

**The Highland Council**

**South Planning Applications Committee  
28 June 2016**

Agenda Item	6.1
Report No	PLS 040/16

**16/02161/S42: Hazeldene (Inverness) Ltd**

**Land at Stratton and East Seafield, Inverness**

**Report by Head of Planning and Environment**

**SUMMARY**

**Description:** Application to develop land without compliance with conditions 1,2,3,9 and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) of 09/00141/OUTIN as amended by 13/01049/S42.

**Recommendation: GRANT**

**Wards:** 18 – Culloden and Ardersier.

**Development category:** Major

**Pre-determination hearing:** None

**Reason referred to Committee:** Major Development

**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 13/01049/S42 granted on 14 May 2015 in respect of the Stratton Farm development. The applicant's justification for the non-compliance with conditions is set out in their letter that accompanies the application and this is contained in Appendix 2.

1.2 The development at Stratton Farm comprises of the following uses split over four phases:

- 2475 Residential Units;
- 8000m<sup>2</sup> of Food Retail;
- 3350m<sup>2</sup> Non-Food Retail;
- 5100m<sup>2</sup> Offices;
- 1900m<sup>2</sup> Health Centre;
- 1000m<sup>2</sup> Church;
- 1700m<sup>2</sup> Community Building;

- 2600m<sup>2</sup> Primary School;
- 500 Car Parking Space Park and Ride;
- 80 Bedroom Hotel; and
- 9500m<sup>2</sup> Commercial / Business.

1.3 This application seeks to reword the following conditions:

- Condition 1 (Phasing of the development)
- Condition 2 (Area Development Brief)
- Condition 3 (Matters Specified and reserved for determination through further applications);
- Condition 9 (Noise emissions for the proposed retail units);
- Condition 25 (Uses within the town centre);
- Condition 27 (Restriction on retail uses); and
- Condition 28 (Delivery of infrastructure related to retail development).

1.4 This application seeks to delete the following conditions:

- Condition 29 (Safeguard for the alignment of the A9 / A96 Link Road); and
- Condition 33 (Delivery of strategic transport infrastructure upgrades).

1.5 Subsequent to the above modifications the application is also seeking that the remaining conditions are re-numbered and reworded to reflect the above changes.

1.6 A copy of the original planning permission for the Stratton Farm development is contained within Appendix 3. An application to develop the land without compliance with conditions attached to the original planning permission was granted on 14 May 2015. A copy of the decision notice for that permission is contained within Appendix 4.

1.7 The current S42 application has been supported by the following information:

- Supporting statement / letter;
- Proposed condition schedule;
- Previous Decision Notices for 09/00141/OUTIN and 13/01049/S42; and
- Draft Area Development Brief for development with Phase 1.

## **2.0 Planning History / Background**

- |     |                       |   |
|-----|-----------------------|---|
| 2.1 | <b>12 August 2011</b> | New town comprising town centre, housing and commercial development (09/00141/OUTIN)  |
| 2.2 | <b>12 May 2015</b>    | Modification of Section 75 Agreement associated with planning permission 09/00141/OUTIN   |
| 2.3 | <b>14 May 2015</b>    | Application to vary conditions 4, 36 and 42 of Planning Permission ref 09/00141/OUTIN; amendments to AMP, Park and Ride and amendment to timing of provision. |

### 3.0 Public Participation

3.1 Advertised: 27 May 2016 in the Inverness Courier.

Representation deadline: 10 June 2016

Timeous representations against:	1
Comments:	1
Representations in support:	0
Non-timeous representations against:	0

3.2 Material considerations raised in objection to the application:

- Impact on the City Centre.

3.3 Material considerations raised in commenting on the application:

- Application should make provision for road and active travel connections to allow proper planning of the East Inverness area.

### 4.0 Consultations

4.1 Transport Planning Team has objected to the application due to the lack of commitment to delivery of the Park and Ride facility. Transport Planning has also requested that: Condition 3 makes reference to Highland Council Guidelines; Condition 31 makes reference to the local road network; Condition 34 to not distinguish between residential and non-residential development, includes timescales for delivery of infrastructure, includes requirements for previously required local road infrastructure and removal of requirements related to Millburn Road as these are complete; Condition 36 to clarify what is required by re-wording the condition; Condition 37 to reflect Highland Council parking standards; Condition 38 to be revised to reflect that the development is no longer retail led; and Condition 40 is revised to ensure delivery of the temporary park and ride in phase 1.

4.2 Balloch Community Council has not objected to the application. Concern has been raised as to the phasing of primary education facilities within the development and the lack of any provision of secondary facilities.

4.3 Transport Scotland has not objected to the application. Conditions are sought to be retained or re-worded to ensure the safety and free flow of the trunk road.

4.4 The following were consulted but have not responded to the consultation:

- Education - verbal discussions are ongoing in relation to education provision in East Inverness, the results of which are reflected in this report;
- Smithton and Culloden Community Council - have not responded within the consultation period. Further contact has been with the Community Council seeking a response. A verbal update will be provided to committee as to the position of the Community Council.

## **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 9  | A96 Corridor - Phasing and Infrastructure |
| Policy 12 | Stratton                                  |
| Policy 28 | Sustainable Development                   |
| Policy 29 | Design and Place-Making                   |
| Policy 30 | Physical Constraints                      |
| Policy 31 | Developer Contributions                   |
| Policy 32 | Affordable Housing                        |
| Policy 34 | Settlement Development Areas              |
| Policy 40 | Retail Development                        |
| Policy 41 | Business and Industrial Land              |
| Policy 42 | Previously Used Land                      |
| Policy 51 | Trees and Development                     |
| Policy 56 | Travel                                    |
| Policy 57 | Natural, Built and Cultural Heritage      |
| Policy 58 | Protected Species                         |
| Policy 59 | Other Important Species                   |
| Policy 60 | Other Important Habitats                  |
| Policy 63 | Water Environment                         |
| Policy 64 | Flood Risk                                |
| Policy 65 | Waste Water Treatment                     |
| Policy 66 | Surface Water Drainage                    |
| Policy 70 | Waste Management Facilities               |
| Policy 72 | Pollution                                 |
| Policy 74 | Green Networks                            |
| Policy 75 | Open Space                                |
| Policy 77 | Public Access                             |

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

- 5.4 Policy 1 Promoting and Protecting City and Town Centres

Site IN84 Stratton (Mixed Use 2,475 homes, retail, business, community, leisure)

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

- 5.5 The general policies 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:
- Developer Contributions (2013)
  - Physical Constraints (2013)
  - Sustainable Design Guide (2013)
  - Managing Waste in New Developments (2013)
  - Open Space in New Residential Developments (2013)
  - Green Networks (2013)
  - Highland Statutorily Protected Species (2013)
  - Flood Risk and Drainage Impact Assessment (2013)
  - Trees, Woodlands and Developments (2013)
  - Public Art Strategy (2013)

### **6.0 Other Relevant Planning Policy**

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

- 6.1
- National Planning Framework 3
  - Scottish Planning Policy
  - Creating Places
  - Designing Streets

### **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?
- should permission be granted subject to the same conditions as the previous permission?

- should permission be granted subject to different conditions (or no conditions)?

### Planning Considerations

- 7.3 The principle of the development has been established through the previous permission. This is an application to remove and modify 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 changed since the time of the determination of the original application. The Highland Structure Plan (2001) is no longer in force and the overarching policy document is now the Highland-wide Local Development Plan (2012). The Inverness Local Plan (2006) although partially continued in force in 2012 has been superseded by the adopted Inner Moray Firth Local Development Plan (2015).
- 7.5 In taking forward the adoption of the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP) the provisions of the consented development, including any mitigation required, have been included within the development plan under Policy 12 (Stratton) and Site allocation IN84 respectively. The key issue therefore is whether the amendment or removal of the conditions applied for would make the development incompatible with the Development Plan. The remainder of this report will consider each of the modifications sought in turn and assess their compatibility with the Development Plan.

### Modification to Condition 1

- 7.6 The applicant has sought to modify the wording of the condition to reflect the re-phrasing of the development which they have proposed. In principle, the re-phrasing of the development is supported, subject to the developer providing adequate mitigation at the appropriate time to ensure the development is supported by the right level of mitigation.
- 7.7 Balloch Community Council has raised concerns that neither the timescale for delivery of education infrastructure nor the level of mitigation provided is satisfactory. In the original planning permission, Primary school provision of 2600m<sup>2</sup> was to be delivered, split across Phases 2 and 3 of the development, with contributions to provide enhanced provision at existing facilities delivered in the interim. It is now proposed that this provision will all be made in Phase 1 (2016-2021). This is subject to money being available for design, build and on-going operation from the Council's capital and revenue budgets. The change in phasing is considered appropriate as the development is now to be led by residential development rather than retail. There are outstanding capacity issues at Balloch, Smithton and Duncan Forbes Primary Schools. This development falls into the catchment area of Smithton and Duncan Forbes Primary Schools. The capacity

issues are recognised and acknowledged by Care and Learning. Colleagues in Education are working through the Sustainable School Estates Review for Inverness. As set out in a recent paper to Education, Children and Adult Services Committee (18 May 2016), work is ongoing to assess how to meet the demand this development will have on the primary school estate. However, it is considered that the provision of a site within an early phase of development and securing developer contributions to enhanced provision at existing schools is appropriate to allow for the change in phasing.

- 7.8 In terms of secondary provision, there is not a new school site identified within the red line boundary of this application, and in any event a development of this scale would not support a new school in itself. A new school site has been identified in the Inner Moray Firth Local Development Plan which would include the re-development of Culloden Academy. The Planning Authority will seek contributions to the delivery of enhanced secondary school provision, as mitigation for the impacts of this development. Care and Learning is aware of this development and the potential impact on the school estate. The capacity, condition and suitability of Culloden Academy is to be reviewed by Care and Learning in January 2017. It is considered that a contribution to the provision of enhanced capacity at Culloden Academy remains an appropriate method to mitigate the impacts of this development.
- 7.9 It is proposed that this condition sets the outline phasing for each principal phase and more detailed phasing for individual elements of Phase 1. The overall quantum of development remains in accordance with the development plan, albeit the detail of when these elements will be delivered has changed. Subject to modifications and additional wording in other conditions attached to this consent, it is considered that the modifications to this condition are acceptable.

#### Modification to Condition 2

- 7.10 This condition sought to secure the submission and approval of an area development brief in advance of each phase of the development. This was to ensure the development followed the principles of the masterplan and set out how each phase of the development was to be delivered. This was also envisaged to set out a design code. The Area Development Brief submitted for Phase 1 is included as Appendix 5 to this report. This is currently being considered by Council Officers and consultees. A response will be issued to the applicant in due course.
- 7.11 The proposed modifications to this condition are limited, only seeking modifications to tie this condition to Condition 1. While acceptable, it is considered that the process to be followed should be submission of an application to consider the Area Development Brief rather than for a submission to be agreed in writing. Given the importance of these documents, this would provide a formal opportunity for public comment which would not be available through the satisfaction of conditions. Importantly, for future phases of development the form and structure would not only be able to be influenced by the public in the wider area, but also the communities that begin to form within the Stratton area itself.
- 7.12 As such, the Planning Authority, propose that this condition is deleted and instead

included as part of Condition 3 which sets out what needs to be submitted in advance of the commencement of works on any phase or sub-phase. In doing so Condition 3 would also be modified to clarify the content of each Area Development Brief.

### Condition 3

- 7.13 This condition sets out a number of detailed matters which require to be agreed in writing by the Planning Authority in advance of any works commencing on site.
- 7.14 The modifications sought by the applicant were limited to changes in terminology.
- 7.15 The modifications proposed are largely acceptable. However, the opportunity has been taken by the Planning Authority to review the appropriateness of each element of the condition and review the wording to bring it inline with current best practice. In doing so, it is considered that revised wording as set out later in this report will allow this large scale, complex development to be managed in the best possible manner to secure a high quality development. Further conditions, are relied on by this condition and these have also been modified to clarify the terms of the planning permission.

### Condition 9

- 7.16 This condition is related to the noise emissions from retail developments on the site. Only minor changes are sought in terminology. These are acceptable.

### Condition 25

- 7.17 This condition sets out what uses would be acceptable within the town centre element of the development. The applicant has sought to clarify what area of the wider development that the town centre will be developed within. To do this the applicant has proposed that the condition is tied to the sub-phases of phase 1 of the development as identified in the revised Condition 1 and the submitted Area Development Brief. This clarifies the condition further and as such is acceptable.
- 7.18 Concerns have been raised by Inverness Business Improvement District as to the impact this development may have on Inverness City Centre. As set out in paragraph 7.3 of this report, the principle of the development is established. Since the original planning permission was granted for the site, the “town centre first” policy approach set out in Scottish Planning Policy has been brought forward through the Inner Moray Firth Local Development Plan; a policy designed to safeguard the roles of town / city centres.
- 7.19 The original application was supported by a retail impact assessment. It is not considered that there has been a material change in circumstances since the approval of the original consent where the impact of this development on the city centre and other retail centres around the city was considered. It is entirely appropriate to provide retail uses within a development of this scale to ensure that the new community has adequate provision. In addition retail at the scale proposed will also serve the existing communities and form a town centre in its own right, but



at a scale which is unlikely to compete with the City Centre.

Condition 27

- 7.20 This condition is related to the size of retail units allowed and the amount thereof. Only minor changes are sought in terminology. These are acceptable.

