

**The Highland Council**

**South Planning Applications Committee  
14 December 2015**

Agenda Item	6.3
Report No	PLS 089/15

**15/03915/S42: The Highland Council**

**Land Between Dores Road And Torvean, Dores Road, Inverness**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** Application under Section 42 to develop land without compliance with conditions 2, 3 and 4 of 15/01809/S42 - Inverness West Link

**Recommendation: GRANT**

**Wards:** 14 – Inverness West and 16 - Inverness Ness-side

**Development category:** Major

**Pre-determination hearing:** None

**Reason referred to Committee:** Managers Discretion

**1.0 Proposed Development**

1.1 This application has been submitted under Section 42 of the Act and relates to a number of the conditions attached to planning permission 15/01809/S42 granted on 30 June 2015 in respect of the Inverness West Link.

1.2 The application seeks to **remove** the following conditions:

Condition 2

*No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until such time as the pitches at Canal Park have been reconfigured in accordance with a scheme, to include details of the design specification, the appointed contractor(s) and work programme, that has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. Such scheme shall include details for protection of the remaining pitches at Canal Park during construction of the road, including condition surveys before, during and post construction, and a statement on remedial measures to be taken in the event of deterioration. The agreed scheme shall be implemented.*

*Reason: To ensure that an appropriate level of replacement facilities are provided before construction of the road link and that the impact on new facilities at Canal Park can be minimised.*

#### Condition 3

*As part of the reconfiguration of the Canal Park pitches, four metre (4m) high ball stop fencing shall be erected to the south-east and north-east sides of Canal Park, details of which, including their location, shall be submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed fencing shall be provided prior to the pitches being available for use.*

*Reason: To minimise the impact of balls on footpaths and the clubhouse parking area as a result of the reorientation of the pitches.*

#### Condition 4

*No development shall commence on Stage 1 (Mill Lade Roundabout - Canal Park Roundabout) until details of the ball stop fencing identified on drawing HRS7126 PL05 has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.*

*Reason: To ensure appropriate provision in the interests of road safety and to preserve the continuing use of Canal Park as a location for Rugby Football.*

- 1.3 A copy of the original planning permission for the Inverness West Link is contained within Appendix 2. This permission was superseded by an application for non-compliance with conditions granted on 30 June 2015. A copy of the decision notice for the previous application for non-compliance with conditions is contained within Appendix 3.

## **2.0 Planning History / Background**

- |     |                       |  |
|-----|-----------------------|--|
| 2.1 | <b>25 August 2015</b> | Demolition of existing clubhouse and erection of new clubhouse, installation of an artificial pitch, regrading work to two grassed pitches & relocation of existing training area with associated works, Highland Rugby Club Bught Road Inverness IV3 5SS  |
| 2.2 | <b>30 June 2015</b>   | Application under Section 42 to develop land without compliance with conditions 15, 16, 17, 18 & 31 of 13/03825/FUL - Inverness West Link  |
| 2.2 | <b>14 April 2014</b>  | Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc. granted planning permission (13/03825/FUL). |

### 3.0 Public Participation

3.1 Advertised: 30 October 2015 in the Inverness Courier.

Representation deadline: 13 November 2015

Timeous representations against:	0
Comments:	0
Representations in support:	0
Non-timeous representations against:	0

### 4.0 Consultations

4.1 SportScotland has not objected to the application. A new condition or modification to condition 2 or condition 5 is sought to ensure timeous delivery of mitigation.

### 5.0 Development Plan Policy

5.1 The development plan comprises of the Highland-wide Local Development Plan (2012), the Inner Moray Firth Local Development Plan (2015), the Inverness Local Plan (2006, As Continued in Force 2012) and statutorily adopted Supplementary Guidance.

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

#### **Highland-wide Local Development Plan (April 2012)**

5.3 Policy 8 Ness-side and Charleston  
Policy 28 Sustainable Development  
Policy 76 Playing Fields and Sports Pitches

#### **Inner Moray Firth Local Development Plan (July 2015)**

5.4 Site IN24 Torvean and Ness-side– Mixed Use (Homes, Business, Retail, Tourism, and Community).

#### **Inverness Local Plan (2006, As Continued in Force 2012)**

5.5 The general polices and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan.

5.6 The following statutorily adopted supplementary guidance is relevant to the assessment of the application:

- Torvean and Ness-side Development Brief (2013)

## **6.0 Other Relevant Planning Policy**

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

- 6.1
  - National Planning Framework 3
  - Scottish Planning Policy

## **7.0 Planning Appraisal**

- 7.1 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises the Highland wide Local Development Plan (Adopted April 2012), the Inverness Local Plan 2006 (as continued in force), and all associated statutorily adopted Supplementary Guidance.

### Determining Issues

- 7.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

### Planning Considerations

- 7.3 The principle of the development has been established. This is an application to remove conditions. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continue to comply with development plan policy and take into consideration any other material considerations.

### Development Plan

- 7.4 Development Plan Policy has not changed since the time of the determination of the original application. The key issue therefore is whether the amendment or removal of the conditions applied for would make the development incompatible with the Development Plan.
- 7.5 At the time of the consideration of the original application, a scheme for mitigating the loss of facilities at Canal Parks and had not yet been finalised nor had a scheme to protect the current pitches. SportScotland therefore requested conditions related to the protection of pitches during construction and a scheme for compensation of the loss of facilities. In doing so Conditions 2 and 5 were applied to the permission to secure the mitigation in order to comply with Policy 76 of the Highland wide Local Development Plan.

- 7.6 As the Inverness West Link project progressed into the detailed design stage, further work was progressed in relation to the reconfiguration and pitch compensation scheme for Canal Parks. This ultimately led to the submission of a planning application for a new rugby clubhouse, artificial pitch and regrading of two grass pitches at Canal Parks. This was granted planning permission on 25 August 2015 following consideration by South Planning Applications Committee on 18 August 2015. Through that application, it was considered that the proposed scheme provided sufficient compensation for the loss of playing field provision as a result of the Inverness West Link project. A copy of the decision notice for the Canal Parks project is contained within Appendix 4.
- 7.7 The result of this was that, in effect, conditions 2 and 5 of the planning permission for the Inverness West Link were satisfied. These conditions were pre-commencement conditions and they require the approved scheme to be implemented prior to development commencing on the Inverness West Link. It is now proposed that the construction of the new and reconfigured facilities at Canal Parks will be undertaken in tandem with the development of Stage 1 of the Inverness West Link. During this time the Highland Rugby Club and other users of Canal Parks are being provided with alternative accommodation. The provision of alternative accommodation was secured through the permission for the Canal Parks project.
- 7.8 While the application has sought to remove condition 2, it is considered that to ensure the required mitigation is delivered timeously, a new condition is attached to require the mitigation scheme to be implemented, completed and ready for occupation no later than 6 months after the opening of Stage 1 of the Inverness West Link. This new condition, which would also require the submission of details of the mitigation scheme, would allow for the removal of condition 2 and condition 5. SportScotland, following discussion with Highland Rugby Club, do not object to the application, if an appropriate timescale for implementation of the mitigation scheme is secured by condition.
- 7.9 Conditions 3 and 4 are related to the provision of ball stop fencing around the facilities at Canal Parks. The provision of ball stop fencing has been given further consideration through the detailed design of the Canal Parks project. In doing so a variation to the height of fencing and the location of fencing envisaged at the time of determination of the Inverness West Link planning application is proposed. The approved fencing layout, configuration and fencing as set out in the Canal Parks permission (15/01431/FUL) is considered acceptable. The detailed design of this fencing is secured by condition attached to the Canal Parks permission. It is considered that Conditions 3 and 4 attached to the Inverness West Link permission can be removed without any conflicts arising with the development plan as the matter has been dealt with by a separate permission.

