



Committee report

Development proposed:

Erection of houses (amended house types and driveway locations on Plots 20 and 21) at land between Perth Road and Station Road, Newtonmore, Highland

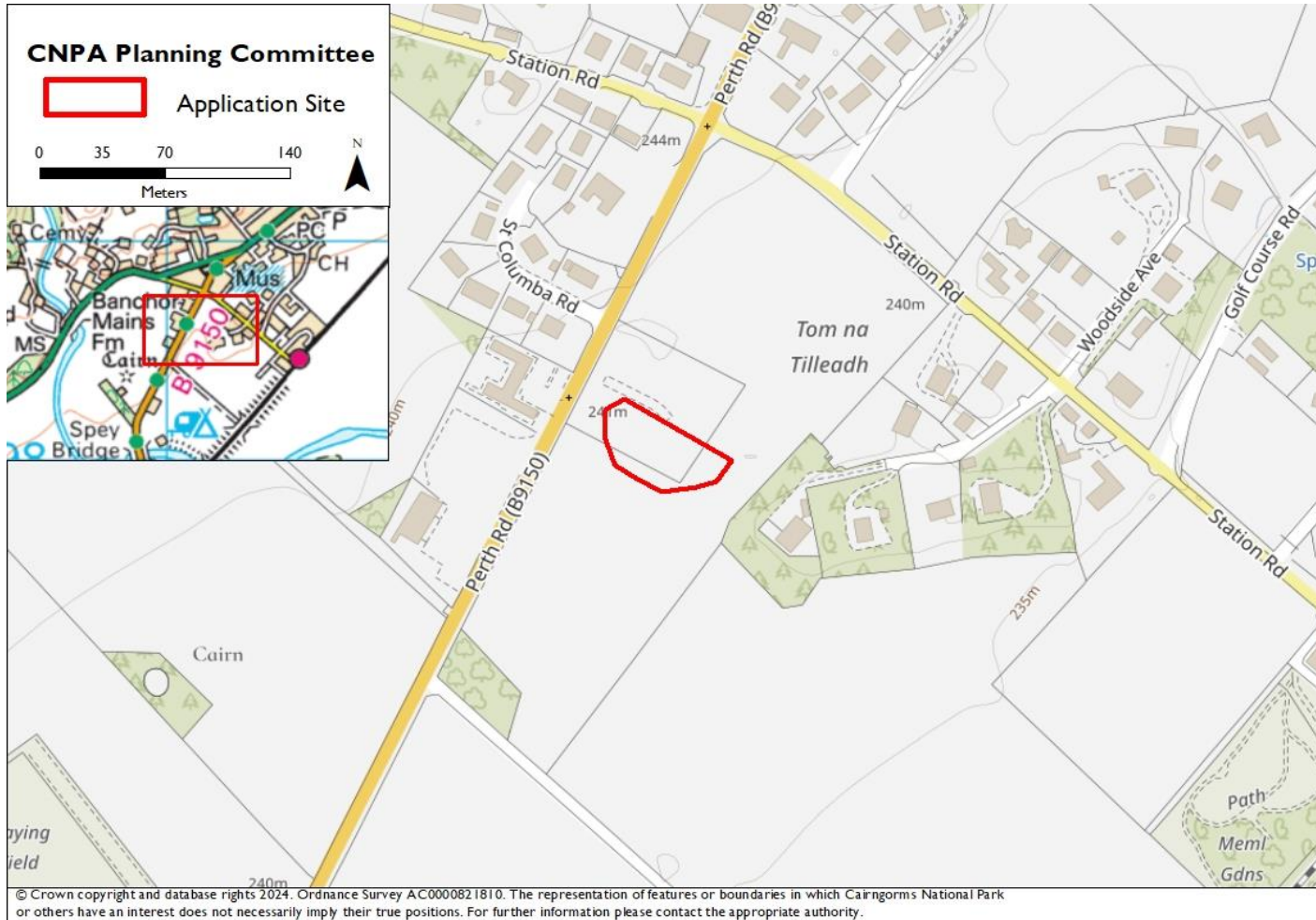
Reference: 2024/0149/DET

Applicant: Tulloch Homes Ltd

Date called-in: 17 June 2024

Recommendation: Approve subject to conditions

Case officer: Katherine Donnachie, Planning Officer



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Site description, proposal and history