Condition 28

- 7.21 This condition seeks to limit the development of retail uses on the site until adequate mitigation is provided to ensure there is no net detriment to the strategic road network. The applicant is seeking to bring forward a level of retail development in advance of mitigation being provided.
- 7.22 At this point no evidence has been presented to the Planning Authority to allow a relaxation in the requirements of this condition. Transport Scotland also has concerns with regard to the implications this proposed change may have in relation to the trunk road.
- 7.23 The rewording of the condition, as proposed by the applicant, is not acceptable. If a clear evidence base is brought forward to demonstrate to the Planning Authority and Transport Scotland that a level of retail development can be accommodated without a detrimental impact on flow or the safety of the trunk road network, a level of development may be permissible. The original condition remains in place with a minor change to the wording to allow submission of such evidence.

Condition 29

- 7.24 This condition is related to the safeguarding of land for the delivery of the A9 - A96 Trunk Link Road (East Link). The applicant proposes that this condition is deleted. This condition, as it stands, has impacts on the deliverability of development within the northern part of the site adjacent to the A96. The options for the East Link route are now known. This provides certainty to the developer. Due to the proposed junction arrangements, this is likely to involve a greater land take than envisaged at the time of the determination of the original application.
- 7.25 The delivery of the East Link, as well as the dualling of the A96 and delivery of a re-configured Smithton Roundabout, are critical to the proper planning of the eastern expansion of Inverness and to ensure that the development across this area is supported by the appropriate transport infrastructure. The delivery of all of the aforementioned infrastructure is inter-related and land is required for its delivery.
- 7.26 The deletion of the condition is not acceptable due to the need for the delivery of the East Link. However, it is considered that in retaining the condition it is reworded to ensure that the terms of the safeguard is clarified and the appropriate level of land is safeguarded to ensure that all of the inter-related strategic road improvements are deliverable. In doing this, there is no longer the need for Conditions 30 and 31 as the provisions of these conditions are now contained within a revised condition.

### Conditions 33 and 34

- 7.27 Condition 33 seeks to limit the start of the development until the required mitigation to the trunk road infrastructure is delivered to the satisfaction of the Planning Authority and Transport Scotland. The applicant is seeking to introduce flexibility in terms of what mitigation is delivered and is seeking to clarify the terms of the condition. The Planning Authority and Transport Scotland consider that the wording of the original condition should be interpreted as no elements of the development listed in the condition can be occupied until the listed modifications to the strategic road network are implemented in full. The applicant has interpreted this condition as development up to the levels set out in the condition is permissible prior to the implementation of the mitigation.
- 7.28 It is appropriate to clarify the terms of the condition to avoid issues around interpretation. In doing so, and following discussion with Transport Scotland, it is considered that no development should take place until the strategic road infrastructure is delivered, unless otherwise agreed in writing with the Planning Authority and Transport Scotland.
- 7.29 The applicant in its proposed condition has sought to remove the list describing the required mitigation. The mitigation has been previously agreed and no evidence has been presented to the Planning Authority to suggest that the need for this mitigation has changed. In order that the condition continues to provide certainty as to the mitigation required, the required mitigation should continue to be listed in the condition. If a clear evidence base is brought forward to demonstrate to the Planning Authority and Transport Scotland that a level of development can be accommodated without a detrimental impact on flow or the safety of the trunk road network, a level of development may be permissible. The condition is therefore to be retained but reworded to clarify the terms of the condition.
- 7.30 The applicant has also sought to combine the provisions of Condition 34, related to development beyond a level of development listed in the original condition 33. This is a “pause and review” point to consider the prevailing conditions in relation to transport at the time of the later phases of the development. The original condition 34 also included an option to provide contributions to a protocol for strategic transport contributions. It is proposed that this is removed from the condition as it is not considered good practice to secure matters through both condition and legal agreement. To be clear, the contributions towards a protocol for strategic and local road infrastructure will be secured through a modified legal agreement.
- 7.31 It is considered that this condition, albeit reworded, should remain attached to the planning permission. The reason for this is that it helps to retain clarity over the requirements of the consent.

### Condition 36

- 7.32 This condition secures schemes for the required local road infrastructure mitigation. The applicant is seeking to remove requirements related to: upgrades to the

junction at Barn Church Road / Tower Road and Tower Road / Culloden Road junctions; re-wording the mitigation for Barn Church Road; and footway / cycleway connections to Culloden Academy. The applicant also proposes that the wording in relation to the modifications required at Barn Church Road is reworded.

- 7.33 At this point no evidence has been presented to the Planning Authority to allow a relaxation in the requirements of this condition. With that said, it is considered that the mitigation in relation to the form of Barn Church Road can be reworded to ensure that the most appropriate mitigation is brought forward for each area of Barn Church Road. This detailed matter will be considered through any further application on the site but the requirement of a change in the form of Barn Church Road is to be retained. The requirements in relation to Millburn Road are no longer required as this mitigation has already been delivered as part of a wider scheme undertaken by the Council. Therefore this element of the condition can be removed.
- 7.34 There is an opportunity to reword the condition to ensure the timeous delivery of the infrastructure, provide clarification over the requirements and help to achieve the place-making principles as set out in the Stratton Masterplan. New wording has been agreed with Transport Planning and the applicant recognising the above matters.

#### Condition 42

- 7.35 This condition seeks to secure details and delivery of the park and ride facilities within the development. The applicant continues to seek the delivery of the Park and Ride in two phases - a 150 space temporary facility and a 500 space permanent facility. The changes relate to the location and timing for delivery of the park and ride facilities.
- 7.36 Transport Planning had raised concerns as to the commitment to the delivery of the park and ride as the facility was not listed in the revised phasing tables in the S42 application. Having discussed this with the applicant this was a typographical error. The commitment to the park and ride facility as a whole remains. The timescales for delivery have been included in Table A of Condition 1 of the recommended conditions.
- 7.37 The changes are acceptable as they ensure that the park and ride facility is appropriately located in an area accessible to the proposed retail development, town centre and is close to residences. The Planning Authority have also taken the opportunity to ensure that the wording of the condition accords with current good practice and have separated the condition into two separate conditions for the purposes of clarity.

#### Other Material Considerations

- 7.38 It is worth highlighting that an application submitted under S42 of the Town and Country Planning (Scotland) Act 1997 (as Amended) 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. Following consideration of the conditions attached to the extant planning permission, the Planning Authority has chosen to revisit all the conditions attached to the consent to ensure the wording is in line with current good practice and that they are suitable to regulate the proposed development. In doing so the Planning Authority has been able to strengthen the provisions of the conditions and provide greater clarity as to the requirements of the conditions, including the information required to satisfy the conditions. In addition further conditions have been added in relation to: delivery of the linkages outwith the site to neighbouring allocations to ensure proper planning of the area; and ensuring no development takes place within the riparian strips adjacent to watercourses.

- 7.39 In granting planning permission for an application under S42, a fresh planning permission is granted. Therefore in considering the application, the applicant has requested that the Planning Authority, if minded to grant the application, issues the permission with a fresh timescale direction. The applicant is seeking that the first matters specified application requires to be submitted within three years of the S42 application and for each subsequent phase within ten years of the commencement of the previous phase. A representation has raised concerns that this provides uncertainty to other existing uses within the City.
- 7.40 The initial three year period for submission of details related to Phase 1 is considered appropriate. A ten year period for submission of details related to Phases 2, and each subsequent phase is considered excessive and no clear justification has been presented to the Planning Authority for the proposed extended duration. Given the need for certainty over the delivery of development to meet the aims and vision of the HwLDP, it is considered that the direction for Phases 2 onwards should be tied to the phasing of development and thus retained at 5 yearly intervals. If there is a need for this to be revisited in future the Council will consider any such request.
- 7.41 A developer contribution protocol for transport improvements related to the whole of East Inverness, including the Stratton site, is being prepared by The Highland Council in partnership with Transport Scotland. This is related to ongoing work in respect of the A96 upgrade, A9 - A96 Link Road and the City Region Deal. Major transportation mitigation is required to ensure no net detriment to the local and strategic road network as a result of new developments. The requirement for development in this area to contribute towards such infrastructure is a well established principle in the Development Plan. The existing planning permission and associated legal agreement for Stratton reflect this principle.
- 7.42 Any permission granted will continue to require developer contributions. These will be secured through a modified legal agreement. This requires a separate application which will be submitted by the applicant further to the determination of this application. The modified legal agreement will include:
- Contributions to Primary and Secondary Education facilities;
  - Provision of a site for a primary school (in a location commensurate with the Phase 1a Area Development Brief);
  - Delivery of Affordable Housing;
  - Contribution to improvements at Inshes roundabout;

- Public transport Contributions
- Contribution to cycle lane provision on Millburn Road;
- Contributions to a protocol for road infrastructure mitigation (Strategic and Local). The protocol will be brought forward as Supplementary Guidance to the Development Plan. This will allow for physical mitigation to be off-set by a financial contribution where it is agreed with the relevant Roads Authority. Any contribution taken in lieu of physical mitigation will be required to take account of the full cost of delivery of the mitigation and the timescales for delivery will have to be agreed by all parties in advance. Monies sought through this protocol will be ring fenced and used to deliver improvements to the safety and improvement in capacity of the local and strategic road network. This includes but is not necessarily limited to; A96 Dualling, re-design of Smithton Roundabout, delivery of the A9-A96 Link Road, and signalisation of Longman Roundabout;
- Contribution to the green network.

## 8.0 Conclusion

- 8.1 All relevant matters have been taken into account when appraising this application. While not all proposed modifications as sought by the applicant are acceptable, following negotiation between with the applicant and statutory consultees the suite of conditions proposed to be attached to this S42 permission would result in the development remaining consistent with the policies and provisions of the Development Plan.
- 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 subject to the imposition of the amended conditions referred to below.

## 9.0 Recommendation

- 9.1 It is recommended that this application for non-compliance with conditions is **GRANTED** subject to:
- A. The presenting for registration of a modified legal agreement to secure:
- Contributions to Primary and Secondary Education facilities;
  - Provision of a site for a primary school (in a location commensurate with the Phase 1a Area Development Brief);
  - Delivery of Affordable Housing;
  - Contribution to improvements at Inshes roundabout;
  - Public transport Contributions
  - Cycle Provision on Millburn Road;
  - Contributions to a protocol for road infrastructure mitigation (Strategic and Local); and
  - Contribution to the green network.

And

B. The following conditions:

1. Planning Permission in Principle is hereby granted for a mixed use development upon 78.8 hectares to be developed in four major sequential phases comprising uses, dwelling numbers and floor-space as set out within Tables A and B: Approved Phasing, sub-phasing and Uses below.

**Table A: Approved Phasing and Users**

	Use class	Phase 1 01/01/20 16 to 31/12/20 21	Phase 2 01/01/20 22 to 31/12/20 26	Phase 3 01/01/20 27 to 31/12/20 31	Phase 4 01/01/20 32 to 31/12/20 36
Residential (subject to affordable housing policy)	9 & sui generis	550 dwellings	200	875	875
Food Retail	1	8000m <sup>2</sup>	0	0	0
Non-food retail	1	1350m <sup>2</sup>	1000m <sup>2</sup>	1000m <sup>2</sup>	0
Offices	2	2100m <sup>2</sup>	2000m <sup>2</sup>	1000m <sup>2</sup>	0
Health centre	Sui generis	1900m <sup>2</sup>	0	0	0
Church	10g	1000m <sup>2</sup>	0	0	0
Community Building (including library)	10f/10e	1700m <sup>2</sup>	0	0	0
Restaurant/café	3	375m <sup>2</sup>	0	0	0
Primary school	10b	2600m <sup>2</sup>	0	0	0
Park & ride	Sui generis	150 spaces	350 spaces	0	0
Hotel	7	80 bed	0	0	0
Commercial/business	4/sui generis			9500m <sup>2</sup>	

**Table B Phase 1 Sub Phases a - g**

	Phase 1a	Phase 1b	Phase 1c	Phase 1d	Phase 1e	Phase 1f	Phase 1g
Residential (subject to affordable housing policy)	400 dwelli ngs	150 dwelli ngs					
Food Retail	0	0	1200 m <sup>2</sup>	2800 m <sup>2</sup>	4000m <sup>2</sup>		
Non-food retail	0	0		1350 m <sup>2</sup>			
Offices	0	0				2100m <sup>2</sup>	
Health centre	0	0				1900m <sup>2</sup>	
Church	0	0				1000m <sup>2</sup>	
Community Building (including library)	0	0				1700m <sup>2</sup>	
Restaurant/ca fé	0	0	375 m <sup>2</sup>				
Primary school	0	0			2600m <sup>2</sup>		
Park & ride		0			150 spaces		
Hotel	0	0	80 bed				
Commercial/b usiness	0	0					

**Reason:** To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved Stratton Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-

a) submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the planning authority in advance of the submission of any other application(s) for the approval of matters

specified in conditions for that particular phase. Each Area Development Brief shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement and shall include the following:

- i. Conformity with principles and vision of the Stratton Masterplan;
- ii. Place-making and public realm;
- iii. Transportation, access, active travel and connectivity;
- iv. Drainage, sustainable drainage and the water environment;
- v. Landscaping and open space;
- vi. Public art strategy;
- vii. Character and design including material palette;
- viii. Phasing, implementation and integration

Thereafter each application within each phase or sub-phase shall accord with the terms of the relevant Area Development Brief and the phasing strategy set out in the Tables A and B of Condition 1 of this consent.

