

Agenda Item	7.7
Report No	<b>PLS-042-23</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 27 June 2023

**Report Title:** 23/01361/S42: The Highland Council  
Ness Castle Primary School, Brodie Road, Inverness, IV2 6FW

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Section 42 application to remove conditions 18 (management of playing fields), 19 (noise), and 26 (flood lighting) of planning permission 19/05203/FUL

**Ward:** 15 – Inverness Ness-Side

**Development category:** Major

**Reason referred to Committee:** Major development

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** the application as set out in section 11 of the report

## 1. PROPOSED DEVELOPMENT

- 1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As Amended) and relates to Condition 18 (management of playing fields), Condition 19 (noise), and Condition 26 (flood lighting) of planning permission 19/05203/FUL granted on 16 March 2020 in respect of the Ness Castle Primary School. The original permission is attached to this report as Appendix 1.
- 1.2 The development comprises the three stream primary school and nursery, catering for up to 851 pupils. A 3G playing field and Multi Use Games Area (MUGA) pitch is proposed to the south west of the primary school and nursery. The catchment for the new school comprises the Ness-side and Ness Castle areas of Inverness. The application has been submitted to facilitate earlier delivery and occupation of the primary school and nursery by removing the conditions associated with the pitch. The delivery of the pitch is being taken forward as a separate application (22/05252/FUL) which is currently pending consideration.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: None

## 2. SITE DESCRIPTION

- 2.1 The site comprises the New Ness Castle Primary School and nursery campus. The site is located within the Ness Castle masterplan area and is bounded by residential development to the north and west. The development will be accessed via Brodie Road which connects to the B862 (Dores Road) for the primary school and Eilean Donan Road for the nursery.

## 3. PLANNING HISTORY

- |     |            |   |                                |
|-----|------------|---|--------------------------------|
| 3.1 | N/A        | 22/05252/FUL: Formation of sports pitch and multi-use games area, lighting, fencing and associated infrastructure | Pending consideration          |
| 3.2 | 16.03.2020 | 19/05203/FUL: Erection of primary school and nursery and formation of access, car park and MUGA sports pitch      | Planning Permission Granted    |
| 3.3 | 05.09.2019 | 19/03649/SCRE: Erection of new three stream primary school with nursery provision                                 | Screening not required         |
| 3.4 | 07.05.2019 | 19/01401/PAN: Development of a three stream primary school with nursery provision (Ness Castle Primary School)    | Proposal of Application Notice |

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised: Unknown Neighbour

Date Advertised: 28.04.2023

Representation deadline: 17.05.2023

Timeous representations: None

Late representations: None

4.2 Material considerations raised are summarised as follows:

None

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](http://www.wam.highland.gov.uk/wam).

#### **5. CONSULTATIONS**

5.1 None

#### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

##### **6.1 National Planning Framework 4 (2023) (NPF4)**

Policy 14 - Design Quality and Place

Policy 21 - Play, Recreation and Sport

Policy 27 - City, Town, Local and Commercial Centres

##### **6.2 National Planning Framework 4 (2023) (NPF4)**

Policy 14 - Design Quality and Place

Policy 21 - Play, Recreation and Sport

Policy 27 - City, Town, Local and Commercial Centres

##### **6.3 Highland-wide Local Development Plan (2012) (HwLDP)**

28 - Sustainable Design

29 - Design Quality & Place-making

34 - Settlement Development Areas

76 – Playing Fields and Sports Pitches

##### **6.4 Inner Moray Firth Local Development Plan (2015) (IMFLDP)**

Policy 2 – Delivering Development

Allocation IN35 – Ness Castle (935 homes with requirement to safeguard a minimum of 2.5ha for a new primary school and 1.5ha of playing fields)

## 6.5 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (Jan 2013)

## 7. **OTHER MATERIAL POLICY CONSIDERATIONS**

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

None

## 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 principle of the development has been established through the previous permission. This is an application to modify conditions. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.

### **Development plan/other planning policy**

- 8.4 Since the approval of 19/05203/FUL, NPF4 has been adopted. As approval of this application will grant a fresh planning permission, it is considered necessary to address the relevant policy framework. The key policies include Policy 14 - Design Quality and Place, Policy 21 - Play, Recreation and Sport and Policy 27 - City, Town, Local and Commercial Centres which encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle; encourage, promote and facilitate spaces and opportunities for play, recreation and sport. encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.
- 8.5 The assessment of S42 applications is required by legislation to be limited to only those matters directly related to the condition in question. If minded to approve the application, the Planning Authority has the option of deleting the condition or replacing it with a condition containing amended wording.
- 8.6 The key issue therefore is whether the amendment of the condition applied for would result in the development being incompatible with the Development Plan.

