers camp in connection with the Glendoe Hydroelectric Project.

While this section of public road is covered by a derestricted speed limit, the alignment of the route keeps general traffic speeds down, with surveys undertaken by the developer suggesting 85th percentile speeds found to be 37.2mph when heading northeast and 35.5mph heading southwest. Such speeds would warrant clear visibility splays of between 107-111m using the information from our Guidelines for New Developments. The submission confirms that achievable visibility splays, even with the more recent upgrades in that area, are no more than 90m in each direction from a 4.5m setback within the mouth of the access.

Although this does not meet our Guidelines, the proposal suggests that 90m would be sufficient for Trunk Road junction visibility design standards. However, it is our own local design standards that apply to the B862.

The submission intends to implement a traffic sign and road marking scheme on the B862 either side of the access that will give approaching drivers notification of the access and to drive with due care. This should also inform of the potential for pedestrians and cyclists to be crossing the carriageway at that location.

A proposed scheme has been shown on Drawing No. 23203-SK-04 Rev A within the submitted Transport Statement. While the principles of the proposed signing and road marking proposals are welcomed, there could be minor adjustments to the type and location of signs and road markings which will need to be considered prior to its implementation.

Recommend that the designs, including traffic sign and road marking scheme on the B862, go through a Stage 1/2 Road Safety Audit prior to being implemented. This can be controlled by condition.

National policy opposes development in locations that would increase the reliance on the private car. The Transport Statement acknowledges that the majority of trips to and from this development are likely to be by private vehicle; it identifies alternatives, such as intention to operate a “pick-up and drop-off” service (by arrangement) between this site and the centre of Fort Augustus. Any such service should be up and running from the opening of the new development and be operated for the duration of the development.

The site is connected to wider facilities in Fort Augustus by an existing bridleway / footpath / cycleway forming part of the South Loch Ness trail. The submission proposes to enhance this route by making use of an existing underpass below the B862 in the vicinity of the site access which, if used, would remove conflicts with vehicles on the B862.

The underpass below the B862 connecting into the development site would have a maximum 2.3m height which should provide sufficient clearance for cyclists to use. This can be monitored through an Operational Travel Plan for the wider development.

The existing remote path connection linking this development to Fort Augustus should be sufficient in its current form, with appropriate directional signage. A 2m

wide path would not be sufficient for pedestrians and cyclists to safely share, therefore recommend that a condition requiring this existing remote path be upgraded to provide a suitably surfaced 3m wide route that is promoted for pedestrians and cyclists to share from the point where it leaves the public road at Tarff Bridge through to the crossing of the B862 and into the development site.

The route will not be adopted, therefore the form and finish of it and any signage should be agreed with the Access Officer. As this will be the only viable and safe means of access for pedestrians and cyclists connecting between this development and Fort Augustus, the ongoing upkeep of this route will be vital for providing that means of connection. This can be controlled by a condition relating to an Operational Inspection and Maintenance Plan.

New vehicular direction signage will be required to direct drivers to the site and can be controlled by condition. This may require agreement with Transport Scotland for any proposed changes to signage on the A82 Trunk Road.

### **Traffic Impacts**

We note the intention that all construction-related traffic will be routed along the B862 towards Fort Augustus to join the A82(T) and welcome that no construction traffic will be permitted to use the U1667 Ardachy Road. To ensure that such arrangements are followed through, we recommend a condition requiring the Final Construction Traffic Management Plan be submitted to the Planning Authority prior to any works commencing on site.

We also note and welcome the intention to implement a Travel Plan for the wider development that will aim to discourage single-occupancy private car trips and promote more sustainable modes of travel. Recommend a condition requiring the implementation of a Travel Plan for the wider development within 6 months of the development opening. Any such Plan should also recognise and cater for dealing with the travel demands from any specialist events that may be held at this site which have the potential to draw in high numbers of visitors.

In relation to the South Loch Ness Road Improvement Strategy, no financial contributions towards the upgrading of the B851 and B862 are required, with the emphasis on upgrading the remote active travel route connecting through to Fort Augustus and the operation of the proposed “pick-up and drop-off” service.

### **Parking and Servicing**

The proposal is for 69No. car parking spaces, plus 4No. disabled driver spaces. There will also be up to 40No. serviced motorhome pitches and space next to each of the 8No. Shepherd Huts to park 2No. cars. In addition to this, an area of land is being set aside for overspill car parking during periods of peak demand.

The 4No. disabled car parking spaces is slightly below the minimum required by our standards (at least 6% of the 73No. spaces proposed equates to 5No. spaces).

The submission proposes 16No. bays with EV charging facilities. It is understood that the Building Regulations require at least 1 in 10 parking spaces for disabled access, with at least 1No. of these equipped with EV charging facilities.

The proposal has appropriate space for access by service vehicles, including a segregated service yard with bin store to the rear of the main building. It is

assumed that private refuse collection arrangements will be operated for the entire development.

#### 5.4 **Project Design Unit – Strategy & Testing**

Do not require anything for the South Loch Ness Roads Improvement Strategy as the road between Fort Augustus and the entrance has already been upgraded along with safety barrier.

There is a potential risk that cyclists accessing the facility will use the more direct B862 public road if the longer off-road shared-use path is not attractive enough. It is not suitable to construct a roadside path due to topography, verge widths and safety barrier provision. Therefore, improving the off-road path provision would offset this risk. If not widened, then conflicts with existing path users will result, and having a specific cycling facility means the existing 2m wide provision is not sufficient. The off-road path should be widened to 3m from where it leaves the public road at Tarff Bridge to the B862 crossing at the facility entrance.

In addition, the crossing use will intensify so a modest 'Scheme of Works' should be provided to highlight crossing manoeuvres more than is currently the case. This should include road markings and enhanced signage on the public road at and in advance of the B862 crossing and include for signing at the path entrances to encourage cycle use and access to/from the facility. This can be controlled by condition.

#### 5.5 **Flood Risk Management Team:** No objections

Flood Risk

- We have reviewed the Flood Risk Assessment (FRA) provided (Ride Ness, Flood Risk Assessment & Hydraulic Analysis. Issue 4. EnviroCentre. March 2024) and are content that the core area, where all of the 'most vulnerable' infrastructure is to be located, is at low risk of flooding.
- We are content with proposal that the main watercourse crossing of the Allt an Dubhair will be a clear span structure with appropriate freeboard, and we ask that this is secured through a condition.

Drainage

- We have reviewed the Drainage Impact Assessment (DIA) (Ride Ness, DIA, Issue 2. Enviro Centre. March 2024) and are content with the proposed drainage strategy.
- The final drainage design and an updated DIA that demonstrates that the design follows the proposed drainage strategy can be controlled by condition.

#### 5.6 **Contaminated Land:** No objections. Records indicate a former Sheep Dip to be present at NGR: 238642 807848 in the area proposed as the Hub Car Park and Bike Wash. A localised site investigation in this area is recommended.

#### 5.7 **Ecology Officer:** No Objections (20.12.2024, 15.07.2025, 19.09.2025 and 24.10.2025)

## **Ornithology**

Black Grouse: We note the record of a historical black grouse lek (as per RSPB Scotland) on a site located 200m from the proposed core construction area. This is within the standard disturbance buffer for black grouse. Advise a species-specific survey (for black grouse leks) and design a Species Protection Plan, if the presence of black grouse is confirmed or otherwise assumed on a precautionary basis.

## **Ecology and Ornithology**

Species Protection Plans (SPPs) for Otter and for Black Grouse should be secured by condition.

## **Proposed peatland restoration extent**

Overall, we welcome the updated allocated peatland restoration (20ha and 1.8ha). The biodiversity metric (26.6.2025) notes a total blanket bog loss of 0.20ha (0.14ha in moderate condition and 0.06ha in poor condition), which requires a minimum 2.2ha restoration to meet the recommended NatureScot 1:10 ratio (lost: restored) and additional 10% for enhancement. The proposed restoration extent fulfils this ratio, by a significant margin.

