

Agenda Item	6.7
Report No	PLS-67-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 November 2023

Report Title: 22/03219/PIP: Hazledene (Inverness) Ltd And HHA
Land South of the A9 Interchange, West of the A9 Including Field on South of Macaskill Drive, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Mixed use development comprising up to 400 residential units, business / commercial and community uses and supporting infrastructure

Ward: 19 – Inverness South

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

1. PROPOSED DEVELOPMENT

- 1.1 This planning permission in principle application is to develop a mixed-use neighbourhood in the Milton of Leys area of Inverness comprising up to 400 residential units, 200 of which will be for affordable tenure, along with units for business / commercial and community use. The development entails a new road and shared foot and cycle path layout, public realm provision with landscaping and open space, habitat management and biodiversity enhancement measures, vehicular parking, along with foul and surface water drainage infrastructure.
- 1.2 The indicative site layout includes proposals for detached and semi-detached houses, as well as flats, however, details of the final housing mix, layout, and design would be determined at a later stage through the submission of an application for matters specified in conditions. It is anticipated that the development would be built out in six phases. The intended Phase 1 of the development comprises up to 2,500sqm of gross floorspace for business use, class 4 (Business) and/or class 6 (Storage and Distribution), and up to 500sqm of gross floorspace for community use, class 2 (Professional Services) insofar as the land use corresponds to a community land use, and/or class 10 (Non-Residential Institution). This phase, which is situated to the north of the application site, has previously been granted under planning permission 22/04305/PIP but is retained in the current application to retain control over the phasing and thereby secure the early delivery of this component of the wider proposal. Phases 2 to 6 would indicatively see the build out of between 74 and 90 units within each phase, averaging up to 80 units per phase, with affordable housing provision anticipated for the earlier phases with apportions for later phases to be agreed at subsequent MSC applications. For Phase 2 this would result in 52 of 74 units being affordable, equating to 70%. Additionally, an application for planning permission for the installation of associated services and infrastructure is anticipated in the first instance.
- 1.3 The applicant utilised the Council's pre-application advice service for major developments in July 2017 (17/02507/PREAPP) where the applicant was advised that the proposal was unlikely to be supported:

"The Reporter in the Examination of the IMFLDP [2015] concluded that the site should remain for business use as there was a sufficient housing supply in the Inverness Housing Market Area and alternative sites for tourist related or commercial leisure development in the Inverness area had been suggested. Furthermore, the Reporter concluded that it was acceptable for the site to remain as agricultural land for the foreseeable future on the basis that it lies beyond the urban edge and that prospects for business development may improve over time."

And that:

"Since adoption of the IMFLDP in 2015 there continues to be sufficient housing land supply in the Inverness Housing Market Area and the Council's desire remains for the site to be solely developed for business use. Furthermore, there are significant infrastructure constraints to accommodating the large scale unplanned housing proposed, particularly in relation to education provision.

[...]The commercial element of the proposal [...] is however likely to be supported subject to further details of the nature of uses proposed.”

1.4 The application includes a Pre-application Consultation (PAC) Report that describes the two online digital public consultation events that the applicant held March 2022, in-line with Covid-19 restrictions applicable at the time. In addition, a dedicated consultation website was also set up to allow members of the public to provide additional feedback. Members of the public raised several issues with the applicant, which have been responded to in the manner as described in the applicant’s PAC Report.

1.5 The application is supported by the following documents:

- Access Management Plan;
- Archaeology Assessment (desk based);
- Design and Access Statement (as amended);
- Drainage Strategy Report (including a Micro-drainage Storm Sewer Assessment);
- Economic Impact and Social Value Study;
- Flood Risk Assessment;
- Landscape and Open Space Report;
- Noise Impact Assessment;
- PAC Report;
- Phasing Plan;
- Planning Statement;
- Preliminary Environmental Assessment and associated risk assessments;
- School Impact Assessment;
- Tree Impact Assessment;
- Traffic Impact Assessment (including a Transport and Connectivity Addendum, a Transportation Technical note, and a Transport Technical Note).

1.6 In order to assist with the assessment of housing at the site, the applicant has provided additional information and analysis including for ecology impacts, flood risk mitigation and drainage arrangements, as well as transport impacts, all in response to consultee comments. In addition, the applicant has committed to provide an enhanced public transport service, offsite active travel connectivity improvements, and to early phase affordable housing delivery, as well as to control the pace of development to align with local school capacity limits.

2. SITE DESCRIPTION

2.1 The application site comprises some 25ha of predominantly agricultural land at the south east edge of Inverness, located adjacent to the existing residential development at Milton of Leys. The site is allocated for development in the Inner Moray Firth Local Development Plan, with allocation IN69 Bogbain East being identified for business use. The majority of the site is within the Rolling Farmland and Woodland Landscape Character Type (LCT) however the north west section is contained within the Urban LCT associated with Inverness. The elevated site lies above the Milton of Leys distributor road, which connects with its northern boundary

at the Milton of Leys Road / B9177 roundabout, while the Monarch Road / Milton of Leys roundabout connects to the site's western boundary. The east of the site is bounded by the A9 trunk road and there is a track to the site's south of the site, Redwood Avenue, predominantly used for recreational access. Ground levels within the site generally slope downwards from southeast to northwest, circa 192m down to 172m AOD.

- 2.2 There is an informal field and public access running south from the Milton of Leys Road to the east of the woodland treebelt and a formal field entrance to the treebelt's west providing access to the Bogbain Wood to Milton of Leys (IN19.70) Core Path. The Scretan Burn flows within this treebelt, which continues to the south of the site following the north west to south east axis and is crossed by another watercourse that follows the north east to south west axis. Tree, woodland, and gorse cover are general features of the site's boundaries and sections of the site's west and east. There are drystone wall features, a small gas supply portacabin installation to its west, and field drains in addition to 132kV overhead electricity lines that traverse the site following the west east axis.
- 2.3 The site is not designated for natural or landscape heritage interests although there are a number of natural heritage designations in the wider area, and pockets of Ancient and Long Established inventory woodland around the site, however, these are not considered to be directly affected by the development. There is a Scheduled Monument to the site's south, located beyond the track (Bogbain Wood, hut circle and field system 400m SSW of Bogbain Farm), as well as a number of listed buildings and archaeological records identified within the Highland Historic Environment Record in the wider area but generally separated and screened from view of the site by physical features.

3. PLANNING HISTORY

3.1	23.07.2007	07/00447/OHLIN: Change single poles to double poles	Granted
3.2	28.02.2017	16/01293/PAN: Erection of prison	Closed
3.3	30.03.2022	22/00576/PAN: Mixed use development including residential, commercial/business uses and associated infrastructure	Closed
3.4	09.10.2022	22/03588/SCRE: Mixed use development including residential and business commercial and community uses, with associated private amenity and open space, landscaping, car parking, access arrangements and associated infrastructure	EIA Not Required
3.5	16.05.2023	22/04305/PIP: Development of up to 3,000sqm of business / commercial and community uses, with associated	Planning Permission in Principle Granted

landscaping, parking, access arrangements, and associated infrastructure

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development and Unknown Neighbour

Date Advertised: 26.08.2022

Representation deadline: 12.09.2022

4.2 Timeous representations: 0

4.3 Late representations: 3 objections from 3 households

4.4 Material considerations raised are summarised as follows:

- a) Proposed residential land use is contrary to the allocated business use;
- b) Noise impacts from the A9;
- c) Lack of local facilities and amenity infrastructure;
- d) Impact on wildlife and habitats; and
- e) Flooding impacts including from climate change.

4.5 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 **Inshes and Milton of Leys Community Council** did not respond to the consultation.

5.2 **Access Officer** maintains an objection to the application pending further information and detailed plans demonstrating how Core Path IN19.70 will be accommodated within the development and acceptable alternative paths provided throughout the different stages of the development. Conditions are also requested to secure details and specifications of path widths, drainage, road crossings, signage, and the integration of access infrastructure with SUDS and accessible green space paths, as well as phasing prior to the commencement of any development on site. It is considered that the Access Officers concerns relating to the Core Path can be adequately addressed by a suitably worded condition.

5.3 **Archaeology Officer (Historic Environment Team)** does not object subject to a condition to secure a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation.

5.4 **Contaminated Land Officer** does not object to the application subject to a condition to secure a scheme to deal with potential contamination on site, which should be approved prior to the commencement of development on site. The Contaminated Land Officer's response has considered the applicant's submission 'Preliminary

Environmental Risk Assessment Report (Desk Study and walkover)' and provides several recommendations for the aforementioned scheme of investigation.

- 5.5 **Development Plans** initially objected to the proposal on the grounds that the development of 400 houses is contrary to the Local Development Plan allocation for business use. The response advised that the site is proposed to be removed from any allocation and the Inverness Settlement Development Area in the forthcoming Inner Moray Firth (proposed) Local Development Plan (IMFLDP2), with the Examination review of the proposed plan by the Scottish Government appointed Reporter pending.
- 5.6 In light of the subsequent commitments made by the applicant and the additional information provided, the Development Plans Team now advises that the proposal will be in overall conformity with the approved development plan with adequate and suitably secured mitigation. This is because the additional information supplied by the applicant provides a more convincing case for support; because the development would be more diverse, self-contained, and better connected to the adjoining City neighbourhood and wider urban district. In particular, the phasing suggests that the non-housing uses will happen before any housing is commenced, and that housing will be constructed in five, time separated, phases with the build out being within local school capacity limits. Such commitments must be secured by legal agreement or condition, as should the enhancement of public transport services, offsite active travel connectivity improvements and early phase affordable housing within the site. The response advises that should the mitigation offered be inadequate or lack enforceability then the application should be deferred until the emerging development plan Reporters' Report is received (scheduled for end of January 2024).
- 5.7 **Ecology Officer** has withdrawn their initial objection following the submission of an updated Preliminary Ecological Assessment; subject to conditions to ensure any subsequent MSC applications are supported by sufficient information to demonstrate that significant biodiversity enhancement measures will be delivered on the site to satisfy the requirements of NPF4 Policy 3 parts a) and b). Conditions are also requested to ensure the MSC applications are supported by Ecological Impact Assessments with updated protected species surveys, mitigation measures, as well as a Habitat Management Plan with Biodiversity Net Gain measures.
- 5.8 **Environmental Health** does not object to the application subject to a condition to secure a detailed noise assessment with any future MSC application to demonstrate that habitable rooms and bedrooms will not be adversely affected by noise from the A9, and the mitigation measures required to achieve acceptable noise levels.
- 5.9 **Flood Risk Management Team** has withdrawn its objections on flood risk and drainage grounds. Following the submission of an updated Flood Risk Assessment demonstrating that the risk of flooding from the Mill Burn and the Scretan Burn is low, suitable finished floor levels and the retention of 6 metre development free buffer zones from the edge of the burn banks can be secured by condition. With regard drainage, it is satisfied that the drainage strategy demonstrates that surface water discharge rates to the Dell and Mill Burns can be limited to the 1 in 2 year greenfield runoff rate for all storm events up to and including the 1 in 200 year plus climate change event. The limited discharge rate is required in order to ensure the

development will not result in increased flood risk to sensitive receptors downstream of the application site, which have a history of flooding.