The remainder of this report will consider the modifications proposed and assess the compatibility with the Development Plan.

### **Removal of Condition 18 (management of playing fields)**

- 8.7 The applicant has sought to remove the condition relating to the submission of a scheme of management of the school playing field and MUGA pitch prior to the occupation of Ness Primary School.
- 8.8 The developer requirement for the site sets out that the safeguard for the new school should be split between use of the site for a primary school (2.5ha) and playing fields (1.5ha). This reflected the provisions of the legal agreement attached to the original planning permission in principle for the development at Ness Castle.
- 8.9 The applicant has committed to make the playing fields and the general practice rooms available for use through the School Lets Programme. It is considered that, subject to securing specific details on the management of these facilities by condition, this would meet the requirements of the Local Development Plan in relation to provision of community facilities.
- 8.10 The 3G playing field and MUGA pitch will be a key facility for use by Ness Castle Primary School along with the wider community. The application currently pending consideration (22/05252/FUL) will ensure that development of the IN35 Ness Castle allocated site will continue in accordance with the original planning permission (04/00585/OUTIN) and subsequent Ness Castle Primary School application (19/05203/FUL) safeguarding a minimum of 1.5ha for playing fields for use by the school and wider community. A condition controlling the management of the playing field and MUGA can be managed through the application currently pending consideration (22/05252/FUL). Therefore, the removal of Condition 18 does not raise any concern.

### **Removal of Condition 19 (noise)**

- 8.11 The applicant has sought to remove the condition relating to noise arising from the use of playing pitches outwith school hours which shall not exceed 50dB(A) within the garden of any noise sensitive property. If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for Rating and Assessing Industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties
- 8.12 Noise as a result of use of the playing fields was originally highlighted as an area of concern in representations received for the previous application (19/05203/FUL). The applicant carried out a Noise Assessment which identified the need for a 1m high landscaped bund adjacent to the playing field to help attenuate noise to a reasonable level (50dBA) within the gardens of neighbouring properties. Environmental Health agreed with the findings of the assessment and welcomed the proposed mitigation.

- 8.13 Mitigation through landscaping along with a condition controlling noise arising from the use of the playing field and MUGA can be managed through the application currently pending consideration (22/05252/FUL). Therefore, the removal of Condition 19 does not raise any concern.

#### **Removal of Condition 26 (flood lighting)**

- 8.14 The applicant has sought to remove the condition relating to the submission of a detailed flood lighting scheme that shall include full specification for the flood lights and measures to ensure that the lighting proposed does not illuminate areas beyond the playing field and MUGA pitch.
- 8.15 Flood lighting is proposed around the playing field and MUGA pitch so that the facilities can be used by the community outwith school hours. The applicant submitted a light spill analysis for the previous application (19/05203/FUL) which was based upon the use of 6 10m high LED flood lights each producing 220,880 lumens. It was not anticipated that the light from the flood lights would spill into neighbouring properties.
- 8.16 A condition controlling the submission of a flood lighting scheme for the playing field and MUGA pitch can be managed through the application currently pending consideration (22/05252/FUL). Therefore, the removal of Condition 26 does not raise any concern.

#### **Other material considerations**

- 8.17 It is worth highlighting that an application submitted under S42 of the Planning Act provides the Planning Authority with an opportunity as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. Following consideration of the conditions attached to the extant planning permission, it is considered that the existing conditions remain in line with current good practice and suitably regulate the proposed development.
- 8.18 The grant of permission under S42 of the Planning Act results in the issue of a fresh planning permission. A modification to the timescale direction is not proposed.

#### **Non-material considerations**

- 8.19 None

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

- 8.20 None

### **9. CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. The removal of conditions 18 (management of playing fields), 19 (noise), and 26 (flood lighting) of planning permission 19/05203/FUL as sought

by the applicant is acceptable. The current application pending consideration (22/05252/FUL) will ensure that development of the IN35 Ness Castle allocated site will continue in accordance with the original planning permission (04/00585/OUTIN) and subsequent Ness Castle Primary School application (19/052003/FUL) safeguarding a minimum of 1.5ha for playing fields. Therefore, the removal of conditions 18, 19 and 26 is consistent with the policies and provisions of the Development Plan.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

Notification to Scottish Ministers      N

Conclusion of Section 75 Obligation      N

Revocation of previous permission      N

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**Reason:** To clarify the terms of the permission

2. No development shall commence on each phase of the school building until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To clarify the terms of the permission.

3. No development shall commence on each phase of the school building until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason :** In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

4. No development shall commence until 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. Details shall include but not be limited to construction details of all paths, inclusive of material finishes and drainage details. All paths connecting outwith the site shall be shown with a minimum width of 3m;

Any diversion of paths, temporary or permanent proposed for the purposes of the development; The 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.