Site description

1. The application site is located at the southern edge of Newtonmore and is located within an ongoing housing development here. The Newtonmore to Perth B9150 road runs to the west and access is taken of this road. The plots are located in the northern part of the wider site with spur roads located to the east and west of the plots, feeding off the wider site access road. These roads are currently under construction and at present the application site is part of a building site. The application site and wider site are fairly level, former grazing ground.
2. Residential properties lie to the east on Woodside Avenue set within wooded gardens. To the far north there are further residential properties on Station Road and to the west, on the opposite (west) side of the main Perth Road, there are further residential properties on St Columba Road. To the south-west, also on the opposite side of the main road there is a café and petrol station. Fields lie to the far south and southeast of the wider site. The Coffin Road path runs along the southern boundary of the wider site.
3. There are no specific environmental designations on the site, with the River Spey Special Area of Conservation and SSSI lying some 0.58 metres to the far south. There is no apparent connectivity to this watercourse from the site. There are no listed buildings/scheduled monuments within the immediate vicinity.

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>



Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan- plots 20 & 21	3295-02-006	01/05/24	13/06/24
Plan - Site Layout Plan	3295-02-021 Rev F	29/10/08	13/06/24
Plan - Floor Plan -plots 8, 21, & 72	3295- 01-121 Rev D	01/05/24	13/06/24
Plan - Floor Plan -plots 11, 20 & 75	3295- 01-127 Rev D	01/05/24	13/06/24
Plan - Elevations - Plots 8, 21, & 72	3295- 01-122 Rev D	01/05/24	13/06/24
Plan - Elevations - Plots 11,20 & 75	3295- 01-128	01/05/24	13/06/24
Other - Design and Supporting Statement	07/230/CP Version 1.1	25/05/24	13/06/24
Other - External Finishes Schedule	3295/FS01 Version 3	04/07/24	04/07/24
Plan - Overall landscape proposals	TH 109.23-SL-01 Rev E	05/07/24	05/07/24
Plan - Landscaping Proposals Planting Plan	TH 109.23-SL-02 Rev A	05/07/24	05/07/24
Other - Soft Landscape Works - 5-year maintenance regime		05/07/24	05/07/24

*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

5. Plans of the proposals are included in **Appendix 1**.



6. The current application seeks full planning permission to change house types and access locations on plots 20 and 21 of the original housing development here. This involves a change from a pair of 3 bedroomed semi-detached houses on the plots to two detached 3 bedroomed houses. The original house types were 2 storey houses with rear two storey wings and front dormers on lower front wing. (A non-material variation removing the rear wings was approved in 2022.) Finishes were mixture of timber cladding and harling.
7. The house types proposed now are 1 ½ storey with two front dormers and one rear dormer, extensive timber boarding features and limited amount of harling. They now contain integral garages with access taken through the front gardens off the site road to the south. (Access was previously taken from the rear of the houses to the site roads to the east and west respectively all as detailed in the supporting design statement.)
8. Proposed finishes are grey concrete tiled roofs, white harling, grey timber features and grey doors/windows. Air source heat pumps are proposed and 1.8 metre high timber screen fences around rear gardens.
9. No changes to the wider servicing are proposed, with the new houses connecting into the originally proposed servicing arrangements of public water and foul drainage connections and served by the originally approved roads layout. The surface water from roofs will be disposed of by on site soakaways and roads water will connect to the previously approved SUDS scheme in the southern part of the site.
10. A Design Statement and Supporting Statement has been submitted outlining the changes from the original submission. This also explains that with the original submission an area of amenity space was identified to the west of plot 20. This has been altered to a smaller area there, plus an amenity area to the east of plot 21 to give a similar overall amount of space. Details of planting have now been provided which show mixed native species hedging along the boundaries with the amenity areas, and beech hedging within front garden areas. Trees are proposed within the amenity areas comprising a mixture of birch, rowan, bird cherry and gean.



11. A fresh planning application was required in this case as the change in access position, revised amenity area size/position and change from semi-detached to detached houses was considered to combine to be a material change requiring consent. Consequently, these changes could not be approved as a non-material variation in this case.