## **Habitat Management Plan (HMP) timeline**

The latest HMP covers management and monitoring measures for only 5 years. The final HMP, to be secured by condition, must include all management and monitoring measures for up to 30 years.

The planned protection of existing upland habitats by use of floating trails and bog mats (Measure 1 of HMP) and habitat fencing and inspection for black grouse collision is welcomed.

### **5.8 Environmental Health: No objections**

**Construction Noise** - Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. Generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out outwith these times.

If the applicant intends to undertake noisy work out-with the aforementioned times, they will be required to submit a detailed construction noise assessment for the written approval of the Planning Authority.

**Catering Odour** - It is noted that the hub will contain café/restaurant. Recommend that the kitchen extract system is designed by a competent person with specialist knowledge of ventilation and filtration systems and follows the guidance in EMAQ document entitled Control of Odour & Noise from Commercial Kitchen Exhaust Systems. This can be secured by condition.

### **5.9 Forestry Team: No objections (13.08.2024, 03.02.2025 and 30.10.2025)**

### **5.10 Access Officer: Object on the grounds that the proposal effectively charges for accessing land. Nevertheless, if consent is considered Sections 6 and 7 of the**

Land Reform (Scotland) Act 2003 would continue to be applicable across the site. A condition is recommended requiring approval of an Outdoor Access Management Plan.

5.11 **Transport Scotland:** No objection.

5.12 **SEPA:** No objection.

### **1. Flood risk and the water environment**

We are satisfied that there is a low risk of flooding to the main “core area” of the development.

### **2. Peat**

Note that the main “core area” avoids impacts on peat, although some areas of trail do not. We are content that impacts on peat should be relatively limited and do not object if a condition relating to measures in section 3.3 of the Peat Management Plan in relation to the finalised track routing are provided.

5.13 **NatureScot:** No objections (08.07.2024 and 11.08.2025)

Ness Woods Special Area of Conservation (SAC): There are natural heritage interests of international importance on the site, but our advice is that these will not be adversely affected by the proposal.

The submitted Preliminary Ecological Assessment considers the proposed development site, in particular the wooded Allt an Dubhair watercourse, to offer potential to support otters. This watercourse is within disturbance distance of the proposed development and would also be directly affected by the construction of two new outfalls. This highlights the need for a full otter survey to be undertaken, and, if necessary, a Species Protection Plan to be prepared and implemented. With these measures in place, we consider that the population of the species as a viable component of the site conservation objective will be maintained.

Welcome proposals within the Habitat Management Plan for positive management of ancient woodland. As it is not currently clear where this management might be proposed we would like to be consulted on any management proposals which could directly or indirectly affect the Ness Woods SAC or its nearby SSSI components (Easter Ness Forest and Glen Tarff SSSIs). We do not otherwise anticipate any direct or indirect impacts to the SAC woodland as a result of this proposal.

## **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 9 - Brownfield, vacant and derelict land and empty buildings  
Policy 12 - Zero Waste  
Policy 13 - Sustainable Transport  
Policy 14 - Design Quality and Place  
Policy 19 - Heat and Colling  
Policy 20 - Blue and green infrastructure  
Policy 21 - Play, Recreation and Sport  
Policy 22 - Flood Risk and Water Management  
Policy 23 - Health and Safety  
Policy 25 - Community Wealth Building  
Policy 26 - Business and Industry  
Policy 27 - City, town, local and commercial centres  
Policy 29 - Rural development  
Policy 30 - Tourism

## **6.2 Highland Wide Local Development Plan 2012**

28 - Sustainable Design  
29 - Design Quality & Place-making  
31 - Developer Contributions  
36 - Development in the Wider Countryside  
40 - Retail Development  
41 - Business and Industrial Land  
42 - Previously Used Land  
43 - Tourism  
44 - Tourist Accommodation  
51 - Trees and Development  
52 - Principle of Development in Woodland  
55 - Peat and Soils  
56 - Travel  
57 - Natural, Built & Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
61 - Landscape  
62 - Geodiversity  
63 - Water Environment  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
70 - Waste Management Facilities  
72 - Pollution  
73 - Air Quality  
74 - Green Networks  
77 - Public Access  
78 - Long Distance Routes

## **6.3 Inner Moray Firth Local Development Plan 2 (2024)**

No site-specific policies or land use allocations. The Proposed Plan highlights the constraints within the settlement of Fort Augustus which limits its potential to

accommodate significant development opportunities. The extent of the SDA boundary for Fort Augustus has been tightly drawn to reflect this, with land to the southeast including the PAN boundary, falling outwith the SDA.

Policy 1 - Low Carbon Development - requires new build development to minimise carbon emissions.

Policy 2 - Nature Protection, Preservation and Enhancement - requires local development to include measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.

Policy 6 – Town Centre First – requires that only in exceptional circumstances will development which generates significant footfall be acceptable outside of town centres. Developments outwith the designated town centres must provide a sequential approach which clearly demonstrates that there are no suitable sites available in the nearby town centre(s) and that the proposal will not have an adverse impact on the vitality or viability of that town centre(s).

Policy 8 – Placemaking - requires all proposals to follow a site design-led approach and development proposals of 4 or more dwellings will be expected to submit a placemaking audit.

Policy 9 - Delivering Development and Infrastructure- explains that the Council will assess each development proposal in terms of its impact on each relevant infrastructure network and community facility capacity.

Policy 14 Transport – requires development proposals to demonstrate how they can maximise walking, wheeling, cycling and public transport as alternative travel options (to use of the private car) for people using the development.

#### **6.4 Fort Augustus and Glenmoriston Local Place Plan (2025)**

No specific policies in relation to this site.

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

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Roads and Transport Guidelines for New Developments (May 2013)

Special Landscape Area Citations (June 2011)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

#### **7 OTHER MATERIAL POLICY CONSIDERATIONS**

##### **Scottish Planning Policy and Guidance**

Historic Environment Policy for Scotland (HEPS, 2019)

PAN 56 – Planning and Noise

PAN 68 – Design Statement

## **8. PLANNING APPRAISAL**

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

### **Determining Issues**

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

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
  - b) siting and design;
  - c) landscape and visual impact;
  - d) light pollution;
  - e) roads, access and parking;
  - f) water, flood risk and drainage;
  - g) construction and operational noise;
  - h) open space, trees and landscaping;
  - i) impact on habitat, species and biodiversity;
  - j) public access;
  - k) impact on woodland habitat developed by woodland creation grant works;
  - l) additional enhancement measures to address any disturbance impacts and deliver for some of the priority species that may be present on site;
  - m) Impact on infrastructure and services and proposed mitigation (developer contributions); and
  - n) any other material considerations.

### **Development plan/other planning policy**

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2 (IMFLDP2).
- 8.5 NPF4 and HwLDP: NPF4 Policies 1-3 apply to all development proposals nationwide. When considering proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity,

including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

- 8.6 NPF4 Policy 4 (Natural Places) only supports development proposals that are not likely to have an adverse effect on species protected by legislation where the proposal meets the relevant statutory tests; Policy 5 (soils) protects valued soils and prime agricultural land; and Policy 6 (Forestry, Woodland and Trees) aims to protect and expand forests, woodland and trees and states that development proposals involving woodland loss will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government guidance on woodland removal. Policy 13 for Sustainable Transport considers that active travel nodes and public transport use should be promoted and facilitated by all developments. Policies 18, 20, and 22 relate to the development's infrastructure requirements, with Policy 18 encouraging an Infrastructure First approach to land use planning and placemaking, Policy 20 seeks to protect and enhance blue and green infrastructure networks and Policy 22 promotes the avoidance, as a first principle, of areas of known flood risk.
- 8.7 NPF4 Policy 5 (Soils) supports proposals on peatland, carbon-rich soils and priority peatland habitat. Proposals will only be supported subject to their compliance with any of 5 criteria:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
  - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
  - iii. Small-scale development directly linked to a rural business, farm or croft;
  - iv. Supporting a fragile community in a rural or island area; or
  - v. Restoration of peatland habitats.