- 5.10 **Forestry Officer** has withdrawn their objection subject to the indicative layout not being approved as part of the PIP and conditions being applied to ensure that finalised proposals include a minimum 20m buffer zone between trees and proposed residential and retail units to avoid conflict, nuisance and safety concerns. The Forestry Officer has also requested conditions to secure that any future MSC applications are accompanied by a Tree Survey Report, a Tree Schedule, a Tree Constraints Plan, an Arboricultural Method Statement (including arboricultural supervision), and a Tree Protection Plan, in addition to a landscaping plan and maintenance programme. A condition to ensure that no trees are cut, uprooted, topped, lipped, or wilfully damaged from the date of permission without written approval from the Planning Authority, is also requested.
- 5.11 **Transport Planning** maintains its objection to the application. This is principally due to the proposal deviating from the Local Development Plan's allocation for business use, with the introduction of residential placing more trips into the local road network, rather than via the site's connection onto the A9. Particular concern for the local road network is on Sir Water Scott Drive and by association Inshes Roundabout. It also objects due to the Drainage Impact Assessment (DIA) not demonstrating that the existing Milton of Leys drainage network has the capacity to accommodate the access road surface water or that flooding will not occur downstream of this development. Finally, it objects due to the masterplan's indicative layout not maintaining sufficient minimum separation spacing between proposed driveways / junctions, and due to the proposed road types lacking the provision of footways on both sides of the road.
- 5.12 **Highlands and Islands Airports Authority** does not object to the application as the proposal does not infringe on any of its safeguarding criteria for Inverness Airport.
- 5.13 **Historic Environment Scotland** does not object to the application. HES has considered the proposal in relation to its potential to impact Schedule Monument SM4698, Bogbain Wood, hut circle and field system 400m SSW of Bogbain Farm, and considers that the development would be unlikely to result in significant adverse impacts on the setting of the monument.
- 5.14 **NatureScot** does not object to the proposal and has no specific comments.
- 5.15 **Scottish and Southern Energy** has withdrawn its holding objection following the submission of an amended indicative Site Layout Plan demonstrating that adequate clearances can be achieved between Tower 71 and the development to allow for access to the tower by machinery and allow for its maintenance, which should be secured by condition. SSEN is satisfied that the development will achieve adequate separation between the exiting 132kv OHL and development.
- 5.16 **Scottish Water** does not object to the application and advises that the development would be supplied fresh water from the Water Inverness Treatment Works, and serviced by the Allanfearn Waste Water Treatment Works for foul drainage.

- 5.17 **SEPA** does not object to the application subject to conditions to secure details of:
- appropriate finished floor levels, any proposed watercourse crossings (to accommodate 1 in 200 year flows with free board);
 - 1 in 200 year flow pathways (showing that water will flow back to the pathway in the event of any surcharging even following a blockage scenario without impacting properties);
 - additional information and modelling of the flood risk posed by the Mill Burn culvert at the southwest of the site in a blockage scenario (demonstrating that properties are not in areas of flood risk); and,
 - blue and green infrastructure across the site.
- 5.18 **Transport Scotland** does not object subject to conditions to secure details of onsite lighting, landscaping, and boundary treatments along the trunk road boundary (which shall be accessible for planting, installation, and maintenance purposes from within the site and not the A9(T)), as well as ensuring that surface water is not drained into the trunk road drainage network.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Inner Moray Firth Local Development Plan, 2015 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

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

National Planning Framework 4 2023 (NPF4)

- 6.3
- 1 - Tackling the Climate and Nature Crises
 - 2 - Climate Mitigation and adaptation
 - 3 - Biodiversity
 - 4 - Natural Places
 - 5 - Soils
 - 6 - Forestry, Woodland and Trees
 - 7 - Historic Assets and Places
 - 12 - Zero Waste
 - 13 - Sustainable Transport
 - 14 - Design, Quality and Place
 - 15 - Local Living and 20 Minute Neighbourhoods
 - 16 - Quality Homes
 - 18 - Infrastructure First
 - 20 - Blue and Green Infrastructure
 - 21 - Play, Recreation and Sport
 - 22 - Flood Risk and Water Management
 - 25 - Community Wealth Building
 - 26 - Business and Industry
 - 28 - Retail

Highland Wide Local Development Plan (HwLDP) 2012

- 6.4 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 40 - Retail Development
- 41 - Business and Industrial Land
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 75 - Open Space
- 76 - Playing Fields and Sports Pitches
- 77 - Public Access

Inner Moray Firth Local Development Plan (IMFLDP) 2015

- 6.5 The application site is within the Inverness Settlement Development Area and is allocated for business use (Allocation IN69 – Bogbain East). Policy 2 – Delivering Development is, therefore, also applicable.

Proposed Inner Moray Firth Local Development Plan (IMFLDP2)

- 6.6 The emerging Area Local Development Plan was submitted to Scottish Ministers for Examination in March 2023. The outcome of that Examination is not expected until early 2024. Its contents are a material consideration in assessing planning applications, but it does not form part of the approved development plan for the purposes of Section 25 of the 1997 Act as amended.
- 6.7 The business allocation is proposed to be deleted from the emerging plan and the site excluded from the Inverness Settlement Development Area meaning the site would be designated an Accessible Rural Area in accordance with the Scottish Government's Urban Rural Classification as referenced in NPF4.
- 6.8 The IMFLDP2 also contains several subject policies relevant for the development including:

- 1 - Low Carbon Development
- 2 - Nature Protection
- 3 - Preservation and Enhancement
- 4 - Greenspace
- 5 - Green Networks
- 8 - Placemaking
- 9 - Delivering Development and Infrastructure
- 10 - Increasing Affordable Housing
- 11 - Self and Custom Build Housing

Highland Council Supplementary Planning Policy Guidance

- 6.9
 - Inshes and Milton of Leys Development Brief (Mar 2004)
 - Developer Contributions (March 2018)
 - Flood Risk and Drainage Impact Assessment (Jan 2013)
 - Green Networks (Jan 2013)
 - Highland Historic Environment Strategy (Jan 2013)
 - Highland's Statutorily Protected Species (March 2013)
 - Managing Waste in New Developments (March 2013)
 - Open Space in New Residential Developments (Jan 2013)
 - Physical Constraints (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. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Creating Places (Jun 2013)
- Designing Streets (2010)
- Cycling by Design (updated 2021)
- Design Manual for Roads and Bridges (DMRB) (updated Mar 2020)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)

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) layout and design
 - c) landscaping and open space provision
 - d) access, roads and parking
 - e) impacts on residential amenity
 - f) traffic impact
 - g) impact on trees and woodland
 - h) impact on habitats and species
 - i) impact on the historic environment
 - j) water, flood risk and drainage
 - k) impact on infrastructure and services and mitigation
 - l) any other material considerations.

Development plan/other planning policy

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP), and all statutorily adopted supplementary guidance.
- 8.5 NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while proposals for major developments must conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3 b).
- 8.6 Complimenting the above policies is NPF4 Policy 4, which sets out the developer requirements and decision makers duty to ensure that protected species are given adequate consideration prior to an application's determination. Policy 5 for Soils seeks to protect carbon-rich soils and prime agricultural land, restore peatlands, and minimise disturbance to soils from development. In this instance the majority of the application site falls under soil class 3.2, with some falling under class 4.2 which is not considered prime agricultural soil. However, the site is allocated and within the extant settlement boundary and therefore the policy holds limited weight in terms of disturbed ground, noting that the indicative proposal overall limits impacts on soils for its development type. In addition, Policy 6 for Forestry, Woodland and Trees seeks to protect and expand forest, woodland, and tree cover while sustainably managing trees on development sites. Policy 7 seeks to protect and enhance

Historic Assts and Places and sets out at section h) the criteria by which proposals affecting Scheduled Monuments will be supported. Finally, Policy 13 for Sustainable Transport considers that active travel nodes and public transport use should be promoted and facilitated by all developments.

- 8.7 Key NPF4 policies to the consideration of this application relate to the overarching principle of supporting development that achieves liveable places. Most pertinent are Policy 14 for design, quality and place, Policy 15 for Local living and 20-minute neighbourhoods, and Policy 16 for quality homes. These policies seek to promote and facilitate well designed developments that make successful places by taking a design-led approach and applying the Place Principle consistent with the six qualities of successful places. To that end, new residential neighbourhoods should seek to be compact and connected to facilities that allow residents to meet the majority of their daily needs within a reasonable distance of their home, while facilitating the delivery of affordable, sustainable, and high quality homes across a mix of tenures. Part a) of Policy 16 specifically supports proposals for new homes on land allocated for housing within Local Development Plans, while Policy 16 f) sets out the limited circumstances under which proposals for new homes on land not allocated for housing in the LDP will be supported.
- 8.8 Policies 18, 20, and 22 relate to the development's infrastructure requirements, whereby Policy 18 encourages an Infrastructure First approach to land use planning and placemaking and provides support for proposals that contribute to LDP Infrastructure Delivery Programmes. Policy 20 for Blue and Green Infrastructure seeks to protect and enhance blue and green infrastructure networks and supports in principle proposals that do not result in the loss of integrity of blue and green infrastructure. Policy 22 for Flood Risk and Water Management promotes avoiding, as a first principle, areas of known flood risk and sets out the criteria by which development proposals at risk of flooding or in a flood risk area will be supported.
- 8.9 Reinforcing the above are further policies that support the overarching principle of supporting development that creates productive places. To that end, NPF4 Policy 25 for Community Wealth Building supports proposals that contribute to wealth building strategies and are consistent with local economic strategies while seeking to encourage and facilitate community ownership and management of land. Additionally, Policies 26 and 28 for Business and Industry, and, Retail respectively are relevant to the mixed use proposal, whereby employment uses are supported that do not prejudice the primary function of the area and are compatible with area's character. Neighbourhood scale retail development is supported where it contributes to local living and 20 minute neighbourhoods, and/or is demonstrably contributing to the health and wellbeing of the local community.
- 8.10 Although the relevant general policies of the HwLDP remain an extant part of the Development Plan, the application is required to be considered against those of NPF4 in the first instance for the reason set out above. Nevertheless, the site-specific allocation of the IMFLDP remains relevant.
- 8.11 In this instance, the site is located within the Inverness Settlement Development Area as defined by the IMFLDP whereby it forms the planned expansion area for Inverness by covering the allocation IN69 Bogbain (East), which is allocated for business use. As such, IMFLDP Policy 2: Delivering Development, also applies.