#### Other Material Considerations

- 7.10 There are no other material considerations.
- 7.11 It is worth highlighting that an application submitted under S42 of the Planning Act provides a planning authority with an opportunity, in considering the proposed

application, to amend any, or all, of the conditions on a planning permission that it considers necessary to regulate the development proposed. However, following consideration, there are no other conditions, other than those outlined above, that require amendment, variation or deletion at this time.

## 8.0 Conclusion

- 8.1 All relevant matters have been taken into account when appraising this application. The removal of Conditions 3 and 4 would not result in the development being incompatible with the Development Plan. Neither would the removal of condition 2, however it is considered that this should remain, with its provisions combined with condition 5 to ensure timeous delivery of the mitigation proposed.
- 8.2 It is considered that the application for non-compliance with conditions on this extant planning permission accords with the development plan and is acceptable in terms of all other applicable material considerations.

## 9.0 Recommendation

- 9.1 It is recommended that this application for non-compliance with conditions is **GRANTED** subject to:

1. The addition of the following condition in replacement of Condition 2 and Condition 5 attached to 15/01809/S42:

*No development shall commence on Stage 1 (North abutment – Queen’s Park Roundabout) until a scheme for pitch compensation and reconfiguration, including design, specification and timescale for delivery has been submitted to, and agreed in writing by the Planning Authority in consultation with Sport Scotland. Thereafter the scheme shall be implemented as approved, with the artificial pitch and clubhouse being complete and available for occupation no later than September 2017 with the remainder of the pith compensation and reconfiguration works being complete and available for occupation no later than 6 months after opening of Stage 1 (North Abutment – Queens Park Roundabout) of the Inverness West Link.*

**Reason:** To ensure that an appropriate level of replacement facilities are delivered timeously and that the impact on the facilities at Canal Parks are appropriately mitigated.

And;

2. All other conditions pertaining to planning permission 15/01809/S42, except conditions 2, 3 and 4, 5 which shall be deleted.

Designation: Head of Planning and Building Standards

Author: Simon Hindson - Acting Principal Planner

Background Papers: Documents referred to in report and in case file.

Relevant Plans: PL02 Location Plan

## **Appendix 1 – Letters of Representation**

### **Objectors**

None.

### **Supporters**

None.

### **General comments**

None.

**Appendix 2 - Planning Permission Decision Notice 13/03825/FUL**



**PLANNING PERMISSION**

Reference No: 13/03825/FUL

To:  
The Highland Council  
Per: Mr Jim Smith  
Osprey House  
Alness Point Business Park  
Alness  
IV17 0UP

**Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act**

**DECISION NOTICE**

**West Link- Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc.  
West Link Road land between Dores Road and Torvean, Dores Road, Inverness**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

<b>Type of Plan</b>	<b>Plan Number</b>	<b>Version No.</b>	<b>Date Plan Received</b>
Site Layout Plan	HRS7126 PL01		09.10.2013
Location Plan	HRS7126 PL02		09.10.2013
Site Layout Plan	HRS7126 PL03	Temporary Compounds	11.10.2013
Site Layout Plan	HRS7126 PL04	Design Details 1 of 4	11.10.2013
Site Layout Plan	HRS7126 PL05	Design Details 2 of 4	11.10.2013
Site Layout Plan	HRS7126 PL06	Design Details 3 of 4	11.10.2013
Site Layout Plan	HRS7126 PL07	Design Details 4 of 4	11.10.2013
Landscaping Plan	HRS7126 PL12	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL13	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL14	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL15	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL16	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL17	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL18	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL19	Landscaping (Sections)	11.10.2013
Landscaping Plan	HRS7126 PL20	Landscaping (Sections)	11.10.2013
General Plan	HRS7126 PL21	Bridge General Arrangement	11.10.2013
General Plan	HRS7126 PL25	Underpass 1 Queens Park	11.10.2013
General Plan	HRS7126 PL26	Underpass 2 Queens Park	11.10.2013
General Plan	HRS7126 PL27	Underpass 3 Torvean	11.10.2013
General Plan	HRS7126 PL28	VMS Signing	11.10.2013
General Plan	HRS7126 PL29	Proposed CCTV	11.10.2013

**Dated:** 14th April 2014

**Head of Planning and Building Standards**

This permission is granted subject to the following conditions: -

- (1.) Planning Permission is hereby granted for a 3.2km length of single carriageway road with 5 roundabouts, a swing bridge over the Caledonian Canal and new bridge over the River Ness and associated development, as detailed with plans HRS7126 PL04 - PL07, which shall be developed in two sequential stages as follows:

Stage 1 - Holm Roundabout to Glenurquhart Road

Stage 2 - Tandem Canal Bridge and works to west of the canal.

**Reason:** In order to clarify the terms of permission and control phasing of implementation.

- (2.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until such time as the pitches at Canal Park have been reconfigured in accordance with a scheme, to include details of the design specification, the appointed contractor(s) and work programme, that has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. Such scheme shall include details for protection of the remaining pitches at Canal Park during construction of the road, including condition surveys before, during and post construction, and a statement on remedial measures to be taken in the event of deterioration. The agreed scheme shall be implemented.

**Reason:** To ensure that an appropriate level of replacement facilities are provided before construction of the road link and that the impact on new facilities at Canal Park can be minimised.

- (3.) As part of the reconfiguration of the Canal Park pitches, four metre (4m) high ball stop fencing shall be erected to the south-east and north-east sides of Canal Park, details of which, including their location, shall be submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed fencing shall be provided prior to the pitches being available for use.

**Reason:** To minimise the impact of balls on footpaths and the clubhouse parking area as a result of the reorientation of the pitches.

- (4.) No development shall commence on Stage 1 (Mill Lade Roundabout - Canal Park Roundabout) until details of the ball stop fencing identified on drawing HRS7126 PL05 has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Reason:** To ensure appropriate provision in the interests of road safety and to preserve the continuing use of Canal Park as a location for Rugby Football.

- (5.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until a scheme of pitch compensation (for the playing field areas lost at Canal Park), including design specification and timescale for delivery, has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Reason:** In order to ensure that the loss of pitch facilities is appropriately compensated in line with SPP.

**Dated:** 14th April 2014

  
Head of Planning and Building Standards

- (6.) No development shall commence on Stage 2 until a scheme, including work programme, to ensure that a fully operational 18 hole golf course and ancillary facilities, including club house, parking area and practice facilities (the Torvean Golf Course) are available at all times both during and after construction of this stage of the road have been submitted to, and agreed in writing, by the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Reason:** To ensure that an appropriate 18 hole golf course is available at all times during and after construction of Stage 2 of the road link.

- (7.) For the avoidance of doubt the design/layout of vehicular access to the Canal towpath and location of new jetties and pontoons on the west side of the Canal to the south of the new swing bridge shown on drawing HRS7126-PL05 are not approved. No development shall commence on Stage 2 until revised plans and details, including a timetable for provision, relating to vehicular access to the Canal towpath and the location of boat jetties and pontoons on the west side of the Canal to the south of the new swing bridge have been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed plans and details shall be implemented in accordance with the agreed timetable.

**Reason:** To ensure the continued unimpeded operation of the rowing facilities on the canal by Inverness Rowing Club and rowers.