5. 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;

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.

6. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
  - a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
  - b) Processes to control / action changes from the agreed Schedule of Mitigation
  - c) The following specific Construction and Environmental Management Plans (CEMP):
    - I. Habitat and Species Protection Plan
    - II. Pollution prevention plan
    - III. Dust management plan
    - IV. Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise
    - V. Site waste management plan;
    - VI. Measures to protect private water supplies; including an emergency response plan;
  - d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
  - e) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
  - f) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction

Environmental Management Document.

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

7. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species, including deer and squirrels, have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

**Reason:** To protect and enhance nature conservation from construction activities.

8. No development shall commence until 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 the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to and approved in writing by the Planning Authority. This shall ensure that greenfield run-off rates are maintained.

Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the 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.

9. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

**Reason:** To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

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.

If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and

assessing industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties.

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

11. No development shall commence each phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles, site operating times, and taking into consideration Construction Traffic Management Plans of the adjacent housing development) 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.

12. No development shall commence on each phase of the car park until a detailed scheme for the car parking spaces and drop off area has been submitted to and approved in writing by the Planning Authority in consultation with Local Members. The approved scheme shall be implemented prior to first occupation of the phase of development to which it relates, thereafter being maintained for this use in perpetuity.

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

13. The secure and covered cycle parking spaces shall be formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the phase of the development to which it relates, thereafter being maintained for this use in perpetuity.

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

14. The development shall not be occupied until a Servicing Management Strategy for each phase has been submitted to and approved in writing by the Planning Authority. This shall detail the approach to servicing of the all operational aspects of development. Thereafter the approved plan shall be implemented following first occupation of the school.

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

15. No development shall commence on each phase until a detailed scheme of hard and soft landscaping works related to each phase has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;

- iii. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, including 1:20 scale plans showing the detail of the feature;
- iv. The location, type and design, including materials product name and specification, of any proposed play and outdoor sports facilities equipment and associated safety features (if required), including 1:20 scale plans;
- v. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- vi. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

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

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

16. The development shall not be occupied until the following details have been submitted to and approved in writing by the Planning Authority:
- a. a scheme for the installation of traffic lights to control traffic flows at the junction between Brodie Road and Dores Road. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - b. a scheme for the location, design and installation of the crossings designed to accommodate active travel at either end of Eilean Donan Road, and at the site access where the existing footpath network is required to cross an area of vehicular movement. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - c. a scheme for the installation of street lighting on Dores Road between the junctions of Dores Road / Holm Burn Place and Dores Road / Brodie Road. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - d. a scheme for the installation signage to direct staff and visitors to the primary and nursery facilities. Thereafter, the scheme shall be implemented prior to first occupation of the school;

a scheme for the design and implementation of measures to deliver a temporary 20mph speed limit on Brodie Road. Thereafter, the scheme shall be implemented prior to first occupation of the school.

**Reason:** To ensure that infrastructure is designed appropriately, timeously

delivered and meets the needs of non-motorised and motorised users.

17. No development shall commence until details of the access and parking provision have been submitted to and approved in writing by the Planning Authority. Any details submitted shall show visibility splays of 4.5m x 90 at the school access and 4.5 x 30m at the nursery access.

Thereafter the approved details shall be approved prior to first occupation of the school.

**Reason:** To ensure that access and parking infrastructure is designed appropriately, timeously delivered and meets the needs of non-motorised and motorised users.

18. The development shall not be occupied until a School Travel Plan has been submitted to and approved in writing by the Planning Authority. The plan shall detail the following measures:

- a) The name and contact details of an appointed Travel Plan Co-ordinator;
- b) The proposed objectives and targets for staff and pupils including targets to reduce access being taken to the to the school by staff, pupils and visitors in private cars, encourage access to the school by sustainable and active transport and for avoiding parking overspill onto the adjacent public roads at drop-off and pick up times;
- c) Details of measures to be taken to meet the proposed targets;
- d) Details of monitoring that will be undertaken to measure the success of the Travel Plan against the approved targets;
- e) Details of the reporting of the monitoring of the School Travel Plan, which shall be a minimum of bi-annually from the date of the first occupation of each phase of development. This report shall include details of any further mitigation measures required to ensure the targets in the School Travel Plan can be met.

Thereafter the School Travel Plan shall be implemented prior to first occupation of the school.

The School Travel Plan shall be reviewed by the developer prior to commencement of development of phase 2 or no longer than the 5 year anniversary of the first occupation of Phase 1. No development shall commence on Phase 2 of the development until the review of the School Travel Plan has been completed and any further mitigation requirements identified have been approved in writing by the Planning Authority. Thereafter Phase 2 of the development shall not be occupied until any and all mitigation requirements have been implemented and the Phase 2 School Travel Plan implemented.

