



Telephone: 0131 244 6938 Fax: 0131 244 8990  
E-mail: {redacted} k

{redacted}  
Highland Council  
Sent By E-mail

Our refs: PPA-270-2222 & PPA-270-2223  
Planning Authority refs: 19/02761/FUL & 19/02762/FUL

26 May 2020

Dear {redacted}

**PLANNING PERMISSION APPEAL: LAND AT DRUM FARM SOUTH OF FIRE STATION DRUMNADROCHIT IV63 6TG**

Thank you for the information that was received in this office on 25 May 2020 in response to the procedure notice dated 12 May 2020.

I note that you have also sent a copy to Farningham Planning Ltd. I can confirm that due to the COVID-19 situation, Farningham Planning Ltd have confirmed the appellants they are acting on behalf of, Springfield Properties PLC, are currently {{out of Therefore, it has been agreed that the cases should be put in SIST until Springfield Properties PLC are in a position to respond and provide the relevant information.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the DPEA's privacy notice - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>

I trust this information is clear. Please do not hesitate to contact me if you require any further information or a paper copy of any of the above documentation.

Yours sincerely

{redacted}

{redacted}

**Case Officer**  
**Planning and Environmental Appeals Division**



**From:** {redacted}  
**To:** {redacted}  
**Cc:** {redacted}  
**Subject:** RE: PPA-270-2222 & PPA-270-2223 Drumnadrochit  
**Date:** 22 September 2020 10:58:00  
**Attachments:** [image001.png](#)

---

Hi {redacted} - can you copy the council and appellant – Thanks  
The reporter notes the late response from the council but is minded to accept it onto the case file in concluding this written procedure process.

---

**From:** {redacted}  
**Sent:** 22 September 2020 10:42  
**To:** {redacted}  
**Cc:** {redacted}  
**Subject:** FW: PPA-270-2222 & PPA-270-2223 Drumnadrochit  
**Importance:** High

{redact

Can you confirm if you would be willing to accept this late response from the Council?

Thanks

{redact

{redacted}

**Case Officer**



**Planning and Environmental Appeals**

**4 The Courtyard**

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---

**From:** {redacted}  
**Sent:** 18 September 2020 12:39  
**To:** {redacted}  
**Cc:** {redacted}  
**Subject:** PPA-270-2222 & PPA-270-2223 Drumnadrochit

**Importance:** High

Good afternoon {redacted}

Sincere apologies, I have missed the submission deadline of 15 September due to muddling up the deadline with another ongoing appeal (PPA-270-2227). I appreciate that this response may be ruled out of time by the Reporter but, having realised my error have provided this response in order that the Reporter can decide.

**The Appellant's response on Matter 3**

The Appellant refers in their response to the affordable homes proposed numbering 23, however the proposed number is 24.

## **The Appellant's comments on the Council's response on Matter 6**

The Council's response to matter 6 included the following:

"The reasons given by the Committee for refusing the applications relate to matters of density/layout/design, noting the difference between the indicative capacity for the housing allocation of 55 homes and the number proposed in the application (93) with its concomitant consequences for place-making"

and it went on to say:

"..... as far as the Council is concerned, the applicant is proposing to overdevelop the site. Therefore, whatever phasing proposals are put forward, it is the Council's position that, if approved, the development will conflict with placemaking objectives. **The Council's reasons for refusal reflect this basic position**" [My highlight]

The Appellant appears to question the basis for the Council referring to phasing and overdevelopment in its response when those terms are not used in the reasons for refusal; however, the Council considers that the highlighted text above provides the justification. The Appellant goes on to say: "..... the Council's response appears to suggest that whatever phasing was proposed for the appeal site would be unacceptable, even if it complied, one presumes, with the suggested phasing set out in the LDP allocation". Given the developable area of site for housing (taking into account non-housing uses to be accommodated and flood risk areas to be avoided), the number of units proposed and design and layout considerations, then yes – the Council's position is that simply varying the phasing will not overcome all of the concerns.

Please pass on my apologies to the Reporter. I've copied in the appellant and extend my apologies to {redacted} too.