History

12. Planning consent was initially granted in 2011 for a housing development here of 81 houses and access roads (Reference 07/230/CP). This consent was subject to numerous conditions and a section 75 legal agreement regarding developer obligations. Suspensive planning conditions were subsequently discharged, and a start was made on site. With this original consent priority purchase housing for local residents was also identified on the eastern edge of the site (plots 29 -48) under the terms of planning condition 3. A number of non-material variations to this consent have been granted over the years. Condition 28 required landscaping details to be approved which were duly approved in 2016. These plans included landscaping of the two amenity areas beside plots 20 and 21.

13. In 2018 planning consent was granted to amend the layout of plots 49 – 68 in the southernmost part of the site (Reference 2018/0242/DET) This layout did not include the current application site and comprised the affordable unit provision for the scheme (20 houses).

14. In 2022 consent was granted for formation of a road and SUDS basin in the southern part of the site - again this did not include the current application site area. (Reference 2022/0358/DET) This SUDS basin is intended to serve the wider housing development.



Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
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 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 20	Blue and green infrastructure	
Policy 22	Flood risk and water management	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	X
Policy 2	Supporting economic growth	
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X
Policy 6	The siting and design of digital communications equipment	



Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	
Policy 9	Cultural heritage	
Policy 10	Resources	X
Policy 11	Developer obligations	X

15. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

16. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

Policy 1	Housing supplementary guidance	x
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	x
Policy 4	Natural heritage non-statutory guidance	x
Policy 5	Landscape non-statutory guidance	x
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	x
Policy 11	Developer obligations supplementary guidance	x

Consultations

17. A summary of the main issues raised by consultees now follows:



18. **Scottish Water** has no objection to the application. They advise that the applicant will require to contact them regarding connections to their systems.
19. **The Highland Council Transportation Team** have no objection to the proposals providing the in-curtilage parking meets the minimum requirements of two in curtilage spaces per plot – garage provision does not count towards this.
20. **Newtonmore Community Council** was consulted and have not provided any comments to date.

Representations

21. The application was advertised locally, and no representations have been received.

Appraisal

22. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies will be used.
23. The main planning considerations in this case are the principle of development, siting and design, and any environmental or servicing issues. These are considered in detail below.

Principle

24. **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Similarly, **Policy 16: Quality Homes** sets out that development proposals for new homes on land allocated for housing in the LDP will be supported.
25. **NPF4 Policy 17: Rural Homes** also sets out that proposals for new homes in rural areas will be supported on a site allocated for housing within the LDP.



26. **Policy 1: New Housing Development** of the Cairngorms Local Development Plan also explains that new housing proposals will be supported where they are located on an identified allocated site or within an identified settlement boundary and meet the requirements for the settlement as outlined in the community information section and reinforce and enhance the character of the settlement.
27. In this regard the application site lies within a larger approved housing development located within the settlement boundary of Newtonmore as designated in the Local Development Plan. The originally approved development for 81 houses lies within a wider site which is designated for housing development as R1, allocated for a total of 120 dwellings. The settlement statement explains that as this is a visually prominent site the design of any detailed proposals must take account of the sensitive setting of the village and designed in a way that promotes the highest standards of access, layout, building design and public realm. Medium to high-risk probability flood risk is identified in the southern part of the wider site and the need for flood risk, drainage and landscaping information is noted in the settlement statement.
28. Also relevant in terms of principles, is the issue of affordable housing provision. **NPF4 Policy 16: Quality Homes** sets out that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need with provision of at least 25% sought unless the LDP set out locations where a higher or lower contribution is sought. In this regard **Policy 1: New Housing Development** of the Cairngorms Local Development Plan states that developments of four or more dwellings should include provision for affordable housing. For Newtonmore 25% of the total number of dwellings proposed must be affordable.
29. In this case affordable housing provision was agreed with previous applications, with a total of 20 houses identified in the southern part of the site as being for affordable provision. The current application lies out with this area.
30. Set against this policy background the principle of this application to amend the house designs on two plots within an approved housing development on land specifically designated for housing, and where affordable housing provision has



been identified previously, readily complies with NPF4 and LDP policies. It is the detail of the design and layout that falls to be considered now as follows.

Landscape Issues, Layout and Design

31. NPF4 Policy 4: Natural Places sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Policy 5: Landscape of the Cairngorms Local Development Plan 2021 sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the Cairngorms National Park

32. NPF4 Policy 14: Design, Quality and Place also states development proposals should improve the quality of an area and be consistent with the six qualities of successful places. It also sets out that proposals which are poorly designed and detrimental to the amenity of the area will not be supported. This echoes the requirements of **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 which also sets out principles of sustainable design to be met with new development. As noted earlier the settlement statement for Newtonmore also sets out the need for high quality design and layout on this prominent site.

