

Agenda Item	<b>6.3</b>
Report No	<b>PLS/19/26</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 1 April 2026

**Report Title:** 23/00585/FUL: Mr A Willis  
Commando Rock, Roshven, Lochailort, PH38 4NB

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

### Purpose/Executive Summary

**Description:** Erection of dwelling house, on site where foundations have been erected in relation to extant permissions 00/00428/FULLO and 21/04055/CLP

**Ward:** 21 – Fort William and Ardnamurchan

**Development category:** Local Development

**Reason referred to Committee:** More than 5 objections

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 Planning permission is sought for a house on a site where previously permission was granted in 2000 and construction works were undertaken between 2001 - 2004. The previous building was abandoned and left with walls up to approximately 1m in height. The footprint proposed when this application was submitted in 2023 did not overlap the previous development footprint but was adjacent, to the northwest. However, an amended plan, dwg no 310/p004c Rev C, dated 16.08.24, and submitted in August 2024 has moved the footprint back to the southeast and it would now partly overlie the previous development's footprint. The northwest elevation has been drawn back by 9-10m in relation to the footprint initially proposed, to be further from the edge of the rock and the trees. The bedroom wing has been drawn back by approximately 25m to take it completely out of the Root Protection Areas of the trees. The application site area is 9795sqm (0.98ha). The site is part of a larger land holding extending to 7.49ha (18.5acres).
- 1.2 The proposed house would be a contemporary split-level design, with a main living area and a bedroom wing with five bedrooms at a lower level on the north side. The living area would have a courtyard entrance at the rear (southeast side) behind a curving stone wall, and a fully glazed northwest elevation opening onto a covered terrace. The master bedroom would be at the northwest end of the bedroom wing, which is articulated at its northwest end to directly face over the sea, with a fully glazed gable and covered terrace. This section has been significantly drawn back away from the trees and steep ground by approximately 25m in the amended plans (Aug 24). There would be an additional small study bedroom over the main living area, which is otherwise covered in a flat green roof, planted with grasses and heather, with several large roof lights/glazed roof panels. The walls would be finished in dark grey natural stone cladding, except for a study bedroom which would project above the green roof, in Corten weathered steel. The windows along the north elevation serving the bedrooms would have a weathered steel box frame. There would be sections of dark grey pigmented board marked concrete cladding at the end of the bedroom wing, and glass balustrades enclosing the covered terraces.
- 1.3 There is an existing stone track serving the property, which was constructed as part of the previous development. Whilst this would require upgrading, it is proposed to finish its surface in sympathetic porous materials. The lower part of the driveway is an old estate track, shared with several other houses. The junction with the A861 was approved as part of the previous permission following a site meeting in 2001. (The junction and first part of the track was shown incorrectly on the plans as initially submitted, and this was subsequently corrected.)
- 1.4 Pre-Application Consultation: None
- 1.5 Supporting Information: Arboricultural Impact Assessment 6.2.23 – revised 28.10.24, Design Statement, Drainage Engineering Report, Title Plan, Automatic Traffic Count, Preliminary Ecological Appraisal.  
12.12.25 private water supply report; and (Beach) Access Plan (dwg 310p005)  
19.12.25 further otter survey and report.

- 1.6 Variations: amended drawings submitted 28 August 2024 moving footprint back from tree group – the principal northwest elevation by 9-10m and the master bedroom and bedroom wing by approximately 25m. House layout on lower floor revised. House position updated to avoid tree root protection areas (all of the group of pine trees on the rock now to be retained).

## 2. SITE DESCRIPTION

- 2.1 The site is located on the southern side of Loch Ailort. Roshven is a dispersed group of houses roughly focussed on the former Roshven estate. Roshven House, the original estate house which is B listed, is approximately 350m to the southwest. The area is regarded as “wider countryside” for Development Plan purposes. The nearest Settlement Development Areas in the adopted WestPlan are Arisaig to the north, and Acharacle to the south, where there are shops and primary schools. Lochailort (8.5km to the northeast) and Glenuig (5km to the west southwest) each have a hotel and bar, and Glenuig has a community hall and community run shop. There are no facilities in Roshven itself.
- 2.2 The site is on the north side of the A861 on a headland and cliff top at the end of a 1km long driveway. (Commando Rock was historically used for military training purposes). The access off the A861 is shared with several houses including Cooper’s Knowe, Wildwood and An Stac. The driveways to these properties split off a short distance back from the main road. The driveway to this site, which currently exists in the form of an unsurfaced track, continues to the west and also provides a secondary access to The Square. From here it turns northwest and climbs steeply uphill to a high point where there is a water tank, before descending slightly then rising again where it swings left to the house site. A footpath to the beach, to the east of the site, turns off the track just before the final corner, and leads down through the trees to the shore. The beach itself is not within the applicant’s landholding – as confirmed in an amended location plan.
- 2.3 The site is covered in naturally regenerated vegetation which has grown up after work ceased on the previous house around 2004, mostly rhododendron, brambles and birch. The previous house was constructed up to approximately four blocks high, and an expanse of hard standing was created around the south and east side. There is a stand of pines to the northwest of the footprint on the cliff top, and the ground falls away very steeply beyond them, to the north and west, into the sea. The ground to the north and west of the abandoned footprint is densely vegetated and quite impenetrable; the cliffs dropping to the rocky shoreline are also covered in trees and dense vegetation. The site looks across outer Loch Ailort to the Ardnish peninsula. The land either side of the driveway is a mix of wet heath and mixed woodland with many pines.

## 3. PLANNING HISTORY

- |     |            |              |  |
|-----|------------|--------------|--|
| 3.1 | 05.12.2000 | LO/2000/428  | Erection of house – Permission development commenced but never completed                 |
| 3.2 | 05.10.2021 | 21/04055/CLP | Erection of a house previously granted planning permission under ref. Lawful development |

00/00428/FULLO, and the foundations and access road have been completed certificate (proposed) granted

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 23.03.23 and 21.10.24

Representation deadline: 06.04.23 and 31.10.24

Timeous representations: 64 (61 objections; 3 support)

Late representations: 4 objections including from Arisaig and District Community Council (plus 1 objection subsequently withdrawn); 1 general comment

4.2 Material considerations raised are summarised as follows:

- a) Inadequate access turning off the A861
- b) Driveway will require significant upgrade – includes a very steep section
- c) Loss of 5-15 pine trees due to the proposed footprint extending further to the NORTHWEST compared with the previous permission [not now to be lost]
- d) House is too large – compared with previous permission; the need is for affordable housing – locals are priced out of the area
- e) There are a disproportionate number of second homes in Roshven
- f) Previous permission is obsolete
- g) New proposal is not on the same footprint and it is a radically different design that bears no relationship to traditional local architecture and does not comply with current planning policies and guidance [footprint now largely overlaps previous permission]
- h) Impact on the landscape – which provided inspiration for artwork by Jemima Blackburn – renowned Scottish artist 1823-1909 who resided at Roshven House
- i) Impact on wildlife along one of the last undeveloped parts of the Roshven coastline; in particular on otters and pine marten which are protected species – inadequate surveys and proposed mitigation will not be sufficient to avoid unacceptable harm to the protected species. Further surveys required in summer for butterflies, ring ouzel, wood warbler and redstart
- j) Impact on wildlife tourism
- k) Impact on neighbours' views
- l) Design not in keeping with the area – no landscape capacity assessment
- m) Need for landscape planting and biodiversity net gain to be included
- n) Does not respect the setting of the listed buildings at Roshven
- o) Extensive glazing would reflect the sun - making the building stand out prominently
- p) Potential loss of public access including to the shore and beach
- q) Concern regarding the installation of an adequate private water supply (including for firefighting) – already an issue in this area; suggestion that the applicant pay to install mains water to the area

- r) Concerns regarding foul drainage from the house – the proposed soakaway would be on rock; and concern regarding any discharge going into the sea
- s) Use of concrete is unsustainable - local natural stone would be better
- t) Landownership/access rights issues regarding the driveway; a commitment sought that the applicant undertakes not to block any plans to upgrade the access tracks
- u) Noise and disturbance, including from rock breaking during construction
- v) No details of the ground source heat pump
- w) Light pollution
- x) Lack of engagement with local residents
- y) Inadequate publicity and neighbour notification
- z) The previous Certificate of Lawfulness was not adequately scrutinised
- aa) Need for a Roshven Development Plan to provide a framework for ongoing development in this area which has little infrastructure and a precious environmental footprint
- bb) An exceptional project with ambition; it is bold, striking and elegant from a firm of young architects

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <https://www.highland.gov.uk/planning/view-comment-planning-applications>.

## 5. CONSULTATIONS

### 5.1 Forestry Officer:

**07.07.23: Holding objection.** There is an existing small belt of mature pine trees on the north-western side of the proposed site. They look more Corsican pine rather than Scots Pine. The stem diameters are substantial, and they must be over 100 years old. There also appears to be quite a bit of regenerating birch and rhododendron around the site.

Around the north, west and south of the site there is an area listed in the Native Woodland Survey of Scotland as mature upland oakwood. This is part of a larger area which extends to the east. In addition, the area to the north is recorded on the Ancient Woodland Inventory as Ancient semi-natural origin woodland (ASNO1860).

On the northern side of the site there is woodland which is listed in the Ancient Woodland Inventory as Ancient semi-natural origin woodland (ASNO1860) - a feature of national importance.

The proposed design would require the removal of five Category B Scots pine trees (5699, 5700, 5701, 5702 and 5703), and it would infringe into the root protection area of a further two trees (5697 and 5698).

The proposed access road appears to be largely formed and should not have any further impact on existing trees.

In the Arboricultural Impact Assessment (AIA) there is a Landscaping section which outlines new planting proposals and removal of non-native, invasive species. This is welcome, but there are no further details. These should be supplied in support of the application.

The proposals do not currently accord with policies 51, 52 or 57 of the HwLDP.

The applicant will need to give further consideration to the design layout to ensure existing trees on site are fully safeguarded and confirm how they would be protected from construction.

**23.01.24** – following receipt of amended plans: **Objection maintained.** The amended proposals would still result in the loss of 6 No mature, category 'B' Corsican pine and the RPAs of 5697 and 5698 would still be impacted.

#### **15.11.24: Continued holding objection**

The applicant has now provided a revised Arboricultural Impact Assessment which contains a tree schedule, Tree Constraints Plan and Tree Protection Plan. In addition, the house footprint has now been amended and there is a revised Proposed Site Layout drawing (310p/004 REV C).

The amended house footprint and the Tree Protection Plan now show full retention and safeguarding of the Corsican pines which could now be accepted. There would be some loss of juvenile birch woodland (recorded as group TG1) and this could be accepted providing there is adequate compensatory tree planting.

However, the applicant has not provided any information regarding the impact of the water supply route and access junction on trees.

Whilst the AIA section 4.2 (Landscaping) notes that the finalised landscaping design would utilise new planting to augment existing tree stock in the developed area to offer biodiversity and amenity, and the restoration and expansion of the native and ancient woodland, there are no detailed compensatory tree planting proposals.

#### **03.03.26: No objection subject to conditions**

The removal of the proposed water supply route and provision of a borehole, and the fact that there is to be no further impact on trees at the visibility splay is welcome. The site layout has been amended to remove all construction from within root protection areas and a further 1.5m exclusion zone has been placed around the RPAs, which accords with the Tree Protection Plan submitted with the revised Arboricultural Impact Assessment (Oct 2024).

Conditions recommended to protect retained trees, an Arboricultural consultant is employed to supervise work, and the submission of a detailed Tree Planting Plan.

## **5.2 Access Officer:**

01.06.23: A supplementary plan-based access management statement is sought to allow full assessment of the potential impact on public access. The plan should show the extent of the proposed privacy area associated with the development and if and how it will be defined. It would also show the existing paths on the land and how the routes to the beach will be enhanced. If the proposal would affect the paths to the beach, then the plan should detail where, how and when equally attractive and accessible alternatives would be built.