The Phase 2 School Travel Plan shall be monitored for a minimum period of 5 years following the first occupation of Phase 2 of the development. At the end of the 5 year period if the targets in the Travel Plan have not been met, a scheme of mitigation requires to be submitted to and approved in writing by the Planning Authority.

**Reason:** To reduce the reliance on private cars and encourage modal shift to sustainable and active transport.

19. Prior to any site excavation or groundworks, a Tree Protection Plan and Arboricultural Method Statement is 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). All retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

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

20. A suitably qualified Arboricultural consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plans and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be set out in the AMS for the written agreement of the planning authority and certificates of compliance for each stage are to be submitted for approval.

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

21. A suitably qualified landscape consultant shall be employed at the applicant to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

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

22. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils (including Holm Community Council, Lochardil and Drummond Community Council and Dores and Essich Community Council) unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

**Reason:** To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period.

23. For the avoidance of doubt the site shall connect to the public water and waste water network.

**Reason:** To ensure the proposal accords with Policy 65 of the Highland-wide

Local Development Plan.

24. For the avoidance of doubt the approved archaeological written scheme of investigation shall be implemented prior to any development on the site.

**Reason:** In the interests of recording, interpreting and protecting the archaeological features present within the site.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations

## **INFORMATIVES**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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.

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.

### **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\\_f\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Roddy Dowell  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans:

<b>Document Type</b>	<b>Document No.</b>	<b>Version No.</b>	<b>Date Received</b>
Location/Site Layout Plan	NCS-STB-00-00-DR-A-0001	REV A	17.03.2023
Site Layout Plan – Phase 1	NCS-STB-01-00-DR-A-0005	REV K	29.10.2019

Appendix 1 - 19/05203/FUL decision notice

**PLANNING PERMISSION**

Reference No: 19/05203/FUL

To:  
The Highland Council  
Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

Per:  
Stallan-Brand  
Per: Keri Monaghan  
80 Nicholson Street  
Glasgow  
G5 9ER

**Town and Country Planning (Scotland) Act 1997 (As Amended)  
Planning Etc. (Scotland) Act 2006**

**DECISION NOTICE**

**Erection of primary school and nursery and formation of access, car park and MUGA sports pitch  
Land To North Of Torbreck Inverness**

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

<b>Document Type</b>	<b>Document No.</b>	<b>Version No.</b>	<b>Date Received</b>
Location Plan	(00) 001	REV A	25.11.2019
Existing Site Layout Plan	NC_STB_00_00_DR_A_0002	REV A	25.11.2019
Location Plan	NCS_STB_00_00_DR_A_0001	REV A	25.11.2019
Elevations	NCS_STB_01_00_00400	REV C	25.11.2019
Ground Floor Plan	NCS_STB_01_00_DR_A_00100	REV B	25.11.2019
First Floor Plan	NCS_STB_01_00_DR_A_00101	REV A	25.11.2019
First Floor Plan	NCS_STB_02_00_DR_A_00100	REV B	25.11.2019
Ground Floor Plan	NCS_STB_02_00_DR_A_00100	REV B	25.11.2019
Elevations	NCS_STB_02_00_DR_A_00400	REV C	25.11.2019
Roof plan	NCS_STB_02_02_DR A_00102	REV A	25.11.2019
Roof plan	NCS_STB_02_02_DR__STB_01_00_DR_A_102	REV A	25.11.2019
General Plan	NCS-OOB-ZZ-00-DR-L-0402	REV P03	08.02.2020
General Plan	NCS-OOB-ZZ-ZZ-DR-L-0535	REV P02	08.02.2020
General Plan	NCS-OOB-ZZ-ZZ-DR-L-0540	REV 01	08.02.2020
Section Plan	NCS_STb_00_00_DR_A_00-311		08.02.2020
General Plan	NCS_STB_00_00_DR_A_90700	REV A	08.02.2020
General Plan	NCS-OOB-ZZ-00-DR-L-0005	REV P09	08.02.2020
Site Layout Plan	NCS_STB_01_00_DR_A_0005	REV E	26.02.2020
Site Layout Plan	NCS_STB_02_00_DR_A_0005	REV E	26.02.2020

**Dated: 16th March 2020**

*David Mudie*

.....  
**Area Planning Manager**

**CONDITIONS AND REASONS**

This permission is granted subject to the following conditions and reasons:

1. Planning Permission is hereby granted for a non-residential institution comprising 24 classrooms and playrooms and supporting infrastructure upon 4 hectares to be developed in accordance with the plans hereby approved in two sequential phases.

