

Agenda Item	6
Report No	PLN/002/25

HIGHLAND COUNCIL

SUPPLEMENTARY REPORT

Committee: North Planning Applications Committee
Date: 22 January 2025
Report Title: 23/05466/FUL: Capstone Connect
Land 190M East Of House Of Rosskeen, Invergordon
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of 66 no dwelling houses comprising 2 storey, 2, 3, and 4 bed flats and villas with associated road, drainage and services with various landscaped recreation areas and retained woodland

Ward: 06 - Cromarty Firth

Development category: Major - Housing

Reason referred to Committee: Major Application

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 6 of the report.

1. BACKGROUND

- 1.1 This application was previously considered by the North Planning Applications Committee on 16th April 2024. However, before the conclusion of the section 75 agreement and the issuance of the decision notice, the Inner Moray Firth Local Development Plan 2 (IMFLDP2) was adopted on 27 June 2024. This adoption introduced changes to the development plan, raising new material considerations in respect of this application that the Committee must now review.
- 1.2 The Council, as the Planning Authority, has a statutory duty to take into account any new material considerations arising between the Committee's decision and the issuing of the decision notice. Failure to do so could constitute a breach of this duty, potentially exposing the Council to legal challenges.
- 1.3 In light of this and following consultation between the Planning Service and the Council's Legal Team, a decision has been made to refer the application back to the Committee for reconsideration. This decision also follows correspondence communicated through a confidential legal letter received by the Council's Legal Team. As the letter is confidential, it has been circulated separately to members of the North Planning Applications Committee for their review. This report addresses the concerns raised within the correspondence.
- 1.4 This Report is supplementary to that originally contained within the Agenda for the 16th April 2024 North Planning Applications Committee (attached as Appendix 1), the purpose of which is to provide an update on policy, given that the Inner Moray Firth Local Development Plan 2 has been adopted since members granted planning permission. Subsequently, the application site is no longer an allocated site or within the settlement development area, albeit the southeast corner of the site remains within the settlement development area.
- 1.5 Since the application was determined the applicant has proposed some adjustment to accord with the finalised approved site layout in terms of plot numbers and active elevations to relevant plots. This only relates to the 2B4P Flats and includes changes to the cladding. These minor amendments can be dealt with through the non-material variation process. In addition to this the site has since been purchased by the council which has led to the decision to increase the number of affordable units to 49, with 17 units for private let, with the Council committed to commence development in April 2025.

2. Policy Appraisal

- 2.1 Following the adoption of IMFLDP2, the Council's **Development Plan's Team** were reconsulted. In summary, the Council's Development Plan's team, are content that although the proposal no longer complies with the IMFLDP2 or with the **National Planning Framework 4 (NPF4) (2023)** the departure from both plans is outweighed by other material considerations set out within this report. In terms of NPF4, the following policies have been re-assessed: Policies 3 (Biodiversity), 5 (Soils), 6 (Forestry, woodland and trees), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20-minute neighbourhoods), 16 (Quality homes). In addition, the following policies of NPF4 now require to be assessed due to the impact of IMFLDP2 on the allocation of this proposal: Policies 9 (Brownfield, vacant and

derelict land and empty buildings), 18 (Infrastructure first), and 20 (Blue and green infrastructure). Whilst Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 4 (Natural Places), 7 (Historic Assets and Places), 12 (Zero Waste), 21 (Play, Recreation and Sport), 22 (Flood Risk and Water Management) and 23 (Health and Safety) all apply there is no requirement for the policies to be reassessed as they have no impact on the adoption of the IMFLDP2 and the Council's position has not changed from the previous assessment.

- 2.2 The Development Plan's Team provided the following comments on applying these policies to this proposal on this site. The application should secure mitigation that it will deliver a net increase in biodiversity (Policy 3), justify the loss of prime agricultural land (Policy 5), justify any woodland resource loss and secure mitigation and compensatory planting to offset any loss (Policy 6), justify why brownfield sites in this locality are not appropriate for this development proposal (Policy 9), ensure enhanced active travel connectivity at least to the nearby primary school and ideally other local facilities (Policies 13 and 15), seek a satisfactory standard of architectural design (Policy 14), ensure at least 25% affordable unit provision, have an agreed timescale for build-out, be compatible with the IMFLDP2's strategy and policies, and deliver up to 49 affordable homes (Policy 16), ensure adequate (public) water, sewerage and road connections (Policy 18), and provide adequate greenspace (Policy 20).
- 2.3 The current proposal and supporting documents indicate that net biodiversity enhancement including woodland issues will occur post development and its committed mitigation that will require comprehensive implementation, monitoring and if necessary, enforcement. The loss of prime farmland should be recognised as a negative against Policy 5, but the footprint of built development and disturbance of soils has been minimised. The proposal and supporting documents do offer the prospect of reasonable sustainable travel mode connectivity to local facilities. For example, there is a 560m distance from the redline boundary to the local primary school boundary along a mainly segregated route. The housing designs are functional but satisfactory and the retained woodland context will offer an attractive place for future householders. A large portion of the proposed units are affordable, and these have an agreed timescale for build-out in April 2025 with Scottish Government funding endorsed. Although the total units exceed the 49 number as specified in Policy 16(f) the site adjoins the settlement boundary it has reasonable sustainable travel mode connectivity to facilities closeby. As such it is considered to be reasonably compatible with the IMFLDP2's wider strategy and general policies.
- 2.4 The generality of the **Highland-wide Local Development Plan (HwLDP) (Adopted April 2012)** topic policies is outdated and largely superseded by those in NPF4. However, those that offer greater detail than NPF4 or that are tailored to Highland circumstance (and are not wholly incompatible with NPF4) are still relevant and may be applicable. For example, the Council's Policy 31 on Developer Contributions links to greater detail in Supplementary Guidance and therefore both are still relevant. Similarly, the following HwLDP policies are considered applicable as outlined in the previous report, with the Council's position largely unchanged: 28 (Sustainable Design), 29 (Design, Quality and Place-making), 32 (Affordable Homes), 34 (Settlement Development Areas), 51 (Trees and Development), 52 (Principle of Development in Woodland), 55 (Peat and Soils), 56 (Travel), 57 (Natural, Built and

Cultural Heritage), 58 (Protected Species), 59 (Other Important Protected Species), 64 (Flood Risk), 65 (Waste Water Treatment), 66 (Surface Water Drainage), 74 (Green Space), 75 (Open Space) and 77 (Public Access). These policies are generally aligned with NPF4, with the exception of Policy 34 (Settlement Development Areas) where the Council acknowledges that this is a departure.

- 2.5 In terms of the **Inner Moray Firth Proposed Local Development Plan 2 (IMFLDP2)**, the proposal site lies outwith but adjoins the Invergordon Settlement Development Area (SDA) boundary (with the south east corner of the site within the SDA boundary) and is therefore, technically, a countryside development. However, the proposal is of a scale and location that it should be assessed as a town expansion site. The IMFLDP2's spatial strategy seeks to direct new development to the most environmentally sustainable and economically viable locations. Within and around Invergordon, this site offers reasonable conformity with these two aims compared to alternatives. The site was only deallocated by the Council in 2022 when issuing the Proposed Plan version of IMFLDP2, as there was no confirmation of the Inverness and Cromarty Firth Green Freeport (ICFGF) project and no need to factor the consequential increase in housing need and demand. Very different circumstances exist now but were not apparent to the Council in time to change the IMFLDP2's content. Instead, both the Council and the Reporter at the IMFLDP2 Examination agreed that the matter should be deferred to the new Highland Local Development Plan which is now in preparation. Scottish Government through its directed amendment to the IMFLDP2 prior to its adoption required that the option of Masterplan Consent Areas for accelerating housing provision be included. This amendment signalled the Scottish Government's desire that economic growth in Highland should not be hampered by a lack of an allocated housing land supply. Spatially, Invergordon is central to the employment likely to be generated by the ICFGF project and therefore in sustainable travel terms a suitable location to accommodate a proportion of its workforce.

3. Environmental Impact Assessment (EIA) – Screening Opinion 2025

- 3.1 A Screening Opinion was issued in 2017 for a much larger development as such at the time of submission it was not considered necessary to undertake a new assessment. However, to provide clarity a new Screening Opinion has been undertaken and is attached at Appendix 2. The new screening opinion should give members clarity that the proposal does not require an EIA Report to accompany the application.