Development of allocated sites will be supported subject to general conformity with the requirements of the allocation, including the provision of the necessary infrastructure, services, and facilities required to support the development. The allocation details several developer requirements, the most relevant of which being:

- the developer to prepare a masterplan / development brief to be agreed with the Council (potentially becoming Supplementary Guidance), addressing:
 - landscape character;
 - creation of defensible and attractive City edge;
 - protected species / habitat surveys with mitigation;
 - flood risk assessment;
 - waterbodies retention and setback;
 - protection and enhancement of existing Core Paths;
 - protection of existing woodland and additional tree planting; and
 - transport assessment.

8.12 The business allocation is proposed to be deleted from the emerging IMFLDP2 and the site excluded from the Inverness Settlement Development Area as this plan draws the SDA boundary more tightly around the built up area than in IMFLDP. Although IMFLDP2 represents the Council's 'settled view', limited weight can be given to it in the current assessment given the adopted status of the extant IMFLDP in comparison to the emerging plan, which is undergoing the Examination process.

8.13 Based on the above, the commercial / community component of the proposal accords with the approved development plan in terms of its boundary and proposed uses; accepting that community use is a deviation from the allocation, albeit one that accords with the South Inverness Priority, 'Land reserved for new jobs and facilities at district centres and close to junctions on the A9'. Additionally, the community use will improve the wider Milton of Leys residential neighbourhood's degree of self-containment by decreasing the need of its residents to travel further afield to access community services. Consequently, it is considered that this aspect of the development will diversify land uses within the wider Milton of Leys residential neighbourhood and provide local employment opportunities along with additional community facilities. This assessment is reflected in the grant of planning permission in principle 22/04305/PIP.

8.14 The Council has accepted the principle of development at this location, albeit for a different land use. To that end, NPF4 Policy 16 f) allows development proposals for new homes on land not allocated for housing where the proposal is supported by an agreed timescale for build-out, and where the proposal is consistent with the LDP's spatial strategy and other relevant policies including local living and 20 minute neighbourhoods, which the business and community uses contribute to. The site itself is part serviced, while the applicant has made a firmer commitment to the early phasing of non-housing uses and sustainable travel mode connectivity improvements, which will assist in the diversification and self-containment of the Milton of Leys neighbourhood and wider urban district.

8.15 It is noted that part iii. of NPF4 Policy 16 f) is more restrictive in its support for largescale housing schemes on unallocated land within Settlement boundaries by setting limits on the scale of housing developments. However, this assessment takes cognisance of the fact that the development of 400 houses with a 50% affordable

housing component proposed by a Registered Social Landlord will make a significant contribution to the Council's Housing Strategy Outcome 3, which seeks to improve access to a wider range of housing options. As such, the recommendation is that the principle of the development should be accepted at this location.

- 8.16 Subject to ensuring that the site is capable of achieving the Sustainable Design, Placemaking, and 20 Minute Neighbourhood Principles that come together to make a successful place and that there are no significantly detrimental impacts on residential amenity, the built and natural environment or existing infrastructure and services that cannot be mitigated, the proposal would be considered to comply with development plan policy.

Layout and design

- 8.17 The application is for planning permission in principle and as such the site layout is indicative at this stage. Nevertheless, there are a number of constraints and requirements set out in the IN69 allocation that the layout must take account of, including: protection and enhancement of existing woodland including appropriate tree setbacks; additional tree planting; open and amenity space; protected species, biodiversity and habitat enhancements; set back from watercourses, overhead lines (OHL), and the A9; as well as, protection and enhancement of core paths and improved active travel links, suitable internal road hierarchy, and other infrastructure requirements including flood mitigation and drainage arrangements, all of which limit the developable area of the site.
- 8.18 Internal layouts for residential developments of this scale should follow the principles of Designing Streets, which encourages the use of connected layouts and prioritises the needs of pedestrians and cyclists ahead of motor vehicles. In this instance, the indicative Site Layout Plan indicates a clear intention to provide a series of looping streets through the development to limit the need for cul-de-sacs, which is welcomed, while certain roads within the development should include a minimum of 2 metre wide footway and verge provision, which should be secured by condition.
- 8.19 The application proposes a mix of ownership tenures although detail of housing types is omitted from the submission at this stage. Nevertheless, it is considered that the site can accommodate a housing mix of detached, semi-detached, terraced house types as well as flatted accommodation. It is considered reasonable to limit house heights to 2.5-storeys to match heights of more recent housing developments in the wider area, and blocks of flats to 3 storeys along with limiting underbuilding and raised platforms given the elevation of the site, which is sited at higher contours than most of the City. It is acknowledged that allowances may be made for bespoke contemporary design provided designs appropriately respond to the site's context. Also given the support for self-build in the emerging IMFLDP2 (Policy 11) and NPF4 (Policy 16), it is also reasonable to secure provision for self-build residential units by condition, which should total 5% of the final housing mix. Further conditions are suggested to secure final design details including housing mix, material palettes, boundary treatments, landscaping, management of street furniture and the integration of public art. It is expected that these provisions will encourage the

developer to incorporate high-quality design that contributes some distinctiveness to what is likely to be a suburban style development.

- 8.20 The final internal site layout and design will be given further consideration in subsequent submission(s) for matters specified in conditions (MSC) applications. The layout will necessarily have to take account of matters discussed in this report while it is anticipated that an initial MSC will be submitted in the first instance so that the site's layout and its infrastructure can be approved prior to subsequent MSC applications for the separate phases and components of the development. However, the submission indicates that the site can accommodate the proposal including supporting infrastructure while addressing the constraints and requirements set out above and achieve a layout that accords with Designing Streets.

Landscaping and open space provision

- 8.21 In addition, the finalised layout must include an overall quantity and quality of open space provision that accords with the provisions of the Highland Council's Open Space in New Residential Development Supplementary Guidance. In applying the guidance, 40sqm of usable open space is required per person, equating to a requirement for 35,680sqm (3.6ha) of open space for the development.
- 8.22 Landscaping will be an integral part of the proposal. The applicant has produced a Landscape and Open Space Strategy that seeks to incorporate and integrate the shelter belt into the development while enhancing wildlife habitats in grassland areas. Final details of Open Space can be secured by condition to ensure that it is provided on site with meaningful connections to surrounding green networks and that there are adequate facilities for play and recreation, as well as biodiversity, while taking account of consultee concerns such as that of the Council's Forestry officer. The condition should ensure the landscaping designs for each phase are integrated and follow best practice principles to secure private and shared greenspaces that are designed to be a focus of the development and provide attractive settings for housing as well as flexible spaces that provide areas for growing, recreation, and play for users; to provide a high-quality streetscape; improved tree cover; that the development avoids creating unused areas beyond and between garden boundaries to avoid private maintenance and potential antisocial problems; that boundary treatments are carefully considered with hedges and low boundary walls as good alternatives to timber garden fences for the front of properties.

Access, Roads, and Parking

- 8.23 The application site will be make use of the existing access at the southern junction with the Milton of Leys Road / B9177 roundabout, where a proposed internal link road would be formed. The link road is indicatively shown to loop through the allocation site before connecting to the Monarch Road / Milton of Leys Road roundabout to the west of the site. Future matters specified in conditions applications will be required to demonstrate that the roundabouts including their existing / proposed arms are designed in accordance with the Design Manual for Roads and Bridges.
- 8.24 Internally, the indicative layout demonstrates the applicant's intention to implement a street hierarchy in accordance with Designing Streets, and that the development

can accommodate vehicular parking, which should include parking for all abilities, and bicycle parking for visitors and staff at each unit in line with the Council's Roads and Transport Guidelines for New Developments and Cycling by Design Guidance. However, the Council's Road Safety Team has noted that the indicative layout shows that the housing development would be severed by a Distributor Road running through the middle of it that does not appear to have been designed as a 20 mph limit nor pedestrian/active travel friendly. Both Transport Planning and Road Safety Teams suggest the finalised layout will need to consider this further.