Kind regards

{redacted}

**Principal Solicitor (Planning)**

**The Highland Council**

**Council Headquarters**

**Glenurquhart Road**

**INVERNESS**

**IV3 5NX**

**DX - IN5**

{redacted}

**Please note that I am working from home and am contactable by email but not via my office phone number.**

Unless related to the business of The Highland Council, the views or opinions expressed within this e-mail are those of the sender and do not necessarily reflect those of The Highland Council, or associated bodies, nor does this e-mail form part of any contract unless so stated.

Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunnradh sam bith mura h-eil sin air innse.

# Drum Farm: Ecological walkover survey 2017

Nov 2017



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**Document Revision History**

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1	11.2017	

<i>Circulation</i>	<i>No. Copies</i>
Springfield Properties Ltd	1

Document prepared by

{redacted}

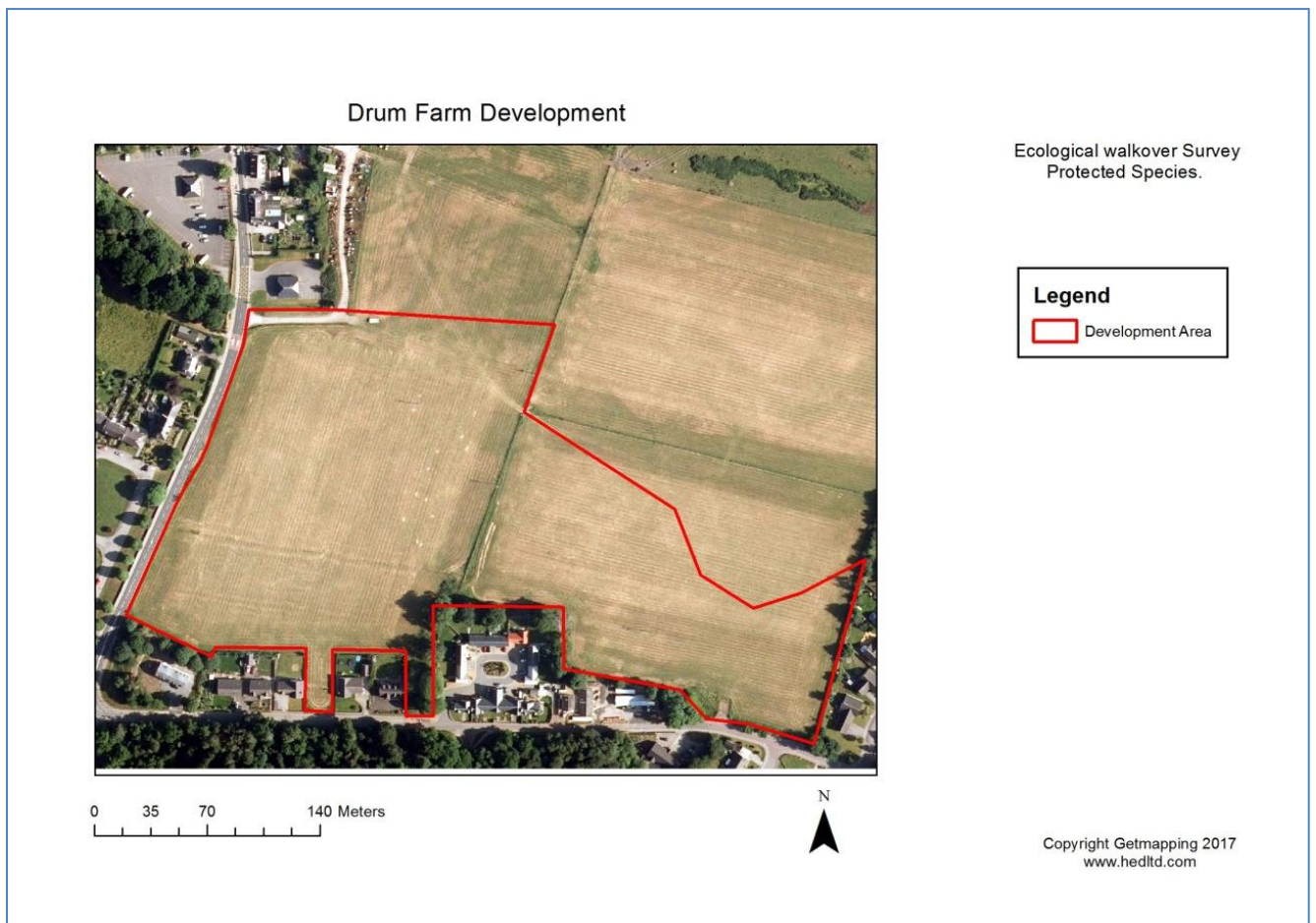
Principal Ecologist  
SNH licensed Bat worker (No.27009)