4. Further Consideration

- 4.1 It is considered that HwLDP Policy 28 Sustainable Design is still applicable to this application. Although the proposal will not be significantly detrimental when assessed against the balance of all of the criteria within this policy. However, it should be noted that, the policy topics within Policy 28 are now better addressed within NPF4 which postdates HwLDP by over 11 years and arguably supersedes the generality of policies within old-style local development plans.
- 4.2 Although it is acknowledged since the adoption of the IMFLDP2 the application proposal lies outwith the SDA boundary it adjoins the Invergordon Settlement Development Area with good visual, servicing and sustainable travel mode

connections to the settlement. As such the site is not considered to be a remote or rural site but a natural expansion of the SDA. Therefore, the proposal does not accord with Policy 34.

- 4.3 In terms of Policy 3, as noted in the previous committee report (Appendix 1), a Biodiversity Net Gain Feasibility Assessment was submitted as part of the application, which demonstrated a low percentage of biodiversity enhancement. This was in part due to the woodland enhancements not being able to be fully reflected within the metric. The applicant subsequently reduced the number of houses and incorporated additional enhancements into the design to provide significant biodiversity enhancements, strengthen nature networks and incorporate nature-based solution. Highland Nature Biodiversity Action Plan priority species were also included in the landscape plans, including juniper and Scottish primrose which are of particularly high biodiversity value to the area. The Council's Ecology Team was consulted at the time of application and were satisfied that the development complies with the requirements of NPF4 Policy 3. The applicant has committed (secured via condition) to mitigation measures that should ensure overall net enhancement.
- 4.4 The principal impact in respect of Policy 5 (Soils) is on the area of open ground surrounded by woodland. The open ground is mapped as Class 2 agricultural ground on the national soil maps but there is no evidence that it has been used for agricultural purposes in recent times as it would have been part of the grounds within the demolished Invergordon Castle. Furthermore, the site area is not currently being used for the purpose of growing crops, the single field is isolated with limited vehicular access, making it difficult to grow crops. Also, a review of historic maps shows no evidence that the ground has ever been used for agricultural food production and given its physical context surrounded by ancient woodland, its historic use as grounds within the demolished Invergordon Castle, and planning history as an allocated housing site, this provides further evidence that the land is unlikely to be brought into agricultural use in the near future. Although the proposal is not considered to accord with Policy 5, on balance, the loss of prime agricultural land is outweighed by the potential realise for a new quality housing development within a well-connected location.
- 4.5 Given that the site is well connected and the active travel enhancements requirements are secured by a section 75 agreement, it is considered that the proposal meets NFP4 Policies 13 Sustainable Transport and Policy 15 Local Living and 20-minute neighbourhoods. Furthermore, the site is in a location with, in Highland terms, good sustainable travel mode connectivity to the facilities of a large Highland town. For example, and as detailed within the Development Plans Teams response, there is a 560m distance from the redline boundary to the local primary school boundary along a mainly segregated route.
- 4.6 In terms of NPF4 Policy 9 an assessment has been made given that the site is no longer allocated. Whilst the site is no longer allocated, technically the proposal is of a scale and location that it has been assessed as a town expansion site. The site offers reasonable conformity with the two aims of IMFLDP2's spatial strategy compared to other brownfield (and greenfield) sites that may take years to be released for housing developments. This site is available to develop now whereas other sites are unavailable or would not be viable for this type of development. The Council notes the wording of Policy 9 a) but believes that it should be read in context

of a section that supports brownfield development rather than embargoes greenfield development. Highland is predominantly a rural authority, and its approved local development plan policies do not contain any policies that would justify such an embargo on this type of development. The Council finds that Policy 9 b) should not be applied to this development given the rural nature of the SDA it is located adjacent to and as such is a justified departure from Policy 9.

- 4.7 It should also be noted that the principal reason this site was omitted from the IMFLDP2 was due to the landowner being unwilling to sell until recently. Further to this the Council were waiting to see if the Inner Cromarty Firth would be awarded Green Freeport status. In addition, it is the intension that this site would be reallocated within the new Highland-wide Local Development Plan that is currently being prepared due the status of the Inner Cromarty Firth Green Freeport (ICFGF), with 10,000 FTE equivalent jobs associated with it and therefore a material consideration in the determination of this application as it will have an impact on housing needs, demand, quality and location.
- 4.8 The Scottish Government declared a national housing emergency on 15 May 2024. As such it is the intention to engage constructively to expand housing supply to meet the needs of the population and tackle homelessness. An all-tenure approach to the provision of new homes, which diversifies supply and provides a mix of tenures, will help to achieve these priorities. This proposal is considered to make a small but important contribution to addressing the local housing emergency.
- 4.9 More recently on 26th June 2024 the Chief Planner (Scottish Government) wrote to the Council in relation to the national housing emergency. This set out the key priorities, one of which is reinforcing the need to expand our housing supply to meet the needs of the population and tackle homelessness. This was further reiterated in a letter on 12th November 2024 from the Chief Planner (Scottish Government) advising that the Scottish Government has published a new delivery plan which sets out actions to be taking in planning to tackle the housing emergency, with planning playing a critical role in providing solutions.
- 4.10 The Scottish Ministers have continued to reinforce that policies in NPF4 should be read and applied as a whole and decision makers are required to decide whether there are other material considerations which support the development even if it is contrary to the policies of the development plan. The planning system requires decision makers to weigh up all relevant policies, as well as relevant material considerations in applying balanced planning judgement (section 25 of the Town and Country Planning (Scotland) Act, 1997, as amended). The introduction of NPF4 and IMFLDP2 has not changed this.
- 4.11 The approach to planning for housing in NPF4 is different to that in previous, now superseded, Scottish Planning Policy (SPP). Changes to the development plan has brought around a new approach through Policies 15 (Local Living and 20 Minute Neighbourhoods) and 16 (Quality Homes) which seek to provide homes in suitable locations' and that looking at the policies as a whole there is an emphasis on quality, diversity and sustainability. The proposal would provide a variety of inclusive housing types and sizes being constructed to meet the fast-changing needs of the area and the wider spatial strategy.

- 4.12 With the announcement of the national housing emergency, the Scottish Government expects Planning Authorities to take an ambitious approach to providing land to accommodate a wide choice of homes. If there are gaps in provision decision makers should consider the extent to which the proposal will contribute to addressing recognised priorities in the area. As such it is considered that there is enough evidence to support the need for housing on this site giving the evolving nature of housing needs in the locality.
- 4.13 Given the above assessment it is therefore considered that the proposal meets the Spatial Strategy of the IMFLDP2 and the Policy Intent of NPF4 Policy 16 Quality homes. Since the allocation of the Inverness and Cromarty Firth Green Freeport both the Local Housing Strategy and the Council's Operational Delivery Plan have been reviewed. In July 2024 the Council declared a Housing Challenge in the Highlands, in recognition of the additional pressures on the housing market over the next 10 years; the impact of economic growth associated with the Inverness and Cromarty Firth Green Freeport and the pressure associated with an increase in workforce coming into the area to deliver the SSE infrastructure works required to deliver the new transmission line. As such a refreshed Housing Needs and Demands assessment was commissioned 25/26 to take account of the emerging economic need and identified that the number of homes required over the next 10 years was up to double the original analysis for the area. For the affordable sector, it was highlighted this means up to 700 units a year are required, rather than the 500 which had originally been forecast. This application would deliver 49 affordable units for 2025/2026 and therefore accords with the Spatial Strategy of the IMFLDP2.
- 4.14 It is acknowledged that the proposal overall does not comply with Policy 16f). The proposal is considered to comply with 16f) i) in that it is a funded scheme within the Strategic Housing Investment Programme 2025-2030, with the proposal delivering an additional 9 affordable units than previously proposed, delivered by 2026. It is considered that the proposal meets the requirements of NPF4 16f) (ii) as it aligns with the Council's Spatial Strategy.
- 4.15 Given the Council's Spatial Strategy and that the delivery of 49 affordable units it is considered that the proposal does not accord with the requirements of policy 16f) (iii). Any non-compliance against other material consideration set out within this report have been balanced and found to outweigh the conflicts within HwLDP Policy 34 (Settlement Development Areas) and IMFLDP2. Similarly, although the proposal doesn't meet Policy 17 (Rural Homes) the site lies adjacent to the boundary of a main settlement Highland town and therefore has been assessed to be more of a town expansion area and not as a development in the open countryside and therefore supportable.
- 4.16 Finally, NPF5 Policy 18 Infrastructure first is met as the proposal can be serviced on a no net detriment basis. The development also meets Policy 20 Blue and Green Infrastructure as the proposal can deliver greenspace on a no net detriment basis, with the qualitative improvements offsetting any quantitative loss.

