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| Agenda Item | 6.2       |
| Report No   | PLS-45-24 |

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 20 August 2024

**Report Title:** 24/00178/S42: Places for People Scotland Ltd  
Land at Stratton and East Seafield, Inverness

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

### Purpose/Executive Summary

**Description:** Application under section 42 to develop land without compliance with (16/02161/s42) condition 1 (phasing of development) and consequential changes to condition 18 (town centre), condition 22 (safeguarding land), condition 27 (local road infrastructure mitigation), condition 33 (temporary park and ride facility) and condition 52 (transport assessment) for new town comprising town centre, housing and commercial development

**Ward:** 16 – Inverness Millburn

**Development category:** Major

**Reason referred to Committee:** Major Development

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

### Recommendation

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

## 1. PROPOSED DEVELOPMENT

- 1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and seeks modification of a number of conditions attached to planning permission in principle 16/02161/S42 for a new town at Stratton, Inverness. The Stratton development was originally granted planning permission in principle in 2011 (09/00141/OUTIN), for 2,500 homes, retail, business, community facilities and associated infrastructure. The permission was subsequently amended under planning permissions 13/01049/S42 and 16/02161/S42. This latest permission is contained within Appendix 2.
- 1.2 The site straddles Barn Church Road on land between the A96 to the west and Smithton to the east. The phased development is well underway, with 550 dwellings consented to date, comprising of 400 dwellings on the south side of Barn Church Road, developed by Barratts and Scotia, and a further 150 dwellings on the north side of Barn Church Road, developed / currently under construction by Highland Council and Places for People.
- 1.3 Condition 1 of the planning permission in principle (16/02161/S42) sets out the residential phasing for the development, allowing 550 dwellings in Phase 1; 200 dwellings in Phase 2; and 875 dwellings in both Phase 3 and Phase 4. Taking into account the dwellings that are already completed and under construction, any new development will exceed the Phase 1 limit in terms of residential dwellings, which raises consequences for the next stage of development, in particular the requirement to deliver a permanent park and ride facility and Area Development Brief for a new Principal Phase.
- 1.4 Places for People are currently planning a residential development immediately to the east of their current development site to the north of Barn Church Road, for approximately 80 affordable and open market dwellings. This would complete development in this northeastern section of the Stratton site. In order to allow development to progress in a timely manner, the applicant is seeking an amendment to the phasing of the development to:
- Amend the number of major phases from four to three
  - Combine Phase 1 and Phase 2 into a single Phase (Phase 1) to comprise 750 dwellings
  - Delete Phase 4 (Phase 4 to become Phase 3 and Phase 3 to become Phase 2 (875 dwellings in each)
  - Delete Table B (Phase 1 sub-phases a-g) from Condition 1
- 1.5 As a consequence of the proposal to delete Table B from Condition 1, changes will be required to the wording of a number of other conditions which make reference to these sub-phases. These are Condition 18 (town centre), Condition 22 (safeguarding land), Condition 27 (local road infrastructure), Condition 33 (temporary park and ride) and Condition 52 (transport assessment).
- 1.6 Condition 34 of (16/02161/S42) requires a permanent park and ride facility to be delivered prior to commencement of Phase 2 of the development (after 550 residential units). While this condition is not proposed to be amended, the implication of the amendment to Condition 1 (to combine Phases 1 and 2 of the development)

would be that 750 residential units could be constructed prior to the permanent park and ride being delivered.

1.7 Under Section 42 of the Act consideration of this application must be limited to the conditions for which variations are sought. However, the effect of granting permission for a Section 42 application is that a new and separate permission exists for the development with different conditions attached, and it is open to the Planning Authority to attach new or different conditions if appropriate. In order to bring the resultant permission as up to date as possible a small number of further changes are recommended to update or remove conditions which are no longer relevant.

1.8 Pre-Application Consultation: None

1.9 Supporting Information: Planning Statement

1.10 Variations: None

## **2. SITE DESCRIPTION**

2.1 The Stratton site consists of approximately 80 hectares of land to the south of the A96(T) on the eastern edge of Inverness, to the northwest of Culloden and Smithton. It is relatively flat, formerly in agricultural use, and straddles Barn Church Road which provides the main vehicular access to the site.

## **3. PLANNING HISTORY**

|     |            |  |  |
|-----|------------|--|--|
| 3.1 | 12.08.2011 | 09/00141/OUTIN - New town comprising town centre, housing and commercial development   | Planning permission in Principle Granted |
| 3.2 | 14.05.2015 | 13/01049/S42 - Application to vary conditions 4, 36 and 42 of Planning Permission ref 09/00141/OUTIN; amendments to AMP, Park and Ride and amendment to timing of provision.   | Planning permission in Principle Granted |
| 3.3 | 12.05.2015 | 15/00297/S75M - Modification of Section 75 Agreement associated with planning permission 09/00141/OUTIN  | Grant s75 Modification                   |
| 3.4 | 29.07.2016 | 16/02161/S42 - Develop land without compliance with conditions 1, 2, 3, 9 and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) of 09/00141/OUTIN as amended by 13/01049/S42 | Planning permission in Principle Granted |
| 3.5 | 11.11.2016 | 16/04179/MSC - Area Development Brief for Phase 1  | Matters Specified in Conditions Approved |

|      |            |  |  |
|------|------------|--|--|
| 3.6  | 17.01.2017 | 16/05294/S75D - Discharge of Planning Obligation registered on 21 July 2011 against Land Registry Title INV6445 as modified by Notice of Determination on 12 May 2015 related to Planning Permissions 09/00141/OUTIN and 13/01049/S42  | Grant s75 Discharge                      |
| 3.7  | 07.08.2017 | 16/05533/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(p), 2(q), 2(r), 2(s), 2(t), 2(u), 3, 9, 11, 12, 13, 30, 31, 35, 41, 42, 44 of planning permission 16/02161/S42 for a 400 dwelling residential development | Matters Specified in Conditions Approved |
| 3.8  | 10.05.2017 | 16/05669/MSC - Infrastructure related to Phase 1 of development  | Matters Specified in Conditions Approved |
| 3.9  | 06.02.2019 | 18/03649/MSC - Approval of Matters Specified in Conditions 2b,2c,2d,2e,2f,2g,2i,2k,2l,2m,2o,2p,2q,2r,2s,2t,2u,3,9,11,12,13,17,27iii,30,35,36,37,38,39,40,41,42,44,49 of Planning Permission 16/02161/S42 for Erection of 94 Dwellings  | Matters Specified in Conditions Approved |
| 3.10 | 28.11.2018 | 18/03875/MSC - Application for the approval of matters specified in conditions 2(a), of planning permission 16/02161/S42 in relation to Phase 1B, 1F, 1H and 2A.   | Matters Specified in Conditions Approved |
| 3.11 | 14.01.2019 | 18/05111/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(e), 2(f), 2(h), 2(k), 2(l), 2(m), 2(p), 2(q), 2(s), 2(t), 2(u), 11, 31, 35, of planning permission 16/02161/S42 for a redesign of flatted blocks 1-5  | Matters Specified in Conditions Approved |
| 3.12 | 07.05.2019 | 18/05949/MSC - Approval of matters specified in conditions 2i,j,k,l,m,o,r,s,35,36,42,43,44, and 45 of planning permission 16/02161/S42 for a new public park   | Matters Specified in Conditions Approved |
| 3.13 | 18.09.2019 | 19/03057/MSC - Amended house types and remix of layout to 40 houses  | Matters Specified in Conditions Approved |
| 3.14 | 16.01.2020 | 19/04783/MSC - Change of house type (37 units)   | Matters Specified in Conditions Approved |