**Reason:** To clarify the terms of the permission

2. No development shall commence on each phase of the school building until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

3. No development shall commence until 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. Details shall include but not be limited to construction details of all paths, inclusive of material finishes and drainage details. All paths connecting outwith the site shall be shown with a minimum width of 3m;
- d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;

The 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;

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*David Mudie*

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**Area Planning Manager**

- 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 within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
  - a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
  - b) Processes to control / action changes from the agreed Schedule of Mitigation
  - c) The following specific Construction and Environmental Management Plans (CEMP):
    - I. Habitat and Species Protection Plan
    - II. Pollution prevention plan
    - III. Dust management plan
    - IV. Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise
    - V. Site waste management plan;
    - VI. Measures to protect private water supplies; including an emergency response plan;
  - d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
  - e) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
  - f) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document.

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

**Dated: 16th March 2020**

*David Mudie*  
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**Area Planning Manager**

6. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species, including deer and squirrels, have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

**Reason:** To protect and enhance nature conservation from construction activities.

7. No development shall commence until 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 the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to and approved in writing by the Planning Authority. This shall ensure that greenfield run-off rates are maintained.

Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the 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.

8. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

**Reason:** To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

9. 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.

If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties.

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

10. No development shall commence each phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles, site operating times, and taking into consideration Construction Traffic Management Plans of the adjacent housing development) 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.

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

**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.

11.No development shall commence on each phase of the car park until a detailed scheme for the car parking spaces and drop off area has been submitted to and approved in writing by the Planning Authority in consultation with Local Members. The approved scheme shall be implemented prior to first occupation of the phase of development to which it relates, thereafter being maintained for this use in perpetuity.

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

12.The secure and covered cycle parking spaces shall be formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the phase of the development to which it relates, thereafter being maintained for this use in perpetuity.

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

13.The development shall not be occupied until a Servicing Management Strategy for each phase has been submitted to and approved in writing by the Planning Authority. This shall detail the approach to servicing of the all operational aspects of development. Thereafter the approved plan shall be implemented following first occupation of the school.

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

14.No development shall commence on each phase until a detailed scheme of hard and soft landscaping works related to each phase has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, including 1:20 scale plans showing the detail of the feature;
- iv. The location, type and design, including materials product name and specification, of any proposed play and outdoor sports facilities equipment and associated safety features (if required), including 1:20 scale plans;
- v. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- vi. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

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

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

15. The development shall not be occupied until the following details have been submitted to and approved in writing by the Planning Authority:
- a. a scheme for the installation of traffic lights to control traffic flows at the junction between Brodie Road and Dores Road. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - b. a scheme for the location, design and installation of the crossings designed to accommodate active travel at either end of Eilean Donan Road, and at the site access where the existing footpath network is required to cross an area of vehicular movement. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - c. a scheme for the installation of street lighting on Dores Road between the junctions of Dores Road / Holm Burn Place and Dores Road / Brodie Road. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - d. a scheme for the installation signage to direct staff and visitors to the primary and nursery facilities. Thereafter, the scheme shall be implemented prior to first occupation of the school;
  - e. a scheme for the design and implementation of measures to deliver a temporary 20mph speed limit on Brodie Road. Thereafter, the scheme shall be implemented prior to first occupation of the school.

**Reason:** To ensure that infrastructure is designed appropriately, timeously delivered and meets the needs of non-motorised and motorised users.

- 16.No development shall commence until details of the access and parking provision have been submitted to and approved in writing by the Planning Authority. Any details submitted shall show visibility splays of 4.5m x 90 at the school access and 4.5 x 30m at the nursery access.

Thereafter the approved details shall be approved prior to first occupation of the school.

**Reason:** To ensure that access and parking infrastructure is designed appropriately, timeously delivered and meets the needs of non-motorised and motorised users.

17. The development shall not be occupied until a School Travel Plan has been submitted to and approved in writing by the Planning Authority. The plan shall detail the following measures:
- a) The name and contact details of an appointed Travel Plan Co-ordinator;
  - b) The proposed objectives and targets for staff and pupils including targets to reduce access being taken to the to the school by staff, pupils and visitors in private cars, encourage access to the school by sustainable and active transport and for avoiding parking overspill onto the adjacent public roads at drop-off and pick up times;

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*David Mudie*  
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**Area Planning Manager**

- c) Details of measures to be taken to meet the proposed targets;
- d) Details of monitoring that will be undertaken to measure the success of the Travel Plan against the approved targets;
- f) Details of the reporting of the monitoring of the School Travel Plan, which shall be a minimum of bi-annually from the date of the first occupation of each phase of development. This report shall include details of any further mitigation measures required to ensure the targets in the School Travel Plan can be met.

Thereafter the School Travel Plan shall be implemented prior to first occupation of the school.