03.10.24: In accordance with the Land Reform (Scotland) Act 2003, public access rights exist within the ownership boundary. Although residents have an expectation of privacy in the area surrounding their house, this would not extend to the whole of

the wider grounds. Public access to the beach at grid reference NM710792 should be maintained as a planning condition. There is an old built path to the beach which would meet the criteria for designation as a Right of Way. The path leaves the access track at NM70765 79115.

Access to this path should not be obstructed nor access to or along it deterred at any time before, during or after construction of the development. Any improvements or maintenance to preserve the old path to the beach would be welcomed.

Should any fence or gate be erected on the access track to the property, this should either be beyond the junction with the path to the beach, or permanent pass gates should be installed to accommodate pedestrian access.

In addition, public access along the foreshore below the property to the north and west must not be restricted or discouraged at any time and are protected under common law rights which existed prior to the Land Reform (Scotland) Act 2003.

5.3 **Environmental Health:** Further information sought; can address Private Water Supply issue with a suspensive condition.

5.4 **Flood Risk Management Team:** No concerns – no comments.

5.5 **NatureScot: 09.01.26**

There are natural heritage interests of international importance at the site, but advice is that these will not be adversely affected by the proposal.

The proposal is 90m from the Sound of Arisaig (Loch Ailort to Loch Ceann Traigh) Special Area of Conservation (SAC) protected for its subtidal sandbanks feature. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply. Consequently, The Highland Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal – see Annex A).

NatureScot's advice is that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

It is proposed to install a new drain to discharge treated sewage to the sea. These discharges will need to comply with SEPA standards. Subtidal sandbank habitats can be sensitive to changes in water quality however discharges are unlikely to be at a level that will significantly affect the protected feature of this site

Protected species advice is provided by way of standing advice, available to view on NatureScot's website.

**NatureScot: 26.01.26**

There is a distinction between a natal otter den and a maternal otter den. A natal den is where cubs are born and these structures are considered to be the most vulnerable in terms of disturbance. Maternal dens are used subsequent to the natal den and are structures used by a female otter and her cubs until they are not

completely dependent on her (at approximately 5 months). A female otter can use a number of maternal dens.

NatureScot generally advise that a works exclusion distance of 200m is maintained from a natal den until there is clear evidence (from monitoring) that the otter "family" is no longer dependent on that particular location, i.e., the mother and cubs are regularly venturing further and further afield from the den. The cubs take their first swim at c.12 weeks and are suckled until 14 weeks. By four months they are following the mother on fishing trips. We suggest that it is only at this stage that the exclusion distance could be relaxed without risk to the breeding success of the individual, and construction works could commence on the proposed site. To ascertain when this point has been reached (otter family no longer dependent on den location) will require a high level of camera trap monitoring at potential natal site A and B to confirm when otter using them are no longer dependant on them. Flexibility from the owner and any building contractors would then be required as works will only be able to commence on site once this has been confirmed by the ecologist. Once works commence on site they will need to be continuous to ensure disturbance levels do not fluctuate allowing for further breeding close to the site to commence, requiring works to stop again. Otter do not have a defined breeding season in Scotland so can breed at any time of year. The breeding season of May to August stated in the ecology report that was submitted with this application is therefore misleading in this respect as, although there is a peak in births during the summer months in northwest Scotland and Shetland, breeding can take place at any time.

To maintain otter populations at current levels in this location during and post construction, NatureScot advise that the measures stated in the Species Protection Plan section of the ecological report will need to be implemented in full. Vegetation must be maintained around the site boundary to ensure screening is maintained. During construction and within the building design there will need to be measures taken to minimise light spill onto adjacent shorelines and otter resting / breeding sites. Any access to the shore post -construction will need to be away from resting / breeding site so as not to damage or destroy them.

## **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 4 - Natural Places

Policy 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 7 - Historic Assets and Places

Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 10 - Coastal Development  
Policy 13 – Sustainable Transport  
Policy 14 - Design Quality and Place  
Policy 16 - Quality Homes  
Policy 17 - Rural Homes

## 6.2 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design  
29 - Design Quality and Place-making  
36 - Development in the Wider Countryside  
42 - Previously Used Land  
49 - Coastal Development  
51 - Trees and Development  
52 - Principle of Development in Woodland  
55 - Peat and Soils  
56 - Travel  
57 - Natural, Built and Cultural Heritage  
58 - Protected Species  
61 - Landscape  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
77 - Public Access

## 6.3 **West Highland and Islands Local Development Plan (2019) (WestPlan)**

No specific policies apply.

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

Access to Single Houses and Small Housing Developments (May 2011)  
Highland Historic Environment Strategy (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)  
Rural Housing (Dec 2021)  
Rural Housing Planning Policy Explanatory Note (Nov 2024)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

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

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

Control of Woodland Removal

## **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) Impact on trees
- c) Impact on protected species
- d) Siting and design
- e) Impact on landscape
- f) Impact on historic environment
- g) Access, water supply and drainage
- h) Public access
- i) Any other material considerations

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

- 8.4 Planning applications must be assessed against NPF4, adopted in February 2023 (just before the submission of this application), and policies 1-3 apply to all development proposals. When considering all development proposals, significant weight will be given to the global climate and nature crises. The policies of NPF4 are afforded greater weight than the Highland-wide Local Development Plan and the West Highland LDP, given that it is the most recent planning policy, however, other policies may be considered materially relevant.
- 8.5 The site lies within a Remote Rural Area according to the Scottish Government's 6-fold urban-rural classification 2020. It is in the wider countryside, mid-way between Arisaig and Acharacle, the nearest settlements as defined in the WestPlan. The population in Moidart is also considered to be a "fragile community".
- 8.6 Policy 17 is the main policy against which the proposal is assessed. Paras a), b) and c) apply.
- a) Proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the

character of the area, and the development meets one or more of 8 accepted development types. The proposal, as amended, would reuse brownfield land in that it would be sited on the unfinished footprint of a partially constructed dwelling house. Whilst there is a substantial amount of natural regeneration around the site, the footprint and hardstanding immediately adjacent would not return to a natural state without intervention. The proposal would therefore accord with para (a) ii) of Policy 17.

- b) The proposal would contribute towards local living and take into account identified local housing needs insofar as it would provide an additional dwelling unit which would draw upon local businesses, services and facilities during its construction and whilst it is occupied. The proposal is likely to generate additional car use. Nevertheless, in adding to the area's housing stock, the development will bring economic benefits by way of local spending on services and goods. The development overall would neither accord nor conflict with para b) of Policy 17.
- c) This is a "remote rural" area as defined in the Scottish Government's 6-fold urban-rural classification 2020, and the development would assist in supporting and sustaining an existing fragile community. The development would contribute to creating a resilient community and broaden the range of housing options available. Although the site is outwith an identified development plan settlement, it does lie between settlements, in an area where there is a loose cluster of housing within the former Roshven estate, and on the site of a previous permission for a house, that was partially implemented. However, the location is not well suited to active travel; it is too far from Lochailort (8.5km), where there is a station, and whilst there is a bus from Acharacle which passes through Roshven, active travel is not a realistic option in this location.

8.7 The site lies within the "wider countryside" where policy 36 of the Highland wide Local Development Plan (HwLDP) applies together with guidance in the Rural Housing Supplementary Guidance. Such proposals are assessed for the extent to which they are:

- acceptable in terms of siting and design
- sympathetic to existing patterns of development
- compatible with landscape character and capacity
- avoid incremental expansion of one development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoids loss of locally important croft land, and
- can be adequately serviced without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

8.8 Policy 36 is generally supportive of development outwith Settlement Development Areas (SDAs), provided they meet the above criteria.

8.9 The proposed development would broadly fit in with the existing pattern of development, which includes houses on both sides of the road in Roshven, and close to the shore. There are a mix of large and small houses, traditional in style

and modern, and permanent homes and holiday chalets and cottages. They are generally detached properties and set within substantial grounds. There are quite a few second homes, and the area is characterised by a mix of full and part time residential and commercial uses. The proposed use would be as a dwelling house - Class 9 of the Use Classes Order - whether it is occupied permanently or used as a second home.

- 8.10 In principle the development would accord with Policy 17 of NPF4, as development within a remote rural area, and with policy 36 of the Highland-wide Local Development Plan, and with the Rural Housing Supplementary Guidance.
- 8.11 In addition, a Certificate of Lawful Development (21/04055/CLP) was granted in 2021 for the partially constructed house, as previously granted permission in 2000, and this confirms that planning permission 00/00428/FULLO is live in perpetuity, by virtue of development having been lawfully commenced. (Any question over whether the development that was commenced was lawful was overridden by the fact that it was immune from enforcement action by virtue of having been undertaken more than 10 years before the consideration of (21/04055/CLP). This “fallback” situation is a significant material planning consideration. This proposal would replace the partially completed house on this site, which was previously accepted for residential development, it was commenced but never completed and subsequently left abandoned, with no likelihood of ever being finished as originally intended. Unless re-developed, the 2000 permission will remain as a live extant permission in perpetuity, leaving the site in its present unsatisfactory condition indefinitely. For this reason, a landscape capacity assessment, as referred to in the Rural Housing SG is not considered necessary in this instance.

### **Impact on trees**

- 8.12 Initially 5 of the pine trees to the northwest side of the house were to be lost, and the development would have encroached into the Root Protection Areas of two others. This group of trees stand prominently near the edge of the rocky headland. There are several fallen trees around and in between them – they are vulnerable to the prevailing weather in this very exposed situation.
- 8.13 The plans have now been amended (Aug 2024), and the house footprint revised to draw it back from these trees. In particular, the articulated northwest end of the bedroom wing has been reduced and moved to the southeast to bring it out of the Root Protection Areas of the nearest trees. All of this group of pines are now to be retained. There was some uncertainty whether these are Scots Pines, or Corsican Pines which are not native species, and therefore the justification for their retention was questioned. Even if they are non-native Corsican Pines (or hybrids), they are likely to have been planted around the time of the estate’s development in the second half of the 19<sup>th</sup> century. They are a significant feature in the landscape, and they would provide an attractive backdrop to the proposed house, as well as a degree of shelter, and they are likely to be of nature conservation value.
- 8.14 The nature of the pines’ form is such that they will not significantly impede views over the sea from the proposed house. It is considered important that the remaining group is retained and protected as a whole, because they would be highly vulnerable to windthrow especially if one or more are lost, making the

remainder of the group less resilient. Conditions are recommended to ensure they are all retained and protected during construction as per the revised Arborist's report and plans. A small amount of birch scrub will be lost from the north side of the site; however, it would be difficult to avoid all of the regenerating woodland as it has encroached across the whole site including into the partially built structure.

- 8.15 The foul and surface water drainage is shown to the west of the house and south-east of this group of pines. It is proposed to provide secondary treatment and a partial soakaway, which would run towards the trees which are downslope from the proposed house. To allow for further assessment of the suitability of this proposed arrangement, and to avoid adversely altering the hydrology around the trees, a condition is recommended to seek further details of the potential impact of the drainage proposals on the group of pines.
- 8.16 The concern regarding additional trees south of the house site being impacted by the proposed pipe route for the water supply has been overcome by the proposed change to install a borehole within the site. The supply previously shown to come from the direction of The Square is no longer proposed, and this overcomes those concerns regarding the impact of a pipe affecting this area of woodland.
- 8.17 The pines that are close to the existing access off the A861 would not be affected, as the access junction is already authorised for use to serve the previously consented house. Therefore, no further upgrade or change to the access is now justified. Other vegetation around the access junction comprises rhododendron, scrub broom and birch, which will require regular cutting back to keep the visibility clear in any event.
- 8.18 No other significant trees would be affected by the development. The Ancient Woodland (ASNO1860) designation covers the steep ground at the north side of the site and continues along the north side of the rock to the east of the house. The Long-Established Woodland of Plantation Origin (LEPO1860) is to the SW of the driveway and would not now be affected by any of the proposed development. The route of the proposed water supply would have crossed through this area – it is not known whether any pipework was installed as part of the previous works in 2000 -2004. Subject to conditions as described above, the proposal would not conflict with policy 6 of NPF4, or with policies 51 and 52 of the HwLDP and the Trees Woodland and Development Supplementary Guidance.