- (8.) No development shall commence on Stage 2 until confirmation that an appropriate and binding agreement between Transport Scotland and Scottish Canals regarding the sequence and operation of both canal swing bridges, that takes into consideration the needs of Inverness Rowing Club, has been secured.

**Reason:** To ensure that the new swing bridge will be capable of being opened when required by Inverness Rowing Club for rowing regattas.

- (9.) For the avoidance of doubt the designs for the new swing bridge, control building, plant building and Jacobite Cruises replacement building shown on drawings HRS7126 PL 22 - PL 24 & PL30 - PL32 are not approved. No development shall commence on Stage 2 until revised designs that take into consideration the proposals by Scottish Canals to improve the public realm around the canal has been submitted to, and agreed in writing by, the Planning Authority in consultation with Scottish Canals. Only the approved designs shall be constructed.

**Reason:** To ensure that the design of these elements are of an appropriate quality to this important gateway into Inverness and compatible with proposed environmental improvement work by Scottish Canals.

- (10.) The entrance walls, including parapet, string courses, reveals and returns, leading into the proposed underpasses at Queen's Park and Torvean Roundabouts shall be finished in natural stone, details of which shall be submitted to, and agreed in writing by, the Planning Authority before the commencement of development within each relevant stage. Only the agreed detailing and materials shall be implemented.

**Reason:** To ensure a high standard of design that is compatible with the setting of the Caledonian Canal and the general aspiration for improvements to the public realm in this location.

**Dated:** 14th April 2014



Head of Planning and Building Standards

- (11.) All walling identified within plans HRS7126 V2 - S35/001-004 as landscape design and mitigation shall be constructed of natural stone details of which shall be submitted to, and agreed in writing by, the Planning Authority prior to commencement of the stage to which it relates. The approved details shall be implemented and thereafter maintained to the satisfaction of the Planning Authority.

**Reason:** To ensure a high standard of design and finish in the interest of visual amenity.

- (12.) No development shall start on any Stage until a Construction Environmental Management Document is submitted to, and agreed in writing by, the Planning Authority in consultation with SNH and SEPA. The Document shall include:

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) as may be set out in other relevant planning conditions.
- Processes to control / action changes from the agreed Schedule of Mitigation.
- Processes for informing neighbouring residents, potentially with involvement of Community Councils, of the work programme and likely significant events such as temporary road/path closures, heavy loads and working hours.
- The following site specific Construction and Environmental Management Plans (CEMP);
  - i. pollution prevention plan
  - ii. drainage and surface water management plan with specific regard to protection of the River Ness (link to River Moriston SAC)
  - iii. chemical pollution plan
  - iv. waste management plan
  - v. species protection plans, specifically with regard to protection of Atlantic Salmon, Bat, Otter and Red Squirrel
  - vi. Noise and vibration mitigation plan based on guidance with Parts 1 & 2 of BS5228: "Code of Practice for Noise and Vibration Control on Construction and Open Sites" including assessment and mitigation for any piling requirements
  - vii. Dust mitigation plan based on the GLA/London Council guidance
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
  - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
  - v. The power to call a halt to development on site where environmental considerations warrant such action.

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- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs. Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed Document.

**Reason:** To protect the environment from the construction and operation of the development.

(13.) No development shall commence on each stage until a Construction Traffic Management Plan (CTMP) has been submitted to, and agreed in writing by, the Planning Authority in consultation with the Roads Authorities. The CTMP shall include details relating to:

- Traffic management measures including accommodation works to manage construction traffic
- Measures to minimise traffic impacts on existing users
- Measures to accommodate pedestrians, cyclists and bus users
- Details of temporary signage
- Details of construction vehicle routing

The measures identified within CTMP and agreed shall be implemented.

**Reason:** To protect non motorised users and maintain the safety and free flow of the road network.

(14.) No development shall commence on each stage until the following road drainage details have been submitted to, and agreed in writing by, the Planning Authority:

- Infiltration basins, including inlet/outlet structures, cross sections, fencing and signage;
- An operation and maintenance manual detailing the frequency and type of maintenance measures for all proposed SUDS infrastructure;
- The design of the roadside ditches.

The agreed details, and maintenance as appropriate, shall thereafter be implemented to the satisfaction of the Planning Authority.

**Reason:** In order to ensure that the design and maintenance of the SUDS infrastructure is appropriate.

(15.) No development shall commence on each stage until an assessment of the implications on sensitive receptors of traffic noise arising from construction has been undertaken and a report detailing any mitigation/management controls necessary, including a programme for implementation, has been submitted to, and agreed in writing by, the Planning Authority. The agreed mitigation/management controls shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from traffic noise during construction.

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- (16.) In the event that movement joints are required in the design of the new bridge crossing the River Ness, a further assessment of the implications of traffic noise on near sensitive receptors shall be undertaken and submitted to the Planning Authority prior to the commencement of construction of the bridge. Such assessment shall include recommendations for any additional mitigation necessary and a programme for implementation. The agreed mitigation shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from traffic noise during construction.

- (17.) No development shall commence on each stage until an assessment of the implications on sensitive receptors of ground borne vibration during operation of the road has been undertaken and a report detailing any mitigation necessary, including a programme for implementation, has been submitted to, and agreed in writing by, the Planning Authority. The agreed mitigation shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from ground vibration during operation.

- (18.) No development shall commence on each Phase until a scheme for monitoring traffic noise during the first year of operation has been submitted to, and agreed in writing by, the Planning Authority. Within six months of the first anniversary of the opening of each Phase, a report that compares the predicted effects contained with the ES submitted in support of this application and identifies any further mitigation deemed necessary to protect sensitive receptors, including a programme for implementation, shall be submitted to, and agreed in writing by, the Planning Authority. Any agreed mitigation shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from traffic noise that was not predicted.

- (19.) No development shall commence on each Phase until a scheme for monitoring both motorised and non-motorised travel patterns within the road network during the first year of operation has been submitted to, and agreed in writing by, the Planning Authority. Within six months of the first anniversary of the opening of each Phase, a report that compares the predicted effects contained with the Transport Assessment submitted in support of this application and actual affects shall be submitted, and agreed in writing by the Planning Authority.

**Reason:** In order to monitor the effectiveness of the proposed development.

- (20.) No development shall commence on each stage, including tree felling works, until pre-commencement surveys to locate the presence or absence of otter, bats and squirrel is undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall inform any mitigation measures identified in the Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under Condition 11.

**Reason:** To protect nature conservation interests from construction activities.

- (21.) No development shall commence on each stage until a Badger Protection Plan has been submitted to, and agreed in writing, by the Planning Authority in consultation with Scottish Natural Heritage. The agreed plan shall be implemented.

**Reason:** To protect the badger interest of the site.

**Dated:** 14th April 2014

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- (22.) With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** To ensure the protection of trees before, during and after construction.

- (23.) All tree works are to be carried out by a suitably qualified and experienced arboriculturalist in accordance with BS:3998(2010) Tree Work - Recommendations.

**Reason:** To ensure the tree works are carried out to a high standard.

- (24.) Prior to any site excavation or groundworks within each stage a Tree Protection Plan, Arboricultural Method Statement and a Scheme of Supervision (all in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction) are to be submitted to and subsequently approved in writing by the planning authority. All retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

- (25.) A suitably qualified Arboricultural consultant shall be employed at the applicant's expense to ensure that the Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision as per the approved Scheme of Supervision under Condition 22 are to be agreed with the Planning Authority prior to the commencement of work on each Stage. Certificates of compliance shall be submitted for approval following completion.

