

Agenda Item	6.4
Report No	PLS 057/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 24 October 2017

Report Title: 17/02529/PIP: The Scottish Prison Service

Land to Rear Of Inverness Retail and Business Park, Eastfield Way,
Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of Prison, to incorporate Visits Building, Family Help Hub, Regimes & Facilities Building, Community Integration Unit and Car Parking

Ward: 16 – Inverness Millburn

Development category: Major

Reason referred to Committee: Major application

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought for the erection of a replacement prison on land adjacent to the existing Inverness Business and Retail Park which lies immediately to the northeast and bounded to the southwest by the Highland Main Line. To the southeast is agricultural land and to the northwest Stoneyfield Business Park.
- 1.2 Although the planning application is in principle, indicative information on the design has been submitted as part of the supporting information and it is envisaged that the main prison building will be of contemporary design with a curved front elevation providing the main public face and that this will also double up as the main frontage security wall, effectively designing in security measures to the building itself.
- 1.3 The supporting statement indicates that the main building will be two storeys in height with two secure houseblocks of three storeys in height located to the rear of the main building.
- 1.4 The replacement prison will be a new fit for purpose complex to replace the existing prison at HMP Inverness located in the city centre and is intended to feature several components including a visits building, family help hub, regimes and facilities building, community integration unit and external car parking for staff and visitors.
- 1.5 The site lies adjacent to the existing roundabout on the southern section of Eastfield Way. Access to the site itself is likely to be taken directly from the active travel link that is to be provided by HIE as part of the Inverness Campus development to the southwest of the railway line or alternatively a new section of road leading off northwest from the roundabout. Full details of the access will be provided as part of a subsequent matters specified in conditions application.
- 1.6 Drainage will be via a connection to the public sewer and a water supply connection via the public network.
- 1.7 Pre Application Consultation: The applicant has carried out pre-application consultation which included a public consultation event held on 30 March 2017. In addition the applicant has participated in the Council's Pre-Application Advice Service and the Council's formal response was issued on 28 September 2016.
- 1.8 The applicant has also presented the proposal to the Inverness Design Review Panel. The Panel's Executive Summary is referred to below and the main report is included as Appendix 2.
- 1.9 *The Panel supports the Scottish Prison Service's commitment to achieving exemplary standards of prison design and encourages the innovative approach displayed in this proposal, in particular the focus on avoiding the appearance of a conventional prison. The Panel also approves of flanking the prison enclosure with a generous area of public open space, although more work is needed to ensure this is fit-for-purpose and attractive. This includes scaling up the landscape response to suit the size of the space, improving the visual and spatial character of*

hard landscaping, and creating a more attractive walking route between the public carpark and the prison entrance. In addition, design and layout must provide attractive vistas from the retail park and the rail line. Attention is drawn to: the potential for public art to improve the prison's ambience, functionality and sense of place; the nature conservation value of existing tree species, shrub and ground cover; and the benefit of liaising with police Scotland's counter-terrorism team over design-related security measures.

1.10 Supporting Information: The following information has been submitted in support of the application:

- Supporting Statement;
- Pre-application Consultation Report;
- Design and Access Statement;
- Transport Assessment;
- Drainage Impact Assessment;
- Site Investigations Report;
- Protected Species Surveys;
- Construction Noise Assessment;
- Geo-environmental Desk Study Report;
- Archaeological Assessment; and
- Photomontages.

1.11 Variations: No variations have been made to the application since submission.

2. SITE DESCRIPTION

2.1 The site is relatively flat and predominately rectangular in shape, measuring approximately 7.2 hectares in size and is characterised by extensive tree coverage along the southwestern edge of the site adjacent to the railway line and on the southeast edge separating it from the adjoining agricultural land.

3. PLANNING HISTORY

- 3.1 13.04.2015 – Planning permission granted for non-food retail development. (08/00788/OUTIN);
- 3.2 28.09.2016 – Major pre-application advice pack issued for replacement prison. (16/03111/PREAPP);
- 3.3 10.04.2017 – EIA Screening Opinion issued confirming proposed prison is not EIA development. (17/01473/SCRE);
- 3.4 16.02.2017 – Proposal of Application Notice submitted to replace the existing prison at HMP Inverness with a new fit-for-purpose prison development. (17/00737/PAN).

4. PUBLIC PARTICIPATION

4.1 Timeous representations: 3 representations from 3 parties

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Proposal is contrary to the provisions of the development plan;
- b) Application fails to demonstrate that the prison would be an acceptable non-conforming use that would not have an adverse impact on the retail and business park;
- c) No mitigation or financial contributions to compensate the traffic impact;
- d) Inadequate foul and surface water drainage arrangements;
- e) Impact on active travel route and existing landscape features.

4.3 All letters of representation are available for inspection via the Council's ePlanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Smithdon and Culloden Community Council:** No response received.

5.2 **Transport Planning:** No objection. Recommend conditions requiring approval of a travel plan, road improvement works and provision of public transport improvements.

5.3 **Environmental Health:** No objection subject to conditions relating to the control of noise and dust.

5.4 **Historic Environment:** No objection subject to a more detailed archaeological evaluation being carried out.

5.5 **Flood Risk Management:** No objection subject to a condition requiring a 6 metre buffer zone to protect the Beechwood Burn watercourse on the eastern boundary of the site.

5.6 **Forestry Officer:** No objection. Recommend conditions requiring approval of a tree constraints plan, tree protection plan, arboricultural method statement and detailed landscape plan.

5.7 **Contaminated Land:** No objection. Ground gas protection measures will need to be incorporated into the design of all buildings constructed on site.

5.8 **Access Panel:** No response received.

5.9 **Access Officer:** No objection. Recommend provision of additional path links.

5.10 **Transport Scotland:** No objection.