In this instance criterion (v) is relevant and the Peat Management Plan has surveyed peat within the application site. The peatland habitat affected is minimal and located towards the northern end of the site. The Peat Management Plan includes measures to offset those impacts through the restoration of 51,000sqm of degraded peatland so it meets policy in this respect.

- 8.8 Although the relevant general policies of the HwLDP remain an extant part of the Development Plan, as the most recently adopted policy the application is required, in the first instance, to be considered against those of NPF4.
- 8.9 The HwLDP was adopted in 2012 and sets out the general planning policies for the Highland Council area. The HwLDP contains policies relevant to this proposal including:
- HwLDP Policies 43 Tourism and 44 Tourist Accommodation - These set out a generally permissive approach for tourism related developments where the proposed development can benefit the economy (e.g. increasing peoples stay and visitor spending) but also the suitability of development in

relation to the impact it will have on the character of the area (e.g. scale, design and layout) and the impact on the natural, built and cultural environment.

- HwLDP Policy 36 Development in the Wider Countryside - Supports development in the countryside on non-allocated sites providing they are acceptable in terms of siting and design, respect the character of the area and are acceptable in terms of environmental constraints.

8.10 A Market Appraisal Report has been submitted, justifying the economic case for the proposal. In addition, there is an assessment of the market for visitor accommodation and mountain biking in the Loch Ness area, which looks at the characteristics of the proposed accommodation, has assessed the available statistical information on visitors to the Loch Ness Area and the mountain bike tourism market, and has researched the current supply of motorhome facilities and shepherd's huts in the Loch Ness/Great Glen Area. One of the conclusions reached is that although there are a number of parks offering motorhome pitches in the Loch Ness Area (and a number of motorhome waste disposal points) there are currently no locations offering the range of services or the on-site mountain bike trails proposed at Ride Ness. The Report suggests that evidence from elsewhere in Scotland shows demand for facilities offering mountain biking and accommodation on the same site.

8.11 The developer's research also identifies that:

- the local area has a variety of existing self-catering facilities ranging from large multi-unit operations with cabins/lodges and pods and a range of on-site facilities such as toilet/shower blocks, and, in some cases, on-site shop and/or catering of some kind and/or laundry facilities, to individual houses, lodges, cabins and shepherd's huts.
- there are currently no multi-unit operators in the search area offering shepherd's huts, with or without ancillary facilities such as a café and laundry facilities.
- there are no existing operators in the Loch Ness Area offering the mix of facilities, including mountain-biking, and accommodation type proposed at Ride Ness.
- various mountain-biking venues in Scotland have started offering additional facilities such as eco cabins/ pods, cafes, motorhome/caravan hook-ups/pitches, camping facilities and bike shops, reflecting the demand for such facilities amongst their customers and suggesting that there will be a demand for these facilities at the proposed development.

8.12 The Market Appraisal Report identifies that the proposed development will generate the need for accommodation as well as create it, due to a shortfall in suitable accommodation for the intended users of Ride Ness. The proposal will complement, rather than compete with, existing visitor accommodation provision in the Loch Ness Area. It is considered that sufficient justification has been provided to justify the need for the proposal at this specific location. Accordingly, it is considered that the proposal has provided sufficient supporting information to demonstrate that there is sufficient market demand for the proposal and that it

would therefore accord with policy 44 Tourist Accommodation.

- 8.13 **IMFLDP2** - No site-specific policies or land use allocations apply. Nearby, Fort Augustus has a defined Settlement Development Area (SDA), with it recognised as being well placed to capture passing trade with seasonal variations in employment.
- 8.14 **HwLDP, IMFLDP and IMFLDP2 Vision and Spatial Strategy** -The importance of the tourism industry and leisure / recreational facilities is recognised within HwLDP and IMFLDP. This position has been strengthened within IMFLDP2 and is now a core part of the vision and spatial strategy. These areas are identified as they offer significant potential to grow in a responsible and sustainable way, and which make the most of the existing natural and built assets. The proposal has the potential to fully align with these aims and contribute towards a sustainable and high-quality visitor experience.
- 8.15 Subject to ensuring that the development can adequately address any potential impact on siting and design; roads, access and parking; water, flood risk and drainage; impact on residential amenity; open space, trees and landscaping; impact on habitat, species and biodiversity; impact on infrastructure and services; the proposal would be considered to comply with the Development Plan.

### **Siting and Design**

- 8.16 The proposed development is sited to the southeast of Fort Augustus village, to the southeast of the B862, in an elevated position. The site is formed by a combination of undeveloped hillside, previously used land, and greenfield agricultural land. The northern part of the site falls within the Loch Ness and Duntelchaig Special Landscape Area (SLA).
- 8.17 The site generally faces south and west over the flat alluvial land at the south end of Loch Ness. To the south of the site is a small grass airstrip.
- 8.18 The proposed design and layout of the proposal is a response to the physical site characteristics, environmental surveys, and pre-application process.
- 8.19 The core area facilities are aggregated on a 'plateau' close to the Tomamhoid ruin and take advantage of the existing access road and track for the uplift. This area is laid out to agricultural grazing.
- 8.20 The core area supports the trails and tracks and occupies an area of land previously developed and used for the workers' accommodation and contractors' offices for the Glendoe Hydro Electric Project (06/00031/FULIN). This was subsequently re-graded and re-seeded as grazing land, with the original site access from the B862 and tarmac access roadway retained.
- 8.21 The core area will provide the following:
- 846sqm hub building including a café, ancillary retail, and a meeting place with open views over Loch Ness, sitting towards the centre of the site;
  - 72sqm bike store/bike wash building;

- 72sqm building for the storage of equipment associated with the children's mini land rovers course;
- 264sqm building for the storage of maintenance equipment required to manage the upkeep and maintenance of the site. It will be single storey and carefully positioned to minimise and restrict short distance views into the site;
- up to 40 overnight motorhome/campervan pitches providing various overnight accommodation options for visitors;
- 8 shepherd's huts providing overnight accommodation, to be sited to the south of the car park providing views over Loch Ness and/or Borlum Hill;
- skills park to enable riders to hone their skills and receive specialist coaching;
- outdoor children's rurally themed play area;
- ground mounted solar array over 0.08 ha to be situated to the southwest of the main hub building. The size of the solar array has been designed in order to provide renewable energy generation to support the operation of the hub building;
- use of an existing access road to provide a dedicated uplift service to the top of the trails;
- associated car parking and overspill parking to meet anticipated visitor numbers;
- underground gas tank and package treatment plant; and
- existing vegetation will be retained and supplemented with additional planting and bunding to improve the landscape setting.

8.22 The design concept behind Ride Ness focuses on Borlum Hill which is to the east of the core area facilities. The hill has good views across the southern end of Loch Ness and to the Great Glen. Borlum Hill has western facing slopes which provide ideal terrain, including rocky sections and drops, for mountain bike tracks and trails. The proposal seeks to provide these to suit a range of skill levels from beginners to experts.

8.23 The developer has noted that the routes for the trails have been individually defined and micro-sited by specialists to achieve the best experience for visitors to Ride Ness. The area of trails and multi-use paths will offer:

- 24km of trails of different grades from one trail-head;
- 7 km of multi-use trails/paths that will be available to bike riders and to walkers. These will be waymarked to open up access to the area

The trails will be accessed from the Uplift Zone adjacent to the motorhome pitches, and off the existing agricultural track. Each of the trails will descend to a Finish Zone. They will, in part, follow existing features such as sheep tracks. The trails will nominally be 1.3m wide dependent on local topography.

8.24 The principal hub building is C-shaped. Its main function is as a café with

associated covered outdoor seating and bicycle shop, with associated kitchen, toilets, and changing facilities. It is single storey with a low pitch roof, and large areas of glazing to the café facing north up the loch and towards Borlum Hill. The building measures 42m in length by 12m in depth for the main section with projecting extensions 12m in depth, which help to break up the principal frontage. Associated and subservient nearby storage and maintenance buildings have similar material finishes.

