

## **Plots 5 & 6, Loist Sawmill Site, Rothiemurchus**

### **Link to Planning Permission Reference: 2016/0158/DET:**

<https://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O7DTM3SI0BY00>

### **Deed of Conditions – Summary of Main Points:**

The Deed of Conditions sets out the title conditions affecting the six plots within the development. Plots 1-4 were sold to the Highland Small Community Housing Trust in 2018.

- Conditions 3 – 12 set out how the plots are to be used, and the proprietors' responsibility in relation to insurance, boundaries and maintenance.
- Service Media:
  - The proprietors' rights to connect into service media within the development are contained in Condition 13.
  - Plots 1-4 are bound to install (at their cost) electricity, water and telephone/internet connection points within the Development by 31<sup>st</sup> August 2020, which points are to be agreed by the proprietors of Plots 1-6 (Condition 14).
  - Once the connection points are installed, each proprietor is responsible for connecting their respective plot.
- Blue Access Road (serves the whole development):
  - Road to be constructed by Plots 1-4 at their cost by 31<sup>st</sup> August 2020 (Condition 16);
  - To be maintained according to user (Condition 17).
- Red Access Road (serves Plots 5 & 6):
  - Road to be constructed by Plots 1-4 at their cost by 31<sup>st</sup> August 2020 (Condition 18);
  - To be maintained by Plots 5 & 6 on an according to user basis (Condition 19).
- Yellow Access Road (serves Plots 1-4):
  - Road to be constructed by Plots 1-4 at their cost by 31<sup>st</sup> August 2020 (Condition 20);
  - To be maintained by the owners of Plots 1-4 (Condition 21).
- Amenity Area 1 (Condition 26):
  - Use restricted to soakaway drainage for Treatment Plant 1 and a landscaped area;
  - Plots 1-4 responsible for planting obligations in planning permission;
  - To be maintained by the owners of Plots 1-4.

- Amenity Area 2 (Condition 29):
  - Use restricted to soakaway drainage for Treatment Plant 2 and a landscaped area;
  - Plots 5 & 6 responsible for planting obligations in planning permission;
  - To be maintained by the owners of Plots 5 & 6.
  
- Common Parts:
  - The Common Parts include (i) the deer grid at the entrance to the development; (ii) the Bin Store; and (iii) the Communal Store.
  - The Common Parts are to be installed by Plots 1-4 (at their cost) by 31<sup>st</sup> August 2020 (Condition 27);
  - The Common Parts are to be maintained by Plots 1-6 (Condition 28).
  
- Treatment Plant 1:
  - Located partly within Amenity Area 1 and partly within Plot 2;
  - To be installed by Plots 1-4 at their sole cost by 31<sup>st</sup> August 2020 (Condition 30);
  - To be maintained by Plots 1-4;
  - Servitude rights granted to Plots 1-4 over Plots 1-4 as required and over Amenity Area 1 to connect into and use Treatment Plant 1 (Condition 31).
  
- Treatment Plant 2:
  - Located within Amenity Area 2;
  - To be installed by Plots 1-4 at their sole cost by 31<sup>st</sup> August 2020;
  - To be maintained by Plots 5 & 6 (Condition 33);
  - Servitude rights granted to Plot 5 over Plot 6 and Amenity Area 2, and servitude rights granted to Plot 6 over Amenity Area 2, to connect into and use Treatment Plant 2 (Condition 34).

### **Deed of Servitude & Real Burdens – Main Points:**

The Deed of Servitude & Real Burdens allows service media to be installed over Rothiemurchus Estate for the benefit of the development. In addition, rights were granted to enable the conditions in the planning permission Decision Notice to be fulfilled.

In addition, servitude rights were reserved to Rothiemurchus Estate over the Blue Access Road and Red Access Road for “forestry management, timber planting and extraction, sporting, estate and ancillary uses”.

In exercising the reserved right, Rothiemurchus Estate are bound to share the cost of maintenance on an according to user basis and make good any extraordinary damage caused through their use. In addition, the Estate are solely liable for the cost of improving, upgrading or renewal of the access roads which they may require.

The Estate are also prohibited from parking any vehicles or placing any obstruction whatsoever on the Blue Access Road or Red Access Road so as to impede the rights of access enjoyed by any other proprietor.