The School Travel Plan shall be reviewed by the developer prior to commencement of development of phase 2 or no longer than the 5 year anniversary of the first occupation of Phase 1. No development shall commence on Phase 2 of the development until the review of the School Travel Plan has been completed and any further mitigation requirements identified have been approved in writing by the Planning Authority. Thereafter Phase 2 of the development shall not be occupied until any and all mitigation requirements have been implemented and the Phase 2 School Travel Plan implemented.

The Phase 2 School Travel Plan shall be monitored for a minimum period of 5 years following the first occupation of Phase 2 of the development. At the end of the 5 year period if the targets in the Travel Plan have not been met, a scheme of mitigation requires to be submitted to and approved in writing by the Planning Authority.

**Reason:** to reduce the reliance on private cars and encourage modal shift to sustainable and active transport.

18.The development shall not be occupied until a scheme of management for the school playing field, multi-use games area, and any other community facilities within the school has been submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented within three months of the first occupation of the school.

Reason: to ensure appropriate access to the community based facilities in the interests of amenity.

19.Noise arising from the use of playing pitches out with school hours shall not exceed 50dB(A) within the garden of any noise sensitive property as measured as a free field 1h hour Leq.

If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for Rating and Assessing Industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties.

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

20.Prior to any site excavation or groundworks, a Tree Protection Plan and Arboricultural Method Statement is 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). All retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**



must not be moved or removed without the prior written approval of the Planning Authority.

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

21. A suitably qualified Arboricultural consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plans and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be set out in the AMS for the written agreement of the planning authority and certificates of compliance for each stage are to be submitted for approval.

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

22. A suitably qualified landscape consultant shall be employed at the applicant to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

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

23. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils (including Holm Community Council, Lochardil and Drummond Community Council and Dores and Essich Community Council) unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

**Reason:** To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period.

24. For the avoidance of doubt the site shall connect to the public water and waste water network.

**Reason:** To ensure the proposal accords with Policy 65 of the Highland-wide Local Development Plan.

25. For the avoidance of doubt the approved archaeological written scheme of investigation shall be implemented prior to any development on the site.

**Reason:** In the interests of recording, interpreting and protecting the archaeological features present within the site.

26. No development shall commence on the sports pitch until a detailed scheme of flood lighting has been submitted to and approved in writing by the Planning Authority. This shall include full specifications for the flood lights and measures to ensure that the lighting proposed does not illuminate areas beyond the sports pitch and multi-use games area. Thereafter the approved scheme shall be implemented prior to first use of the sports pitch and multi-use games area.

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

**Dated: 16th March 2020**

*David Mudie*  
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**Area Planning Manager**

**Variations**

**None.**

**Section 75 Obligation**

**None.**

**IMPORTANT INFORMATIVES**

Please read the following informatives and, where necessary, act upon the requirements specified:

**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 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**FOOTNOTE 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

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

In addition to the above consents and requirements, a Traffic Regulation Order will be required to progress the proposed temporary speed limit and the "School Keep Clear" road markings or any other proposed parking and / or loading restrictions proposed on the public road.

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

**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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

**Building Regulations**

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

**Land Ownership/Planning Permission**

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

**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.

**Dated: 16th March 2020**

*David Mudie*

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**Area Planning Manager**

**RIGHT OF APPEAL ETC**

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 (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: <https://www.eplanning.scot>

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 (as amended).

**Dated: 16th March 2020**

*David Mudie*

.....  
**Area Planning Manager**

To:  
Electronic Processing Centre  
Highland Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

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

**Notification of Initiation of Development**

**Erection of primary school and nursery and formation of access, car park and MUGA sports pitch at Land To North Of Torbreck Inverness**

Date of planning permission: 16th March 2020

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, email address (if available) 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:  
Electronic Processing Centre  
Highland Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

**Notification of Completion of Development**

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

**Erection of primary school and nursery and formation of access, car park and MUGA sports pitch at  
Land To North Of Torbreck Inverness**