**Reason:** To ensure the protection of retained trees throughout the construction period.

- (26.) No development shall commence on each stage until a detailed Landscape Plan, to include details of type/location and size of species relevant to any required compensatory tree planting, and programme for its maintenance has been submitted to, and approved in writing by, the Planning Authority. The Landscape Plan shall be implemented in full during the first planting season following commencement of development or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** In the interests of amenity and to secure appropriate compensatory planting.

- (27.) A suitably qualified landscape consultant shall be employed, at the applicant's expense, to ensure that the Landscape Plan is implemented and thereafter maintained to the agreed standard. Stages requiring supervision are to be agreed with the Planning Authority prior to the commencement of work on each Stage. Certificates of compliance shall be submitted for approval following completion.

**Reason:** In the interests of amenity and ensuring that appropriate mitigation treatments are secured.

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- (28.) No development shall commence on each Stage until a detailed Access Management Plan for 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 paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (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 Access Management 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 safeguard and maximise the opportunities for continued public access in and around the development site in accordance with Policy 77 of the HwLDP.

- (29.) No development shall commence on each Stage until a programme 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 agreed in writing by, the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

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

- (30.) There shall be no drainage connections to the trunk road drainage system.

**Reason:** To ensure that the efficiency of the existing drainage network is not affected.

- (31.) The A82(T) Tomnahurich Swing Bridge shall remain closed during the weekday morning, lunchtime and evening peak hour periods, until a second swing bridge crossing of the Caledonian Canal is complete and fully operational to the satisfaction of the Planning Authority in consultation with Transport Scotland.

**Reason:** To minimise interference with the safety and free flow of the traffic on the trunk road.

- (32.) The proposed pedestrian crossing point on the A82(T) to the east of Tomnahurich Roundabout shall be constructed to a layout, type and method of construction that shall be submitted to and agreed by, Transport Scotland prior to the commencement of development.

**Reason:** To maintain the safety and free flow of the trunk road network.

**Dated:** 14th April 2014

Head of Planning and Building Standards



**PLANNING PERMISSION**

(33.) Prior to the commencement of road construction, details of all proposed lighting shall be submitted to, and agreed in writing by, the Planning Authority. All lighting shall be designed to avoid extraneous light pollution or urban "sky glow." Only the approved lighting shall be implemented.

**Reason:** In order to ensure proper selection of lighting that reduces 'sky glow' in the interest of amenity.

**REASONS FOR DECISION**

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

**TERMS OF SECTION 75**

None

**VARIATIONS**

None

**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.

**INFORMATIVES****Trunk Roads Authority Consent**

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

**Construction Hours and Noise-Generating Activities**

You are advised that 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, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its

**Dated:** 14th April 2014

Head of Planning and Building Standards

merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

**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.

**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.

**Bilingual Signage**

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). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

**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.

**Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886606.

**Dated:** 14th April 2014

Head of Planning and Building Standards

**NOTIFICATION TO APPLICANT**

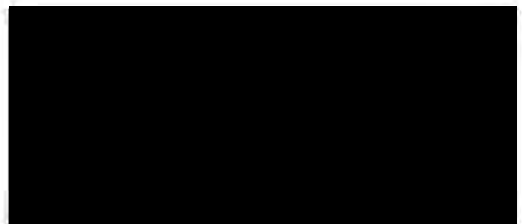
1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at  
<https://eplanning.scotland.gov.uk/WAM/>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Dated:** 14th April 2014



**Head of Planning and Building Standards**

**Appendix 3 - Planning Permission Decision Notice 15/01809/S42**

**SECTION 42 PERMISSION**

ReferenceNo:15/01809/S42

To: Highland Council  
Mr Jim Smith  
Osprey House  
Alness Point Business Park  
Alness  
IV17 0UP

Per:

Town and Country Planning (Scotland) Act 1997 (as amended)

**DECISION NOTICE**

**Application under Section 42 to develop land without compliance with condition(s) 15, 16, 17, 18 & 31 previously attached to Planning Permission ref. 13/03825/FUL for the West Link- Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc at West Link Road, Land Between Dores Road And Torvean, Dores Road, Inverness.**

Type of Plan	Plan Number	Version No.	Date Plan Received
Site Layout Plan	HRS7126 PL01		11.10.2013
Location Plan	HRS7126 PL02		11.10.2013
Site Layout Plan	HRS7126 PL04	DESIGN DETAIL 1 OF 4	11.10.2013
Site Layout Plan	HRS7126 PL03	TEMPORARY COMPOUNDS	11.10.2013
Site Layout Plan	HRS7126 PL05	DESIGN DETAIL 2 OF 4	11.10.2013
Site Layout Plan	HRS7126 PL06	DESIGN DETAIL 3 OF 4	11.10.2013
Site Layout Plan	HRS7126 PL07	DESIGN DETAIL 4 OF 4	11.10.2013
Landscaping Plan	HRS7126 PL12	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL13	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL14	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL15	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL16	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL17	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL18	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL19	LANDSCAPING (SECTIONS)	11.10.2013
Landscaping Plan	HRS7126 PL20	LANDSCAPING (SECTIONS)	11.10.2013
General Plan	HRS7126 PL21	BRIDGE GA	11.10.2013
General Plan	HRS7126 PL25	UNDERPASS 1 QUEENS PARK	11.10.2013
General Plan	HRS7126 PL26	UNDERPASS 2 QUEENS PARK	11.10.2013
General Plan	HRS7126 PL27	UNDERPASS 3 TORVEAN	11.10.2013
General Plan	HRS7126 PL28	VMS SIGNING	11.10.2013
General Plan	HRS7126 PL29	PROPOSED CCTV	11.10.2013

The Highland Council in exercise of its powers under the above Act **grants Planning Permission** for the **West Link- Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc at Land Between Dores Road And Torvean Dores Road** subject to the following condition(s):

**Date: 30th June 2015**

**Head of Planning and Building standards**

- (1.) Planning Permission is hereby granted for a 3.2km length of single carriageway road with 5 roundabouts, a swing bridge over the Caledonian Canal and new bridge over the River Ness and associated development, as detailed with plans HRS7126 PL04 - PL07, which shall be developed in two sequential stages as follows:

Stage 1 - Holm Roundabout to Glenurquhart Road

Stage 2 - Tandem Canal Bridge and works to west of the canal

**Reason:** In order to clarify the terms of permission and control phasing of implementation.

- (2.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until such time as the pitches at Canal Park have been reconfigured in accordance with a scheme, to include details of the design specification, the appointed contractor(s) and work programme, that has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. Such scheme shall include details for protection of the remaining pitches at Canal Park during construction of the road, including condition surveys before, during and post construction, and a statement on remedial measures to be taken in the event of deterioration. The agreed scheme shall be implemented.

**Reason:** To ensure that an appropriate level of replacement facilities are provided before construction of the road link and that the impact on new facilities at Canal Park can be minimised.

- (3.) As part of the reconfiguration of the Canal Park pitches, four metre (4m) high ball stop fencing shall be erected to the south-east and north-east sides of Canal Park, details of which, including their location, shall be submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed fencing shall be provided prior to the pitches being available for use.

**Reason:** To minimise the impact of balls on footpaths and the clubhouse parking area as a result of the reorientation of the pitches.