- b) the siting, design and external appearance of all buildings and other structures;
- c) details of sustainable design considerations
- d) the means of access to the site and all external roadworks including connections to the A96(T) and Barn Church Road, and connections to development land identified to the east and west of the site; ;
- e) the layout of the site, in accordance with Designing streets principles;
- f) road layout including the road hierarchy, junction layouts and design with projected traffic figures supported by traffic modelling, junction visibility requirements, vehicle tracking at junctions and standard radii, details of any bus routes and bus stops, details of provision for cyclists and pedestrians including carriageway crossings, provision for disabled users, details of safer routes to school;
- g) the provision of car parking including in-curtilage parking, communal parking areas, parking courts and on-street parking;
- h) the provision of cycle parking including resident parking in houses and communal cycle parking at flats and external visitor cycle parking at flats;
- i) the details of and timetable for delivery of the provision of public open space, including allotments and equipped play areas in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j) details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k) the details of, and timetable for, the hard and soft landscaping of the site;
- l) details of management and maintenance arrangements of the areas identified in (h), (i) and (j) above;
- m) details of all boundary treatments within the development, as set out within the relevant approved Area Development Brief.
- n) the provision for loading and unloading all goods vehicles;
- o) details of the provision of surface water drainage systems across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;;
- p) details of the water and waste water connections;
- q) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary



Planning Guidance' including provision of communal composting and recycling facilities;

r) details of existing trees, shrubs and hedgerows to be retained;

s) details of existing and proposed site levels with fall arrows;

t) details of finished floor levels;

u) details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

3. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:-

a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;

b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;

c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks;

d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;

e) Links to the Highland Council's core paths and green frameworks. Each Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

**Reason:** To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

4. No development shall commence on each phase or sub-phase, a scheme to deal with potential contamination within the phase will be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:

i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;

ii) the measures required to treat/remove contamination (remedial

strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;

iii) measures to deal with contamination during construction works;

iv) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;

v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority. Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

**Reason:** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

5. No development shall commence until measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings and the hotel have been submitted to and agreed in writing by the planning authority. The agreed measures shall thereafter be implemented.

**Reason:** To ensure acceptable levels of external and internal noise levels are achieved.

6. Any details pursuant to Condition 2 above shall show no built development in areas of the site identified in the Environmental Statement as Noise Sensitive Category D.

**Reason:** In the interests of amenity and to ensure that no noise sensitive development is constructed in an area subject to high noise levels.

7. Any details pursuant to Condition 2 above for the development of any primary school, shall include, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the planning authority. Thereafter the agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To ensure acceptable levels of external and internal noise levels are achieved in the school.

8. Any details pursuant to Condition 2 above for the development of any retail units in Phase 1, shall include a detailed survey and assessment of the noise emissions from the proposed retail units shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of

noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To assess the likely impact of noise on proposed neighbouring residential premises and to ensure acceptable levels of external and internal noise levels are achieved.

9. Any details pursuant to Condition 2 above for development within each phase or sub-phase, shall include, a noise control plan and management system incorporating the control measures identified in paragraphs 7.5.25 and 7.5.26 of the Stratton Environmental Statement shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To assess and control the likely impacts of noise on residential properties.

10. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

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

11. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy as detailed in for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development in each phase or sub-phase..

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

12. Any details pursuant to Condition 2 above shall be informed by and include a flood risk assessment. For the avoidance of doubt development shall not take place within the functional flood plain.

**Reason:** In the interests of amenity, to protect property, to protect the water environment, and prevent flooding.

13. Any details pursuant to Condition 2 above shall be informed by and include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time). Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase

or sub-phase shall be completed prior to the final occupation of the relevant phase or sub-phase.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

14. Any details pursuant to condition 2 above shall show only one permanent watercourse crossing. Details of SUDS outfalls and habitat enhancement areas, are the only other watercourse engineering works permitted to the Scretan and Cairnlaw Burns.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

15. Any details pursuant to condition 2 shall include details of any watercourse crossing on the Scretan Burn or Cairnlaw Burn using a bridging solution. Thereafter the agreed solution shall be implemented and maintained in perpetuity as approved by the planning authority.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

16. Any details pursuant to condition 2 above shall not show any temporary watercourse crossing points for construction vehicles.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

17. 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, SNH and TECS). 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:
  - a. Habitat and Species Protection;
  - b. Pollution Prevention and Control including a 6m fenced buffer of the

- existing petrochemical pipeline on the northern boundary of the site
  - 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 including robust protective fencing erected to maintain a 10 metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse;
  - h. Emergency Response Plans;
    - i. Measures to be taken when stockpiling soils to control runoff from the stripped ground and
    - ii. Methods of removing stockpiles and measures to be taken to protect local watercourses from run-off;
  - i. Other relevant environmental management as may be relevant to the development.
- iv. Post-construction restoration and reinstatement of temporary working areas and, compounds;
  - v. 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;
  - vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
  - vii. 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:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

18. Notwithstanding that this permission is in principle, the Town Centre, as defined in the Phase 1 Area Development Brief and identified as Sub phases 1 (c), (e), (f) and (g), shall be developed as a multifunctional area, and may include any of the following uses:-

- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 26, 27

and 28 of this permission;

- ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iv. Offices (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vii. Flatted dwellings;
- viii. Park and Ride facility;
- ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- x. Open Space;
- xi. Car Parking.

**Reason:** To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

19. The Town Centre shall be developed within the area defined for that purpose in the Phase 1 Area Development Brief.

**Reason:** To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

20. Notwithstanding that this permission is in principle, the retail (as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) element of the development within the proposed Town Centre shall be developed according to the following principles:-

- i. In Phase 1, non-food retail provision shall be restricted to a minimum of four units in the size range up to 400 square metres (gross internal area);
- ii. In Phase 1, any Class 1 retail unit shall not exceed 8000 square metres gross internal area.

**Reason:** To control the nature and proportions of the types of retail floor-space within the development and to ensure that it does not have impacts on the city

centre above those identified in the Retail Impact Assessment.

21. Notwithstanding that this permission is in principle, unless otherwise agreed in writing with the Planning Authority no retail unit shall commence trading until all of the following works have been carried out to the satisfaction of the Planning Authority in consultation with Transport Scotland:-

- i. The A96 between West Seafield and Smithton roundabouts has been formed into a dual carriageway in both directions;
- ii. Smithton Roundabout has been re-designed to accommodate the dual carriageways and provide an additional west bound lane and a slip road onto the A96 from Barn Church Road; and
- iii. Full signalisation of Raigmore Roundabout has been implemented.

**Reason:** To ensure that the retail operation is served by a satisfactory road system.

22. No development shall commence on Phase 1D, Phase 2, Phase 3, or Phase 4 until the areas of land required for the delivery of the A96/A9 Link road, dualling of the A96 road including the re-development of the Smithton Roundabout are shown on a plan submitted to and agreed in writing by the Planning Authority. This land agreed to be safeguarded shall thereafter be kept free of all development unless otherwise agreed in writing with the Planning Authority.

**Reason:** To ensure that adequate land is safeguarded for a future A9/A96 Link Road, A96 dualling and associated infrastructure upgrades..

23. No development shall commence on any phase or sub-phase until a traffic monitoring plan, produced in consultation with Transport Scotland and the Roads Authority has been submitted to and agreed in writing with the Planning Authority. This will establish the volumes of traffic associated with the development as it proceeds, to aid in the production and submission of Transport Assessments for future phases of the development. Any subsequent application for the approval of Matter Specified in Conditions of this planning permission in principle shall be informed by the results of the Traffic Monitoring Plan approved for the previous phase(s) or sub-phase(s).

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

24. Notwithstanding Condition 21 of this Planning Permission, unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, no development can be occupied until the following infrastructure modifications to the strategic road network have been implemented to the satisfaction of the Planning Authority and Transport Scotland:

- i. Upgrade the existing A96(T) between Smithton and the Inverness Retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;

- ii. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;
- iii. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of the lane markings, generally in accordance with WSP drawing number 0392\_SK\_RI\_003;
- iv. modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9 southbound approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392\_SK\_LR-001; or
- v. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions.

**Reason:** To ensure the development has no net detrimental effect on the safety and free flow of traffic on the trunk road network.

25. No development shall commence until an Outline Travel Framework Plan for the whole development, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority.

Thereafter, no development shall be occupied in each phase or sub-phase of the development until a detailed Travel Framework Plan, based on the principles of the outline Travel Framework Plan, have been submitted and agreed in writing by the Planning Authority. The detailed Travel Framework Plan shall include:

- a) Measures for extending and/or increasing the active travel opportunities in the area;
- b) Details for the management, monitoring, review and reporting of these measures;
- c) Details of Residential Travel Packs to be distributed to each residential property upon occupation, thereafter revised and distributed to each residential property every 12 months from the date of commencement of particular phase or sub-phase; and
- d) A system of management, monitoring, review, and reporting.

The Travel Framework Plan shall be implemented as approved from the commencement of development to the date of completion of the development.

**Reason:** To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

26. 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 act as Travel Plan Co-ordinator to deliver the Travel Framework Plan required under Condition 22 of this Planning Permission from commencement of development to the date of completion of the development.



**Reason:** To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

27. Unless otherwise agreed in writing by the Planning Authority, no development in Phase 1 (or any sub-phase thereof), shall commence until a scheme for the delivery of the following mitigation, inline with timescales for delivery set out in this condition and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority: 1

i) a scheme for bus priority from the Park and Ride site to the A96. The agreed scheme shall be implemented prior to the occupation of any element of phase 1f;

ii) a schedule for the improvement of Barn Church Road to satisfy a transport movement and place making function. The agreed scheme shall be implemented prior to the occupation of any part of phase 1a or 1b;

iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas to both primary school and secondary school provision. This shall include a combined footway / cycleway from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road and a combined footway / cycleway on the north west side of Barn Church Road. The agreed scheme shall be implemented prior to the occupation of any part of phase 1b;

iv) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore to be delivered prior to the occupation of Phase 1c; and

v) a scheme for enhancing the capacity and active travel permeability of the Barn Church Road / Tower Road junction and the Tower Road / Culloden Road junction to be delivered prior to the occupation of any element of phase 1a.

**Reason:** To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed prior to the main traffic generators commencing operations.

28. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

**Reason:** To ensure that future roads and routes can be provided without impediment.

29. No development shall commence on site until a Construction Traffic Management Framework (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction 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, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

30. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

**Reason:** To ensure adequate provision of car parking

31. Any details pursuant to condition 2 above shall show secure, covered cycle parking provided formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

**Reason:** to ensure that the proposed car parking is safe and secure for use by the public.

32. Any details pursuant to Condition 2 above which includes development of non residential uses within each Phase or sub-phase shall include a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the written approval of the planning authority. The parking management plan shall include signage, specific provision for short-stay parking, management of staff parking and other parking control measures to which it relates, thereafter being maintained for this use in perpetuity

**Reason:** to ensure that the car parking provided is used in an effective and appropriate manner.

33. No development shall commence on Phase 1f until full details of a temporary park and ride facility have been submitted to, and approved in writing by, Planning Authority. The temporary park and ride facility shall include 150 car parking spaces, a bus stop and turning area, shelters for passengers, real time public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 4000m<sup>2</sup> retail units in Phase 1f of the development. The temporary park and ride facility shall be implemented before occupation of any retail unit on the site in accordance with the approved details and shall be fully operational. Thereafter, the temporary park and ride facility shall be maintained as approved unless and until a permanent facility has become fully operational under Condition 34 below.

**Reason:** In the interests of reducing car usage and providing sustainable transport facilities.

34. No development shall commence on Phase 2 until full details for a permanent park and ride facility shall be submitted to, and approved in writing by, Planning Authority. The permanent park and ride facility shall include bus stops, bus parking bays, 500 car parking bays, shelters for passengers, access to public toilets, public transport information and convenient pedestrian access to the Stratton town centre. The permanent park and ride facility shall be implemented in accordance with the approved details and shall be fully operational prior to the first occupation of any other development within Phase 2. Thereafter, the permanent park and ride facility shall be maintained as approved, unless otherwise may be approved in writing by the Planning Authority.

**Reason:** In the interests of reducing car usage and providing sustainable transport facilities.

35. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

**Reason:** In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

36. Before the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority. Prior to the first occupation of each Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted

standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

**Reason:** In the interests of amenity and to ensure that open space and recreational facilities are maintained in accordance with the Council's standards.

37. No development shall commence in each phase or sub-phase until a Badger Protection Plan has been produced in line with Scottish Natural Heritage guidance and submitted for the written approval of the planning authority. Thereafter the approved details, including any identified mitigation, shall be implemented.

**Reason:** To protect the natural heritage of the area.

38. No development shall commence in each phase or sub-phase until a breeding bird survey and protection plan has been produced in line with Scottish Natural Heritage guidance and submitted for the written approval of the planning authority. Thereafter the approved details, including any required mitigation shall be implemented.

**Reason:** To protect the natural heritage of the area.

39. No development shall commence in each phase or sub-phase until an otter survey and protection plan has been produced and submitted for the written approval of the planning authority. Thereafter the approved details, including any required mitigation shall be implemented.

**Reason:** To protect the natural heritage of the area.

40. No development shall commence in each phase or sub-phase until a bat survey and protection plan has been produced and submitted for the written approval of the planning authority. Thereafter the approved details, including any required mitigation shall be implemented.

**Reason:** To protect the natural heritage of the area.

41. Any details pursuant to condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, all in accordance with the attached specification which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

**Reason:** To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

42. Any details pursuant to Condition 2 above shall be informed by:

- i. Arboricultural Assessment;
- ii. Tree Constraint and Protection Plan
- iii. Arboricultural Method Statement;
- iv. Tree and Woodland Management Plan for existing woodlands Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

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

43. With effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the planning authority.

44. Any details pursuant to Condition 2 above shall show no development within 20 metres of existing woodland/trees identified to be retained unless otherwise approved in writing by the planning authority.

**Reason:** In order to ensure the protection of existing trees within the site and amenity of the occupiers of the development.

45. All planting comprised in the approved scheme of landscaping for each phase or sub-phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

**Reason:** In the interests of amenity and in order to ensure that the development is adequately landscaped.

46. No development shall exceed 50 metres above ordnance datum (AOD).

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

47. Following the commencement of development hereby approved, the planning authority in February of each year of development shall be provided with data on the progress of key elements of the mixed use development including as a minimum, the construction and occupation of the gross floor area (sq m) by use class and provision of structural

landscaping.

