

Agenda Item	7.4
Report No	PLS/08/26

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 05 February 2026

Report Title: 25/03569/PIP: Mr C Campbell Sinclair
Land at Holme Rose Road, Cantray, Croy

Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Erection of house, garage and stable block

Ward: 17 – Culloden and Ardersier

Development category: Local

Reason referred to Committee: Applicant related to an elected member of Highland Council

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 planning permission in principle for a detached house, garage and stable block, along with associated infrastructure at Cantry, around 1km south of Croy.
- 1.2 The proposal is for the site to be accessed via an existing field access off the single track U1173 public road. The application is in principle therefore detailed siting and design drawings have not been provided. However, indicative drawings show the house, garage and stable block positioned within the site, in addition to car parking and private drainage arrangements. There is no existing infrastructure on the site.
- 1.3 Pre-Application Consultation: Pre-application advice (22/01900/PREAPP) was sought for the erection of a house at this location in 2022, prior to the publication and adoption of NPF4. The advice given at the time was that it had not been adequately demonstrated that the site forms a viable infill house plot. It was noted that the site was narrow, encroaching into open land to the rear and breaking through the established line of rear curtilage boundaries of the properties to the northwest. It was stated that it may be possible to demonstrate that this site could be suited to the siting of a house, but further information would be required as to why the rear encroachment should be considered acceptable.
- 1.4 Supporting Information: Planning Statement
- 1.5 Variations: Indicative layout amended

2. SITE DESCRIPTION

- 2.1 The application site sits within a row of detached houses arranged along the western edge of the single track U1173 public road, within the rural area of Cantry, around 1km due south of Croy. Mature trees line the public road on both sides.
- 2.2 The site is roughly triangular in shape with a very narrow (approximately 11m) frontage to the road, consisting of an existing gated field access, opening out towards the rear where it encroaches into the open field to the southwest (approximately 33m wide at its widest point). It is around 90m in length. Detached houses sit to the north and south, with boundaries defined by post and wire and low timber fencing. A field access track runs through the site from NE to SW and a raised area of ground sits alongside part of the SE boundary with a number of semi mature trees. The raised ground and existing trees provide some screening to the southern house (Eastwood), while the outlook towards the house to the north (Oakview Cottage) is more open.

3. PLANNING HISTORY

3.1	31.01.24	23/01228/PIP – Erection of house	Application Withdrawn
3.2	07.10.22	22/01900/PREAPP – Erection of a House	Response Provided

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 17.10.25

Representation deadline: 31.10.25

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Size of the plot is significantly smaller than all the other house plots on the road and therefore would not be in keeping with the character of the surrounding area or existing pattern of development;
- b) Site slightly elevated in comparison to neighbouring properties and long and narrow in comparison to the larger rectangular plots of the other houses;
- c) Flooding - no surface water drainage plans have been submitted in support of the application;
- d) Long established trees within the site to the south (Eastwood) are within 2m of the site boundary;
- e) Would not comply with any of the NPF4 Policy 17a development types;
- f) No active travel of public transport connections therefore very car dependent;
- g) Does not have a positive relationship with the existing group and proposals must not create an inappropriate intrusion into a previously undeveloped field; and
- h) All land to the south owned by a third party therefore limited opportunity to improve visibility.

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

5. CONSULTATIONS

5.1 **Transport Planning:** Access would be from the national speed limit U1173 Cantray Bridge Road, a single-track public road with passing place and no footways or street lighting. Speed data indicates actual speeds of around 38mph, and CrashMap confirms no recorded injury collisions nearby. The proposal involves upgrading the existing field access to Council standards as an SDB1 type private access with a service bay that will also act as a passing place. We do not object to the application in principle; however, at the detailed stage, visibility splays of 2.4m x 120m must be demonstrated, and a completed Private Access Checklist will be required. The junction of the U1173 with the B9006 has existing visibility constraints, but given the minimal traffic generated by a single dwelling, further mitigation is not considered proportionate. Drainage details for the access and bin storage provision outwith visibility splays must be confirmed at the full application stage. A Construction Traffic Management Plan will also be required to manage construction activity safely on the narrow road and at the constrained junction.