- (4.) No development shall commence on Stage 1 (Mill Lade Roundabout - Canal Park Roundabout) until details of the ball stop fencing identified on drawing HRS7126 PL05 has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Reason:** To ensure appropriate provision in the interests of road safety and to preserve the continuing use of Canal Park as a location for Rugby Football.

- (5.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until a scheme of pitch compensation (for the playing field areas lost at Canal Park), including design specification and timescale for delivery, has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Reason:** In order to ensure that the loss of pitch facilities is appropriately compensated in line with SPP.

- (6.) No development shall commence on Stage 2 until a scheme, including work programme, to ensure that a fully operational 18 hole golf course and ancillary facilities, including club house, parking area and practice facilities (the Torvean Golf Course) are available at all times both during and after construction of this stage of the road have been submitted to, and agreed in writing, by the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

**Date:** 30th June 2015

**Reason:** To ensure that an appropriate 18 hole golf course is available at all times during and after construction of Stage 2 of the road link.

- (7.) For the avoidance of doubt the design/layout of vehicular access to the Canal towpath and location of new jetties and pontoons on the west side of the Canal to the south of the new swing bridge shown on drawing HRS7126-PL05 are not approved. No development shall commence on Stage 2 until revised plans and details, including a timetable for provision, relating to vehicular access to the Canal towpath and the location of boat jetties and pontoons on the west side of the Canal to the south of the new swing bridge have been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland.

The agreed plans and details shall be implemented in accordance with the agreed timetable.

**Reason:** To ensure the continued unimpeded operation of the rowing facilities on the canal by Inverness Rowing Club and rowers

- (8.) No development shall commence on Stage 2 until confirmation that an appropriate and binding agreement between Transport Scotland and Scottish Canals regarding the sequence and operation of both canal swing bridges, that takes into consideration the needs of Inverness Rowing Club, has been secured.

**Reason:** To ensure that the new swing bridge will be capable of being opened when required by Inverness Rowing Club for rowing regattas.

- (9.) For the avoidance of doubt the designs for the new swing bridge, control building, plant building and Jacobite Cruises replacement building shown on drawings HRS7126 PL 22 - PL 24 & PL30 - PL32 are not approved. No development shall commence on Stage 2 until revised designs that take into consideration the proposals by Scottish Canals to improve the public realm around the canal has been submitted to, and agreed in writing by, the Planning Authority in consultation with Scottish Canals. Only the approved designs shall be constructed.

**Reason:** To ensure that the design of these elements are of an appropriate quality to this important gateway into Inverness and compatible with proposed environmental improvement work by Scottish Canals.

- (10.) The entrance walls, including parapet, string courses, reveals and returns, leading into the proposed underpasses at Queen's Park and Torvean Roundabouts shall be finished in natural stone, details of which shall be submitted to, and agreed in writing by, the Planning Authority before the commencement of development within each relevant stage. Only the agreed detailing and materials shall be implemented.

**Reason:** To ensure a high standard of design that is compatible with the setting of the Caledonian Canal and the general aspiration for improvements to the public realm in this location.

- (11.) All walling identified within plans HRS7126 V2 - S35/001-004 as landscape design and mitigation shall be constructed of natural stone details of which shall be submitted to, and agreed in writing by, the Planning Authority prior to commencement of the stage to which it relates. The approved details shall be implemented and thereafter maintained to the satisfaction of the Planning Authority.

**Reason:** To ensure a high standard of design and finish in the interest of visual amenity.

Date: 30th June 2015

(12.) No development shall start on any Stage until a Construction Environmental Management Document is submitted to, and agreed in writing by, the Planning Authority in consultation with SNH and SEPA. The Document shall include:

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) as may be set out in other relevant planning conditions.
- Processes to control / action changes from the agreed Schedule of Mitigation.
- Processes for informing neighbouring residents, potentially with involvement of Community Councils, of the work programme and likely significant events such as temporary road/path closures, heavy loads and working hours.
- The following site specific Construction and Environmental Management Plans (CEMP);
  - i. pollution prevention plan
  - ii. drainage and surface water management plan with specific regard to protection of the River Ness (link to River Moriston SAC)
  - iii. chemical pollution plan
  - iv. waste management plan
  - iv. species protection plans, specifically with regard to protection of Atlantic Salmon, Bat, Otter and Red Squirrel
  - v. Noise and vibration mitigation plan based on guidance with Parts 1 & 2 of BS5228: "Code of Practice for Noise and Vibration Control on Construction and Open Sites" including assessment and mitigation for any piling requirements
  - vi. Dust mitigation plan based on the GLA/London Council guidance
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
  - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
  - v. The power to call a halt to development on site where environmental considerations warrant such action.
- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed Document.

**Reason:** To protect the environment from the construction and operation of the development.

**Date:** 30th June 2015

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**Head of Planning and Building Standards**



(13.) No development shall commence on each stage until a Construction Traffic Management Plan (CTMP) has been submitted to, and agreed in writing by, the Planning Authority in consultation with the Roads Authorities. The CTMP shall include details relating to:

- Traffic management measures including accommodation works to manage construction traffic
- Measures to minimise traffic impacts on existing users
- Measures to accommodate pedestrians, cyclists and bus users
- Details of temporary signage
- Details of construction vehicle routing

The measures identified within CTMP and agreed shall be implemented.

**Reason:** To protect non motorised users and maintain the safety and free flow of the road network.

(14.) No development shall commence on each stage until the following road drainage details have been submitted to, and agreed in writing by, the Planning Authority:

- Infiltration basins, including inlet/outlet structures, cross sections, fencing and signage;
- An operation and maintenance manual detailing the frequency and type of maintenance measures for all proposed SUDS infrastructure;
- The design of the roadside ditches.

The agreed details, and maintenance as appropriate, shall thereafter be implemented to the satisfaction of the Planning Authority.

**Reason:** In order to ensure that the design and maintenance of the SUDS infrastructure is appropriate.

(15.) No development shall commence on each stage until a Construction Traffic Noise Management Plan is submitted to, and approved in writing by, the Planning Authority. The Construction Traffic Noise Management Plan shall include a schedule of monitoring of impacts on sensitive receptors, details of working hours, any mitigation related to construction traffic noise set out in any Construction Traffic Management Plan which is required under Condition 13 of this planning permission and any mitigation related to construction traffic noise set out in the Construction Environment Management Document required under Condition 12 of this planning permission. The approved mitigation/management controls shall be implemented in accordance with the agreed programme, unless otherwise agreed in writing by the planning authority.

**Reason:** To protect the amenity of sensitive receptors from traffic noise during construction.

(16.) All bridge deck expansion joints shall satisfy the requirements of Standard BD33 'Expansion Joints for Use in Highway Bridge Decks', details of which shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of development on the bridge Phase. For the avoidance of doubt the bridge expansion joint at the south abutment of the crossing of the River Ness shall be of a Reinforced Elastometric joint type.

**Date: 30th June 2015**

Within two months of the opening of each bridge, baseline measurements of traffic noise by means of a noise survey shall be undertaken at nearby noise sensitive premises. The noise survey shall detail the traffic flows across the bridge joint, over 10 minute measuring periods with measuring periods set to commence on the hour and at 10 minute consecutive increments thereafter for a period of 1 hour at both the AM and PM peak. Measurements shall be calculated at the nearest noise sensitive receptors to be determined and agreed in writing by the Planning Authority in advance of commencement of the survey. This baseline noise survey shall be submitted to the Planning Authority no later than three months prior to the first anniversary of the opening of each bridge.