33. In this regard the overall plot layout here was approved with the original planning application and the current proposal simply seeks to change the layout slightly in terms of the positioning of the individual site accesses from the rear/side of the houses to the front, changing to two detached houses instead of a pair of semi-detached houses and amending the landscaped areas slightly. These changes are in keeping with the wider layout of the site and will not adversely affect the overall layout and appearance once the site is built out. Details of the landscaping of the amenity areas now proposed to the east and west of the plots comprises hedging and tree planting with native species. This is considered to be entirely appropriate



here with the current proposals including more hedging than was originally approved which is welcomed.

34. The previous house types here were 2 storey with partly 1 ½ storey frontage. The proposed detached ones are of 1 ½ storey scale finished in grey timber, roof and white harling, and are a house type proposed elsewhere on the development. This design is considered to be appropriate to the wider site and raises no particular design issues, with the increased use of timber cladding welcomed. Furthermore 3-bedroom properties are still proposed so the overall mix of house size remains unchanged.
35. There will be no loss of amenity for the closest existing houses in the area which lie some distance to the east in large, wooded gardens. The layout, scale and window positions of the proposed new houses will not give rise to adverse impacts in terms of privacy and amenity for the adjacent approved plots.
36. In these circumstances the proposed relatively minor changes are considered to comply with NPF4 and LDP policies.

Environmental Impacts

37. **NPF4 Policy 3: Biodiversity** requires that development proposals to contribute to the enhancement of biodiversity and to include appropriate measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of the development. **NPF4 Policy 4: Natural Places** does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest. **Policy 4: Natural Heritage** of the Cairngorms Local Development Plan similarly requires new development to have no adverse effects on the integrity of designated sites, the National Park or on protected species or habitats.
38. This application does not involve any additional loss of habitat as compared to the original applications, involving development on two previously approved plots which are part of a wider site being cleared for development. As noted at the time of the



Habitat Regulations Appraisal for the SUDS basin in 2022, there is no connectivity to watercourses and in particular the River Spey SAC and accordingly no adverse effects on designated sites. Furthermore, the proposed landscaping, which includes more hedging than the originally consented layout, offers the opportunity for proportionate biodiversity enhancements as required by NPF4 policy.

39. In these overall circumstances the development is considered to comply with NPF4 and LDP policy.

Servicing – water environment

40. **NPF4 Policy 22: Flood Risk and Water Management** creates a presumption against all development at risk from flooding and seeks to ensure that there is no risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SUDS) with area of impermeable surfaces minimised. **NPF4 Policy 20: Green and Blue Infrastructure** is also of some relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included. **Policy 10: Resources** of the Cairngorms Local Development Plan requires development to minimise the use of treated and abstracted water, treat surface water in accordance with the SUDS manual, ensure no adverse impacts on private water supplies, and ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.

41. Drainage infrastructure for this wider site was approved with previous applications, including a SUDs basin to the south of the site to deal with roads drainage as approved in 2022. The proposed development, which does not increase the number of houses, will connect into these previously approved arrangements and raises no new issues for the water environment. As such it is considered to comply with NPF4 and LDP policy.

Servicing – Transport and public access issues

42. **NPF4 Policy 13: Sustainable Transport** supports new development where it is in line with the sustainable transport and investment hierarchies and where appropriate provides safe links to local facilities via walking, wheeling and cycling networks, is



accessible by public transport, provides low or zero emission charging points and secure cycling parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, and takes account of the transport needs of diverse groups and adequately mitigates any impact on local public access routes. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan also requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel and to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network.

43. In this regard the development is part of a wider approved housing layout which is designated for development on a location which is within easy walking distance of the services and amenities of Newtonmore, including the railway station as well as the petrol station and café opposite. It does not adversely affect the road layout for the remainder of the site nor change the existing approved road layout. The technical consultee (Highland Council Transportation Team) has no objections subject to adequate parking provision of two in curtilage spaces per house which has been achieved in the proposed layout. Finally, the development does not impact upon existing outdoor access routes, with walking routes such as the Coffin Road track to the south readily accessible.
44. In these circumstances the development is considered to comply with NPF4 and LDP policy.