**Reason:** To allow the effective control of a large scale development to emerge in tandem with the provision of necessary additional infrastructure.

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

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

49. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within 10m of the any watercourse or waterbody on the site without planning permission being granted on application to the Planning Authority.

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

50. No development within Phase 1b shall be occupied until a vehicular connection has been provided up to the western boundary of the application site with no impediments.

**Reason:** to ensure that future roads and routes can be provided without impediment and to ensure proper planning of the area.

51. No part of the development shall be occupied until Traffic Regulations Order(s), limiting the speed of traffic on all roads, with the exception of Barn Church Road, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be at the expense of the developer.

**Reason:** In the interests of safety of all road users in the residential development.

52. Development beyond Phase 2 will be dependent on the submission and approval in writing by the Planning Authority in consultation with Transport Scotland of a further Transport Assessment to establish what mitigation may be required to cater for conditions prevailing at the time and thereafter the implementation of the agreed mitigation measures.

**Reason:** To limit the scale of development to that which can be accommodated by existing highway infrastructure.

## **DIRECTION UNDER SECTION 59(5) & (7) - TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

### **TIME LIMIT DIRECTION**

The Highland Council hereby makes the following Direction under Section 59(5) & (7) 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:

For Phase 1:

- i. THREE YEARS;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 2 and each subsequent Phase:

- i. FIVE from the date of commencement of the previous Phase;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this planning permission in principle will lapse on the expiration of :

- i. For Phase 1, TWO YEARS
- ii. For Phase 2 and each subsequent Phase, FIVE YEARS

from the date of the requisite approval of any matters specified in conditions applicable to that phase 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, unless that phase of the development to which the permission relates is begun before that expiration.

### **FOOTNOTE TO APPLICANT**

#### **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 Trunk Roads Authority and/or 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 Trunk Road Authority and / or Roads Authority officer at the earliest possible opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:



<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

### **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 - 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 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)

### **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.

### **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.

### **Variations**

None.

### **Section 75 Obligation**

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

### **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 [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886608.

### **Signature**

Signature:

Designation: Head of Planning and Environment

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**

1. Inverness BID, Mike Smith, 111 Academy Street, Inverness, IV1 1LX,

### **Supporters**

None.

### **General comments**

2. MacDonald Hotels Ltd, c/o GH Johnson Building Consultants Ltd, Suite 2, Willow House, Stoneyfield Business Park, Inverness, IV2 7PA

**Appendix 2 - Supporting Letter from Applicant's Agent**

ePlanning Centre  
The Highland Council  
Glenurquhart Road  
Inverness  
IV3 5NX

Our ref STRAT0001/bwm/jew

10 May 2016

FAO: Simon Hindson

Dear Sirs

#### **Section 42 Planning Application**

**Application Location: Land at Stratton and East Seafield, Inverness**

**Application Proposal: Application under Section 42 to develop land without compliance with conditions 1, 2, 3, 9, and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) previously attached to planning permission in principle 13/01049/S42 relating to Land at Stratton and East Seafield, Inverness and to develop without complying with the Direction under Sections 59(5) and (7) previously made with regard to planning permission 13/01049/S42 (NB – conditions 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 to remain unchanged; conditions 1, 2, 3, 9, 25, 27 and 28 to be reworded; conditions 29 and 33 to be deleted; conditions 34, 36 and 42 to be reworded and renumbered; conditions 30, 31, 32, 35, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 to be renumbered, and modified Direction wording sought).**

We act on behalf of Hazeldene (Inverness) Limited. This letter, and the enclosed supporting documents, represents a **Section 42 Planning Application** seeking to amend the terms of a number of conditions attached to planning permission 09/00141/OUTIN, as subsequently amended by 13/01049/S42.

#### **Background**

In February 2009, an application for Planning Permission in Principle, with an accompanying indicative Master Plan, was submitted to The Highland Council for the development of a major new community at Stratton, Inverness. The development site extended to just under 80 hectares.

The application proposed a development of up to 2,500 houses with a new mixed-use town centre at its heart. The town centre was intended to serve not only the new community of Stratton, but also the existing adjacent communities of Smithton, Culloden, and Balloch. A range of retail, community, education, commercial, and business premises were included within the application proposal.

The application was granted planning permission on 12 August 2011 by The Highland Council subject to planning conditions and to the terms of a related Section 75 Agreement.

Progress with the implementation of the planning permission was conditional on the preparation of Area Development Briefs for each phase of the proposed development. The planning permission does not require that Area Development Briefs for all phases have to be submitted before the commencement of works – only the Brief for Phase 1. The proposed Area Development Brief for Phase 1 is being lodged with the council at the same time as this Section 42 Application.

Since the granting of planning permission in 2011, there have been significant and far-reaching changes to the economic circumstances within which the future development of Stratton will take place.

These changes may not have an impact on the overall quantum of development, as approved in 2011, once Stratton is completely developed in between 10 and 20 years' time. However, they do have implications for the phasing and sequence of the development. For example, in 2011 it was anticipated that the proposed retail superstore would act as the catalyst for the development as a whole in terms of both infrastructure and market interest. Until 2013 the promoters of the development were in discussions with retail operators and a deal with one operator, for the development of a 8,000 sq m superstore, was at a very advanced stage. An initial version for an Area Development Brief for Phase 1 was in final draft format based on that potential deal. At that point the development market for retail superstores came to an abrupt, and well publicised, halt. The deal for Stratton did not go through.

In 2014 it became clear that the retail superstore market was not going to recover and that an alternative approach to getting development under way at Stratton would be required. By 2015 it was clear that renewed interest in residential development provided an opportunity for this to act as the catalyst. Discussions with private housing developers confirmed this position. Discussions with The Highland Council confirmed that THC would wish to see the housing land allocations at Stratton commenced as quickly as possible. These discussions also confirmed an interest by THC in the direct development of affordable housing on land at Stratton.

At the same time, a different retail development market has emerged, with both mainstream and 'value' retailers considering different store formats of between 1,500 sq m and 4,000 sq m.

It is this new context which informs this Section 43 application, and the related Area Development Brief for Phase 1. If approved by THC, they embrace the opportunity to kick start the development of Stratton by residential-led development. They also embrace the emerging retail formats by reconfiguring the approved floorspace in a way which is more likely to be developed, broken down into smaller units. This approach may, indeed, have additional benefits for the delivery of the placemaking principle and for urban design, and the ADB reflects this without departing from the underlying principles of the approved masterplan.

If approved, related changes to the existing legal agreement will be required. An Application for the Modification of a Planning Obligation has therefore also been submitted to your council at this time.

The general destination remains the same but the means of getting there have changed. The key objective, shared by both the developer and The Highland Council, is to achieve a start of the development of Stratton as soon as possible. This Area Development Brief aims to achieve that by breaking down Phase 1 into a number of sub-phases, with infrastructure delivery linked to each of these phases. This allows development to proceed in a realistic and achievable manner.

### **Purpose of this Section 42 Application**

The purpose of this Section 42 Application is to amend the terms of the various conditions which are attached to Planning Permission 09/00141/OUTIN (issued 12 August 2011) as varied by planning permission 13/01049/S42 (issued 14 May 2015).

### **The Application**

The applicant is:

- Hazledene (Inverness) Limited  
The Ca'd'oro  
45 Gordon Street  
Glasgow  
G1 3PE

The agent is:

- Muir Smith Evans  
203 Bath Street  
Glasgow  
G2 4HZ

The contact at Muir Smith Evans is Brian Muir. The relevant telephone number and e-mail address is shown in this letter.

The application is for:

- Application under Section 42 to develop land without compliance with conditions 1, 2, 3, 9, and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) previously attached to planning permission in principle 13/01049/S42 relating to Land at Stratton and East Seafield, Inverness and to develop without complying with the Direction under Sections 59(5) and (7) previously made with regard to planning permission 13/01049/S42 (NB – conditions 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26 to remain unchanged; conditions 1, 2, 3, 9, 25, 27 and 28 to be reworded; conditions 29 and 33 to be deleted; conditions 34, 36 and 42 to be reworded and renumbered; conditions 30, 31, 32, 35, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 to be renumbered, and modified Direction wording sought).
- Annex 1 contains a full description of the proposed variation of the planning conditions and of the proposed amendment to the Direction.

The relevant land ownership certificates have been completed and are enclosed.

In relation to fees for this application, these amount to £202 (for the planning application itself) plus £100 (for the press advertisement). It has therefore been arranged for the sum of £302 to be directly transferred to The Highland Council as payment for these fees.

The documents submitted are sufficient to identify the previous planning permission to which this application relates. There has been no requirement to submit any plans with this application.

### **Supporting Information**

The background to this application, as outlined above, sets the context.

However, this Section 42 Application relates directly to a simultaneous submission to The Highland Council of an Area Development Brief for Phase 1 of the proposed development at Stratton/East Seafield. As of the date of this application, the related Area Development



Brief is being submitted in compliance with the terms of Planning Condition (2) attached to Planning Permissions 09/00141/OUTIN and 13/01049/S42.

However, both this new Section 42 Application and the Area Development Brief together with a third (and linked) application for the Modification of Planning Obligations, require to be considered by your council in the round. Together, they will effectively replace the existing planning permissions. In these circumstances, the submitted Area Development Brief will be required to be approved in compliance with the new Planning Condition (2) incorporated within any new planning permission.

A copy of the submitted Area Development Brief referred to is included as a supporting document for this application.

Also enclosed are the 2011 and 2015 Decision Notices and the red line boundary plan from the 2011 approval.

Finally, in relation to pre-submission discussions, it may be useful to highlight the following matters:

- The ADB sets out clearly the level of infrastructure which will be delivered for each sub-phase.
- The transport infrastructure has been informed by discussions with THC Transport and Transport Scotland.
- We are aware that there are continuing internal discussions with THC regarding education provision. That matter is currently unresolved.

### **Administration**

We look forward to receiving your confirmation that this application has been received and registered. We also look forward to receiving the written receipt for the application fee.

Please do not hesitate to contact me if you require any additional information.

Yours faithfully

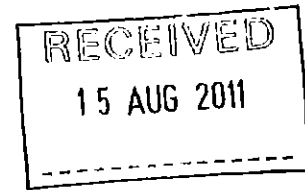


Brian W Muir  
[bmuir@muirsmithevans.co.uk](mailto:bmuir@muirsmithevans.co.uk)

Enc.

cc. client and client team

**Appendix 3 - Planning Permission Decision Notice 09/00141/OUTIN**



**PLANNING PERMISSION IN PRINCIPLE**

Reference No: 09/00141/OUTIN

**THE HIGHLAND COUNCIL**

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

**DECISION NOTICE**

To:  
Inverness Estates Ltd  
Myrtlefield House  
Grampian Road  
Avlemore  
PH22 1RH

Per:  
Muir Smith Evans  
203 Bath Street  
Glasgow  
G2 4HZ

**New town comprising town centre, housing and commercial development on land at Stratton and East Seafield, Inverness**

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

Type of Plan	Plan Number	Date Plan Received
Location/Site Plan	G1173 (MP) 00	25.02.2009
Indicative Plan	G1173 (MP) 01 Rev D	25.02.2009
Indicative Plan - A96 improvement	WSP 0392_SK_103 Rev C	10.09.2010
Indicative Plan -Longman Roundabout improvement	WSP 0392_SK_LR_001	10.09.2010
Indicative Plan -Raigmore roundabout improvement	WSP 0392_SK_RI_003	10.09.2010
Indicative Plan - Barn Church Road widening	0392_SK_502_Rev A	10.09.2010
Indicative Plan – Milburn roundabout road marking	0392_SK_MR_001	10.09.2010

This permission is granted subject to the following conditions: -

- 1. Planning Permission in Principle is hereby granted for a mixed use development upon 78.8 hectares to be developed in four sequential phases comprising uses, dwelling numbers and floor-space as set out within Table 1: Approved Phasing and Uses below (please refer to attached Notes).**

Dated: 12 August 2011

Head of Planning and Building Standards

Table 1: Approved Phasing and Uses

	Use class	Phase 1 01/01/2011 to 31/12/2016	Phase 2 01/01/2016 to 31/12/2021	Phase 3 01/01/2021 to 31/12/2026	Phase 4 01/01/2026 to 31/12/2031
Residential (subject to affordable housing policy)	9 & sui generis	300 dwellings	450	875	875
Food Retail	1	8000m <sup>2</sup>	0	0	0
Non-food retail	1	1350m <sup>2</sup>	1000m <sup>2</sup>	1000m <sup>2</sup>	0
Offices	2	2100m <sup>2</sup>	2000m <sup>2</sup>	1000m <sup>2</sup>	0
Health centre	Sui generis	1900m <sup>2</sup>	0	0	0
Church	10g	1000m <sup>2</sup>	0	0	0
Community Building (including library)	10f/10e	1700m <sup>2</sup>	0	0	0
Restaurant/cafe	3	375m <sup>2</sup>	0	0	0
Primary school	10b	0	1300m <sup>2</sup>	1300m <sup>2</sup>	0
Park & ride	Sui generis	500 spaces	0	0	0
Hotel	7	80bed	0	0	0
Commercial/business	4/sui generis	0	0	9500m <sup>2</sup>	0

**Reason:** To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. The development shall be undertaken in four phases in accordance with Table 1. Prior to the submission of any of the matters specified by conditions for any part of the site, a detailed 'Area Development Brief' for each Phase of the development shall be submitted to and approved by the planning authority for that part of the site. These documents shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement. Development within each Phase area shall accord with the terms of the relevant Area Development Brief and the phasing strategy set out in the Highland wide Local Development Plan.