### **Impact on protected species/habitats**

- 8.19 The site is in an area of temperate rainforest, marine inlets and beach habitats, upland heath, rock and scree habitat, important conifers, mixed scrub, bracken and sparsely vegetated scrub. Invasive rhododendron is also extensive in this area. The sea which bounds the site is designated as a Special Area of Conservation – the Inner Hebrides and Minches for Harbour porpoise, and the Sound of Arisaig for its subtidal sandbanks.
- 8.20 The area is of high suitability for commuting and foraging bats, there are two potential red squirrel dreys in woodland to the south of the site, and suitable habitat for otter, pine marten, reptiles, amphibians, hedgehog, badger, birds, invertebrates; together with cetaceans, seals and fish in Loch Ailort. Several large otter holts

have been identified close to the shore at the foot of the steep ground northwest and northeast of the site. No evidence of protected species or their roosts, dreys, nests, or holts was found within the proposed development area itself. The shoreline below the rock is virtually inaccessible on foot and it is visually separated from the proposed development by the topography and vegetation.

- 8.21 The initial ecological survey did not pick up the presence of the otter holts, probably due to their inaccessibility. However, following representations a further survey was undertaken and monitoring by camera traps showed there to be one natal den approximately 30m northwest of the proposed house footprint and two further holts approximately 35m and 50m northwest of the proposed footprint. A further two natal dens were found around 110m northeast of the proposed footprint and another two holts 50-60m northeast of the proposed footprint. A further two holts were found approximately 80m southwest of the proposed house footprint. Numerous spraint sites and signs of feeding were observed around the shoreline in the area. These are long established dens and holts, in use currently and at least one mother with a cub was observed. A badger and pine martens were also observed in the area around the dens/holts.
- 8.22 Best practice guidance is for an exclusion zone of 100-200m around natal dens, and an exclusion zone of 30m around other otter holts. The lesser distance relating to natal dens (100m rather than 200m) may be acceptable depending on the topography and intervening vegetation. A licence from NatureScot is required for works and disturbance within the exclusion area. The proposed footprint of the house and construction working area would be entirely within 100m of one of the natal dens, and the end of the driveway would just clip the 100m exclusion zone around the other natal den. The house footprint would just clip the 30m zone around one of the holts. It should be noted these distances have been measured horizontally, from the drawings. In reality there is a steep drop-off down towards the shore between the house footprint and the holts, which would increase these distances.
- 8.23 The proposed footprint would now partly overlay the existing partially built structure and the previous permission did not include any requirements to take account of or avoid disturbance to the otters – which were probably present when that work was undertaken. The existing path to the beach passes within the 100m zone around the natal den NE of the house and within the 30m zone around one of the holts to the NE of the proposed house.
- 8.24 A Species Protection Plan is included in the Survey Report which recommends mitigation to avoid and minimise disturbance to the otters:
- Pre-construction checks within 3 months of work starting
  - Access between the holts/dens and shore to be safeguarded to ensure otters can move freely between their shelters and the water
  - Construction work to avoid the breeding season (May-August inclusive)
  - Operators/construction workers to be briefed /toolbox talks
  - Speed restriction of 5mph on the access driveway
  - Lighting restrictions and no construction at night
  - No trenches to be left open – no slopes left steeper than 45 degrees – to allow animals to escape entrapment

- Pipes and machinery to be checked at the start of every day
- Otter proof fencing to be erected around the construction site
- To retain the rhododendron on the steep ground down to the shore – and if it is to be removed in the future (it is an invasive species) to be done in stages and the area re-planted with native species – under licence

- 8.25 The construction works will require a licence from NatureScot, due to proximity to the natal holts – within 100m. To obtain a licence 3 tests must each be satisfied:
- The purpose of the licence is to preserve public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment
  - There is no satisfactory alternative
  - That the proposed action will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.
- 8.26 NatureScot provide further guidance on their website regarding the first test: this should take into account complying with national planning policies; and does the development support economic or social development.
- 8.27 Policy 17 of NPF4 does support rural homes in remote rural areas where a number of criteria are complied with (para 17c). Roshven is a “remote rural area”; it is a “fragile area”; and it is an identifiable collection of long-established buildings which have developed due to a historic function/event/land use (see the Rural Housing Planning Policy Explanatory Note (Nov 2024)). There will be benefits to the local community in terms of the provision of goods and trades in its construction and ongoing upkeep and servicing. However, as a “top-end” housing development it may contribute less in terms of meeting local housing needs and contributing to the community. Its environmental impact (para 17ciii) is not insignificant; however, mitigation can satisfactorily address this. A condition to ensure the works are undertaken in accordance with the mitigation, and NatureScot’s requirements is recommended.
- 8.28 The alternative would be to leave the existing part-built house unfinished – which is not a particularly efficient use of the resource and leaves a semi derelict site (although vegetation has now encroached across much of the site). It is unlikely that anyone would complete the development as previously permitted in 2000 – and it is possible it has been left so long that it would need to be started again to meet current Building Standards.
- 8.29 It is unlikely that the development would have a detrimental impact on the maintenance of the otter population at a favourable conservation status – as they are relatively common around the coastline in this part of Scotland. However, there is a particular concentration here, probably due to the very suitable bouldery terrain, inaccessibility to humans and predators, and consequent lack of disturbance at the foot of this cliff.
- 8.30 Further advice was sought from Nature Scot whether the mitigation proposed to minimise disturbance to the otters would be sufficient. Their further advice (January

2026) is that camera monitoring would be required, and work could only take place once a mother otter with a cub is no longer dependent on the natal holt. Work would then have to proceed in one continuous push to avoid a situation where the natal holt is in use again during the construction period. It is inevitable that construction on this scale will result in noise and vibration from vehicles, plant and machinery. The drilling of a borehole for the water supply would add to this.

- 8.31 NatureScot agree with the objector's assertion that in this part of Scotland otters breed year-round. However, NatureScot advise that close monitoring by camera traps would enable the construction works to avoid those periods of time when otters are dependent on the natal holts. Pre-construction checks would need to be undertaken immediately before commencing work, rather than up to 3 months before – as this is the gestation period for otters.
- 8.32 There is also the potential for the hydrology of the site to be altered, in particular by the proposed foul and surface water drainage solutions. These could be re-sited to the south and/or east of the building however, away from the trees and the otters, and this could be secured by planning condition.
- 8.33 To conclude the issue around otters:
- the dens and holts would not be directly impacted by the proposed development
  - the proposed house footprint would be sufficiently close to a natal den complex to require a licence for the works from NatureScot
  - the dens and holts are at the foot of very steep, densely vegetated ground and close to the shore – and not visible or easily accessible from the house site; post-construction there would be minimal additional disturbance in this area due to the proximity of the house
  - mitigation is proposed to avoid and minimise disturbance. With respect to the planning application NatureScot advise that subject to the specified mitigation measures the works could be undertaken
  - the foul and surface water drainage provision could be sited such that it would not be at risk of indirectly impacting the otter dens and holts
  - a house would otherwise be supported by planning policy in this location
- 8.34 Initially several pines were to be lost, however these are all now to be retained. The potential impacts on protected species and their habitats can be mitigated by undertaking pre-construction checks of the site by an ecologist, and site clearance and vegetation removal to be undertaken outwith the bird nesting season. Wider habitat management can be secured across the landholding through the removal and ongoing management of rhododendron and submission of a habitat management plan that includes the long-term restoration of native woodland and upland heath. This would provide opportunities for habitat enhancement which would contribute positively to biodiversity. Consideration would also need to be given to ensuring this was progressed in stages on the cliff where it provides cover and separation between the house and the otter habitat.
- 8.35 Subject to the development being undertaken in accordance with the measures in the Preliminary Ecological Appraisal and the Tayside Ecology Report, as set out

above, together with the further requirements of NatureScot, it would not conflict with policy 3 of NPF4 or policy 58 of the HwLDP.

### **Siting and design**

- 8.36 The proposed footprint has been pulled back to the east southeast by approximately 10m and the drainage proposals have also been moved back – by around 6.5m. The proposed development now partly overlaps the footprint of the previously approved and partially constructed house, rather than sitting adjacent to that footprint. Also, the development would now be on the flattest part of the site, rather than on the northwest facing slope with the front cantilevered out over the ground as it falls away. This would sit more comfortably in the landscape and better respect the existing landform. The end of the driveway and turning area would tuck in beside rising ground to the south. In overlapping the previous footprint, the proposal also avoids any risk that the two permissions could both be implemented resulting in two houses – and avoids any need to revoke the previous permission.
- 8.37 The design is starkly modern, however, it is a very secluded, contained site that will not be conspicuous from any neighbouring properties or from any public vantage points. There is no direct line of sight between the proposed house site, as amended, and Roshven House; it may just be seen from The Boathouse (holiday accommodation) which is approximately 288m to the south southwest, however the outlook from this property is principally to the west, over the sea. It is unlikely to be seen from any other neighbouring houses. It is likely to be visible from Roshven Bay, approximately 300m to the SW, and it will be seen from the sea, where it would be viewed through trees and against rising land behind. At these distances and in this position the proposal in terms of its impact on amenity would be acceptable. Its horizontal form with a green roof, stone walls, and grey and rust coloured cladding around the first-floor element will ensure it blends well into the landscape. The fact that the glazed elevations are not particularly tall and are covered will minimise the extent to which the sun is likely to be reflected off the windows. A condition is nevertheless recommended that requires the use of non-reflective glazing in the west/northwest elevations to overcome potential reflections causing these elevations to stand out in the setting sun.
- 8.38 The previously approved design was for a large two storey house with rounded projecting bays and turret features plus hipped dormer windows. The current proposal displays a high standard of design and makes use of high-quality materials including natural stone and a green roof. Whilst conventional concrete may not be a sustainable material, the use of natural stone and the re-use of a previously developed site does represent an efficient use of land and resources. The proposal would accord with policies 14 and 16 of NPF4 and policies 28, 29 and 36 of the HwLDP in this respect.

### **Impact on landscape**

- 8.39 The site is within the Morar, Moidart and Ardnamurchan National Scenic Area (NSA); this designation covers the coastal area of the Ardnish peninsula, Loch

Ailort, Roshven, Moidart and the northern half of Ardnamurchan. The special qualities for which it is designated include a landscape of outstanding coastal scenery, and seascapes both intimate and distant. The scenery is rich and varied with numerous promontories, bays, islands and sea lochs, whilst inland there is a backdrop of hills and mountains. It is the arrangement of seven landscape character types within or adjoining the NSA which give this area its unique combination of characteristics. Views of far distant islands contrast with those of small inshore archipelagos, and Loch Ailort offers prime West Coast seafaring.

- 8.40 The character of Loch Ailort with its richly wooded shore and rocky promontories studded with islets would not be significantly affected by the addition of the proposed house. Its revised position, pulled back from the edge of the rock, means that it would respect the wider landscape in terms of siting as well as scale, form and materials.
- 8.41 The development, as amended, would sit better on the rock, amongst dense vegetation, woodland, and areas of exposed bedrock. It would not be prominent in the landscape, and it will hardly be visible from any public viewpoints, except from Roshven Bay and from the sea, where it will be viewed in the context of other houses nearby which are also close to the shore. There are not considered to be any adverse impact on the character or quality of the NSA and the proposal accords with policy 4 of NPF4 and policies 57 and 61 of the HwLDP.
- 8.42 There have been a significant number of new houses built in Roshven since the estate was broken up approximately 25 years ago, and some are more compatible with the landscape character and capacity than others. The proposed development would not result in a significant adverse cumulative landscape or visual impact with other new houses in the area, due to its secluded situation.