Sustainability and Climate Change

45. The National Planning Framework 4 highlights that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. This is reinforced by **NPF4 Policy 1: Tackling the Climate and Nature Crises** which applies to all development and sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate Mitigation and Adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to



minimise the effects on climate change in terms of siting and construction The NPF recognises the need to minimise waste with **NPF4 Policy 12: Zero Waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy. Similarly, **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan also requires new development to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. **Policy 10: Resources** of the Cairngorms Local Development Plan also seeks to ensure minimisation of waste during construction and life of developments.

46. In this regard the proposed development on designated housing land within a village is considered to comply with these objectives. It will provide housing on land that can be readily serviced, by both public transport and private vehicles, as well as within a village so helping to support local services and amenities. There is ample space within the plots for bin storage, air source heat pumps are proposed, and the largely flat nature of the site will help to minimise impacts on soils.

47. In these overall circumstances the development is considered to comply with NPF and LDP policy.

Developer Obligations

48. **NPF4 Policy 18: Infrastructure First** sets out that the impacts of developments on infrastructure must be mitigated. Similarly, **Policy 11: Developer Obligations** of the Cairngorms Local Development Plan sets out where development generates a need to increase and improve public services or infrastructure or to mitigate adverse effects, the developer will be required to make a fair and reasonable contribution, in cash or kind, towards the additional costs or requirements.

49. In this case developer obligations were considered at the time of the original planning application for the overall development here with a legal agreement in place to secure contributions for each house towards the provision and enhancement of recreational and other community facilities. This agreement remains in place and



contributions for these two plots will be covered by it. Accordingly, the development is considered to comply with NPF and LDP policy.

Conclusion

50. The ongoing development of a designated housing site within Newtonmore is welcomed. The proposed changes to house type and access position raise no particular land use planning issues and the development is considered to comply with NPF4 and LDP policies. Conditions to secure implementation of landscaping, layout, parking etc. can be readily addressed along with any relevant implementation conditions from the original consent which can be reimposed. On this basis approval is recommended.

Recommendation

51. That members of the committee support a recommendation to APPROVE the erection of houses (amended house types on Plots 20 and 21) at Land Between Perth Road and Station Road Newtonmore subject to the following conditions:

Conditions

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The houses hereby approved shall not be occupied until the drainage arrangements (foul and surface) have been implemented in accordance with the approved details.

Reason: To ensure that sustainable drainage arrangements avoiding unacceptable impacts on the environment are implemented in accordance with Policy 22: Flood



Risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

3. All landscaping and planting shall be implemented in accordance with the approved details in the first planting season following the completion or occupation, whichever is the sooner, of the houses hereby approved. The landscaping shall be retained and maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.

Reason: To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, and to ensure the development complements and enhances the landscape accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. The development hereby approved shall be constructed in accordance with the approved details and plans.

Reason: To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework 4 and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

5. No residential unit shall be occupied until its parking and access arrangements have been completed in accordance with the approved plans. This infrastructure to be retained thereafter throughout of the lifetime of the development hereby approved.

Reason: To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021

6. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any



order amending it, the front gardens of the houses hereby approved shall be maintained in an open plan format.

Reason: To maintain a consistent character throughout the wider development, improve the quality of the area and ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places and Policy 14: Design Quality and Place of the National Planning Framework 4 and Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

7. No residential unit shall be occupied until it is served by a road and footway constructed to adoptable standards.

Reason: To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

Informatives

1. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
2. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the



approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

3. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
4. It is recommended that all new housing incorporates integrated flexibility for home-working and high-speed fibre broadband connections.
5. The person undertaking the development is recommended to fully consider the potential for making electric charging provision at the plots.
6. The person undertaking the development should note the comments of Scottish Water and contact them regarding formal connection to their water and drainage networks. You should be aware that Scottish Water are unable to reserve capacity at their water and wastewater treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, they will review the availability of capacity at that time and advise the applicant according. More information is contained in their consultation response which also highlights that there is live infrastructure in the proximity of the development area – 80 mm pvc water main within the site boundary.
7. The person undertaking the development should ensure that they comply with all Road Construction Consent requirements – contact Highland Council Transportation Team for advice as required.