**Reason:** To ensure a consistent and high quality of development throughout the site.

3. A further application, or applications, for the approval of matters specified in conditions shall be submitted to the planning authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of 'Designing Places', 'Designing Streets' and 'PAN 67 Housing Quality':-
  - a) the siting, design and external appearance of all buildings and other structures;
  - b) details of sustainable design considerations including use of solar gain design, solar energy use, grey water recycling and rain water harvesting, external lighting to minimise sky glow, and energy conservation generally;

Dated: 12 August 2011

  
 Head of Planning and Building Standards

- c) the means of access to the site and all external roadworks identified in conditions 33 and 36 below;
- d) the layout of the site, including all roads, footways and parking areas;
- e) the provision of equipped play areas;
- f) the provision of public open space, including allotments in accordance with the Highland Council's supplementary guidance on the provision of open space in residential development;
- g) details of public art provision;
- h) the details of, and timetable for, the hard and soft landscaping of the site;
- i) details of management and maintenance arrangements of the areas identified in (d), (e) and (f) above;
- j) the design and location of all boundary walls and fences;
- k) the provision for loading and unloading all goods vehicles;
- l) the provision of drainage works;
- m) the disposal of sewage;
- n) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal composting and recycling facilities;
- o) details of existing trees, shrubs and hedgerows to be retained; and
- p) details of existing and proposed site levels

**Reason:** To enable the planning authority to consider these aspects of the development in detail.

**Pedestrian and Cycle Access**


4. Prior to commencement of development within each Phase an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority. The plan shall show:-

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc;
- d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e) Links to the Highland Council's core paths and green frameworks.

The agreed plan shall thereafter be implemented prior to the occupation of development within each phase.

**Reason:** To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

Dated: 12 August 2011

  
Head of Planning and Building Standards

**Contaminated Land**

5. Prior to commencement of development of each Phase, a scheme to deal with potential contamination on site for that Phase will be submitted to and approved in writing by the planning authority, and is thereafter implemented to the satisfaction of the planning authority. The scheme shall contain details of proposals to deal with potential contamination and must include:-
- a) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 22 (2000) and BS10175:2001;
  - b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan);
  - c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the planning authority;
  - d) Submission, if necessary, of monitoring statements at periods to be agreed with the planning authority for such time period as is considered appropriate by the planning authority.

Reason: To ensure the site is free from contamination and is fit for the use(s) proposed.

**Noise control**

6. Prior to commencement of development measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings and the hotel shall be submitted to and agreed in writing by the planning authority. The agreed measures shall thereafter be implemented.

Reason: To ensure acceptable levels of external and internal noise levels are achieved.

7. No built development shall be erected in areas of the site identified in the Environmental Statement as Noise Sensitive Category D.

Reason: In the interests of amenity and to ensure that no noise sensitive development is constructed in an area subject to high noise levels.

8. Prior to commencement of development of any primary school, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

Dated: 12 August 2011

  
Head of Planning and Building Standards

**Reason: To ensure acceptable levels of external and internal noise levels are achieved in the school.**

- 9. Prior to commencement of development of the proposed retail superstore in Phase 1, a detailed survey and assessment of the noise emissions from the proposed retail superstore shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.**

**Reason: To assess the likely impact of noise on proposed neighbouring residential premises and to ensure acceptable levels of external and internal noise levels are achieved.**

- 10. Prior to commencement of development of each Phase, a noise control plan and management system incorporating the control measures identified in paragraphs 7.5.25 and 7.5.26 of the Stratton Environmental Statement shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.**

**Reason: To assess and control the likely impacts of noise on residential properties.**

- 11. During construction operations for which noise is audible at the boundary of the site shall only be carried out between 08.00 hours and 18.00 hours Monday to Friday, between 08.00 hours and 13.00 hours on Saturdays and at no time on a Sunday or public holiday. Work requiring to be carried out outwith these times shall only commence with the prior written approval of the planning authority except in the case of an emergency.**

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

- 12. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 25 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.**


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

**Dust Control**

- 13. Dust mitigation measures identified in paragraph 8.5.6 of the Stratton Environmental Statement shall be implemented during construction operations.**

**Reason: In the interests of amenity and to prevent dust contamination and to maintain good air quality.**

**Dated: 12 August 2011**

  
Head of Planning and Building Standards

**Construction Waste Management**

14. Prior to commencement of each Phase of development a Site Waste Management Plan for that Phase as detailed in Appendix 1 (attached) to control waste during construction shall be submitted for the written approval of the planning authority in consultation with Scottish Environment Protection Agency (SEPA).

Reason: In the interests of amenity, to manage waste and prevent pollution.

**Operational Waste Management**

15. Prior to commencement of each Phase of development a Waste Management Strategy as detailed in Appendix 2 (attached) for that Phase, shall be submitted for the written approval of the planning authority in consultation with SEPA to detail the approach to sustainable waste management in the operational development.

Reason: In the interests of amenity, to manage waste and prevent pollution.

**Flood prevention**

16. No development will take place within the functional flood plain in compliance with Scottish Planning Policy, the Flood Risk assessment submitted with the application or any subsequent assessment.

Reason: In the interests of amenity, to protect property, to protect the water environment, and prevent flooding.

**Sustainable Urban Drainage**

17. No development within each Phase shall commence until a Surface Water Drainage Strategy (SUDS) in accordance with the Environmental Statement is submitted to and approved in writing by the planning authority in consultation with SEPA, TECS and Scottish Water. Thereafter the agreed scheme shall be implemented to the satisfaction of the planning authority. Areas of habitat lost to create SUDS outfall and wetlands shall be planted with native species and enhanced for wildlife.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

18. With the exception of one permanent watercourse crossing, any SUDS outfalls and habitat enhancement areas, there shall be no watercourse engineering works on the Scretan and Cairnlaw Burns.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

Dated: 12 August 2011

  
Head of Planning and Building Standards



19. Prior to commencement of development details of any watercourse crossing on the Scretan Burn or Cairnlaw Burn using a bridging solution shall be submitted for the further approval of the planning authority in consultation with SEPA and shall thereafter be implemented as agreed with the planning authority in consultation with SEPA.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

20. There shall be no temporary watercourse crossing points for construction vehicles.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

21. During construction all watercourses will be protected by robust protective fencing erected to maintain a 10 metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

#### **Water supply and foul drainage**

22. All phases of the development shall be connected to the public waste water system and to the public water supply.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

#### **Construction Environmental Management Plan**

23. Prior to commencement of each Phase of development a Construction Environmental Management Plan as detailed in Appendix 3 of the letter from SEPA of 12 May 2009 (attached) including a dust management strategy for that Phase shall be submitted for the written approval of planning authority in consultation with SEPA.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

#### **Pipeline safeguarding**

24. During construction the existing petrochemical pipeline on the northern boundary of the site shall be protected by 6 metre buffer strip protected by robust protective fencing.

**Reason:** To safeguard the existing petrochemical pipeline from damage.

Dated: 12 August 2011

  
Head of Planning and Building Standards

**Retail development**

- 25. Notwithstanding that this permission is in principle, the Town Centre, as defined in the Phase 1 Area Development Brief, shall be developed as a multi-functional area, and shall include all of the following uses (unless specific exclusions are approved in writing by the planning authority):-**
- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 26, 27 and 28 of this permission;**
  - ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - iv. Offices/Light Industry (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - vii. Flatted dwellings;**
  - viii. Park and Ride facility;**
  - ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
  - x. Open Space;**
  - xi. Car Parking.**

**Reason: To ensure that the proposed Town Centre fulfils a multi-functional role within the development.**

- 26. The Town Centre shall be developed within the area defined for that purpose in the Phase 1 Area Development Brief.**

**Reason: To ensure that the proposed Town Centre fulfils a multi-functional role within the development.**

- 27. Notwithstanding that this permission is in principle, the retail (as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) element of the development within the proposed Town Centre shall be developed according to the following principles:-**

- i. In Phase 1, non-food retail provision shall be restricted to a minimum of four units in the size range up to 400 square metres (gross internal area);**
- ii. In Phase 1, any Class 1 retail unit shall not exceed 8000 square metres gross internal area.**

**Reason: To control the nature and proportions of the types of retail floor-space within the development and to ensure that it does not have impacts on the city centre above those identified in the Retail Impact Assessment.**

**Dated: 12 August 2011**

  
Head of Planning and Building Standards

28. Notwithstanding that this permission is in principle, no retail unit shall commence trading until all of the following works have been carried out to the satisfaction of Transport Scotland and the planning authority:-

- i. The A96 between West Seafield and Smithton roundabouts has been formed into a dual carriageway in both directions;
- ii. Smithton Roundabout has been re-designed to accommodate the dual carriageways and provide an additional west bound lane and a slip road onto the A96 from Barn Church Road;
- iii. Signalisation of Raigmore roundabout has been implemented.

Reason: To ensure that the retail operation is served by a satisfactory system of public transport and that the principal road accesses to the site are operational.

#### Trunk Road A96/A9 Link

29. No development shall commence on Phases 2, 3 and 4 until such time as the A96/A9 Link road alignment is agreed in writing with the planning authority in consultation with TEC Services and Transport Scotland and thereafter implemented.

Reason: To ensure that major strategic infrastructure is in place before further phases of the development are progressed.

30. Prior to commencement of the development of Phase 2 the applicant shall agree with the planning authority in conjunction with Transport Scotland the area of land which is required for the A96/A9 Link road and provide a plan showing the safeguarded land. This land should thereafter be kept free of all development unless otherwise agreed in writing with the planning authority.

Reason: To ensure that adequate land is safeguarded for a future A9/A96 Link Road.

#### Strategic Transport Infrastructure

31. Prior to commencement of any development hereby permitted the applicant shall consult with Transport Scotland to secure appropriate safeguards for the implementation of the A96 to dual carriageway standard without prejudice to the future commitment to upgrade the A96 road.

Reason: To safeguard any future improvement to the A96 trunk road.

32. Prior to the commencement of development hereby permitted a traffic monitoring plan shall be submitted and agreed in writing with the planning authority in consultation with Transport Scotland - TRNMD. This will establish the volumes of traffic associated with the development as it proceeds, to aid in the production and submission of Transport Assessments for future phases of the development.

Dated: 12 August 2011

  
Head of Planning and Building Standards

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

**33. Prior to the occupation of any of the following components of the development hereby permitted:-**

- i) 750 residential units;**
- ii) 8000sqm retail superstore;**
- iii) 3550sqm non-food retail (local shops);**
- iv) 5100sqm offices;**
- v) 1,900 sqm health centre;**
- vi) 1000sqm church;**
- vii) 1700sqm community facilities;**
- viii) 375sqm café/restaurant;**
- ix) 1300sqm primary school;**
- x) park and ride site;**
- xi) 4000sqm commercial/business;**
- xii) 80 bed hotel;**
- xiii) 1550sqm car showroom;**
- xiv) 4000sqm garden centre**

**The following list of infrastructure modifications to the strategic road network shall be implemented to the satisfaction of the planning authority and Transport Scotland -TRNMD, in consultation with the trunk road management organisation:-**

- 1. Upgrade the existing A96(T) between Smithton and the Inverness retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;**
- 2. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;**
- 3. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of lane markings, generally in accordance with WSP drawing number 0392\_SK\_RI\_003;**
- 4. Either - modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9 southern approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392\_SK\_LR-001; or**
- 5. An agreed contribution to the satisfaction of the planning authority in consultation with Transport Scotland - TRNMD, towards infrastructure improvements at Longman roundabout which will provide additional capacity on the A9 trunk road at this location;**
- 6. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions**

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

**Dated: 12 August 2011**

  
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**Head of Planning and Building Standards**

**34. For the purposes of the provision of Strategic Transport infrastructure the extent of the development permitted by this permission shall be limited to the components listed in Condition 35 above. Development beyond those numbers and quantities listed in condition 35 will be dependant on the following:-**

- i) Either submission and approval in writing by the planning authority, in consultation with Transport Scotland -TRNMD of further Transport Assessments to establish what mitigation may be required to cater for condltions prevailing at that time and thereafter the implementation of the agreed mitigation measures, or if not forthcoming;**
- ii) An agreed contribution to the satisfaction of the planning authority, in consultation with Transport Scotland -TRNMD towards a developer protocol, having been brought forward as Supplementary Guidance to the local Development Plan towards the provision of upgrades to the A96(T).**

**Reason: To limit the scale of development to that which can be accommodated by existing highway infrastructure.**

**Travel Plan**

**35. Prior to the occupation of any part of the employment element of the development hereby permitted, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the planning authority, in consultation with Transport Scotland - TRNMD. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car.**

**Reason: To be consistent with the requirements of Scottish Planning Policy.**

**Local Road Infrastructure**

**36. Prior to commencement of development of Phase 1 the following details shall be submitted for the written approval of the planning authority:-**

- i) a scheme for bus priority from the Park and Ride site to the A96;**
- ii) a scheme for widening Barn Church Road to 4 lanes including speed limits, traffic calming and gateway features including traffic calming measures on the transition between 30 and 40 mph zones and segregated cycle lanes on Barn Church Road in accordance with illustrative WSP drawing number 0392-SK-502 Revision A;**
- iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas;**
- iv) a scheme for junction design, signalisation, widening and/or improvement of Barn Church Road/Tower Road junction and the Tower Road/Culloden Road junction;**

**Dated: 12 August 2011**

  
Head of Planning and Building Standards

- v) a scheme for a combined footway cycle route from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road (provided this can be achieved within the existing road boundary) and a combined footway/cycleway on the north west side of Barn Church Road;
- vi) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore;
- vii) a scheme for altering the lane markings at Millburn roundabout in accordance with WSP drawing number 0392\_SK\_MR\_001.