|      |            |   |  |
|------|------------|---|--|
| 3.15 | 23.09.2020 | 20/01108/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(k), 2(l), 2(m), 2(n), 2(o), 2(q), 2(r), 2(s), 2(t), 13, 28, 30, 31, 35, and 46 of Planning Permission 16/02161/S42 - Erection of 8 houses  | Matters Specified in Conditions Approved |
| 3.16 | 16.09.2020 | 20/02510/MSC - Approval of Matters specified in Condition 2b of Planning Permission 16/02161/S42 for the change in house type at Plots 120/123/205/206/244 & 245 from Glenbuchat to Glenbuchat Rev A  | Matters Specified in Conditions Approved |
| 3.17 | 20.01.2021 | 20/04391/MSC - Submission of Matters Specified in Condition 2b (Siting, Design and Layout) of Planning Permission in Principle 16/02161/S42 - Change of house types on plots 235-240, 272-275, 277, 285-286, 297, 303-306 gabled roof, and amend plot setting out at plots 304-306  | Matters Specified in Conditions Approved |
| 3.18 | 28.04.2021 | 21/01400/MSC - Submission of Matters Specified in Condition 2b (Siting and Design) and Condition 2e (Layout of Planning Permission in Principle 16/02161/S42 - Erection of 8 Houses (Modification of previously approved design and plot layouts granted under Planning Permissions 16/05533/MSC, 18/03810/MSC, 19/04783/MSC, and 20/04391/MSC)). | Matters Specified in Conditions Approved |

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 16.02.2024

Representation deadline: 01.03.2024

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Lots of homes being planned in an area where hundreds of homes have already been built. Infrastructure and amenities required; need facilities and social hubs to foster community spirit
- b) Impact on wildlife
- c) Barn Church Road congested
- d) Schools at capacity

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

- 5.1 **Development Plans Team:** “Application presents an opportunity to align the development sites with the allocation references within the Inner Moray Firth Local Development Plan 2, however it was subsequently decided in consultation with Development Plans that this may result in the permission moving too far from the original consent, therefore it was instead decided to retain the subphases but refer to the approved Phase1 Area Development Brief for clarity.

The park and ride was, and still is, intended to be provided close to the retail food store site (1f); it was primarily intended for use by longer distance commuters and visitors to Inverness and that its delivery is programmed by the IEDB after the school and housing site in the IMFLDP2. It is therefore suggested that provided the park and ride is not required to mitigate any wider transport impacts that its delivery is not linked to the primary school and the condition amended accordingly. The exclusion of primary school from the condition would also assist in not impeding its delivery in the future.

No change is proposed to Condition 34 although the impact of changing Phase 1 to include an additional 200 homes will result in a delay to the delivery of the park and ride facility. A ‘Stratton Mobility Hub’ does form part of the Council’s emerging Local Transport Strategy and the Council continues to be supportive of this facility at this location and delay is disappointing, however is considered potentially acceptable in this case because the park and ride is shown in phase S6 in the IEDB as a middle phase of development; and changes to the condition will allow for completion of the site INE06 (Stratton East) in the shorter term which will enable the delivery of much needed affordable homes.

While the current relaxation can be supported in the shorter term for the reasons above, it is important that a mechanism for the future delivery of the park and ride/mobility hub is established before any development beyond 750 homes can proceed.”

- 5.2 **Transport Planning Team:** Note that not all elements of Condition 27 (local road infrastructure) have been completed and do not support proposed changes to Conditions relating to the phasing of the development until such changes fully clarify the status of and intended implications to the development and delivery of all aspects of Condition 27.

- 5.3 **Transport Scotland:** Does not advise against the granting of permission.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **National Planning Framework 4 (NPF4) (2023):**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 18 - Infrastructure First

**6.2 Highland Wide Local Development Plan (2012)**

12 - Stratton  
29 - Design Quality and Place-making  
31 - Developer Contributions  
32 - Affordable Housing  
56 – Travel

**6.3 Inner Moray Firth Local Development Plan 2 (2024)**

Placemaking Priority 21  
Policy 9 – Delivering development and infrastructure

**6.4 Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2018)

**7. OTHER MATERIAL POLICY CONSIDERATIONS**

**The Highland Council guidance and advice**

7.1 Inverness East Development Brief 2018 (IEDB)

**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) development phasing
- c) park and ride facility
- d) impact on other conditions and housekeeping

**Development plan/other planning policy**

8.4 The key NPF4 policy is Policy 18 (Infrastructure First) which supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in local development plans and requires that the impact of development

proposals on infrastructure should be mitigated. NPF4 defines “infrastructure” as including “existing and planned transport infrastructure and services”.

