

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE –  
20 August 2013**

Agenda Item	PED 18/9/13 Item 3, Apdx 1
Report No	PLS/041/13 (Updated)

**11/04355/FUL: Scotia Homes Ltd, Barratt North East Scotland & Robertson Homes  
Land at Cawdor Road, Nairn South, Nairn**

**Report by Head of Planning and Building Standards (As Updated at Committee)**

**SUMMARY**

**Description:** Residential development consisting of 319 units (232 houses and 87 flats) and associated infrastructure and public open space.

**Recommendation: GRANT**

**Ward:** Nairn (19)

**Development category:** Major Development

**Pre-determination Hearing:** Not required

**Reason referred to Committee:** Five or more objections

**1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the development of 319 residential units at Nairn South, encompassing a broad range of accommodation types; modest starter homes to larger detached houses and townhouses to flats. Accompanying the housing will be an interconnected network of vehicular and pedestrian routes, private gardens, multi-functional public open space and allotments. Servicing of the site will take place through a network of alleyways or mews-like passages, accessible by refuse vehicles, located behind the buildings and outwith the principal street network.
- 1.2 The application outlines a desire by the applicant to create compact, walkable neighbourhoods with functional public spaces within which the car will not dominate. Both the Balblair Road and Cawdor Road frontages comprise a variety of building types that are punctuated at the various site access points by public open spaces. Both main site frontages are set back along a strip of landscaped open space that includes a new multi-use path, forming connections both within and outwith the application site.
- 1.3 The open space proposed also serves as a necessary protection and buffer against an underground pipeline that crosses the application site in its south-

eastern quadrant, while also allowing for Sustainable Urban Drainage Systems (SUDS) to minimise the development's off-site drainage impacts.

- 1.4 Off-site works, improvements and mitigation is proposed in support of the application. This ranges from local road improvements to junction signalisation and traffic calming measures. The application also recognises the need for comprehensive noise and dust attenuation measures to be put in place between the proposed development and the sawmill expansion zone to the immediate north.
- 1.5 As the proposal constitutes 'major development' under the 1997 Planning Act, the applicant carried out mandatory 12-week community consultation prior the submitting the application. A Proposal of Application Notice was submitted to the Council on 24 August 2011 and a report ('PAC Report'), outlining the findings of that process, accompanies the application.
- 1.6 In support of the application, the applicant lodged the following documents and these have been assessed alongside the submitted plans and drawings:
  - Design & Access Statement;
  - Design Statement;
  - Archaeological Report;
  - Drainage Impact Assessment (DIA);
  - Transport Impact Assessment (TIA);
  - Landscape & Visual Assessment;
  - Noise Report;
  - Protected Species Survey; and
  - Geo-Environmental Site Assessment.
- 1.7 **Variations:** Revisions were made to the layout of certain areas of the site in order to accommodate the requirements of the Nairn South Strategic Masterplan - approved by the Planning, Environment & Development Committee in May 2013 - as well as in response to recommendations from TECS Roads and Environmental Health in relation to vehicle access and noise mitigation considerations.

## 2. SITE DESCRIPTION

- 2.1 The application site currently comprises agricultural land with few trees or hedgerows, other than a handful located along its perimeter fence line, and is located on the landward side of Nairn immediately south of the long-established Gordon Sawmill site. It is bounded to the east and west respectively by the Cawdor and Balblair public roads. The Firhall residential development lies to the east, while the Nairn Town and County Hospital and Nairn Country football ground are located to the north.
- 2.2 The topography of the site is, in general terms, gentle and rolling with one major drainage depression, as well as modest rise (referred to by some as 'the ridgeline'), at its centre. Distant views of the site are limited due to both its nature and that of the surrounding landscape (much of which is tree-clad) but at its highpoint views of the surrounding countryside can nonetheless be found.

2.3 The land within the site, having long been under agricultural use, has limited ecological diversity due to its cultivated fields and lack of tree cover. Consistent with farmland environments, and as confirmed by SNH, wildlife habitat is most diverse along hedgerows and regenerated meadow areas, none of which are in abundance at Nairn South.

2.4 The key physical buffers and constraints for the site are as follows:

- A government fuel pipeline that cuts across the middle of the site and requires a six metre right-of-way and limited grade changes;
- The Balblair and Cawdor roads which bound the western and eastern sides of the site and together comprise the southern entrance to the town;
- The railway bridge to the north, by Nairn Station, which acts as a constraint to traffic flowing between the town centre and the south;
- The allocated expansion area for the sawmill to the immediate north of the site and the need to protect both the interests of the sawmill and the amenity of future residents of the proposed development;
- The modest rise or 'ridge' at the centre of the site, mentioned by the Reporter presiding over the Highland-wide Local Development Plan's examination state and reflected in Policy 18 of the adopted HwLDP, and
- The existing site topographical patterns of the site and their impact on existing and future surface water drainage provision.

### **3. PLANNING HISTORY**

#### **3.1 11/03143/PAN**

Residential development consisting of approximately 320 units and associated infrastructure and public open space.

Lodged 25 August 2011

#### **3.2 11/00686/FUL**

Residential development consisting of 319 units (232 houses and 87 flats) and associated infrastructure and public open space

Withdrawn 28 November 2011

### **4. PUBLIC PARTICIPATION**

#### **4.1 Advertised: 13 December 2011 and 21 May 2013**

Representation deadline: 4 June 2013

Timeous representations: 56

Late representations: 0

4.2 Representations lodged in relation to the previously withdrawn application ref. 11/00686/FUL) have been carried over and are included within the numbers set out above. Of the 56 letters of representation. 54 representations against the development have been received. Material considerations raised against the proposal are summarised as follows:

- Development on prime agricultural land should not be supported;
- The housing development will restrict the expansion of John Gordon & Sons Sawmill;
- The local road network is, in general, constrained and cannot accommodate the increased levels of traffic brought about by the proposed development;
- Cawdor Road is too narrow to withstand the amount of traffic which would occur if this development goes ahead;
- The railway bridge on Cawdor Road is too narrow to accommodate increased levels of traffic, cyclists and pedestrians safely and the applicant's proposals for traffic lights do not alter this fact;
- Only the Nairn by-pass will provide sufficient capacity of traffic associated with the development and nothing should be permitted until it has been constructed;
- A 20mph zone should be applied to Cawdor Road and other roads in the vicinity of the application site;
- The application does not include retail or convenience shops (e.g. mixed use), which is mentioned in the masterplan;
- Proximity of the development to existing properties with affect privacy and residential amenity;
- Local services, such as schools, doctors' surgeries and hospitals, will struggle to cater for the additional residents;
- Nairn does not need so many new houses. The supply will outstrip the demand. Nairn will become little more than a dormitory town;
- A sufficient supply of land for new housing is available at Lochloy and other sites within Nairn;
- The density proposed is too dense and too high. It represents the over-development of the site.
- The proposal is piecemeal development and does not demonstrate any understanding of the context of the proposal or other development at Nairn South. It is detached from, and incoherent with, the existing built-up areas;
- The layout and design of the development does not reflect Nairn's existing character or the fact that the site is located on the fringes of the town;
- Supporting infrastructure, such as water and drainage, already have a lack of capacity and this development would put them under even greater pressure;
- New housing will affect the amenity of the retired/elderly people who moved to Firhall to live in a quiet, peaceful and pleasant neighbourhood;
- An influx of new residents will bring with is an increase in noise, litter, animals and vandalism;
- The development will have an adverse impact on a range of wild life, including red squirrel, owls, badgers, woodpeckers;
- HGV traffic associated with the sawmill will adversely impact on the amenity of residents of the new housing and, conversely, the new development may create difficulties for sawmill traffic and operations arising from complaints

etc. The frequency of HGV traffic on Balbair Road must not be underestimated;

- The application does not provide within it a clear or secure buffer (acoustic, visual etc.) between the existing sawmill and the proposed housing development. This may prejudice the operation and expansion of the sawmill, which is the primary employer in Nairn, due to the potential for noise, dust etc. impact on future residents;
- The noise assessment submitted with the application is not thorough enough and does not outline practicable solutions. It does not fully appraise or address the potential for a variety of activities to take place within the sawmill expansion zone in the future;
- The application is contrary to Policy 18 of the Highland-wide Local Development Plan in so far as:
  - a coordinated 'masterplan' has not been adopted;
  - the plan promotes 'concentric growth', but this is not reflected in the submitted layout;
  - it fails to include any tourism or mixed-use development and does not provide employment opportunities;
  - a limit of 250 houses is placed on development at Nairn South until a masterplan has been adopted, yet the application is for 319 dwellings;
  - the application does not provide a link road or a footbridge over the railway; and
  - it does not include a detailed buffer area adjacent to the sawmill expansion zone.
- The application layout does not respect or reflect the 'ridge line' running approximately east-west at the middle of the site. This was highlighted as an important consideration by the Reporter during the HwLDP's examination;
- The application is contrary to advice given in Scottish Government Planning Advice Notes 44 (Fitting New Housing Development into the Landscape), 68 (Design Statements), 72 (Housing in the Countryside) and 83 (Masterplanning); and
- The Proposal of Application Notice lodged with the Council shows a larger site boundary to the one in the application. The application should not, therefore, have been validated and the Council should have declined to determine it. Any positive decision would therefore be challengeable.

4.3 All letters of representation are available for inspection via the Council's e-planning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Nairn River Community Council:** No objections but the following observations: support for the layout and design of houses and flats; accept development at the site has been accepted in planning policy; good landscaping proposals; allotments should be managed by Nairn Allotment Society and should number 30 plots in total; concern about impact on Cawdor Road and, in particular, the pinch point at the railway bridge; clear need for the delivery of Nairn By-Pass.

- 5.2 **Nairn West Community Council:** Objection relating to: loss of agricultural land; doubts over need for this amount of new housing at this location or in Nairn at this time; lack of off-street/garaged parking; no retail or business element to the scheme; density too high; concerns about the capacity of water and waste water facilities in Nairn to cope with this scale of development; potential for significant adverse impact on the local road network; development should not go ahead without the Nairn by-pass; incompatible with adjacent Firhall development which is low-density with a high proportion of green space.
- 5.3 **Cawdor and West Nairnshire Community Council:** No objections but the following observations: desirable that activities at the sawmill are not compromised by the development; improvements required to the road network to accommodate an increase in vehicular traffic (incl. Cawdor Road bridge and rural roads leading to the A96); if development is not constructed in its entirety, conditions should safeguard the attractive appearance of the approaches to Nairn.
- 5.4 **Government Pipelines and Storage System (GPSS):** No objections, subject to conditions.
- 5.5 **THC TECS Roads:** Initial concerns surrounding Traffic Impact Assessment, internal site layouts and general impacts negated through revisions to scheme. Conditions required and measures included within a Section 75 obligation.
- 5.6 **THC Access Officer:** No objections, subject to conditions.
- 5.7 **THC Flooding Team:** Initial concerns, negated through revisions to scheme.
- 5.8 **THC TECS Environmental Health:** Initial concerns regarding the noise assessment submitted with the application and a lack of detailed measures relating to noise, dust etc. mitigation between the proposed housing and the sawmill site. Following discussions with the applicant and the submission of an updated noise assessment, concerns negated subject to conditions/S75 obligation to secure provision of appropriate noise mitigation measures.
- 5.9 **THC TECS Contaminated Land:** No sources that warrant further investigation (over-and-above the assessment submitted with the application) within the application site.
- 5.10 **THC Historic Environment Team:** Potential for some archaeological remains; no objections subject to conditions.
- 5.11 **THC Landscape Officer:** No objections, subject to conditions.
- 5.12 **THC Forestry Officer:** No objections, subject to conditions.
- 5.13 **THC Property & Housing:** 25% of housing to be affordable. Provision to be on-site.
- 5.14 **THC Planning Gain Officer:** Conditions and Section 75 required to secure developer contributions.

- 5.15 **SEPA:** No objections.
- 5.16 **Scottish Water:** No objections, however there may be capacity issues in the public network and the developer must carry out a further drainage assessment and fund any requisite works.
- 5.17 **Scottish Natural Heritage:** No objections: badger best-practice should be promoted.
- 5.18 **Transport Scotland:** No objections. No conditions required.

## 6. DEVELOPMENT PLAN POLICY

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

### Highland Wide Local Development Plan 2012

- 6.1 Policy 18 Nairn South
- Policy 28 Sustainable Design
- Policy 29 Design Quality and Place-making
- Policy 30 Physical Constraints
- Policy 31 Developer Contributions
- Policy 32 Affordable Housing
- Policy 51 Trees and Development
- Policy 56 Travel
- Policy 57 Natural, Built and Cultural Heritage
- Policy 58 Protected Species
- Policy 59 Other Important Species
- Policy 60 Other Important Habitats and Article 10 Features
- Policy 61 Landscape
- Policy 63 Water Environment
- Policy 64 Flood Risk
- Policy 65 Waste Water Treatment
- Policy 66 Surface Water Drainage
- Policy 72 Pollution
- Policy 74 Green Networks
- Policy 75 Open Space
- Policy 77 Public Access

### Nairnshire Local Plan (in so far as it remains in force)

- 6.2 Settlement 4 Industry
- S4 12(b) Timber Processing, Storage & Distribution at Cawdor Road
- Settlement 5 Special Uses
- S5 16(ii) Access Improvements at Balblair/Cawdor Road

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Draft Development Plan

- Inner Moray Firth Local Development Plan Main Issues Report

## 7.2 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions Supplementary Guidance (March 2013)
- Green Networks Supplementary Guidance (January 2013)
- Highland Historic Environment Strategy (January 2013)
- Highland's Statutorily Protected Species Supplementary Guidance (March 2013)
- Managing Waste in New Developments Supplementary Guidance (March 2013)
- Open Space in New Residential Developments (January 2013)
- Physical Constraints Interim Supplementary Guidance (March 2013)
- Public Art Strategy: Supplementary Guidance (March 2013)
- Sustainable Design Guide: Supplementary Guidance (January 2013)
- Trees, Woodlands and Development Supplementary Guidance (January 2013)
- Flood Risk and Drainage Impact Assessment Supplementary Guidance (January 2013)

## 7.3 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy
- Designing Places
- Designing Streets
- PAN 68 - Design Statements
- PAN 67 - Housing Quality
- PAN 72 - Housing in the Countryside
- PAN 79 - Water and Drainage
- PAN 83 - Masterplanning
- PAN 1/2011 - Planning and Noise

## 7.4 Other

- Strategic Masterplan Phases 1 & 2, Nairn South (Adopted May/June 2013)

## 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.

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.

### **Development Plan Policy Assessment**

8.3 The Highland-wide Local Development Plan (HwLDP) is the principal policy document guiding development in Highland and, together with adopted Supplementary Guidance, comprises the Development Plan referred to in paragraph 8.1 above.