Prior to occupation of any parts of Phase 1 of the development, the agreed details and the agreed phasing for (i) (ii), (iv), (v), (vi) & (vii) above shall be implemented and operational to the satisfaction of the planning authority; the agreed details for (iii) shall be implemented in accordance with the requirements of Matters Specified in Conditions approval for the residential development within Phase 1 and subsequent Phases.

Reason: To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed prior to the main traffic generators commencing operations.

37. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

Reason: To ensure that future roads and routes can be provided without impediment.

#### Traffic management plan

38. Notwithstanding the generalities of this permission, before any development commences for each Phase, a Traffic Management Plan for each Phase shall be submitted to and approved by the planning authority.

Reason: To ensure that the road network within the site is designed and developed in an appropriate manner.

#### Car Parking

39. Car parking provision including disabled parking to serve the proposed development shall be in accordance with National Standards as set out in Scottish Planning Policy and in accordance with Highland Council standards where national standards are not applicable unless otherwise agreed in writing with the planning authority.

Reason: To ensure adequate provision of car parking in accordance with Scottish Planning Policy national standards.

Dated: 12 August 2011

  
Head of Planning and Building Standards

40. Notwithstanding that this permission is in principle, all public car parking shall be illuminated and designed to ensure that personal safety and security issues are adequately addressed. Prior to commencement of operation of the superstore hereby approved details of lighting shall be submitted for the written approval of the planning authority.

Reason: to ensure that the proposed car parking is safe and secure for use by the public.

41. Prior to commencement of each non residential development within each Phase a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the written approval of the planning authority. The parking management plan shall include signage, specific provision for short-stay parking, management of staff parking and other parking control measures.

Reason: to ensure that the car parking provided is used in an effective and appropriate manner.

#### Park and Ride Facility

42. Prior to commencement of development of Phase 1, the details of a 'park and ride' facility shall be submitted for the written approval of the planning authority. The 'park and ride' facility shall include bus stops, bus parking bays, 500 car parking bays in Phase 1, shelters for passengers, access to public toilets, public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 8000m<sup>2</sup> retail superstore in Phase 1 of the development. Prior to commencement of trading of the 8000m<sup>2</sup> retail superstore, the 'park and ride' facility shall be implemented in accordance with the approved details and be operational.

Reason: In the interests of reducing car usage and providing sustainable transport facilities.

#### Open Space Provision & Maintenance

43. Prior to the commencement of each Phase, details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

Dated: 12 August 2011

  
Head of Planning and Building Standards

44. Prior to the first occupation of each Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are maintained in accordance with the Council's standards.

**Natural Heritage**

45. Prior to commencement of development in each Phase a Badger Protection Plan shall be submitted for the written approval of the planning authority in consultation with Scottish Natural Heritage. Following approval the plan shall be implemented.

Reason: To protect the natural heritage of the area.

46. Prior to commencement of development the breeding bird survey and mitigation outlined in table 1.1 of the Stratton Environmental Statement shall be carried to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

Reason: To protect the natural heritage of the area.

47. Prior to commencement of development the otter mitigation plan as detailed in the Stratton Environmental Statement shall be implemented to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

Reason: To protect the natural heritage of the area.

48. Prior to commencement of development a licence to remove bats or bat roost(s) shall be obtained from Scottish Natural Heritage and mitigation implemented as detailed in the Stratton Environmental Statement.

Reason: To protect the natural heritage of the area.

Dated: 12 August 2011

  
Head of Planning and Building Standards



**Archaeology**

49. Prior to commencement of development details of a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification shall be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

**Reason:** To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

**Tree Protection**

50. Prior to commencement of development within each Phase, a survey of the location and quality of existing trees on the site and identifying those trees to be retained shall be submitted for the written approval of the planning authority. With effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the planning authority. All built development shall be sited a minimum of 20 metres from the boundaries of existing woodland/trees identified to be retained unless otherwise approved in writing by the planning authority. The trees identified for retention shall be fenced off and protected physically from damage during site construction works in accordance with details which shall be submitted to and require the approval in writing of the planning authority.

**Reason:** In order to ensure the protection of existing trees within the site.

**Landscaping**

51. All planting comprised in the approved scheme of landscaping for each Phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

**Reason:** In the interests of amenity and in order to ensure that the development is adequately landscaped.

**Aviation safeguarding**

52. No development shall exceed 50 metres above ordnance datum (AOD).

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

Dated: 12 August 2011

  
Head of Planning and Building Standards

**Monitoring**

53. Unless otherwise agreed in writing by the planning authority, following the commencement of development hereby approved, the planning authority in February of each year of development shall be provided with data on the progress of key elements of the mixed use development including as a minimum, the construction and occupation of the gross floor area (sq m) by use class and provision of structural landscaping.

**Reason:** To allow the effective control of a large scale development to emerge in tandem with the provision of necessary additional infrastructure.

**DIRECTION UNDER SECTION 59(5) & (7) - TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

The Highland Council hereby makes the following Direction under Section 59(5) & (7) 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:

**For Phase 1**

**5 YEARS** from the date on this decision notice;  
**SIX MONTHS** from the date on which an earlier application for the requisite approval was refused; or  
**SIX MONTHS** from the date on which an appeal against such refusal was dismissed.

**For Phase 2 and each subsequent Phase**

**3 YEARS** from the date of commencement of the previous Phase;  
**SIX MONTHS** from the date on which an earlier application for the requisite approval was refused; or  
**SIX MONTHS** from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this permission will lapse on the expiration of the period of

**For Phase 1, 2 YEARS;**

**For Phase 2 and each subsequent Phase, 2 YEARS;**

from the date of the requisite approval of any matters specified in conditions applicable to that phase (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, unless that phase of the development to which the permission relates is begun before that expiration.

**Dated: 12 August 2011**

  
Head of Planning and Building Standards

Notice of initiation of development

Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of the Act, which may result in enforcement action being taken.

Notice of completion of development

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country planning (Scotland)m Act 1997 (as amended) to give the planning authority written notice of that position.

**REASON FOR DECISION**

Notwithstanding that the proposals were significantly contrary to the Development Plan the development would represent a substantial long term investment in Inverness and would creat employment opportunities. The development would implement major road and Infrastructure improvements and could improve the appearance of an entry point into the City. These are significant material considerations that weigh in favour of the development. Further details are contained In the report of handling available at:

<http://www.highland.gov.uk/yourcouncil/committees/archivepremay2007/thehighlandcouncil/2010-09-15-hc-sp-min.htm>

**NOTES**

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may Invalidate your permisslon or result in formal enforcement action.

Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permisslon hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development. The S75 agreement can be inspected at The Highland Council, Planning and Development Service, Council HQ, Glenurquhart Road, Inverness, IV3 5NX.

For the avoidance of doubt, Phases 1 and 2 as referred to in Condition 1 comprise the "TA Assessed Development" contained within the Section 75 Agreement.

Dated: 12 August 2011

  
Head of Planning and Building Standards

**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 (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Road Openings Permit / Road Construction Consent:** you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

**Street Names:** inline with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

The provision of affordable housing will normally be achieved under the auspices of a local Housing Association or Trust which will take on the long term management and allocation responsibilities. For the purposes of this permission, a Housing Association or Trust shall be a limited company or charitable institution, society or trust registered with Scottish Homes and eligible for assistance by them in the provision of housing for people in need, or such other body acceptable to the Planning Authority.

The applicant is advised that the proposed development will require the submission of a Badger Protection Plan to Scottish Natural Heritage in support of a Badger Licence application, and their prior approval of such licence before commencement of any development.

The applicant is advised to take account of the Highland Council Badger Policy Guidance. (copy attached) <http://www.highland.gov.uk/NR/rdonlyres/5F8D14CC-A073-416D-B34B-011A8E0549FD/0/BPGN.pdf>

The applicant is invited to retain historic place names within future place and street names.

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).

Regarding the design of attenuation ponds relating to water quality SEPA direct the applicant to our publication 'Ponds Pools and Lochans' [www.sepa.org.uk/water/water\\_regulation/guidance/doc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1](http://www.sepa.org.uk/water/water_regulation/guidance/doc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1) which provide guidance for the design of habitats which could potentially assist in the amelioration of water quality. SEPA also recommend that advice should also be sought from Scottish Natural Heritage in this respect.

Dated: 12 August 2011

  
Head of Planning and Building Standards

Details of environmental protection regulatory requirements and good practice advice for the applicant can be found on SEPA's website at [www.sepa.org.uk/planning](http://www.sepa.org.uk/planning). For a specific regulatory matter, please contact a member of the Environmental Protection and Improvement Team in the local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel:01349 862 021.

Please note that the site is directly under the flightpath of the main operating runway for Inverness Airport, and there is the possibility that some of the lighting may cause a distraction to pilots. The developer is advised to follow the recommendations of the Civil Aviation Advice Note No2 which refers to lighting near airports.

During construction it is likely that mobile or fixed cranes will impact on the airport protected surfaces. The developer should refer to the British Standard publication "Crane Control In the Vicinity of Aerodromes". Contact should be made with the airport before any crane operation takes place.

The Inverness airport is obliged to ensure that any development within eight nautical miles is assessed against the bird strike risk and associated hazard. The developer should ensure such activities as earthworks, soil stripping and seeding do not increase the risk of bird activity and the threat to aircraft safety. The provision of open water features should be of such a nature that any potential for feeding/roosting of birds is restrained.

Road Construction Consent will be required for any new or improved access onto the public highway. The developer should contact the Area Roads and Community Works Manager, Highland Council Offices, Diriebught Road, Inverness, for further information.

Trunk road modification works shall in all respects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by his design organisation.

The road works that are subject of the above conditions shall require Road Safety Audits as specified by the Design Manual for Roads and Bridges.

Any work within the trunk road will require a Minute of Agreement with Transport Scotland.

Trunk road modifications will, in all respects, be expected to comply with the requirements of the Disability Discrimination Act (DDA) 2005.

#### Appendices

Appendix 1 – SEPA: Site Waste Management plan

Appendix 2 – SEPA: Waste Management Strategy

Appendix 3 – SEPA: Construction Environmental Management Plan

Appendix 4 – Archaeological Schedule

Dated: 12 August 2011

  
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: 12 August 2011**

  
Head of Planning and Building Standards

Form of notice to be displayed while development is in progress

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2008**

**NOTICE UNDER REGULATION 38**

**Development at: Land at Stratton and East Seafield**

**Notice is hereby given that planning permission has been granted to:**

**Inverness Estates Ltd, Myrtlefield House, Grampian Road, Aviemore, PH22 1RH**

**Permission was granted by Highland Council on:**

**10 August 2011**

**The development comprises:**

**New town comprising town centre, housing and commercial development.**

**Further information regarding the planning permission including conditions, if any, on which it has been granted can be obtained at all reasonable hours by quoting the following reference: 09/00141/OUTIN**

**At:**

**Highland Council  
Planning and Development Service  
Council Headquarters  
Glenurquhart Road  
Inverness IV3 5NX  
01463 702254**

**Dated: 12 August 2011**

  
-----  
*[Signature]* **Head of Planning and Building Standards**

To:  
Planning and Development Service  
Highland Council  
Glenurquhart Road  
Inverness  
IV3 5NX

**IMPORTANT:** Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

<b>Notification of Initiation of Development</b>
--

**New town comprising town centre, housing and commercial development on land at Stratton And East Seafield, Inverness**

Date of planning permission: 12th August 2011

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

\*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed ..... agent/applicant

Dated .....



To:  
Planning and Development Service  
Highland Council  
Glenurquhart Road  
Inverness  
IV3 5NX

<b>Notification of Completion of Development</b>
--

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**New town comprising town centre, housing and commercial development on land at Stratton And East Seafield, Inverness**

Date of planning permission: 12th August 2011

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

\*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed ..... agent/applicant

Dated .....

**Appendix 4 - Planning Permission Decision Notice 13/01049/S42**

SECTION 42 PERMISSION

Reference No:13/01049/S42

To: Inverness Estates Ltd  
Myrtlefield House  
Grampian Road  
Aviemore  
PH22 1RH

Per: Per:  
Muir Smith Evans  
203 Bath Street  
Glasgow  
G2 4HZ

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

**DECISION NOTICE**

**Application under Section 42 to develop land without compliance with condition(s) 4, 36 and 42 previously attached to planning permission ref. 09/00141/OUTIN for the amendments to Access Management Plan, Park and Ride and amendment to timing of provision at Land at Stratton and East Seafield, Inverness.**

The Highland Council in exercise of its powers under the above Act **grants planning permission** subject to the following conditions:

- (1.) Planning Permission in Principle is hereby granted for a mixed use development upon 78.8 hectares to be developed in four sequential phases comprising uses, dwelling numbers and floor-space as set out within Table 1: Approved Phasing and Uses below (please refer to attached Notes). (Table Inserted in word document version)

**Reason:** To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

- (2.) The development shall be undertaken in four phases in accordance with Table 1. Prior to the submission of any of the matters specified by conditions for any part of the site, a detailed 'Area Development Brief' for each Phase of the development shall be submitted to and approved by the planning authority for that part of the site. These documents shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement. Development within each Phase area shall accord with the terms of the relevant Area Development Brief and the phasing strategy set out in the Highland wide Local Development Plan.