#### **Impact on historic environment**

- 8.43 The development would not adversely affect the setting of Roshven House and its walled gardens, and curtilage buildings and structures, by virtue of its separation distance and there being no intervisibility between them. Similarly, no adverse impact on the setting of The Square, which also comprise a group of listed buildings, 570m to the southeast of the site. There is not considered to be any conflict with policy 7 of NPF4 and policy 57 of the HwLDP.

#### **Access, water supply and drainage**

- 8.44 As referred to above, the access off the A861 was constructed as part of the previous permission. As the proposed house is in place of a house that was previously authorised on the same site, and crucially, for which the planning permission is extant, there is no justification for further works to bring this junction up to current standards.
- 8.45 The access junction is adequate, in that there is a large turning area just inside the junction where bins from all the houses served off this access are put out and collected. The visibility splay from the junction towards Glenuig is good; however, visibility towards Lochailort is sub-standard by today's standards. It would be

difficult to improve this, even if it was justified, due to the curve in the road, and position of the adjacent property.

- 8.46 Notwithstanding this, it is considered appropriate that a negatively worded condition is adopted to secure details of any upgrade to the driveway that may be necessary for construction purposes and thereafter, to ensure it is in keeping with the area. Building Standards will address the issue of its accessibility for emergency vehicles. Any significant change to the alignment of the driveway would require a new planning application. The driveway is not dissimilar to those for other houses in this rural area.
- 8.47 A private water supply is proposed. Initially this was to be from an existing source which is already used by other houses in the vicinity. However, a borehole is now proposed within the site. A condition is recommended to secure details of the borehole to ensure that a sufficient supply can be achieved without adversely affecting any existing residents that may be served from the same source. Environmental Health legislation would deal with issues around its treatment if required. Its siting will also have to have regard to the proximity to the otter holts to avoid unacceptable disturbance.
- 8.48 A package treatment plant and secondary treatment of the effluent in a reed bed is proposed for the foul drainage, plus a partial soakaway and discharge to coastal waters. This would be located to the west of the proposed house. A condition is recommended given the proposed siting in relation to the group of pine trees and to the otter holts – although the revised siting has brought the drainage significantly further away from the trees. Building Standards would control the details of the treatment plant and ensure the ground conditions are suitable, and the discharge to coastal waters would require to be registered with SEPA. Surface water would be dealt with by a sustainable drainage scheme.
- 8.49 Subject to conditions the development would accord with policies 28, 36, 56, 65 and 66 of the HwLDP.

### **Public Access**

- 8.50 The path to the beach has public access rights. A condition is recommended to ensure this is kept open and public access is maintained, and if necessary, any diversion or temporary closures needed during construction for health and safety reasons are agreed beforehand with the Planning Authority.
- 8.51 Drawing 310p005 shows the private residential garden curtilage of the property clearly defined, and that the path to the beach is retained outwith this area. The private garden area immediately around the house would be excluded from being subject to access rights under Land Reform legislation. The proposal would thereby accord with policy 77 of the HwLDP.

### **Other material considerations**

- 8.52 The strategic development of Roshven should be considered as part of the Development Plan process rather than as part of an individual planning application such as this. Currently there are no policies which would explicitly limit the

incremental expansion of such areas in the wider countryside. Whilst a masterplan or local place plan may be desirable it would be for the local community to work within the Development Plan process to achieve this. In this instance the existing Development Plan, the existence of the previous permission and commencement of the previous development outweighs this consideration.

- 8.53 Noise and disturbance during construction is a short lived and inevitable consequence of development. There is separate legislation under Environmental Health that deals with unreasonable noise and disturbance from construction, as referred to in an informative that normally accompanies planning permissions.

#### **Non-material considerations**

- 8.54 The issue of engagement with local residents prior to submitting such a planning application is not a requirement for a local scale of development such as this. The proper neighbour notification and advertisement processes were followed as required by Planning legislation, including re-notification and re-advertising for the amended plans. The address given for the planning application includes reference to Glenuig rather than Roshven because that is the official address given for this area by the Royal Mail. Furthermore, it should be noted that representations relating to rights of access and responsibilities for the ongoing upkeep of the access driveway are the responsibility of those with a legal interest in the driveway and are not a material planning consideration.

#### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.55 Given the existing extant planning permission for a house (00/00428/FULLO), no Developer Contributions are required in this instance.

### **9. CONCLUSION**

- 9.1 The development would accord in principle with policy 17 of NPF4, and policy 36 of the HwLDP and Rural Housing Supplementary Guidance. Planning permission (00/00428/FULLO), and its extant status confirmed by the Certificate of Lawfulness (21/04055/CLP) adds significant weight in support of the proposed development.
- 9.2 The impact on trees has been satisfactorily addressed through the amended siting, which means that none of the group of pines on the rock are now directly affected by the development. Conditions are recommended to deal with their protection, together with the potential impact on them of the drainage infrastructure.
- 9.3 Conditions are also recommended to secure further details of the finish materials for the building, the driveway, the borehole and to ensure public access is maintained to the beach, as well as to ensure appropriate mitigations are undertaken during construction for the protected species and to ensure appropriate biodiversity net gain is included as part of the development. A licence from NatureScot will be separately required for the construction works due to its proximity to and potential impact on a European Protected species (otters).
- 9.4 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** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**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 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, 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 BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time, and the revised The Rock Arboricultural Impact Assessment by Envirocentre dated October 2024. These barriers shall remain in place throughout the construction period and shall 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, in accordance with policy 6 of NPF4 and policies 51 and 57 of the Highland wide Local Development Plan 2012.

3. A suitably qualified Arboricultural consultant shall be employed by the developer to ensure that the approved Tree Protection Plans are implemented to the agreed standard. Stages requiring arboricultural supervision shall be set out in a supervision schedule as an appendix to an Arboricultural Method Statement which shall be submitted to and approved in writing by the Planning Authority before the commencement of any development, site excavation or groundwork. Certificates of compliance for each stage of the schedule shall be submitted to the Planning Authority for approval.

**Reason:** To ensure the protection of retained trees throughout the construction period in accordance with policy 6 of NPF4 and policies 51 and 57 of the Highland wide Local Development Plan 2012.

4. No development shall commence until an updated Species Protection Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. Construction work shall thereafter progress in accordance with The Rock Preliminary Ecological Appraisal by Envirocentre dated Feb 2024, the Report by Tay Ecology Dec 2024 including the updated Species Protection Plan, and including timing restrictions to avoid the bird breeding season, pre-construction checks for protected species by an appropriately qualified ecologist, mitigation measures to avoid and minimise disturbance to protected species, rhododendron removal, native woodland and heath restoration, and provision of roosting and sheltering resources for protected species within the site.

**Reason:** In order to ensure that the development does not have an adverse impact on protected species during construction, and to ensure a high standard of landscaping is achieved appropriate to the location of the site, in accordance with policies 3, 4 and 6 of NPF4 and policies 57, 58 and 61 of the Highland wide Local Development Plan 2012.

5. The extent of the approved residential curtilage is detailed on Dwg no.310p005 docquetted hereto. For the avoidance of doubt, all land included within the residential curtilage delineated on this drawing shall be taken as being the area to which any change in use of land permitted by this planning permission applies, and the use of any land lying outwith the residential curtilage delineated on the approved plan shall remain unchanged by this planning permission.

For the avoidance of doubt residential “permitted development rights” only apply to land within the approved residential curtilage.

**Reason:** In order to limit residential permitted development rights to the immediate garden curtilage of the property and thereby to control future ancillary/incidental development in the wider land holding in the interests of the amenity and character of the area, accordance with policies 3, 4, 6 and 14 of NPF4 and policies 28, 36, 57, 58 and 61 of the Highland wide Local Development Plan 2012.

6. No development shall commence until an Access Management Statement showing public access within 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 routes, 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 the development of the house hereby approved;
- 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;
- iv. Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Access Management Statement, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved document, all to the satisfaction of the Planning Authority.

**Reason:** In order to safeguard public access, in accordance with policy 77 of the Highland wide Local Development Plan 2012.

7. 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. For the avoidance of doubt this shall include non-reflective glass in the west and NORTHWEST elevations of the house hereby approved.

**Reason:** To ensure that the development is sensitive to its context, in accordance with policy 14 of NPF4, and policies 28, 29 and 36 of the Highland wide Local Development Plan 2012.

8. No development shall commence until further details of any upgrade and/or improvements to the access driveway have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, these shall include the surface finish material, additional passing places (if proposed) and drainage features. The driveway(\*) shall thereafter be constructed in accordance with the approved details.

(\*) It should be noted that any significant change to the alignment of the driveway will require a new planning application.

**Reason:** To ensure that the development is sensitive to its context, in accordance with policies 14 and 4 of NPF4, and policies 28, 29, 36, 57 and 61 of the Highland wide Local Development Plan 2012.

9. No development shall commence until further details of the siting of the foul and surface water drainage infrastructure (including treatment plant and soakaway locations) and their potential impact on the hydrology and group of pine trees to the NORTHWEST of the house have been submitted, to, and approved in writing by the Planning Authority in consultation with the Environmental Health Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction, in accordance with policy 6 of NPF4 and policies 51 and 57 of the Highland wide Local Development Plan 2012.

10. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Environmental Health Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

**Reason:** To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies, in accordance with policy 16 of NPF4 and policies 28 and 36 of the Highland wide Local Development Plan 2012.

11. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following the commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site in accordance with policy 6 of NPF4 and policies 51 and 57 of the Highland wide Local Development Plan 2012.

## **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. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

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

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

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

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

Construction works on the development hereby approved will require a Licence from NatureScot due to the presence of European Protected Species. You must secure this separately from NatureScot before any works, including pre-commencement preparation and site clearance work commence.

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>

### **CCTV**

Please be advised that Part 25 Class 72 of the Town and Country Planning (General Permitted Development) (Scotland) Order does not afford permitted development rights for CCTV cameras for security purposes within a National Scenic Area.

Signature: Bob Robertson  
Designation: (Acting) Planning Manager - South  
Author: Lucy Prins  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan 310/p001c Rev C 16.05.23  
Plan 2 - Location plan 310/p002b Rev B 05.04.23  
Plan 3 - Proposed site layout plan 310p/004 Rev C  
Plan 4 - Proposed ground floor plan 310p/101 Rev B  
Plan 5 - Proposed floor plan 310/p102 Rev B  
Plan 6 - Proposed first floor plan 310/p103 Rev B  
Plan 7 - Proposed roof plan 310/p104 Rev B  
Plan 8 - Proposed elevations 310/p111 Rev A  
Plan 9 - Proposed elevations 310/p112 Rev A  
Plan 10 - Building footprints comparison 310/p005

## **Annex A: Appropriate Assessment – 23/00585/FUL Erection of dwelling house on land at Commando Rock, Roshven**

### **Consideration of Proposals Affecting European Sites**

The site's inclusion within an SAC under EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the "Habitats Directive") means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.

This means that where the Planning Authority concludes a development proposal (unconnected with the nature conservation management of a Natura 2000 site) is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment also extends to any 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 adversely affect the integrity of the site. If this is not the case, and there are no 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.