5.11 **SEPA:** No objection subject to a condition requiring a 6 metre buffer zone to protect any watercourses.

5.12 **SNH:** No comment as proposal does not meet criteria for consultation.

5.13 **Network Rail:** No objection. Recommend that a trespass proof fence is provided

to prevent unauthorised access to railway line and that informatives are added in relation to construction activities and landscaping works that may affect the operation of the railway.

5.14 **Scottish Water:** No response received.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 11 - Inverness Retail and Business Park
- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan

- 2 - Delivering Development
- 4 - Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2013)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (2014)

National Planning Framework 3 (2014)
Designing Streets (2011)
Creating Places (2013)
PAN 33 - Development of Contaminated Land
PAN 61 - Sustainable Drainage Systems
PAN 66 - Planning applications Affecting Trunk Roads
PAN 68 - Design Statements
PAN 75 - Planning for Transport
PAN 77 - Designing for Safer Places
PAN 1/2011 Planning and Noise

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) site layout and design;
 - c) traffic impact;
 - d) other infrastructure requirements;
 - e) impact on natural and cultural heritage interests;
 - f) any other material considerations.

Development plan/other planning policy

- 8.4 The site is allocated (IN91) in the Inner Moray Firth Local Development Plan (IMFLDP) for bulky goods retail development and there is an extant planning permission for this use which was granted in 2015. The site forms part of a Tier 2 commercial centre identified in the plan as West Seafeld Retail Park. The commercial centre designation differentiates between Tier 3 Neighbourhood Centres that generally serve a more locally based population (e.g. Culloden and Slackbuie) and other Tier 2 town centre designations (e.g. Nairn) which, as a commercial centre, provide a broader regionally based function serving a wider population catchment. The city centre of Inverness itself is designated Tier 1.
- 8.5 The proposed use as a prison is, in the strictest terms, a departure from the development plan. However the loss of this land is not considered to be prejudicial to the economic prospects of this well established commercial centre. The

immediate locality is made up of a number of different land uses, the most significant of which is Class 1 retail but also includes Class 3 restaurants, Class 4 offices, and Class 11 leisure uses. The provision of a prison complex at this location will provide economic benefits in helping to safeguard existing jobs, potentially creating new employment opportunities and sustaining the local economy.

- 8.6 Development plan policy is supportive of proposals that are compatible with public service provision, are accessible by public transport, do not adversely impact on amenity and can demonstrate sensitive siting and high quality design. Subject to the proposal having no significant impact in terms of traffic generation, other necessary infrastructure and any natural or cultural heritage interests, the proposal would comply with the development plan.

Site Layout and Design

- 8.7 Whilst the application is for planning permission in principle, the applicant has carried out considerable work examining various design and site layout options to ensure that the proposed development would be viable, given the security and operational requirements of the applicant and the desire to ensure that the development will have a strong civic presence and sense of local identity but also connect to the historical relevance of the area. This is set out in the accompanying Design and Access Statement.
- 8.8 The intended design features a two storey main building that will wrap around the perimeter with the three storey house blocks to the rear.
- 8.9 In the event that planning permission in principle is granted it is proposed that it will be a conditional requirement of any subsequent matters specified in conditions application that the detailed design of the building is expected to broadly conform to the general scale and massing shown in the supporting documents. On this basis, the indicative scale and massing of the development will be comparable with other buildings in the area and that the design and palate of materials to be used will complement the high quality design of buildings on the adjacent Inverness Campus site. On this basis the principle of development in terms of site layout and design is considered to be acceptable.

Traffic Impact

- 8.10 The 2015 planning permission for the bulky goods retail development was granted subject to a Section 75 Agreement that included, amongst other matters, a scheme for improvements to the Inverness Retail and Business Park internal roundabout and the link road connecting it to the A96 Trunk Road. This Agreement was to be delivered prior to first occupation of any of the retail development. The improvements were required in recognition of the impact the proposed retail development would have on the existing roads infrastructure. As part of the assessment of this application, there was a need for a new Transport Assessment (TA) to be prepared to assess the impact of the proposed prison development on the existing roads infrastructure.
- 8.11 A TA was subsequently submitted with the application. The report concluded that

the proposed development will integrate well with the existing transport network and that pedestrians, cyclists, public transport and car users were all catered for. It also concluded that the site will not have any significant impact on the existing infrastructure requiring mitigation.

- 8.12 The Council's Transport Planning team advised that in examining the TA in more detail it was apparent that there would be capacity issues at the two roundabouts (A96 and the internal roundabout) at peak times and that as a consequence the applicant should either deliver, or contribute towards the deliverability, of suitable mitigation measures at these junctions.
- 8.13 In response to the comments and an objection from Hercules Unit Trust (owners of the retail park), a Transport Assessment Addendum (TAA) was prepared. This provided revised traffic modelling data. One of the conclusions derived was that altering shift patterns would further reduce any impacts the development would have on the junctions.
- 8.14 Following further consultation the Transport Planning team advised that, in their view, the development will still have a degree of impact on the existing junctions and that some form of mitigation would still be required.
- 8.15 Following further discussions with the applicant, the Council will be seeking to agree a new Section 75 (the existing Agreement is not transferable) which will require the safeguarding of land for future road improvement works along Eastfield Way and the egress on to the A96 roundabout, as well as the safeguarding of land for the provision of the active travel link with the Inverness Campus site, and developer contributions towards the implementation of the future road improvements and sustainable transport links in the locality. Providing this can be agreed, it is considered that the impact that the proposal may have on the local road network can be satisfactorily mitigated.