- 8.25 The design and material finish of the buildings are considered to be generally acceptable within this open part of the site. It is disappointing that the detail of some of the fenestration of the hub mixes aluminium clad timber on key principal windows such as for the café, with white UPVC to secondary elevations with service and plant rooms. The contrast in design detailing between vertical larch cladding and white PVC is not considered to be appropriate, particularly where there better considered aluminium clad timber windows are already proposed. In order to provide a higher quality design solution, with a more consistent and uniform external material finish, a condition relating to all windows and doors being either timber, or aluminium timber clad would be appropriate for both the hub building, and the subservient buildings.
- 8.26 The 8No. shepherds huts have a rectangular plan form and are placed in a semi-circular grouping. Their design and siting are considered to be acceptable.
- 8.27 The private foul drainage system for the site is located to the west of the hub building and car park. The motorhome pitches which are placed between the hub building and shepherds huts have a grey wastewater tank, and a black wastewater tank between them and the hub car park.
- 8.28 To the west of the car park on the westward sloping ground a solar array is proposed.
- 8.29 The siting, layout and routing of the mountain bike trails and paths have been designed to provide exciting and challenging courses. In total, 24km of biking trails and 7km of multi-use paths will be provided. The paths and trails will be nominally 1.3m wide, with their final width taking account of local topography and ground conditions. The trails and multi-use paths will be small scale, follow existing topographic features and will be appropriately located within the natural landscape. The trails would extend through the series of interlocking hummocks that extend across the hillside and thereby would be subject to screening by the intervening landform. Although not forming part of the proposed development, the complementary native woodland creation scheme would further soften the appearance of the proposed trails over time and introduce beneficial elements to the local landscape.

### **Landscape and visual impact**

- 8.30 The Landscape and Visual Appraisal (LVA) includes visualisations from key viewpoints agreed in consultation with the Council. The LVA report suggests that the core area of the development has been sensitively sited and designed to capture outward iconic views from key parts of the development, whilst avoiding any notable ridgelines or visually prominent sections of skyline. It will be located

on a slightly elevated plateau above the Glen floor and benefits from screening by surrounding tree cover which provides a degree of visual containment, particularly from the more populated Glen floor to the west. As a result, potential views of the proposed development (in particular the built components in the core area) would be restricted to relatively localised vantage points.

- 8.31 The limited height of the buildings, combined with the containing influence of the local landform and tree cover, means that the impact on the landscape would be very localised. The key effects would be focused within approximately 200-300m of the site. This would result in notable effects across only very localised parts of the Broad Steep Sided Glen Landscape Character Type (LCT), within the site and immediate surrounding area. There would be very localised notable effects upon parts of the Loch Ness and Duntelchaig Special Landscape Area (SLA) within the site (northern parts) and adjoining 200-300m. The effects on the wider SLA would be very limited.
- 8.32 The visual effects of the proposed development, particularly the core area, would be limited, based on its low vertical scale and its location on the lower hill slopes at the eastern side of the Glen. Established tree cover/woodland within the Great Glen would screen the proposed buildings, and within more open views they would have the backdrop of the rising landform along the Glen side. The proposed building colours would mainly blend into the vegetation backdrop, although the roof materials are likely to draw the eye until their 'newness' dulls. The overall physical scale of the development is not considered to be such that it would undermine the viability or vitality of existing businesses within Fort Augustus or any other defined Town Centre.
- 8.33 From the main receptor of Fort Augustus which is approximately 1km to the east, there would be partial views of the cycle trails on the wider hillside, albeit at this distance, based on their limited width and bare earth finish, they would blend into the hill, particularly as they would be subject to screening by the intervening hummocks extending up the glen side, areas of intervening landform and tree cover. Accordingly, the overall visual impact of the proposed trails is considered to be modest.

### **Light and noise pollution**

- 8.34 No external lighting details for the development have been provided; however, this can be controlled by condition.
- 8.35 Representations refer ensuring that there will be no night-time riding. The applicant has confirmed that this will not take place and this can be controlled by condition.

### **Roads, access and parking**

- 8.36 Vehicular access will be from an existing access at the north end of the site onto the B862. This junction was upgraded in 2007 to provide access to a temporary workers' camp in connection with the Glendoe Hydro Electric Project (06/00031/FULIN). Recent improvement works to the B862 and the existing access result in the junction being able to provide visibility splays of approximately

90m. Traffic speed surveys indicate that the 90m visibility splays are appropriate. A peak hour junction assessment concluded that the proposal would not result in capacity, queuing, or delay issues at the site access onto the B862.

- 8.37 The proposal would include road markings, and cycle and pedestrian signage. Transport Planning have confirmed that the existing vehicular access is acceptable, and that the various technical matters can be addressed by condition.
- 8.38 There is no footway along the B862 east of the bridge over the River Tarff, which is to the northwest of the proposal. However, there is a bridleway / footpath / cycleway which runs parallel to and on the north side of the B862. This then turns north towards Loch Ness and follows the shoreline before heading south to meet the B852 opposite the existing entrance to the application site. At this point, there is an existing gated crossing point for pedestrians and cyclists at the proposed site access junction, using an underpass for the B862 that was previously provided.
- 8.39 Transport Planning have advised that an upgrade to the path to provide a suitably surfaced 3m wide shared pedestrian / cycle route would be appropriate, given the scale of the development.
- 8.40 However, the Community Council disagree with this recommendation as, in its view, it would urbanise the appearance of the Borlum Bay Area. The applicant considers that it would be inappropriate to widen the path and alter its running surface, as it would detract from the rural setting.
- 8.41 Increased numbers of pedestrians and cyclists using the remote path linking the site, and the Borlum Bay Area back to Fort Augustus will, over time, result in additional maintenance demands for the path. The development offers the opportunity for the path network to be upgraded through path construction and surfacing, and it is considered that this should be secured through condition.
- 8.42 The 73-space car park adjacent to the hub has been designed to meet the operational requirements of the site following extensive research of similar facilities. The level of parking provision accords with the maximum standards contained within Roads and Transport Guidelines for New Developments (May 2013). The car park would include 5 disabled and 16 electric vehicle charging spaces. An area for additional informal overflow parking is proposed to the southwest of the car park on a grassed area to cater for busier periods. There will be 40 pitches for motorhomes on the site. Each of the eight shepherd's huts will have two car parking spaces adjacent to the pitches.
- 8.43 The Transport Statement includes details of a Travel Plan that will encourage use of sustainable means of access to the proposed development and a Construction Traffic Management Plan that will address potential effects during the construction phase; this will be controlled by condition.
- 8.44 As requested by Transport Planning, the applicant is committed to offering an on-demand shuttle service which will be promoted to visitors on the project website, on confirmation emails/tickets and on notices within the development. This can be secured by condition.

- 8.45 Representations from the Community Council suggest that the existing village gateway feature on the B862 by the Tarff Bridge does not work well, with the restriction of forward visibility for vehicles entering the village encouraging them to slow down to the 20mph speed limit; however, in their opinion, the forward visibility at the give-way line is too restricted. It is suggested that after passing the give-way line, vehicles often have to reverse to give way to oncoming vehicles, as they were not visible from the give-way line.
- 8.46 The Community Council request that consideration is given to putting any contributions payable under the South Loch Ness Road Improvement Strategy towards replacing the give-way with traffic signals. Transport Planning has not identified this as an issue and the Project Design Unit is of the opinion that no further contribution is necessary as the road between Fort Augustus and the site entrance has already been upgraded along with safety barriers.