- 8.4 The plan includes a variety of general policies against which all development proposals must be assessed to ensure that they meet with the Council's objectives and obligations. These policies cover a wide range of topics from design quality to landscape integration, transport and access to protected species and habitat management to drainage; some of these topics are also dealt with in greater detail through the Council's supplementary guidance documents.
- 8.5 The HwLDP does, however, contain a number of site-specific policies; particularly in relation to settlement development in and around the inner Moray Firth. A number of these policies relate to sites within Nairn and reflect identified priorities for the area.
- 8.6 As explained in the HwLDP, at present there is only one major site under development in Nairn and this constrains the operation of the housing market. Inclusion of further releases of housing land to serve the Nairn Housing Market Area will assist in providing choice and stimulate the housing market and as such have been identified in the HwLDP. The Council's Housing Need and Demand Assessment supports this approach.
- 8.7 The HwLDP explains that the intention set out in its spatial strategy is to focus short-term development at Lochloy, Sandown and initial phases at Delnies and Nairn South. Nairn South may have the potential to serve much of the longer term housing requirements for Nairn subject to transport infrastructure improvements being put in place.
- 8.8 The development of Nairn must be seen in the context of long term aspirations for a bypass and the HwLDP commits the Council to the continued lobbying of the Scottish Government for funding and design work to be progressed. However, there remains no confirmed timetable for the provision of a bypass and development in Nairn cannot be held-up indefinitely pending the outcome of this work.
- 8.9 To meet the identified gross housing land requirement for the Nairn area, land allocations were brought forward as part of the HwLDP to offer choice and flexibility in the land supply. Policy 18 has been adopted specifically to support and progress development at Nairn South. On this basis, the principle of housing development has been established.
- 8.10 The land subject to this current application falls within Nairn's 2nd and 3rd phase for development identified in the HwLDP and is also covered by the Council's recently-adopted Nairn South masterplan. This means that the Council expects to see development taking place within this area during the period from 2011 to 2031. The area to the south of the application site, while designated for housing/mixed-use development in principle under the HwLDP, is a longer-term allocation spanning 2021 to an undefined period post-2031.
- 8.11 The HwLDP states that a limited release of land at Nairn South would supplement the land supply in Nairn and offer a further degree of choice in the market. It does, however, make clear that the delivery of the first phase of housing must

demonstrate that the current pinch points associated with the existing railway bridge and the junctions on to the A96 in the centre of Nairn can be sufficiently improved or mitigated as part, or in advance, of any proposal.

8.12 The HwLDP confirms that Phase 1 at Nairn South will be mainly residential and, as echoed in the adopted Strategic Masterplan, aside from access considerations, key to any development is the need to protect the existing sawmill and to ensure that future expansion is not compromised. A summary of the core issues identified in Policy 18 of the HwLDP and the associated masterplan is included below:

- Phasing - 250-house limit until masterplan has been adopted. With masterplan now in place, HwLDP projects delivery of 330 houses between 2011-2021, while masterplan outlines general support for 520, subject to infrastructure improvements, up to 2031;
- Town Centre links - measures to improve and strengthen connectivity between the site and the town centre required in support of first phase. In particular, pinch-points at railway bridge and A96 junctions;
- B9090 Cawdor Road - improvements required, particularly for pedestrians and cyclists;
- B9091/B9090 junction - improvements required, particularly in terms of visibility;
- Link Road - consideration must be given to a link road crossing the allocation to connect the Balblair and Cawdor roads and reduce the reliance on Balblair Road as a link between Nairn South and the town centre;
- Pedestrian Footbridge - consideration must be given to a footbridge over the railway line to facilitate walking and cycling between Nairn South and the school/own centre;
- A96 Nairn Bypass - a long-term consideration and, subject to assessment and discussions, developer contributions may be required;
- Active and Public Travel - contributions required in order to facilitate improvements to public transport and active travel;
- Local Road Network - contributions required to enable local road upgrades to be undertaken in support of increased levels of traffic;
- Waste Management - proposals must meet the requirements of the Council's Managing Waste in New Residential Developments guidance;
- Green Networks - links must be provided to ensure that development is well-connected to existing green networks and contributions required to support off-site green network improvements;
- Open Space - within the site, meaningful open space and amenity areas must be provided in accordance with supplementary guidance;
- Heritage - species, habitats and riparian corridors must be considered as part of any development proposal. The Inner Moray Firth SPA/Ramsar sites and Whiteness Head SSSI must be safeguarded, including through the approval of a Recreational Access Management Plan;
- Design and Phase Masterplans - detailed masterplans must be provided for each phase of development. Development must demonstrate high-quality design that respects the historic traditions of Nairn. Sustainable design must be evident;
- Sawmill Buffer - a buffer must be provided within the Nairn South site to separate it from the sawmill expansion area to the north. It must be

designed to protect residents within Nairn South from noise, dust and fumes likely to arise from the use of the sawmill (both as is and any future expansion);

- Education - developer contributions towards improved classroom provision required in line with the Council's supplementary guidance;
- Tourism/Business Development - where potential exists, in either the short or long term, land should be reserved;
- Flooding, Drainage and Water Environment - areas susceptible to flood risk must be avoided, sustainable urban drainage systems should be employed and natural watercourses safeguards; and
- Water and Foul Drainage - connections required to public water and foul drainage systems. Where deficiencies exist, developer must fund upgrades directly with Scottish Water.

- 8.13 In summary, the principle of residential development at Nairn South is supported under the Highland-wide Local Development Plan, subject to an application according with the general provisions of the development plan and, in particular, addressing the key issues outlined above.

## **Material Considerations**

### Design & Layout

- 8.14 Through Policy 28 - Sustainable Design and Policy 29 - Design Quality and Place-making of the Highland-wide Local Development Plan (HwLDP), the Council places great importance on high-quality sustainable design. Proposals for new development must demonstrate that they make a positive contribution to the physical and aesthetic qualities of the place in which it is located.
- 8.16 Design quality also lies at the heart of HwLDP Policy 18 - Nairn South and the associated Strategic Masterplan for Phases 1 & 2, adopted by the Council in May 2013. These policies require an individual masterplan to be drafted, by the developer, for each phase. The masterplan and the development proposed therein must demonstrate *"the highest standard of urban design in keeping with the historic traditions of Nairn"*.
- 8.17 The Council does recognise, however, that difficulties can arise from split ownership across a wider housing allocation, as well as those relating to development that is built out over a number of phases and years; as a result, the Strategic Masterplan notes that there is a need for the differing stages of development to provide a reasonable level of design integration.
- 8.18 In order to achieve this, the Strategic Masterplan includes a plan showing key points within the allocation where the Council expects to see integration with neighbouring development and describes how the move from one phase to another should flow, both physically and visually.
- 8.19 The use of green space, incorporating footpath networks, should provide important pedestrian linkages between neighbouring developments and outwards to existing development. The development of the buffer area between the sawmill expansion

area and the proposed development is identified as a key location for landscaping, planting to assist in the integration of these differing land uses.

- 8.20 Broadly speaking, the development proposed in the application and its masterplan accords with the principles of the Strategic Masterplan and the requirements of HwLDP Policy 18. The layout is founded on strong urban design principles which draw heavily on the layout and character of streets and buildings within more historic parts of Nairn. The proposals are underpinned by an Enquiry by Design process carried out in 2008, subsequent modelling workshops and community engagement.
- 8.21 The design statement explains that the arrangement, distribution and varying architectural styles, from the small cottages of the Fishertown to the Victorian villas of the west, have influenced the design of the house types proposed, along with the evolution of street layouts and town expansion to-date. This approach results in a varied and interesting range of dwellings, from detached villas to terraces, cottages to flats, lining a network of streets with varying functions that mark a welcome departure from the increasingly familiar cul-de-sac/distributor road model.
- 8.22 Careful attention to the hierarchy of house types has created different neighbourhoods with different character and functions; higher density flatted areas, to sweeping crescents and more regimented terraced streets. A common feature throughout, however, is easy access via footpath links (often off-road) between neighbourhoods and to green space and communal parkland; safe, walkable neighbourhoods is an underlying principle.
- 8.23 Materials proposed are also of a suitably high quality, with good detailing where relevant, and will help to secure a development that is diverse, interesting, has a strong sense of place and is markedly different to many of the modern housing developments build in the Highlands in recent years. A condition should, however, be attached to ensure that proposals in the design statement make it through to development on the ground.
- 8.24 A defining feature of the proposed development, which is quite unlike other modern developments of this scale in Highland, is the proposed network of mews or rear servicing lanes. This approach means that parking and bin storage will be located outwith public view and thus avoids a situation where lines of cars and multiple bins and recycling facilities dominate the public realm.
- 8.25 The overall density of the proposed development is an issue that has attracted objections, albeit that some members of the public have written in support of what is proposed. Differences in opinion tend to divide along the lines of those who believe that the housing allocation should be low density, reflecting the town edge location, and taper towards the fringes of town, and those who are supportive of a development that is higher density, but reflects many of the principles and characteristics of exiting development within Nairn.
- 8.26 In balancing the views of contributors and assessing the proposal against Development Plan policy and other material considerations, it is important to note two key considerations. Firstly, the land is not pristine rural countryside. It is

managed agricultural land immediately adjacent to housing development at Firhall and John Gordon & Sons sawmill. The character of the site is not one of open countryside and this is heightened by the fact it is bounded by plantation forestry and a rural road network. A hospital, football ground and railway line lie close by. The intentional set-back of the development from the road network, with landscaping between, will also soften its edge when viewed from the public road network.

- 8.27 Secondly, and perhaps most importantly, it is an area of land identified for town expansion in the adopted Development Plan and the principle of development here has been established following a rigorous Public Inquiry process. This application marks the development of roughly 1/3 of the developable space at Nairn South, and while future phases towards the south should indeed feature reduced density that provides a taper between town and countryside, it is not considered necessary for this particular phase of development which, in time, will comprise the centre of a wider housing development.
- 8.28 It is good practice for local authorities to make the best of formal allocations in order to reduce the need to develop greenfield land elsewhere, and this well defined and architecturally strong proposal outlined in the application is considered preferable to yet another kit house development on the edge of town. In reality, while this is not a loose development of individual houses located within large plots, plot-to-house ratios are still acceptable and the strong landscaping proposals discussed elsewhere in this report, along with well distributed and meaningful open space, mean that the site will not feel overdeveloped or overcrowded.
- 8.29 As mentioned above, the Strategic Masterplan identifies key linkages between this proposal and others within the allocation and the provision of these must be considered. Because the site is bounded by two public roads to the west and east, linkages at these points are fairly limited, but footpath links, set back from the road, are proposed and these can be picked up by future developers to continue links to/from town.
- 8.30 Internal footpath and open space links are also proposed that will, in future, connect this development to future developments within Phase 1(b) of the Strategic Masterplan. While two separate applicants are unlikely to propose identical developments, it is links such as these that will be fundamental in securing a reasonable level of integration between the various developments and neighbourhoods.
- 8.31 Broadly speaking, it is considered that the proposed development features a high standard of urban design that responds well to the architectural traditions of Nairn, is appropriate to its setting and context, and will provide an interesting high-quality environment for its residents.

### Phasing

- 8.32 While the application is for a development of 319 dwellings, the applicant has confirmed their intention to build out in phases over a number of years. A phased approach is also required under the Strategic Masterplan adopted as part of Policy

18 of the HwLDP.

- 8.33 Careful phasing not only ensures that development is balanced across the whole allocation site, thus making sense physically and visually, but also ensures that supply does not outstrip demand or capacity within the town and supporting infrastructure is in place in order to mitigate the effects of the development.
- 8.34 Phasing within the Strategic Masterplan seeks to ensure that different landowners have an opportunity to develop land early on, but if an owner does not wish to develop or develops at a slower pace than another, a review is allowed in order that overall progress is not hampered. Any review would be subject to a 'further application' under Section 42 of the 1997 Planning Act.
- 8.35 As it relates to this application, the Strategic Masterplan's phasing framework allows the following:
- i. 220 units (approx.) in Phase 1(a); and
  - ii. 100 units (approx.) in Phase 2(a).
- 8.36 Phase 1(a), which bounds Cawdor Road, will be built first and, amongst another things, will include the provision of a link road to Phase 1(b), which is owned by a third-party.
- 8.37 Phase 2(a) can not commence until Phases 1(a) and 1(b) have been completed. However, policy allows this phasing arrangement to be reviewed should third-party development within Phase 1(b) not be forthcoming.
- 8.38 As the developer may wish to split Phases 1(a) and 2(a) into sub-phases to reflect both projected build out rates and the fact that three separate developers make up 'the developer', it is recommended that a condition be applied that requires the submission of a phasing plan prior to development commencing. This plan would be based on the requirements of the Strategic Masterplan, but drill down further into the detail for each individual phase.

#### Landscaping & Open Space

- 8.39 The Strategic Masterplan requires open space, landscaping and planting within the development site to be designed to provide opportunities for recreation and also to encourage the establishment of wildlife habitat within the development. Green spaces should also seek to reinforce linkages to the wider green network and reduce the potential of adverse impact on internationally recognised designations at the coast.
- 8.40 Consequently, landscaping and open space do play a key function in the proposed development, providing links between neighbourhoods, recreational space and adjacent countryside. Proposals comprise a mix of parks and public open spaces, from lawns for play to meadows, shrub borders to woodland tree canopies and wetlands to provide a diverse habitat. These reflect the range of open space areas found in and around Nairn.

- 8.41 Each piece of open space within the application site has its own unique character, but utilises standard materials and furniture palettes to maintain an element of consistency throughout. Special use areas, such as allotments, are also incorporated into this design proposal.
- 8.42 The key areas of open space within the site are a large central park focused around a topographical rise in the application site and a long strip of path and grassland borders by an avenue of trees, which sits above a government pipeline. This reflects the key requirements of the Strategic Masterplan. Other pockets of open space are, however, distributed through the site and the buffer between the housing and the sawmill will also provide an opportunity for additional landscaping, footpaths and activity space.
- 6.43 In terms of the topographical rise, this is a feature mentioned by the Reporter during the HwLDP examination process and, although it is not referred to within the Development Plan itself, it is important that proposals acknowledge its presence. It is not, however, considered to be as significant a feature as suggested in some representations, and the applicant's positioning of open space at the general position of the ridge, following on from an assessment of topography and land characteristics, will ensure that development does not rise unduly high or have an adverse impact. Cognisance must also be had of the fact that development will, in time, flow past this rise as later phases of the allocation build out.
- 8.44 The Council's Landscape Officer has confirmed that the general layout of the development is cohesive and makes strong attempts at creating a definitive character for the new development, which is something that is often lacking from such proposals. However, the landscape proposals submitted to date are relatively high-level and schematic, with many details remaining to be provided or refined. On this basis, full landscaping details (including tree and shrub specifications) must be submitted and approved prior to the commencement of development to ensure that all of the proposals are achievable and sustainable in the long term.