- 8.25 Transport Planning has not specifically objected on account of the above given that final layouts will be considered in future detailed applications provided a condition is suggested to secure details of the proposed street hierarchy and associated street forms and designs, which should be approved before works commence on the development. The details are set out in Transport Planning's response and include all residential streets to be designed to limit traffic speeds to between 11mph and 15mph. New access junctions and internal roads must also be capable of safely accommodating 10.5m long 3-axle and front steering refuse collection vehicles, details of refuse storage collection points should also be secured by condition.
- 8.26 An Access Management Plan (AMP), which requires to detail access management during the construction and occupation phases of development with particular regard to Core Paths and the wider network can be secured by condition. Ahead of the site's occupation, the applicant set out its intention to provide a pathway on the Milton of Leys Road where it fronts the northern boundary of the site. The requires to be extended from the roundabout along the development side of the new road to the site entrance. To accord with Council guidelines this path requires to be 3m in width which must be detailed within the AMP. The AMP will also require to include details of: the design and specifications of all proposed paths; links to the path network at the south eastern end of the site and to Balvonie Street; the provision of a 'toucan' type signalised crossing on the Milton of Leys Road with footway / footpath links on both approaches; and drop kerb crossings on the new link road which serves the site. In addition, Transport Planning has also advised that a separate cycle route through the development, as indicated in the submission, may not be necessary given the residential nature of the development. The above measures are considered appropriate for the application for planning permission in principle and to adequately address the concerns of the Access Officer.
- 8.27 The nearest active bus stops are located on Milton of Leys Road and at MacAskill Drive, which are beyond the recommended maximum 400m walking distance. There is an additional closer bus stop at Milton of Leys Road near the Monarch Road / Milton of Leys Road roundabout, which the applicant's Transport Statement advises was secured through a developer contribution for a previous development, planning permissions 16/03609/PIP and 16/03620/FUL This bus stop is not in service. There is an additional unused bus stop on the north side of Milton of Leys Road at Balvonie Terrace, which is closer to the proposal site, and which the Transport Statement discusses the possibility of bringing into use however walking distances for many residents would still be beyond the recommended 400m.
- 8.28 Consequently, Transport Planning and the Public Transport Team are seeking two bus stop locations within the application site with real time bus information provision. The applicant has met with Stagecoach to discuss the options for extending the bus

service to the site and increasing frequency. Stagecoach has proposed a timetable for the Milton of Leys express service to operate on an hourly basis departing the city centre from 0705-1805 Monday to Friday with services and 0805-1805 on Saturday, although no Sunday services are discussed. It is considered that the provision of a half hourly service 7 days a week will make travelling by bus more appealing to future residents and the wider community.

- 8.29 The applicant has agreed to pay a total £396k contribution to improve public transport to the proposed development. This amount equates to the startup costs of two new routes to serve Milton of Leys, with the first route likely to be an hourly direct daytime bus service operating Monday to Saturday, to be in service prior to the first occupation of Phase 1. The second bus service is anticipated to increase bus frequency and enable transport links to a greater range of destinations and is required to be operational prior to the first occupation of Phase 2. Additional contributions have also been sought, and agreed, towards a minimum of two bus shelters within the new development, to be installed and ready for use ahead of the first occupation of the phase the bus shelter is intended to serve. Funding for real time information equipment for both shelters and the existing shelter at Milton of Leys Road / Balvonie Street is also agreed, with the latter equipment to be ready for use on first occupation of Phase 1. These contributions equate to a total of £32,770 and should be secured by Section 75 agreement.
- 8.30 In terms of school transport, it is understood that there will be increased demand for school transport to Millburn Academy, beyond the current requirement of four double-decker buses, as the development grows. It is expected that pupil numbers will exceed the capacity of the current bus provision when approximately half of the proposed 400 houses are occupied. In order to mitigate this concern, the applicant has agreed to make 3no. annual contributions of £80k towards additional school buses with the first payment to be made on occupation of the 201st house and the following payments to be made in the years following. The contribution should also be secured by a Section 75 Agreement.
- 8.31 The submission identifies areas where the local footway and footpath network would benefit from being upgraded, although makes no commitments to providing upgrades. As such, the Council's Road Safety Team advises that it would be proportionate to require the applicant to provide two toucan crossings in the vicinity of the footpath / cycleway shared use links that exist from the site onto Milton of Leys Road. These crossings can be secured by condition.
- 8.32 Vehicular parking must be provided in accordance with the Council's Roads and Transport Guidelines for New Developments including parking for: minimum provision within single houses, and additional visitor parking provision within the road layout, and parking at the business and community development; as well as accommodate the accessible parking and EV charging facilities as require by Building Standards, in particular at flatted developments. Conditions are suggested to ensure parking provision complies with standards.
- 8.33 Similarly, conditions can be used to ensure that final designs include adequate cycle parking provision, including at the business and community development, and with

cycle parking facilities ideally provided on the ground floor within the building of flatted accommodations.

- 8.34 A condition is also proposed to secure a Construction Traffic Management Plan prior to works on each phase commencing on site to manage impacts from construction traffic.

Amenity

- 8.35 The proposal is not considered to be detrimental to the established residential amenity of properties in the wider Milton of Leys neighbourhood in terms of overlooking, loss of privacy, and overshadowing, by virtue of separation distances and existing structure planting. Some disruption is expected during the construction phase of development however Environmental Health has no objections on that regard. It is expected that the developer's contractors will employ the best practicable means to reduce the impact of noise from construction activities in accordance with BS 5228. The applicant's Noise Impact Assessment has identified that working hours will be 8am to 6pm Monday to Fridays and 8am to 1pm on Saturdays however works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times.
- 8.36 Appendix A of the Noise Impact Assessment lists proposed mitigation and it is expected these measures will be in place throughout the construction period. These details can be secured through a condition on Construction Environmental Management Plan (CEMP), along with a scheme for the suppression of dust however, it should be noted that any construction noise complaints would be dealt with by Environmental Health via Section 60 of the Control of Pollution Act 1974 rather than by planning condition. Furthermore, a Construction Traffic Management Plan should also be secured by condition in order to detail construction traffic routes, construction site delivery times, and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up and drop off times at local schools.
- 8.37 In terms of the amenity of future residents of the application site, there is potential for those properties sited closer to the A9(T) to be detrimentally impacted by traffic noise emanating from the trunk road. Indeed, the Noise Impact Assessment predicts that noise levels emanating from the A9(T) that exceed BS8233 standards for living rooms and bedrooms at night. The levels are such that for some houses, internal noise levels may be intolerable with windows open for ventilation. In such cases, the only option for mitigation would be to keep windows shut, which is far from ideal, although these would likely still require a high specification of glazing installed correctly in order to work at maximum efficiency. If relying on closed windows to meet the acceptable noise levels, the houses must then be designed to include an appropriate alternative ventilation measure that does not compromise heat or noise insulation requirements. In such circumstances the recommendation is that such ventilation meets the requirements of Building Standards on the basis that the windows are to be considered permanently shut regardless of whether or not they can actually be opened.
- 8.38 Nevertheless, Environmental Health has not objected to the development on the grounds of negative impacts on some properties closer to the A9(T) from traffic

noise, in part because traffic noise impacts is not an issue that can be enforced by the service. Nevertheless, a detailed application will be required to provide sufficient clarification as to how acceptable internal noise levels will be achieved at vulnerable properties. The applicant will also be required to provide details of the proposed means of ventilation for those properties where internal noise limits can only be met with windows closed (which should be agreed to with Building Standards).

Traffic impact

- 8.39 The submission includes a revised Transport Assessment (TA) that analysis the impacts of the likely vehicular trip's generated by a mixed use development that includes business and community uses and 400 residential units at the location. Trip generation for business and community land use includes a 10% trip generation reduction factor (amended from 50%) to account for 'linked trips' from the 400 residential units and 'passing-by' trips from the local road network. The trip distribution assumption used in the revised TA is of 25% of vehicular trips using the A9(T) and 75% using the local road network given the presence of local shops, schools, and leisure facilities.
- 8.40 The predicted development traffic movements using the local road network are 257 two-way vehicle trips in the AM peak (08:00-09:00 hours) and 340 two-way vehicle trips in the PM peak (17:00-18:00 hours). The predicted development traffic movements utilising the A9(T) are 86 two-way vehicle trips in the AM peak and 113 two-way vehicle trips in the PM peak.
- 8.41 Based on the above model, of the 257 two-way AM vehicle trips generated by the development, 178 vehicular trips will use the Sir Water Scott Drive / Inshes Road roundabout (near the MacDonalds), with 90 cars modelled to travel north on Sir Walter Scott Drive to Inshes Roundabout and 88 vehicle travelling south. Survey results of the Roundabout show that the feature's southbound approach is operating at practical capacity in the PM peak and that proposal will result in exacerbated traffic congestion at the roundabout at both AM and PM peak times. The analysis has not included impacts when the Toucan crossing at the roundabout is in use, which is likely to increase traffic congestion.
- 8.42 The applicant has suggested mitigation measures to improve the roundabout's operational efficiency including advanced signage and amend / additional road markings. However, Transport Planning advise that such measure will not improve the operational efficiency of the feature and therefore object to the proposal on the grounds of impacts on the wider road network, which has not been resolved.

Trees and woodland

- 8.43 There are mature mixed broadleaf treebelts within the site that are between 15 and 30 metres wide with varying densities of tree cover ranging from areas absent of trees, although some these areas are naturally regenerating, to full woodland cover. Although somewhat degraded, these belts appear on the First Edition (1860s) and Second Edition (1900's) Ordnance Survey maps and so are an important long standing landscape feature that should be retained and enhanced as part of the new development.

- 8.44 The applicant has had the trees on site surveyed and has provided a Tree Schedule, Tree Survey Report and a set of 7 Tree Constraints Plans. There are however no initial Tree Protection Plans in support of the application to show how existing trees would be retained from development. Moreover, the Council's Forestry Officer has advised that the final site layout should be informed by the Root Protection Area of trees rather than the crown spread, which is generally much larger than crown spreads.
- 8.45 Nevertheless, the Forestry Officer has withdrawn their objection subject to the indicative layout not being approved as part of the PIP and conditions being applied to ensure that finalised proposals include a minimum 20m buffer zone between trees and proposed residential and retail units to avoid conflict, nuisance and safety concerns. The Forestry Officer has also requested conditions to secure that any future MSC applications are accompanied by a Tree Survey Report, a Tree Schedule, a Tree Constraints Plan, an Arboricultural Method Statement (including arboricultural supervision), and a Tree Protection Plan, in addition to a landscaping plan and maintenance programme. A condition to ensure that no trees are cut, uprooted, topped, lopped, or wilfully damaged from the date of permission without written approval from the Planning Authority, is also suggested.