Following this, in the event of a complaint and/or at the request of the Planning Authority, the developer shall assess, at its own expense and using a suitably qualified consultant(s), the level of noise emissions from the bridge joints using the same methodology employed in the baseline noise survey. Where noise emissions are found to exceed those contained within the baseline noise survey, then the developer shall identify as part of their assessment appropriate mitigation measures including, but not limited to, the replacement of the bridge joint. The assessment and any proposed mitigation, including the timescale for implementation, shall be submitted to, and approved in writing by, the Planning Authority within one month of such a request being made under this condition, unless otherwise agreed in writing by the Planning Authority. The agreed mitigation measures shall thereafter be implemented in full.

**Reason:** To protect the amenity of sensitive receptors from traffic noise during construction.

- (17.) No later than six months after the first anniversary of the opening of each Phase, a Noise Monitoring Report, that shall compare the predicted traffic noise contained within the ES against actual traffic noise on the nearest sensitive receptors to the development and identify any further mitigation deemed necessary to protect noise sensitive receptors, shall be submitted to, and approved in writing by, the Planning Authority. Any mitigation identified shall be undertaken in accordance with recommendations of the Report no later than 12 months of approval, unless otherwise agreed in writing by the Planning Authority.

**Reason:** To protect the amenity of sensitive receptors from traffic noise that was not predicted.

- (18.) No development shall commence on each Phase until a scheme for monitoring both motorised and non-motorised travel patterns within the road network during the first year of operation has been submitted to, and agreed in writing by, the Planning Authority. Within six months of the first anniversary of the opening of each Phase, a report that compares the predicted effects contained with the Transport Assessment submitted in support of this application and actual affects shall be submitted, and agreed in writing by the Planning Authority.

**Reason:** In order to monitor the effectiveness of the proposed development.

- (19.) No development shall commence on each stage, including tree felling works, until pre-commencement surveys to locate the presence or absence of otter, bats and squirrel is undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall inform any mitigation measures identified in the Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under Condition 11.

**Reason:** To protect nature conservation interests from construction activities.

Date: 30th June 2015

Head of Planning and Building Standards

- (20.) No development shall commence on each stage until a Badger Protection Plan has been submitted to, and agreed in writing, by the Planning Authority in consultation with Scottish Natural Heritage. The agreed plan shall be implemented.

**Reason:** To protect the badger interest of the site.

- (21.) With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** To ensure the protection of trees before, during and after construction.

- (22.) All tree works are to be carried out by a suitably qualified and experienced arboriculturalist in accordance with BS:3998(2010) Tree Work - Recommendations.

**Reason:** To ensure the tree works are carried out to a high standard.

- (23.) Prior to any site excavation or groundworks within each stage a Tree Protection Plan, Arboricultural Method Statement and a Scheme of Supervision (all in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction) are to be submitted to and subsequently approved in writing by the planning authority. All retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

- (24.) A suitably qualified Arboricultural consultant shall be employed at the applicant's expense to ensure that the Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision as per the approved Scheme of Supervision under Condition 22 are to be agreed with the Planning Authority prior to the commencement of work on each Stage. Certificates of compliance shall be submitted for approval following completion.

**Reason:** To ensure the protection of retained trees throughout the construction period.

- (25.) No development shall commence on each stage until a detailed Landscape Plan, to include details of type/location and size of species relevant to any required compensatory tree planting, and programme for its maintenance has been submitted to, and approved in writing by, the Planning Authority. The Landscape Plan shall be implemented in full during the first planting season following commencement of development or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** In the interests of amenity and to secure appropriate compensatory planting.

- (26.) A suitably qualified landscape consultant shall be employed, at the applicant's expense, to ensure that the Landscape Plan is implemented and thereafter maintained to the agreed standard. Stages requiring supervision are to be agreed with the Planning Authority prior to the commencement of work on each Stage. Certificates of compliance shall be submitted for approval following completion.

**Reason:** In the interests of amenity and ensuring that appropriate mitigation treatments are secured.

**Date: 30th June 2015**

- (27.) No development shall commence on each Stage until a detailed Access Management Plan for 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 paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (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 Access Management 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 safeguard and maximise the opportunities for continued public access in and around the development site in accordance with Policy 77 of the HwLDP.

- (28.) No development shall commence on each Stage until a programme 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 agreed in writing by, the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

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

- (29.) There shall be no drainage connections to the trunk road drainage system.

**Reason:** To ensure that the efficiency of the existing drainage network is not affected.

- (30.) The proposed pedestrian crossing point on the A82(T) to the east of Tomnahurich Roundabout shall be constructed to a layout, type and method of construction that shall be submitted to and agreed by, Transport Scotland prior to the commencement of development.

**Reason:** To maintain the safety and free flow of the trunk road network.

- (31.) Prior to the commencement of road construction, details of all proposed lighting shall be submitted to, and agreed in writing by, the Planning Authority. All lighting shall be designed to avoid extraneous light pollution or urban "sky glow." Only the approved lighting shall be implemented.

**Reason:** In order to ensure proper selection of lighting that reduces 'sky glow' in the interest of amenity.

**Date:** 30th June 2015

**REASONS FOR DECISION**

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

**TERMS OF SECTION 75**

None

**VARIATIONS**

None

**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.

**INFORMATIVES****Trunk Roads Authority Consent**

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

**Construction Hours and Noise-Generating Activities**

You are advised that 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, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

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

**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.

**Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit

**Date: 30th June 2015**

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.

### **Bilingual Signage**

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). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **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.

FOR THE AVOIDANCE OF DOUBT, ALL CONDITIONS ATTACHED TO THE ORIGINAL PLANNING PERMISSION WHICH ARE UNAFFECTED BY THIS DECISION, INCLUDING ANY ASSOCIATED LEGAL AGREEMENTS, SHALL STILL APPLY.

[insert time limit direction here - normally, it will apply the original consent expiry date]

### **DIRECTION UNDER SECTION 58(2) REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence on or before [INSERT the date when the original consent expires]. If development has not commenced within this period, then this planning permission shall lapse.

### **DIRECTION UNDER SECTION 59(5) REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

The Highland Council hereby makes the following Direction under Section 59(5) of the Town and Country Planning (Scotland) Act 1997 (as amended). An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. [INSERT the date when the original consent expires];
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or

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.....  
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- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained, whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

**NOTIFICATION TO APPLICANT**

- 1B. If the applicant is aggrieved by the decision of the planning authority –
- a to refuse planning permission for the proposed development;
  - b to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
  - c to grant planning permission or any approval, consent or agreement subject to conditions;

the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at

<http://eplanning.scotland.gov.uk>

- 2B. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



**Appendix 4 - Planning Permission Decision Notice 15/01431/FUL**

**PLANNING PERMISSION**

Reference No: 15/01431/FUL

To:  
The Highland Council  
Per: Jim Smith  
D & I Service  
Osprey House  
Alness Point Business Park  
Alness  
IV17 0UP

**Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act**

**DECISION NOTICE**

**Demolition of existing clubhouse and erection of new clubhouse, installation of an artificial pitch, regrading work to two grassed pitches & relocation of existing training area with associated works, Highland Rugby Club Bught Road Inverness IV3 5SS**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