Other Considerations

- 4.17 Appendix 1 to [this report](#) contains the Housing Need and Demand Study for the Inverness & Cromarty Firth Green Freeport which details the requirement for 24,000 homes across Highland over the next 10 years. This represents more than doubling the past rate of house completions within Highland. This information was not available to the Inner Moray Firth Local Development Plan 2 (IMFLDP2) Reporter when (12 September 2023) this issue was debated at a Hearing into this issue as part of the Plan's Examination. The Reporter noted that the review of the Highland Local Development Plan would provide an early opportunity to review better evidence of increased housing need and demand resulting from the Green Freeport project and expansion of onshore renewables and the grid reinforcement projects necessary to store and transmit this increased energy supply.
- 4.18 The Highland Council (and many other councils) has recognised the need to find solutions to tackle housing pressures, particularly affordable ones, within its [Housing Challenge declaration](#). This reiterates the 24,000 homes target over 10 years and details the justification for it and the measures required to address the target. The application proposal has confirmed Scottish Government funding for the affordable units, is "shovel ready", and will therefore help deliver a small part of that target. The IMFLDP2 allocated alternative sites suffer from a mixture of ownership and viability constraints and are less likely to help address the Housing Challenge.
- 4.19 The application site was allocated for development in the previous IMFLDP1 which was only superseded in June 2024. The site was only deallocated (from the Proposed Plan in March 2022) because, at the time: the total plan housing requirement did not envisage the prospect of significant employment-led housing growth, and there was no obvious and viable solution to the road access and woodland constraints that inhibited the site's development. Circumstances have changed since March 2022.
- 4.20 The application is now (post the adoption of the Inner Moray Firth Local Development Plan 2 in June 2024) not in overall conformity with the approved development plan. However, the degree of departure is not significant on balance when weighing all other material considerations against that conclusion of overall non-conformity.

5. Matters to be secured by Legal Agreement / Upfront Payment

- 5.1 As this is a supplementary report the developer contributions previously reported will be concluded through the conclusion of a Section 75 Agreement.

6. CONCLUSION

- 6.1 The applicant has committed to 49 affordable houses and 17 for private rent. This is an increase in 9 affordable homes since the application was determined in April. As set out above the development does now represent a departure to the development plan under HwLDP Policy 34, and IMFLDP2 as it is no longer allocated. Having regard to NPF 4 it is recognised that the proposal will make a contribution to the delivery of additional housing locally to help meet the additional demand that is likely to arise with the **ICFGF**, the housing challenge and the Council's Strategic Housing Investment Plan (SHIP) with the delivery of 49 affordable housing out of the 700 now required per year.

- 6.2 In this regard the applicant has taken forward a master planning approach to deliver a mix of tenure and types of new homes on the site whilst enhancing recreational uses and biodiversity. The layout, siting, design and infrastructure arrangements and impacts to amenity and the natural environment have been considered and mitigated through the design of the proposals. The concerns raised in the community are recognised and where relevant to planning these issues have been addressed through mitigation and appropriate conditions.
- 6.3 All relevant matters have been taken into account when appraising this application. It is considered that whilst the proposal is not compliant with NPF4 Policy 16 f, the HwLDP Policy 34 and IMFLDP2 it is considered that having regard to all relevant material planning considerations and the benefits the development would provide, particularly in terms of affordable housing, these outweigh the conflicts with these Policies and the departure is not considered significant. Fundamentally, the application is considered to be supportable as it would comply with a number of important policies and other applicable material considerations as noted within Appendix 1 and this Supplementary Report.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Unilateral Agreement to be concluded
- 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 to **GRANT** the application subject to the conditions, reasons and informatives contained within the Committee Report of Handling approved by members on 16th April 2024.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that whilst the proposal is not compliant with NPF4 Policy 16 f, the HwLDP Policy 34 and IMFLDP2 it is considered that having regard to all relevant material planning considerations and the benefits the development would provide, particularly in terms of affordable housing, these outweigh the conflicts with these Policies and the departure is not considered significant. Fundamentally, the application is considered to be supportable as it would comply with a number of important policies and other applicable material considerations as noted within Appendix 1 and this Supplementary Report.

Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Claire Farmer – Acting Team Leader and Principal Planner
Background Papers: Documents referred to in report and in case file.
Varied Plans: Plan 1 - Location Plan

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HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 16th April 2024

Report Title: 23/05466/FUL : Capstone Connect

Land 190M East Of House Of Rosskeen, Invergodon

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of 66 no dwelling houses comprising 2 storey, 2, 3, and 4 bed flats and villas with associated road, drainage and services with various landscaped recreation areas and retained woodland

Ward: 06 – Cromarty Firth

Development category: Major – Housing

Reason referred to Committee: Major Application

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a residential development of 66 new homes, including a minimum of 17 to be offered on affordable tenures. The range of house types comprises of 3 and 4-bed semis; 3-bed terraces; 3-bed bungalows; 2-bed flats; 3 and 4-bed detached, 2, 3 and 4 bed villas:

	HOUSE TYPE	PD/MMR	AFF	TOTALS
2 Bed Villa	2BV	4		4
3 Bed Semi Villa	3BV Semi	2	14	16
3 Bed Terraced Villa	3BV Terr	0	6	6
3 Bed Villa with Ground floor bedroom	3BV GFB	0	10	10
2 Bed Flat	2BF	2	4	6
4 Bed Semi Villa	4BV SEMI	6	6	12
3 Bed Villa detached	3BV DET	6		6
3 Bed Villa detached Corner Turner	3BV DET CNR	1		1
4 Bed Villa detached	4BV DET	5		5
OVERALL TOTAL		26	40	66

- 1.2 The application site is to the north side of Invergordon and will take access onto Castle Close from a new access road from the site.
- 1.3 Pre Application Consultation: The applicant did not utilise the Council's Pre-Application Advice Service for Major Developments prior to submission.
- 1.4 Supporting Information: Arboricultural Information, Biodiversity Net Gain Assessment, Daylighting Analysis, Design Statement, Design and Access Statement, Drainage Impact Assessment, Pre-Application Consultation Report, Protected Species Survey, Transport Assessment and a Woodland Management Plan.
- 1.5 Variations received 19.12.2023, 18.01.2024, 19.02.2024, 22.02.2024 and 15.03.2024:
- Amended Location and Site Layout Plans – Amending the Access Arrangements
 - Amended Site Layout Plans, reducing the number of houses from 79 to 66 units
 - Amending Landscaping Plans
 - Arboricultural and Tree Protection Plan

2. SITE DESCRIPTION

- 2.1 The application site is located within an allocated site (IG4 House of Rosskeen), for housing within the Inner Moray Firth Local Development Plan (IMFLDP). The site is on the northern edge of Invergordon with the golf course to the west. The site can be accessed by foot from Castle Close and neighbouring developments of Bellfield to the south and the Golf Course to the west. The main body of the site is within a

clearing of ancient woodland comprising of rough grass. There is a core path (RC23.02) that bounds the site and one (RC23.06) located to the north east of the site. There is a former care home to the south of the site, playing fields and an area of residential housing. The site is bounded to the west by existing woodland which forms the boundary at House of Rosskeen and the Castle Cottages. The Polish Monument is located to the east of the site.