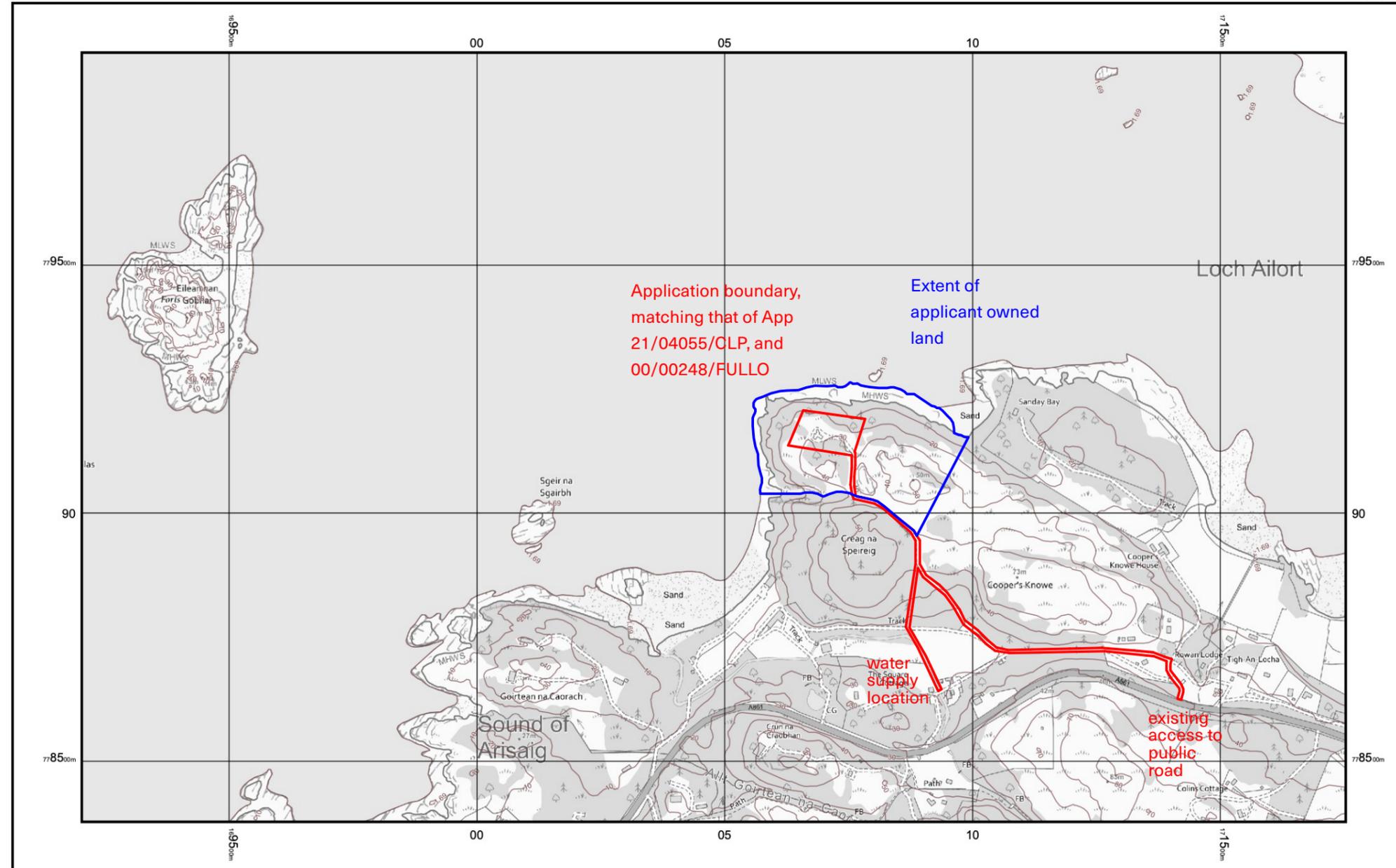
It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

### **Sound of Arisaig (Loch Ailort to Loch Ceann Traigh) Special Area of Conservation (SAC)**

The proposed development is within the Sound of Arisaig SAC designated for subtidal sandbanks. It is proposed to install a new drain to discharge treated sewage to the sea. These discharges will need to comply with SEPA standards. Subtidal sandbank habitats can be sensitive to changes in water quality however discharges are unlikely to be at a level that will significantly affect the protected feature of this site. On this basis it is unlikely that the proposal will have a significant effect on any qualifying interests of the SAC, directly or indirectly. An appropriate assessment is therefore not required.

### **Conclusion**

On the basis of this appraisal, it is concluded that the proposal will not adversely affect the integrity of the Sound of Arisaig Special Area of Conservation (SAC).



Rev A	Red line updates as requested by planning	24.02.23
Rev B	Extent of client ownership corrected	05.04.23
Rev C	Access from public road corrected	16.05.23

do not scale drawing, note dimensions only, if in doubt seek clarification

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Client

**Private**

Project

**The Rock**

Title

**Location Plan 01**

Scale	Date	Drawn	Checked
1:10000@A3	08/11/2022	AB	KB

Status  
 Planning

Drg No

**310/p001c**



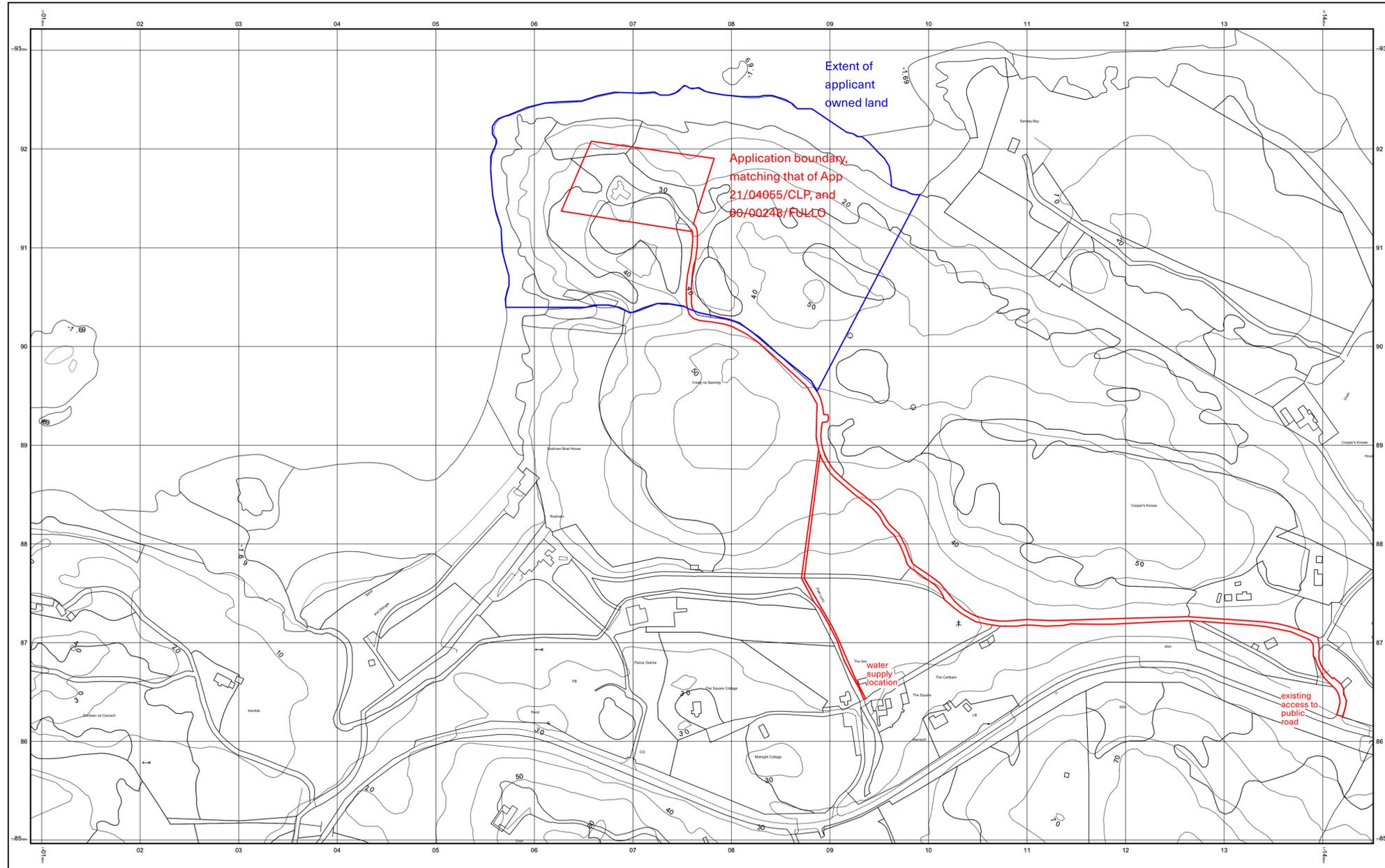
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0m 1cm = 100m 500m  
 Scale 1:10000



310

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 Serial No: 252615  
 Centre Coordinates: 170770,778909  
 Production Date: 14/11/2022 13:43:15



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0m 1cm = 25m 250m  
 Scale 1:2500



Rev A Red line updates as requested by planning 24.02.23

Rev B Extent of client ownership corrected 06.04.23

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Client

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Project

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Title

Location Plan 02

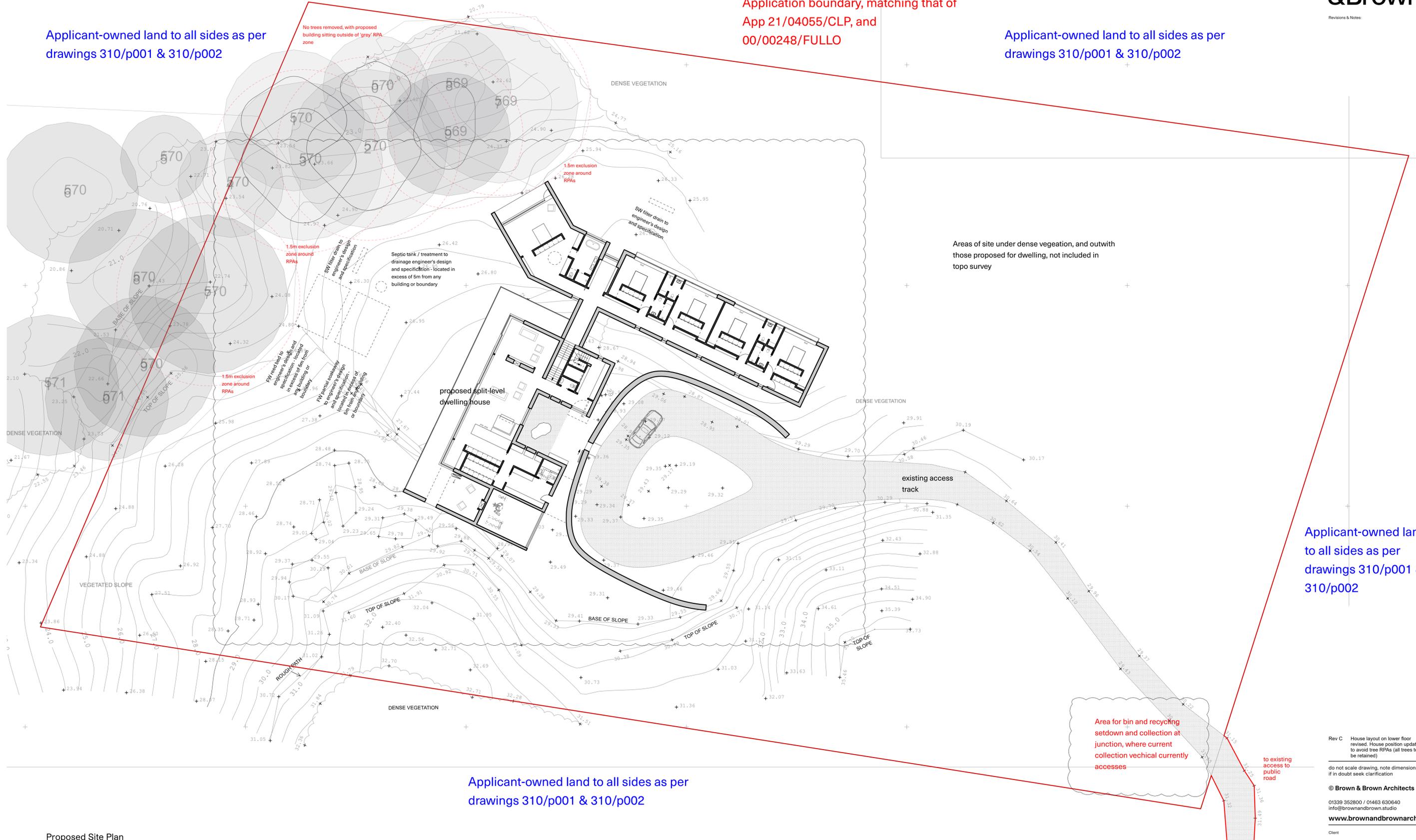
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Status: Planning  
 Dwg No: 310/p002b