Other Infrastructure Requirements

- 8.16 There is a requirement that any new development along the Inverness to Nairn corridor must be connected to the public sewer. This is proposed by the applicant and will be the subject of more detailed information at the matters specified in conditions stage. SEPA are supportive of this.
- 8.17 The site is partly bounded by the Beechwood Burn that runs along the east. Subject to a 6 metre buffer zone being maintained between any development and this watercourse, both SEPA and the Council's Flood Risk Management team have no objections to the proposal on flooding grounds.
- 8.18 A Drainage Impact Assessment (DIA) has been provided and the Council's Flood Risk Management team is satisfied that based on the drainage calculations provided, discharge rates will be limited. Subject to a condition requiring detailed drainage design being submitted for review, the proposal is considered to meet the requirements of the relevant development plan policies.

Natural and Cultural Heritage Interests

- 8.19 The supporting information indicates that the applicant intends to retain a substantial part of the existing woodland cover on the periphery of the site.
- 8.20 Preliminary ecological assessments including a Phase 1 Habitat survey have been carried out. This included surveys for otter, great crested newt, bats and badgers. Based on the information submitted by the applicant it is only the latter that is likely to have any implications in terms of development of the site. As a consequence a condition is recommended requiring a pre-commencement survey for the presence of badgers to be submitted and approved as part of the matters specified in conditions process. In addition, whilst the other survey results indicated that the presence of protected species was unlikely within the application site, it is recommended that an informative is added to any permission granted reminding the applicant of the implications of any site activities affecting protected species during site clearance or construction.
- 8.21 Initial archaeological evaluation work carried out identified that extensive buried prehistoric remains survive in this location. This requires to be followed up with a detailed watching brief and a condition to that effect is recommended to be imposed on the planning permission in principle.

Other material considerations

- 8.22 It is acknowledged that the construction phase of development has the potential to have an adverse impact on the amenity of occupiers of buildings within the vicinity of the site. This can be mitigated and controlled by condition.

Non-material considerations

- 8.23 Planning permission has now been granted for the construction of the active travel link featuring a bridge over the railway line to the campus development. The possible use of this bridge to facilitate access to the prison for prison vehicles has not been confirmed. Any concerns over the use of the bridge, and specifically its uncontrolled use, are therefore premature and in any case will be controlled through other measures. The details of this will be established as part of any future matters specified in conditions application.

Matters to be secured by Section 75 Agreement

- 8.24 a) The Council will seek to ensure the safeguarding of land for future road improvements between the A96 roundabout, the link road to the Business and Retail Park internal roundabout, and Eastfield Way and the provision of the active travel link to the campus;
- b) Developer contributions will be sought towards the future road improvements referred to above, the provision of the active travel link and sustainable travel links in the locality.
- 8.25 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be

delivered within four months, the application shall be refused under delegated powers.

9. CONCLUSION

- 9.1 The proposed development of a prison on this site is a departure from the development plan in that the site is allocated for non-food retail development with an extant permission for such which is due to expire in 2018.
- 9.2 The site forms part of the West Seafield Retail Park, a designated commercial centre for the purposes of the IMFLDP, with predominately Class 1 retail outlets, but also containing supporting Class 3 and Class 11 uses. However it is also part of the wider Inverness Retail and Business Park that includes a number of Class 4 office buildings located off Highlander Way, to the immediate west of Eastfield Way. In addition, Stoneyfield Business Park lies just to the northwest of the site and contains a number of Class 4 office uses, a garden centre (Class 1), two hotels (Class 7 uses) and a public house. All of these uses lie within a large 34 hectare triangular area of land stretching from the Raigmore Interchange along the A96 Trunk Road and bounded to the south by the Highland Main Line.
- 9.3 A prison falls within Class 8A (Secure residential institutions) of the Use Classes Order and includes a young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks. The relatively infrequent requirement for such land uses dictates that it would not be reasonable to expect the development plan process to identify and safeguard a site specifically for any of these uses and therefore proposals that come forward have to be assessed on merit.
- 9.4 The prison will be located within an area featuring a number of contrasting land uses, many of which provide a broader regionally based function serving a wider population catchment. This proposal is considered to be comparable with this broader functionality. Furthermore, the loss of the site to non-food retail development is not considered to have any impact on the continued successful operation of the retail park. In addition, the applicant has been able to demonstrate that the proposal, with mitigation as required, will not have a detrimental impact on the amenity of the area, including the local roads infrastructure or adjoining site users. A requirement for high quality design, use of materials and layout of the site, which will be essential to ensure favourable consideration of any subsequent matters specified in conditions application, will ensure that the development will compliment and enhance the area.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N	
Notification to Scottish Ministers	N	
Conclusion of Section 75 Obligation	Y	As detailed in paragraph 8.24 above
Revocation of previous permission	N	

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. the siting, design and external appearance of all buildings and other structures. The design and external appearance of the proposed development shall broadly conform in terms of scale and massing to that shown on drawing number IDA-0010 Rev. P1 '3D Visuals';
 - ii. details of the hard and soft landscaping proposals for the site of the proposed development (including boundary treatments) and a maintenance programme to be approved by the Planning Authority;
 - iii. road layout and access arrangements including: junction layouts and design with junction visibility requirements, standard radii, details of a new bus stop on Eastfield Way, details of provision for cyclists and pedestrians including carriageway crossings, provision for disabled users, details for gateway features and traffic management measures required on the bus and active travel link in the event that access is proposed directly from the active travel link;
 - iv. proposals for the provision of car parking and cycle parking for staff

and visitors;

- v. means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance';
- vi. details of existing and proposed site levels with fall arrows;
- vii. details of finished floor levels;
- viii. details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed;
- ix. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

- 2. Any details pursuant to Condition 1 above shall include a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

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

- 3. Any details pursuant to Condition 1 shall include a detailed drainage design to address surface water in line with the Ciria Manual and Sewers for Scotland 3. This shall include calculations to demonstrate that the drainage network will limit discharge to the Beechwood Burn to a maximum rate of 5.7 l/s and show all flood risk events up to and including the 200 year plus climate change event managed within the site. Thereafter the approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that drainage from the site is managed sustainably.