5.2 **Forestry:** The site is predominantly grass with an existing metalled track from the public road along the north side of the site to the field to the rear. There are some

existing semi-mature broadleaves on the southern side of the site and there are existing mature broadleaf trees close to the fence lines in both neighbouring properties to the north and south. Part of the site and adjacent gardens fall within woodland listed on the Ancient Woodland Inventory as Long-Established Plantation Origin (LEPO1860), a feature of local/regional importance.

NPF4 Policy 6(b) (Forestry, woodland and trees) and Highland-wide Local Development Plan policies 51 (Trees and Development), and 57 (Natural, Built and Cultural Heritage) require protection of native woodland and trees of biodiversity value. No new arboricultural report has been submitted, but previous survey data indicates the removal of 11 lower-quality trees (nine Category C, two Category U, and one small Category C group), which could be mitigated through robust replacement planting.

The indicative layout demonstrates that development can proceed without significant adverse impact on high-quality trees, subject to conditions requiring detailed plans for tree retention and removal, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012, protective barriers during construction, and a Tree Planting Plan providing at least 11 extra heavy standard trees with a maintenance programme.

5.3 **Scottish Water:** No objection; no public wastewater infrastructure in the vicinity

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 16 - Quality Homes
Policy 17 - Rural Homes
Policy 18 - Infrastructure First
Policy 22 - Flood Risk and Water Management

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
35 - Housing in the Countryside (Hinterland Areas)
51 - Trees and Development
56 - Travel
57 - Natural, Built and Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

Policy 1: Low Carbon Development

Policy 2: Nature Protection, Preservation and Enhancement.

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2018)

Rural Housing (Nov 2021)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

None.

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, design and amenity;
- c) access and infrastructure;
- d) trees and biodiversity; and
- e) any other material considerations.

Development plan/other planning policy

8.4 The key NPF4 policy relating to this proposal is Policy 17 (Rural Homes). This seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. For the purposes of this policy the application site is within the area defined as Accessible Rural, where development is restricted unless it meets one of the 8 development types set out in NPF4. These include houses required to support a rural business or succession farming; reuse of an existing building or redevelopment of brownfield land; subdivision of the garden ground of an existing property; and sites which are allocated within the Local

Development Plan. The proposal does not comply with any of the development types set out in NPF4 Policy 17a.

8.5 However, within the Inner Moray Firth area, IMFLDP2's Spatial Strategy supports "proportionate growth of existing housing groups without the need for a land or business management justification". Therefore, as set out in the Council's Rural Housing Planning Policy Explanatory Note (November 2024), across the Inner Moray Firth plan area, housing groups which meet the definition set out in the Rural Housing Supplementary Guidance are considered to meet the requirements of local living set out in NPF4 Policy 17b.

8.6 The Rural Housing Supplementary Guidance (2021) defines a Housing Group as a group of at least three detached buildings, two of which must be houses. These buildings should demonstrate a perceptible relationship with one another and form a well-defined and cohesive group. In order to be acceptable, any development must either infill or round off such a group. The proposed site sits within a linear group of around 8 houses stretching NW to SE along the western edge of the public road. The site's location between 2 existing houses would constitute infill of the existing group and, as such, the principle of development is considered to comply with policy subject to appropriate siting, design, and adherence to all other relevant policies and technical considerations.

8.7 It is noted that a previous application for the same site (23/01228/PIP - subsequently withdrawn) was submitted and assessed prior to the adoption of IMFLDP2 and the publication of the Rural Housing Planning Policy Explanatory Note. For this reason, the proposal was not considered to comply with the key rural housing policies in place at the time of assessment and could not be supported. This application (25/03569/PIP) must be assessed against the current policies which are more permissive towards infill of housing groups as set out in the Explanatory Note (2024).