#### Public Art

- 8.45 The Council's Supplementary Guidance: Public Art Strategy requires development comprising of 50 more dwellings or more to include provision for public art. Provision must be made within the application site, unless there are exceptional circumstances which support off-site provision.
- 8.46 In terms of the proposed development, there is no reason why public art cannot be accommodated within the application site. There appear to be suitable areas of public space where art would undoubtedly enhance the experience of residents and passers-by alike.
- 8.47 As the applicant has not proposed any public art in their submission, a condition can be applied requiring the submission of details of the site-specific art strategy, in line with the Council's strategy, to be approved prior to development commencing. The art strategy would then be executed as development rolls out.

### Access, Core Paths & Green Networks

- 8.48 Policies 18 and 77 of the HwLDP require all development at Nairn South to place public access and green networks at its heart. These principles are also reflected within the Strategic Masterplan, which provides additional guidance on access and connectivity within the site, including a map of key linkages and potential future enhancement.
- 8.49 The Strategic Masterplan notes that linkages within the site and also to the wider footpath and green network should, where land control allows, be provided by the developer. Contributions towards remote or wider strategic access improvements will be sought in order to promote walking and cycling as healthy, cost effective and sustainable modes of transport.
- 8.50 Development Plan policy and supporting guidance also requires that proposed development should not adversely impact on existing paths or green networks, nor should it prejudice future expansion or enhancement.
- 8.51 The Council's Access Officer has confirmed that, broadly speaking, the application includes good path connections and good use of open space to create green corridors through the development. There are not considered to be any adverse impacts on existing path or green networks.
- 8.52 The submission addresses the key issues raised in policy, providing good links throughout the site, and while it is not a plan for access across the entire allocation given landownership divisions, it does tie in closely with the Strategic Masterplan's requirements and it will be straightforward for future developments to key in with emerging connections.
- 8.53 That said, some elements of the public access proposals relating to the application site do require further refinement and detail, and this can be addressed through an Outdoor Access Plan. This plan can be secured through a condition and will also ensure that access from/to and across the site is maintained during construction.
- 8.54 The proposed development will introduce a new population to Nairn and increase demand for recreational facilities in the area. The Landward Trail, which follows the Nairn Riverside path, is nearby and will be the focus of attention for many looking for a traffic-free walk or cycle into Nairn and Cawdor. The development of the Coastal Trail and the North-South Links will also benefit new and existing residents.
- 8.55 In line with the Council's Supplementary Guidance, the Strategic Masterplan outlines various requirements for access and green network developer contributions. Contributions will go towards upgrading the routes that exist already and creating new ones where there are gaps. They will also go towards improving the accessibility of the paths and structures. In line with the Strategic Masterplan, contributions are set at £341.63 per unit and can be managed through a Section 75 Obligation to reflect their phased nature.



- 8.56 There will also be a need for improved pedestrian connections to the town centre and this is reflected in both the Development Plan and the Strategic Masterplan requirement for a new footbridge link between Nairn South and Nairn Academy. While it is not possible or reasonable for the applicant to provide the bridge at this time, nor is it a requirement of the Strategic Masterplan, there is a requirement for contribution of £1000 per house for the first 500 houses built at Nairn South. After 500 houses have been built across the site, the bridge will have to be provided and the developer at that time will have access to the money collected to help fund the project (which is likely to exceed £500,000).
- 8.57 The general location of the pedestrian footbridge will be guided by available locations to the north of the railway line, with recent extensions to Nairn Academy limiting the area for the siting of the crossing. The decision would be made as part of future planning applications.

#### Protected Species & Habitat

- 8.58 An ecological report was submitted as part of the application. SNH has raised no concerns over the findings of the report and confirms that no species or habitats were found within the application site. This is primarily due to the site having been under agricultural use for many years.
- 8.59 In light of the above, the development is unlikely to have any significant impact on species or habitat; however, SNH has recommended that the developer's attention be brought to the Council's guidance on Badgers and Development.
- 8.60 Outwith the application site lies the Inner Moray Firth SPA/RAMSAR site and the Whiteness SSSI. Policy 18 of the HwLDP requires the protection of these sites through the approval of Recreational Access Management Plans (RAMP) for sites which may have the potential to give rise to adverse impact.
- 8.61 Given the distances which separate these designations from the application site, the impacts are likely to be fairly limited in number and mainly associated with an increase of people carrying out recreational activities in or around the designations. With the extent of what can be achieved through the planning processes at such distance being very limited, it is suggested that the RAMP focuses on information that can be included in welcome packs for home owners or other publicity issued as part of the development and the provision of useable recreational space within the development itself.

#### Archaeology & The Historic Environment

- 8.62 While there are no historic buildings within the application site, the Council's Historic Environment Team has confirmed that the site lies within an area of significant archaeological interest.
- 8.63 There is a clear demonstration of a large prehistoric presence extending between Nairn and Inverness, apparent in the number of settlement crop marks, burial monuments and find-spots.

- 8.64 To the east of the development area, an archaeological evaluation conducted in 1999 identified ephemeral archaeological features interpreted as possibly prehistoric or medieval in date. These sites, together with the monuments recorded within the immediate and wider area, demonstrate that the landscape around the proposed development has been settled continuously for a considerable amount of time.
- 8.65 The desk-based assessment undertaken by CFA Archaeology in support of the application identified a number of archaeological features within the application site, including both putative later prehistoric settlement and post-medieval remains.
- 8.66 The archaeological potential of the development area is considered to be high and it is considered that there is potential that further unrecorded buried remains survive within the specified area. As such, there is a requirement to evaluate the application area in advance of future development.
- 8.67 While development is not objected to, The Historic Environment Team has recommended that an archaeological evaluation, combined with geophysical survey, should be undertaken to allow an assessment of the extent of potential buried features to be made. A geophysical survey of the entire application area should be undertaken, followed by an evaluation by trial trenching of the application site, which will provide a sample of 5% of the application area. This can be secured by condition.

#### Transport

- 8.68 A key consideration for this application is transport and, in particular, issues relating to how the development links with, and impacts upon, the existing transport network. Transport majored heavily at the allocation's inquiry examination and Policy 18 of the HwLDP makes it clear that a comprehensive transport assessment is required as part of a development proposal and that a variety of improvement and mitigation works will be necessary.
- 8.69 An arterial transport link, Cawdor Road (B9090), connects the site to Nairn Town Centre, while Balblair Road (B9091) runs through the western part of the site. Both of these roads provide outward access towards smaller rural settlements in the area and also act as a B-road commuter link to larger settlements within the A96 corridor and Inverness. New and improved infrastructure is required to accommodate the increased volumes of traffic created by this development.
- 8.70 The scale of development supported within the site, as well as individual phases, is governed by the ability of the local road network to absorb increased levels of development, particularly towards the town centre where the junction of Balblair Road/Cawdor Road and the restricted width under the rail bridge requires appropriate traffic management solutions to maximise its capacity.
- 8.71 The Strategic Masterplan expects that main access to the town centre for the site will be taken via Cawdor Road in order to maximise the capacity for traffic flows to the town centre, and this is reflected in the application. Integral to the development of Nairn South is the implementation of traffic management measures and a

link/connector road between Balblair Road and Cawdor Road to allow traffic movements from the western part of the site to achieve this.

- 8.72 Proposals within the application outline improvements to access for pedestrians/cyclists to travel across the site also to connect to the wider footpath and green network. Public transport linkages to the site are to be provided through the direct provision of bus stops and laybys and by adopting roads standards that can accommodate buses within the development.
- 8.73 Extensions to the existing bus service to new development halts is discussed elsewhere in this report and routes will be delivered through developer contributions. The potential to provide direct links to the nearby railway station, by foot and bicycle, will be provided by the developer(s) in the form of appropriate road crossings by the railway bridge.
- 8.74 A Transport Assessment (TA) has been lodged in support of the application. The methodology and modelling used was agreed with TECS Roads. The assessment describes the existing transport conditions in the vicinity of the site, describes the proposed development and the means of access by all modes of transport, summarises existing traffic conditions, assesses and summarises the impact of the development and proposes appropriate mitigation measures.
- 8.75 The TA identifies a number of existing constraints and issues within the strategic and local road networks, such as the pinch-point on Cawdor Road by the railway bridge and width restrictions on Balblair Road near the sawmill. While acknowledging that the development of 319 houses will have an impact on the operation of these networks, it concludes that the impact will be fairly minor and the development can be accommodated in advance of the proposed Nairn/A9 Bypass being constructed (Appendix 2).
- 8.76 As part of its conclusions, the TA does, however, propose the signalisation of the Cawdor Road / Balblair Road junction, by the railway bridge, to control traffic speeds in the vicinity of the junction, in addition to improving facilities for pedestrians and cyclists. Other measures are also proposed. While the TA suggests that infrastructure improvements will be delivered by the Council with the developer providing a contribution to their delivery, it will be necessary for a number of improvements to be both funded and provided by the developer.
- 8.77 It is fair to say that a significant number of objectors have raised concerns about the ability of existing network to accommodate the additional traffic generated by this development. However the findings of the TA do not support these concerns. These findings have been accepted by TECS Roads, albeit subject to a number of additional improvements and measures.
- 8.78 The key transport-related improvements/measures that would be secured through conditions or S75 obligation and are required to support the development include:
- Signalisation of the Cawdor Road junction at the railway bridge.
  - Four additional passing places to minor link road between B9091 and B9090.

- Pedestrian crossing point/traffic calming detail at Cawdor Road, just south of the Elizabeth Street junction.
- Improved crossing facilities for pedestrians at Millbank Crescent junction with Cawdor Road.
- Contributions towards improvements to the B9091 Nairn – Clephanton road and the unclassified Meikle Kildrummie - Delnies road.
- A Residential Travel Pack issued to new residents that encourages residents/visitors to travel by sustainable modes of transport when accessing the development.
- Conditions and physical measures preventing access onto Balblair Road until such time as that road is improved.

- 8.79 While a speed cushion traffic calming measure for Cawdor Road was proposed by the applicant, TECS do not deem this to be suitable. However, in lieu of this they have instead requested a suitable gateway feature at the southern limit of the existing 30 mph speed restriction.
- 8.80 Internally, the proposed developed has been designed in order to meet with both the requirements of the Development Plan/Strategic Masterplan and the Council's Roads Guidelines for New Developments. It also reflects many of the principles promoted in the Scottish Government's Designing Streets policy document.
- 8.81 The site features a hierarchy of internal roads, with some constituting basic residential streets, while others take on a more primary function. The streets have been designed hand-in-hand with the site's overall design concept and are as much part of the character of the development as they are a means of getting from A to B. Speed reduction is an integral part of the road design, albeit that TECS has asked for a 20mph limit to be applied.
- 8.82 A link road connecting the Balblair and Cawdor roads is a requirement of the Strategic Masterplan and, accordingly, features in the application. Rather than adopting the appearance of bland urban distributor road, it has been designed as an integral part of the development and will directly serve a number of dwellings. The link road will be provided within the first phase of development and will terminate at the boundary of the adjacent land holding so that a connection can be made through to Balblair Road in the future.
- 8.83 Parking within the site will be primarily off-street or, for the flats, within communal parking areas, with a limited amount of on-street visitor parking, which will also act as speed reduction measures.
- 8.84 As mentioned elsewhere in this report, servicing will take place via rear mews/lanes, which have been assessed through swept path analysis for their suitability for access by Council and emergency vehicles. These lanes will be constructed to standards capable of adoption, but will not be adopted by the Council; rather they will feature with the development's factoring agreement.
- 8.85 The A96 Nairn By-pass is an issue raised by many objectors to the application, who call for it to be constructed prior to any development happening at Nairn South. There is not, however, any firm timetable for the construction of the by-pass

or any indication of where junctions will be located. Development cannot be held back for an unknown period for this reason, not least given the TA concludes that some development can take place prior to a by-pass being constructed.

- 8.86 However, these concerns are nonetheless understood and, for this reason, the Strategic Masterplan includes a requirement for a pause-and-review to be carried out after the first 100 houses. This will enable the Council to assess the impact of the development at that time and decide whether or not additional mitigation measures, over-and-above those identified at this point in time, are necessary. This review must be secured via a Section 75 obligation.

#### Water, Flooding & Drainage

- 8.87 The proposed development will be served by both the public fresh water and foul drainage systems. Scottish Water has confirmed that the public water network has sufficient capacity to accommodate the number of houses proposed.
- 8.88 In terms of foul drainage, Scottish Water has confirmed that while the foul drainage network may have some capacity issues, these can be addressed through developer-funded upgrades. These upgrades can be secured through Scottish Water's own consenting process, however in the interests of proper planning, a condition should require details of Scottish Water's consent to be submitted to the Council before development commences.
- 8.89 The applicant's Drainage Impact Assessment confirms that Stage 1 of Scottish Water's consenting process has been completed and Stage 2 will be engaged with should planning permission be granted. Upgrades provided are likely to be off-site and would be of modest benefit to wider Nairn as well as the new development.
- 8.90 Scottish Water has confirmed that the surface water drainage system must adopt the principle of a 'sustainable urban drainage systems' (SuDS) as detailed in Sewers for Scotland 2. SEPA has confirmed that all roads and catchments supporting over 50 houses must be supported by two levels of SuDS treatment. As this is a phased development, specific details for each phase should be approved prior to its commencement. SuDS requirements can be secured through a condition.
- 8.91 TECS Roads and the Council's Flood Risk Team initially raised objections to the drainage details proposed in the application. Objections related both to the adequacy of the measures proposed and the mechanisms for on-going care and maintenance. However, following substantial discussion between TEC Services, Planning & Development and the applicant, drainage provision has been redesigned and these objections have been withdrawn.
- 8.92 In accordance with the Council's Supplementary Guidance: Flood Risk & Drainage Impact Assessment, a condition should be applied to remove permitted development rights for any development that could be carried out within 6m of a watercourse or drain. Development will not affect the functional flood plain. A condition is required to ensure that finished floor levels are no lower than 150mm.

### Waste Management

- 8.93 Policy 70 of the HwLDP and the Council's Supplementary Guidance: Managing Waste in New Developments sets out the Council's response to the targets set by the EU Landfill Directive and Scottish Planning Policy.
- 8.94 These targets require all Local Authorities to move away from the practice of landfilling waste and recognise the potential of waste as a resource. In terms of development proposals, the requirements principally manifest themselves as adequate provision for recycling bins and storage.
- 8.95 The application represents an imaginative and welcome change to the increasingly standard approach of bin stores in public parking areas. As outlined earlier in this report, servicing will principally be undertaken via mews behind the buildings; bins may be stored in these mews outwith core public areas. Not only does this mean that recycling bins will not clutter or detract from public open space, it means that there is also ample room for storage if additional bins are required. Some communal stores may, however, be required for the small number of flatted properties. Bin storage, in line with policy, should be secured through a condition.