- 4. Any details pursuant to Condition 1 shall include details of a trespass-proof fence of at least 1.8 metres in height and to be erected between the prison complex and the railway line to be approved on application to the Planning Authority in consultation with Network Rail. Thereafter the approved scheme shall be implemented prior to first occupation of the development.

Reason: In the interests of public safety.

- 5. Any details pursuant to Condition 1 shall show no development within 6m of the Beechwood Burn, except in so far as development or works are required in compliance with Condition 4 above. This 6 metre buffer zone shall be maintained in perpetuity.

Reason: To ensure that development which is normally permissible without the need for a planning application is carefully managed and does not

encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

6. Any details pursuant to Condition 1 shall show a development featuring the provision of public art, in accordance with the Council's Public Art Strategy – Supplementary Guidance, adopted March 2013.

Reason: To ensure that public art is incorporated into the design and planning of the development in the interests of amenity and as a means of ensuring that the development contributes to creating a distinct sense of place and identity.

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

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

8. 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 on application to the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. A 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. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

- (a) Habitat and Species Protection;

- (b) Pollution Prevention and Control;

- (c) Dust Management, including a scheme for protecting any neighbouring premises from construction dust. It is expected that the

developer should take all reasonably practical steps to minimize the formation of dust in the atmosphere and in the surrounding area which arises from the construction of the developments;

(d) Noise and Vibration Mitigation. The CEMP relating to noise shall detail the noise migration measures will be adopted for each of the construction activities particularly for any property where a significant adverse effect has been identified in the Construction Noise Assessment (CNA) dated 24.05.2017 from ERM. It shall also provide details of the communications and complaints procedure and the construction working hours. The noise CEMP shall follow the guidance contained within BS5228: Code of Practice for noise and vibration control on construction and open site and include all the mitigation measures detailed in 1.8.1 of the CNA including the construction of noise barriers (unless it can be demonstrate that barriers are not required).

In addition the noise CEMP shall detail noise mitigation measures for the student accommodation and include a schedule of works to demonstrate that the noisiest construction works, will take place in periods out with the summer exam season;

(e) Site Waste Management;

(f) Surface and Ground Water Management including:

i. Drainage and sediment management measures from all construction areas; and

ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.

iii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;

iv. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

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

9. All surface drainage or foul water arising from the development must be collected and diverted away from any railway infrastructure. Any SUDS must not be located within 10 metres of any railway infrastructure.

Reason: To ensure development does not have an adverse effect on the operation of the railway line.

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

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

11. There shall be no occupation of the development until a Travel Plan specific to this development has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this Travel Plan shall include as a minimum:

- i. The name of the Travel Plan Coordinator responsible for developing and implementing the Plan, including all associated monitoring and reporting. This person shall be a member of staff working at this facility and will be given the necessary authority or a suitable decision-making structure to undertake all tasks associated with developing and implementing the Plan.

- ii. A defined structure for decision making linked with the implementation of the Travel Plan, including clear roles and responsibilities at all levels and a commitment from senior management towards the delivery of the Plan.

- iii. Defined aims and objectives for the Travel Plan including suitable Targets and/or Indicators that adhere with the principles of SMART (Specific, Measurable, Attainable, Relevant, Time-bound).

- iv. The measures that will be implemented through the Travel Plan to achieve those aims and objectives.

- v. The arrangements for monitoring the performance of the Plan and how that monitoring will be reported and acted on. For clarity, we will be looking for a minimum of 5 years' worth of annual monitoring reports, which the Plan should define how and when they will be produced and issued to the Planning Authority. Given that a key indicator for the success of the Travel Plan will be how effective the Plan is in limiting the number of vehicle trips in and out of the development at the busiest times on the road network in the local area, we'll be looking for the monitoring of the Travel Plan to include the establishment of permanent traffic counters at each point of vehicular access into the site, which will need to be implemented and maintained by the owners / occupiers of the development.

- vi. The process for making changes to the Travel Plan as a result of the

monitoring being undertaken.

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

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

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

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 (paragraph 259), 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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

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 for more information.

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

Archaeology – Mitigation Specification

1) Summary

This project may impact on valuable features of historic and archaeological importance. In view of the archaeological sensitivity and potential of the site, HET advised that an archaeological evaluation be undertaken in advance of development. The implementation of this brief will meet the concerns raised.

This brief is for an evaluation to determine the archaeological baseline of the application site. If significant deposits are encountered, recommendations for further measures necessary to mitigate the impact of the development should be made.

This brief has been produced for the applicant who will be responsible for the work and all costs incurred, including any tendering and contractual arrangements. This brief must be read with reference to the Highland Council Standards for Archaeological Work document that sets out in detail who is responsible for what, as well as the terms of reference, objectives, method, monitoring and reporting arrangements.

The Standards for Archaeological Work is available on our webpage at http://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_wok

2) Archaeological Background

Initial archaeological evaluation work carried out in advance of the submission of this application has identified that extensive buried prehistoric remains survive here. The evaluation was not completed due to extensive vegetation, spoil heaps and other restrictions on the site. There is now a requirement to complete the archaeological work by means of a controlled strip across the remainder of the site.

3) Objectives

- To identify the location, nature and extent of any features or objects of archaeological importance that would be damaged or destroyed by this development.
- To propose arrangements for the safeguarding where possible, and recording where necessary of any archaeological features or finds identified. These will need to be agreed with the Historic Environment Team.

4) Methodology

All fieldwork must be informed by a desk-based assessment undertaken in advance of the start of works. This will include the report produced by AOC Archaeology for the 2016 evaluation.