8.8 Other relevant policies include NPF4 Policies 1–3 which require all development proposals to give significant weight to addressing the global climate and nature crises, ensuring siting and design minimise lifecycle greenhouse gas emissions and contribute to biodiversity enhancement, including restoring habitats and strengthening nature networks. NPF4 Policy 6 seeks to protect and expand woodland and states that any loss will only be supported where significant, clearly defined public benefits are demonstrated in line with Scottish Government guidance. HwLDP Policy 28 requires proposals to demonstrate sustainable design through sensitive siting, high-quality design consistent with local character, compatibility with public services and transport, protection of residential amenity, and contribution to the community's economic and social development.

Siting, design and amenity

8.9 Where a housing group has been established, the Council's criteria for acceptable expansion requires that any new dwelling constitutes infill or rounding-off within a clearly definable site; enhances the cohesiveness and perceptible relationship of the group; and reflects the character, spacing, scale, and amenity of existing buildings so that the new house appears as if it were always part of the group. Proposals should avoid creating uncharacteristic ribbon or linear development; inappropriate intrusion into previously undeveloped land; or overwhelming the landscape setting.

8.10 The proposed house would be positioned between two existing dwellings, thereby avoiding any expansion of the established development envelope. This arrangement is considered to constitute infill development, reinforcing the cohesiveness of the housing group without extending it in a linear or dispersed manner.

8.11 The application site is relatively small in comparison with other plots within the group. However, the spacing between buildings is considered acceptable within the rural setting. The site is irregular in shape with a narrow frontage and some encroachment into the field to the rear which could be seen as an 'inappropriate intrusion into an undeveloped field' and out of line with the established building line. However, while the dwellings to the NW have a strong rear building line, the adjacent plot to the south extends into the field in a similar manner to this proposal. Further development associated with Cantraybridge College is also present to the southwest resulting in a more dispersed pattern of development in this area. For this reason, the encroachment into the field to the west can be considered to round off the development in this area and is acceptable in this instance.

8.12 The indicative layout originally submitted with both this application and 23/01228/PIP (withdrawn) showed the house situated towards the southwestern edge of the plot, largely within the field and well beyond the established building line of the other houses in the group. While the proposed siting was understandable given the constrained width of the site closer to the road, this was not considered to be acceptable. A house in this location would have been out of character with the established pattern of development and would likely have resulted in overlooking of neighbouring rear windows and gardens. A revised indicative layout has since been submitted, which positions the house further to the NE and broadly in line with the adjacent property to the south. This arrangement is considered to be acceptable, subject to a planning condition requiring that any future Matters Specified in Condition (MSC) application does not site the house any further to the SW than shown in the revised indicative layout. The indicative layout shows the garage positioned to the rear of the house in a similar fashion to the adjacent plot to the south. The stable block would be further west, within the existing field, however as an ancillary non-residential rural building this is considered acceptable.

8.13 As this is an application for planning permission in principle, no detailed house design drawings have been submitted. However, to protect the privacy of neighbouring properties a planning condition will require the final design to be relatively low (one or one-and-a-half storey) with no dormers on the north or south elevations. Traditional materials and design features will also be required to ensure the dwelling is in keeping with the character of the area.

Access and infrastructure

8.14 The site would be accessed via an existing field access off the U1173 Cantraybridge road, with the junction to be upgraded to meet Council standards, including appropriate visibility splays for the road speed. The U1173 is a single-track public road with passing places, and the proposal includes the addition of a passing place/service bay. Any upgrade to the junction or track should employ no-dig construction methods to protect the root systems of roadside trees.