### Affordable Housing

- 8.96 The Council's Supplementary Guidance: Developer Contributions requires 25% of all residential developments comprising 4 or more dwellings to be affordable. Provision should generally be on-site. A detailed definition of affordable is outlined within the supplementary guidance, but is generally defined as housing of a reasonable quality that is affordable to people on modest incomes, normally managed by a Registered Social Landlord (RSL).
- 8.97 The Council's Housing & Property Service has confirmed that a contribution of 25% affordable housing will be required for this site (80 units in total) and that provision should be on site, not commuted elsewhere. Given the contribution may be provided over phases and there may, therefore, be a need to bind successors in title, a Section 75 obligation is required in order to secure the affordable housing.

### Educational Contributions

- 8.98 As outlined in the Council's Supplementary Guidance: Developer Contributions, all residential developments (including affordable housing) of 4 or more dwellings will be required to contribute to an increase in school provision where the development is likely to lead to the capacity of the school being breached as a result of the proposed development.
- 8.99 Research carried out for the Planning & Development Service suggests that school rolls in Inverness and Nairn - both primary and secondary - are likely to grow significantly over the next decade and put pressure on existing facilities. The research confirms that the Council should seek developer contributions for secondary education, as well as primary education, for all new permissions granted at Nairn, in accordance with supplementary guidance.

- 8.100 While current data suggests that pressure will be applied to both primary and secondary school rolls by development at Nairn South specifically, it is not possible to say precisely what the effects will be. While it is currently considered that contributions will be required for two primary and two secondary classrooms (a total of £ 2423 per house or £258 per flat), a claw-back will, however, be worked into the Section 75 Obligation to enable a review of classroom need/provision to be carried out in future years. If need has been overestimated and contributions remain unspent, a percentage of the developer contribution could be returned.

#### Business & Tourism Development

- 8.101 Policy 18 of the HwLDP requires consideration to be given to business and tourism opportunities within the allocation site and, if potential exists, land must be safeguarded accordingly. In response, the Strategic Masterplan requires mixed-use development to be located at the northern end of the allocation site, between phases 1(a) and 1(b).
- 8.102 While the applicant has not proposed mixed-use development as part of their application, they have included a layout plan showing an indicative layout for a children's nursery and office development. This demonstrates that future mixed-use development is not compromised by their proposals.

#### Fuel Pipeline

- 8.103 A Government Pipeline and Storage System (GPSS) pipeline traverses the application site from north-east to south-west. The proposed development has been designed to accommodate the pipeline in an area of landscaping and open space; buildings on top of the pipeline would not be permissible without government consent, which would not be forthcoming.
- 8.104 Agents acting for the government agency responsible for the pipeline have requested that a condition is applied ensuring that development does not commence until the developer has obtained permission for any development taking place in close proximity to the pipeline.

#### Construction Noise & Dust

- 8.105 While PAN 1/2011: Planning & Noise makes clear that planning conditions should not routinely be used to regulate construction hours, due to the size and the likely duration of this project, TECS Environmental Health do nonetheless recommend the working hours for the construction phase be specified in any permission granted and are limited as follows:
- 0800 hours and 1900 hours Monday to Friday;
  - 0800 hours and 1300 hours on Saturdays; and
  - At no time on a Sunday or bank holiday.
- 8.106 Work requiring to be carried out outwith these times would only be permissible as an exception with the prior written approval of the Planning Authority.

8.107 Due to the size of the project and the potential for dust from the construction activities, Environmental Health has also recommended that a dust management plan is secured by condition. The plan should include a scheme for protecting neighbouring premises from dust generated during construction.

#### Sawmill Buffer

8.108 The existing John Gordon & Son Ltd sawmill lies in close proximity to the north of the Nairn South allocation. The sawmill is a well established business providing significant employment and assisting the local economy. The activities undertaken currently at the sawmill do, however, generate significant levels of noise and, given the proximity of the Nairn South allocation, would likely affect the amenity of future residents without suitable mitigation. This would become more acute through the expansion of the sawmill.

8.109 In response, HwLDP Policy 18 and the Strategic Masterplan require a buffer area to be provided between the proposed development and the sawmill. Policy requires that the buffer must be provided within the application site and accommodate future expansion within the area identified for future sawmill expansion in both the HwLDP and the Nairnshire Local Plan.

8.110 The primary purpose of the buffer is to provide noise attenuation to ensure that sawmill activities do not adversely affect residents within the housing development and, conversely, that the presence of housing does not hamper the use of the expansion area by the sawmill. However, it must also be of sufficient depth so as to provide effective mitigation against dust and reduce odour.

8.111 While concerns were initially held over the adequacy of the information submitted with the application, supplementary work has since been undertaken and significant discussion has taken place between the Planning & Development Service, Environmental Health, the applicant and representatives of John Gordon & Son sawmill to establish acceptable suitable noise limits for the site and the level of sound attenuation that the buffer must be designed to deliver. The limits - which have been agreed between all parties - are based on assessment and modelling carried out by professional noise consultants and included projected noise levels for potential future development within the sawmill expansion area.

8.112 The limits, which are outlined within the Strategic Masterplan, include separate daytime and night-time noise limits and are as follows:

- The external daytime noise level within the gardens of any residential property within the Nairn South development must not exceed an external limit of  $L_{Aeq(1hour)}$  45dB when measured 3.5meters from the nearest façade.
- The internal night time level with any bedroom of any residential property within the Nairn South development must not exceed an internal level of  $L_{Aeq(1hour)}$  25dB with windows open for ventilation purposes, including no more than 4 single events exceeding  $L_{Amax}$  45dB.



- 8.113 In order to ensure that the development complies with the specified noise limits, the supplementary noise assessment submitted alongside the application has outlined potential noise mitigation measures, and in particular the installation of a physical acoustic barrier (Appendix 3). Environmental Health agrees with the general principles outlined in the report.
- 8.114 The supplementary noise assessment suggests that it is unlikely that the sawmill will be able to use the expansion zone for new kiln and re-saw buildings due to the increase in noise levels on existing residential properties immediately adjacent to the sawmill site, however the proposed development must nonetheless be designed to ensure that in itself it does not inhibit use of the sawmill expansion area.
- 8.115 On that basis, the mitigation measures and buffer area must be based on a worst case scenario and should take into account the kilns and re-saw building. Consequently, the acoustic barrier must be at least 8m in height and should comprise a profiled and landscaped bund, combined with acoustic fencing, and adequate separation distances from development at Nairn South.
- 8.116 While the principle of a bund/fence combination is acceptable and Environmental Health has no objection to the application, a condition is required to ensure that precise details of the bund are approved prior to development commencing, that the bund is provided timeously and that it is maintained. Provision must also be in place to allow for noise monitoring prior to the commencement on each phase of development to ensure that the bund is attenuating as required, and if not, improvements are undertaken to ensure that the noise limits are being adhered to.
- 8.117 Notwithstanding the above, a tract of third-party land lies between the application site and a section of the sawmill expansion area at the north-western side of the Nairn South allocation. At this location, it is not possible to form a bund along the boundary of the sawmill expansion area as the applicant has no control; however, the distance between the proposed housing and sawmill at this location is significantly greater than at the north-eastern side of the site and the potential for adverse impact is less acute.
- 8.118 Consequently, Environmental Health has confirmed that physical set-back, paired with a 4m high acoustic fence, will provide the necessary noise attenuation. However, the fence is considered a temporary measure and its removal upon residential development of the third-party land to the north will be a condition of any consent granted.

### **Other Considerations**

- 8.119 Concerns raised by objectors which have not been covered elsewhere in this reports are addressed briefly below:
- The Proposal of Application Notice lodged with the Council shows a moderately larger site boundary to the one in the application, however while an objector raises this as a concern, it is not incompatible with the governing regulations. There was no requirement for the council to decline to

determine the application.

- While Policy 18 of the HwLDP sets a limit 250 houses at Nairn South until a masterplan has been adopted, the masterplan was adopted in May 2013, so this application for 319 dwellings is acceptable.
- Concerns have been raised regarding the impact that new housing may have on the amenity of the retired/elderly people at the adjacent Firhall development, who moved to there to live in a quiet, peaceful and pleasant neighbourhood. While these concerns are noted, they are not considered material. While the development will of course change there character of the agricultural land and does represent town expansion, it is otherwise acceptable. It is a long held position in planning that there is no right to a view over open countryside nor to unchanged surroundings.
- Concerns about an influx of new residents bringing an increase in noise, litter, animals and vandalism are not material considerations for this application. While contributions are sought for improvements to local schools, it is the job of the NHS to provide sufficient health care and these concerns cannot be addressed through the planning system.

### **Matters to be secured by Section 75 Agreement**

8.120 A Section 75 Obligation will be required in order to secure/manage a number of matters which are material to the acceptability of the development. Those matters, outlined in details in Appendix 1 of the adopted masterplan for Nairn South, are:

- i. Transport Assessment - A pause-and-review after 100 houses to enable the measures and mitigation outlined in the Transport Assessment to be formally reviewed and, if necessary, amended or improved (all at the expense of the developer);
- ii. Affordable Housing - The provision of 25% affordable housing contribution within the application site, in line with the Council's Affordable Housing Supplementary Guidance;
- iii. Educational Contributions - Educational contributions, in line with the framework and rates outlined Council's Education and New Residential Developments Supplementary Guidance, in lump payments upon the completion of every 25 units, and a review of need prior to the commencement of each additional phase. Contributions required, per unit, for two primary and two secondary classrooms;
- iv. Pedestrian Footbridge - Contributions towards the pedestrian footbridge over the railway at a rate of £1000 per unit for the first 500 units in lump payments upon the completion of every 25 units;
- v. Local Road Improvements - £21,000 for improvements on the B9091 and the unclassified Meikle Kildrummie/Delnies road, delivered in 3 annual

payments following the commencement of development. The first being due upon commencement;

- vi. Public Transport - Contributions towards improved public transport to serve the site and wider area. Year 1 - £70,512, Year 2 - £39,000 and Year 3 - £19,500. Payment division between Phases 1(a) and 1(b) to be calculated, with mechanism included in the Section 75 to accommodate Phase 2(a) commencing prior to Phase 1(b);
- vii. Traffic Management - Reimbursement of Traffic Order costs incurred by the Council as Roads Authority to enable the developer to carry out traffic management/road improvements, at a rate of £1500 per order;
- viii. Access, Core Paths and Green Networks - Contributions towards the provision of, and improvements to, the green network and general access infrastructure at a rate of £341.63 per unit payable as a lump sum prior to the commencement of each 100 units.

## 9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that while the proposal is indeed a large-scale housing development which will bring significant change into the area, and concerns have been raised over its potential impact on the transport network, with suitable conditions and a Section 75 obligation mitigating its affects, it nonetheless accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

Action required before decision issued      Yes

Conclusion of Section 75 Agreement      Yes

**Subject to the above**, it is recommended the application be **GRANTED** subject to the conditions and reasons listed below. It is further recommended that power be delegated to officers to:

- i. Opt to refuse the application should the Section 75 obligation not be concluded within 4 months of Committee's decision to grant planning permission; and
- ii. Amend the wording of proposed conditions/impose additional conditions and agree to minor changes to the trigger for and/or division between developers of each contribution secured by the Section 75 obligation, if deemed necessary for the proper planning of the development, following consultation with the Chair and Local Members.

### Conditions & Reasons

1. The development hereby approved comprises phases 1(a) and 2(a) of the 'Strategic Masterplan - Phases 1 & 2, Nairn South' adopted on 15 May 2013 under Policy 18 of the Highland-wide Local Development Plan (hereafter referred to as 'the Strategic Masterplan') (hereafter referred to as 'the Strategic Masterplan'). No development shall commence until a Phasing Plan, which reflects the phasing requirements of the Strategic Masterplan, has been submitted to, and approved in writing by, the Planning Authority. Thereafter development shall progress in strict accordance with the approved Phasing Plan. For the avoidance of doubt, the Phasing Plan shall include:
  - i. A statement explaining how the Phasing Plan complies with the phasing requirements of the Strategic Masterplan;
  - ii. A site plan outlining the boundaries of each phase, the number of residential properties to be included within each phase and the order in which the phases will be developed;
  - iii. A schedule of 'key deliveries', as outlined within the Strategic Masterplan, and other infrastructure accompanying each phase and a timetable for the delivery of each element; and
  - iv. A schedule of land management measures to ensure all phases are maintained pending their development.

Notwithstanding the above, and with regard to the phases outlined in the Strategic Masterplan, the phases shall be limited to Phase 1(a) 220 units; Phase 1(b) 100 units; Phase 2(a) 100 units, and Phase 2(b) 100 units. No residential properties within Phase 2(a) shall be commenced until Phases 1(a) and 1(b) have been completed.

**Reason:** To ensure that: the development complies with the Strategic Masterplan (adopted May 2013); the housing allocation is developed in a fashion that is compatible with the character of the town and reflects its historic evolution; that development reflects planning principles rather than land ownership boundaries; that supporting infrastructure is delivered along side the development that it must support; undeveloped phases are properly maintained in the interests of visual amenity and the prevention of dust-related pollution.

2. Within a period of 28 days following the completion of each phase of the development hereby approved, a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) must be submitted to the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. No development shall commence until a schedule of all external materials to be used in the development (including, but not limited to, all roof finishes, render colour/type, brick or blockwork, rainwater goods, windows, doors, driveways, pavements, shared surfaces, gates, fences, walls, enclosures and the site's gateway features) has been submitted to, and approved in writing by, the Planning Authority (in consultation with TECS Roads). Thereafter, development shall progress in accordance with the approved schedule, unless otherwise approved in

writing by the Planning Authority.

**Reason:** To ensure that all materials used in the development are of a high quality, are sustainable, are suitable for the character of the proposed development, its context and are compatible with the architectural traditions of Nairn.

4. No development shall commence until full details (including scaled layout, elevation and section plans) of all mitigation measures proposed in order to protect the amenity of residents of the proposed development from timber processing, storage and distribution activities carried out within the sawmill site and sawmill expansion area, designed to the standards outlined in this condition, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, no residential properties within the application site shall be occupied until these approved measures have been implemented in full to the satisfaction of the planning authority.

#### *The Noise Limits*

The mitigation measures required by this condition shall be designed and constructed in order to comply with the following noise limits:

- i. The external daytime noise level within the garden area of any residential property within the application site must not, as a result of activities associated within the sawmill site and sawmill expansion area, exceed an external level of LAeq(1hour) 45dB when measured 3.5 metres from the nearest façade; and
- ii. The internal night time noise level within any bedroom of any residential property within the application site must not, as a result of activities associated within the sawmill site and sawmill expansion area, exceed an internal level of LAeq(1hour) 25dB with windows open for ventilation purposes, nor may it include any more than 4 single noise-generating events exceeding LAmax 45dB.

#### *Design Specification*

Unless otherwise agreed in writing by the Planning Authority (in consultation with Environmental Health), all of the mitigation measures detailed within the supplementary noise assessment shall be included within the mitigation measures submitted under this condition and, for the avoidance of doubt and as outlined within Appendix 5 of the supplementary noise assessment, shall include as a minimum:

- a. An 8m high acoustic barrier comprising an earth bund between the application site and the sawmill expansion area where the latter lies to the immediate north of the former; and
- b. A 4m high acoustic fence along those northern and north-western site boundaries of the application site which bound third-party land lying between the application site and the sawmill expansion area.