Controlled Strip

Archaeological monitoring is required during all site groundworks for this application, including all site clearance work, access roads and service arrangements. Topsoil stripping (using a smooth-bladed bucket) of the entire application site must be monitored and guided by an archaeologist so that any buried archaeological features can be identified, recorded and/or appropriate mitigation put in place to ensure their preservation.

All recovered artefacts and ecofacts must be subject to a programme of post-

excavation analysis and the results incorporated into a final report.

The Historic Environment Practitioner must refer to the minimum standard requirements as laid out in the HC Standards for Archaeological Work. This brief itself is not comprehensive or definitive - tendering Historic Environment Practitioners will need to determine for themselves the methodology that will deliver the required product. This should be laid down in a Project Design and agreed with HET in advance of the start of site works. The start of archaeological work will be subject to the submission and approval of this document.

5) Schedule & Monitoring

The Historic Environment Practitioner is responsible for agreeing arrangements for monitoring with HET staff. We will monitor projects as necessary to ensure that minimum standards are met. Prior notice of fieldwork starting dates, with contact names, telephone numbers and arrangements for access must be given to HET in advance of the start of works.

The Historic Environment Practitioner must make a short progress report (by telephone) to HET for every week of fieldwork undertaken. Any unexpectedly significant or complex discoveries or other unexpected occurrences which might significantly affect the archaeological work and/or the development must be notified by the Historic Environment Practitioner immediately to the applicant and HET. The finds or features must be left in situ until arrangements have been agreed for safeguarding or recording them. In the meantime work may continue on other areas of the site.

6) Products

Following completion of the fieldwork, an archive and report will be produced and disseminated according to the standards set out in the HC Standards for Archaeological Work. The report should describe the nature of the field work undertaken; the conditions and limitations within which the work was carried-out; the results that were obtained and recommendations for mitigation and/or further work, as appropriate. Further work may include additional fieldwork, post-excavation analysis, specialist studies and publication.

Contaminated Land

Ground gas protection measures are required to be incorporated into the design of all buildings constructed onsite. The design and verification measures shall follow the guidance within BS8485:2015 for 'Characteristic Situation 2'.

Network Rail - Landscaping

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations on request.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broadleaf deciduous species should not

be planted adjacent to the railway boundary.

Network Rail – Construction Works

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, i.e. by a 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks.

The developer must contact Network Rail's Asset Protection Engineers regarding the above matters as per the contact details below:

Network Rail's Asset Protection Engineer

151 St. Vincent Street, Glasgow, G2 5NW

Tel. 0141 555 4087

Email. AssetProtectionScotland@networkrail.co.uk

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.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Plan
Plan 3 - Visualisations 3D Drawings

Inverness Design Review Panel

Panel Report

HMP Highland, Eastfield Way, Inverness

12 APRIL 2017

This report is the view of the Inverness Design Review Panel and is not attributable to any one individual. It does not prejudice any of the organisations represented on the Panel forming a differing view about development proposals at a later stage.

Executive summary

The Panel supports the Scottish Prison Service's commitment to achieving exemplary standards of prison design and encourages the innovative approach displayed in this proposal, in particular the focus on avoiding the appearance of a conventional prison. The Panel also approves of flanking the prison enclosure with a generous area of public open space, although more work is needed to ensure this is fit-for-purpose and attractive. This includes scaling up the landscape response to suit the size of the space, improving the visual and spatial character of hard landscaping, and creating a more attractive walking route between the public carpark and the prison entrance. In addition, design and layout must provide attractive vistas from the retail park and the rail line. Attention is drawn to: the potential for public art to improve the prison's ambience, functionality and sense of place; the nature conservation value of existing tree species, shrubs and ground cover; and the benefit of liaising with Police Scotland's counter-terrorism team over design-related security measures.

1. INTRODUCTION

- 1.1. This report relates to proposed development of the new HMP Highland prison complex on land to rear of Inverness Retail & Business Park, Eastfield Way, Inverness. It should be read in conjunction with pre-meeting papers that describe the background and scope of the project, site context, design concept and sketch proposals including plans, sections, landscape proposals and 3D renderings of important views.

2. RECOMMENDATIONS

- 2.1. In taking forward this proposal, the Panel recommends:
 - Maintaining the strong focus on creating a building that avoids the appearance of a conventional prison, including softening its sense of enclosure.
 - Improving the design of public open space including the pedestrian route from the car park, to ensure this space is attractive and fit-for-purpose – all as described in Section 5.
 - Ensuring the design and layout of the prison complex creates attractive vistas from the retail park and the railway line.
 - Liaising with Police Scotland's counter-terrorism team over security measures relating to design and layout.

- Protecting and enhancing the nature conservation value of tree species, shrubs and ground cover.
- Engaging with artists early in the design process to improve the ambience and functionality of open space and to enhance its sense of place.

3. OVERVIEW

- 3.1. The Panel recognises that the development of a new Highland prison is long overdue. It regards this proposal as a significant opportunity to achieve exemplary standards of prison design focussed on rehabilitating prisoners and engaging the prison with the wider built and natural environment.
- 3.2. The Panel welcomes and encourages the innovative design approach adopted so far.

4. A PRISON THAT DOESN'T LOOK LIKE A PRISON

- 4.1. The Panel strongly supports the aim of creating a building that avoids the appearance of a conventional prison. It approves of configuring the perimeter wall into a wave/ribbon to soften the prison's sense of enclosure without hiding the building. Use of contrasting materials to create moments of interest along this wall is considered appropriate. The developer is advised to identify and agree on the most important features of the wall design in case cost-saving measures require modifications at a later date.