8.15 Transport Planning has also considered the junction of the U1173 with the B9006 due to existing road safety concerns in this location. Although the B9006 has a posted speed limit of 40mph, speed data indicates an average speed of 48mph, and visibility at the junction is constrained by physical features and road alignment. The Council's Road Safety Team advises that the current measures (40mph speed limit, warning signs and SLOW road markings) represent the extent of what can reasonably be implemented at this location given the physical constraints. The additional traffic generated by a single dwelling will be minimal and therefore mitigation measures at this junction would not be proportionate for this proposal and accordingly Transport Planning do not object on these grounds. However, it should be noted that the existing visibility constraints may limit the junction's capacity to enable future development, and any proposals that significantly increase traffic at this junction may require a review of road safety and consideration of further measures.

8.16 There is no public wastewater infrastructure in the vicinity, so private foul and surface water drainage arrangements will be required, with full details to be provided at the matters specified in conditions (MSC) stage. Subject to these details and the submission of a Construction Traffic Management Plan to manage construction traffic in the interests of residential amenity and road safety, the proposal is considered acceptable in terms of access and infrastructure.

Trees and biodiversity

8.17 The site is predominantly grassland with an existing track providing access to fields to the west. Semi-mature broadleaf trees are present on the southern part of the site and within adjacent gardens to the north and south, while trees in the eastern section are identified in the Ancient Woodland Inventory as Long-Established Plantation Origin.

8.18 A comparison of previously submitted tree constraints information with the revised layout indicates that the development would result in the removal of nine Category C trees, two Category U trees, and a small Category C group. The Forestry Officer notes these trees are relatively young and in poor condition, and their loss could be mitigated through robust replacement planting elsewhere on the site. The Forestry Officer concludes that the proposal demonstrates the potential to accommodate a dwelling as indicatively shown without significant adverse impact on high-quality trees and raises no objection subject to conditions requiring updated tree survey work and a comprehensive planting plan, including a minimum of 11 heavy standard trees.

8.19 NPF4 Policy 3 requires all developments to include measures to conserve, restore and enhance biodiversity. The site is sufficiently large to deliver appropriate biodiversity enhancements, and a condition is included to require submission of a Landscape and Biodiversity Enhancement Plan at the MSC stage.

Other material considerations

8.20 There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

8.21 In accordance with HwLDP Policy 31, the Council's Developer Contributions Supplementary Guidance is used to determine proportionate financial contributions towards addressing identified deficiencies in services and infrastructure within Highland. To mitigate the impact of this development on local infrastructure and services, the following requirements must be secured prior to the issue of planning permission:

- a) A contribution towards education provision at Croy Primary School (£1,071) and Culloden Academy (£2,904). Note that this includes the 2-house discount, taking into account previous permission 20/03895/FUL.

9. CONCLUSION

9.1 The proposal constitutes an infill development of a single house within an existing housing group of three or more houses/buildings, and as such is considered to accord with the Development Plan. Subject to conditions ensuring that the future siting of the house respects the established settlement pattern; protects existing residential amenity and privacy; demonstrates appropriate access and infrastructure requirements; and adequately compensates for any tree removals and loss of biodiversity, the proposal is considered to comply with the Development Plan and is recommended for approval.

9.2 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 Y

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Upfront payment of developer contribution Y

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

1. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development in respect of this planning permission in principle shall take place unless further application(s), accompanied by plans showing all the matters specified in condition 3 below, have been submitted to and approved in writing by the Planning Authority. The further application(s) must be submitted within 3 years of the date of this permission.

Reason: Permission is hereby granted in principle only and to ensure that the matters specified in conditions are submitted timeously to enable full consideration of the matters specified, in accordance with the provisions of Sections 41 and 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:

- i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
- ii. the design and external appearance of the proposed development;
- iii. landscaping proposals for the site of the proposed development (including boundary treatments);
- iv. details of access and parking arrangements; and
- v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

4. Any details pursuant to Condition 1 above shall show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render/ smooth coursed cement render/natural stone/timber;
- ii. single storey or 1½ storeys in height, with no dormer windows on the north or south elevations;
- iii. windows with a strong vertical emphasis;
- iv. the rear elevation of the house to be positioned no further southwest than that shown in the indicative layout in approved drawing 22-56-MRH-100 rev C; and

- v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

5. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:

- i. the junction formed to comply with drawing ref. SDB1; and
- ii. visibility splays of 2.4 x 120m (the X dimension and Y dimension respectively) in each direction, formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

6. Any details pursuant to Condition 3 above shall show provision for two car parking spaces and a turning area provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's 'Access to Single Houses and Small Developments' guidance document prior to first occupation of the house and thereafter being maintained for this use in perpetuity.