### **Water, flood risk and drainage**

- 8.47 The proposed development will connect to the public water supply.
- 8.48 A private foul water drainage system is proposed to the western part of the site comprising a treatment plant and soakaway and can be controlled by condition. The detailed design of this will be subject to Building Standards approval. The system will require appropriate approval from SEPA under CAR. Connection to the public sewer has been discounted due to the distance needed to travel and the associated costs.
- 8.49 The application has been accompanied by a Drainage Impact Assessment (DIA). This details that discharge from chemical toilets, which is not suitable for on-site treatment will be discharged to a dedicated waste disposal point and stored within an underground tank, and periodically emptied by pumping to a tanker truck for appropriate off-site disposal.
- 8.50 Surface water drainage will be provided by SuDS with 3 separate zones. The FRM team is satisfied with the DIA and seek further information about the final drainage design; this can be controlled by condition.
- 8.51 The proposed mountain bike trails are appropriately located even though at risk of flooding at their crossing points with the Allt an Dubhair and minor tributary burns. There are 23 locations where proposed trails or multi-use paths would cross mapped watercourse channels. Hydraulic analysis has been undertaken for each crossing, to characterise flow conditions at each crossing location, and thereby inform crossing design. The submitted Flood Risk Assessment (FRA) provides crossing design guidance for each crossing. The consequences of flooding at proposed crossing points is low, and it is therefore appropriate to design these crossings to flood during extreme flow conditions. Although the core area includes higher vulnerability usages, its location is predicted to be at low or no risk of flooding. The FRM Team and SEPA are satisfied with the FRA and seek further information about the final design of all watercourse crossings; this can be controlled by condition.

## **Construction and operational noise**

- 8.52 Noise disruption during construction works is often incurred, and any noise disruption would be assessed as a statutory noise nuisance by the Environmental Health Authority. Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. Environmental Health have advised that any noisy work, outwith the hours of 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays, be controlled through a detailed construction noise assessment; this can be controlled by condition.
- 8.53 Notwithstanding this, Environmental Health have advised that the proposed development is located some distance away from residential properties, and noise from the trails and hub are unlikely to be significant. They recognise that campervan pitches can be a potential source of noise as a result of holidaymakers socialising at night, particularly in quiet rural locations. Accordingly, they recommend that a noise management plan is provided in relation to the campervan pitches/huts; this can be addressed by condition. In addition, they note the location of the proposed mini-Land Rover course to the west side of the site. If this is to be used regularly during night-time hours there may be potential for disturbance; this can be controlled by condition.

## **Open space, trees and landscaping**

- 8.54 The bike trails and maintenance building are proposed on the open rolling slopes of Borlum Hill where there are scattered trees; alongside Allt an Dubhair, there is riparian woodland listed on the Native Woodland Survey of Scotland as mature upland birch wood. The hub is proposed on generally open pasture with only a few trees. The accommodation areas are also in open fields surrounded by a belt of mature woodland to the west, with relatively small groups of trees on the east and northeast sides.
- 8.55 The developer has advised that a native woodland creation scheme will be progressed as a separate project, but alongside the proposed development. The new woodland will extend over an area of approximately 197 hectares of Borlum Hill. It will be planted in and around the Ride Ness trails and multi-use paths. They suggest that the woodland creation would be complimentary to the proposed development although separate from it, diversifying the rider experience, provide wind protection to riders and assist in assimilating the proposed development into the landscape.
- 8.56 Following the submission of an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, Tree Assessment Plan and Tree Protection Plan drawings, the Forestry Officer has confirmed that the proposal is acceptable, subject to conditions.

## **Impact on habitat, species and biodiversity**

- 8.57 The project has adopted an avoid, mitigate and then an enhance and manage strategy, whilst also considering the current threats facing the existing habitats. The site consists of improved grassland on the flatter areas of the core area. The

slopes of Borlum Hill comprise typical upland habitats, such as wet dwarf shrub heath, acid grassland, marshy grassland, semi-natural woodland and peatland that characterise the site. The proposed development has been sensitively designed for avoidance of key, sensitive habitats, i.e. ancient woodland, peatland and wetlands.

- 8.58 Biodiversity is to be enhanced through implementation of a Habitat Management Plan, with improvement to biodiversity being achieved on the site. The Ecology Officer is satisfied that the proposed increase of 13.63% in area-based habitat units can be achieved and exceeds the minimum target of 10% biodiversity net gain sought in Biodiversity Enhancement Planning Guidance’.
- 8.59 **Peat** – An assessment of the potential impact upon peat habitat has been undertaken with a Peat Management Plan. The development layout has been designed to avoid effects on peat as far as possible. The project will impact an estimated 2,518sqm of non-priority degraded peat habitat. The Peat Management Plan includes measures to offset those impacts through the restoration of 51,000sqm of degraded peatland. The ratio of offset restoration to impacted degraded peat is in the order of 20:1 and in excess of relevant requirements from NatureScot. The main built development elements of the project will not be located on areas of peatland. SEPA notes that the main “core area” avoids impacts on peat. Some areas of the trails will have an impact on peat, however SEPA advise that any impact on peat should be relatively limited and seek a condition that the finalised track route takes into account the layout and mitigation measures outlined in section 3.3 of the Peat Management Plan. This has revealed that blanket bogs (communities M1, M2, and M19) are considered priority peatland habitats. Based on NatureScot’s Guidance, M20 (wet modified/degraded bog) is unlikely to be classified as priority peatland; likewise, M15 may be classed as blanket bog where peat is deep but are nonetheless considered a degraded peatland community. Only one 1.4 ha area of priority M19 (blanket bog) peatland habitat is located towards the northern end of the site. NatureScot’s published guidance advises that development impacting blanket bog is only considered of likely national interest if the impacted area of bog is within a continuous unit of bog exceeding 25 ha. This criteria is not satisfied at any location within the site, such that the development is not of national interest with respect to peat.
- 8.60 **Protected Species and Habitats** - The proposals are close to the Glen Tarff SSSI, protected for its woodland habitat and rare beetles, and the Ness Woods Special Area of Conservation (SAC) protected for its woodland habitats and otter. Nature Scot is satisfied that on the basis of the submitted plans that the woodland habitat is unlikely to be directly affected. The SSSI is located to the southwest of the site.
- 8.61 The proposal is likely to have a significant effect on SAC otters, and therefore an Appropriate Assessment has been undertaken. The proposed development is located outside the SAC and away from key loch and river habitats. Accordingly, it is unlikely to affect otter habitat within the SAC with the proposed best practice pollution prevention measures in place. There is however potential for otters connected to the SAC to use suitable habitat within or close to the proposed development site and be affected by disturbance. It is considered that the proposal would be acceptable, subject to appropriate mitigation measures

contained in the Otter Survey Report and Species Protection Plan submitted in November, 2025 which has been reviewed by Nature Scot; this can be controlled by condition.

- 8.62 Species survey work has been undertaken in relation to black grouse. Pre-commencement surveys will be required to ensure that there are no protected species within the areas affected by development; this can be controlled by condition.

### **Public Access**

- 8.63 An Outdoor Access Management Plan has been submitted. The Land Reform (Scotland) Act 2003 gives the public rights to non-motorised access across the site, provided it is done responsibly. The provision and promotion of recreational access routes in the local area include:

- South Loch Ness Trail which forms part of the larger Loch Ness 360° - this passes the entrance to the site and comprises a popular long-distance route that is used by walkers and cyclists.
- Core Path IN16.01 (Kilchuimen Burial Ground and River Tarff) located on the north site boundary.
- Great Glen Canoe Trail on Loch Ness;
- Great Glen Way which runs along the northwest boundary of Loch Ness;
- Corrieyairack Pass that runs to the west of the site; and
- National Cycle Network NCN78 that runs past the site entrance.

The proposal offers a significant opportunity to improve public access to the site, both through the mountain bike trails and multi-use paths.

- 8.64 The proposal seeks to enhance public access and outdoor recreation. The supporting statement indicates that:

- mountain bike visitors using the vehicle uplift to the trail head will pay for a day pass to use this facility
- the main uplift track requires to have restricted access during hours of operation for safety reasons
- operating hours will include times when the uplift is operational and when maintenance is being carried out to the trail network
- operating hours for the purposes of uplift and maintenance will be restricted to 7am-6pm, 7 days/week
- charges for bike hire and repair, overnight motor home and shepherd's hut stays, children's mini Land Rovers course and electric vehicle charging
- shop and café will also charge on a normal commercial basis
- no charge for access to the wider site and the proposed network of marked bi-directional routes
- existing road to be used for uplift, with periods within the proposed

operational hours when the uplift will not be operational and there will be no restrictions on use

- uplift will be provided by tractor and trailer, with multiple tractors in operation
- path widening, bridge improvements and resurfacing would be made
- for mounted horses, the original crossing will remain in place with appropriate signage

8.65 The applicant considers that the proposal would not be comparable to conventional trail centres elsewhere in Scotland where the 'principle of not charging for public access' is applicable. They have advised that they would allow free access to all other areas that are not part of the built and maintained operation.