- 8.5 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.
- 8.6 Policy 12 (Stratton) of the Highland wide Local Development Plan (HwLDP) supports the long term major mixed development at Stratton subject to a phasing plan which, in terms of residential development, identifies 300 units between 2011 and 2016; 450 units between 2016 and 2021; and a further 1,750 between 2021 and 2031 in 2 separate phases. The plan sets out the Masterplan requirements for the 2011-2016 period and other phases will come forward subject to masterplan and infrastructure provision relating to each future phase. In addition to the 300 houses, the 2011-2016 period includes various non-residential uses including a 500-space park and ride facility, health centre, church, community building and office space. Various requirements up to 2016 including green networks, open space, modifications to the trunk road network and provision of a park and ride site were identified up to 2016.
- 8.7 The Inner Moray Firth Local Development Plan 2 (2024) identifies Stratton as a placemaking priority within the east Inverness area, to be delivered in line with the IEDB and the existing planning permission. The remaining sites within the Stratton area are allocated as IN04 (Stratton South – 91 homes), IN05 (Stratton North – 160 (295) homes) and IN06 (Stratton East – 235 homes). A portion of INE03 (Ashton East – 90 (480) homes) is within the original Stratton new town boundary. Added to the units already completed outwith the IMFLDP2 allocations, the total number of anticipated residential units is approximately 1,200 which is considerably less than the 2,500 permitted by the planning permission.
- 8.8 Policy 9 (Delivering Development and Infrastructure) of IMFLDP2 states that the Council will assess each development proposal in terms of its impact on each relevant infrastructure network and developers will be required to demonstrate that adequate capacity to serve each proposal exists or can be created via a programmed improvement and/or by direct developer provision or funding.
- 8.9 The IEDB acknowledges that Stratton has planning permission in principle for a new town development to be delivered in line with the consents granted and further to more detailed masterplans. The Brief sets out development criteria for Stratton and the expected phasing of the development, which is split into early, middle and late phases. As with the IMFLDP2, the IEDB phasing envisages considerably fewer houses than the planning permission, approximately 1,200 with 700 to be delivered in the early phase (2015-2025); 355 in the middle phase (2026+); and a portion of 520 in the late phase (includes land outwith the Stratton permission). The IEDB states that the middle phase describes development that will require major infrastructure investment to become feasible and the late phase describes development that will also require major investment and the completion of the East



Link road. The park and ride facility at Stratton is identified in the middle phase although could be delivered at an early stage.

### Development Phasing

8.10 Condition 1 of (16/02161/S42) sets out the residential phasing as follows:

|                            | <b>Phase 1</b>           | <b>Phase 2</b>           | <b>Phase 3</b>           | <b>Phase 4</b>           |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|                            | 01/01/2016 to 31/12/2021 | 01/01/2022 to 31/12/2026 | 01/01/2027 to 31/12/2031 | 01/01/2032 to 21/12/2036 |
| <b>Residential (units)</b> | 550                      | 200                      | 875                      | 875                      |

This application seeks an amendment to the residential phasing set out in Condition 1 as follows:

|                            | <b>Phase 1</b>           | <b>Phase 2</b>           | <b>Phase 3</b>           |
|----------------------------|--------------------------|--------------------------|--------------------------|
|                            | 01/01/2016 to 31/12/2026 | 01/01/2027 to 31/12/2031 | 01/01/2032 to 31/12/2036 |
| <b>Residential (units)</b> | 750                      | 875                      | 875                      |

- 8.11 There is no increase in the number of units to be delivered up to the end of 2026, nor to the total number of units permitted overall. The proposal effectively combines Phases 1 and 2 into a single phase which better reflects the timelines envisaged and takes into account the actual build rates, which have been slower than initially planned.
- 8.12 The proposal also combines the proposed non-residential uses in Phase 1 and Phase 2 into a single Phase. It is noted that a number of the non-residential uses proposed under Phase 1 have not yet been delivered, despite the expected timeline for completion of Phase 1 being the end of 2021. It is acknowledged that the build out rate of the development, particularly with regard to non-residential uses, has not kept pace with the Condition, and in order to bring it up to date it is considered reasonable to combine the 2 Phases to a revised Phase 1 up to the end of 2026.
- 8.13 The proposal would bring the phasing into line with the Section 75 Legal Agreement for the site which includes the first 750 dwellings in Phase 1. Issues covered by the S75, including future education and transport contributions, are subject to review prior to commencement of the 751<sup>st</sup> residential unit therefore the S75 would not require to be significantly modified at this time.
- 8.14 The original Stratton planning permission was for up to 2,500 homes. It has now been accepted that this figure was unachievably high and both the IMFLDP2 and the IEDB anticipate significantly reduced residential numbers of between 1,000 and 1,200 residential units in total. The most recent policy document, the Inner Moray

Firth Local Development Plan 2, states that development at Stratton should be delivered in accordance with IEDB as well as the planning permission. The IEDB expects 700 homes in the early phase up to 2025 and the original planning permission in principle allowed for 750 homes by the end of 2026 (albeit across 2 Phases). It is therefore considered that the proposal to combine Phases 1 and 2 to allow for 750 homes within Phase 1 (up to the end of 2026) is relatively consistent with current policies and will allow for the seamless continuation of housing development in the eastern part of Stratton, which has obvious benefits in terms of site and contractor management and affordable home provision.

- 8.15 In addition to the amendments to Phase 1 as noted above, the proposal also seeks removal of Table B (Phase 1 sub-phases a-g) from Condition 1. This table set out more detailed phasing for individual elements of Phase 1. Development at Stratton was originally expected to be retail led, and the phasing was proposed accordingly. In the event, however, and as recognised in the IEDB, residential development has taken place in advance of non-residential uses, and as a consequence, Table B is no longer accurate. Details of sub-phases are covered by the Area Development Briefs which are required to be submitted for approval for each phase of development and the matters covered by Table B can be better considered in this context. The proposal to delete Table B from Condition 1 is therefore acceptable.
- 8.16 Another requirement of 16/02161/S42 is that a new Area Development Brief to cover all of Phase 2 needs to be submitted prior to development on Phase 2 commencing. Spatially, the remaining land on the eastern edge of the development which Places for People are seeking to develop relates much better to the existing Phase 1 development than the land to the northwest between the existing development and the A96, which will come forward as Phases 2 and 3. There are also still some uncertainty in this area around the A96 dualling and Inverness East Link strategic infrastructure projects, which would make it difficult to develop an Area Development Brief for all of Phase 2 at this time. It is therefore considered acceptable that an addendum to the approved Phase 1 Area Development Brief could be submitted to cover the proposed Places for People site.

### **Park and Ride facility**

- 8.17 One consequential result of increasing the number of homes permitted under Phase 1 would be that it will impact upon the timing of the park and ride facility to be delivered under Conditions 33 (temporary park and ride) and 34 (park and ride) of (16/02161/S42). Currently Condition 34 requires provision of a permanent park and ride facility prior to the first occupation of any other development within Phase 2 of the development (i.e. prior to the occupation of the 551<sup>st</sup> home). This means that as things stand, a permanent park and ride facility would need to be provided before any further development takes place under the current permission in principle.
- 8.18 The park and ride facility formed an integral part of the original Stratton New Town permission (09/00141/OUTIN). It was originally to be delivered in Phase 1 prior to commencement of trading of an 8,000 sqm retail superstore, which was allocated on adjacent land, between the A96 and the housing at Culloden West (Phase 1f as defined by the ADB). Subsequent Section 42 applications changed the phasing

requirement for the delivery of the park and ride, and the conditions relating to the park and ride currently read as follows:

- Condition 33: “No development shall commence on Phase 1f until full details of a temporary park and ride facility have been submitted to, and approved in writing by, Planning Authority. The temporary park and ride facility shall include 150 car parking spaces, a bus stop and turning area, shelters for passengers, real time public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 4,000 sqm retail units in Phase 1f of the development. The temporary park and ride facility shall be implemented before occupation of any retail unit on the site in accordance with the approved details and shall be fully operational. Thereafter, the temporary park and ride facility shall be maintained as approved unless and until a permanent facility has become fully operational under Condition 34 below.