Reason: In order to ensure an adequate level of off-street parking in the interests of road safety.

7. Any details pursuant to Condition 3 above shall include full details of wheelie/kerbside recycling bin storage area located close to the public road but outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

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

8. No development shall commence until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to and approved in writing by the Planning Authority. This shall include:

- anticipated vehicle types and numbers;
- timing and scheduling of deliveries to avoid peak periods;
- measures for safe access and egress at the site;
- arrangements for temporary traffic management if required;
- provision for contractor parking without obstructing the public road; and

- wheel washing and debris control to prevent material being deposited on the carriageway.

The approved Construction Traffic Management Plan shall be implemented prior to development commencing and 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

9. Any details pursuant to Condition 3 above shall include details of foul and surface water drainage provision within the application site and access (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) shall be submitted as an application for approval of Matters Specified in Conditions. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to occupation of the house.

Reason: In order to ensure that the site is properly and adequately drained in the interests of residential amenity and the water environment.

10. Any details pursuant to Condition 3 above shall include a plan clearly showing the footprint of the house, garage and driveway, along with any underground services due to be excavated. All trees proposed for retention and removal shall be clearly and accurately marked on the plan.

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

11. Any details pursuant to Condition 3 above shall require a Tree Protection Plan and Arboricultural Method Statement (AMS) to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). The AMS shall include details of underground services installation and driveway construction.

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

12. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

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

13. Any details pursuant to Condition 3 above shall include a detailed Tree Planting Plan and maintenance programme. The Tree Planting Plan shall include the planting of no less than 11 extra heavy standard sized trees. The tree planting plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed by the planning Authority. For the avoidance of doubt, any trees which, within a period of five years from the completion of the development, die for whatever reason or are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure removed trees are adequately compensated for.

14. Any details pursuant to Condition 3 above shall include a detailed Landscape and Biodiversity Enhancement Plan, to be approved by the Planning Authority. The Landscape and Biodiversity Enhancement Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed by the Planning Authority. For the avoidance of doubt, any trees or plants which, within a period of five years from the completion of the development, die for whatever reason or are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of amenity and in order to ensure that an appropriate level of biodiversity enhancement is achieved.

15. The layout as shown on the approved plans is indicative only and is not hereby approved.

Reason: In order to clarify the terms of the permission granted, as the approval is in principle only, and that the siting of any built development, means of access to the site, and drainage systems, are to be agreed as part of a matters specified in condition application.

REASON FOR DECISION

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

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

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

Signature: Bob Robertson

Designation: (Acting) Planning Manager – South

Author: Christine Macleod

Background Papers: Documents referred to in report and in case file:

Relevant Plans: Plan 1: Location and Site Layout Plan (22-56-MRH-100 rev C)

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY					
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵	
Schools²										
Primary – Build Costs	Croy Primary	£2,904	n/a	£2,904	BCIS	Q2 2018	UPFRONT	n/a	20	
Primary – Land Costs	n/a									
Secondary – Build Costs	Culloden Academy	£1,071	n/a	£1,071	BCIS	Q2 2018	UPFRONT	n/a	20	
Secondary – Land Costs	n/a									

*¹ Adjust total to take account of flat exemptions

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

*³ TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*⁴ Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