### *Noise Monitoring*

Prior to the first occupation of the first residential property within each phase of the proposed development, the developer shall undertake a noise monitoring exercise to demonstrate that the noise limits specified in parts i) and ii) of this condition are being met. The criteria for the noise monitoring exercise shall first be approved in writing by the Planning Authority, in consultation with Environmental Health.

If the sawmill expansion area has not been developed when a noise monitoring exercise takes place, then the developer shall be required to demonstrate, based on the predicted noise levels for the sawmill expansion area outlined within the supplementary noise assessment, that the mitigation measures which have been implemented will be sufficient to provide the required noise attenuation for the predicted noise levels.

Should any noise monitoring exercise demonstrate that the noise limits specified in parts i) and ii) above are breached or, in the case of predicted noise levels being used, would be breached, then no property within the phase in question shall be occupied until:

- c. full details of additional mitigation measures which comply with the limits set out in this condition have been submitted to, and approved in writing by, the Planning Authority;
- d. the approved additional mitigation measures have been implemented in full; and
- e. a further noise monitoring exercise has been carried out demonstrating compliance or predicted compliance.

### *On-going Maintenance*

Subject to part f) below, all mitigation measures approved under this condition shall be maintained in full and in perpetuity.

- f. The 4m high acoustic fence specified in part b) above shall be maintained unless and until such time as the residential development of the land to the north, which lies between the application site and the sawmill expansion area, is substantially complete (including the provision of appropriate noise mitigation measures), at which time it shall be removed.

For the avoidance of doubt, the maintenance of all mitigation measures approved under this condition shall be included within any factoring agreement established for the maintenance of communal land within the application site.

### *Definitions used in this Condition*

'the Nairn South allocation' means the land as outlined as phases 2/3 in Map 9: Nairn on page 52 of the Highland-wide Local Development Plan.

'the application site' means the land outlined in red on the approved plans.

'the proposed development' means the residential development proposed within the application site.

'the sawmill site' means the area of land which comprises the operational area of John Gordon & Son sawmill at the date of this permission.

'the sawmill expansion area' means the area of land lying between the southern boundary of the sawmill site and the northern boundary of the Nairn South allocation, which, in the Nairnshire Local Plan (page 34), is allocated for the expansion of timber processing, storage and distribution.

'the supplementary noise assessment' means the supplementary noise assessment carried out by RMP consultants dated 27 May 2013 (ref. Q-5341B-RGM-RRM) and submitted in support of the planning application.

**Reason:** To provide, and maintain, effective noise attenuation measures that ensure sawmill activities do not adversely affect residents within the housing development and, conversely, that the presence of housing does not hamper the use of the expansion area by John Gordon & Son sawmill.

5. No development shall commence until full details of a new gateway feature at the southern limit of the existing 30 mph speed restriction on Cawdor Road have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved gateway feature shall be implemented prior to the first occupation of any houses within the development.

**Reason:** To increase the visibility of the 30mph zone and reduce the speed of traffic on the public road as it passes junctions into the application site.

6. Prior to the first occupation of any dwellings hereby approved, traffic signals shall be installed at the junction between the B9090 (Cawdor Road) and B9091 (Balblair Road). The design and layout of the signals and associated works, which shall be in general accordance with WSP drawing number SK101, shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority (TEC Services) prior to implementation.

**Reason:** To allow sufficient carriageway width for vehicles and pedestrians in the interest of road safety.

7. No development shall commence on Phase 2(a) as defined within the Nairn South Strategic Masterplan - Phases 1 & 2 (adopted May 2013) until full details of all measures proposed for preventing traffic or other access between the site and Balblair Road, have been submitted to, and approved in writing by, the Planning Authority (in consultation with TECS Roads). Thereafter, the approved measures shall be implemented in full prior to the first occupation of any houses in Phase 2(a), or any alternative timescale as may comprise part of the approved details, and maintained until such time as the Planning Authority confirms in writing that Balblair Road has been improved to a standard capable of accommodating traffic

from the development and the measures may be removed.

**Reason:** To ensure that traffic do not enter/exist the site onto Balblair Road until such time as the road has been upgraded and can accommodate the increase in traffic.

8. No development shall commence until full details of play area provision within the application site, in line with the requirements of the Council's Open Space in New Residential Development Supplementary Guidance (adopted January 2013), have been submitted to, and approved in writing by, the Planning Authority (in consultation with TECS). Thereafter, development shall progress in accordance with these approved details.

**Reason:** To ensure that a suitable number of play areas with adequate equipment are provided for residents.

9. No development shall commence until a scheme for the maintenance of all communal landscaping/landscaped areas, open space, woodland, paths, play areas and other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, mews/rear servicing roads, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), as well as maintenance of the noise mitigation measures required and approved under condition 4 of this permission, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full to the satisfaction of the Planning Authority and in accordance with the timescales contained therein.

**Reason:** To ensure that all communal areas and infrastructure, where it is not to be adopted, is properly maintained.

10. No development shall commence until full details for the following (including timetables for implementation) have been submitted to, and approved in writing by, the Planning Authority:
- i. All road junctions within the development and those linking the development with Cawdor Road (including visibility splays).
  - ii. The construction specification of all mews/rear lanes within the development.
  - iii. The location and form of all street lighting within the application site and street lighting extensions along Cawdor Road/Balblair Road.
  - iv. A parking scheme and parking standards for all internal roads designed to comply with the Council's Roads Guidelines for New Developments.
  - v. The location and design of all street furniture.
  - vi. The location of grit bins in number sufficient for the scale of the development.
  - vii. The construction of four additional passing places to the minor link road between B9091 and B9090.
  - viii. A new pedestrian crossing point/traffic calming detail at Cawdor Road,



- south of the Elizabeth Street junction.
- ix. Improved crossing facilities for pedestrians at the Millbank Crescent junction with Cawdor Road.

Thereafter, development shall progress in accordance with these approved details and all works or measures shall be implemented by the developer and in accordance with the approved timescales, unless otherwise approved in writing by the Planning Authority.

**Reason:** To ensure that the development does not impact on the safety and free flow of traffic on the local road network and provides a safe environment for pedestrians and road users alike. To ensure that where adverse impact on existing road infrastructure may occur, suitable mitigation and/or upgrades are provided.

11. At all junctions with Cawdor Road and Balblair Road, visibility splays of 4.5 metres x 90 metres (the X dimension and Y dimension respectively) shall be formed in each direction from the centre line of the junction prior to their first use and thereafter maintained in perpetuity. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** To ensure that good visibility is available at each junction and thus preserve the safety and free flow of traffic on the public road.

12. At all internal road junctions and internal driveways, visibility splays of 2.4 metres x 25 metres (the X dimension and Y dimension respectively) shall be formed in each direction from the centre line of the junction prior to their first use and thereafter maintained in perpetuity. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** To ensure that good visibility is available at each junction and thus preserve the safety and free flow of traffic on the public road.

13. For the avoidance of doubt, the corner radii of junctions connecting to Balblair Road and Cawdor Road shall be a minimum of 6 metres.

**Reason:** To safeguard the safety and free flow of traffic on the public road.

14. All approved parking infrastructure shall be provided prior to the first occupation of the dwelling(s) and/or building(s) to which it relates, or in the case of unassigned visitor parking, concurrently with the road upon which it is located, and thereafter shall be maintained for the parking of vehicles in perpetuity.

**Reason:** To ensure that vehicles do not obstruct the public road and affect the safety and free flow of traffic.

15. The first 5m of any house driveway within the development hereby approved shall be surfaced in a cohesive material (such as bitmac or pavements), to the satisfaction of the Planning Authority (in consultation with TECS Roads).

**Reason:** To ensure that the finish of all driveways is fit for purpose and does not result in debris being discharged to the public road.

16. For the avoidance of doubt, the link road which runs from the eastern boundary of Phase 1(b) as defined within the Nairn South Strategic Masterplan - Phases 1 & 2 (adopted May 2013) to Cawdor Road shall be completed prior to the commencement of any development within phase 2(a), or within 3 years of the date on this permission, whichever is sooner.

**Reason:** To ensure that the link road is provided timeously and provides a connection between Phase 1(b) and Cawdor Road.

17. No development shall commence until a scheme for bus stop and bus shelter provision (including a timetable for implementation) within the application site has been submitted to, and approved in writing by, the Planning Authority (in consultation with TECS Roads). The approved scheme shall be fully implemented at the expense of the developer.

**Reason:** To ensure that bus stops are provided and residents are able to use public transport wherever possible.

18. Prior to the first occupation of any of the dwellings hereby approved, a copy of the proposed Residential Travel Pack shall be submitted to, and approved in writing by, the Planning Authority (in consultation with TECS Roads). A copy of the approved pack shall thereafter be given to the first occupant of each dwelling prior to their first occupation.

**Reason:** To ensure that the Residential Travel Pack is of a suitable standard and is distributed to all first residents.

19. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Planning Authority (in consultation with TECS Roads). The CTMP, which shall be implemented as approved, shall include the following:-

- i. Details of appropriate traffic management measures, which shall be established and maintained for the duration of the construction period.
- ii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- iii. Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- iv. Details of site compounds, off street parking facilities and any accesses connecting to the public road network.

**Reason:** To ensure that the construction phase to not adversely impact upon the safety and free flow of traffic on the public road.

20. Notwithstanding the provisions of Class 14 of the Town & Country Planning

(General Permitted Development) (Scotland) Order 1992 (as amended), and prior to the commencement of development, full details of any temporary site compounds and storage areas (including their location, scale and means of security) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details, unless otherwise agreed in writing by the Planning Authority. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion, to the satisfaction of the Planning Authority, and be removed from the application site within one month of the development being completed.

**Reason:** To ensure that the site compounds are sensitively located and, given their location adjacent to school playing fields, are adequately secured to prevent unauthorised entry.

21. No development shall commence until full details of all hard and soft landscaping works (include those proposed in the buffer zone approved under condition 4 of this permission) have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved details. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved details.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the proposed landscaping works are properly undertaken on site and that a high standard of landscaping is achieved, appropriate to the location of the site and the design solution proposed.

22. No development shall commence until full a scheme for the provision of soft landscaping along the southern boundary of the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- i. A plan showing existing landscaping features and vegetation to be

- retained;
- ii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iii. All landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- iv. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved details. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved details.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** To ensure that the southern edge of the application site is softened and assimilates with the countryside beyond until such time as future phases of the allocation are commenced.

No development shall commence until a detailed Outdoor Access Plan of public access across 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 points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), 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 proposed buildings or structures;
- 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 (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, 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 plan.

**Reason:** To ensure that outdoor and public access is properly catered for within the development, that access is not hindered during development and that access infrastructure is on an acceptable standard.

24. No development shall commence until a Recreation Access Management Plan (RAMP) has been submitted to, and approved in writing by, the Planning Authority. The plan must include measures to ensure that the development does not have an adverse impact on the Inner Moray Firth and Moray & Nairn Coast SPA/Ramsar sites. Measures within the plan may include ways of advising residents of development of the sensitivity of these sites and the potential adverse effects brought about by recreation and access. The RAMP shall be implemented as approved.

**Reason:** To ensure that the development does not have an adverse impact on the Inner Moray Firth and Moray & Nairn Coast SPA/Ramsar sites

25. No development shall commence until a scheme for the provision and management of allotments within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be fully implemented at the expense of the developer. For the avoidance of doubt, the scheme shall, amongst other things, include:

- i. A drawing(s) showing of the location of each allotment area within the application site, the number of individual allotments contained therein and any supporting infrastructure or development;
- ii. A strategy for the establishment of on-going of a management of the allotments; and
- iii. a timetable for implementation.

**Reason:** To ensure that allotments are provided and properly managed.

26. No development shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved proposals shall be implemented in accordance with the approved timetable for investigation.

**Reason:** In order to protect the archaeological and historic interest of the site.

27. Unless otherwise approved by the Planning Authority as a temporary exception, construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, shall not 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).

**Reason:** In order to safeguard the amenity of neighbouring properties.

28. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete.

**Reason:** In order to safeguard the amenity of neighbouring properties.

29. No development shall commence on site until a site management plan, covering pollution prevention and waste management measures, has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter, development shall progress in accordance with the approved management plan, unless otherwise agreed in writing by the Planning Authority.

**Reason:** To ensure that suitable measures are put in place to manage pollution prevention and waste management issues.

30. No development shall commence within a phase until full details for all Sustainable Urban Drainage (SuDS) infrastructure within that phase have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). Thereafter, development shall progress in accordance with the approved details. For the avoidance of doubt, and unless otherwise agreed in writing by the Planning Authority, the submitted details shall, as a minimum, show two levels of SuDS treatment for all roads and all catchment drains serving 50 or more houses.

**Reason:** To ensure that the development is served by an acceptable and sustainable type of drainage.

31. No development shall commence until a site public art strategy for the application site has been submitted to, and approved in writing by, the Planning Authority. The site public art strategy must demonstrate compliance with the Council's Supplementary Guidance: Public Art Strategy, ensure that at least one installation of public art is provided within each phase of development and provide timescales for delivery. Public art shall thereafter be provided within the application site in accordance with the approved site public art strategy.

**Reason:** To ensure that public art is provided in line with the Council's Public Art Strategy.

32. No development shall commence until evidence has been submitted to, and acknowledged in writing by, the Planning Authority sufficient to show that all necessary consents are in place with Scottish Water for the provision of public water and foul drainage connections to the development.

**Reason:** To ensure that connections to the public water and sewer networks are available before development commences.

33. No development shall commence until evidence has been submitted to, and

acknowledged in writing by, the Planning Authority sufficient to show that all necessary consents are in place for all work above or within 10ft of the Government Pipeline and Storage System (GPSS) that runs across the application site from north-east to south-west.

**Reason:** To ensure that development does not commence until all permissions are in place regarding the GPSS pipeline.

34. Unless otherwise agreed in writing by the Planning Authority, the Finished Floor Level (FFL) for the ground floor of each dwelling must be no lower than 150mm above surrounding ground levels.

**Reason:** To protect against the residual risk associated with surface water runoff.

35. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within 6 metres of any watercourse (incl. field drains) without planning permission being granted on application to the Planning Authority.

**Reason:** To ensure that development which is normally permissible without the need for a planning application is carefully managed and does not encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

36. No development shall commence until full details of wheelie bin storage for each dwelling, in line with the Council's Supplementary Guidance: Managing Waste in New Developments, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details and bin storage shall be provided prior to the first occupation of the dwelling to which it relates.

**Reason:** To ensure that the development benefits from adequate bin and recycling storage.

37. No development shall commence until full details of communal secure bicycle storage for each block of flats have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details and cycle storage shall be provided prior to the first occupation of the block of flats to which it relates.

**Reason:** To ensure that communal bicycle storage is provided for flatted properties.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.