Habitats and species

- 8.46 The submission includes a Preliminary Ecological Assessment Report and follow up Ecological Assessment Report, which includes the results of surveys carried out to determine the presence of rare plants, habitats, Invasive Non-Native Species, protected species, and ornithology. The report assesses any potential impacts from the development.
- 8.47 In terms of habitats, the Phase 1 Habitat Survey concluded that the allocation hosts several habitats including broadleaf woodland of semi-natural origin, scattered scrub, parkland with scattered broadleaf and conifer trees, neutral grassland, semi-improved pasture, arable ground, and several manmade features including buildings, walls, fences and earth-banks. No invasive species were reported. The report advises that woodland, scrub, and scattered trees have the most value in terms of habitat and biodiversity while the woodland across the site is considered to be a Moderately Ground Water Dependent Environment that should be avoided by development in the first instance, with compensatory trees planted where this is unavoidable. Where scrub is to be removed, the report advises that compensatory planting should include scrub plants such as willow, blackberry, heather, and broom, which should be planted in clumps. Additionally, compensatory planting for scattered parkland trees should include native flowering and fruiting tree species, while species rich grassland planting would mitigate the loss of any grassland.
- 8.48 The proposal is required to be assessed under Policy 3(b) of NPF4, which requires major developments to conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, and which must include future management. These provisions are also required by Policy 2 of IMFLDP2 Proposed Plan. In this instance, the report includes mitigation, but not habitat or biodiversity enhancement. It is therefore appropriate to secure that the detailed applications are each accompanied by an up to date Ecological Impact

Assessment (EcIA) and an outline Habitat Management Plan to include a Biodiversity Enhancement and Management Plan in order to increase the biodiversity of the site by 10%, as requested by the Council's Ecologist,. The EcIA must consider priority habitats and priority species listed within the Highland Nature Biodiversity Action Plan to fulfil Policies 57-60 of the Highland Wide Local Development Plan and also consider the proposal's impact on soils as per NPF4 Policy 5.

- 8.49 Protected Species Surveys have been undertaken. No signs of badger, otter, or red squirrel were located during the survey, however, due to the limitations of surveys, it is appropriate to secure pre-construction surveys for these species by condition. A potential pine marten den was reported that requires further investigation to ascertain the level of mitigation required for that feature however the report demonstrates that pre-construction surveys with mitigation measures will also be required for pine marten as well.
- 8.50 Additionally, several trees were identified across the site as having bat roost potential, with one tree found to contain bat droppings but not considered to be a maternity roost. A subsequent bat activity survey using thermal cameras confirmed the presence of one brown long-eared bat roost located out with the application site. Similarly, an onsite concrete water structure was also found to have roosting potential.
- 8.51 Habitats on the site are considered suitable for bat foraging, which was borne out by transect surveys that reported, in order of frequency, soprano pipistrelle, common pipistrelle, and Natterers bat species use the site, with bat activity largely associated with mature trees and areas of scrub. A range of mitigation measures in relation to bats are proposed to ensure the protection and enhancement of existing and potential bat roosts, foraging and connectivity opportunities, and to provide for new roosts. These mitigation measures can be conditioned to ensure the protection of bats and bat habitat during the construction and occupation phases of development. However, it is also noted that protected species surveys are only valid for a limited time so new detailed surveys should be secured for future detailed applications by condition. In addition, all construction works should be undertaken in accordance with an approved Construction Environment Management Plan (CEMP) and a condition is suggested to ensure that detailed applications include CEMPs with Schedules of Mitigation. EPS licenses may likely be required for any construction activity so a suitable informative is suggested.
- 8.52 In terms of ornithology, the site's location is such that there are no connectivity concerns with bird populations connected with designated sites. Similarly, although it is acknowledged that there is suitable foraging habitat for geese, the site's size means that it's loss as a foraging site is not significant. Several red list bird species were recorded across the wider site including blackbird, linnets, and song thrush, as well as amber list willow warbler and dunnoek. The removal of scrub and gorse would result in the loss of habitat for these species. As such, mitigation measures are proposed including not removing scrub until necessary for works, and then removing it in stages; including scrub in landscaping plans including gorse and heather; and, leave areas of gorse in situ but away from areas of high human activity. Additionally, species rich grassland planting would compensate for any loss of

meadow pipit and skylark habitat. Such measures to improve habitat for ornithology can be secured via a Habitat Management Plan.

Historic Environment

- 8.53 There are no recorded features within the application site registered on the Highland Historic Environment Record however there is a record of pits / postholes / and ditch feature at the southeast of the wider allocation while the scheduled monument of Bogbain Wood lies in woodland south of the site, attesting the wider area's rich archaeological potential. The scheduled monument comprises prehistoric features including a hut circle and field system, while its setting is localised being located in light woodland on a gentle northwest facing slope. The development is separated from the monument by woodland, open ground, and agricultural fields, and, given these factors, is not considered to adversely impact the integrity or interpretation of the monument's setting, as reflected in Historic Environment Scotland's response. Similarly, the Category C Listed Bogbain Farmhouse is on the opposite side of the A9(T) to the southeast of the site boundary and is not considered to be impacted by the proposal.
- 8.54 A Cultural Heritage Desk Based Assessment has been submitted that identifies the surviving remains of a heritage asset of regional heritage value that would be directly impacted by development. There is potential for more undiscovered archaeology on site and as such a condition can secure a Written Scheme of Investigation / Programme of Work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation.

Water, Flood Risk, and Drainage

- 8.55 Scottish Water has advised that the development would be supplied fresh water from the Water Inverness Treatment Works. In terms of flood risks, the applicant has provided a Flood Risk Assessment (FRA) that assess the development's risk of fluvial flooding from the Mill Burn and the Scretan Burn including its tributary, which is a headwater of the Dell Burn.
- 8.56 The FRA predicts some flooding from the Dell/Scretan Burn that could affect the existing access road to the north of the development however this should not affect emergency access/egress to and from the site as there are two routes available.
- 8.57 There is a small area of predicted flooding in the south west corner of the site from the Mill Burn during a 1 in 200 year plus climate change event, which is shown as open space on the indicative Site Layout Plan. Additionally, the Redwood Avenue track to the south of the site is on a substantially raised bund above the Mill Burn, which the FRA has demonstrated does not constitute an informal flood defence and therefore concludes that the risk to the site from the Mill Burn is low. Consequently, both the Council's Flood Risk Management Team (FRM) and SEPA are in agreement with the findings of the FRA that the site is not at significant risk of flooding from either burn and is largely developable for the purposes outlined in the application. Notwithstanding however, detailed future applications will require more detailed flood risk modelling to inform final layouts, with development avoiding areas at risk of flooding, which should be secured by condition. Similarly, both

- 8.58 In terms of surface water flood risk, SEPA mapping shows pockets of known risk of pluvial flooding within the site and along the Milton of Leys Road, which, if developed, require to be subsumed into the surface water drainage strategy. The submission includes an indicative surface water drainage strategy to drain all surface water run-off from roads and curtilage into an end-of-line SUDS detention basin to the north of the site, which would discharge into a swale connecting to the Scretan Burn. If designed appropriately, such arrangements should provide sufficient levels of treatment, with the pipe network, SUDS basin, and swale being designed to Scottish Water requirements for vesting.
- 8.59 The FRA shows that the majority of the site drains to the Dell/Scretan Burn with only a small area of the site in the west shown to be within the Mill Burn catchment. Due to the location of sensitive receptors downstream of the Dell Burn having a history of flooding from this source, FRM require that all discharge rates from overland and road and hard surface runoff within the application site to be limited to the 1 in 2 year greenfield run off rate for all storm events up to and including the 1 in 200 year event plus an allowance for climate change. The amended information shows that surface water discharge to the Dell/Scretan Burn can achieve at the 2 year rate of 42.7l/s, calculated on an impermeable developed area of 7.264Ha. Although the calculation will require to be revisited at detailed design stage when the precise area of development within the Dell Burn catchment is known, which should be secured by condition, FRM has accepted the calculation as being a conservative estimate at this stage.
- 8.60 Transport Planning also advises that the Drainage Impact Assessments to be submitted with each phase of development must include an appropriate level of road surface water quality treatment and attenuation, which should be supported by calculations and drawings, as above, for each phase with the approved SUDS designs fully implemented before each phase's occupation.
- 8.61 Conditions are suggested to secure flood risk mitigation measures as well as an updated and Detailed FRA and Drainage Strategy to include a revised Drainage Impact Assessment showing specific measures as required by FRM, Transport Planning, and SEPA. Additionally, a condition is attached to ensure the development is connected to the public sewer for foul drainage.

Impact on Council Infrastructure and Services and Proposed Mitigation (Developer Contributions)

- 8.62 Planning obligations are sought to mitigate the impact of the development that cannot be mitigated through the planning process or through the use of planning conditions, and is subject to the Scottish Government Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements. In line with HwLDP Policy 31, the Council adopted its Developer Contributions Supplementary Guidance (DCSG) in November 2018, which sets out the Council's approach to mitigating the impacts of development on services and infrastructure by seeking fair and realistic developer contributions to the delivery of such facilities. Following on, the Council's Development Plans Team has assessed the proposals for contributions to affordable housing, education, transport and active travel, community facilities, public art, waste and water, and green infrastructure.

- 8.63 It should also be noted that phase one has already been granted planning permission in principle where (21/02032/FUL) whereby conditions were included to secure design details of a new bus stop on the development side of Milton Road to serve the business site in the event a bus service is brought into service along the road, as well as providing real time bus information at the nearest bus stop at Milton Road / Balvonie Street. Additionally, conditions were applied to secure the implementation of a public art strategy, and green infrastructure provided through a BEMP, HMP, and onsite landscaping, although no contributions were required towards education provision. It is appropriate to reapply those conditions here in order for the Council to retain control of developer contributions applied for phasing.
- 8.64 In addition to the above, the Council adopted new rates in May 2023 however it has subsequently been agreed that these rates will only be applied to applications submitted after 04 May 2023. Therefore, because this application was submitted in 2022, the developer contributions set out below are at the older rate.

Affordable Housing

- 8.65 The Affordable Housing Policy of the HwLDP and our Developer Contributions Supplementary Guidance requires that at least 25% of all homes on the site must be affordable rounded to the nearest whole number (para 4.4 of DCSG). On this basis, the minimum number of affordable units should be 100 however 200 affordable units are proposed across Phases 2 to 6 of the development. 70% affordable provision is proposed for Phase 2 while subsequent apportionments are to be agreed at future MSC applications for later phases. This apportioning is agreed to by the Council's Development Management Team as ensuring early delivery of affordable housing while allowing for the integration of market and affordable housing and to allow the developer to recover the costs that will be incurred when delivering infrastructure.

Education

- 8.66 The Inner Moray Firth 2022 Delivery Programme requires all housing development within the Millburn Academy catchment to contribute at major extension/new school rates + land costs at £91 per house and £52 per flat (Q2, 2018). The Delivery Programme also requires all housing development within the Milton of Leys Primary School catchment to contribute at 2 classroom extension rates as per the table below.