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## Introduction

This ecological walkover report is being produced ahead of proposals to develop an area of land of approximately on the south east corner of Drumnadrochit centred at NGR 250948 829717. A field visit was carried out in November 2017 by a field ecologist from HED Ltd to assess the extents of the scheme and assess the area in terms of protected species and habitats that are likely to be present.

This report summarises the findings to allow any mitigation and constraints to be identified prior to works and final design and layout of the development. In the following Tables 1-5, those species and habitats identified as either present or potentially present on site, or immediately adjacent, and likely to be impacted by the works have been highlighted in red.



**Fig 1 Extents of proposed development area (approx)**

## Protected Habitats

The area is dominated by an open agricultural field (>99%) most recently under grass. To the south and eastern boundary are existing housing and northern boundary marches with agricultural fields and the western boundary with the main A82 trunk road linking Inverness with Fort William. There are mature trees on the southern and eastern boundary.

**Table 1: Protected Habitats**

Habitat	Present (Yes/No) or potential	Will the development impact adversely on this habitat? (Yes/No/Unknown)	Risk based on current info	Surveys Outcome
Ancient woodland	No	n/a	n/a	n/a
Woodland (broadleaved)	No	No	n/a	n/a
Woodland (coniferous)	No	No	n/a	n/a
Individual Mature Trees	No	No	n/a	n/a
Hedges/ scrub	No	No	low	Potential for breeding birds immediately adjacent to site in rough vegetation and grassland
Running water (including ditches)	No	No	n/a	n/a
Standing water	No	No	n/a	n/a
Wetland or bog	No	No	n/a	n/a
Rough grassland and moorland	Yes	No	low	Potential for breeding birds immediately adjacent to site in rough vegetation and grassland
Buildings/ dykes/ walls	No	No	n/a	n/a
Brownfield/ site	No	No	n/a	n/a
Coastal/ marine	No	No	n/a	n/a



## European Protected Species

There are no specific records of European protected species being present on the site (See Table 2).

**Table 2: Protected Species**

Species	Present (Yes/No) or suitable habitat to support these species	Risk based on current info	Surveys Outcome
<b>Vertebrates</b>			
Dolphins, Porpoises and Whales	n/a	n/a	n/a
All Bat species	Yes	low	A number of mature trees on the southern boundary have features suitable for bats including cavities and flaking bark.
Otter	n/a	n/a	n/a
Wildcat	n/a	n/a	n/a
Great Crested Newt	n/a	n/a	n/a
Five Marine Turtles	n/a	n/a	n/a

## Other Protected Species

The trees, shrubs and vegetation present adjacent to the site have the potential to support breeding birds during the breeding season. The field offers potential for breeding waders (eg oystercatcher, lapwing) and ground nesting species such as skylark. Depending on the season of the proposed works, additional surveys may be required to ensure no disturbance or impact is caused to bird species from the works. Clearance works are best undertaken outwith the bird breeding season.

**Table 3: Other Protected Species**

Species	Present (Yes/No) or suitable habitat to support these species	Risk based on current info	Survey outcome
<b>Vertebrates</b>			
Badgers	Yes	Low	There is evidence of badgers commuting through the site on the southern boundary under the stock fence. These animals are likely to be foraging within the field for earthworms. There is no evidence of setts within or adjacent to site.
Birds (breeding)	Yes – potential for ground nesting birds during breeding season	High	Avoid site clearance works during the bird breeding season (April – July/August) if practical. Otherwise undertake a breeding bird survey prior to any works being undertaken.
Pine Marten	No	n/a	No evidence found
Red Squirrel	No	n/a	No evidence found
Water Vole	No	n/a	No evidence found
Slow Worm	Yes	Medium	No evidence found but the drystone dyke on the eastern boundary offers suitable habitat for these species.
Adder	Yes	Medium	No evidence found but the drystone dyke on the eastern boundary offers suitable habitat for these species.
Viviparous Lizard	Yes	Medium	No evidence found but the drystone dyke on the eastern boundary offers suitable habitat for these species.