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

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

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

8.19 Under this S42 application the proposal is simply for Condition 33 to be amended to refer to “Phase 1f (as defined by the approved Phase 1 Area Development Brief, excluding primary school site)” for clarification and to account for the removal of Table 1B. Phase 1f as defined in the Phase 1 ADB covers both the retail site on the south side of Barn Church Road and the primary school site on the north side of Barn Church Road. The wording of the park and ride conditions demonstrate that the intention was that the park and ride was to be located close to the retail food store site. There is no planning reason to link such a facility to education provision, and its retention could result in an unnecessary delay to the delivery of a future primary school at Stratton. Therefore, it is considered appropriate to specifically remove the primary school site from this condition.

8.20 No change is proposed for Condition 34 (permanent park and ride), although the impact of allowing an additional 200 homes within Phase 1 will result in a delay to the delivery of the park and ride facility (which requires to be provided prior to occupation of Phase 2) and this needs to be considered. Such facilities are now more commonly known as ‘mobility hubs’ and are recognised as having potential to

help achieve national sustainable transport targets. The Council's Active Travel Team recently commissioned a 'Connecting Inverness Strategic Transport Appraisal Guidance (STAG) Report' which appraises bus focussed options in Inverness and its immediate surrounds, including East Inverness. This found that a Smithton transport hub would have a moderate benefit in terms of reducing private vehicular traffic entering and exiting the city from key arterial routes and provides a STAG appraisal of a potential hub. Due to the Bus Partnership Fund being paused for the financial year 2024/25 no further work is being undertaken on this at present. Currently the Active Travel Team are waiting for a further announcement from the Scottish government at the start of 2025 on any reintroduction of the fund. However, going forward a 'Stratton Mobility Hub' does form part of the Council's emerging Local Transport Strategy and the Council continues to be supportive of such a facility in this general location. There may, however, be benefits to further work being carried out to determine whether the site proposed in the Phase 1 ADB for park and ride use (Phase 1f) is the most appropriate site, or whether, taking into account up to date proposed routes of the A96 dualling and the Inverness East Link Road, an alternative site elsewhere within the permission boundary would be preferable.

- 8.21 While any delay in delivery of a park and ride facility is disappointing, it is considered acceptable in this case as it would align better with the phasing set out in IEDB, which identifies the park and ride facility as being delivered within the middle phase of the development (i.e. post 2025 / after 700 homes); it would allow for better integration with the planned major infrastructure developments in the area (A96 and East Link); and would facilitate completion of Stratton East and the delivery of much needed affordable homes in the shorter term.

#### **Impact on other conditions (18, 22, 27, 52) and housekeeping**

- 8.22 A small number of other conditions make reference to particular sub-phases of Phase 1 which are defined in Table B of Condition 1 (phasing) of (16/02161/S42). This application proposes the removal of Table B of Condition 1 therefore minor rewording of these conditions is required to clarify that the sub phase references relate to the relevant approved Area Development Brief. Generally, this simply requires the addition of "as defined in the approved Phase 1 Area Development Brief" after the sub-phase reference, and the condition itself is not affected. This applies to Conditions 18 (Town Centre), Condition 22 (safeguarding land) and Condition 27 (local road infrastructure mitigation). Condition 52 currently requires a further Transport Assessment for development beyond Phase 2 (after 750 homes). In order to retain the 750 homes trigger this has been amended to Phase 1.
- 8.23 One element of Condition 27 (27ii – dualling of Barn Church Road) has been discharged through an MSC application and works completed. This part of the condition can therefore be deleted. However, Transport Planning have noted that the other elements of the Condition, including a footpath from the development to Culloden Academy on the north side of Barn Church Road, and improvements to active travel at the Barn Church Road / Tower Road and Tower Road / Culloden Road junctions have not yet been satisfactorily addressed. Transport Planning do not support amendments to phasing without clarification of the status of and intended implications to the delivery of Condition 27. No amendments have been made to the delivery triggers for these works and the conditions remain in force. The granting of

this Section 42 application will not hinder their resolution being pursued through normal channels.

- 8.24 When an application is made under Section 42 of the Planning Act, the assessment must be restricted to the matters contained in the conditions which the application seeks to vary. However, the resultant decision is effectively a new planning permission and in order to ensure that the planning permission is as up to date as possible, the Planning Authority can take the opportunity to carry out some basic housekeeping of the remaining conditions to remove any that have been discharged and are no longer relevant, and to amend any that have been varied through other means. Some very minor amendments have been made to the suite of conditions where relevant.

#### **Other material considerations**

- 8.25 There are no other material considerations.

#### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.26 The Stratton development is covered by a Section 75 Legal Agreement. This covers issues such as affordable homes, education contributions and infrastructure contributions. Review points are built into the S75 after 750 residential units; therefore, this application will not impact the delivery of these matters. Minor amendment to the S75 agreement will be required prior to any permission being issued in order to make reference to the new planning permission.

### **9. CONCLUSION**

- 9.1 This proposal has primarily been submitted to amend Condition 1 (phasing) of (16/02161/S42), in order to allow for the future submission of an MSC application by Places for People to develop a residential development for approximately 80 affordable and open market units. This has some consequential impacts on a number of other conditions which have also been considered.
- 9.2 The impact of the proposal is effectively to merge Phases 1 and 2 into a new Phase 1. No change is sought to the overall number of units, or indeed to the anticipated timescales as the (16/02161/S42) anticipated Phase 1 being completed by the end of 2021 and Phase 2 by the end of 2026. This proposal is for the new Phase 1 to be completed by the end of 2026.
- 9.3 The proposals would be generally consistent with the expected phasing set out in the Inverness East Development Brief (IEDP), and by association the newly approved Inner Moray Firth Local Development Plan which states that the Stratton development should be carried out in accordance with the IEDB as well as the planning permission. It is therefore considered that a new planning permission in principle complying with new conditions as set out in this report will generally comply with the Development Plan.
- 9.4 The consequential changes to other conditions are mainly minor alterations to wording for purposes of clarity. The impact on the timing of the park and ride facility is more significant but is considered acceptable for the reasons set out in this report.

Overall, the proposal will make way for a further application to be made for residential development to complete this eastern section of the Stratton development, which will provide much needed housing, the majority of which will be affordable. In this context the proposal is considered acceptable.