**Reason:** To ensure a consistent and high quality of development throughout the site.

- (3.) A further application, or applications, for the approval of matters specified in conditions shall be submitted to the planning authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of 'Designing Places', 'Designing Streets' and 'PAN 67 Housing Quality':-
- a) the siting, design and external appearance of all buildings and other structures;
  - b) details of sustainable design considerations including use of solar gain design, solar energy use, grey water recycling and rain water harvesting, external lighting to minimise sky glow, and energy conservation generally;
  - c) the means of access to the site and all external roadworks identified in conditions 33 and 36 below;
  - d) the layout of the site, including all roads, footways and parking areas;
  - e) the provision of equipped play areas;
  - f) the provision of public open space, including allotments in accordance with the Highland Council's supplementary guidance on the provision of open space in residential development;
  - g) details of public art provision;
  - h) the details of, and timetable for, the hard and soft landscaping of the site;
  - i) details of management and maintenance arrangements of the areas identified in (d), (e) and (f) above;
  - j) the design and location of all boundary walls and fences;
  - k) the provision for loading and unloading all goods vehicles;
  - l) the provision of drainage works;

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- m) the disposal of sewage;
- n) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal composting and recycling facilities; and
- o) details of existing trees, shrubs and hedgerows to be retained; and p) details of existing and proposed site levels

**Reason:** To enable the planning authority to consider these aspects of the development in detail.

#### **Pedestrian and Cycle Access**

- (4.) Prior to commencement of development within each Phase, an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the Planning Authority. The plan shall show:-
- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
  - c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc. and how these will integrate with existing or proposed networks;
  - d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
  - e) Links to the Highland Council's core paths and green frameworks. Each Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

**Reason:** To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

#### **Contaminated Land**

- (5.) Prior to the commencement of development of each phase, a scheme to deal with potential contamination within the phase shall be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
- i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
  - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
  - iii. measures to deal with contamination during construction works;
  - iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
  - v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority. Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

**Reason:** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

#### **Noise control**

- (6.) Prior to commencement of development measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings and the hotel shall be submitted to and agreed in writing by the planning authority. The agreed measures shall thereafter be implemented.

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**Reason:** To ensure acceptable levels of external and internal noise levels are achieved.

- (7.) No built development shall be erected in areas of the site identified in the Environmental Statement as Noise Sensitive Category D.

**Reason:** In the interests of amenity and to ensure that no noise sensitive development is constructed in an area subject to high noise levels.

- (8.) Prior to commencement of development of any primary school, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To ensure acceptable levels of external and internal noise levels are achieved in the school.

- (9.) Prior to commencement of development of the proposed retail superstore in Phase 1, a detailed survey and assessment of the noise emissions from the proposed retail superstore shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To assess the likely impact of noise on proposed neighbouring residential premises and to ensure acceptable levels of external and internal noise levels are achieved.

- (10.) Prior to commencement of development of each Phase, a noise control plan and management system incorporating the control measures identified in paragraphs 7.5.25 and 7.5.26 of the Stratton Environmental Statement shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

**Reason:** To assess and control the likely impacts of noise on residential properties.

- (11.) During construction operations for which noise is audible at the boundary of the site shall only be carried out between 08.00 hours and 18.00 hours Monday to Friday, between 08.00 hours and 13.00 hours on Saturdays and at no time on a Sunday or public holiday. Work requiring to be carried out outwith these times shall only commence with the prior written approval of the planning authority except in the case of an emergency.

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

- (12.) All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 25 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

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

**Dust Control**

- (13.) Dust mitigation measures identified in paragraph 8.5.6 of the Stratton Environmental Statement shall be implemented during construction operations.

**Reason:** In the interests of amenity and to prevent dust contamination and to maintain good air quality.

**Construction Waste Management**

- (14.) Prior to commencement of each Phase of development a Site Waste Management Plan for that Phase as detailed in Appendix 1 (attached) to control waste during construction shall be submitted for the written approval of the planning authority in consultation with Scottish Environment Protection Agency (SEPA).

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

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**Operational Waste Management**

- (15.) Prior to commencement of each Phase of development a Waste Management Strategy as detailed in Appendix 2 (attached) for that Phase, shall be submitted for the written approval of the planning authority in consultation with SEPA to detail the approach to sustainable waste management in the operational development.

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

**Flood prevention**

- (16.) No development will take place within the functional flood plain in compliance with Scottish Planning Policy, the Flood Risk assessment submitted with the application or any subsequent assessment.

**Reason:** In the interests of amenity, to protect property, to protect the water environment, and prevent flooding.

**Sustainable Urban Drainage**

- (17.) No development within each Phase shall commence until a Surface Water Drainage Strategy (SUDS) in accordance with the Environmental Statement is submitted to and approved in writing by the planning authority in consultation with SEPA, TECS and Scottish Water. Thereafter the agreed scheme shall be implemented to the satisfaction of the planning authority. Areas of habitat lost to create SUDS outfall and wetlands shall be planted with native species and enhanced for wildlife.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

- (18.) With the exception of one permanent watercourse crossing, any SUDS outfalls and habitat enhancement areas, there shall be no watercourse engineering works on the Scretan and Cairnlaw Burns.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

- (19.) Prior to commencement of development details of any watercourse crossing on the Scretan Burn or Cairnlaw Burn using a bridging solution shall be submitted for the further approval of the planning authority in consultation with SEPA and shall thereafter be implemented as agreed with the planning authority in consultation with SEPA.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

- (20.) There shall be no temporary watercourse crossing points for construction vehicles.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

- (21.) During construction all watercourses will be protected by robust protective fencing erected to maintain a 10 metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

**Water supply and foul drainage**

- (22.) All phases of the development shall be connected to the public waste water system and to the public water supply.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

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**Construction Environmental Management Plan**

- (23.) Prior to commencement of each Phase of development a Construction Environmental Management Plan as detailed in Appendix 3 of the letter from SEPA of 12 May 2009 (attached) including a dust management strategy for that Phase shall be submitted for the written approval of planning authority in consultation with SEPA.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

**Pipeline safeguarding**

- (24.) During construction the existing petrochemical pipeline on the northern boundary of the site shall be protected by 6 metre buffer strip protected by robust protective fencing.

**Reason:** To safeguard the existing petrochemical pipeline from damage.

**Retail development**

- (25.) Notwithstanding that this permission is in principle, the Town Centre, as defined in the Phase 1 Area Development Brief, shall be developed as a multi-functional area, and shall include all of the following uses (unless specific exclusions are approved in writing by the planning authority):-

- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 26, 27 and 28 of this permission;
- ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iv. Offices/Light Industry (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vii. Flatted dwellings;
- viii. Park and Ride facility;
- ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- x. Open Space;
- xi. Car Parking.

**Reason:** To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

- (26.) The Town Centre shall be developed within the area defined for that purpose in the Phase 1 Area Development Brief.

**Reason:** To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

- (27.) Notwithstanding that this permission is in principle, the retail (as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) element of the development within the proposed Town Centre shall be developed according to the following principles:-

- i. In Phase 1, non-food retail provision shall be restricted to a minimum of four units in the size range up to 400 square metres (gross internal area);
- ii. In Phase 1, any Class 1 retail unit shall not exceed 8000 square metres gross internal area.

**Reason:** To control the nature and proportions of the types of retail floor-space within the development and to ensure that it does not have impacts on the city centre above those identified in the Retail Impact Assessment.

- (28.) Notwithstanding that this permission is in principle, no retail unit shall commence trading until all of the following works have been carried out to the satisfaction of Transport Scotland and the planning authority:-

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- i. The A96 between West Seafield and Smithton roundabouts has been formed into a dual carriageway in both directions;
- ii. Smithton Roundabout has been re-designed to accommodate the dual carriageways and provide an additional west bound lane and a slip road onto the A96 from Barn Church Road;
- iii. Signalisation of Raigmore roundabout has been implemented.

**Reason:** To ensure that the retail operation is served by a satisfactory system of public transport and that the principal road accesses to the site are operational.

#### Trunk Road A96/A9 Link

- (29.) No development shall commence on Phases 2, 3 and 4 until such time as the A96/A9 Link road alignment is agreed in writing with the planning authority in consultation with TEC Services and Transport Scotland and thereafter implemented.

**Reason:** To ensure that major strategic infrastructure is in place before further phases of the development are progressed.

- (30.) Prior to commencement of the development of Phase 2 the applicant shall agree with the planning authority in conjunction with Transport Scotland the area of land which is required for the A96/A9 Link road and provide a plan showing the safeguarded land. This land should thereafter be kept free of all development unless otherwise agreed in writing with the planning authority.

**Reason:** To ensure that adequate land is safeguarded for a future A9/A96 Link Road.

- (31.) Strategic Transport Infrastructure Prior to commencement of any development hereby permitted the applicant shall consult with Transport Scotland to secure appropriate safeguards for the implementation of the A96 to dual carriageway standard without prejudice to the future commitment to upgrade the A96 road.

**Reason:** To safeguard any future improvement to the A96 trunk road.

- (32.) Prior to the commencement of development hereby permitted a traffic monitoring plan shall be submitted and agreed in writing with the planning authority in consultation with Transport Scotland - TRNMD. This will establish the volumes of traffic associated with the development as it proceeds, to aid in the production and submission of Transport Assessments for future phases of the development.

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

- (33.) Prior to the occupation of any of the following components of the development hereby permitted:-

- i) 750 residential units;
- ii) 8000sqm retail superstore;
- iii) 3550sqm non-food retail (local shops);
- iv) 5100sqm offices;
- v) 1,900 sqm health centre;
- vi) 1000sqm church;
- vii) 1700sqm community facilities;
- viii) 375sqm café/restaurant;
- ix) 1300sqm primary school;
- x) park and ride site;
- xi) 4000sqm commercial/business;
- xii) 80 bed hotel;
- xiii) 1550sqm car showroom;
- xiv) 4000sqm garden centre.

The following list of infrastructure modifications to the strategic road network shall be implemented to the satisfaction of the planning authority and Transport Scotland -TRNMD, in consultation with the trunk road management organisation:-

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1. Upgrade the existing A96(T) between Smithton and the Inverness retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;
2. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;
3. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of lane markings, generally in accordance with WSP drawing number 0392\_SK\_RI\_003;
4. Either - modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9 southern approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392\_SK\_LR-001; or
5. An agreed contribution to the satisfaction of the planning authority in consultation with Transport Scotland - TRNMD, towards infrastructure improvements at Longman roundabout which will provide additional capacity on the A9 trunk road at this location;
6. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions

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

- (34.) For the purposes of the provision of Strategic Transport infrastructure the extent of the development permitted by this permission shall be limited to the components listed in Condition 35 above. Development beyond those numbers and quantities listed in condition 35 will be dependant on the following:-
- i) Either submission and approval in writing by the planning authority, in consultation with Transport Scotland -TRNMD of further Transport Assessments to establish what mitigation may be required to cater for conditions prevailing at that time and thereafter the implementation of the agreed mitigation measures, or if not forthcoming; and
  - ii) An agreed contribution to the satisfaction of the planning authority, in consultation with Transport Scotland -TRNMD towards a developer protocol, having been brought forward as Supplementary Guidance to the local Development Plan towards the provision of upgrades to the A96(T).

**Reason:** To limit the scale of development to that which can be accommodated by existing highway infrastructure.

#### Travel Plan

- (35.) Prior to the occupation of any part of the employment element of the development hereby permitted, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the planning authority, in consultation with Transport Scotland - TRNMD. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car.

**Reason:** To be consistent with the requirements of Scottish Planning Policy.

- (36.) Prior to the commencement of non-residential development in Phase 1 all items below, with the exception of (iii) & (v), shall be submitted for the written approval of the Planning Authority. Items (iii) & (v) shall be submitted for the written approval of the Planning Authority prior to the commencement of any residential development within Phase 1.
- i) a scheme for bus priority from the Park and Ride site to the A96;
  - ii) a scheme for widening Barn Church Road to 4 lanes including speed limits, traffic calming and gateway features including traffic calming measures on the transition between 30 and 40 mph zones and segregated cycle lanes on Barn Church Road in accordance with illustrative WSP drawing number 0392-SK-502 Revision A;
  - iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas;
  - iv) a scheme for junction design, signalisation, widening and/or improvement of Barn Church Road/Tower Road junction and the Tower Road/Culloden Road junction;

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- iv) a scheme for a combined footway cycle route from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road (provided this can be achieved within the existing road boundary) and a combined footway/cycleway on the north west side of Barn Church Road;
- v) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore;
- vii) a scheme for altering the lane markings at Millburn roundabout in accordance with WSP drawing number 0392\_SK\_MR\_OO1. Prior to occupation of any parts of Phase 1 of the development, the agreed details and the agreed phasing for (i) (ii), (iv), (vi) & (vii) above shall be implemented and operational to the satisfaction of the planning authority; the agreed details for (iii) & (v) shall be implemented in accordance with the requirements of Matters Specified in Conditions approval for the residential development within Phase 1 and subsequent Phases.

**Reason:** To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed prior to the main traffic generators commencing operations.

- (37.) All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

**Reason:** To ensure that future roads and routes can be provided without impediment.

#### **Traffic management plan**

- (38.) Notwithstanding the generalities of this permission, before any development commences for each Phase, a Traffic Management Plan for each Phase shall be submitted to and approved by the planning authority.

**Reason:** To ensure that the road network within the site is designed and developed in an appropriate manner.

#### **Car Parking**

- (39.) Car parking provision including disabled parking to serve the proposed development shall be in accordance with National Standards as set out in Scottish Planning Policy and in accordance with Highland Council standards where national standards are not applicable unless otherwise agreed in writing with the planning authority.

**Reason:** To ensure adequate provision of car parking in accordance with Scottish Planning Policy national standards.

- (40.) Notwithstanding that this permission is in principle, all public car parking shall be illuminated and designed to ensure that personal safety and security issues are adequately addressed. Prior to commencement of operation of the superstore hereby approved details of lighting shall be submitted for the written approval of the planning authority.