5. PUBLIC OPEN SPACE

- 5.1. The Panel welcomes the proposal to flank the prison enclosure with a generous area of public open space. More work is needed, however, to ensure this space is fit-for-purpose and attractive.
- 5.2. In particular, the landscape response should increase in scale to suit the size of the space. Objects and planting are too domestic in scale for such a large area of hard landscaping. The space also needs to feel less open/exposed.
- 5.3. Steps should be taken to:
 - Reduce the extent of hard surfaces using, for example, level changes to soften and vary their effect.
 - Reconfigure the layout so that hard landscaping gives way to structural planting.
 - Introduce larger plants that are more appropriate in scale than heathers/grasses/shrubs.
 - Ensure planting provides seasonal interest.
- 5.4. The quality of the pedestrian route from the carpark to the public entrance should also be improved. For example:
 - This should be designed as an enjoyable route for children visiting prisoners, (calling into question whether the gabion is an appropriate edge for this pathway;
 - The space between the gabion boundary and parked cars could be reduced because it is inappropriately wide for a pedestrian route.
 - Consideration should be given to exhibiting prisoners' work between the carpark building, which could help to promote positive interaction between life inside and outside the prison.

5.5. [Post-meeting advice] Meaningful public art will improve the ambience, functionality and sense of place of this important public open space. The developer is encouraged to consider engaging an artist at an early stage to assist in defining the social elements of boundaries - both hard and soft - between the prison and the wider community. Halden Prison in Norway is a good example of a humane approach.

6. APPROACH AND VIEWS INTO THE SITE

6.1. The design and layout of the public realm must take account of the vistas created by the prison complex, in particular how it will appear to people using the retail park and other neighbouring properties, and the view rail passengers will experience from passing trains.

6.2. Landscape plans should ensure that planting and vegetation filter and screen views from the rail line towards the perimeter fence and prison compound.

7. EXTERNAL WORKS

7.1. The nature conservation value of tree species, shrubs and ground cover should be protected and enhanced. This requires:

- An arboricultural survey that identifies existing mature trees and self-seeded woodland to be retained and how these will be protected during construction.
- An ecological survey that guides changes to natural habitats, such as at the boundary with rail line.

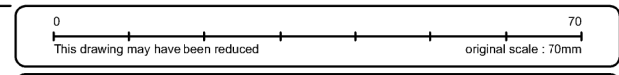
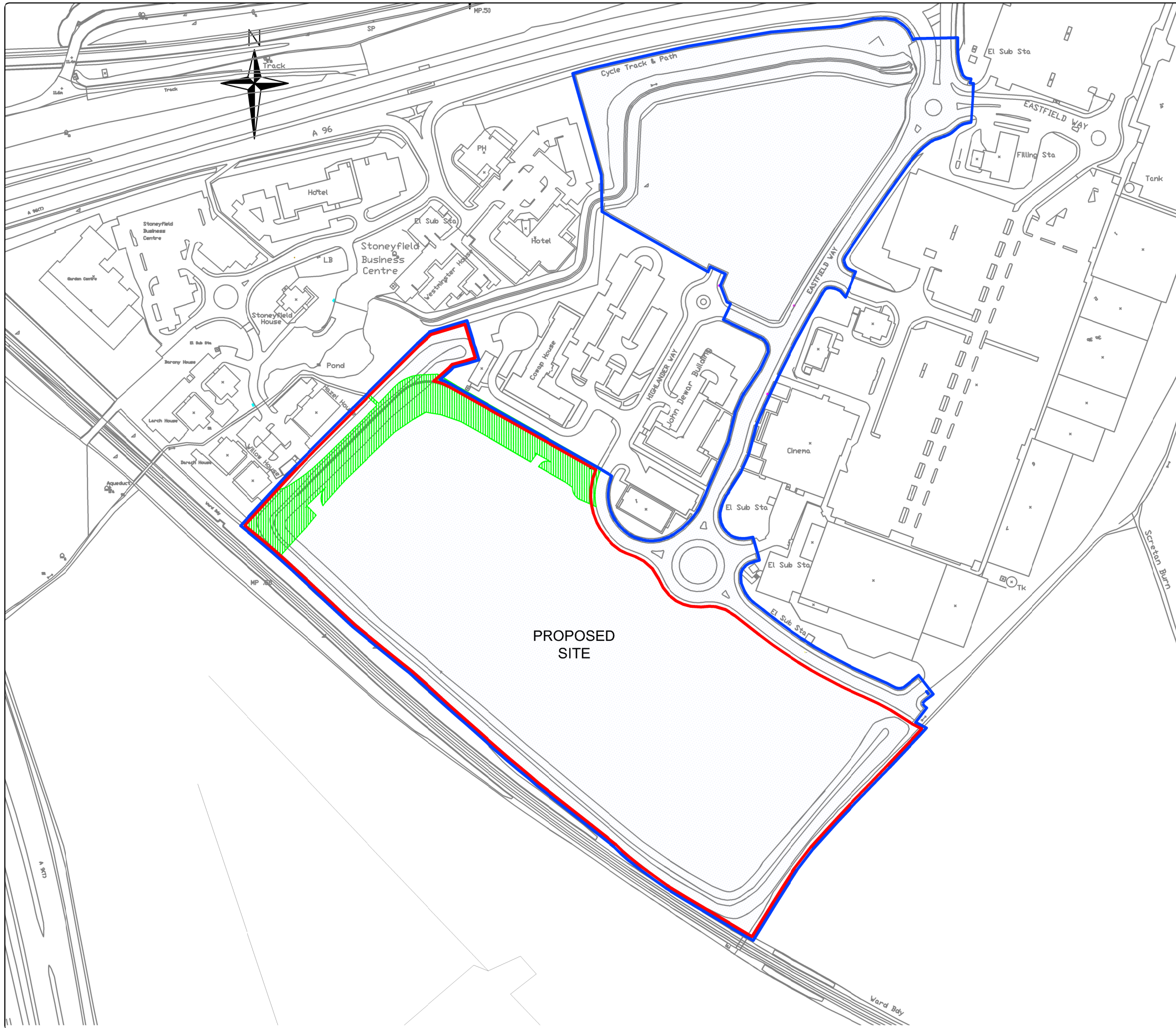
7.2. The Panel welcomes the integration the existing burn into SUDS design and the proposed use of porous ground surfaces.