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

## 10. IMPLICATIONS

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

## 11. RECOMMENDATION

**Action required before decision issued** 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 that this application for non-compliance with Conditions 1, 18, 22, 27, 33 and 52 of planning permission (16/02161/S42) is **GRANTED** subject to the following amendment of these conditions and reasons and the rewording, deletion and modification of conditions attached to (09/00141/OUTIN) to be replaced with the following:

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 -

For Phase 1 or Phase 2:

- i. FIVE YEARS from the date on this decision notice;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or

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

For each subsequent Phase:

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

In respect of each phase, this permission will lapse on the expiration of the period from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

**Reason:** In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. Planning Permission in Principle is hereby granted for a mixed-use development upon 78.8 hectares to be developed in three major sequential phases comprising uses, dwelling numbers and floor-space as set out within Table A approved phasing and uses below.

Table A: Approved Phasing and Uses

|   |                  | <b>Phase 1</b>                  | <b>Phase 2</b>                  | <b>Phase 3</b>                  |
|---|------------------|---------------------------------|---------------------------------|---------------------------------|
|   | <b>Use class</b> | <b>01/01/2016 to 31/12/2026</b> | <b>01/01/2027 to 31/12/2031</b> | <b>01/01/2032 to 31/12/2036</b> |
| <b>Residential (subject to affordable housing policy)</b> | 9 & sui generis  | 750 dwellings                   | 875                             | 875                             |
| <b>Food Retail</b>  | 1                | 8000m <sup>2</sup>              | 0                               | 0                               |
| <b>Non-food retail</b>                                    | 1                | 2350m <sup>2</sup>              | 1000m <sup>2</sup>              | 0                               |
| <b>Offices</b>  | 2                | 4100m <sup>2</sup>              | 1000m <sup>2</sup>              | 0                               |
| <b>Health centre</b>                                      | Sui generis      | 1900m <sup>2</sup>              | 0                               | 0                               |
| <b>Church</b>   | 10g              | 1000m <sup>2</sup>              | 0                               | 0                               |
| <b>Community Building (including library)</b>             | 10f/10e          | 1700m <sup>2</sup>              | 0                               | 0                               |
| <b>Restaurant/café</b>                                    | 3                | 375m <sup>2</sup>               | 0                               | 0                               |
| <b>Primary school</b>                                     | 10b              | 2600m <sup>2</sup>              | 0                               | 0                               |
| <b>Park &amp; ride</b>                                    | Sui generis      | 150 spaces                      | 350 spaces                      | 0                               |
| <b>Hotel</b>  | 7                | 80 bed                          | 0                               | 0                               |
| <b>Commercial/business</b>                                | 4/sui generis    | 0                               | 9500m <sup>2</sup>              | 0                               |

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

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 the approved Stratton Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-

a) submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the Planning Authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for that particular phase. Each Area Development Brief shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement and shall include the following:

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

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

b) the siting, design and external appearance of all buildings and other structures;

c) details of sustainable design considerations

d) the means of access to the site and all external roadworks including connections to the A96(T) and Barn Church Road, and connections to development land identified to the east and west of



the site;

e) the layout of the site, in accordance with Designing Streets principles;

f) road layout including the road hierarchy, junction layouts and design with projected traffic figures supported by traffic modelling, junction visibility requirements, vehicle tracking at junctions and standard radii, details of any bus routes and bus stops, details of provision for cyclists and pedestrians including carriageway crossings, provision for disabled users, details of safer routes to school;

g) the provision of car parking including in-curtilage parking, communal parking areas, parking courts and on-street parking;

h) the provision of cycle parking including resident parking in houses and communal cycle parking at flats and external visitor cycle parking at flats;

i) the details of and timetable for delivery of the provision of public open space, including allotments and equipped play areas in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);

j) details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);

k) the details of, and timetable for, the hard and soft landscaping of the site;

l) details of management and maintenance arrangements of the areas identified in (h), (i) and (j) above;

m) details of all boundary treatments within the development, as set out within the relevant approved Area Development Brief.

n) the provision for loading and unloading all goods vehicles;

o) details of the provision of surface water drainage systems across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;

p) details of the water and waste water connections;

q) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New

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

- r) details of existing trees, shrubs and hedgerows to be retained;
- s) details of existing and proposed site levels with fall arrows;
- t) details of finished floor levels;

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

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

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

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks;
- d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e) Links to the Highland Council's Core Paths and Green Frameworks. Each Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

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

5. No development shall commence on each phase or sub-phase, until a scheme to deal with potential contamination within the phase has been

submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:

- i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- ii) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii) measures to deal with contamination during construction works;
- iv) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority. Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

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

6. No development shall commence until measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings and the hotel have been submitted to and agreed in writing by the Planning Authority Authority in consultation with the Environmental Health Authority. The agreed measures shall thereafter be implemented.

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

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

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

8. Any details pursuant to Condition 2 above for the development of any primary school, shall include, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the Planning Authority in consultation with the Environmental Health Authority. Thereafter the agreed scheme of noise mitigation shall be implemented to the satisfaction of the Planning Authority.

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

9. Any details pursuant to Condition 2 above for the development of any retail units in Phase 1, shall include a detailed survey and assessment of the noise emissions from the proposed retail units for the written approval of the Planning Authority in consultation with the Environmental Health Authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

15. Any details pursuant to condition 2 above shall show only one permanent watercourse crossing. For the avoidance of doubt, details of SUDS outfalls and habitat enhancement areas, are the only other watercourse engineering works permitted to the Scretan Burn and Cairnlaw Burn.

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

16. Any details pursuant to condition 2 shall include details of any watercourse crossing on the Scretan Burn or Cairnlaw Burn using a bridging solution. Thereafter the agreed solution shall be implemented and maintained in perpetuity by the developer to the satisfaction of the Planning Authority in consultation with the Flood Authority.

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

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

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

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

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
  - a. Habitat and Species Protection;
  - b. Pollution Prevention and Control including a 6m fenced buffer of the existing petrochemical pipeline on the northern boundary of the site
  - c. Dust Management;
  - d. Noise and Vibration Mitigation;
  - e. Site Waste Management;
  - f. Surface and Ground Water Management;
    - i. Drainage and sediment management measures from all construction areas including access track improvements; and
    - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
  - g. Water Course Management including robust protective fencing erected to maintain a 10-metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse;
  - h. Emergency Response Plans;
    - i. Measures to be taken when stockpiling soils to control runoff from the stripped ground and
    - ii. Methods of removing stockpiles and measures to be taken to protect local watercourses from run-off;
    - iii. Other relevant environmental management as may be relevant to the development.