8.66 The Access Officer has advised that the proposed charging for access overturns the generally accepted national principle of not charging the public for access to mountain bike trails where income is generated for charging for high quality services and car parking, not for public access on foot, bicycle or horseback.

8.67 Charging for uplift would be acceptable. However, the site will be comparable to a ski area where those that are able to make their own way up to the top of a slope might ski down through the ski area as long as they do not interfere with others who may have paid for uplift.

8.68 The proposed operating model would therefore challenge the Land Reform (Scotland) Act 2003 and the Council's obligations to uphold access rights. Although the Access Officer has objected due to the proposed charging model, this would be a separate matter to the assessment of the planning application, and it would be for the Council as the Access Authority to uphold public access rights.

#### **Impact on infrastructure and services and proposed mitigation (developer contributions)**

8.69 **Waste and Recycling** - Waste will be sorted and stored within a service yard to the rear of the hub building, to the west of the wider site.

8.70 **Contaminated Land** – Following advice from the Contaminated Land Unit, a condition relating to an assessment of potential contamination issues would be appropriate.

#### **Other material considerations**

8.71 The Community Council refers to the nearby airstrip, and the submission of an Aviation Impact Assessment. It is understood that the airstrip is owned and controlled by the Applicant and is not publicly accessible, and accordingly, it is therefore considered that there would be a very low risk of the airstrip being used in such a way that impacts on the proposed development or vice versa. Accordingly, an Aviation Impact Assessment is not considered to be necessary. A Helicopter Landing Area is not necessary and there is no statutory requirement

to make such provision.

### **Non-material considerations**

- 8.72 The issue of overprovision of cycling trails and motor homes are not material planning considerations.

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

- 8.73 None.

## **9. CONCLUSION**

- 9.1 The proposal is for the development of a mountain bike trail centre with hub and café building, ancillary buildings; 40 motorhome pitches and 8 shepherd's huts; parking and associated infrastructure to the east of Fort Augustus.
- 9.2 The centre would introduce a leisure destination and accommodation to augment the existing tourism and recreational facilities already provided in the village, using the physical characteristics of the slopes of the Great Glen to provide the trail runs.
- 9.3 The technical considerations relating to vehicular and active travel access to the site, as well potential noise, surface and foul water drainage, and land contamination can be addressed by condition.
- 9.4 The buildings have a low single storey form and massing, and the materials and colouring are considered to be acceptable, subject to conditions relating to the exact finishes. Additionally, their placement within the landscape is considered to be acceptable. Although the trails would introduce new sinuous landscape features on the hillside, they would be relatively well hidden by the existing landscape and vegetation.
- 9.5 The proposed operating model would challenge the Land Reform (Scotland) Act 2003 which seeks to maintain the statutory right of responsible, non-motorised public access to land for recreational purposes. As the Access Authority, the Council has a statutory obligation to uphold access rights.
- 9.6 Although the Council's Access Officer has objected due to the proposed charging model for access to the development, this would be a separate matter for the Council, as the Access Authority, to consider, with regards to upholding public access rights to the site.
- 9.7 The site is not covered by any natural heritage designations, although is proximate to the Ness Woods SAC and Glen Tarff SSSI. NatureScot have indicated that the proposal would not have a detrimental impact on natural heritage interests in the area.
- 9.8 The proposal is likely to have a significant effect on SAC otters, and therefore an Appropriate Assessment has been undertaken. The proposed development is

located outside the SAC and away from key loch and river habitats. Accordingly, it is unlikely to affect otter habitat within the SAC with the proposed best practice pollution prevention measures in place. There is however potential for otters connected to the SAC to use suitable habitat within or close to the proposed development site and be affected by disturbance. It is considered that the proposal would be acceptable, subject to appropriate mitigation measures in the form of a full otter survey, and, if necessary, a Species Protection Plan, which can be controlled by condition.

- 9.9 The proposal is considered to be sensitively sited and designed to minimise the overall environmental impact of the proposals and that appropriate management and mitigation measures can be secured through planning conditions.
- 9.10 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## **11. RECOMMENDATION**

### **Action required before decision issued**

Notification to Scottish Ministers      N

Conclusion of Section 75 Obligation      N

Revocation of previous permission      N

Recommended to **GRANT** the application subject to the following conditions and reasons

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

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

2. No development shall commence until the submission of written details of the layout, design and construction of green spaces for the development, all for the approval in writing of the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason:** In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

3. Within 12 months of the start of development a scheme shall be submitted for the approval in writing of the Planning Authority for the maintenance, in perpetuity, of all on-site green spaces and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water). Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

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

4. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access for the approval in writing of the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented. For the avoidance of doubt, the main bicycle uplift track shall be illuminated between the hours of 07:00 hours and 18:00 hours only.

**Reason:** In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow' and to ensure that the bicycle uplift track is not illuminated in the hours of darkness to the detriment of visual amenity.

5. No development shall commence until the submission of full details of a scheme for the storage of refuse and recycling within the application for the approval in writing of the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that waste on the site is managed in a sustainable manner.

6. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. M21.117(A).D.001 REV L shall be completed in full and made available for use. This shall include a minimum of 5 disabled car parking spaces of which 1 such space shall be equipped with EV charging facilities. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards and to facilitate the move toward the reduction in reliance of petrol and diesel cars.

7. No development shall commence until the submission details of a scheme for the provision of electric car charging points within the development for the approval in writing of the Planning Authority in consultation with the Roads Authority. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

**Reason:** To facilitate the move toward the reduction in reliance of petrol and diesel cars.

8. No development shall commence until full details of all foul water drainage infrastructure (including treatment plant and soakaway locations) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

9. No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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

10. No development shall commence until the developer shall have the final drainage design for review and approval in writing of the Planning Authority in consultation with the Flood Risk Management Team. For the avoidance of doubt, this shall include an updated DIA that demonstrates that the design follows the proposed drainage strategy.

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

11. No development shall commence until the developer shall have provided written and plan details of all watercourse crossings for the approval in writing of the Planning Authority in consultation with the Roads Authority and SEPA.

For the avoidance of doubt, the final design of the crossings shall include:

- hydraulic information to demonstrate that each crossing will have minimal impact on watercourse conveyance or floodplain capacity

- photographs of each crossing area
- dimensions of the watercourse
- crossing B1 shall be a clear-span bridge designed following the recommendations in the submitted FRA
- all other crossings shall be achieved by way of a mixture of clear span bridges or bottomless culverts, closed culverts and fords, with closed culverts being utilised on the smallest crossings.
- fords shall be designed following the recommendations in section 4.6.1 of the FRA

There shall be no double closed culverts, and individual culverts shall be wider than the watercourse width.

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

**Reason:** To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere.

12. No development shall commence until the design of the proposed traffic sign and road marking scheme on the B862, in the vicinity of the proposed vehicular access, shall have been assessed through a Stage 1/2 Road Safety Audit, with the outcomes of that Audit and the Designer's Response, submitted to, and approved in writing by the Planning Authority in consultation with the Roads Authority. The approved scheme shall be implemented in full before the development comes into operation.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

13. No development shall commence until full details of a scheme for the improvement of the existing bridleway / footpath / cycleway, which forms part of the South Loch Ness Trail, located to the north of the B852, shall have been submitted for the approval in writing of the Planning Authority in consultation with the Roads Authority and Access Authority. For the avoidance of doubt, the width of the track shall be increased to 3m from its junction with Tarff Bridge through to the crossing of the B862 and into the application site prior to the first use of the development. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** In the interests of safety for pedestrians and cyclists.