<b>Type of Plan</b>	<b>Plan Number</b>	<b>Version No.</b>	<b>Date Plan Received</b>
Location Plan	PL01		15.04.2015
Site Layout Plan	PL02		15.04.2015
Site Layout Plan	PL03		15.04.2015
Drainage	PL04		15.04.2015
Existing Site Layout Plan	PL05		15.04.2015
Proposed Site Layout Plan	PL06		15.04.2015
Proposed Site Layout Plan	PL07		15.04.2015
Floor Plan	PL08		15.04.2015
Elevations	PL09		15.04.2015
Site Layout Plan	PL10		15.04.2015
Site Layout Plan	PL15		15.04.2015
Site Layout Plan	PL16		15.04.2015
Site Layout Plan	PL17		15.04.2015
Site Layout Plan	PL18		15.04.2015
Existing Site Layout Plan	PL20		15.04.2015
Proposed Site Layout Plan	PL21		15.04.2015
General Plan	PL22		15.04.2015
Drainage	PL23		15.04.2015
General Plan	PL24		15.04.2015
General Plan	PL25		15.04.2015
General Plan	PL26		15.04.2015
General Plan	PL27		15.04.2015
Site Level Plan	PL28		15.04.2015
Drainage	PL29		15.04.2015

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## PLANNING PERMISSION

Reference No: 15/01431/FUL

General Plan	PL30	15.04.2015
Access Layout	PL38	15.04.2015
Access Layout	PL39	15.04.2015
Access Layout	PL40	15.04.2015
Location Plan	PL41	15.04.2015
Access Layout	PL43	15.04.2015
Access Layout	PL44	15.04.2015
Existing Site Layout Plan	PL45	15.04.2015
Access Layout	PL46	15.04.2015
Landscaping Plan	PL11	15.04.2015
Tree Protection Plan	PL13 - 1 OF 2	15.04.2015
Tree Protection Plan	PL13 - 2 OF 2	15.04.2015
Tree Protection Plan	PL14 - 1 OF 2	15.04.2015
Tree Protection Plan	PL14 - 2 OF 2	15.04.2015
Flood Risk Assessment	FE01	15.04.2015

This permission is granted subject to the following conditions: -

- (1.) No development shall commence affecting any of the rugby pitches until it has been confirmed to the Planning authority that the construction of the artificial pitch and the grass pitches, including their drainage and earthworks, will be undertaken by a Sports and Play Construction Association registered contractor.

**Reason:** To ensure this pitches will be built by a contractor with an appropriate level of experience and understanding of the construction of playing fields.

- (2.) No development shall commence affecting any of the rugby pitches until the pitch specification for both the artificial and grass pitches has been submitted to and agreed in writing by the Planning Authority, in consultation with SportScotland. The construction of the pitches shall then be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority in Consultation with SportScotland.

**Reason:** To ensure the development of the pitches are built to an appropriate standard.

- (3.) No development shall commence until a scheme for the temporary relocation of Highland Rugby Football Club during the construction period of the development has been submitted to and agreed in writing by the Planning Authority.

**Reason:** To ensure that there is no net detrimental affect on Highland Rugby Football Club during the construction period

- (4.) The development shall not be occupied until an operational phase Traffic and Access Management Plan has been submitted to, and approved in writing by, the Planning Authority taking into consideration events which may be held at the rugby pitches and Inverness Leisure that may attract a large number of spectators. The approved traffic and access management plan shall be implemented.

**Reason:** In the interests of road safety.

- (5.) The development shall not be occupied until an Events Management Group is established by the developer, in collaboration with The Highland Council, Inverness Leisure, Highland Rugby Club, local Community Councils and other local sports groups, including but not limited to Inverness Rowing Club and the Calmanachd Association, as appropriate. The group shall act

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as a vehicle to ensure the co-ordination of events which will work together to avoid conflicting events which may create parking and traffic management problems. The Events Management Group, or element of any combined liaison group relating to this development, shall be maintained in perpetuity with meetings at least once every six months.

**Reason:** To assist with the provision of mitigation measures to minimise the potential for conflict of events which may lead to traffic management problems.

- (6.) No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is fully operational.

**Reason:** To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

- (7.) No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In the interests of road safety during construction.

- (8.) The Finished Floor Level of the proposed Clubhouse shall be set no lower than 10.6m Above Ordnance Datum.

**Reason:** To ensure that the required flood risk mitigation is provided.

- (9.) No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

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- a) Habitat and Species Protection;
  - b) Pollution Prevention and Control;
  - c) Dust Management;
  - d) Noise and Vibration Mitigation;
  - e) Site Waste Management;
  - f) Surface and Ground Water Management;
    - i. Drainage and sediment management measures from all construction areas including access track improvements; and
    - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
  - g) Water Course Management;
  - h) Public and Private Water Supply Protection Measures; and
  - i) Other relevant environmental management as may be relevant to the development.
- i. Special Study Area plans for:
    - a) Species habitat identified within the supporting information and/or raised by consultees; and
    - b) Any other specific issue identified within the supporting information and/or conditions attached to this permission;
  - ii. Post-construction restoration and reinstatement of temporary working areas and compounds
  - iii. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
    - a) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
    - b) Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties. Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

**Reason:** To ensure that the construction of the proposed development is carried out appropriately and does not have an adverse effect on the environment.

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- (10.) No development shall commence until an Environmental Clerk of Works (ECoW) has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority (in consultation with SEPA and SNH). For the avoidance of doubt, the ECoW shall be appointed as a minimum for the period from the commencement of development to the final commissioning of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
- i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
  - v. The power to call a halt to development on site where environmental considerations warrant such action.

**Reason:** To ensure that an Environmental Clerk of Works, with sufficient remit, is appointed for the duration of development in order to monitor, advise and direct the developer; in the interests of nature conservation

- (11.) No development shall commence until the Planning Authority has approved the terms of appointment and the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to assist the Planning Authority in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of Development to the date of completion of the development.

**Reason:** To enable the Development to be suitably monitored during the construction phase to ensure compliance with the permission issued.

- (12.) No development or work shall commence until a detailed specification for all proposed external materials and finishes for the rugby club house (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In the interests of visual amenity

- (13.) No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, 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 programme shall be implemented in accordance with the agreed timetable for investigation.

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

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- (14.) No development shall start until a detailed Access Management Plan for 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 1 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 paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (including construction specifications, signage, information leaflets, proposals for ongoing 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 Access Management 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 safeguard and maximize the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland wide Local Development Plan.

- (15.) All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

**Reason:** In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- (16.) No development shall commence until full details of all external ducting and other elements of the proposed ventilation system have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

**Reason:** In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- (17.) No development of the sports pitches shall commence until a Noise Management Plan has been submitted to, and approved in writing by, the Planning Authority. The Management Plan

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and any supporting assessments shall be carried out by a suitably qualified and competent person and shall assess the likely impact of noise emanating from the development on neighbouring properties. Furthermore, the following should comprise part of the assessment:-

- i. A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;
- ii. A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;
- iv. A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site;
- v. A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be provided; and
- vi. An assessment of the predicted noise levels in comparison with relevant standards. Development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be implemented prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** To avoid loss of amenity to nearby noise sensitive properties.

- (18.)** No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

All earthworks and existing and finished ground levels in relation to an identified fixed datum point; A plan showing existing landscaping features and vegetation to be retained; The location and design, including materials, of any existing or proposed walls; The design, including materials, mesh size and post / frame width of any fences and gates; 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 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 scheme. 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 scheme.

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 a high standard of landscaping is achieved, appropriate to the location of the site.

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(19.) No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the landscaping plan to be approved under Condition 18 of this planning permission is implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

(20.) No development shall commence until a scheme for the maintenance, in perpetuity, of all trees and/or woodland identified for retention and management on the approved plans have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason:** To ensure that retained trees and woodland are properly managed and maintained.