## Invasive non-native species

There was no evidence of invasive non-native species on site.

**Table 4: Invasive Non-Native Species (INNS)**

Species	Present (Yes/No/potential)	Risk based on current info	Survey Outcome
Giant Hogweed	No	Low	No evidence of these species found on site
Rhododendron	No	Low	
Japanese Knotweed	No	Low	
Himalayan Balsam	No	Low	
Mink	No	Low	

## Bat Survey

### Legal Status of Bats

All 17 breeding and 1 non-breeding species of bat that occur in the UK have suffered population declines over the past 100 years. Due to these declines all bats and their roosts are protected by law under the following:-

- 1981 UK Wildlife and Countryside Act (as amended)
- As 'European Protected Species', further protection is afforded to all UK bat species under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended in England, Wales, Scotland and Northern Ireland) referred to as the Habitat Regulations.

Amendments to the Habitats Regulations are implemented by the following for each country:-

- England and Wales - The Conservation of Habitats and Species Regulations 2010
- Scotland - The Conservation (Natural Habitat, &c.) Amendment (No.2) (Scotland) Regulations 2007
- Northern Ireland - The Conservation (Natural Habitat, &c.) (Amendment) Regulations (Northern Ireland) 2007

Taken together, the combined legislation means a criminal offence will be committed if any of the following occurs:-

In Scotland, it is an offence deliberately or recklessly;

- capture, injure or kill a bat;
- harass a bat;
- disturb a bat while it is occupying a structure or place used for shelter or protection;
- disturb a bat while it is rearing or otherwise caring for its young;
- obstruct access to a breeding site or resting place, or otherwise deny a bat use of the breeding site or resting place;
- disturb a bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs;
- disturb a bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
- disturb a bat while it is migrating or hibernating

It is an offence of strict liability to damage or destroy a breeding site or resting place of a bat. (Refer to the legislation for precise wording - the above is a summary only.)

### Methodology

Bats are faithful to their roost sites; in particular trees, and return to them year after year using them during the winter as hibernation roosts, summer as maternity roosts and other times as smaller transitional roosts. There are approximately 7 different species of bat in the north and west, all of which use trees to roost.

The objective of the survey is to:

1. Carry out a preliminary roost assessment ground based survey of the trees or other features looking for signs and presence of bats and bat roosts using binoculars and strong torches.
2. Identify trees that may be impacted by the works with some potential of bat roost features. These will be plotted and assigned to a category

Following confirmation of the roost features a possible roost feature (PRF) assessment of trees tagged and identified for felling or limbing can be undertaken. Each tree will be climbed with all suitable features inspected for signs of bat or bat roosts with an endoscope and torch. The Categories will then be amended and a conclusion reached on any further action required including Derogation licensing should bats or their roost be found.

**Table 5: Trees and bat features**

Key	Guidelines for assessing the suitability of structures or trees as potential for bats, based on the presence of features which could be utilised as a roost or hibernacula.
<b>Confirmed Roost</b>	Bats or evidence of bats found by observation in tree
<b>High</b>	A or structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
<b>Moderate</b>	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat.
<b>Low</b>	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter protection, appropriate conditions or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats.  A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
<b>Negligible</b>	Negligible features likely to be used by roosting bats.

Table taken from Collins 2016

If during the PRF assessment bat survey bat roosts are discovered, a European Protected Species derogation licence will be required to fell those trees with bat roosts. An application will need to be made to Scottish Natural Heritage with supporting Species Protection Plans and Working Method Statements.

## Results

Trees on the southern boundary were surveyed for features with the potential to support bats, and nine of these were highlighted as having potential for use by bats (Table 6 - low to moderate). A Stage 2 bat survey should be carried out by a qualified tree-climbing and bat surveyor prior to felling or heavy pruning to establish whether any of the features support bats.