**Reason:** to ensure that the proposed car parking is safe and secure for use by the public.

- (41.) Prior to commencement of each non residential development within each Phase a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the written approval of the planning authority. The parking management plan shall include signage, specific provision for short-stay parking, management of staff parking and other parking control measures.

**Reason:** to ensure that the car parking provided is used in an effective and appropriate manner.

#### **Park and Ride Facility**

- (42.) (a) Prior to commencement of development of Phase 1, full details for a temporary park and ride facility shall be submitted to, and approved in writing by, Planning Authority. The temporary park and ride facility shall include 150 car parking spaces, a bus stop and turning area, shelters for passengers, public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 8000m2 retail superstore in Phase 1 of the development.

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Prior to commencement of trading of the 8000m2 retail superstore, the temporary park and ride facility shall be implemented in accordance with the approved details and shall be fully operational. Thereafter, the temporary park and ride facility shall be maintained as approved unless and until a permanent facility has become fully operational under part (b) below.

- (b) Prior to the commencement of development of Phase 2, full details for a permanent park and ride facility shall be submitted to, and approved in writing by, Planning Authority. The permanent park and ride facility shall include bus stops, bus parking bays, 500 car parking bays, shelters for passengers, access to public toilets, public transport information and convenient pedestrian access to the Stratton town centre. The permanent park and ride facility shall be implemented in accordance with the approved details and shall be fully operational prior to the first occupation of any other development within Phase 2. Thereafter, the permanent park and ride facility shall be maintained as approved, unless otherwise may be approved in writing by the Planning Authority.

**Reason:** In the interests of reducing car usage and providing sustainable transport facilities.

#### **Open Space Provision & Maintenance**

- (43.) Prior to the commencement of each Phase, details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

**Reason:** In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

- (44.) Prior to the first occupation of each Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

**Reason:** In the interests of amenity and to ensure that open space and recreational facilities are maintained in accordance with the Council's standards.

#### **Natural Heritage**

- (45.) Prior to commencement of development in each Phase a Badger Protection Plan shall be submitted for the written approval of the planning authority in consultation with Scottish Natural Heritage. Following approval the plan shall be implemented.

**Reason:** To protect the natural heritage of the area.

- (46.) Prior to commencement of development the breeding bird survey and mitigation outlined in table 1.1 of the Stratton Environmental Statement shall be carried to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

**Reason:** To protect the natural heritage of the area.

- (47.) Prior to commencement of development the other mitigation plan as detailed in the Stratton Environmental Statement shall be implemented to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

**Reason:** To protect the natural heritage of the area.

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- (48.) Prior to commencement of development a licence to remove bats or bat roost(s) shall be obtained from Scottish Natural Heritage and mitigation implemented as detailed in the Stratton Environmental Statement.

**Reason:** To protect the natural heritage of the area.

**Archaeology**

- (49.) Prior to commencement of development details of a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification shall be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

**Reason:** To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

**Tree Protection**

- (50.) Prior to commencement of development within each Phase, a survey of the location and quality of existing trees on the site and identifying those trees to be retained shall be submitted for the written approval of the planning authority. With effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the planning authority. All built development shall be sited a minimum of 20 metres from the boundaries of existing woodland/trees identified to be retained unless otherwise approved in writing by the planning authority. The trees identified for retention shall be fenced off and protected physically from damage during site construction works in accordance with details which shall be submitted to and require the approval in writing of the planning authority.

**Reason:** In order to ensure the protection of existing trees within the site.

**Landscaping**

- (51.) All planting comprised in the approved scheme of landscaping for each Phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

**Reason:** In the interests of amenity and in order to ensure that the development is adequately landscaped.

**Aviation safeguarding**

- (52.) No development shall exceed 50 metres above ordnance datum (AOD).

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

**Monitoring**

- (53.) Unless otherwise agreed in writing by the planning authority, following the commencement of development hereby approved, the planning authority in February of each year of development shall be provided with data on the progress of key elements of the mixed use development including as a minimum, the construction and occupation of the gross floor area (sq m) by use class and provision of structural landscaping.

**Reason:** To allow the effective control of a large scale development to emerge in tandem with the provision of necessary additional infrastructure.

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

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

**DIRECTION UNDER SECTION 59(5) & (7) - TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

**TIME LIMIT DIRECTION**

The Highland Council hereby makes the following Direction under Section 59(5) & (7) 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:

For Phase 1:

- i. 12 August 2016;
- ii. ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 2 and each subsequent Phase:

- i. 3 YEARS from the date of commencement of the previous Phase;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed. In respect of each phase, this planning permission in principle will lapse on the expiration of: i. For Phase 1, 2 YEARS;

For Phase 2 and each subsequent Phase, 2 YEARS;

From the date of the requisite approval of any matters specified in conditions applicable to that phase 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, unless that phase of the development to which the permission relates is begun before that expiration.

**Notice of initiation of development**

Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of the Act, which may result in enforcement action being taken.

**Notice of completion of development**

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country planning (Scotland)m Act 1997 (as amended) to give the planning authority written notice of that position.

**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.

**NOTES** Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

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**Section 75 Legal Agreement:**

You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development. The S75 agreement can be inspected at The Highland Council, Planning and Development Service, Council HQ, Glenurquhart Road, Inverness, IV3 5NX.

For the avoidance of doubt, Phases 1 and 2 as referred to in Condition 1 comprise the 'TA Assessed Development' contained within the Section 75 Agreement.

**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 (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Road Openings Permit/Road Construction Consent:**

You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

**Street Names:**

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

The provision of affordable housing will normally be achieved under the auspices of a local Housing Association or Trust which will take on the long term management and allocation responsibilities. For the purposes of this permission, a Housing Association or Trust shall be a limited company or charitable institution, society or trust registered with Scottish Homes and eligible for assistance by them in the provision of housing for people in need, or such other body acceptable to the Planning Authority.

The applicant is advised that the proposed development will require the submission of a Badger Protection Plan to Scottish Natural Heritage in support of a Badger Licence application, and their prior approval of such licence before commencement of any development.

The applicant is advised to take account of the Highland Council Badger Policy Guidance. (copy attached) <http://www.highland.gov.uk/NR/rdonlyres/5F8D14CC-A073-416D-B34B-011A8E0549FD/0/BPGN.pdf> The applicant is invited to retain historic place names within future place and street names.

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).

Regarding the design of attenuation ponds relating to water quality SEPA direct the applicant to our publication 'Ponds Pools and Lochans' [www.sepa.org.uk/water/water\\_regulation/guidance/idoc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1](http://www.sepa.org.uk/water/water_regulation/guidance/idoc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1) which provide guidance for the design of habitats which could potentially assist in the amelioration of water quality. SEPA also recommend that advice should also be sought from Scottish Natural Heritage in this respect.

Details of environmental protection regulatory requirements and good practice advice for the applicant can be found on SEPA's website at [www.sepa.org.uk/planning](http://www.sepa.org.uk/planning). For a specific regulatory matter, please contact a member of the Environmental Protection and Improvement Team in the local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel:01349 862 021.

Please note that the site is directly under the flightpath of the main operating runway for Inverness Airport, and there is the possibility that some of the lighting may cause a distraction to pilots. The developer is advised to follow the recommendations of the Civil Aviation Advice Note No2 which refers to lighting near airports.

**Date: 14th May 2015**

Head of Planning and Building Standards

## SECTION 42 PERMISSION

Reference No: 13/01049/S42

During construction it is likely that mobile or fixed cranes will impact on the airport protected surfaces. The developer should refer to the British Standard publication "Crane Control in the Vicinity of Aerodromes". Contact should be made with the airport before any crane operation takes place.

The Inverness airport is obliged to ensure that any development within eight nautical miles is assessed against the bird strike risk and associated hazard. The developer should ensure such activities as earthworks, soil stripping and seeding do not increase the risk of bird activity and the threat to aircraft safety. The provision of open water features should be of such a nature that any potential for feeding/roosting of birds is restrained.

Road Construction Consent will be required for any new or improved access onto the public highway. The developer should contact the Area Roads and Community Works Manager, Highland Council Offices, Diriebught Road, Inverness, for further information. Trunk road modification works shall in all respects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by his design organisation.

The road works that are subject of the above conditions shall require Road Safety Audits as specified by the Design Manual for Roads and Bridges.

Any work within the trunk road will require a Minute of Agreement with Transport Scotland.

Trunk road modifications will, in all respects, be expected to comply with the requirements of the Disability Discrimination Act (DDA) 2005.

### 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 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 TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity. Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984. Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport> Application forms and guidance notes for access-related consents can be downloaded from: <http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### Mud & Debris on Road

Please note that it 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.

### Appendices

- Appendix 1 - SEPA: Site Waste Management plan
- Appendix 2 - SEPA: Waste Management Strategy
- Appendix 3 - SEPA: Construction Environmental Management Plan
- Appendix 4 - Archaeological Schedule

Use for Appeals to Scottish Ministers - delete if delegated decision on local dev. [REDACTED]

Date: 14th May 2015

Head of Planning and Building Standards

- 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

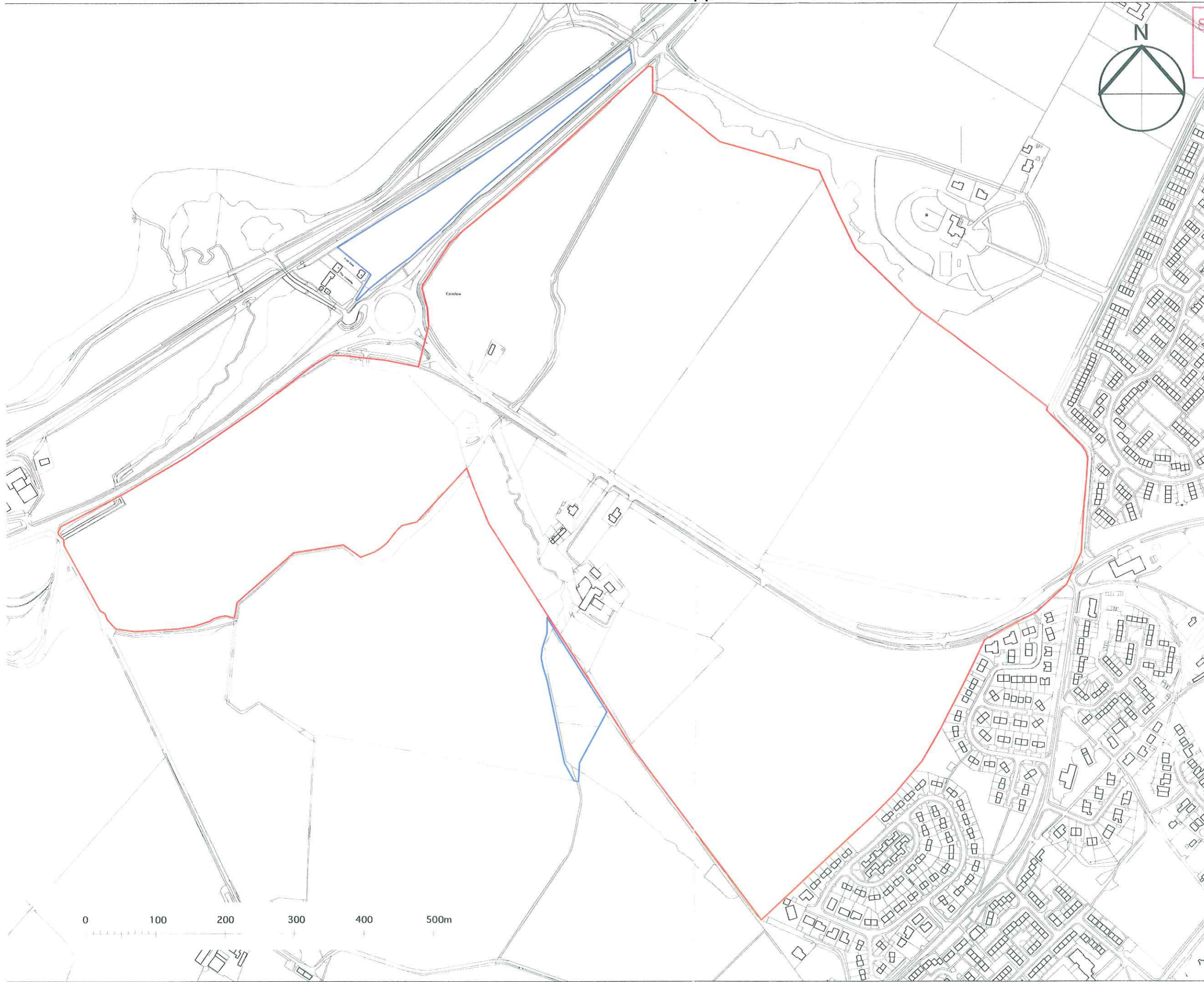
Appeals can also be lodged online via the ePlanning Portal at <http://eplanning.scotland.gov.uk>

- 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).

**Date: 14th May 2015**

  
Head of Planning and Building Standards





**SUBJECT TO THE CONDITIONS**  
 OF THIS PERMISSION

**THE HIGHLAND COUNCIL**  
 APPROVED BY THE  
 HIGHLAND COUNCIL  
 AS PLANNING AUTHORITY  
 DATE 12.08.2011

The Highland Council  
 Planning and Building Standards  
 PLAN 1 OF 2 Application Reference  
 09/00141/OUTIN  
 RECEIVED 25.02.09

INVERNESS PLANNING  
 BUILDING CONTROL SERVICE  
 25 FEB 2009  
 RECEIVED

Revisions:  
 Title: SITE BOUNDARY PLAN  
 Project: STRATTON MASTERPLAN  
 Client: INVERNESS ESTATES LTD  
 Drawing No: G1173 (MP) 00  
 Scale: 1:5000 @ A3  
 Date: February 2009