- 2.2 The circular Core Path route runs around a large part of the site, extending to the west beyond The House of Rosskeen. The proposed housing is concentrated within an existing green space which is currently well used by local walkers. A number of footpath links are proposed in the woodland to the south, along with natural play areas within existing clearings and throughout the site. The proposed foul sewer and storm drainage outflow from the proposed SUDS basin extends through the mature woodland to the north, past the ruined Honeymoon Cottage. The woodland to the north east (approximately 8.5 hectares) has been identified on the Site Layout plan as a 'Proposed Community Woodland'.
- 2.3 The site comprises of three distinct areas, dense woodland to the north and less dense woodland to the south with a secluded central area of open unkept grassland which is the developable area of the site. The woodland on and surrounding this site is listed in SNH's Inventory of Ancient Woodland as 1b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the Roy military maps of Scotland which were surveyed between 1747 and 1755. There is a small area to the south of Rosskeen Cottage, in the vicinity of the old Invergordon Castle site, which appears as 3 other woodland shown on the Roy military maps. This means that it appears as woodland on the Roy military maps of Scotland which were surveyed between 1747 and 1755, but do not appear on the first edition Ordnance Survey maps dating back to the 1860's.
- 2.4 The vehicle access is from Castle Close. The site is bounded to the north by an existing access track and woodland area, to the east by the existing access road 'Castle Close' and Polish War Memorial, to the south by the existing core path link and woodland area. The access arrangements have been altered during the determination of the application to protect the Polish Memorial and further reduce the impact on the trees.
- 2.5 Although there are no watercourses in the immediate area there are small pockets of surface water flooding within and around the site. It should be noted that the wider site is close to the flood risk area of the Rosskeen Burn. However, this area is all woodland that will be retained and the development is well back. The small drain to the south is also within an area of woodland to be retained. As such none of the development appears to be in an area of fluvial flood risk.
- 2.6 This site at Rosskeen in Invergordon is intended to accommodate the additional workforce expected in the area and is anticipated to be one of the first residential developments which will help deal with the anticipated jobs by the creation of the Green Freeport. Although there is a need for good quality housing in Invergordon at present, it is anticipated that the housing demand which will be generated by the development of the Freeport will increase. This site at Rosskeen is intended to be one of the first residential developments which will be delivered to cater the expected

influx of skilled workforce attracted into the area by the creation of the Green Freeport.

- 2.7 In Jan 2023 the Inverness and Cromarty Firth bid was successfully awarded Green Freeport status. The bid included a large area between the strategically important bases of Invergordon, Nigg, Inverness port and later added Ardersier
- 2.8 Green Freeports are, in essence, the Scottish equivalent to UK freeports, of which eight have already been confirmed. Freeports, a major part of the UK government's "levelling up" agenda, are designated free trade zones, where normal tax and tariff rules of the country in which they are based do not apply. Such zones are designed to boost economic growth and are intended to be located around docks, airports or railway hubs. In Scotland, the newly agreed zones will be referred to as Green Freeports as a reflection of the Scottish Government's distinctive net-zero emissions targets will be considered at the very heart of Scotland's adoption of Green Freeports. As a result, and amongst other commitments, successful bidders are required to demonstrate their contribution to a "just transition to net-zero emissions by 2045, delivering net-zero benefits and creating new green jobs". In addition to the net-zero focus, the Scottish Government's Green Freeports model also highlights the commitment to Fair Work First principles, and supporting innovation, trade and inclusive growth.
- 2.9 The prospectus for prospective bidders to become a Scottish Green Freeport outlined four key criteria to address:
- promote regeneration and high-quality job creation
 - promote decarbonisation and a just transition to a net zero economy
 - establish hubs for global trade and investment; and
 - foster an innovative environment.

The Green Freeport status will maximise local and Scotland-wide benefits from a pipeline of renewable energy projects placing the Highlands at the heart of the drive towards net-zero potentially creating up to 15,000 jobs locally with a further 10,000 estimated across the rest of Scotland and the UK.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|--|
| 3.1 | 10.08.2018 | 17/02262/PAN Residential development of 70-80 houses, improvements to access road and woodland recreation area | Case Closed |
| 3.2 | 27.09.207 | 17/04318/SCRE Housing development of 74 houses on 3 ha of land, including 25% affordable, infrastructure works, open space and woodland park on adjoining land | Screening Opinion Issued – EIA Note Required |
| 3.3 | 15.09.2023 | 23/03896/PAN Provision of circa 80 no dwelling houses with associated services and outdoor recreation areas | Case Closed |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Schedule 3 Development

Date Advertised: 01.12.2023, 22.12.2023 and 08.03.2024

Representation deadline: 22.03.2024

Timeous representations: 127 from 107 Households

Late representations: 9 from 8 Households

4.2 Material considerations raised are summarised as follows:

- a) The site although allocated currently allocated in the IMFLDP for development is to be removed from the new development plan, IMFLDP 2 and the proposal is therefore contrary to policy and the provisions of NPF 4;
- b) Adverse effects on ecology (including but not limited to bats, badgers, buzzards, owls and pine marten) and loss of biodiversity;
- c) Protected species surveys appear to have been done out of season and are not done to the appropriate standard;
- d) Adverse effects on the existing road infrastructure and increase in vehicle movement (including the A9 at the Tomich junction), and pressure on public transport (particularly during the holiday season);
- e) The high tree canopy around the proposed houses will have a negative impact on both daylight and sunlight to the properties, reducing natural light;
- f) Adverse effects on historic assets, including the Polish memorial;
- g) Adverse effects on natural heritage, including the ancient woodland and trees;
- h) School capacity constraints;
- i) Loss of green space, local schools using the wooded area for outdoor learning for pupils;
- j) Adverse effects on residential and community amenity ;
- k) Adverse effects on outdoor recreational users, including all abilities core path networks;
- l) Adverse socio-economic impacts;
- m) Increased risk of flooding and impacts on the existing sewage network;
- n) Preapplication Consultation (PAC) report had not been submitted (this was subsequently submitted and the application went under further public consultation);
- o) Adverse effects on health and wellbeing;
- p) The density of the housing is far too high for this setting and the original allocation;
- q) The design of the houses is generic and not sympathetic to the character of the area;
- r) Information in the public domain shows that Transport Scotland object to any further development in Invergordon without looking at the traffic problem at Tomich Junction; and
- s) The application is not accompanied by and Environmental Impact Assessment.
- t) Associated works to enable the development are outwith the site and the applicants ownership.

Non-material considerations raised are summarised as follows:

- a) Other sites would be more appropriate for housing development, the Scottish Government should provide money to remove the old Tanks at a brownfield site and use the land for housing. It also ignores those derelict houses and areas in Invergordon that are available for regeneration in the town e.g. the former oil tanks, the old power station and the empty neglected properties in the town;
- b) Lack of health care services, including GPs and Dentists. The money planned for this development should be used to improve the schools, play parks and medical centre;
- c) The Highland Council cannot even maintain the areas and houses they have;
- d) Children are already too dependent on technology, instead the council should be encouraging children to play outdoors in these green spaces and trying to improve the areas around it, not destroying what is left;
- e) Money planned for this development should be used to improve the schools, play parks and medical centre;
- f) As Invergordon no longer has a bank and only 1 supermarket the town cannot support an increase in population;
- g) Increase in fly tipping, antisocial behaviour and crime;
- h) It will be distressing to residents of the care home nearby (it should be noted this care home has since closed);
- i) It's discouraging by the penchant that local authorities and corporate planners seem to have developed for cutting down established trees and parklands and green spaces in the name of 'improvements' that weren't asked for; and
- j) More houses are not required in Invergordon.

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

5. CONSULTATIONS

5.1 **Invergordon Community Council** object to the proposed development. Concerns were raised in relation to the lack of infrastructure to support this development. The access to the site is extremely limited. If access along the farm track as proposed at the public meeting is not granted construction traffic would have to access the proposed site via Castle Road. This is not suitable for heavy construction traffic given the recent traffic calming measures installed. The development goes against local and national agreed planning policies and frameworks. It would destroy the last remaining green space in what is a predominantly industrial town. The new local plan, through public consultation, is at present with the Scottish Government for approval. It would appear this is an opportunistic application given that the new local plan no longer has this area marked for housing development. Our objection is in the location of this planning application when there are other more suitable areas.