**Table 6: Stage 1 bat survey results**

Tree No. Tagged / Waypoint	Species	Stage 1 Category	Stage 2 Category and works undertaken	Bat Roost Y/N/UK	Recommendations
639	Sycamore	low	tbc	UK	Stage 2 Survey
637	Sycamore	low	tbc	UK	Stage 2 Survey
633	Elm	Moderate	tbc	UK	Stage 2 Survey
632	Elm	Moderate	tbc	UK	Stage 2 Survey
631	Elm	Moderate	tbc	UK	Stage 2 Survey
629	Elm	Moderate	tbc	UK	Stage 2 Survey
626	Elm	Moderate	tbc	UK	Stage 2 Survey
627	Elm	Moderate	tbc	UK	Stage 2 Survey
No tag	Cherry	low	tbc	UK	Stage 2 Survey

## Conclusion and recommendations

In summary (see also Appendix 1 -3):

### 1. Badgers

There was evidence of badgers commuting through the site and the grassland areas will provide foraging for badgers. There was no evidence of badgers setts on site or immediately adjacent to the site. There are therefore no licensable issues associated with badgers.

### 2. Breeding birds

There is potential for a wide range of breeding birds to be found on site particularly during the breeding season April-July eg lapwing, oystercatcher and skylark may use the agricultural field for breeding. Impact can be avoided by clearing the site outwith this period. *(NB All wild birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended)).*

### 3. Bats

There are a number of trees present on site (or on the boundary overhanging site) which offer the potential to support bats. It is not known if tree felling or pruning is proposed ahead of the development. If any of the trees identified as offering some potential to support bats are to be felled or heavily pruned then further assessment (Stage 2 aerial survey) will be required. If bats or their roosts are found a derogation Licence from SNH will be required for works which may impact on bats or their roosts prior to works commencing.

### 4. Reptiles

The fallen drystone dyke on the eastern boundary will provide suitable habitat for reptiles during winter and summer. If this feature is to be removed then further survey will be required during the active period for reptiles (April-September).

### 5. Urquhart Bay Wood SAC and SSSI

Urquhart Bay Wood Special Area of Conservation lies within 180m of the eastern boundary of the development site. It is not considered that there will be any significant impacts on the conservation status of this woodland and further assessment is not required.

### 6. Rabbits

Rabbits are present on site and in adjacent fields. These animals should be removed from site ahead of works on the basis of animal welfare.

### 7. Other protected species

No evidence was found for other protected species on site including, pine marten, water vole, wildcat or red squirrel.

### 8. Survey Timing




If works are significantly delayed (> 18months) then the site should be resurveyed prior to development for protected species.









## Appendix 1 Images from survey

Target Note	Description	Image
1	View of north east boundary	
2	Main field to west	
3	As above	



4	Active rabbit burrow south west of site.	 A photograph showing a dark, circular entrance to a rabbit burrow in a grassy field. The burrow is surrounded by soil and some dry, brown vegetation. The grass is green and appears to be a mix of species.
5	Flock of Greylag geese foraging north east of site in adjacent field.	 A wide-angle photograph of a large flock of Greylag geese foraging in a grassy field. The geese are scattered across the field, some standing and some grazing. In the background, there is a line of bare trees and a fence.
6	Fallen drystone dyke on eastern boundary.	 A photograph showing a fallen drystone dyke on the eastern boundary of a field. The dyke is made of stacked stones and is partially collapsed. A wire fence runs along the edge of the field in the foreground. In the background, there are trees and a building.

7	Eastern boundary.	
8	Southern boundary a number of dead elms have been felled along this section.	
9	Elm tree showing cavities suitable for bats and birds.	

10	Elm tree with woodpecker holes – suitable for bats and birds.	
11	Three elm trees showing signs of Dutch Elm disease.	
12	Badger hair on fence - southern boundary. There are known setts to the north west of the site close to the river and it is likely that badgers are commuting from there or elsewhere into these fields for foraging.	