(21.) No trees within the application site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

(22.) No development, site excavation or groundwork shall commence until a tree protection plan and an Arboricultural Method Statement has been prepared, submitted and agreed by the Planning Authority. The agreed plan and method statement and any require mitigation shall be implemented ensuring all retained trees have been protected against construction damage using protective barriers (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time) and detailing the extent of the cellular confinement system to be used in the construction of the path along the southern boundary. These barriers and root protection measures shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason:** In order to ensure the protection and long term management of the trees and woodland.

(23.) No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

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- i. Ensuring that the Tree Protection Plan and Arboricultural Method Statement approved under Condition 22 of this consent are implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction.

- (24.) No development shall commence until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area of 100m in all directions from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat

- (25.) The Retaining wall between the Main Pitch and Pitch Number One shall be faced in natural stone, details of which shall be submitted to, and approved in writing, by the Planning Authority. Only the agreed detailing shall be implemented.

**Reason:** To ensure a high standard of finish that is compatible with the setting of the development and the general aspiration for the improvements to the public realm in this location.

- (26.) The floodlighting shall not be switched on outwith the hours of 07:00 to 22:00 Monday to Sunday.

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

- (27.) No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

**Reason:** To ensure the delivery of a development with a unique identity which facilitates the creation of place.

**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.

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**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.

**FOOTNOTE AND 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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Roads Authority prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Roads Authority 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>

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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.

**Trunk Roads Authority Consent**

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

**Bilingual Signage**

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). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

**Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery.

Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

**Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

**Protected Species - Tree Felling**

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

**Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and

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Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

[www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

**Tree Felling**

You are advised that a condition of this planning permission is that no trees within the application site are cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the prior written consent of the Planning Authority. This condition applies from the date of this consent and any unauthorised works may result in enforcement action and the service of a fixed penalty notice.

**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.

**Construction Hours and Noise-Generating Activities**

You are advised that 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, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

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

**Variations**

None.

**Section 75 Agreement**

None.

**Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886608.

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**NOTIFICATION TO APPLICANT**

1. If the applicant is aggrieved by the decision of the planning authority -
  - a. to refuse planning permission for the proposed development;
  - b. to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
  - c. to grant planning permission or any approval, consent or agreement subject to conditions;

The applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of review should be addressed to:

Planning Review Body Administration Team  
The Highland Council  
Corporate Development Service (Legal Services)  
Council Headquarters  
Glenurquhart Road  
Inverness, IV3 5NX  
(Review.Body@highland.gov.uk)

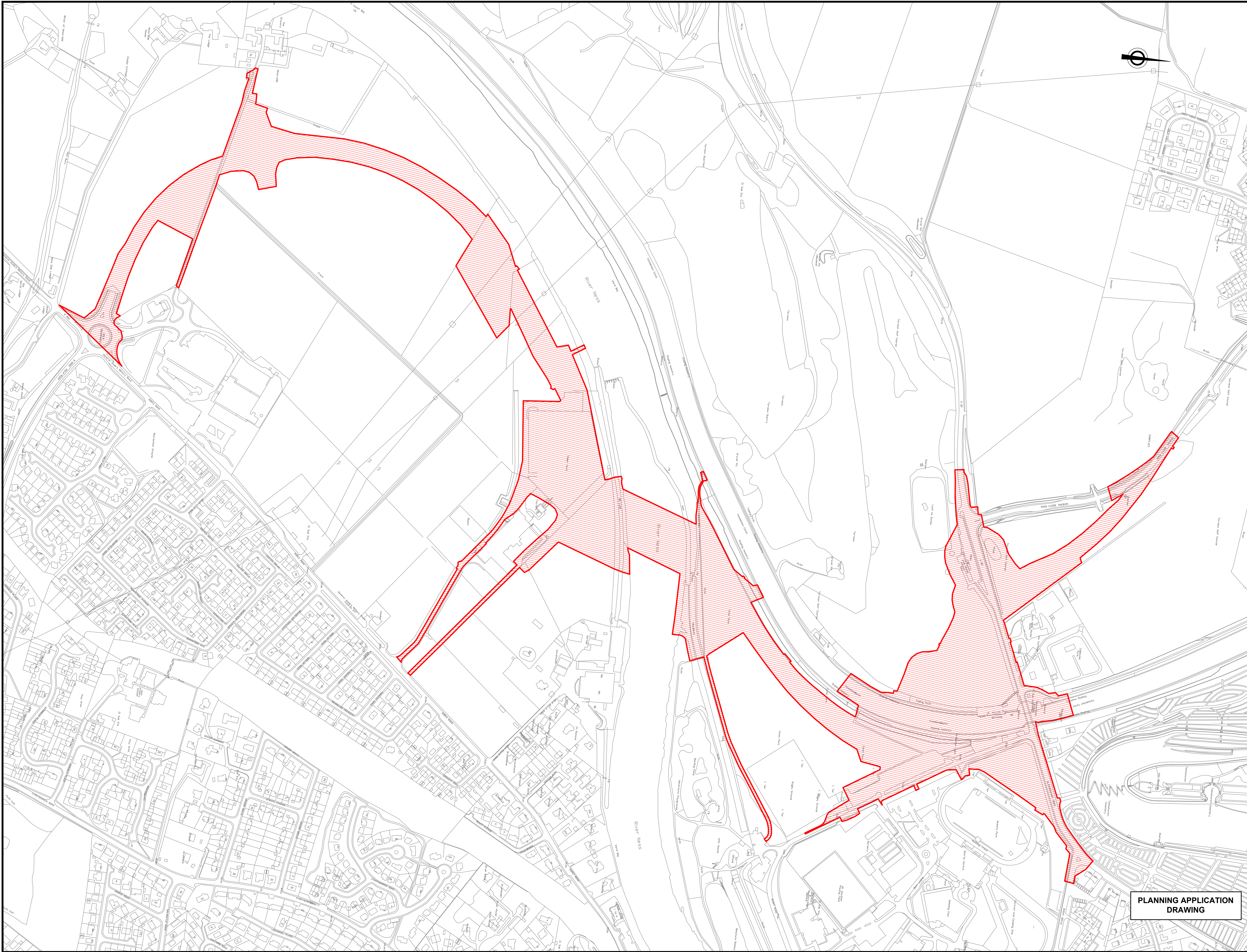
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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**KEY**  
 EXTENT OF PLANNING BOUNDARY  
 AREA OF RED LINE BOUNDARY 245,403 m<sup>2</sup>

Revision	Details	By	Date	Surf's

**CAPITA SYMONDS**  
 The Capita Building  
 Kingmoor Business Park  
 CARLISLE  
 Cumbria  
 CA6 4SJ  
 Tel: 01228 673000  
 Fax: 01228 673111



TRANSPORT, ENVIRONMENTAL  
 & COMMUNITY SERVICES  
 PROJECT DESIGN UNIT  
 Osprey House  
 Alness Point Business Park  
 Alness, IV17 0UP

Phone : 01349 886741  
 Fax : 01349 886749  
 E-Mail : jim.smith@highland.gov.uk

Project  
 The Highland Council (Inverness West Link)  
 Planning Application

Title  
 Site Plan (Red Line Boundary)

Scale (at A0)  
 1:2000

Drawn RG Date 16/08/2013

Checked PB Date 16/08/2013

Project No:  
 HRS7126

Drawing No: PL01 Rev: -

**PLANNING APPLICATION  
 DRAWING**