8. SECURITY

8.1. The development team is requested to liaise with Police Scotland's counter-terrorism team, based in Stirling, to identify security measures that the design should address.

8.2. Prison staff need completely secure parking that is well-screened from public view.

8.3. The development team is advised to consult prison staff when developing detail design proposals.



Reference Drawings Legend Notes

- KEY:**
- Hazeldene Ownership Boundary.
 - ▨ Bus Link to Inverness Campus by others.
 - Site Boundary.

Revision	Description	Drawn	Date	Checked	Approved
P2	Bus Link Demarcation, Site Boundary, Hazeldene Ownership Boundary	NW	06/04/17	LJ	N/A
P1	First Issue	LJ	25/01/2017	TS	N/A

Project: HMP HIGHLAND
 Title: LOCATION PLAN

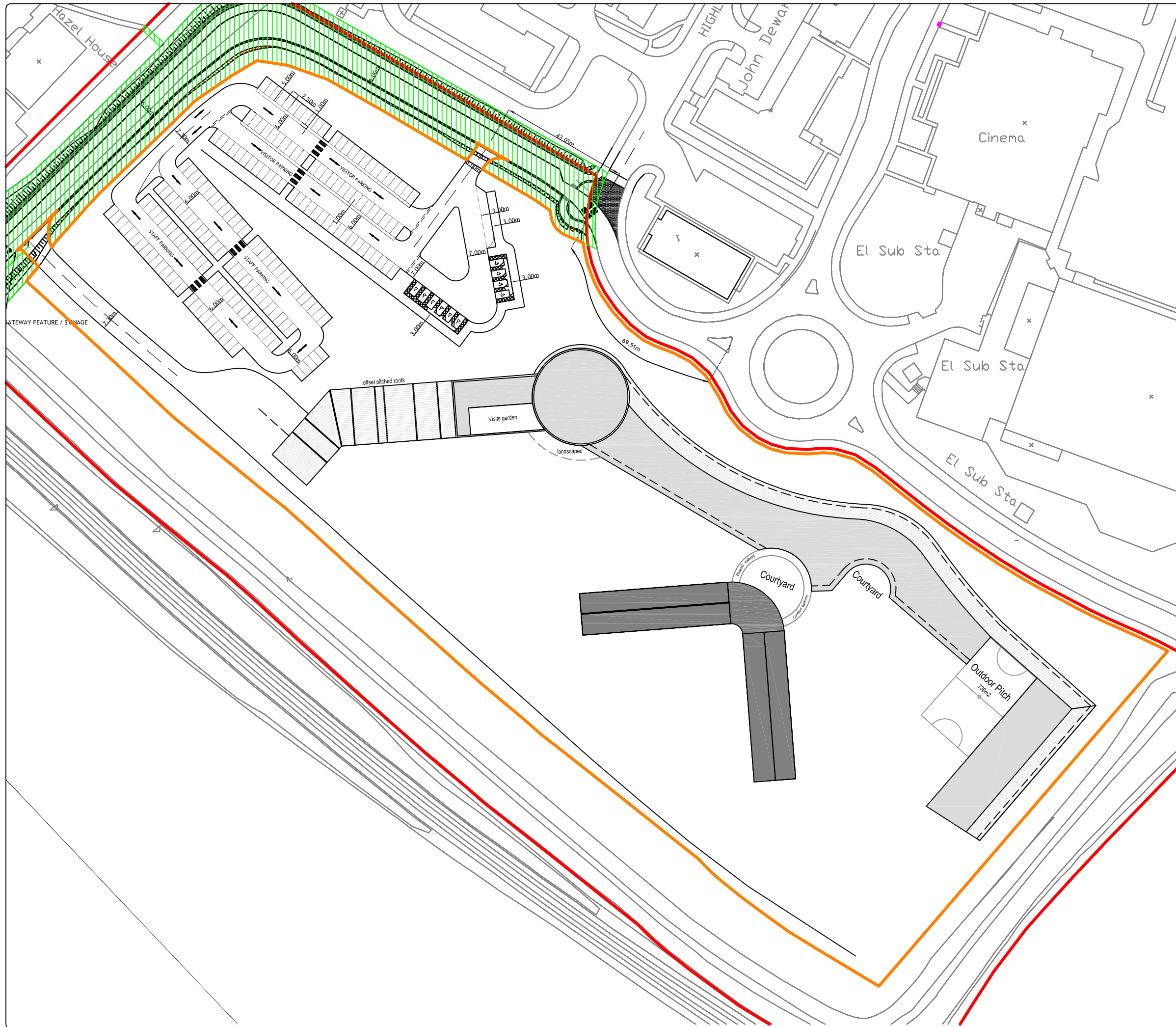
Scale: 1:2500 (when plotted @ A3)	Drawn: LJ Date: 25/01/2017	Checked: TS Date: 25/01/2017	Approved: N/A Date: N/A
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Project number: 30001003	Drawing number: IDA-0005	Revision: P2
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Reference Drawings Legend Notes

KEY:

- Bus Link to Inverness Campus by others.
- Site Boundary
- Development Boundary

Revision	Description	Drawn	Date	Checked	Approved
P3	Bus Link by others demarcation, Site Boundary, Development Boundary	NW	06/04/17	LJ	N/A
P2	Revised access, parking and houseblock configuration	NW	13/03/2017	TS	N/A
P1	First issue - Step One for budget costs	LJ	18/11/2016	TS	N/A