Cumulative Transport Contributions

- 8.67 The site is within the Inshes and Milton of Leys Development Brief (IaMoLDB) area which lists required off-site transport contributions. These requirements have been updated in respect of Inshes Corridor by the provisions of the Inverness East Development Brief and by the Inner Moray Firth Proposed Local Development Plan in terms of the need for active travel network improvements.

Site Specific Transport Contributions

8.68 Transport Planning and the Road Safety Teams consider that Developer Contributions should be secured towards active travel and public transport provision, including:

- The provision of two 'toucan' type signalised crossing on the Milton of Leys Road with footway / footpath links on both approaches;
- The provision of a 'toucan' type signalised crossing on the access road to the south of this development with footway / footpath links on both approaches;
- The upgrade of all existing crossing points within the vicinity of the site;
- Provide new road drop kerb type crossing opportunities;
- Extend the Milton of Leys Road footway provision on the development side of the road to the site boundary;
- Contribution to secondary school transport;
- Commitment to provide £198,000 each to two new start bus services to increase frequency and travel options to Milton of Leys; and,
- Commitment to provide or fund two new onsite bus shelters with real time information equipment along with additional real time bus information equipment for the bus stop at Milton of Leys Road / Balvonie Street.

8.69 The applicant has agreed to the above.

Community Facilities

8.70 Developments of 4 or more houses are required to contribute towards the enhancement or creation of new community facilities where a deficiency has been identified. The IaMoLDB specifies particular facility improvements including Inshes District Park. A standard rate contribution should be sought, see table below.

Public Art

8.71 Given the site's size and prominence then the development should incorporate public art on its "public frontage". The present mounded area or primary "entrance" roundabout would be the obvious location for such provision. A condition is applied to secure a public art strategy for the site and to ensure that detailed applications align with the strategy.

Waste and Water

8.72 The DCSG states that all developments are required to make provision for waste management, including bins and recycling points as set out in the Managing Waste in New Developments Supplementary Guidance. Advice should be sought from the Council Waste Management Officer No financial contribution to the Council is required however the altitude of the site relative to existing water storage tanks may cause pressure problems and the need for augmentation of local storage facilities, which would require careful design and negotiation with Scottish Water.

Green Infrastructure

- 8.73 As discussed, the Council's open space guidance requires a provision standard of 40sqm per person in Inverness. Applying the guidance, 200 private units and 200 affordable results in a requirement for 35,680m² of greenspace. The application layout meets this quantitative requirement however detailed designs will require to demonstrate that open space will be of high amenity, recreational, and biodiversity quality.

Summary of Developer Contributions

8.74

Summary of Developer Contributions – <u>Adopted DCSG</u>			
Infrastructure / Service Type	Answer	Contribution Rate (per house)	Contribution Rate (per flat)
Education	Primary – Two classroom extension rate	400 x £2,041 = £816,400	400 x £1,157 = £462,800
	Secondary – Major extension required and land costs	400 x (£3,482 + £91) = £1,429,200	400 x (£1,875 + £52) = £770,800
Community Facilities	Contribution required (as per laMoLDB or standard rate)	If at standard rate - 400 x £1,019 = £407,600	
Affordable Housing	100 units	200 units proposed	
On-site Transport Requirements	Seek advice from Transport Planning	Discussion with Transport Planning	
Cumulative Transport Contributions	As per laMoLDB as updated in respect of Inshes Corridor by the provisions of the Inverness East Development Brief and by the Inner Moray Firth Proposed Local Development Plan in terms of the need for active travel network improvements.	Discussion with Transport Planning	
Green Infrastructure	Adequate, useable on-site provision	n/a	
Water and Waste	Augmentation of water storage / pressure likely to be required	Discussion with Scottish Water	
Public Art	On-site provision	-	
Development Total		Depends on housing mix (see above)	

Total Per Home	£6,633	£4,103
<i>All costs are subject to indexation and reflect Q2 2018</i>		

Payments and Indexation

- 8.75 An upfront payment is encouraged wherever possible. This option is often desirable when the time and legal costs to set up a planning obligation are disproportionate to the level of contribution required. Where a planning obligation is entered into, developers may have the option to phase payments over the lifetime of a development. It is the Council's standard that twice yearly payments are made on the **1 April** and **1 October** each year based on the number of homes completed in the six months preceding these dates. Invoices are issued by the Council to request payment shortly after these dates. Developer contributions are subject to indexation and will be re-calculated to reflect the current BCIS All-in Tender Price Index at the time of payment with the costs set out within this response reflecting **Q2 2018**.

Other material considerations

- 8.76 There are no other material considerations.

Non-material considerations

- 8.77 The following issues are not material to the planning assessment of this application:
- Speculative impacts from climate change on lower ground and a requirement to keep higher ground free to accommodate new infrastructure;
 - maintenance issues with existing offsite community facilities.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.78 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Contributions to the delivery of enhanced Primary Education capacity within the City of Inverness, in the first instance a two classroom extension of Milton of Leys Primary School (£2,041 per house or £1,157 per flat);
 - b) Contributions to the delivery of enhanced Secondary Education capacity within the Millburn Academy Catchment Area, in the first instance to the delivery of a new school and/or major school extension to mitigate the impacts of the development (£3,482 per house or £1,875 per flat) plus new school land acquisition costs (£91 per house or £52 per flat);
 - c) Contributions to the delivery of community facilities including a Library / Service Point, Community Hall, and Neighbourhood Shop (£589 per home);
 - d) Contributions towards Inshes District Park (£2,526 per home);
 - e) Contributions towards playing fields (£296 per home);
 - f) Contributions towards Inshes Corridor at Inshes Roundabout (£45 per home);
 - g) Contribution to secondary school transport (3 x payments of £80k);
 - h) Commitment to provide £198,000 each to two new start bus services to increase frequency and travel options to Milton of Leys; and,
 - i) Commitment to provide or fund two new onsite bus shelters with real time information equipment along with additional real time bus information

equipment for the bus stop at Milton of Leys Road / Balvonie Street.

- j) Minimum of 50% (200) affordable housing to be delivered on site including delivery of Phase 2 of the development of 70% affordable homes, with subsequent apportionments to be agreed at future MSC applications for later phases.

8.79 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 or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

9. CONCLUSION

9.1 The Council has accepted the principle of development at the location given the allocation in the extant IMFLDP for business use, which the application includes along with community uses, and which has already been approved for planning permission in principle under a separate application. Those components are considered to contribute to the autonomy and amenity of the wider Milton of Leys community by diversifying land uses and providing additional facilities and services. Consequently, that aspect of the proposal is considered to contribute to local living and a 20 minute neighbourhood.

9.2 While it is acknowledged that the proposal will result in offsite impacts on the local road network, the development site represents the last major allocation within the Inshes and Milton of Leys areas and provides opportunity to improve services and infrastructure for current residents and new. The site itself is part serviced, while the applicant has committed to the early phasing of the aforementioned non-housing uses and sustainable travel mode connectivity improvements, which will again, assist in the diversification and self-containment of the neighbourhood and wider urban district. The report sets out how the assessment has given greater weight to the fact that the development of 400 houses with a 50% affordable housing component proposed by a Registered Social Landlord, which will make a significant contribution to the Council's Housing Strategy Outcome 3, which seeks to improve access to a wider range of housing options.

9.3 The application is for planning permission in principle, while the technical details of the development will be considered through subsequent applications for Matters Specified in Conditions, which are suggested with this report. It is considered that the applicant has considered the constraints across the site and has shown that they can be overcome. Nature and biodiversity enhancements are secured as is required by NPF4. Impacts on flood risk have been considered in detail and can be mitigated subject to conditions to secure appropriate final layouts and design. Consequently, it is considered that the application site can accommodate the development as proposed and can therefore be supported.

9.4 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): the proposal contains a 50% affordable housing component.

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 Y

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation Y

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. 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.

Reason: in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended

2.
 - A. Planning Permission in Principle is hereby granted for residential development of up to 400 homes with 50% being made available for affordable housing, along with associated engineering works, landscaping, open space, parking, drainage and servicing and new accesses to be carried out in accordance with NPF4 Policies for 14, 15, 16, and HwLDP Policies 28 and 29, along with national guidance Creating Places and Designing Streets.
 - B. No development shall commence on each phase or sub-phase until a phasing plan in accordance with the principles set out in the Supporting Documents 'Milton of Leys Masterplan: Proposed Phasing' dated 20 June 2023 and received 24 August 2023, and, 'Covering Letter – Phasing Plan' dated 16 August 2023 and received 24 August 2023, setting out the proposed number of units within each phase or subphase including the number of units being made available for affordable housing with each phase, has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, Phase 1 shall be for the business and community uses, Phase 2 shall be for 74 residential units and no less than 70% (52 homes) shall be made available for affordable housing.
 - C. The residential unit buildout rates shall not exceed 30 homes per annum, excluding one-bedroom homes, unless otherwise agreed in writing accord by the Planning Authority in consultation with the Highland Council's Education Services following review of year-on-year School Role Forecasts.

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To define the extent and terms of the development consent. To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages, and to ensure that the local primary school can operate within its operational capacity.

3. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase, has been submitted to, and approved in writing by, the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of indicative Site Layout Plan (Drwg No: 160361A -360 -ZZ -ZZ -DR - A -0003 REV G) Creating Places and Designing Streets and other relevant national and local policy and guidance related to the matters set out below:
 - a) Siting, design, and external appearance of all buildings and other structures, with:

- i. A minimum separation of 20 metre between existing tree stems and all commercial, community, and residential units;
 - ii. No single residential properties of more than 2½ storeys in height;
 - iii. No flatted accommodation of more than 3 storeys in height;
- b) Siting and layout of all self-build plots, which shall be a minimum of 5% of total number of homes on site, with these to be made available for sale as serviced plots and be sold off individually to self-builders with the size of the plots to remain in accordance with the average plot size as shown on the indicative Site Layout Plan (Drwg No: 160361A -360 - ZZ -ZZ -DR - A -0003 REV G);
- c) Details of sustainable design considerations inclusive of an energy strategy;
- d) Details of site access including from the Milton of Leys Road / B9177 roundabout, and, the Monarch Road / Milton of Leys Road roundabout, the link road between which shall be completed prior to the first occupation of Phase 3;
- e) Layout of the site, in accordance with Designing Streets principles;
- f) Road layout including:
 - i. The road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. Junction layouts and design;
 - iv. Junction and forward visibility requirements;
 - v. Junction spacing;
 - vi. Vehicle tracking at junctions and standard radii;
 - vii. Details of provision for cyclists and pedestrians (including on routes linking the Milton of Leys Road / B9177 roundabout with the Monarch Road / Milton of Leys Road roundabout) with junctions and crossing designed to facilitate active travel;
 - viii. Provision for disabled users following consultation with the Inverness Access Panel (if functioning);
 - ix. Details of safer routes to school (including provision of 2no. toucan signalised crossings and footway links / dropped kerbs along the site's road frontage and onsite Provision / within adopted road boundary to the satisfaction of the local Roads Authority a 3 metre wide bituminous surfaced kerbed and lit footway); and,
 - x. Details of the location and type of service strips within the intended adoptable road boundary;
- i) Provision of car parking inclusive of disabled parking including in curtilage parking, communal parking areas, parking courts and on-

street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;

- j) Provision of covered cycle parking including resident cycle parking in houses and communal cycle parking within buildings containing flats and external secure, covered visitor cycle parking at flats;
- k) Public open space provision, including a timetable for delivery, in accordance with the Open Space in New Residential Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- l) Public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- m) Hard and soft landscaping, including a timetable for delivery;
- n) All boundary treatments within the site;
- o) Management and maintenance arrangements for (g) through to (l) above;
- p) Provision for service vehicles following occupation of the development;
- q) Provision of surface water drainage systems, including access or maintenance, across the Phase or sub-Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements thereof;
- r) Water and waste water connections, with connections to the public water and waste water networks;
- s) Means of dealing with domestic waste in accordance with the Highland Council's Managing Waste in New Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- t) Details of existing trees, shrubs, and hedgerows to be retained and removed;
- u) Details of existing and proposed site levels with fall arrows;
- v) Details of finished floor levels; and,
- w) Details of all external lighting ensuring that safety and security are addressed with no lighting directed skyward or towards habitat corridors.

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

4. No development shall commence within each Phase or sub-Phase until details of the material palette for all building's external finishes, including roofs, walls, doors, windows, rainwater goods, micro renewables (with

reference to RAL numbers and manufacturer specifications), has been submitted to and approved in writing by the Planning Authority.

Reason: To promote a sense of individuality and sense of place within the development, in the interests of visual amenity.

5. Any details pursuant to Condition 3 above shall be informed by and include a Construction Environmental Management Plan (CEMP) and no development shall commence within each Phase, or sub-Phase, until the CEMP has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:
 - a) A 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 plans:
 - i. Ecological Impact Assessment (which must consider priority habitats and priority species listed within the Highland Nature Biodiversity Action Plan and the development's impact on soils);
 - ii. Habitat Management Plan (HMP), to include the following:
 - Proposed biodiversity enhancement measures of the site detailing the creation and management of the biodiversity enhancements. The HMP shall include a plan of the biodiversity enhancements and show a minimum biodiversity net gain (BNG) of 10% using the Defra BNG Metric, or any other justified and appropriate metric available at the time;
 - The HMP shall include provision for the regular monitoring and review of the HMP's objectives and include measure for securing amendments or additions in the event that the HMP's objectives are not being met;
 - Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with the written approval of the Planning Authority) shall be implemented in full;
 - iii. Species Protection Plans including for, but not limited to, Badger, Otter, Red Squirrel, Pine Marten and breeding birds protection plans. The Species Protection Plans shall include mitigation measure outlined in the Milton of Leys Housing development: Preliminary Ecological Assessment Report by Dr Eric Donnelly, dated 30 November 2022, received 07 March 2023;
 - d) Pollution prevention plan, including water management by way of SUDS;
 - e) Dust management plan, including from construction traffic;

- f) 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, with:
 - i. A description of the most significant noise sources in terms of equipment; processes or phases of construction;
 - ii. The proposed operating hours and the estimated duration of the works for each phase;
 - iii. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required);
 - iv. A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.;
- g) Site waste management plan, including details of a materials handling plan with details of existing and proposed site levels, with the plan to specify the removal of inert waste and re-worked material from the top 1m of the site;
- h) Measures to protect private water supplies; including an emergency response plan;
- i) Details of existing site boundary walls and fences to be retained, repaired or enhanced, and details of construction site access and means of enclosure; and,
- j) Details of the location and extent of all construction compound and laydown areas, as well as timescales for their removal with ground restoration / re-instatement.
- k) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- l) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties; and,
- m) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

Thereafter, the development shall proceed in accordance with the approved CEMP.

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

- 6. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species have been undertaken and copies submitted to both the Planning Authority. This shall include additional bat, badger, and pine marten surveys

with species protection plans to be followed. Should any protected 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. Any details pursuant to Condition 3 above specific for phases 5 and 6 shall include a Noise Impact Assessment (NIA) demonstrating how the following noise limits will be met:

Internal Levels

- 35 dB LAeq daytime and 30 dB LAeq night-time in habitable rooms;
- 45 dB LAm_{ax} in bedrooms (night-time).

External Levels

- <55 dB daytime in all external amenity areas (gardens).

The NIA shall include clarify how these levels will be achieved. For the avoidance of doubt, the developer must satisfy itself that where internal limits can only be met with windows closed, the proposed means of ventilation for these properties will satisfy Building Standards.

Reason: in order to protect the amenity of the occupants of the development.

8. Any details pursuant to Condition 3 above shall be informed by and include an Access Management Plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the Planning Authority for each Phase or sub-Phase of the development. The plan shall show:

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance, or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc., at 3 metres wide, and how these will integrate with existing or proposed networks. Details shall include but not be limited to:
 - i. Pedestrian access to any and all core paths and rights of way;
 - ii. Construction details of all paths, inclusive of material finishes, which shall be kerbed (not wooden edged) and bitmac, and drainage details; with all remote routes through woodland to detail a no dig solution within any root protection areas and elsewhere

all paths and watercourse crossings shall be to Lowland Path Construction Guide standards;

- iii. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- iv. The provision of two 'toucan' type signalised crossing on the Milton of Leys Road with footway / footpath links on both approaches;
- v. The upgrade of all existing crossing points within the vicinity of the site;
- vi. Provide new road drop kerb type crossing opportunities;
- vii. Extend the Milton of Leys Road footway provision on the development side of the road to the site boundary.

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, in the interest of active travel, safety, amenity and tree root protection.

9. Any details pursuant to Condition 3 above shall be supported by a Construction Traffic Management Plan (CTMP) which includes:
 - a) Specification that no other development shall commence until the access junctions at both Milton of Leys Road / B9177 roundabout and the Monarch Road / Milton of Leys Road roundabout are installed to the satisfaction of the Roads Authority;
 - b) Identification of the routes to site for construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
 - c) Scheduling and timing of movements, avoiding school pick up and drop off times for Milton of Leys Primary School and Millburn Academy;
 - d) Traffic management measures on the routes to site for construction traffic such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort;
 - e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
 - g) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-

start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;

- h) Provisions for emergency vehicle access;
- i) A timetable for implementation of the measures detailed in the CTMP; and
- j) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

The Construction Traffic Management Plan shall be implemented as approved 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.

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

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

11. Any details pursuant to Condition 3 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transport Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking.

12. No Phase or sub-phase shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. This shall include:

- a) Timetables for all buses serving or passing close to the site;
- b) Descriptive information and maps of active travel routes to nearby facilities and attractions and, public transport routes to those outwith walking distance;
- c) Information relating to school travel;
- d) Details of electric vehicle charging provision; and,
- e) City car club and taxi service details.

The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.

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

13. Any details pursuant to Condition 3 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS). The finalised drainage design shall include updated runoff rate calculations based on the final site layout. The surface water discharge rate to the watercourse shall be calculated based on the positively drained areas of the site within the identified Dell Burn catchment and the rate limited to the equivalent 2 year return period greenfield rate. Network simulations shall include the pipe network and demonstrate that storms up to and including the 1 in 200 year plus climate change storm event are managed within the site boundary. Designs shall be in accordance with Sewer for Scotland to allow vesting by Scottish Water and The Highland Council.

Thereafter, approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase 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.

14. No part of the development hereby approved shall be occupied until sewer connections and potable water storage infrastructure, as required, have been completed in accordance with the approved arrangements.

Reason: in the interests of environmental protection and to safeguard human health

14. No Phase or sub-Phase of the development shall 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.

15. Any details pursuant to Condition 3 above shall include details of surface water runoff from greenspace areas (i.e. those areas not drained through the SUDS) and originating from higher ground within the development, with the provision of measures to protect existing and new properties from surface water/overland flow.

Reason: In the interests of amenity and drainage of the development.

16. Any details pursuant to Condition 3 above shall include details of:
- a) A 6m buffer from the top of the bank of any watercourse where no development can take place;
 - b) Any new watercourse crossings, if required, conveying the 1 in 200m year flow plus climate change and an additional freeboard, with an updated Flood Risk Assessment to demonstrate how this will be achieved; and,
 - a) the use of trash screens on culverts to be avoided demonstrated to be absolutely necessary and where culvert and trash screen designs accord with the latest CIRIA Guidance (C786 Culvert, Screen and Outfall Manual at time of writing).

Thereafter, the approved details shall be implemented.

Reason: To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

17. Any details pursuant to condition 3 above shall show a design and layout informed by the flood risk assessment (FRA) included as part of the submission for this planning permission (Proposed Development at Milton of Leys. FRA. Version 1.3. Kaya Consulting, 28/10/2022). Any measures included within the design and layout for the purposes of mitigating and/or protecting properties and/or land from flood risk shall be completed prior to the first occupation of each phase or subphase of development, including all commercial, community, and residential units to have finished floor levels (FFL) of a minimum of 600mm above the predicted 1 in 200 year plus climate change fluvial flood levels, as shown on Figure 15 of the FRA.

Reason: to ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

18. Any details pursuant to Condition 3 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

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

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

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

20. Any details pursuant to Condition 3 above shall include and specify:
- a) A 20m setback from all existing trees to be retained and all proposed commercial, community, and residential units;
 - b) An updated Tree Survey Report, Tree Schedule, Tree Constraints Plan and Tree Protection Plan in accordance with BS 5837:2012;
 - c) An updated Arboricultural Method Statement;
 - d) Details of the appointment of a suitably qualified Arboricultural consultant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement and certificates of compliance for each stage are to be submitted for approval of the Planning Authority.