Given the recent Green Free Port Status achieved by the Port of Cromarty Firth and the expected development and opportunity that may arise from this, we acknowledge that there will be a need for more housing in Invergordon but the balance between social housing and properties available for purchase needs to be addressed. Building is already well underway on some 93 dwellings opposite the entrance to the Ross & Sutherland Rugby Club on Castle Road.

There are issues following the loss of Park Primary School with pupils moving into temporary classrooms at Invergordon Academy. This impacts the students at the Academy and the Primary school children currently being educated in portacabins within the Academy grounds.

In the recent round of Highland Council budget discussions, monies are not available to replace Park Primary School and indications are that it could potentially be up to ten years before funds become available to rebuild the school. Consideration needs to be given to how the future education needs in the Town will be met in the event this application is granted.

The historical and environmental significance of the proposed development area must be considered. The woodland itself is an ancient woodland, despite not being identified as such in the documents. The woodland is the only green space available to the community and visitors alike with ancient trees, rare species of flora and fauna, all of which would be threatened by this development. This is a well-used green space within the town; a quiet place where, adults, school children and visitors can walk safely, enjoy the environment and learn about the abundant nature there.

The Community Council ask that a more in depth and detailed assessment of the flora, fauna and in particular the wildlife on the proposed site be carried out. It would appear there is some conflicting information and evidence regarding the wildlife that inhabit the proposed development site some of which have protected status.

There has been a castle on the site since the 13th Century, originally known as Inverbreakie Castle, changing its name at the beginning of the 18th Century when the estate was purchased by Sir William Gordon, from whom the Town takes its name. The Gordon / Bouchardon Bust, which made international news headlines recently, is an asset of the Invergordon Common Good Fund and is strongly linked to the proposed development area. Again, another strong link to the important historical significance of the proposed site to the Town and in this regard the Community Council acknowledges and agrees with the points raised in the representation submitted by the Invergordon Museum.

The proposed access to the site is also where the Polish War Memorial is sited; very important to our veterans and our Polish Community as well as those who pay respect to their families and their heritage in a quiet and peaceful area. In the neighbouring fields close by was a considerable Polish camp/settlement. The Polish monument was built by Polish forces billeted in Invergordon indicating that a Polish Army camp existed in Invergordon.

Invergordon Community Council's Response to Amended Application

The position of the Community Council remains unchanged. The objections and points raised in that document remain the same with the following additional comments.

1. As of January 2024, the Scottish Government upheld the decision that this site is not included in the new, revised Local Development Plan. The Plan makes reference to more suitable brownfield sites closer to the town centre that could be allocated for development. The National Planning Framework states that greenfield sites are the least acceptable for development and therefore should not be considered where alternative sites are available. There are clearly more appropriate sites within Invergordon that would satisfy this policy.

2. Lack of due attention and proper consideration has been given to reports and responses submitted by Highland Council Forestry Team and other bodies in relation to the trees, flora and fauna and wildlife in the area. Objections raised would appear to have been ignored in the main or bare minimum remedial actions proposed.
3. The Community Council still considers this area to be unsuitable for the development being proposed - even with the amendments made. By donating, and as a result imposing the responsibility for the maintenance and upkeep of the area of woodland and ground next to the development on to the community it would appear a generous offer at first glance, this is not the case.
4. Access to the proposed site is also still a cause for concern. The condition of roads in and around Invergordon will not sustain regular movements of heavy construction traffic. Proper access does not exist, nor can it be effectively created without causing considerable nuisance to the local community and environment. The comments made by other responders in relation to the Polish War Memorial are noted and the Community Council agrees with the points raised – again the area surrounding the Polish War Memorial has great significant historical importance in relation to the history of the Town and should be protected.
5. The site is of significant historical importance having close links to the home of Sir John Gordon and Invergordon Castle. Given the recent consultation on the potential sale of the Bouchardon Bust, the historic stone gates still exist and should be saved/protected. These two are linked to the history of Invergordon, the bust alone dates back almost 300 years, pre-dating the Highland Clearances and form part of the important and significant history of the Town.

5.2 **Access Officer** does not object. This proposal development interacts with a number of elements of recreational access resource and will impact on core paths and areas adjacent to the site.

Core path RC23.02, Polish War Memorial Circuit, is proposed to be used (in part) as the main access from the Castle Close adopted road. The core path is further proposed to be upgraded along the southern boundary of the housing site to access the proposed recreation amenity provision and also provide links to Bellfield, Fleming Way and Caberfeidh Avenue. The core path will require significant upgrade for the main vehicle access and to a lesser extent the sections to remain as path only. A recreational access management plan (RAMP) will be required to approved prior to any development starting to detail how the core path will be upgraded and how it will be phased or diverted to reduce any disruption to the public use of the core path. Particular regards should be made to ensuring that the section of core path from the War memorial to the branching off for the new site road should be open at all times, or nearly all the time, to public access for recreational purposes. It is assumed third party vehicular access will be required to be maintained so public access should be considered when developing a work plan for these works.

The other sections of core path and wider access paths work should be phased so there is adequate provision for the public whilst section of these route may be closed off for construction activities. It should be noted construction activities do not permit

core paths to be stopped up from being used by the public. Only approval of the Access Authority (for temporary marshalled works) or a confirmed order can do this.

Wider Access Network Paths

The proposal plans to link the development to the south with built paths, this is welcome, but it should be noted that the planned paths must reach existing adopted roads or footways, cannot just build a path to the redline boundary.

There is evidence of public recreational access taken to the site from the Southwest, Flemming Way and the golf course. No access provision to the proposed development from this direction has been considered. There is an existing well establish desire line across the centre of the site. Whilst the proposed layout does retain this route in some form, using the paths that access the drying greens and rear garden of the dwellings, the line is not obvious or natural. If the above access from Flemming Way is improved the desire line may be superseded by the path proposed along the western boundary of the site which link into the track heading to the House of Rosskeen, and no further consideration need be given to retaining the desire line in a more natural state other than what is already proposed.

The track by Rosskeen cottage is in poor condition. The ground is within the red line boundary of the application. This section of track should be improved for recreational use to a fully surfaced aggregate path to 2m wide. Public vehicle access is not required, and the upgraded track/path can be restricted with bollards or a gate to restrict vehicle use if it is not required by the applicants or the development. Any bypass around a locked gate/bollards should be constructed to the same standard as the upgraded track.

A drawing for the specification of the all the paths, which will not be adopted, should be produced and included in the RAMP prior to the start of any works. A map showing adopted roads, adopted foot/cycleways and none adopted paths should be produced and included in the RAMP.

5.3 **Contaminated Land** do not object or have any further comments.

5.4 **Development Plans** do not object to the proposed development. The Council's 'old style' development plans will continue to be used alongside NPF4, until they are replaced by a new style LDP. The Council notes that legislation and planning law indicates that if there is incompatibility between a LDP and the NPF, whichever is the more recent shall prevail.

Inner Moray Firth Local Development Plan (IMFLDP) 2015

The Highland Council Area Local Development Plan covering the proposed site is the Inner Moray Firth Local Development Plan. This plan's focus is on the regional and settlement strategies of the Inner Moray Firth area and identifies specific site allocations. The site that this proposal is on is allocated for Housing (IG4 House of Rosskeen).

Inner Moray Firth Proposed Local Development Plan 2 (IMFpLDP2)

As noted above, this is currently at examination. Given the advanced stage of IMFpLDP2, it is considered the 'settled view' of the Council and therefore a material consideration in assessing planning applications, but it does not form part of the approved development plan. This Plan's focus is on identifying specific site

allocations and includes a number of overarching 'general policies' which will apply to all forms of developments.

The site has planning merit in particular its proximity to existing residential areas and it has relatively easy access to key facilities and employment opportunities. Active travel linkages between the site, surrounding established residential areas and the wider town, are key to integrating the site with the wider area. With Invergordon supporting a wide variety of services and facilities the site could deliver certain aspects associated with a 20 minute community.

As noted above, the Council is at an advanced stage in replacing IMFLDP and has submitted the IMFpLDP2 (the Proposed Plan) to Scottish Ministers for Examination. It is expected that the Examination will conclude in late January 2024 with the publication of the Report of Examination. IMFpLDP2 is considered the 'settled view' of the Council and therefore carries some weight in the decision-making process. However, until the plan is adopted it is not part of the approved Development Plan.