- iv. Post-construction restoration and reinstatement of temporary working areas and, compounds;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

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

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

19. Notwithstanding that this permission is in principle, the Town Centre, as defined as Sub phases 1c, 1e, 1f, excluding primary school site and 1g in the approved Phase 1 Area Development Brief shall be developed as a multifunctional area, and may include any of the following uses:-
- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 19, 20 and 21 of this permission;
  - ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
  - iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
  - iv. Offices (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
  - v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
  - vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);

- vii. Flatted dwellings;
- viii. Park and Ride facility;
- ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- x. Open Space;
- xi. Car Parking.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

- i. Upgrade the existing A96(T) between Smithton and the Inverness Retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;
- ii. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;
- iii. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of the lane markings, generally in accordance with WSP drawing number 0392\_SK\_RI\_003;
- iv. modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9

southbound approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392\_SK\_LR-001; or

- v. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions.

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

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

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

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

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

- 27. No development shall commence until the Planning Authority has approved the terms of appointment and the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to act as Travel Plan Co-ordinator to deliver the Travel Framework Plan required under Condition 25 of this Planning Permission from commencement of development to the date of completion of the development.

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

28. Unless otherwise agreed in writing by the Planning Authority, no development in Phase 1 (or any sub-phase thereof), shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority:
- i) a scheme for bus priority from the park and ride site to the A96. The agreed scheme shall be implemented prior to the occupation of any element of phase 1f, excluding primary school site, as defined in the approved Phase 1 Area Development Brief or Phase 2;
  - ii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas to both primary school and secondary school provision. This shall include a combined footway / cycleway from the junction with Smithton Road to Culloden Academy on the southeast side of Barn Church Road and a combined footway / cycleway on the northwest side of Barn Church Road. The agreed scheme shall be implemented prior to the occupation of any part of Phase 1b as defined in the approved Phase 1 Area Development Brief;
  - iii) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore to be delivered prior to the occupation of Phase 1c as defined in the approved Phase 1 Area Development Brief
  - v) a scheme for enhancing the capacity and active travel permeability of the Barn Church Road / Tower Road junction and the Tower Road / Culloden Road junction to be delivered prior to the occupation of any element of Phase 1a as defined in the approved Phase 1 Area Development Brief.

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

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

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

30. No development shall commence on site until a Construction Traffic Management Framework (including a routing plan for construction vehicles)

has been submitted to, and approved in writing by, the Planning Authority. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

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

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

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

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

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

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

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

maintained as approved unless and until a permanent facility has become fully operational under Condition 35 below.

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

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

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

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

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

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

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

38. No development shall commence in each phase or sub-phase until a Badger Protection Plan has been produced in line with Scottish Natural Heritage guidance and submitted for the written approval of the Planning Authority.

Thereafter the approved details, including any identified mitigation, shall be implemented.

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

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

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

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

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

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

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

42. Any details pursuant to Condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This shall include a timetable for investigation, all in accordance with the attached specification which shall require to be submitted for the written approval of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at their expense in accordance with the approved timetable for investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

48. Following the commencement of development hereby approved, the Planning Authority in February of each year of development shall be provided with data on the progress of key elements of the mixed-use development including as a minimum, the construction and occupation of the gross floor area (sqm) by Use Class and provision of structural landscaping.

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

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

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

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

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

51. No development within Phase 1b as defined by the approved Phase 1 Area Development Brief shall be occupied until a vehicular connection shall have been provided up to the western boundary of the application site with no impediments.

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

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

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

53. Development beyond Phase 1 will be dependent on the submission and approval in writing by the Planning Authority in consultation with Transport Scotland of a further Transport Assessment to establish what mitigation may be required to cater for conditions prevailing at the time and thereafter the implementation of the agreed mitigation measures.

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

54. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, shall allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined



liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

**Reason:** To assist with the provision of mitigation measures and delivery of future phases of the development.

## **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.

### **Septic Tanks and Soakaways**

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

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **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](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and 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: Christine Macleod  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 G1173(MP)00 - Location Plan

**SECTION 42 PERMISSION**

ReferenceNo:16/02161/S42

To: Hazeldene (Inverness) Ltd  
The Ca'd'oro  
45 Gordon Street  
Glasgow  
G1 3PE

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

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

**DECISION NOTICE**

**Application under Section 42 to develop land without compliance with condition(s) 1, 2, 3, 9 and 25 and conditions 27 to 54 inclusive previously attached to planning permission ref. 13/01049/S42 for New Town Comprising Town Centre, Housing And Commercial Development at Land At Stratton And East Seafield, Inverness.**

| Type of Plan        | Plan Number | Date Plan Received |
|---------------------|-------------|--------------------|
| LOC – Location Plan | G1173(MP)00 | 15.05.2016         |

The Highland Council in exercise of its powers under the above Act grants planning permission for **New Town Comprising Town Centre, Housing And Commercial Development at Land At Stratton And East Seafield, Inverness**, in accordance with the particulars given in the application and the following conditions and reasons:

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

Table A: Approved Phasing and Users

|  |                 | Phase 1                        | Phase 2                        | Phase 3                        | Phase 4                        |
|--|-----------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
|  | Use class       | 01/01/2016<br>to<br>31/12/2021 | 01/01/2022<br>to<br>31/12/2026 | 01/01/2027<br>to<br>31/12/2031 | 01/01/2032<br>to<br>31/12/2036 |
| Residential (subject to affordable housing policy) | 9 & sui generis | 550 dwellings                  | 200                            | 875                            | 875                            |
| Food Retail  | 1               | 8000m <sup>2</sup>             | 0                              | 0                              | 0                              |
| Non-food retail                                    | 1               | 1350m <sup>2</sup>             | 1000m <sup>2</sup>             | 1000m <sup>2</sup>             | 0                              |
| Offices  | 2               | 2100m <sup>2</sup>             | 2000m <sup>2</sup>             | 1000m <sup>2</sup>             | 0                              |
| Health centre                                      | Sui generis     | 1900m <sup>2</sup>             | 0                              | 0                              | 0                              |
| Church   | 10g             | 1000m <sup>2</sup>             | 0                              | 0                              | 0                              |
| Community Building (including library)             | 10f/10e         | 1700m <sup>2</sup>             | 0                              | 0                              | 0                              |

**Dated: 29th July 2016**

*Nicola Drummond*

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**Area Planning Manager South / Major  
Developments**

**SECTION 42 PERMISSION**

Reference No: 16/02161/S42

|                     |               |                    |            |                    |   |
|---------------------|---------------|--------------------|------------|--------------------|---|
| Restaurant/café     | 3             | 375m <sup>2</sup>  | 0          | 0                  | 0 |
| Primary school      | 10b           | 2600m <sup>2</sup> | 0          | 0                  | 0 |
| Park & ride         | Sui generis   | 150 spaces         | 350 spaces | 0                  | 0 |
| Hotel               | 7             | 80 bed             | 0          | 0                  | 0 |
| Commercial/business | 4/sui generis |                    |            | 9500m <sup>2</sup> |   |