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Application boundary, matching that of App 21/04055/CLP, and 00/00248/FULLO

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

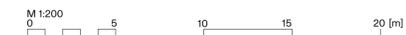


Areas of site under dense vegetation, and outwith those proposed for dwelling, not included in topo survey

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Proposed Site Plan  
Scale: 1:200



Rev C House layout on lower floor revised. House position updated to avoid tree RPAs (all trees to be retained) 16.08.24

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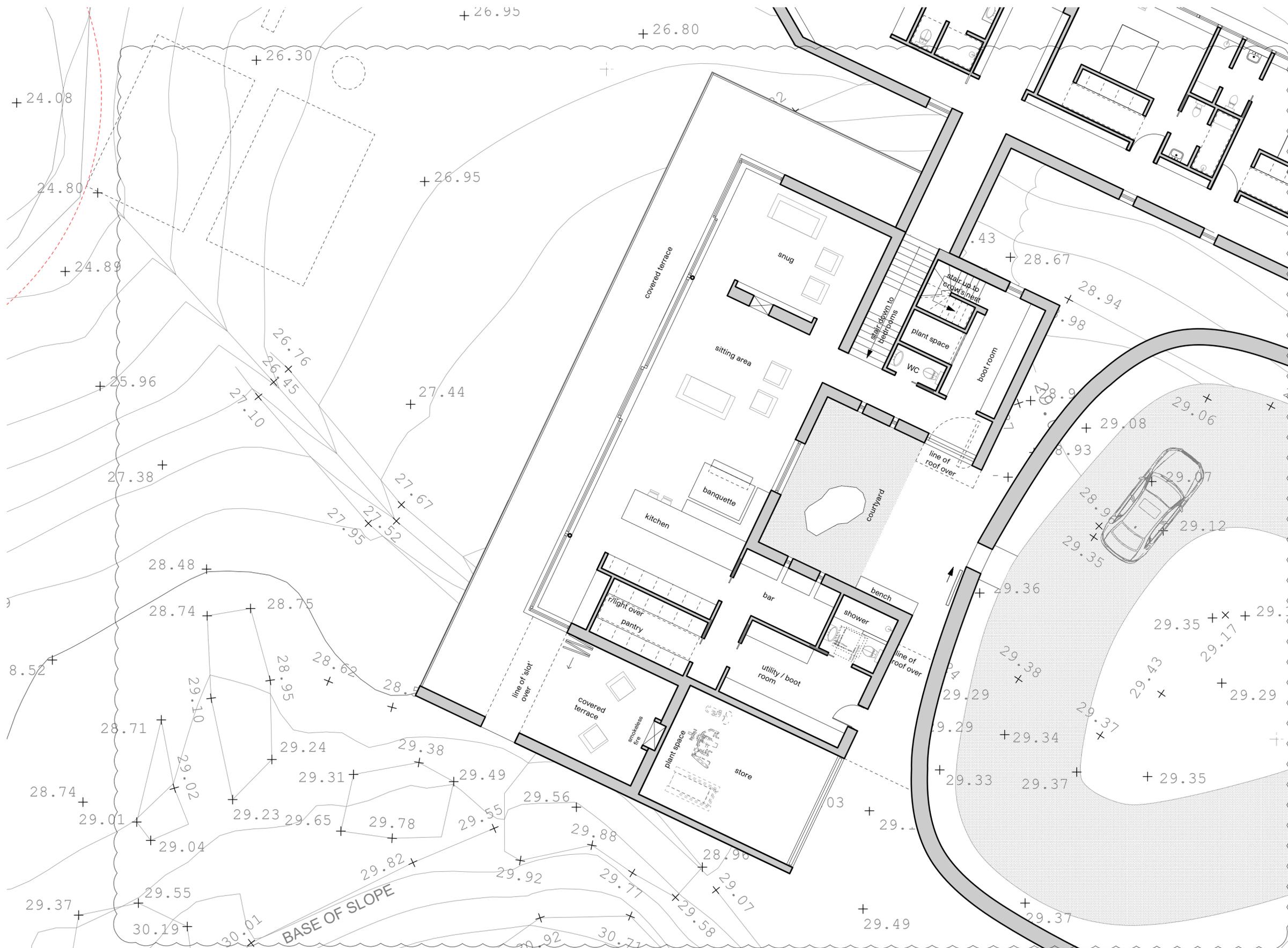
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Proposed Site Plan

Scale	Date	Drawn	Checked
1:200@A1	08/11/2022	AB	KB

Status  
Planning

Draw No  
310/p004c



**Proposed GF Plan**  
Scale: 1:100

Rev B House layout on lower floor revised. House position updated to avoid tree RPAs (all trees to be retained) 16.08.24

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**Proposed GF Plan**

Scale	Date	Drawn	Checked
1:100@A2	08/11/2022	AB	KB

Status	Drng No
Planning	<b>310/p101b</b>



Rev B House layout on lower floor revised. House position updated to avoid tree RPAs (all trees to be retained) 16.08.24

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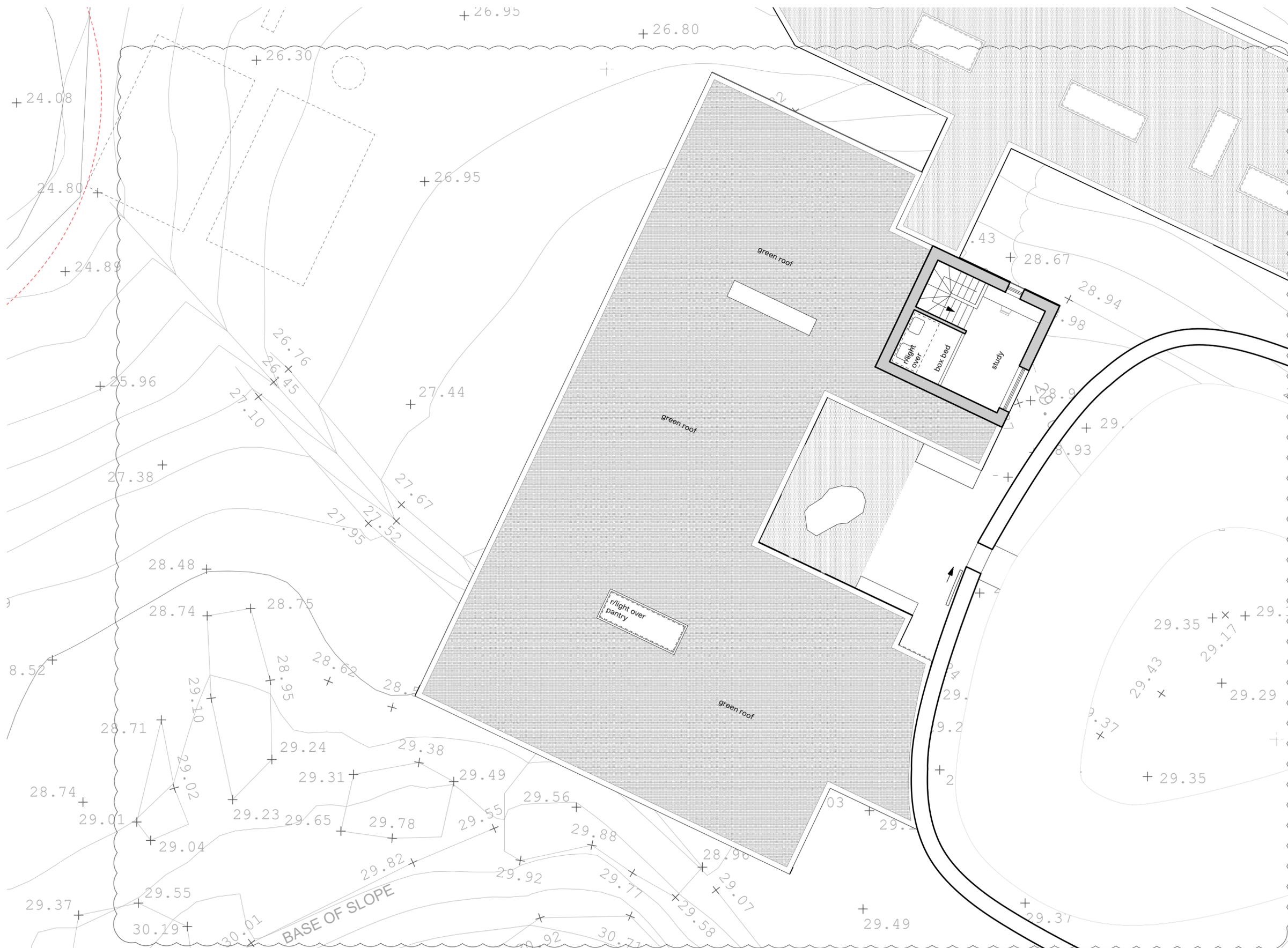
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Status	Drg No
Planning	<b>310/p102b</b>

Proposed Lower Plan  
Scale: 1:100





**Proposed GF Plan**  
Scale: 1:100

Rev B House layout on lower floor revised. House position updated to avoid tree RPAs (all trees to be retained) 16.08.24