In preparation of IMFpLDP2 the Council reviewed existing plan allocations and a number have not been taken forward as part of IMFpLDP2, with IG4 House of Rosskeen being one such example. When the Proposed Plan was being prepared the Easter Ross Housing Market Area had experienced relatively low levels of housing pressure. Since the Proposed Plan was prepared the situation in Easter Ross has evolved with the Inverness and Cromarty Firth Green Freeport bid being approved. This confirmation of the Green Freeport makes Invergordon an even more sustainable location for housing.

In IMFpLDP2 the site is not shown as an allocation and sits outwith the Settlement Development Area (SDA) for Invergordon. The wooded element within the red line boundary of the proposal is shown as Greenspace. Greenspace is safeguarded from development via NPF4 Policy 4: Greenspace.

- 5.5 **Ecology Officer** does not object. No evidence of protected species was recorded within the site other than bats. Inspections of the wall along the entrance route, the ruined cottage and the trees within the site, identified bat roosting potential. Twelve trees were classified as: 3 PRF-I trees, 9 tree with moderate suitability (not part of the new tree BCT guidelines) and 6 trees as PRF-M. Three of these trees along the access route are to be felled for the development. These trees - NH 70231 69586, NH 70207 69604 and T3187 are classified as PRF – I and therefore, do not require survey prior to determination. All the trees and other structures identified as having potential bat roost potential will need surveyed prior to works beginning and will need any disturbance licences from NatureScot. The surveys must be undertaken in accordance with the Bat Conservation Trusts, Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition).

All mitigation listed within the Bat Species Protection Plan must be adhered to. It is important that bat friendly lighting is installed in this housing development and this must follow the Bat Conservation Trusts Bats and artificial lighting at night guidance note - <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Biodiversity Enhancement

A Biodiversity Net Gain Feasibility Assessment was submitted as part of the application, which demonstrated a low percentage of biodiversity enhancement. This

was in part due to the woodland enhancements not being able to be fully reflected within the metric. The applicant subsequently reduced the number of houses and incorporated additional enhancements, and after discussions with the applicant, further enhancements have been incorporated into the design which now provides significant biodiversity enhancements, strengthens nature networks and incorporates nature-based solution. Highland Nature Biodiversity Action Plan priority species have been included in the landscape plans, including juniper and Scottish primrose which are of particularly high biodiversity value to the area. This site, complies with the requirements of NPF4 Policy 3.

A Habitat Management Plan (HMP) will be conditioned to provide full details of the biodiversity enhancement measures including monitoring and management, this should be agreed with the applicants arboriculturist.

Appropriate condition will be attached to ensure the protection of bats (through s Bat Species Protection Plan), Pre-construction Surveys will be required 3 months prior to works commencing, construction works will be undertaken outwith the main bird breeding season (March – August inclusive).

- 5.6 **Environmental Health** do not object to the proposed development subject to the recommended planning conditions. Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974.

Generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times. If the applicant intends to undertake noisy work out-with the aforementioned times, they will be required to submit a detailed construction noise assessment for the written approval of the planning authority. For the avoidance of doubt, this would include any proposal to run compound generators overnight for the purposes of lighting or drying of PPE etc.

Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. The applicant will be required to submit a scheme demonstrating how this will be implemented. Particular attention should be given to the use of tonal reversing alarms and ground compaction plant which are often the most intrusive noise generating elements of a large construction project.

Operational Noise

It is noted that the development may include provision of heating through air source heat pumps. These will need to be installed in accordance with the relevant criteria

- 5.7 **Historic Environment Team (Archaeology)** do not object to the proposed development. An evaluation has already been carried out for this area. The results indicate a potential for additional features to survive that would be impacted by this development. While the risk of encountering buried deposits is not such as to warrant a full excavation, it is important that the nature and extent of any features is identified and recorded before destruction. As a precaution, site clearance work should be done under archaeological supervision. This can be addressed by condition.

5.8 **Flood Rijs Management Team** do not object to the proposed development, subject to appropriate conditions. There are no concerns regarding flood risk at this location. There are no watercourses in the immediate area and there is no fluvial flood risk shown on the SEPA flood maps in the vicinity of the proposed houses. The maps do show small pockets of surface water flooding within the site. Based on the topography provided there appears to be limited scope for ponding and so we are content that surface water can be managed through the development's SUDS.

5.9 **Forestry Officer** does not object to the proposed development subject to appropriate conditions.

The following arboricultural information supports the application:

- Tree Schedule
- Tree Constraints Plan (TCP)
- Arboricultural Impact Assessment (AIA)
- Tree Protection Plan (TPP)
- A Woodland Management Plan (WMP) has been prepared by Urban-Arb.
- A Landscape Plan has also been prepared by Keith L Wood Landscape Design.

A suitably qualified arboricultural consultant must be employed at the developer's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. This must include the excavation of the drainage outlet through the woodland to the north and the installation of the Natural Play Areas in the woodland to the south. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

A Landscaping consultant will also be required with an appropriate factoring agreement secured via a planning condition.

A suitably qualified forestry consultant must be employed to ensure the approved Woodland Management Plan is successfully delivered and its delivery and maintenance secured via a planning condition.

5.10 **Transport Planning** do not object to the proposed development subject to a number of conditions to ensure that the proposed development meets the appropriate standards and active travel improvements are delivered.

Existing Transport Conditions

The Transport Assessment (TA) confirms that a single footway is provided on the western side of Castle Close which is to be extended to provide access into the development, with the footway currently ending at the Castle Gardens Care Home. The TA also confirms that there is a single footway / segregated footpath provided adjacent to Castle Avenue. While the TA confirms that the nearest bus stop is located within a convenient 5 minute walk of the site, this distance appears to rely on the provision of direct pedestrian access to the closest bus stop on Strath Avenue. We note that the nearest convenient retail facility is located within an acceptable 10 minute walk of the site, with the nearest primary and secondary schools located within a 20 minute walk of the site.

The TA identifies a potential requirement to re-align a section of the Polish War Memorial Circular walk which forms part of the Core Path Network, although no further information is provided to confirm the scale of alterations which would be required. This information should be provided to enable the principle to be established in association with the current planning application. Further details should be identified within an Access Management Plan, the provision of which can be conditioned in association with a future planning consent.

We note that the nearest rail station is located a 17 minute walk from the site and therefore outwith the recommended maximum 800m walking distance. The TA suggests that the improvements proposed as part of the Alness and Invergordon Active Travel Masterplan (AIATM), will seek to enhance the journey, highlighting four Development Actions which are particularly relevant to the proposed development. Of these, it is considered that Action 4 will provide particular benefit to future residents of the proposed development, with this including the following scheme which will enhance the connectivity of the site to the centre of Invergordon:

‘Delivery of an active travel corridor from the Castle Gardens care home to the B817 at the Port of Invergordon. This would take the form of a segregated cycleway adjacent to Castle Road and Castle Avenue. On King Street, where space is a constraint, a cycle street is being considered.’

There will be a requirement to support the delivery of the above scheme which will support access to local education and employment opportunities. The TA provides commitment to the provision of active travel links between the site and Strath Avenue.

Commitment is also provided to the provision of a footway between the northern terminus of the existing footway provided adjacent to Castle Close, and the site. While the road appears to be adopted, the applicant should confirm that the road improvement scheme along with the introduction of an adjacent footway, can be provided within land under the control of either The Highland Council or the applicant.

The TA confirms that the nearest bus stop to the site is supported by limited infrastructure, and there will be a requirement to provide a new bus shelter at the nearest bus stop to the site which is located on Strath Avenue to support use of the local bus service by future residents.

When reviewing the local road network, the TA confirms that THC ‘expressed concern with the use of Castle Close as the access to the development in its current form. This concern arises from the narrow carriageway widths, recorded in the Council’s List of Public Roads as having a carriageway width of only 4.8m and from the poor quality of the carriageway at its southern extent’.

No commitment is however provided within the TA to upgrade the road to support its use as a development access.