## **IMPORTANT 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.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**



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

### **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 TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & 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.

### **Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

### **Section 75 Obligation**

You are advised that this planning permission has been granted subject to a Section 75 Obligation. The terms of the obligation must be read in conjunction with the planning permission hereby approved. The terms of the obligation may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

## **Gaelic Language**

In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the use of both Gaelic and English on signage within in this development (both internal and external signs) as well as the adoption of Gaelic or Gaelic-influenced street names. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

## **Traffic Calming Measures**

Please note that the specific detail of any traffic calming measures must be discussed with the Council's TECS Roads, and may require separate consent from them, prior to work commencing. You are also advised to read the Department of Transport's Traffic Advisory Leaflet 11/94 for further guidance and, in particular, you must ensure that all parties with an interest in the amenity, conservation or development of the area are notified of all traffic calming proposals.

## **Badger Best Practice**

Badger Policy Guidance Note: March 2007 and associated guidance should be followed. <http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/Otherplanningguidance.htm>

Signature:

Designation: Head of Planning & Building Standards  
Author: David Baldwin  
Designation: Development Management Planner  
Date: 5 August 2013  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Location Plan  
Site Layout Plans  
Selected House Elevations  
Extract from Transport Assessment  
Copy of Supplementary Noise Assessment

## APPENDIX 1 – LETTERS OF REPRESENTATION

### OBJECTORS

1. Mr David McGrath, 11 Howford Road, Firhall, Nairn, IV12 5QP,
2. Mr Ron Currie, Flat 7, Firhall House, Firhall Drive, Nairn, IV12 5RP,
3. Mrs Loreine Thomson, 51 Sutors Park, NAIRN, IV12 5BQ,
4. Mrs H.M. Brebner, 1 Firhall Drive, Firhall Village, Nairn, IV12 5QA,
5. Mr Trevor Williams, 8 Firhall House, Firhall Drive, Nairn, IV12 5RP,
6. Mr Ronald Gilland, 1 Grant Place, Firhall Village, NAIRN, IV12 5QB,
7. Mr John Harrison, 15 Howford Lane, Firhall, Nairn, IV12 5QS,
8. Mr George M Munro, Wild Goose House, Sandown Farm Lane, Nairn, IV12 5NE,
9. Mr And Mrs Henry And Kay Hall, 15 Broadley Place, Nairn, IV12 5QZ,
10. Ms Delyse Siddall, 1 Firhall House, Firhall Drive, Nairn, IV12 5RP,
11. Mr & Mrs Paul & Glenis Rich, 5 Broadly Place, Firhall, Nairn, IV12 5QZ,
12. Mr Robert Lawson, 11a Howford Lane, Nairn, IV12 5QS,
13. Mr Anthony Topping, Flat 3 Firhall House, Firhall Drive, Nairn, IV12 5RP,
14. Sydney & Edwina Ellis, 17 Howford Road, Nairn, IV12 5QP,
15. Robert & Angela Morrison, 16 Broadley Place, Firhall Village, Nairn, IV12 5QZ,
16. Mrs. Jane Reid, Blythe House, 10 Broadley Place, Nairn, IV12 5QZ,
17. Mr Roger M Marsh, 11 Broadley Place, Firhall, Nairn, IV12 5QZ,
18. Mr Jon Legorburu, 2 Firhall Drive, Nairn, IV12 5QA,
19. Mr John Macdonald, 2 Howford Lane, Nairn, IV12 5QS,
20. Mr And Mrs M J And V Lawlor, 8 Broadley Place , Nairn , IV12 5QZ ,
21. Mr Keith T Wood, 2 Firhall Drive , Nairn , IV12 5QA ,
22. Mr And Mrs JD And Avril J Flett, 4 Firhall Drive , Nairn , IV12 5QA ,
23. Mr John F. Reid, Blythe House, 10 Broadley Place, Nairn, IV12 5QZ ,
24. Dr & Mrs Thomas L. Coombs, 15 Grant Place, Nairn, IV12 5QB ,
25. Mrs Daphne Randall, 9 Grant Place, Nairn, IV12 5QB ,
26. Mr Brian Lockey, 10 Firhall House, Firhall Drive, Nairn, IV12 5RP,
27. Mrs Ann Lockey, 10 Firhall House, Firhall Drive, Nairn, IV12 5RP,
28. Mr And Mrs Eden A And Janet E Guiseley, 3 Broadley Place, Firhall, Nairn, IV12 5QZ,
29. Mr Charles Finch, 20 Grant Place, Firhall Village, Nairn, IV12 5QB,
30. Mr & Mrs Anthony & Patricia Seston, 15 Howford Road, Firhall, Nairn, IV12 5QP,
31. Mrs Cathy Stafford, Clach Na Sanais, Croy , Inverness-shire, IV2 5PG,
32. Janet C. MacInnes, 12A Firhall House, Firhall Drive , Nairn, IV12 5RP,
33. Mr Des Scholes, 5 Water Lane, Nairn, IV12 4BU,
34. Mrs Haeseoun Grant, Seattle, Lochloy Road, Nairn, IV12 5AE,
35. Mr Charles H Allenby, Per Anderson Strathern LLP, 1 Rutland Court, Edinburgh, EH3 8EY,
36. Nairn Residents Concern Group, Per: Mrs Loreine Thomson, 51 Sutors Park, Nairn, IV12 5BQ
37. Mr And Mrs John G And M R Harrison, 15 Howford Lane, Nairn, IV12 5QS,
38. Mrs Keith Brunskill, 17 Firhall House, Firhall, Nairn, IV12 5RP,
39. Dr Rod Bennett, 17 Howford Lane, Firhill, Nairn, IV12 5QS,
40. Mr John Baird, Easter Lochend, Balcroy, Nairn, IV12 5NY,
41. Mrs Helena Stevens, 10 Invercarron, ALNESS, IV17 0TG,
42. Mr John Chalmers, 1 Howford Road, Firhall Village, Nairn, IV12 5QP,
43. John Gordon And Son Sawmill, C/o G H Johnston Building Consultants, Willow House, Stoneyfield Business Park, Inverness, IV2 7PA,
44. Mr And Mrs A H And C C Vallance, 7 Howford Road, Firhall, Nairn, IV12 5QP,
45. Mr And Mrs Clark, 16 Firhall House, Firhall Drive, Nairn, IV12 5RP,
46. Mr And Mrs W J And S Welsh, 4 Howford Lane, Nairn, IV12 5QS,
47. H J Paterson, 12 Firhall House, Firhall Drive, Nairn, IV12 5RP,
48. J Pullinger, 18 Grant Place, Firhall Village , Nairn, IV12 5QB,
49. Ed Murdoch, 20 Grant Place, Firhall Village, Nairn, IV12 5QB,
50. Mr Jimmy Ferguson, IV12 4RQ,

51. Mrs Jean K Macdonald, 2 Howford Road, Nairn, IV12 5QP,
52. Les Cole, 13 Grant Place, Nairn, IV12 5QB,
53. Mr Keith Wood, 2 Firhall Drive, Nairn, IV12 5QA,
54. Mrs Rhona Topping, 3 Firhall House, Firhall Drive, Nairn, IV12 5RP

#### SUPPORTERS

1. Mr Jason Rose, 3 Portland Terrace, Church Street, Nairn, IV12 4AS

#### COMMENTS

1. Mrs H Bebner, 1 Firhall Drive, Firhall Village, Nairn, IV12 5QA

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# 9 Summary & Conclusions

## 9.1 SUMMARY

9.1.1 WSP UK Limited (WSP) has been commissioned by Scotia Homes, Robertson Homes and Barratt Homes to provide transportation advice in support of a proposed residential development to be located on the southern edge of Nairn, Highland.

9.1.2 This Transport Assessment (TA) has examined the current and future transport matters associated with the proposed development. Access matters associated with the development have been examined in a hierarchical manner, with an access strategy developed for all modes of transport.

9.1.3 It is considered that the proposed development accords with local and national transport policy and it is noted that the site is allocated for development in the Highland Wide Local Development Plan.

9.1.4 It is considered that the site is accessible by a range of travel modes with local facilities able to be conveniently accessed on foot and by cycle from the site. Existing bus services operate in the vicinity of the site providing access to the centre of Nairn with services providing onward connection to a range of destinations including Inverness, Elgin and Aberdeen. Nairn rail station also provides access to these destinations and is located within a convenient 10 minute walk of the site.

9.1.5 The development site has also been shown to be well located in relation to the local and strategic road networks and a future Nairn bypass.

9.1.6 The development layout has been designed in accordance with Designing Streets to promote easy access on foot and by cycle throughout the site with convenient linkage provided to existing transport networks. Access to initial development phases will be provided from Cawdor Road with a second access formed on Balblair Road to provide access into the later phases of the proposed development.

9.1.7 It is proposed to improve pedestrian facilities in the vicinity of the site and at the Cawdor Road / Balblair Road junction. In addition, it is proposed to introduce traffic calming measures on Cawdor Road with a speed limit extension introduced on Balblair Road. There is also potential to extend the existing Nairn town bus service to serve the site with a future service extension supported by the provision of bus stops within the site. It is considered that the potential measures which have been set out within this TA will encourage a greater proportion of trips to be made by sustainable modes of transport and minimise the development's impact on the local road network.

9.1.8 A Residential Travel Pack will be issued to all new occupiers detailing existing sustainable travel facilities in the area and a framework for the Pack has been included within this TA.

9.1.9 Trip generation and distribution assumptions have been agreed with Highland Council and Transport Scotland as part of a scoping exercise which was undertaken in October / November 2010.

9.1.10 At the request of Highland Council, the development's impact has been assessed using the A96(T) VISUM corridor model in addition to using more traditional modelling software (PICADY and Linsig).

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## **9.2 CONCLUSIONS**

9.2.1 WSP has undertaken a thorough assessment of the proposed development and its potential impact upon the sustainable travel and road network in the vicinity of the site.

9.2.2 This Transport Assessment has set out a range of measures and incentives which can be adopted to encourage use of sustainable modes of travel when accessing the development.

9.2.3 It is intended that any future infrastructure improvements will be delivered by Highland Council with the developer providing a contribution to their delivery.

9.2.4 It has been demonstrated that the development will have a minor impact on the operation of the strategic and local road networks and it is therefore not proposed to introduce any mitigation measures in association with the site's development. It is however, proposed to signalise the Cawdor Road / Balblair Road junction to control traffic speeds in the vicinity of the junction in addition to improving facilities for pedestrians and cyclists.

9.2.5 It has been demonstrated that the development will have a minor impact on the operation of the A96(T) / Waverley Road junction. There is however, an existing issue with queuing at the junction and potential measures have been developed for consideration by Transport Scotland to improve the efficiency of the junction's operation. The indicative measures have been shown to minimise the level of queuing which is currently experienced in addition to mitigating the minor impact which development generated traffic will have on the junction's operation but ultimately any improvements at this stage are the responsibility of Transport Scotland and Highland Council.

9.2.6 It is considered that the Nairn South site is suitable to accommodate a residential development of the scale which is proposed.

**APPENDIX 3 – Supplementary Noise Assessment**

27 May 2013

Q-5341B-RGM-RRM

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Dear Martin,

### **SUPPLEMENTAL NOISE ASSESSMENT, PROPOSED MIXED USE DEVELOPMENT, LOCHDU, NAIRN SOUTH**

This supplemental report has been produced to update the original noise impact assessment prepared for the proposed development in February 2012, R-5341A-ML1-RGM.

This assessment has been required due to a change in the Scottish Government planning advice, changes to the noise sources affecting the proposed development, changes to the Local Authority noise criteria and additional information received regarding future sawmill noise sources.

Additional surveys of the existing noise environment on the development site have also been completed. Finally a number of changes have been made to the proposed development site layout, such as creating a new link corridor (to the south section north boundary) and moving the 3 storey flats away from the north boundary. A copy of the latest site layout is provided as Appendix 1.

#### New Scottish Government Planning Advice

Current guidance for local authorities with regard to noise affecting planning matters is given in the Scottish Government's recently introduced PAN 1/2011 'Planning and Noise' document, with further details on the assessment of noise provided in its associated Technical Advice Note (TAN): 'Assessment of Noise'.



THE QUEEN'S  
ANNIVERSARY PRIZES  
2009



Paragraph 15 of PAN 1/2011 gives the following advice:

*Issues which may be relevant when considering noise in relation to a development proposal include:*

*Type of development and likelihood of significant noise impact,  
Sensitivity of location (e.g. existing land uses, NMA, Quiet Area),  
Existing noise level and likely change in noise levels,  
Character (tonal, impulsivity etc), duration, frequency of any repetition and time of day of noise that is likely to be generated, and  
Absolute level and possible dose-response relationships e.g. health effects if robust data available.*

Paragraph 19 recommends that in order to assist in the preparation and consideration of planning applications, Noise Impact Assessments may be requested by the planning authority. Noise Impact Assessments are to “demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact.” Limited advice on the assessment of industrial noise generating operations is given in PAN 1/2011. Paragraph 31 states:

*Due to its variable character industrial noise is difficult to assess. Since background noise levels vary throughout the 24 hour period it will usually be necessary for Noise Impact Assessments to assess the acceptability of noise level for separate periods (e.g. day, evening, night and weekend) chosen to suit the hours of operation of the proposed development. Noise that may result from traffic generated by new industrial developments is likely to be a relevant consideration.*

Whilst TAN provides examples of Noise Impact Assessments for a handful of scenarios, no specific provision is given for the assessment of existing industrial noise affecting new noise sensitive developments.

Other than the example assessments, PAN 1/2011 and TAN do not suggest criteria to employ for the noise assessments, but rather delegate this task to the planning authorities.

### New Highland Council Planning Criteria

The most up to date noise criteria issued for the protection of the proposed residential housing from noise from the adjacent sawmill (located to the north of the development site) was issued by Zoe Skinner in an email dated 15 March 2013. The criteria are reproduced below:

1. The daytime limit is set as an external, free field limit with a minimum distance of 3.5 meters from the façade. The criteria time period for the daytime limit is 1 hour. The daytime limit is agreed at  $L_{Aeq(1hr)}$  45dB.

2. The time night limit is set as an internal measurement of  $L_{Aeq(1hr)}$  25dB, with windows open for ventilation purposes, with no more than 4 events within the hour exceeding an  $L_{Amax}$  45dB. (Note that this is equivalent to an external noise level of  $L_{Aeq(1hr)}$  35dB and  $L_{Amax}$  55dB, assuming a conservative open window attenuation of 10dBA).

The day time criteria has been reduced (more stringent) by 5 dBA and the night time criteria by 10 dBA over that used in our 2011 report.

The night time criteria are now set within upper floor bedrooms with the windows open. This will have an impact on the height of the acoustic barrier required to protect the upper floors. Our previous report assumed that the upper floors could be protected by acoustic glazing and provided appropriate recommendations for a lower barrier to protect the garden level only.