Revisions

Project: **HMP HIGHLAND**
Title: **SITE PLAN**

Scale: 1:1250 <small>(when plotted @ A3)</small>	Drawn: LJ Date: 04/11/2016	Checked: TS Date: 04/11/2016	Approved: N/A Date: N/A
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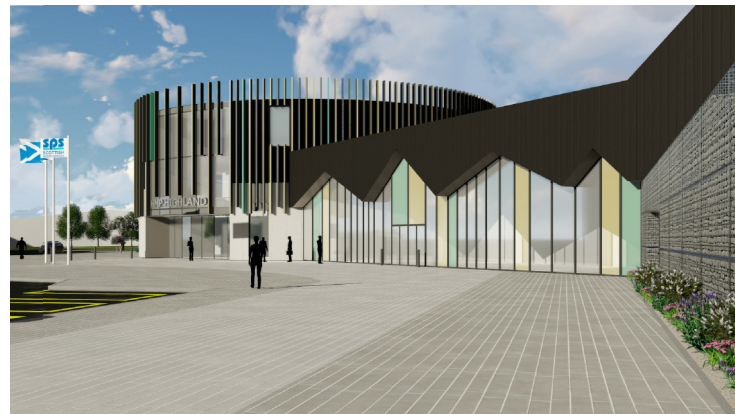
Project number 30001003	Drawing number IDA-0006	Revision P3
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View 1



View 2



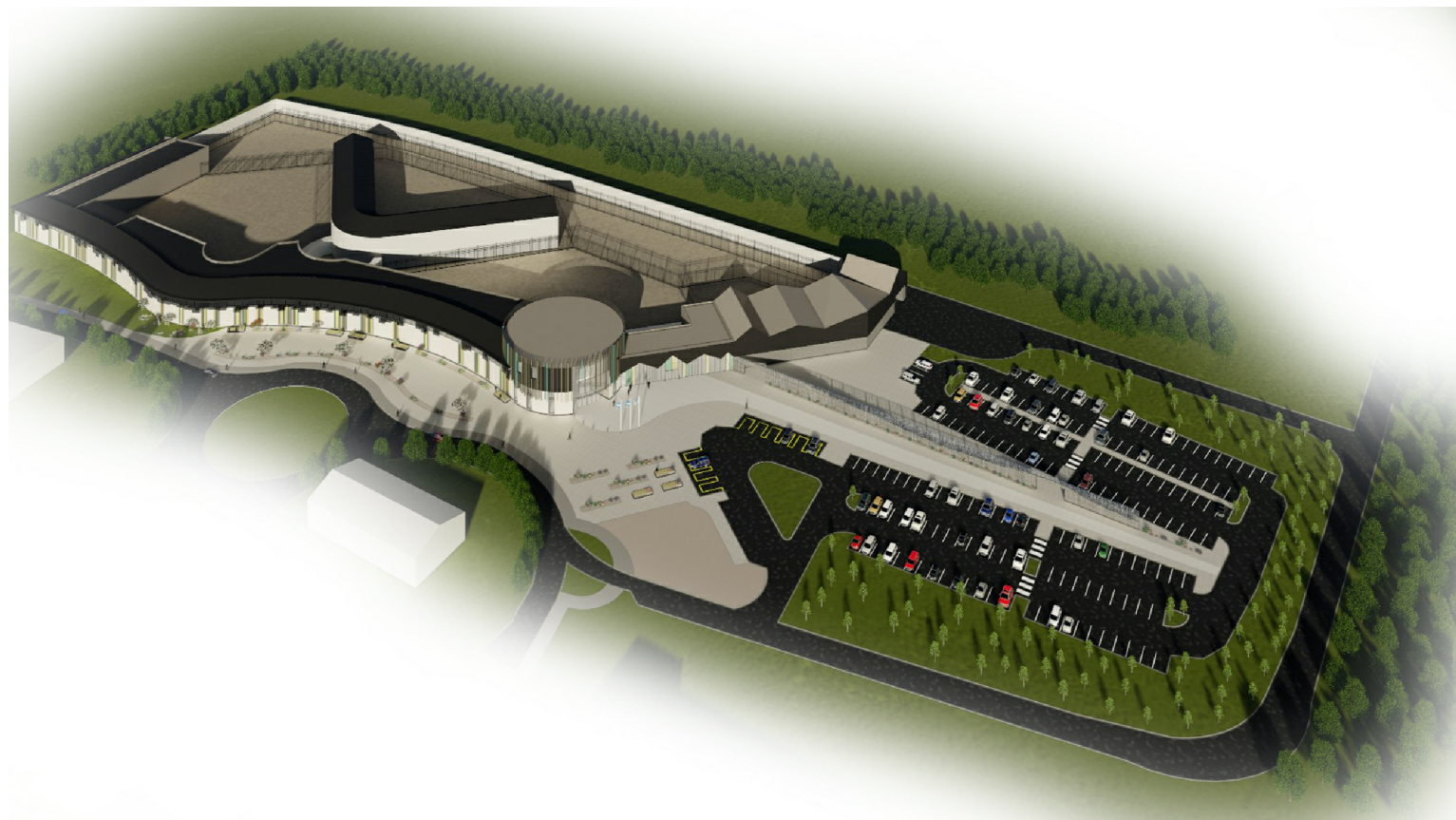
View 3



View 4



View 5



View 6

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Reference Drawings Legend Notes

KEY:

Revision	Description	Drawn	Date	Checked	Approved
P1	Issued for PPP	LJ	12/05/2017	TS	N/A

Revisions

Project	HMP HIGHLAND
Title	3D VISUALS

Scale	NTS	Drawn	LJ	Checked	TS	Approved	N/A
(when plotted @ A3)	Date	12/05/2017	Date	12/05/2017	Date	N/A	

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Project number	30001003	Drawing number	IDA-0010	Revision	P1
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