Table B Phase 1 Sub Phases a - g

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

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

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

a) submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the planning authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for that particular phase. Each Area Development Brief shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement and shall include the following:

- i. Conformity with principles and vision of the Stratton Masterplan;
- ii. Place-making and public realm;

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**Area Planning Manager South / Major Developments**

- iii. Transportation, access, active travel and connectivity;
- iv. Drainage, sustainable drainage and the water environment;
- v. Landscaping and open space;
- vi. Public art strategy;
- vii. Character and design including material palette;
- viii. Phasing, implementation and integration

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

- b) the siting, design and external appearance of all buildings and other structures;
- c) details of sustainable design considerations
- d) the means of access to the site and all external roadworks including connections to the A96(T) and Barn Church Road, and connections to development land identified to the east and west of the site;
- e) the layout of the site, in accordance with Designing streets principles;
- f) road layout including the road hierarchy, junction layouts and design with projected traffic figures supported by traffic modelling, junction visibility requirements, vehicle tracking at junctions and standard radii, details of any bus routes and bus stops, details of provision for cyclists and pedestrians including carriageway crossings, provision for disabled users, details of safer routes to school;
- g) the provision of car parking including in-curtilage parking, communal parking areas, parking courts and on-street parking;
- h) the provision of cycle parking including resident parking in houses and communal cycle parking at flats and external visitor cycle parking at flats;
- i) the details of and timetable for delivery of the provision of public open space, including allotments and equipped play areas in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j) details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k) the details of, and timetable for, the hard and soft landscaping of the site;

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- l) details of management and maintenance arrangements of the areas identified in (h), (i) and (j) above;
- m) details of all boundary treatments within the development, as set out within the relevant approved Area Development Brief.
- n) the provision for loading and unloading all goods vehicles;
- o) details of the provision of surface water drainage systems across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- p) details of the water and waste water connections;
- q) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal composting and recycling facilities;
- r) details of existing trees, shrubs and hedgerows to be retained;
- s) details of existing and proposed site levels with fall arrows;
- t) details of finished floor levels;
- u) details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed.

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

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

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

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Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

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

4. No development shall commence on each phase or sub-phase, a scheme to deal with potential contamination within the phase will be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
- i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
  - ii) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
  - iii) measures to deal with contamination during construction works;
  - iv) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
  - v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority. Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

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


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

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

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

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

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## SECTION 42 PERMISSION

Reference No: 16/02161/S42

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

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

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

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

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

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

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

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

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


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

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

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

13. Any details pursuant to Condition 2 above shall be informed by and include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the

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principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time). Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the final occupation of the relevant phase or sub-phase.

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

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

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

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

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

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

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

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

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


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- b. Pollution Prevention and Control including a 6m fenced buffer of the existing petrochemical pipeline on the northern boundary of the site
- c. Dust Management;
- d. Noise and Vibration Mitigation;
- e. Site Waste Management;
- f. Surface and Ground Water Management;
  - i. Drainage and sediment management measures from all construction areas including access track improvements; and
  - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
- g. Water Course Management including robust protective fencing erected to maintain a 10 metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse;
- h. Emergency Response Plans;
  - i. Measures to be taken when stockpiling soils to control runoff from the stripped ground and
  - ii. Methods of removing stockpiles and measures to be taken to protect local watercourses from run-off;
  - iii. Other relevant environmental management as may be relevant to the development.
  - iv. Post-construction restoration and reinstatement of temporary working areas and, compounds;
  - v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
  - vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
  - vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of

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Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

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

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

- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 19, 20 and 21 of this permission;
- ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- iv. Offices (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- vii. Flatted dwellings;
- viii. Park and Ride facility;
- ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);
- x. Open Space;
- xi. Car Parking.

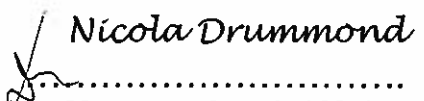
**Reason:** To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

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

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

20. Notwithstanding that this permission is in principle, the retail (as defined by Class 1 of the

**Dated: 29th July 2016**

  
.....  
**Area Planning Manager South / Major Developments**

## SECTION 42 PERMISSION

Reference No: 16/02161/S42

Town and Country Planning (Use Classes) (Scotland) Order 1997) element of the development within the proposed Town Centre shall be developed according to the following principles:-

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

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

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

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

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


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

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

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

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

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24. Notwithstanding Condition 21 of this Planning Permission, unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, no development can be occupied until the following infrastructure modifications to the strategic road network have been implemented to the satisfaction of the Planning Authority and Transport Scotland:
- i. Upgrade the existing A96(T) between Smithton and the Inverness Retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;
  - ii. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;
  - iii. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of the lane markings, generally in accordance with WSP drawing number 0392\_SK\_RI\_003;
  - iv. modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9 southbound approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392\_SK\_LR-001; or
  - v. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions.


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

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

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

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

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- d) A system of management, monitoring, review, and reporting. The Travel Framework Plan shall be implemented as approved from the commencement of development to the date of completion of the development.

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

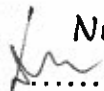
- 26. No development shall commence until the Planning Authority has approved the terms of appointment and the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to act as Travel Plan Co-ordinator to deliver the Travel Framework Plan required under Condition 25 of this Planning Permission from commencement of development to the date of completion of the development.

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

- 27. Unless otherwise agreed in writing by the Planning Authority, no development in Phase 1 (or any sub-phase thereof), shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority: 1
  - i) a scheme for bus priority from the Park and Ride site to the A96. The agreed scheme shall be implemented prior to the occupation of any element of phase 1f;
  - ii) a schedule for the improvement of Barn Church Road to satisfy a transport movement and place making function. The agreed scheme shall be implemented prior to the occupation of any part of phase 1a or 1b;
  - iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas to both primary school and secondary school provision. This shall include a combined footway / cycleway from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road and a combined footway / cycleway on the north west side of Barn Church Road. The agreed scheme shall be implemented prior to the occupation of any part of phase 1b;
  - iv) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore to be delivered prior to the occupation of Phase 1c; and
  - v) a scheme for enhancing the capacity and active travel permeability of the Barn Church Road / Tower Road junction and the Tower Road / Culloden Road junction to be delivered prior to the occupation of any element of phase 1a.