14. Prior to the commencement of development, the developer shall have submitted an Operational Inspection and Maintenance Plan in relation to the increase in the width of the bridleway / footpath / cycleway for the approval in writing of the Planning Authority in consultation with the Roads Authority and Access Authority. The development shall thereafter be undertaken in accordance with the agreed

details, with the agreed Plan implemented prior to any trading commencing.

**Reason:** In the interests of safety for pedestrians and cyclists.

15. No development shall commence until the developer shall have submitted details of directional signage for the development, for the approval in writing of the Planning Authority in consultation with the Roads Authority. The agreed signage shall be erected prior to the first occupation of any part of the development.

**Reason:** In the interests of safety for pedestrians and cyclists.

16. No development shall commence until the developer shall have submitted details of a scheme of works to highlight crossing manoeuvres, which shall include road markings and enhanced signage on the public road at and in advance of the B862 crossing, and include for signage at the path entrances, for the approval in writing of the Planning Authority in consultation with the Roads Authority. The agreed signage shall be erected prior to the first occupation of any part of the development.

**Reason:** In the interests of safety for pedestrians and cyclists to encourage cycle use and access to/from the facility.

17. No development shall commence until full details of the “pick-up and drop-off” bus service between the site and the centre of Fort Augustus shall have been submitted to, and approved in writing, by the Planning Authority in consultation with the Roads Authority. The scheme shall be implemented in full once the development comes into operation.

**Reason:** In order to reduce dependency on the private car and to encourage greater use of public transport.

18. No development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The Travel Plan shall include:

- i. Measures for extending and/or increasing the frequency of the existing local bus services(s) and associated financial contributions;
- ii. Details for the management, monitoring, review and reporting of these measures; and
- iii. Details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from within 6 months of the first occupation of any part of the development.

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

19. No development shall commence on site until a Construction Phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority in consultation

with the Roads Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.

20. No development shall commence on site until a Construction Method Statement has been submitted for the approval in writing of the Planning Authority in consultation with the Roads Authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

**Reason:** As no details have been provided, and to clarify the terms of the permission.

21. No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted for the approval in writing of the Planning Authority in consultation with the Roads Authority. The plan shall include:

- Hours of operation
- Number and type of vehicles required
- Routing arrangements for all vehicles
- Contractor parking
- Locations for loading/unloading and storage of plant, waste and construction materials
- Movements and control of all deliveries
- Abnormal loads

- Control of dust, mud and debris in relation to the public road
- Measures to protect vulnerable road users
- Pre and post condition surveys of public roads
- Mitigation for the impact of construction traffic
- Any necessary temporary traffic management measures
- Method of communicating to staff, visitors and neighbouring residents and visitors

The Construction Traffic Management Plan shall be implemented as approved prior to development commencing and shall remain in place until the development is complete.

**Reason:** In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

22. No development, site excavations or groundworks shall commence until an Environmental Management Plan (EMP) based on the submitted Construction Method Statement has been submitted to and approved in writing by the Planning Authority, in conjunction with SEPA. Thereafter the works shall be carried out in accordance with the approved Environmental Management Plan.

**Reason:** In the interests of the environment to ensure appropriate protection, mitigation and restoration during and following construction in accordance with Policies 51, 58, 59 and 60 of the Highland wide Local Development Plan.

23. No development shall commence on site until submission of a construction noise and vibration mitigation scheme shall have been submitted for the approval in writing of the Planning Authority in consultation with the Environmental Health Authority. For the avoidance of doubt, the mitigation scheme shall demonstrate how the developer shall ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration. The assessment shall include but is not limited to the following: -

- description of the most significant noise sources in terms of equipment; processes or phases of construction.
- proposed operating hours and the estimated duration of the works for each phase.
- detailed plan showing the location of noise/vibration sources, noise sensitive premises and any survey measurement locations (if required).
- description of noise mitigation methods that will be put in place including any proposals for community liaison. The best practice measures found in BS5228 Code of practice for noise and vibration control on construction

and open sites should be followed. Any divergence from this requires to be justified.

Thereafter the development shall progress in accordance with the approved Noise and Vibration Mitigation Scheme, and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Planning Authority

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

24. No development shall commence on site until the developer shall have submitted a dust mitigation scheme for the approval in writing of the Planning Authority in consultation with the Roads Authority and Environmental Health Authority. For the avoidance of doubt, the scheme shall detail measures designed to protect neighbouring properties from dust arising from the construction of this development. Thereafter the development shall progress in accordance with the approved dust suppression scheme and all approved mitigation measures shall be in place prior to the commencement of construction works, or as otherwise may be agreed in writing by the Planning Authority.

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

25. No development shall commence on site until the developer shall have submitted a noise management plan for the approval of the Planning Authority in consultation with the Environmental Health Authority. For the avoidance of doubt, the plan shall include measures to reduce the impact of any noise arising from the campervan pitches and shepherd's huts. The development shall thereafter be undertaken in accordance with the agreed details.

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

26. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

- a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;
- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;

- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No other development shall commence on site until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

**Reason:** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

27. The development shall be undertaken in accordance with the details set out on in the Habitat Management Plan (HMP) from Echoes Ecology Ltd (16th July 2025), or as may be amended from time to time with the written approval of the Planning Authority. For the avoidance of doubt, the developer shall submit Annual Habitat Monitoring Reports for the first four years of operation of the development, for the approval in writing of the Planning Authority in consultation with NatureScot. The reports shall include any further recommendations that need to be implemented to achieve the objectives of the HMP. In addition, the developer shall submit a Long-Term Habitat Monitoring Report in year five and ten, after operation. The development shall be undertaken in accordance with the agreed details.

**Reason:** In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity.

28. A revised Habitat Management Plan shall be submitted for the agreement in writing by the Planning Authority in consultation with NatureScot to ensure that a significant part of the amenity grassland shall be planted with a species-rich low height herb composition that is adequate for a high mowing regime, such as <https://www.scotiaseeds.co.uk/shop/flowering-lawn-mix/> . The bike trail paths shall be kept to a maximum agreed width, regularly monitored, and erosion promptly dealt with. For the avoidance of doubt, this shall include management and monitoring measures for up to 30 years.

**Reason:** To ensure a robust delivery of biodiversity enhancement on site.

29. No development shall commence on site until the developer shall have submitted full details of the finalised track routes, including their construction, and details of any water crossings, and mitigation measures, for the approval in writing of the Planning Authority in consultation with SEPA. The details shall be in accordance with the layout and mitigation measures set out in section 3.3 of the Peat Management Plan docquetted hereto.

**Reason:** In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity.

30. No development shall commence until a pre-commencement survey for otters, pine marten, red squirrel, bats and black grouse have been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot. The survey shall cover both the application site and an area (as specified by NatureScot for the respective species) in all directions from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

31. The proposed mitigation for bats involves a precautionary 30m buffer around the woodland to prevent potential disturbance to roosts. If felling is required of any mature tree further survey work to identify any potential bat roosts this shall comprise a preliminary roost assessment and any follow up surveys to ascertain roost status. Any lighting, either temporary or permanent should avoid illuminating the trees located around the boundary of the site and the woodland edges to prevent disturbance to bat behaviour.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

32. No development shall commence on site until the developer shall have submitted a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, all for the approval in writing of the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** To ensure that all construction operations are carried out in a manner that minimises their impact on the environment.