As previously highlighted, there is a requirement to provide suitable pedestrian infrastructure to ensure that the site is connected with the existing footway network provided throughout the adjacent residential area to support access to local amenities. While the TA highlights that active travel links will be provided between the site and pedestrian facilities provided adjacent to Strath Avenue, no details are provided in relation to the form that these links will take. Indeed, the two segregated

links which are shown on the masterplan are shown to extend outwith the red line boundary. We therefore require confirmation that the links can be delivered within land under Council or the Applicant's control and that the facilities will be provided in a form which supports their use by pupils accessing the local primary and secondary schools. Consideration should therefore be given to the means by which the links are surfaced and lit to provide facilities which are safe and attractive to use.

We note the intention to extend Castle Close into the site, with the road to be re-aligned and widened to support its use as a development access. Castle Close and its junction with Castle Avenue should also be upgraded to ensure that the road infrastructure can safely accommodate the level of traffic generated by the proposed development including a requirement for the site to be serviced by larger vehicles. The form of the improvements should be supported by swept-path analysis to demonstrate that Castle Close and its junction with Castle Avenue can safely accommodate refuse vehicles and confirmation should be provided to demonstrate that the infrastructure alterations can be delivered within land under Council or the Applicant's control.

Swept path analyses of the internal road layout are shown in Figures 26 and 27 of the TA. The assessments show that refuse vehicles are required to use the opposing lane of the carriageway and over-sail the pedestrian footway, to enter and exit the residential side road, which is not acceptable. We would require that the junctions are re-designed to allow for safe access to all areas of the development by refuse vehicles.

Car parking provision is discussed in section 4.5 of the TA. Specifically regarding visitor parking, we note that paragraph 4.5.4 states that "visitor car parking spaces should be provided or accommodated on-street. From the current site plans there appears to be adequate space for visitor's vehicles to be accommodated on-street". We consider that visitor car parking should be clearly shown on the site layout, to ensure suitable quantity of visitor parking is provided, and to ensure it does not impact the ability of refuse vehicles to safely access all parts of the proposed development.

Swept path assessments should be carried out on the latest version of the site layout. When reviewing the site layout, we note that there appear to be space to only accommodate three refuse bins in association with each property. This will require to be revisited given that the Council have now moved to a four bin system to support increased recycling activities.

We note that the proposed Adoption Areas plan which was submitted in support of the planning application, confirms that the internal street network will be adopted, but we will require further details to be provided in relation to the means by which the streets serving the shared parking areas will be maintained.

Traffic Impact Assessment

We note that the following junctions have been assessed as part of the TA:

- Castle Avenue / Academy Road / Castle Road / Cromlet Drive Junction
- A9 / Academy Road / Unnamed Road (Tomich) Junction

The TA confirms that the Castle Avenue / Academy Road / Castle Road / Cromlet Drive junction will operate comfortably within capacity.

A draft Construction Traffic Management Plan (CTMP) has been presented as Appendix G of the Transport Assessment, which states that construction traffic will also require to access the site via the existing Davison Drive/Castle Avenue junction, and Castle Avenue/Strath Avenue/Castle Close junctions. The current junctions may not be of suitable geometry to be able to accommodate construction vehicles, and no swept path assessment has been presented within the CTMP to demonstrate how these would operate with construction traffic.

Following our review of the TA which has been submitted in support of the current planning application, it is considered that the following matters require to be addressed to demonstrate the principle of the development proposals:

1. Details of the proposed alterations to the core path network.
2. Details of the proposed active travel links between the site and Strath Avenue and confirmation that they can be delivered within land under Council or the applicant's control and be provided to a standard which is suitable for all users.
3. Requirement to support the provision of an active travel corridor on Castle Close.
4. Commitment to the provision of a bus shelter at the nearest stop on Strath Avenue.
5. Development of a scheme to improve the Castle Close / Castle Avenue junction to enable its use as the development access.
6. Provision of a scheme which prevents development generated traffic from using the farm tracks located to the north and east of the site, with commitment provided to its implementation.
7. Update of the site layout to provide appropriate corner radii's at junctions to enable larger vehicles to travel safely through the site, with this demonstrated through an updated swept-path analysis.
8. Confirmation that the required level of visitor parking can be accommodated within the site without impacting on the ability for the internal road network to safely accommodate larger vehicle movements.
9. Update of the site layout to enable four refuse bins to be provided at each property.
10. Confirmation of the means by which the access to communal parking areas will be maintained.

Following completion of the review, further information has been submitted by the applicant. The following table summarises the information included within the additional with the above requirements.

Additional Information	Relevant Summary Item
6m radii provided at internal junctions	Item 7 partially addressed, but there is a requirement for the swept-path analysis to be updated to demonstrate that refuse vehicles are able to safely travel throughout the site
Visitor Parking	Item 8 addressed through confirmation that visitor parking will be accommodated in off-street parking areas

Remote Paths	Item 2 partially addressed but details of the paths and the ability to deliver them should be provided to support the planning application
Refuse Collection Points	Item 9 not addressed as storage for only 3 bins shown on the masterplan
Castle Close Upgrade	While the commitment to upgrade is welcomed, there is still a requirement to confirm the scheme details and that they can be accommodated within Council / applicant owned land to enable Item 5 to be fully addressed
Active Travel	While we welcome the commitment to enhance active travel provision on Castle Close between the development and Strath Avenue, there is still a requirement to confirm the scheme details and that they can be accommodated within Council / applicant owned land to enable Item 3 to be fully addressed
Restrict Access to Private Road and A9	While we note that there is an agreement to erect a gate in the vicinity of the war memorial, it is unclear whether this would prevent vehicles routing east to Access Academy Road. Further details should therefore be provided along with details of the agreement with the affected landowners to enable Item 6 to be fully addressed

5.11 **Scottish Water** do not object to the proposed development. There is currently sufficient capacity in the Newmore Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

There is currently sufficient capacity for a foul only connection in the Alness and Invergordon Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

The applicant should be aware that Scottish Water are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. The developer should also be aware that Scottish

Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- 5.12 **SEPA** do not object to the proposed development. The overall site is large and close to the flood risk area of the Rosskeen Burn. However, this area is all woodland to be retained and the development is well back. The small drain to the south is also within an area of woodland to be retained.

None of the development appears to be in an area of fluvial flood risk and therefore we have no objection on the grounds of flood risk. There are some isolated pockets of surface water, but highlight that we consider this issue to be the remit of your flood team.

Enhancement of the water environment

There is a small artificially straight watercourse at the southwest corner of the site (NH 69909 69408). It appears to flow west to east so is presumably culverted under the playing field and Castle Gardens Nursing Home emerging again on the east side of Castle Close and eventually flowing into Johnstones Ditch. The watercourse is in an area of recreation open space. We therefore highlight that there is an opportunity to improve it as part of the development to improve the biodiversity and amenity value of the recreation space. The watercourse also appears to currently be perched i.e.; it is not in the low point in the landscape. As part of improvement works it could be re-routed to the low point and partly de-culverted all within the recreational area.

Consideration of flood risk issues would be required along with authorisation from SEPA under the Controlled Activities Regulations (CAR).

- 5.13 **Transport Scotland** do not object to the proposed development. However, Transport Scotland have agreed with the applicant's Transport Assessment (TA) in regards to the existing layout of Tomich Junction, which does not comply with present day standards. Although they do have concerns with the safety of the Tomich junction there are no fundamental issues from a conventional junction capacity perspective. This view is substantiated by the technical assessments which are reported in the TA. By extension to this, the historic road accidents are considered by SYSTRA largely a consequence of the form of the junction, rather than necessarily junction capacity related issues.

It is noted that a Junction Turning Counts (JTC), including queue length surveys, were undertaken at the Tomich Junction on Wednesday 07 February 2024 during the AM period (0700-1000) and PM period (1400-1700). National Road Traffic Forecast (NRTF) low growth has been applied to factor the base flows for future year assessments. With the results of the Threshold Assessment presented in Table 9 of the TA. These demonstrate that there is anticipated to be a 6% increase in traffic volumes on the Academy Road arm of Tomich Junction and a 2-3% increase in traffic volumes on the A9(T) west arm. Therefore, Tomich Junction has been subject to further detailed analysis.