#### Existing Sawmill Noise

The proposed residential housing is to be located approximately 120m south of the existing sawmill activity. The 2011 RMP study established that the existing noise from the sawmill, at the building line, was approximately  $L_{Aeq}$  53 dB, i.e. 8 dBA higher than the new planning criteria. No night time source measurements were made for this report.

Since our previous assessment there have been a number of changes to the operations within the sawmill, including new kilns to the east boundary, which operate 24 hours a day. Within the last six weeks a new process line has also been completed and is now operational.

RMP have carried out two new long term monitoring exercises in order to establish the existing site noise environment.

A calibrated Class 1 Rion NL 52 sound level meter with weather protection kit was set up at the proposed building line, approximately 120m from the sawmill boundary. The measurement location (highlighted in Appendix 5) was agreed with Highland council during an initial site visit on 22<sup>nd</sup> February 2013.

The first set of measurements was made between Friday 22<sup>nd</sup> February 2013 and Monday 18<sup>th</sup> March 2013. The second set of measurements which included the noise from the new process line was made between Monday 30 April 2013 and Tuesday 15<sup>th</sup> May 2013.

The results of the two sets of measurements are summarised in Table 1 below.

Table 1: Results of long term noise monitoring at proposed building line, L <sub>Aeq 1hr</sub> dB				
Measurement dates	Average day time level with sawmill operating	Typical peak daytime level with sawmill operating	Average evening and weekend level with sawmill not operating (except kilns)	Average Night Time level with sawmill not operating (except kilns)
22/2/13 to 18/3/13	48	55	42	36
29/4/13 to 14/5/13, New process line working	50	55	46	40

We are also aware of an additional set of measurements made at the same location by Airshed Acoustic Consultants for the proposed residential development on the fields to the west of the development site. These were made between Tuesday 9<sup>th</sup> October 2012 and Thursday 11<sup>th</sup> October 2012. These indicated a daytime level of L<sub>Aeq</sub> 48 dB and a night time level of L<sub>Aeq</sub> 36 dB. The results of the Airshed measurements correlate well with the RMP measurements.

The full results of the two RMP surveys are presented in Appendix 2 and 3 at the end of this report.

A number of conclusions can be drawn for the two sets of measurements:

- During the night time period the only noise source operating within the sawmill is the drying kilns. The night time results from both sets of measurements regularly drop below L<sub>Aeq 1hr</sub> 30dB which, as the kiln noise is constant, clearly indicates that the kiln noise is no greater than L<sub>Aeq 1hr</sub> 30dB at the building line. Therefore the local authority night time criteria would be achieved without the need for acoustic mitigation. There are no impulse noises associated with the kiln, which would exceed the L<sub>Amax</sub> 45 dB criteria.
- The new process line has not significantly changed the overall noise level emanating from the operating sawmill. The increased evening & night time level is believed to be due to more general activity with the lighter nights and more unstable meteorological conditions, which affect the underlying noise level.
- The typical highest L<sub>Aeq 1hr</sub> recorded on a daily basis is approximately L<sub>Aeq 1hr</sub> 55 dB. To reduce this to below the local authority criteria of L<sub>Aeq 1hr</sub> 45dB will require a minimum attenuation from the proposed acoustic barrier along the north site boundary of 10 dBA.

Noise from sawmill extension site

The master plan for the Nairn South development included the provision of land for the future expansion of the sawmill. This would have the effect of moving the sawmill noise sources 50m closer to the residential development, i.e. 120m to 70m.

We have been supplied with a letter dated 1 May 2013 from G. H. Johnston Building Consultants, which sets out the various potential noise sources within the extension zone to north of the development site.

The levels supplied have been corrected for the distance attenuation to the residential development 70m away. Point source attenuation has been used for each source with the exception of the kilns where plane source attenuation has been used for the first 12m of attenuation. Where no level was supplied, the previous RMP site measured levels have been used, but corrected for distance. The predicted levels are presented in Table 2 below. Also presented in Table 2 is the existing site noise level corrected to a distance of 70m.

Table 2: Predicted level at proposed building line from sawmill expansion area, $L_{Aeq}$ dBA			
Noise Source	Source Height	Noise level & distance	Predicted level at building line (70m from source)
Butt Reducer	4m	79dB@5m	57 dB
Weighbridge	2m	66dB@15m	53 dB
Kilns	7.7m	65dB@3m	44 dB
Re-saw	7m	74dB@10m	57 dB
Loading Yard	5m	67dB@5m	44 dB
Overall existing noise level	5m	$L_{Aeq\ 1hr}$ 55dB@120m	60 dB

With the exception of the overall existing noise level measurement, the individual levels from the plant are not time corrected to the 1hr assessment period. On time correcting of these levels would reduce the noise level.

The results in Table 2 indicated that moving the sawmill activity closer to the development site is likely to increase the noise level at the building line by approximately 5 dBA over the existing  $L_{Aeq\ 1hr}$  55dB. This would have the effect of increasing the minimum barrier attenuation required from 10 dB to 15 dBA.

The source height supplied with the noise data does however give cause for concern, as mitigating the noise from a source located almost 8m high will involve the construction of a very substantial barrier.

We would question if these are realistic proposals for the use of the extension zone, in particular the new kilns and re-saw buildings, given that there are existing residential properties to the north east of the extension zone that would not be protected by the new development acoustic barrier.

### Proposed noise mitigation measures

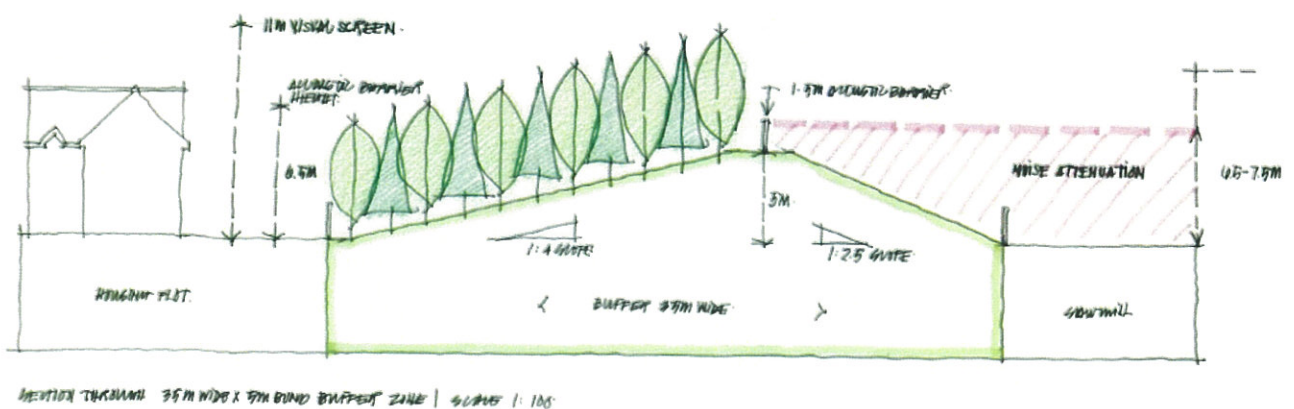
The height of the proposed barrier to be located around the extension zone is dependent on the height of the receiver and the height of the noise source. The height of the receiver during the day has been taken as 1.5m above ground level. During the night the receiver has been taken as 4m. The barrier attenuation calculations have been performed using standard path difference equations.

The existing site assessment has demonstrated that the current Kilns do not require any acoustic mitigation. Introducing new kilns in the expansion zone will require however require a barrier. Our predictions have assumed that the barrier is located 20m from the kilns and 50m from the residential property. The source height has been taken as 7.7m.

Our calculations indicate that an 8m barrier would be required to achieve the 10 dBA reduction in kiln noise from 44 dBA to below 35dBA outside the first floor bedroom windows, (allowing for 10 dBA attenuation of open window).

For the day time sawmill activity, the 8m barrier would achieve a 15 dBA attenuation assuming a source height of 7m and receiver height of 1.5m. This would be sufficient to reduce the sawmill noise to below the target 45 dBA.

An 8m bund would typically be constructed from a 5m high earth bund with a 3m high timber fence on top. An example diagram of the likely arraignment was included within the master planning documentation, see below.



---

If the extension area did not include the kilns or re-saw buildings (which have the 7-8m high noise source), the barrier height could be reduced to 6m.

For the existing sawmill site without the extension, the barrier height could be reduced to 5m.

If the full Nairn South master plan including the adjacent land to the west is implemented, the extent of the barrier is likely to follow the master plan indicative layout shown in Appendix 4 of this report.

However on the basis that only this application progresses the earth bund would have to stop near the west field boundary. We would recommend that the acoustic fence be continued north, then north west along the sawmill boundary at a height of 4m in order to fully enclose the extension area and reduce the noise from the sawmill timber storage area. The extent of the barrier is indicated in Appendix 5. This fence could be removed when the full master plan is implemented.

---

## Conclusions

New site noise assessments have established that the sawmill noise level is up to  $L_{Aeq\ 1hr}$  55 dB at the residential development site. Therefore a minimum 10 dBA attenuation is required from the boundary acoustic barrier.

The introduction of the sawmill extension site would increase the noise level at the residential development site, to  $L_{Aeq\ 1hr}$  60 dB. Therefore a minimum 15 dBA attenuation would be required from the boundary acoustic barrier.

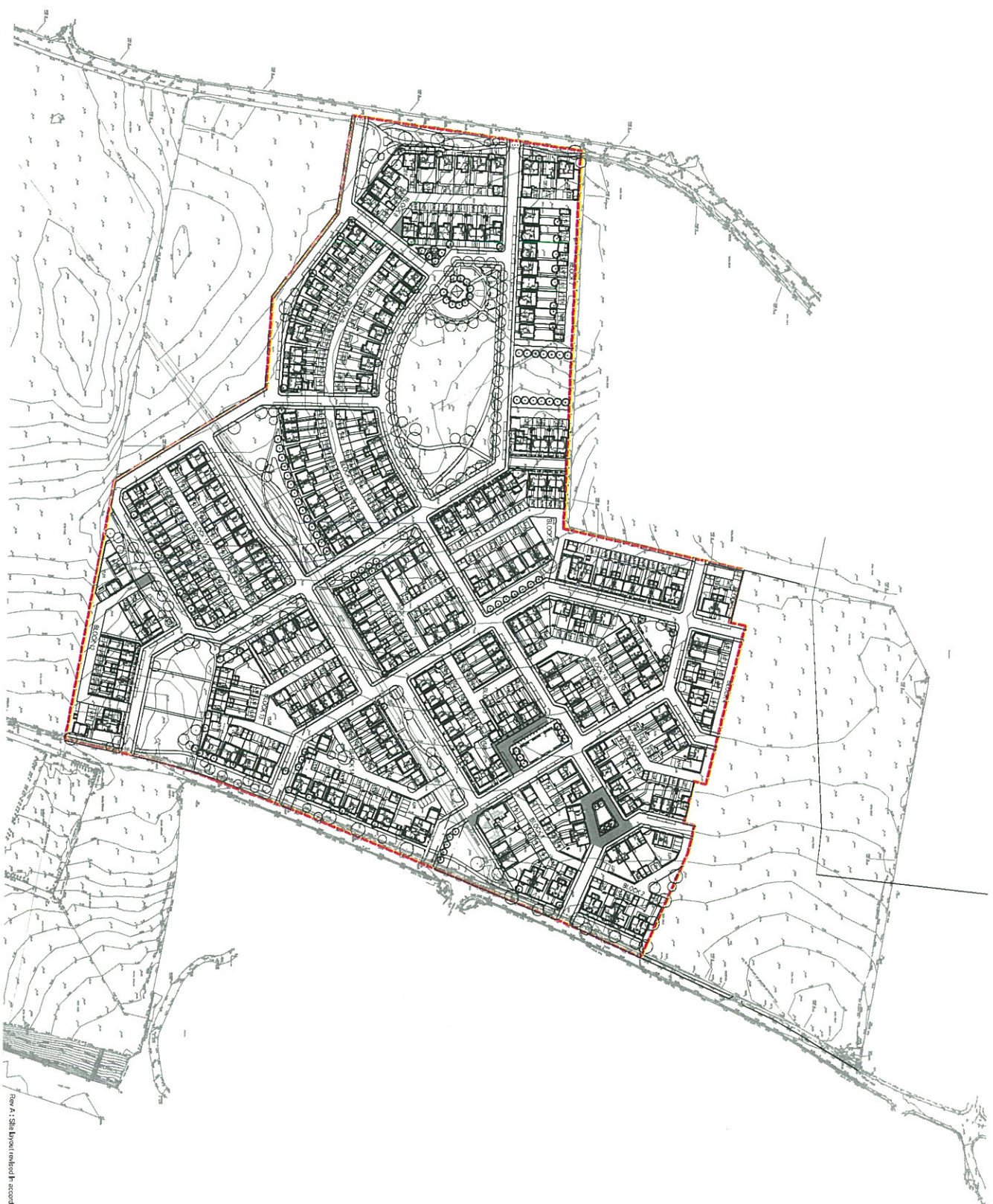
Recommendations for a worst case 8m high barrier have been presented. The barrier height could be reduced to 6m if restrictions on the use/height of noise sources within the sawmill extension area could be agreed.

We would consider that these restrictions may be required given the presence of existing residential properties to the north east of the sawmill extension site.

Should you have any questions please do not hesitate to contact myself.