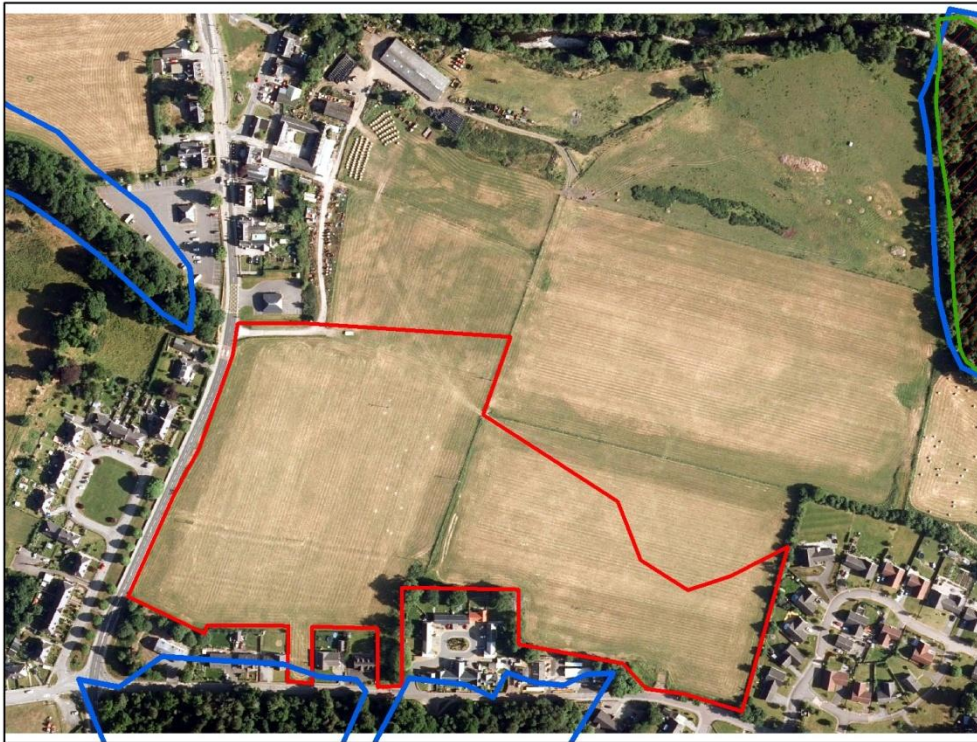
13	Badger access to site under fence on southern boundary.	
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General view of development area from north west boundary.

## Appendix 2 Designations nearby

### Drum Farm Development



Ecological walkover Survey Designations

#### Legend

-  Development Area
-  Urquhart Bay Wood SAC and SSSI
-  Semi-natural and ancient woodland

0 55 110 220 Meters



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# Appendix 3 Protected Species records

## Drum Farm Development



0 40 80 160 Meters



Ecological walkover Survey  
Protected Species

### Legend

-  Development Area
-  Stage 1 Bat Survey (trees)
-  Rabbit Burrow
-  Badger Trail

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www.hedltd.com



## Appendix 4 References

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24. The Highways Agency (2001a) *Nature Conservation Advice in relation to otters*. DMRB, Volume 10
25. UKTAG (2008) List of NVC communities and associated groundwater dependency scores



{redacted}

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**From:** {redacted}  
**Sent:** 12 June 2020 11:54  
**To:** {redacted} )  
**Subject:** RE: sist PPA-270-2222 AND 2223

No worries {redacted} will do. I'll leave an open SIST in until it's picked back up.

Cheers  
{redacted}

---

**From:** {redacted}  
**Sent:** 12 June 2020 11:52  
**To:** {redacted}  
**Subject:** sist PPA-270-2222 AND 2223

Hi {redacted} was just thinking not really progressing anything on these at the moment and holding off on the site visit. The parties agreed to it being placed on hold given {out of} of planning consultant. So think better to place back on hold for now until I can get going on it again.

Thanks

{redacted}

**From:** {redacted}  
**To:** {redact{red  
{redacted}  
**Subject:** RE: PPA-270-2222 & PPA-270-2223 Drumnadrochit  
**Date:** 23 September 2020 08:04:08  
**Attachments:** [image001.png](#)

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That's fine the council's response can just go on the file now as the response to my procedure notice.

Thanks

{redact

---

**From:** {redacted}

**Sent:** 23 September 2020 08:02

**To:** {redacted}

**Subject:** FW: PPA-270-2222 & PPA-270-2223 Drumnadrochit

{redact

For info

{redac

{redacted}

**Case Officer**



**Planning and Environmental Appeals**

4 The Courtyard

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Callendar Road

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E-mail {redacted}

Web: [www.gov.scot/Topics/Planning/Appeals](http://www.gov.scot/Topics/Planning/Appeals)

---

**From:** {redacted}

**Sent:** 22 September 2020 13:29

**To:** {redacted} ted}

**Cc:** {redacted} {redacted}

**Subject:** RE: PPA-270-2222 & PPA-270-2223 Drumnadrochit

Dear {reda

Please accept my apologies, as {reda has indicated below the correct number of affordable homes proposed is 24. It was a typo on my part.