33. No development shall commence until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Developer shall have been submitted to, and approved in writing by, the Planning Authority. This shall include a EnvCoW schedule, detailing when the EnvCoW shall be present on site. For the avoidance of doubt, the EnvCoW shall be appointed as a minimum for the period from the commencement of development to the final commissioning of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include (but not be limited to):

- a) impose a duty to monitor compliance with the ecological and environmental commitments provided in the Construction and Environmental Management Plan; the Habitat Management Plan and Species and Habitat Protection Plans.
- b) providing training to the developer and contractors on their responsibilities

to ensure that work is carried out in strict accordance with environmental protection requirements;

- c) require the EnvCoW to report to the nominated construction project manager any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;
- d) require the EnvCoW to report to the Planning Authority any incidences of non-compliance with the EnvCoW Works at the earliest practical opportunity
- e) Undertake a pre-construction survey not more than 3 months prior to commencement of construction and as required throughout the duration of the project to protect the ecological resources within the site;
- f) maintain a Register of all inspections and audits, to include an inventory of all measures on the site, their effectiveness, as well as any advice provided;
- g) require the EnvCoW to report to the Planning Authority monthly, with a concise summary of the actions on site.

**Reason:** To secure effective monitoring of and compliance with the environmental mitigation and management measures

34. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction.

35. No development shall commence until an updated Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the Planning Authority. The updated AMS shall set out stages where arboricultural supervision is required and a suitably qualified Arboricultural consultant shall ensure that certificates of compliance for each stage shall be submitted to the Planning Authority for approval.

**Reason:** To ensure the protection of retained trees throughout the construction period.

36. No development shall commence until an updated Tree Protection Plan that demonstrates no adverse impact on trees T231, T233 and T236 has been submitted to, and approved in writing by, the Planning Authority. Thereafter, trees shall be protected in accordance the approved Tree Protection Plan.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction.

37. No development shall commence until a detailed Landscaping Plan and maintenance programme has been submitted to, and approved by, the Planning Authority. The Landscaping Plan shall include the planting of woodland areas as indicated on the LVA Figure 6 - Landscape Mitigation Plan drawing, and planting shall be implemented in full during the first planting season following commencement of development or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** In the interests of amenity.

38. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
- i. All existing access points, paths, Core Paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
  - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
  - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
  - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed by the Planning Authority.

**Reason:** In order to safeguard public access both during and after the construction phase of the development.

39. No development shall commence until a detailed specification for the proposed materials to be used in the construction of all roads, footpaths, tracks, parking areas, and the mini-Land Rover course has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with those approved details.

**Reason:** To ensure that the gravel colour and its chemical composition matches that of local on-site rock so as to limit the growth of any non-local vegetation types, and in order to reduce the visual impact of the roads, footpaths, tracks, parking areas, and the mini-Land Rover course.

40. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. The roof of the development shall be finished in a matt non-reflective material.

**Reason:** In the interest of visual amenity.

41. Notwithstanding the details shown on the approved plans, all windows and door shall be constructed in either timber or aluminium. For the avoidance of doubt, UPVC is hereby not permitted for any windows or doors.

**Reason:** To ensure a high standard of materials appropriate for this development and its location.

42. Prior to the construction of the hub building, the developer shall have provided written and plan details of the kitchen extraction system for the approval in writing of the Planning Authority in consultation with the Environmental Health Authority. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** In the interests of amenity.

43. No development shall commence on site until the developer shall have provided full details in writing of the final finish surface of all within site access tracks and paths. For the avoidance of doubt, these shall be finished with local aggregate from the immediate area.

**Reason:** As no details have been provided, in the interests of visual amenity, and in order to maintain local vegetation cover and types by the use of matching to the local rock chemical composition.

## **REASON FOR DECISION**

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

## **REASONED CONCLUSION**

The Council is in agreement with the findings of the Environmental Impact Assessment Report that the Construction of mountain bike trail centre, hub building, cafe, retail, bike hire/store building; 40 motorhome pitches, 8

shepherd's huts; play areas; maintenance storage building, parking is unlikely to give rise to any new or other significant adverse impact on the environment. The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions that secure environmental mitigation and monitoring of this permission.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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.

## **INFORMATIVES**

### **Initiation and Completion Notices**

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

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

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for

connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks & 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:

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

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

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

Work falling outwith these hours which gives rise to amenity concerns, or

noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

### **Licensing**

The proposed development includes an over motorhome/campervan pitches and shepherd huts. The Caravan Sites and Control of Development Act 1960 states that any area of land used for the siting of caravans would require a caravan site licence. The motorhomes/campervans and huts/pods are included within this definition of a Caravan in terms of this Act. Therefore, the applicant will require a caravan site licensed following receipt of the necessary planning consent. The applicant should make themselves aware of the current licensing conditions adopted by Highland Council to ensure the site will be in compliance.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites (such as Black Grouse), not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

### **Habitat Management**

You are advised to discuss works within the Habitat Management Plan with NatureScot, particularly in relation to positive management of ancient woodland, and which could directly or indirectly affect the Ness Woods SAC or its nearby SSSI components (Easter Ness Forest and Glen Tarff SSSIs).

### **Food Safety**

The development must comply with the Food Safety (Scotland) Regulations 2006 and the Health and Safety at Work etc. Act 1976 and the café would require to register as a food business. For further advice on this please contact Environmental Health Service email: [envhealth@highland.gov.uk](mailto:envhealth@highland.gov.uk)

Signature: Bob Robertson  
Designation: (Acting) Planning Manager – South  
Author: Keith Gibson  
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Plan 1 - Location Plan M21.117(a).D.005 REV D  
Plan 2 - Masterplan M21.117(a).D.004 REV K  
Plan 3 – Existing Site Layout Plan M21.117(a).D.006 REV C  
Plan 4 – Proposed Site Layout Plan M21.117(a).D.014 REV A  
Plan 5 – Site Layout Plan - Core area M21.117(A).D.001 REV L  
Plan 6 – Elevations Shepherd's Hut A 03  
Plan 7 – Elevations Bike Shed 1223-07 REV 01  
Plan 8 – Roof Plan Hub 1223-05  
Plan 9 – Floor Plan Hub 1223-01 REV 02  
Plan 10 - Elevations Hub 1223-03 REV 02  
Plan 11 - Elevations M21.117(A).D.003 REV C Maintenance Building  
Plan 12 – Mini Land Rovers Storage Building M21.117(a).D.002 REV C

## **Appendix 1 – Appropriate Assessment**

### **The Highland Council**

#### **Appropriate Assessment**

#### **Ness Woods Special Area of Conservation (SAC)**

**Proposal:** Construction of mountain bike trail centre, hub building, cafe, retail, bike hire/store building; 40 motorhome pitches, 8 shepherd's huts; play areas; maintenance storage building, parking

**THC Ref. 24/01092/FUL**

### **CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES**

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

The above means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

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

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

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

## Appraisal Summary

### Ness Woods Special Area of Conservation (SAC)

In its response to the Council, NatureScot advised that the proposal is likely to have a significant effect on SAC otters. Consequently, the Highland Council, as competent authority, is required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interests. However, as set out in NatureScot's consultation response dated 05 July 2024, NatureScot's conclusion is that the proposal will not have a significant effect on SAC otters through the potential for disturbance.

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

## **APPROPRIATE ASSESSMENT**

### **HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL IN RESPECT OF INNER MORAY FIRTH SPECIAL PROTECTION AREA (SPA)**

Otters are wide-ranging and highly mobile. They are likely to use a range of good quality habitats both within and outside the SAC. The proposed development is located outside the SAC and away from key loch and river habitats. It is unlikely to affect otter habitat within the SAC with the proposed best practice pollution prevention measures in place. There is however potential for otters connected to the SAC to use suitable habitat within or close to the proposed development site and be affected by disturbance

The Preliminary Ecological Assessment provided with this application considers the proposed development site, in particular the wooded Allt an Dubhair watercourse, to offer potential to support otters. This watercourse is within disturbance distance of the proposed development and would also be directly affected by the construction of two new outfalls. This highlights the need for a full otter survey to be undertaken, and, if necessary, a Species Protection Plan to be prepared and implemented in accordance with our standing advice at: <https://www.nature.scot/doc/standingadvice-planning-consultations-otters>. As otters are a European Protected Species, it is advised that these measures would be required to avoid the risk of an offence occurring under protected species legislation. With these measures in place it is considered that the population of the species as a viable component of the site conservation objective will be maintained.

The Highland Council

05 December 2025