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

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

21. Any details pursuant to Condition 3 above shall include details, including full specifications, for the layout, design and construction of open space and recreation facilities that comply with the Highland Council's adopted standards contained within Open Space in New residential Development for that Phase shall be submitted to and agreed in writing by the Planning Authority. The details shall include:
- a) A minimum of 35,680 sqm of usable quality open space across the development; and,
 - b) All landscape and habitat corridors to remain in communal ownership for the purposes of factoring and future maintenance, with no areas to be incorporated within any adjacent residential plots.

The agreed scheme shall be implemented thereafter to the satisfaction of the Planning Authority.

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

22. Prior to the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces, including trees and woodland, for all parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase or sub-Phase, shall be submitted to and agreed in writing by the Planning Authority.

The agreed scheme, which shall accord with the Highland Council's adopted standards contained within Open Space in Residential Development, shall be implemented thereafter.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site is maintained in accordance with the Council's standards.

23. Any details pursuant to Condition 3 above shall include details of a scheme of hard and soft landscaping works related to that Phase or sub-Phase of the development. Details of the scheme shall include:
- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - b) A plan showing existing landscaping features and vegetation to be retained;
 - c) The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space, including 1:20 scale plans showing the detail of each feature; with all boundary means of enclosure being defined in terms of its future maintenance responsibilities;
 - d) The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
 - e) 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
 - f) 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.

24. No development or any works shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the

development until the completion of the approved landscaping work. Their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- a) Ensuring that the approved Landscape Plans are implemented to the agreed standard;
- b) Ensuring compliance with the Construction Environmental Management Plan and specifically the site waste and materials handling plan; and

The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

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

25. Any details pursuant to Condition 3 above shall include a scheme for the inclusion of public art within the development. The scheme shall include:

- a) Detailed design and location of public Art provision;
 - b) The management and maintenance of any and all public art provision; and
 - c) A timetable for implementation.
- c) Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

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

26. Any details pursuant to Condition 3 above shall be supported and informed a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation. No development or work (including site clearance) shall commence until the watching brief has been approved in writing by the Planning Authority. Thereafter, the approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

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.

INFORMATIVES

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

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.

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 and 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: Mark Fitzpatrick

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

Relevant Plans: Plan 1 - Location Plan 16036IA -360 -ZZ -ZZ -DR - A -0001 REV A
Plan 2- Site Layout Plan 16036IA -360 -ZZ -ZZ -DR - A -0003 REV G

Appendix 2 - Heads of Terms.

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	2 Classroom extension (Milton of Leys PS catchment) based on capping 30 house completions per annum	£2,041	£1,157	£TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	N/A upfront provision by THC
Secondary – Build Costs	New School (Milburn Academy catchment)	£3,482	£1,875	£TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Secondary – Land Costs	New Inverness East	£91	£52	£TBC	No		TOC/CC	Apr/Oct	15
Community Facilities	Community facilities to be spent within the Millburn Academy catchment as per Inshes and Milton of Leys Development Brief:	£589	£589	£589	BCIS	Q2 2018	TOC/CC	Apr/Oct	15

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader.

² 1 bed houses/flats are exempt from school contributions only.

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	<ul style="list-style-type: none"> Library/Service Point £49.26 Community Hall £106.06 Neighbourhood Shop £250 Total = £399.32 = £589 as indexed from Q4 2004 to Q2 2018)								
Affordable Housing	50% - up to 200 affordable homes to be delivered on site.								
Agreement for Delivery Needed	Y. Scheme for delivery required as per Masterplan and Phasing Plan Covering Letter both received 24 August 2023: <ul style="list-style-type: none"> Phase 2 (74 homes 70% of which to be affordable (51 homes) Phases 3 to 6 (326 homes of 	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	which at least up to 149 to be affordable)								
Transport									
Public Transport	<p>Requirement to fund a new hourly daytime bus service operating Monday to Saturday – one off payment to cover set up costs of £198K (index linked).</p> <p>Requirement for start-up payment for additional bus service to increase bus frequency and enable transport links to a greater range of destinations. One off payment to cover set up costs of £198K</p> <p><i>*Payments require bus operator to run the service for an</i></p>	N/A	N/A	£198k <u>£198k</u> £396k	TBC	TBC	<p>Direct bus route to be operational at first occupation of Phase 1 – business / commercial / community uses*.</p> <p>Second bus route to be operational prior to the first occupation of phase 2 (first residential phase)</p>	TBC	N/A

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	<i>initial 3 year period post receipt of each payment.</i>								
School Transport	Contributions required towards school transport to Milburn Academy. 3no. annual contributions of £80k (index linked)			£ 80k £ 80k <u>£ 80k</u> £240k	TBC	TBC	First payment due on occupation of the 201 st house,	TBC	
Bus Shelters	Minimum two Bus shelters to be provided within the development at the developer's expense or funding for bus shelters at £6,560 each (Q2 2018). Funding for real time information at all bus stops serving the development at £5,050 (Q2 2018)			£13,110 £13,110 £ 5,050 <u>£ 1,500</u> £32,770	TBC	TBC	Real time information at bus stop serving Milton of Leys Road to be provided for use on first occupation of Phase 1. New bus shelters to be installed and ready	TBC	

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	per site (3no. sites, two internal and one at Milton of Leys Road), plus £300 per annum contribution for the first 5 years towards the maintenance of each site. £6,560 + £5,050 + 5x£300 = £13,110 (Q2 2018) per new bus shelter						for use ahead of the first occupation of the phase the bus shelter is intended to serve.		
Road Crossings	2 x toucan signalised crossings and footway links / dropped kerbs along the site's road frontage - Onsite Provision / within adopted road boundary to the satisfaction of the local Roads Authority								
Road Improvements	Inshes Roundabout (As per Inshes and Milton of Leys Development Brief: £30.51 = £45 as indexed from Q4 2004 to Q2 2018)	£45	£45	£TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Green Infrastructure									
District Park	Inshes Park	£2,526	£2,526	£TBC	BCIS		TOC/CC	Apr/Oct	N/A – upfront

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
	(As per Inshes and Milton of Leys Development Brief: acquisition (£550) laying out (£848) and maintenance (£315) £1,713 indexed from Q4 2004 to Q2 2018)								provision by THC pending further reprofiling
Playing Fields	Playing Fields (As per Inshes and Milton of Leys Development Brief = £200.74 indexed from Q4 2004 to Q2 2018)	£296	£296	£TBC	BCIS		TOC/CC	Apr/Oct	15
Onsite Space	Open	Onsite provision and maintenance to be factored.							
Water and Waste	N/A - SuDS basin to be designed to adoptable standard by Scottish Water. Glass bottle deposit and return scheme now anticipated.								
Public Art	Onsite provision								
Totals									
Total per house	£9,070								
Total per flat (2 Beds)	£6,540								

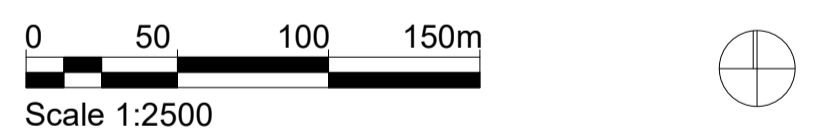
Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Maximum total by unit (£9,070 x 400 houses)	£3,628,000								
+ public transport	£396,000								
+ school transport	£240,000								
+ bus shelters	£ 32,770								
Total Development	£4,296,770								

All levels and dimensions to be checked on site prior to construction/fabrication; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

Rev	Description	Date	Dr By	App By
A	Landscape design and site boundary updated	06/07/22	HD	MM



- Site Boundary Site Area 24.6 HA
- Ownership Boundary



SCALE	DATE	DRAWN	CHECKED
As indicated @A1	05/31/19	CF	AM

CLIENT
Highland Housing Alliance
 PROJECT
Milton of Leys

DRAWING
Location Plan

Threesixty Architecture
 MORAY HOUSE
 16-18 BANK STREET
 INVERNESS IV1 1QY
 t 01463 729929
 www.360architecture.com

DRAWING No.
160361A-360-ZZ-ZZ-DR-A-0001

REVISION
A
 SUITABILITY

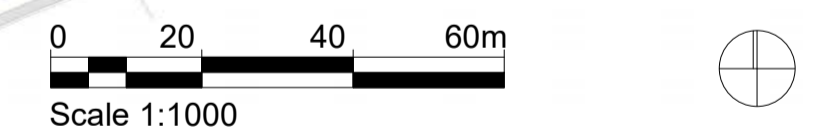
All levels and dimensions to be checked on site prior to construction/fabrication; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

Rev	Description	Date	Dr by	App by
A	SUDS position revised.	11/11/19	EC	AM
B	Updated Layout	19/05/22	MM	RK
C	Commercial Site Layout Included	14/06/22		
D	Site boundary and Layout updated	20/05/22	HD	MM
E	Landscape design and site boundary updated	06/07/22	HD	MM
F	Housing Layout updated to be outside of enhanced wayleave to pylon 70	21/10/22		
G	Driveway and junction spacing revised in line with Highland Council requirements. Driveways to be 25m from major junctions and 15 metres for minor junctions.	13/10/23	HRB	LF



- Ownership Boundary
- Site Boundary Site Area 24.6 HA
- Species rich grassland
- Distributor Road
- Shared Surface
- Parking Courtyards
- Base of pylon
- Overhead power lines
- Stand-off from overhead lines 40m wide.
- 60m wide for 65m to either side of pylons.

NOTE: Where possible paths to be 3m wide to allow for shared pedestrian and cycle use.



SCALE	DATE	DRAWN	CHECKED
1 : 1000 @A1	19/05/22	MM	RK

CLIENT
Highland Housing Alliance
 PROJECT
Milton of Leys

DRAWING
Site Plan

Threesixty Architecture
 MORAY HOUSE
 16-18 BANK STREET
 INVERNESS IV1 1QY
 t 01463 729929
 www.360architecture.com

DRAWING No.
160361A-360-ZZ-ZZ-DR-A-0003

REVISION
G
 SUITABILITY
INFORMATION