We would wish to make no further comment on the Council's response.

Kind regards,

{reda

---

**From:** {redacted}

**Sent:** 22 September 2020 12:27

**To:** {redacted}

**Cc:** {redacted}

**Subject:** RE: PPA-270-2222 & PPA-270-2223 Drumnadrochit

Dear {redac

The reporter notes the late response from the council but is minded to accept it onto the case file in concluding this written procedure process.

Kind regards

{redacted}

**Case Officer**



**Planning and Environmental Appeals**

**4 The Courtyard**

**Callendar Business Park**

**Callendar Road**

**Falkirk**

**FK1 1XR**

**Telephone : 0131 244 6936**

**Fax : 0131 244 8990**

**E-mail {redacted}**

**Web: [www.gov.scot/Topics/Planning/Appeals](http://www.gov.scot/Topics/Planning/Appeals)**

---

**From:** {redacted}

**Sent:** 18 September 2020 12:39

**To:** {redacted}

**Cc:** {redacted}

**Subject:** PPA-270-2222 & PPA-270-2223 Drumnadrochit

**Importance:** High

Good afternoon {redacted}

Sincere apologies, I have missed the submission deadline of 15 September due to muddling up the deadline with another ongoing appeal (PPA-270-2227). I appreciate that this response may be ruled out of time by the Reporter but, having realised my error have provided this response in order that the Reporter can decide.

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The Appellant refers in their response to the affordable homes proposed numbering 23, however the proposed number is 24.

**The Appellant's comments on the Council's response on Matter 6**

The Council's response to matter 6 included the following:

"The reasons given by the Committee for refusing the applications relate to matters of density/layout/design, noting the difference between the indicative capacity for the housing allocation of 55 homes and the number proposed in the application (93) with its concomitant consequences for place-making"

and it went on to say:

"..... as far as the Council is concerned, the applicant is proposing to overdevelop the site. Therefore, whatever phasing proposals are put forward, it is the Council's position that, if approved, the development will conflict with placemaking objectives. **The Council's reasons for refusal reflect this basic position**" [My highlight]

The Appellant appears to question the basis for the Council referring to phasing and overdevelopment in its response when those terms are not used in the reasons for refusal; however, the Council considers that the highlighted text above provides the justification.

The Appellant goes on to say: "..... the Council's response appears to suggest that whatever phasing was proposed for the appeal site would be unacceptable, even if it complied, one presumes, with the suggested phasing set out in the LDP allocation". Given the developable area of site for housing (taking into account non-housing uses to be accommodated and flood risk areas to be avoided), the number of units proposed and design and layout considerations, then yes – the Council's position is that simply varying the phasing will not overcome all of the concerns.

Please pass on my apologies to the Reporter. I've copied in the appellant and extend my apologies to {redacted} too.

Kind regards

{redacted}

{redacted}

**Principal Solicitor (Planning)**

**The Highland Council**

**Council Headquarters**

**Glenurquhart Road**

**INVERNESS**

**IV3 5NX**

**DX - IN5**

{redacted}

**home and am contactable by email but not via my office phone**

**number.**

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**From:** {redacted}  
**To:** [Public Engagement Unit](#)  
**Subject:** FW: (Case Ref: KF11031)  
**Date:** 08 March 2021 09:35:28

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{redacted}

Hi

For MiCase MR – thanks.

{redacted}

Private Secretary to Kevin Stewart, Minister for Local Government, Housing and Planning  
{redacted}

Please see the [Ministerial preferences](#) which may be of assistance to you.