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

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

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

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

**Reason:** In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

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

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

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

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

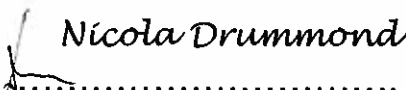
- 32. Any details pursuant to Condition 2 above which includes development of non residential uses within each Phase or sub-phase shall include a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the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

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

- 33. No development shall commence on Phase 1f until full details of a temporary park and ride facility have been submitted to, and approved in writing by, Planning Authority. The temporary park and ride facility shall include 150 car parking spaces, a bus stop and turning area, shelters for passengers, real time public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 4000m2 retail units in Phase 1f of the development. The temporary park and ride facility shall be implemented before occupation of any retail unit on the site in accordance with the approved details and shall be fully operational. Thereafter, the temporary park and ride facility shall be maintained as approved unless and until a permanent facility has become fully operational under Condition 34 below.

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

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## SECTION 42 PERMISSION

Reference No: 16/02161/S42

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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## SECTION 42 PERMISSION

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

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

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

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

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

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

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

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

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

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

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

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

50. No development within Phase 1b shall be occupied until a vehicular connection has been

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provided up to the western boundary of the application site with no impediments.

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

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

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

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

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

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

**Reason:** To assist with the provision of mitigation measures and delivery of future phases of the development.

**REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

**IMPORTANT INFORMATIVES**


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

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

**TIME LIMIT DIRECTION**

The Highland Council hereby makes the following Direction under Section 59(5) & (7) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Dated: 29th July 2016**

  
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## SECTION 42 PERMISSION

Reference No: 16/02161/S42

An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

For Phase 1:

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

For Phase 2 and each subsequent Phase:

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

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

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

from the date of the requisite approval of any matters specified in conditions applicable to that phase or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained, whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

### FOOTNOTE TO APPLICANT


#### Initiation and Completion Notices

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

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

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

**Dated: 29th July 2016**

  
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**Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

**Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Trunk Roads Authority and/or the Roads Authority prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Trunk Road Authority and / or Roads Authority officer at the earliest possible opportunity.

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

Further information on the Council's roads standards can be found at:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

**Mud & Debris on Road**

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

**Damage to the Public Road**

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

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*Nicola Drummond*  
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**Protected Species - Halting of Work**

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

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

**Protected Species - Ground Nesting Birds:**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

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

**Construction Hours and Noise-Generating Activities**


You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

**Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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**Area Planning Manager South / Major  
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**Variations**

None.

**Section 75 Obligation**

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

**Building Regulations**

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

**Land Ownership/Planning Permission**

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

**Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

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

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

**Dated: 29th July 2016**

  
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**Area Planning Manager South / Major Developments**



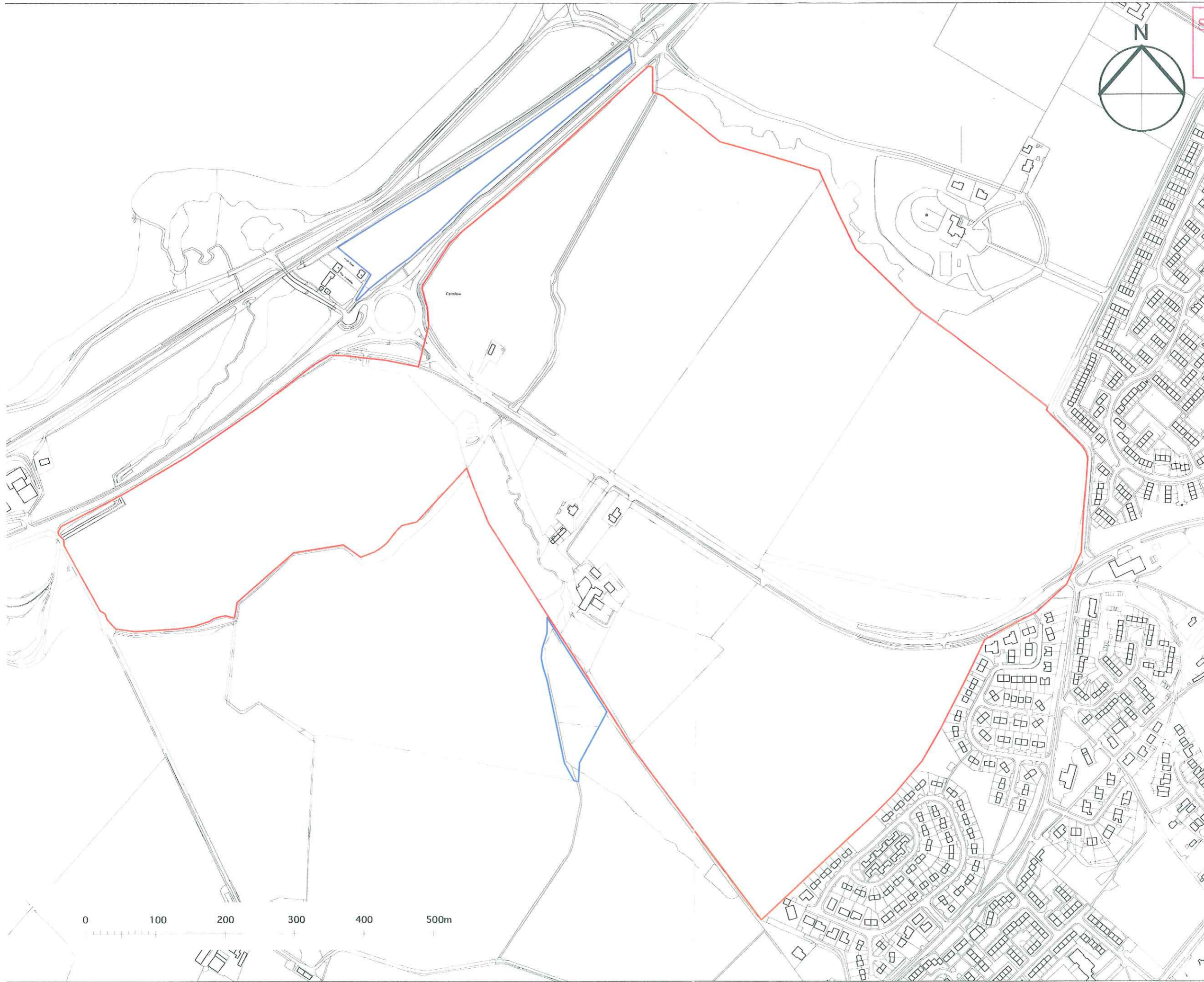
Appeals can also be lodged online via the ePlanning Portal at:  
<https://www.eplanning.scot>

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

**Dated: 29th July 2016**

*Nicola Drummond*

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**Area Planning Manager South / Major  
Developments**



**SUBJECT TO THE CONDITIONS  
OF THIS PERMISSION**

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

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

INVERNESS PLANNING  
 BUILDING CONTROL SERVICE  
 25 FEB 2009  
 RECEIVED

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

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