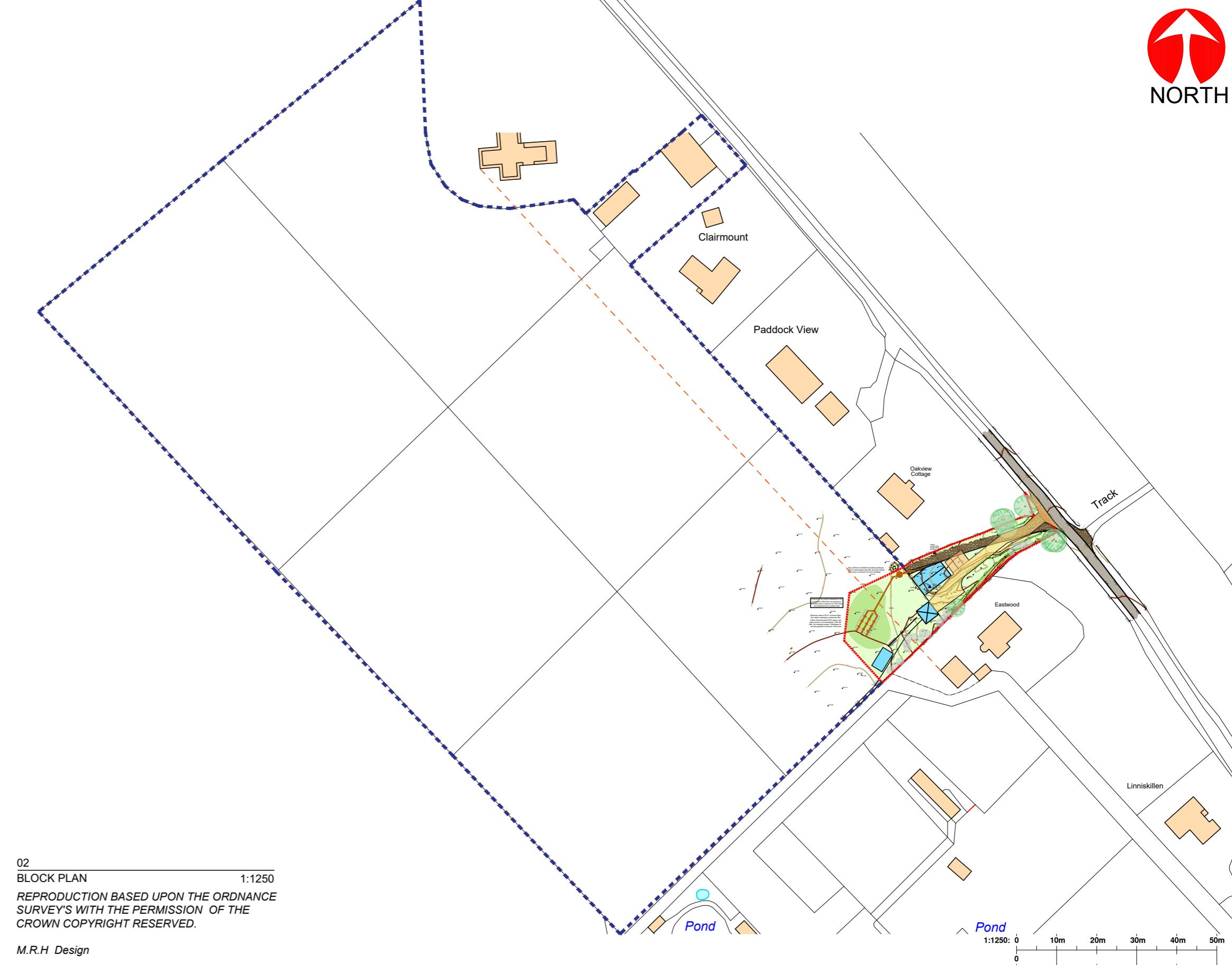
*⁵ Clawback – 15 years for Major development; 20 years for Local development