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**From:** Kate Forbes MSP <[Kate.Forbes.msp@parliament.scot](mailto:Kate.Forbes.msp@parliament.scot)>  
**Sent:** 05 March 2021 17:11  
**To:** Minister for Local Government, Housing and Planning <[MinisterLGHP@gov.scot](mailto:MinisterLGHP@gov.scot)>  
**Subject:** (Case Ref: KF11031)

Dear Kevin,

PPA-270-2222 (Planning Permission Appeal), Land At Drum Farm, South Of Fire Station, Drumnadrochit, IV63 6TG, Erection Of 93 (Including 24 Affordable) Homes And Associated Works

Several of my constituents and community groups have contacted me to raise their concerns regarding the appeal that has been submitted to the Scottish Government's planning and environmental appeals division for the above planning application. I understand that this planning application was originally refused on 4 December 2020 by the Highland Council.

There has been strong local opposition against this particular planning application, and my constituents are alarmed that the initial appeal notes indicate the Reporter is minded to overturn the decision. For the avoidance of doubt, the local communities are very keen to see more affordable housing in Drumnadrochit, what they are concerned about is the scale of such a development. Though that side of Loch Ness is very popular with tourists, the local population is only about 1,000 - to that end a housing development of almost 100 homes is considerable. There is also a concern that building such a large number of houses, the layout and phasing of the development is against the general ethos of environmental sustainability in the village.

My constituents feel that their collective voice in these discussions have been ignored, and to that end they would like to have some sort of involvement ahead of a final decision in this process. I would welcome your comments on their concerns.

          regards,  
{redacted}

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T : {redacted}

E : {redacted}

{redacted}

Our Reference: 202100177772  
Your Reference: FW: (Case Ref: KF11031)

29 March 2021

Dear {redacted}

Thank you for your e-mail of 5 March, to Kevin Stewart MSP, raising the concerns of your constituents and local community groups about an appeal at Land at Drum Farm in Drumnadrochit. As the matter is currently before DPEA I have been asked to respond.

If I might firstly clarify that in keeping with the vast majority of appeals dealt with by the Planning and Environmental Appeals Division (DPEA), this case has been delegated to an appointed reporter to make a decision on Scottish Ministers behalf and therefore Ministers can take no role in its determination. Whilst Ministers can recall appeals for their own determination, the issue of recall is a matter for Ministers discretion, the power is used sparingly and normally only in circumstances where a proposal raises issues of genuine national interest. You may be aware that the reporter in this case issued a Notice of Intention on 18 December 2020 indicating that she is minded to grant planning permission subject to conditions and the conclusion of a legal agreement. I attach a link to that Notice of Intention for your convenience. The Notice explains the extent and scope of the reporter's reasoning on many of the matters raised by your constituents. <http://www.dpea.scotland.gov.uk/Document.aspx?id=728377>

Given this appeal remains live I am afraid it would not be appropriate for the DPEA to make comment on its particular planning merits.

What I can say, by way of background, is that the general principle under which the planning system in Scotland operates is that decisions should be taken at the most local administration level. Primary responsibility for dealing with planning applications and local planning matters rests, in the first instance anyway, with the planning authority. The ability for an applicant to appeal has been, and remains, a vital and necessary part of our planning system. Whilst DPEA may issue decisions that overturn that of a planning authority, they may also agree with the authority's decision. Each appeal is considered solely on the facts as they relate to the proposal.



You are likely aware that the role of a reporter is that of an impartial decision maker who must, by law, determine appeals in accordance with the development plan for the area affected, unless material considerations indicate otherwise. Those material considerations cover a wide range including Scottish Planning Policy, the National Planning Framework, a proposed strategic or local development plan, community plans, the environmental impact of the proposal and legitimate public concern or support expressed on relevant planning matters.

Whilst I understand that it is disappointing when a particular view in an appeal does not prevail, and note what you write about the strength of local opinion, the conclusions in the reporter's notice are the outcome of a process in which all parties have the opportunity to participate. I would assure your constituents that the reporter carefully weighed all parties submissions before coming to her conclusions in this case.

As mentioned, in this particular appeal the reporter has issued a notice stating their intention to grant planning permission subject to the conclusion of a planning obligation. Subject to these matters being addressed the reporter's decision would then be issued. There is no provision for further community involvement or representation at this late stage in the appeal process. Once the decision is issued the normal right of appeal to the Court of Session, on a point of law, would apply.

I trust this clarifies the position

Yours sincerely

{redacted}

**Planning and Environmental Appeals Division**