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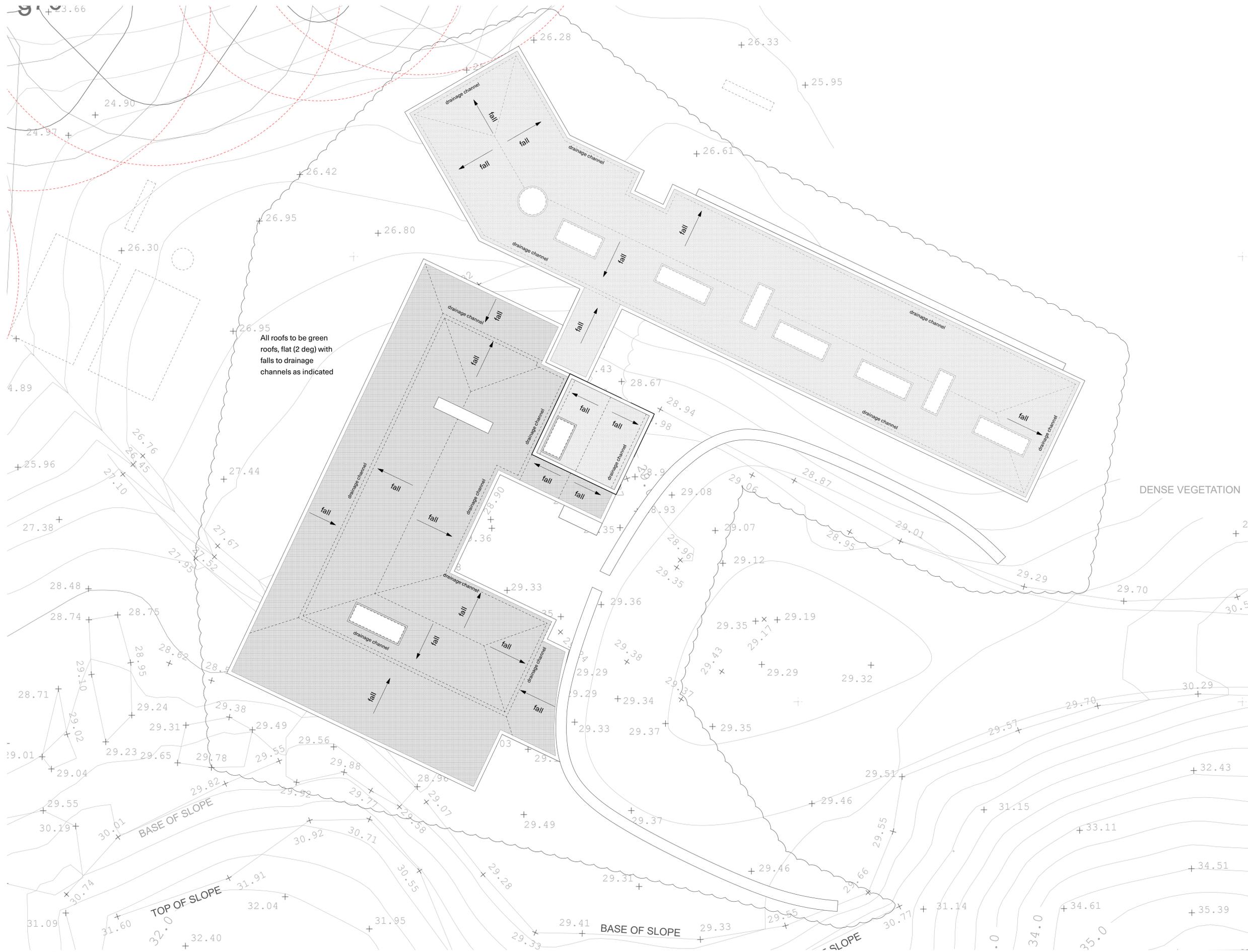
**The Rock**

Title

**Proposed FF Plan**

Scale	Date	Drawn	Checked
1:100@A2	08/11/2022	AB	KB

Status	Drng No
Planning	<b>310/p103b</b>



All roofs to be green roofs, flat (2 deg) with falls to drainage channels as indicated

Proposed Roof Plan  
Scale: 1:100

Rev B House layout on lower floor revised. House position updated to avoid tree RPA's (all trees to be retained) 16.08.24

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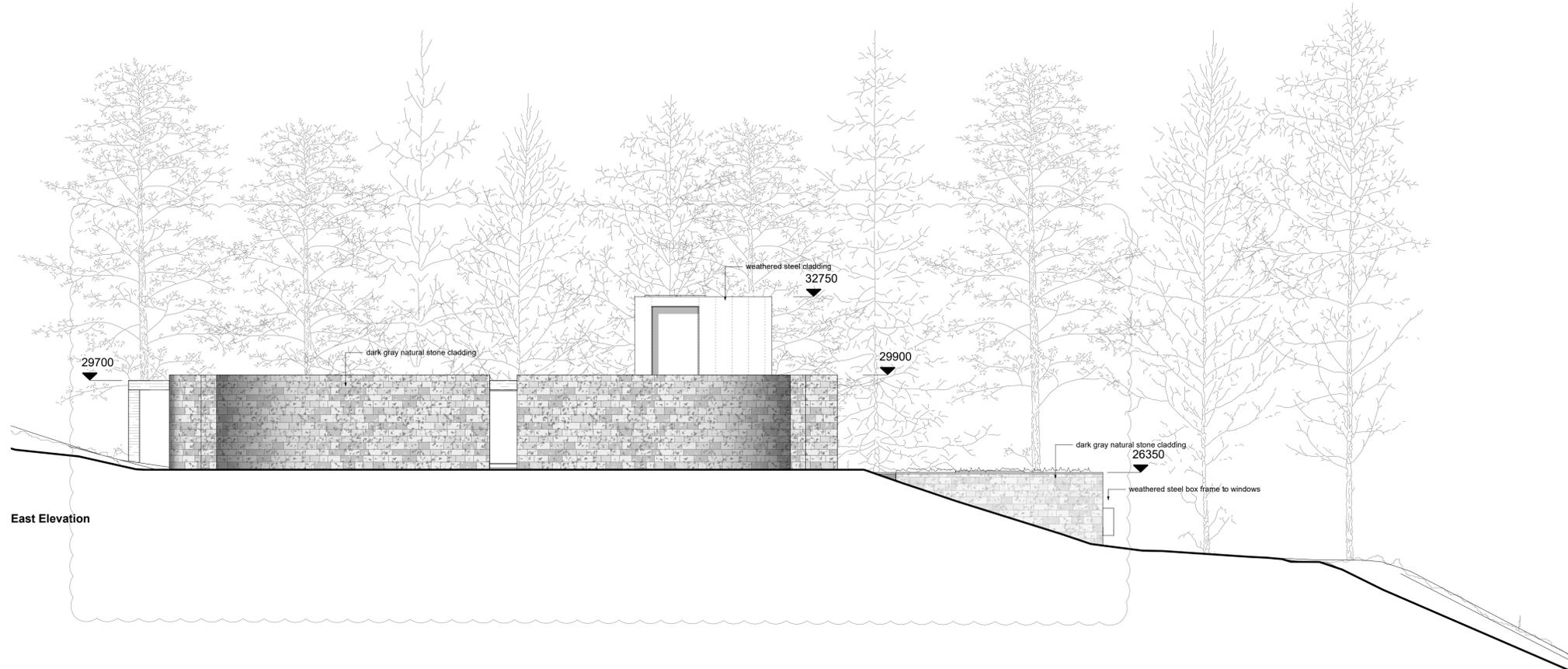
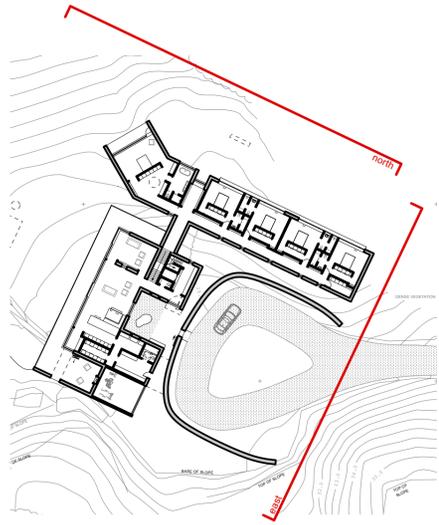
The Rock

Title

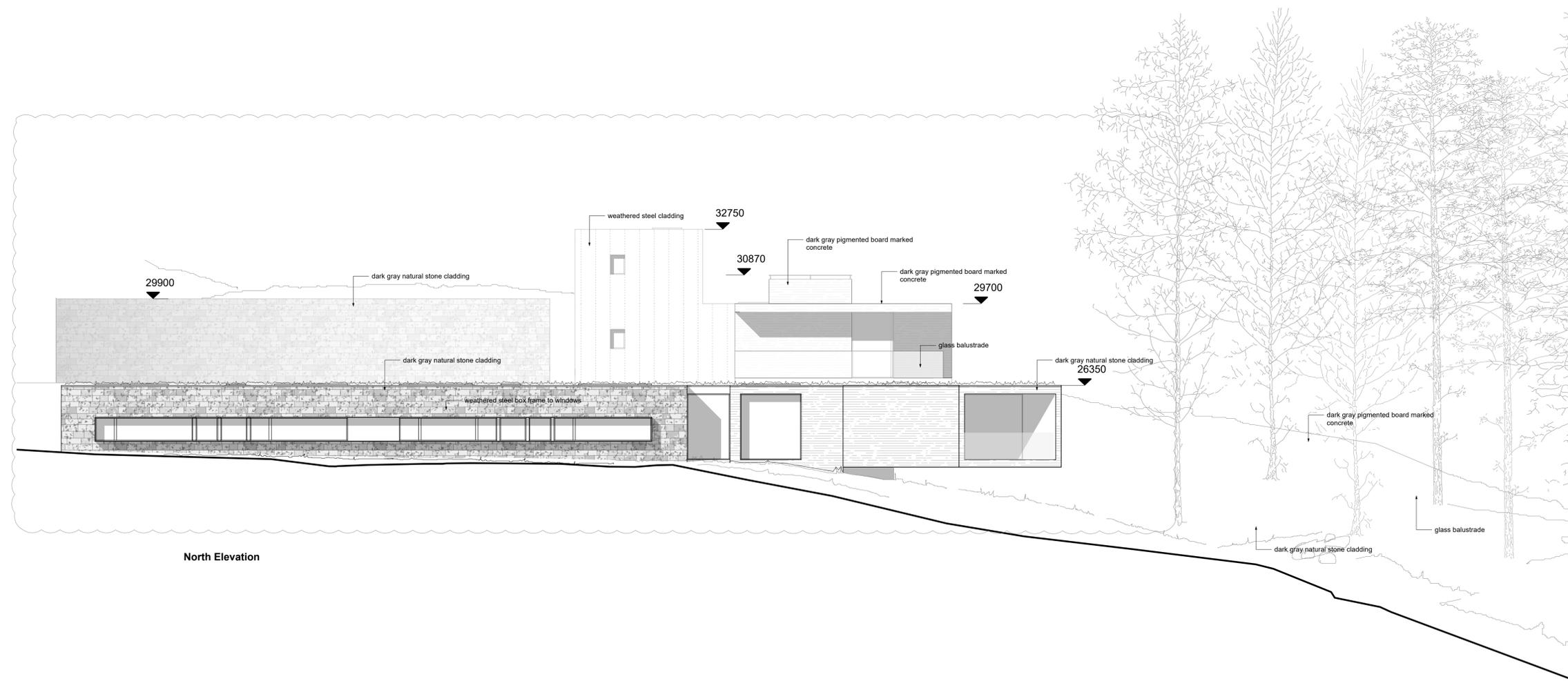
Proposed Roof Plan

Scale	Date	Drawn	Checked
1:200@A1	08/11/2022	AB	KB

Status	Draw No
Planning	310/p104b



East Elevation



North Elevation



Rev A House layout on lower floor revised. House position updated to avoid tree RPKs (all trees to be retained) 26.08.24