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

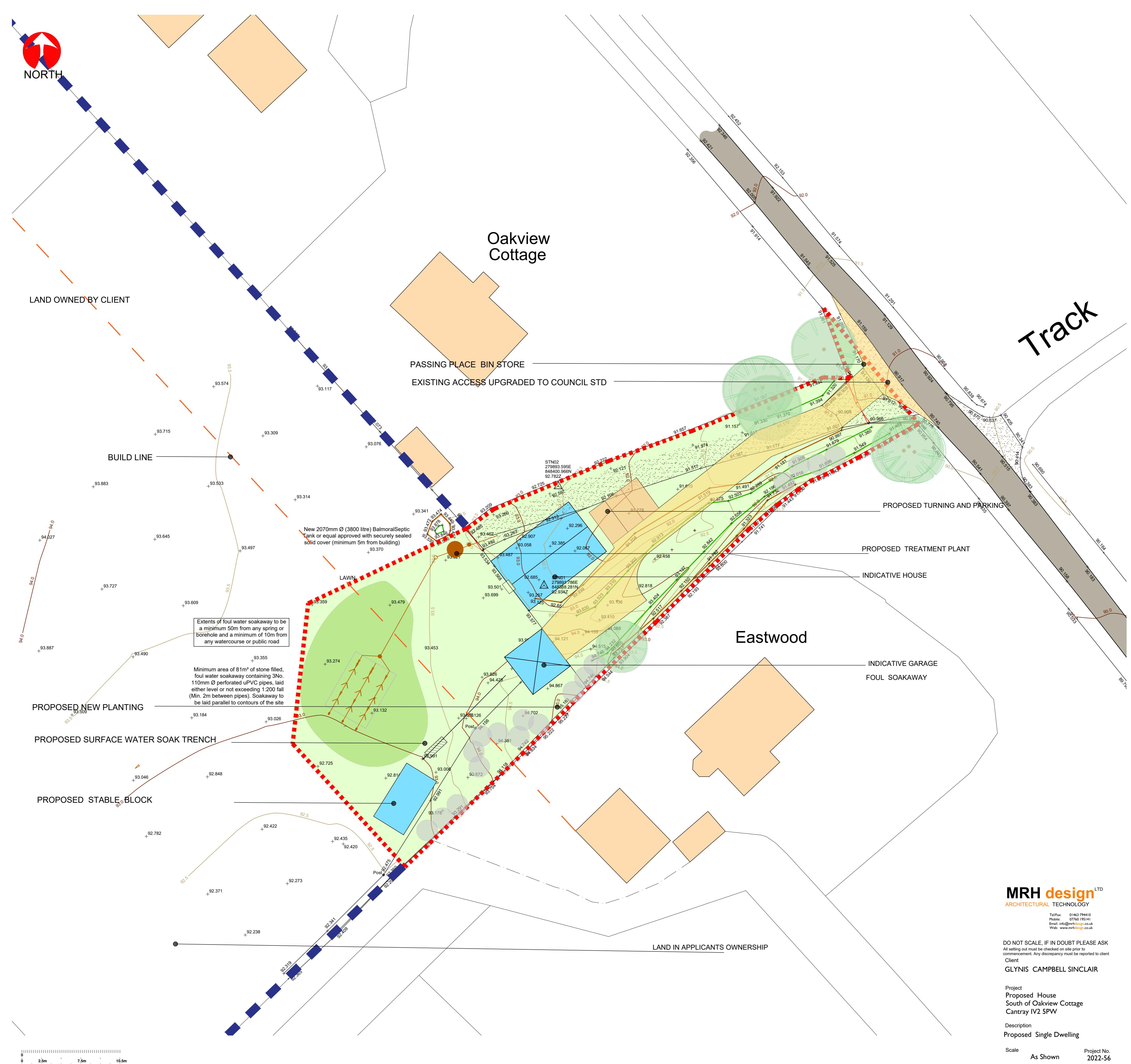
² Indicate whether or not 1 bed houses/flats are exempt



03 LOCATION 1:NTS



02
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1:1250
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SITE AREA 2022 SQM 0.49 ACRES

1:250