Yours faithfully,

Richard Mackenzie  
for  
**Robin Mackenzie Partnership**



Sheet A1 : Site context plan to be accompanied with discussions with Highland Council, May 2013 JAB



**LaQuatra Bonci Associates**  
 95 South Tenth Street  
 Pittsburgh, Pennsylvania 15203  
 tel 412.486.8822

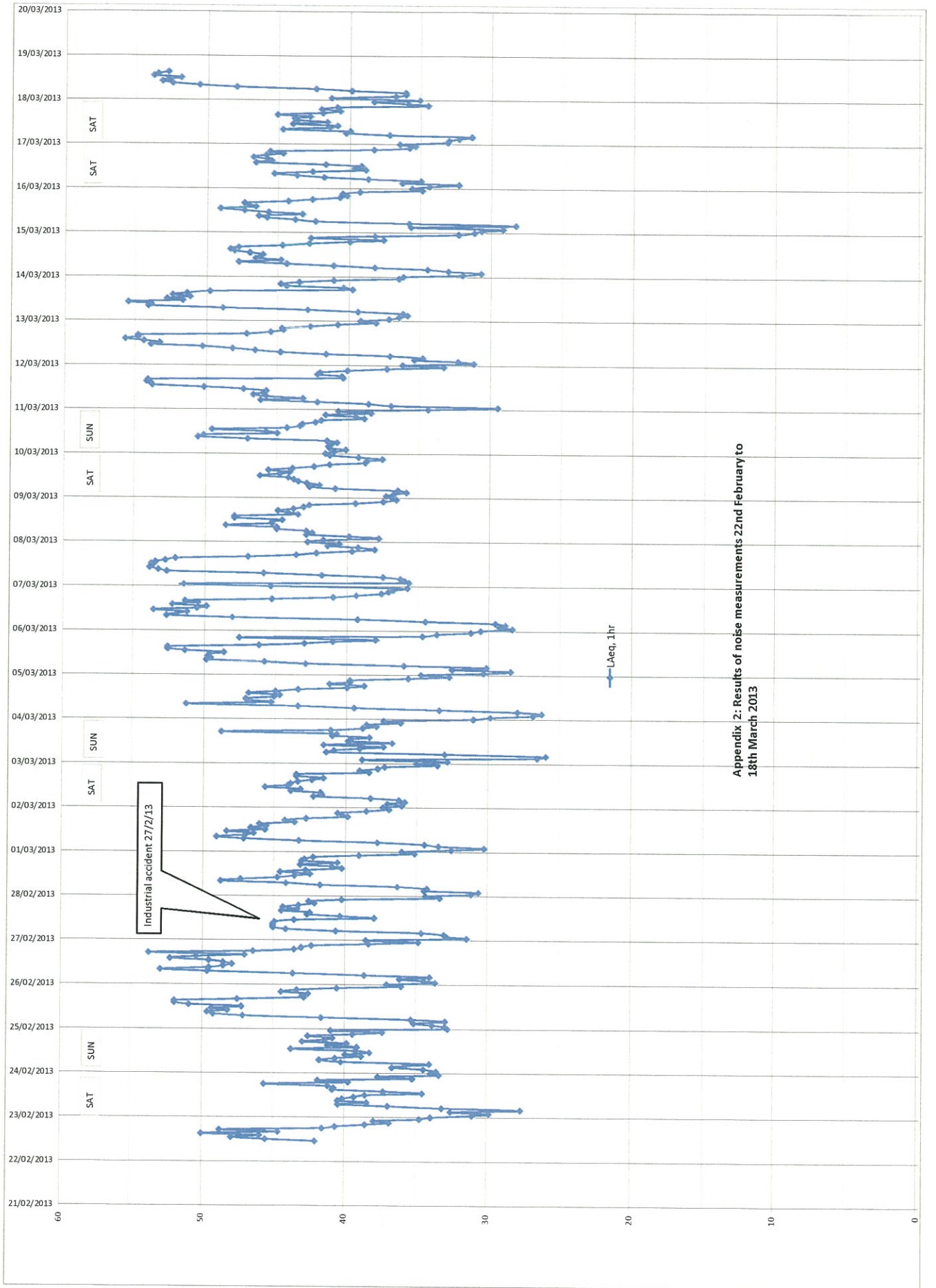
**Urban Design Associates**  
 707 Grant St. 31st Floor  
 Pittsburgh, PA 15219  
 tel 412.263.5200

**Michael Gilmour Associates**  
 22 Rickshaw Terrace  
 Kilsyth, Glasgow G13 1XE  
 tel 01224 943117

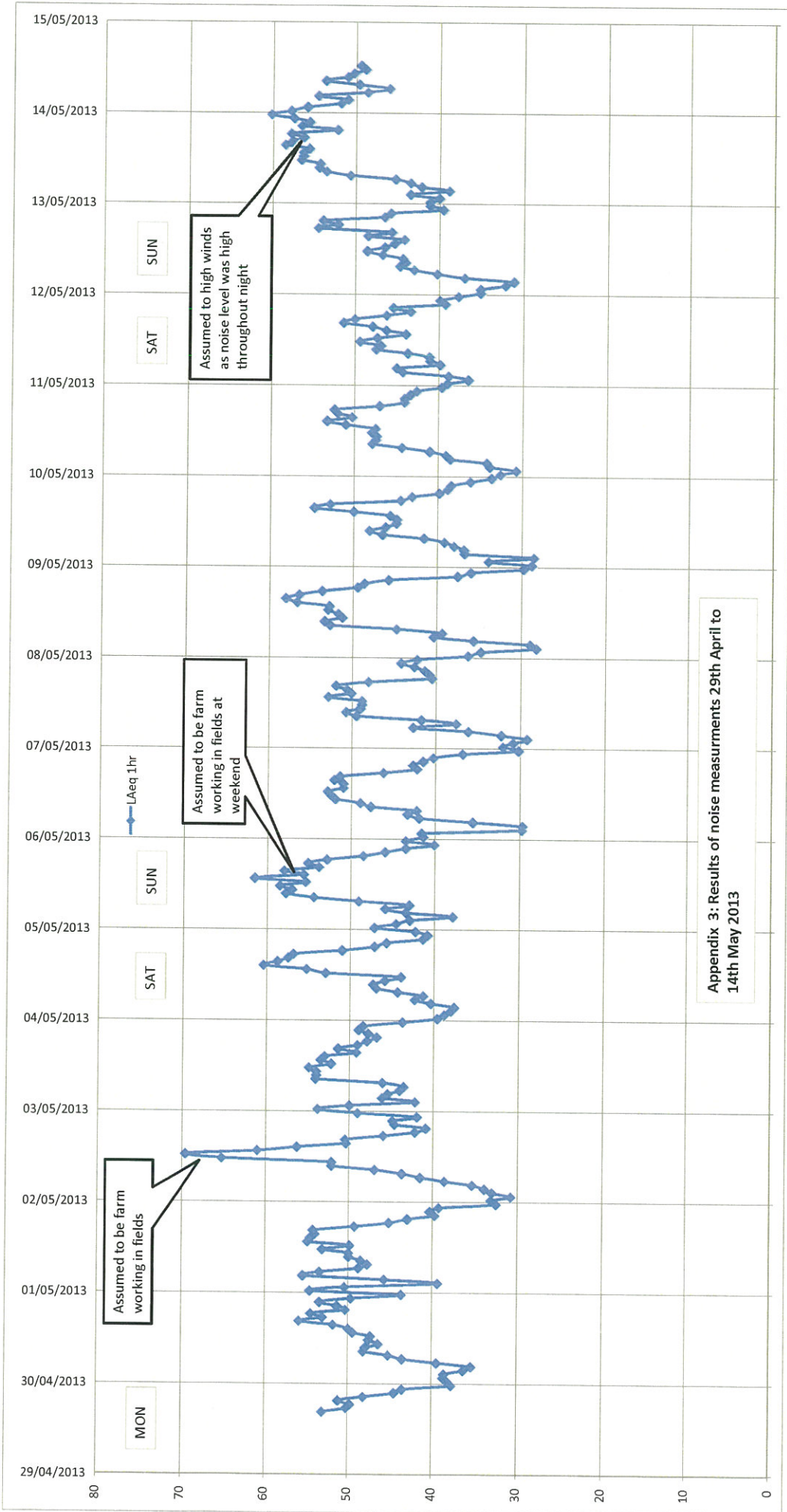
**Project**  
 Development at Lochrifu Farm,  
 Nairn South Application  
 for Planning Permission  
 Highland Council for Scotia Homes (North) Ltd,  
 Barratt East Scotland, Robertson Homes Ltd

Drawing		Scale	
<b>SITE CONTEXT PLAN</b>		18 FEB 11 1 : 1250 @ A1	
Drawn	Checked	Approved	Revision
			A
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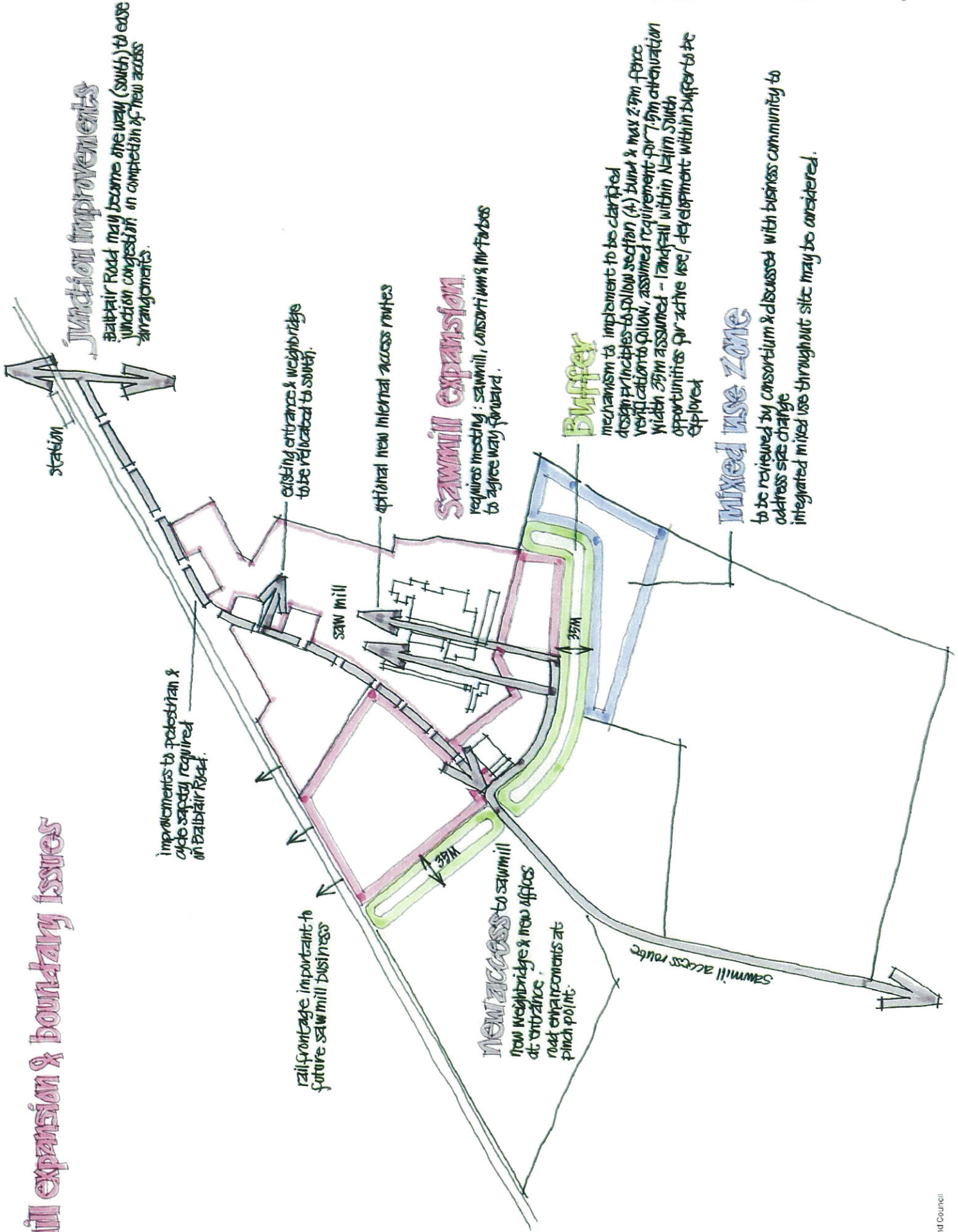


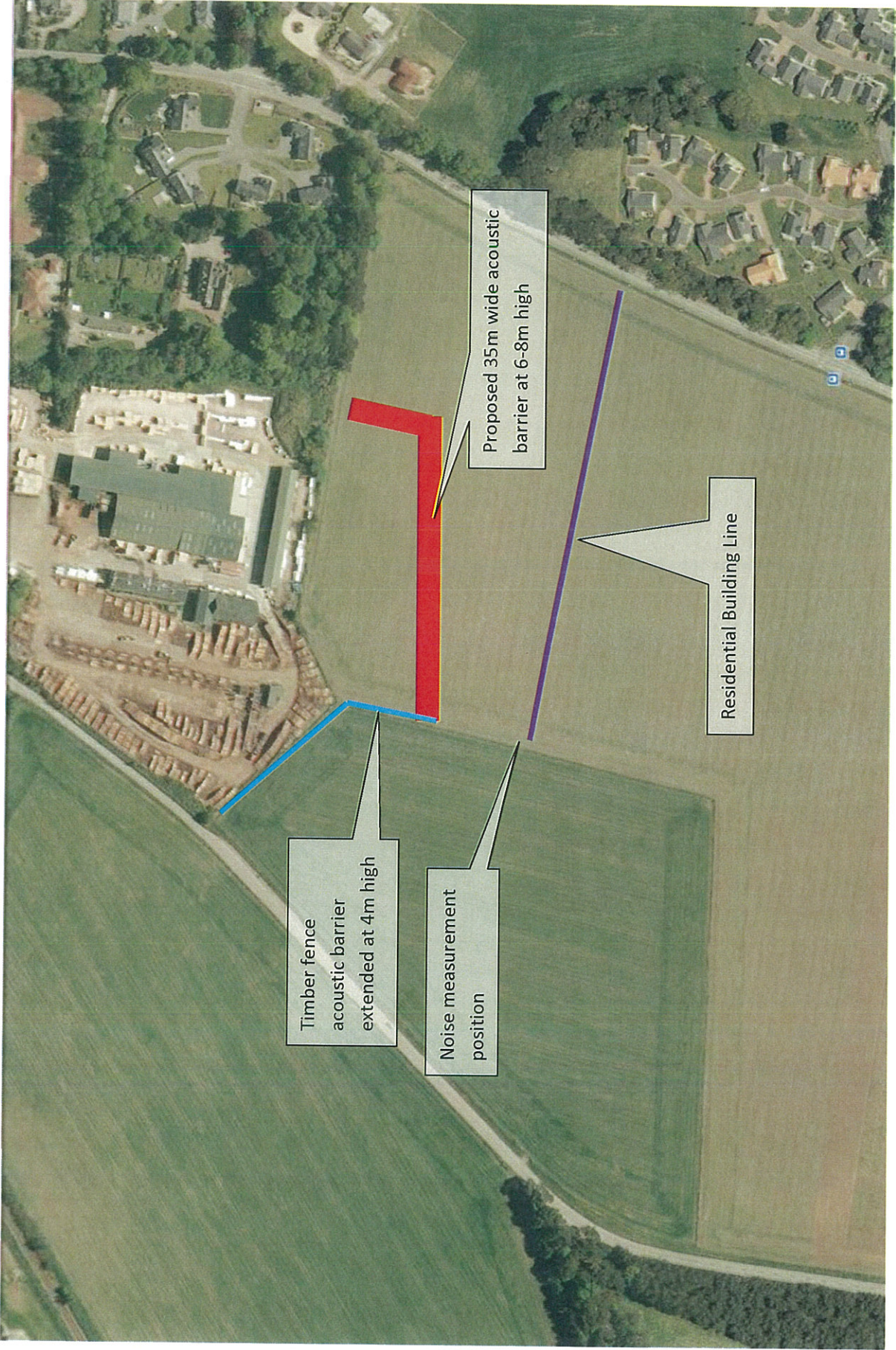
Appendix 2: Results of noise measurements 22nd February to 18th March 2013



Appendix 3: Results of noise measurements 29th April to 14th May 2013

# Sawmill expansion & boundary issues





APPENDIX 5: BARRIER RECOMMENDATIONS