heights measured in mm from OS datum

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Proposed Elevations 01

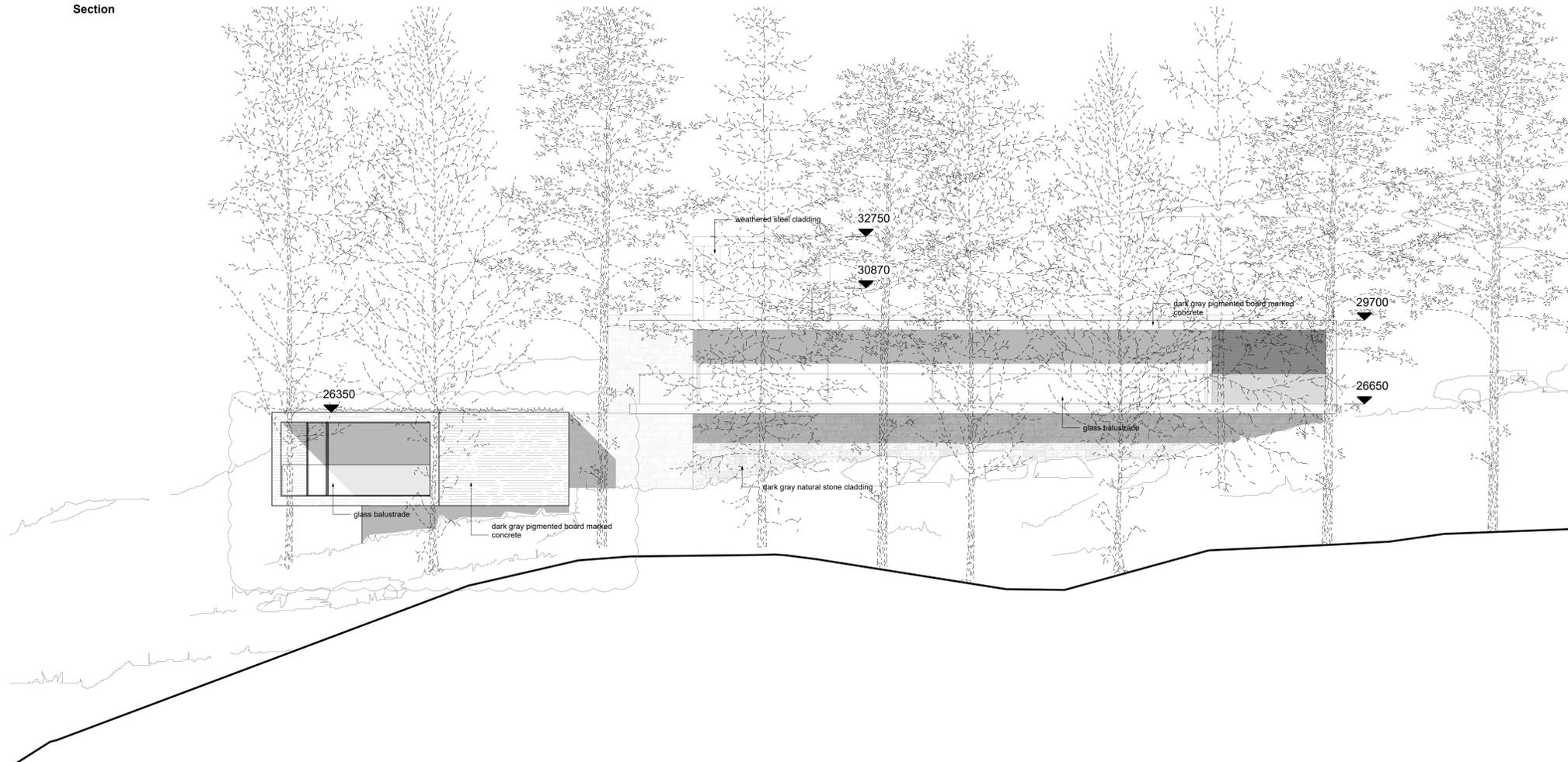
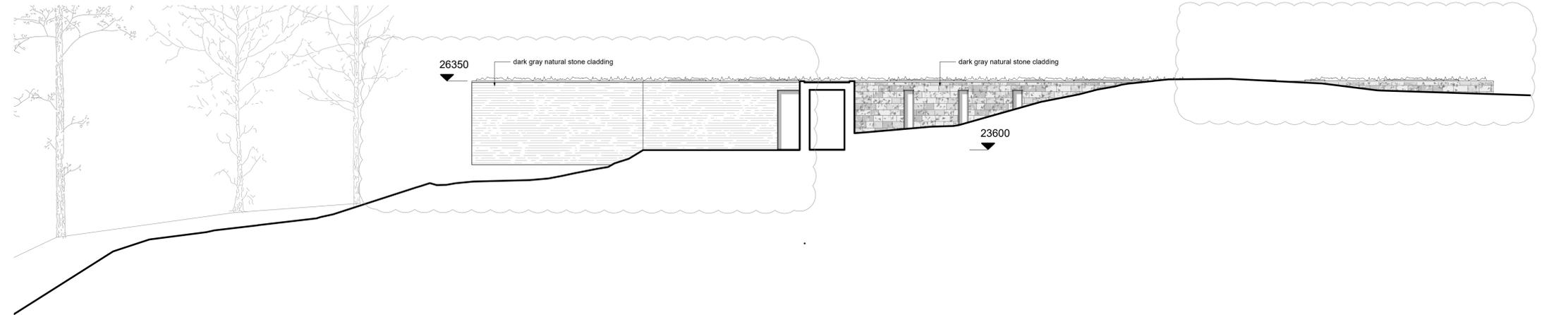
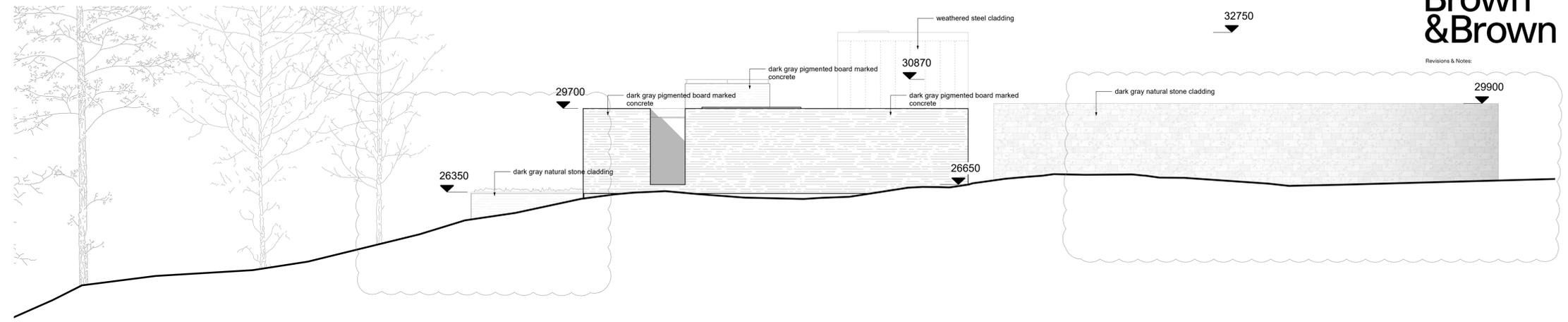
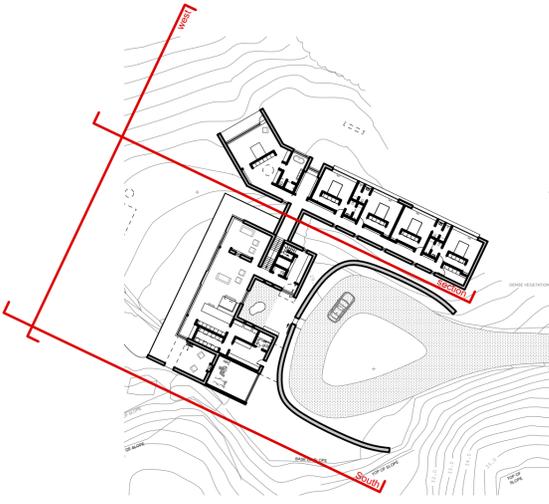
Scale	Date	Drawn	Checked
1:100@A1	08/11/2022	AB	KB

Status

Planning

Drw No

310/p111a



Rev A House layout on lower floor revised. House position updated to avoid tree RPKs (all trees to be retained) 26.08.24

heights measured in mm from OS datum

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Proposed Elevations 02

Scale	Date	Drawn	Checked
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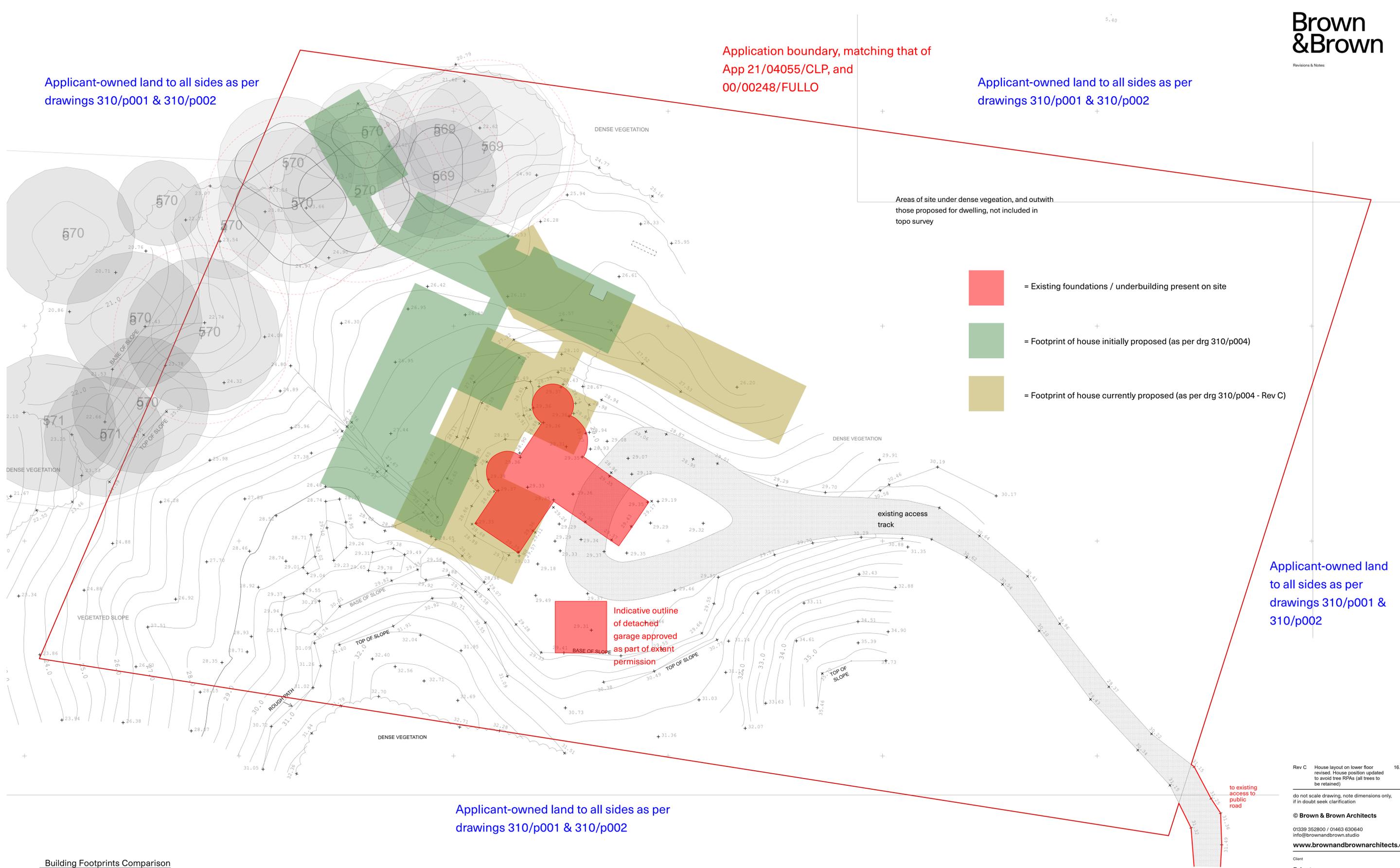
Status	Dwg No
Planning	310/pt12a



Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Application boundary, matching that of App 21/04055/CLP, and 00/00248/FULLO

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002



Areas of site under dense vegetation, and outwith those proposed for dwelling, not included in topo survey

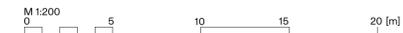
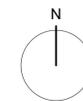
- = Existing foundations / underbuilding present on site
- = Footprint of house initially proposed (as per drg 310/p004)
- = Footprint of house currently proposed (as per drg 310/p004 - Rev C)

Indicative outline of detached garage approved as part of extant permission

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Applicant-owned land to all sides as per drawings 310/p001 & 310/p002

Building Footprints Comparison  
Scale: 1:200



Rev C House layout on lower floor revised. House position updated to avoid tree RPAs (all trees to be retained) 16.08.24

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Building Footprints Comparison

Scale	Date	Drawn	Checked
1:200@A1	19/01/2006	DM	AB

Status

Planning

Drp No

310/p005a