Date of planning permission: 16th March 2020

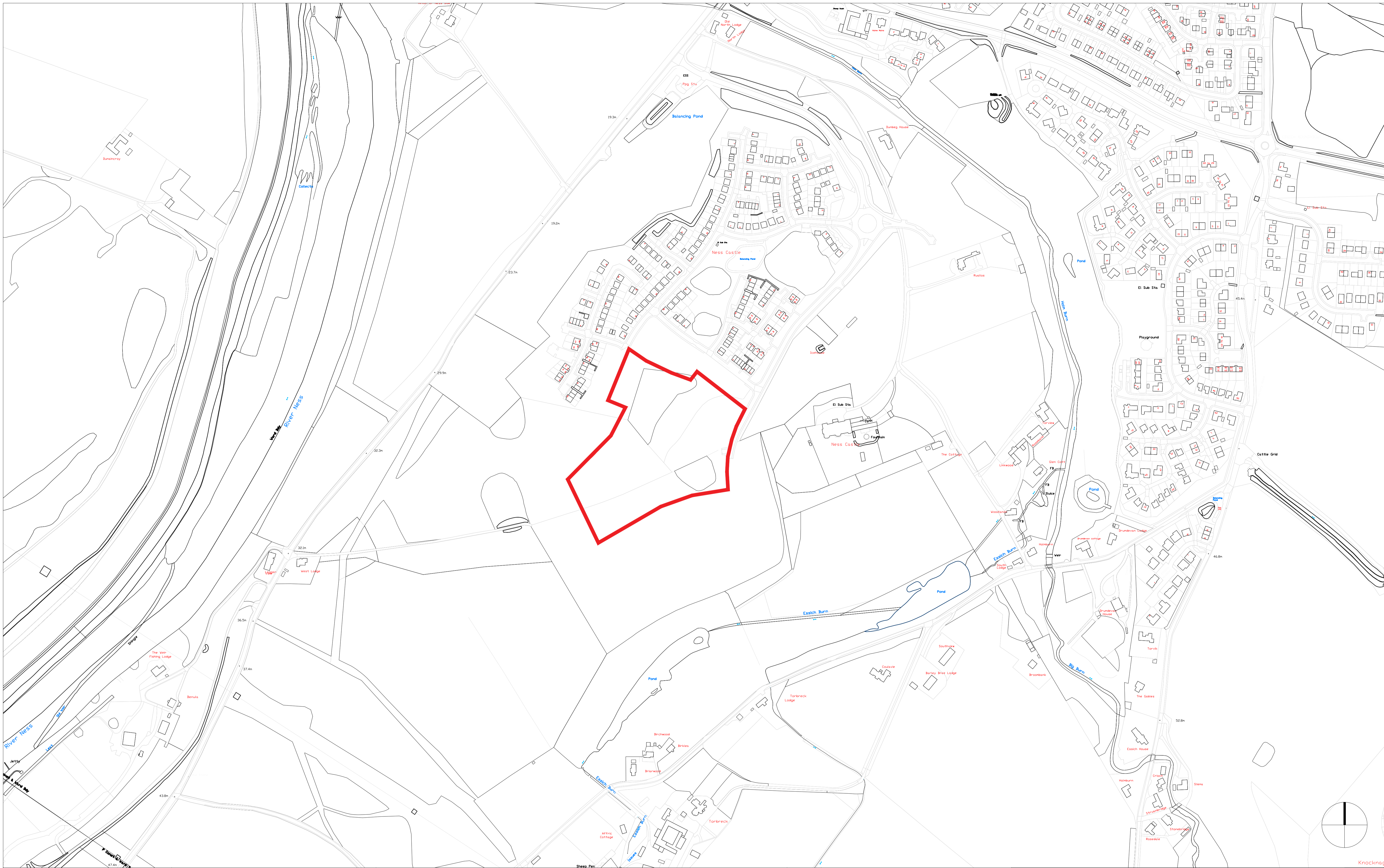
(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

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

Signed ..... agent/applicant

Dated .....





DO NOT SCALE FROM THIS DRAWING.  
 THIS DRAWING IS BASED ON DIMENSIONAL SURVEY INFORMATION PROVIDED BY OTHERS.  
 THE ARCHITECT CANNOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THIS SURVEY INFORMATION.  
 ALL DIMENSIONS ARE SHOWN IN METRIC.  
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**NOTES**  
 1. Site area refers to 37,177sq (or 3.7 hectares), not including highlighted exclusions referenced from the agreed site deeds on 24th July 2018.

**CLIENT**  
**The Highland Council**

REV	REASON FOR ISSUE	DATE
A	PLANNING	21.11.19

**STATUS**  
**PLANNING**

**PROJECT**  
**Ness Castle Primary School**

**TITLE**  
**Location Plan**

**SCALE @ A1**  
 1:2500

**DATE**  
 01.08.2019

**DRAWN**  
 PJS

**CHECKED**  
 KM

**APPROVED**  
 IH

**Stallan-Brand**

80 Nicholson Street  
 Glasgow  
 G5 9ER

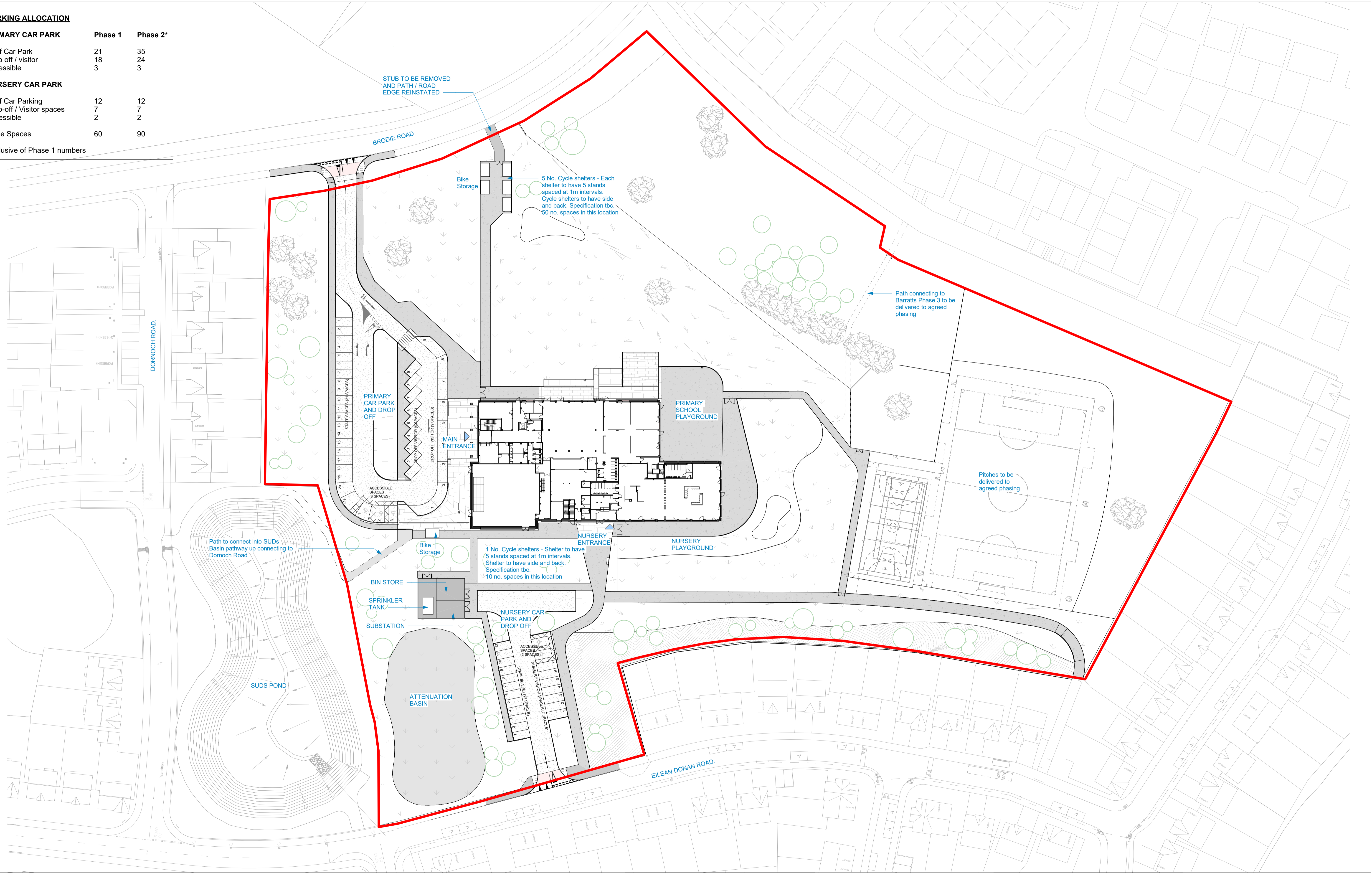
Phone: 0141 258 5015  
 Email: info@stallanbrand.com  
 Website: www.stallanbrand.com

<b>PROJECT NUMBER</b> 1087.00	<b>DRAWING NUMBER</b> NCS_STB_00_00_DR_A_001	<b>REVISION</b> A
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PARKING ALLOCATION		
PRIMARY CAR PARK	Phase 1	Phase 2*
Staff Car Park	21	35
Drop off / visitor	18	24
Accessible	3	3
NURSERY CAR PARK		
Staff Car Parking	12	12
Drop-off / Visitor spaces	7	7
Accessible	2	2
Cycle Spaces	60	90

\*Inclusive of Phase 1 numbers



Notes:  
 Do not scale off this drawing  
 All dimensions are in mm unless otherwise stated  
 This drawing is to be read in conjunction with all relevant Architectural, Civil/Structural and Service Engineer's drawings & specifications.  
 Secondary steel i.e. cladding rails and purlins not surveyed - positions are indicative only

Rev.	Date	Description
K	15.10.21	UPDATED FOR PLANNING

Issue Status <b>PLANNING</b>				
Project Title Ness Castle Primary School				
Drawing Title Site Layout - Phase 1				
Scale @ A1 1 : 500	Date 29.10.19	Drawn PJS	Checked KM	Approved IH

**Stallan-Brand**  
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 E info@stallanbrand.com

Drawing No. NCS_STB_01_00_DR_A_0005	Revision K
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