The TA concludes that while the results demonstrate that the junction operates within capacity, onsite observations show longer queues than those modelled. The queue labelling diagram for the observed queues and the average observed queues are shown in Figure 33 and Table 11 of the TA. The TA goes on to stress that given the development is estimated to increase one-way link flows on Academy Road northbound by 20PCU in the AM peak hour, which equates to one additional vehicle

every 3 minutes, if averaged over the whole hour, “it is unreasonable to assume that such a small increase in flows would increase queues by such a significant amount.”

It is Transport Scotland’s view that all PM peak scenarios (existing and future year) from the modelling estimate that the Academy Road arm will exceed capacity with subsequent queueing and delay, exacerbated by traffic from committed developments and the proposed development. The PM peak assessment also highlights capacity issues for traffic turning right into Academy Road and from the unnamed road to the A9(T).

The TA outlines a range of measures which have been undertaken or are proposed to ensure that the development can be meaningfully integrated into the adjoining transport network. These include:

- A Framework Construction Traffic Management Plan
- A Residential Travel Pack (to be prepared).
- Tomich junction improvements

The TA also refers to financial contributions to support upgrades to Tomich Junction and that these “should be suitable and proportional” and that “The level of contribution should be considered in the context that development trips assigning via the junction are estimated to be 28 two-way vehicle movements in the AM peak hour and 26 two-way vehicle movements in the PM peak hour.”

However, as The Highland Council has no current mechanism for seeking financial contributions towards improvements at Tomich Junction Transport Scotland would offer no objection to application 23/05466/FUL subject to the application of the recommended conditions to mitigate any negative impacts as a result of the development.

Noting the observations set out in this response, based on the information provided, Transport Scotland would offer no objection to application 23/05466/FUL subject to the application of the following conditions to any consent awarded by the Council:

1. That prior to the commencement of development, details of active travel and public transport interventions and a supporting assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland as trunk roads authority. The supporting assessment of the proposed active travel and public transport interventions, or another transport scheme, shall demonstrate how it will mitigate the impact of development traffic, including on the trunk road network, and include details on its method of delivery and trigger points for its implementation.

Reason: To assist in ensuring that the safety and efficient operation of the traffic on the trunk road is not diminished.

2. The transport interventions or scheme shall be delivered in accordance with the details approved under condition

Reason: To assist in ensuring that the safety and efficient operation of the traffic on the trunk road is not diminished.

3. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland. The Travel Plan shall identify measures

to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of National Planning Framework 4 (NPF4) and PAN 75 Planning for Transport.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

National Planning Framework (NPF) 4 Policies

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 7 - Historic Assets and Places
Policy 12 - Zero Waste
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes
Policy 21 - Play, Recreation and Sport
Policy 22 - Flood Risk and Water Management
Policy 23 - Health and Safety

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
51 - Trees and Development
52 - Principle of Development in Woodland
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
74 - Green Networks
75 - Open Space
77 - Public Access

6.2 Inner Moray Firth Local Development Plan (IMFLDP) (2015)

Invergordon Settlement Development Area (SDA)

Allocated site IG4 House of Rosskeen

Requirements: Developer to prepare masterplan / development brief to be agreed with the Council who may adopt this as Supplementary Guidance. This should address: housing – low/medium density housing within open ground; potential for conversion, redevelopment and infill development at the Castle Cottages and Rosskeen House; circulation – retention of and connections to Polish War Memorial Circular Core Path and improved path links to town centre; natural heritage – retention and protection of ancient woodland; Flood Risk Assessment including, restoration of Rosskeen Burn and other nearby minor watercourses; built heritage – retention of historic buildings and Archaeological Assessment, in particular of the site of the former Invergordon Castle; Transport Assessment.

6.3 Inner Moray Firth Proposed Local Development Plan (2022)

No site specific policies. However, it should be noted that when the Proposed Plan was being prepared the Easter Ross Housing Market Area had experienced relatively low levels of housing pressure. Since the Proposed Plan was prepared the situation in Easter Ross has evolved with the Inverness and Cromarty Firth Green Freeport bid being approved. This confirmation of the Green Freeport makes Invergordon an even more sustainable location for housing. The site is not shown as an allocation and sits outwith the Settlement Development Area (SDA) for Invergordon. The wooded element within the red line boundary of the proposal is shown as Greenspace. Greenspace is safeguarded from development via Policy 4: Greenspace. The Green Freeport makes Invergordon an even more sustainable location for housing.

6.4 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets

Creating Places

PAN 61 – Sustainable Urban Drainage Systems

PAN 67 – Housing Quality

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) design, streetscape, residential amenity, recreational areas, and outdoor play
 - c) access and travel
 - d) flood risk, drainage and servicing
 - e) impact on ancient woodland, forestry and trees
- a) impact on natural heritage (ecology), landscaping and open space
 - b) historic assets
 - c) any other material considerations

Development plan/other planning policy

- 8.4 Both National Planning Framework (NPF) 4, through Policy 16 and the Highland wide Local Development Plan (HwLDP), through Policy 34 support the principle of development of new homes in the settlement development area and the principle of residential use on this site may be considered as established through the existing Inner Moray Firth Local Development Plan (IMFLDP) designation. There is a presumption in favour of such development under Policy 16 – Quality homes of NPF 4 which seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right location.
- 8.5 The principal policy framework relating to the development of the site is therefore, set out in the adopted Inner Moray Firth Local Development Plan (IMFLDP) 2015. The site corresponds with part of the allocated IMFLDP site IG4 for a housing capacity of 30 units.
- 8.6 The preparation of the Inner Moray Firth Local Development Plan 2 (IMFLDP2) has reached its final stages but has yet to be formally approved and adopted by the Highland Council. The Examination Report for IMFLDP2 was published on 23 January 2024. The Reporters recommended modifications have been incorporated into the Intention to Adopt version of IMFLDP2, which was published on 28 March 2024. Now that the Examination Report and Intention to adopt version of the plan

has been published the plan should be given significant weight as a material consideration in the decision making process. The site as Rosskeen did not feature as an allocated site in the Proposed Plan and through the Scottish Government Examination it was not re-allocated in the IMFLDP2. At Proposed Plan stage and again in submitting the Plan for Examination, the Council acknowledged that the site did have some planning merits and a willing landowner, but when taking into account quantitative need for housing and the historic low level of house building in Invergordon, there remained better alternative housing sites which were closer to town and its facilities and more easily accessed. Since the Proposed Plan was published the broader context has evolved. The Opportunity Cromarty Firth bid for Green Freeport Status was approved in January 2023 at which point the project became known as Inverness and Cromarty Firth Green Freeport (ICFGF). This confirmation of the Green Freeport has changed the economic context in which decisions are being made. This is coupled with a change to how housing requirements are now considered under NPF4, with the local development plan area considered as a whole and it no longer being necessary to demonstrate adequate provision of housing land by housing market area or settlement. It is also worth noting that in recent times that land allocated for housing at Cromlet is being built out. This upturn in interest for housing development coupled with the significant change in economic context arising from the Green Freeport, makes Invergordon an even more sustainable location for housing, capable of playing a key role in accommodating future residential development supporting the expected growth from the delivery of the Green freeport.

- 8.7 Under NPF 4 Policy 15, development proposals will be assessed to the extent that they contribute to local living, and where relevant, 20-minute neighbourhoods. The policy considerations include how developments interconnect to local business, employment and community facilities.
- 8.8 The number of residential units proposed for the site has been reduced from 79 to 66 to address technical issues that will be discussed later. Although the density is more than the allocation, it is considered that the proposal is comparable to other housing developments to the south of the site and in Invergordon, therefore accords corded with the provisions of Policy 16 of NPF 4. Furthermore, it is accepted that a residential development of the amended scale and density proposed, can be accommodated satisfactorily on the site. The planning assessment that follows sets out how the detailed house design and layout for the residential development presented here, addresses the subject specific technical issues whilst giving considerations to relevant NPF4 and HWLDP policies.
- 8.9 All development requires to be assessed against Policy 1 of NPF4 'Tackling the climate and nature crises' which states that when considering development proposals significant weight will be given to global and climate nature crises with the intent of the policy being to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The intended policy impacts include promoting local living and compact urban growth. Policy 3 – Biodiversity of NPF 4 applies to all development proposals. This seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. For major developments such as this one, Policy 3b states that proposals will only be supported where they include measures to conserve, restore and enhance biodiversity, so this is in a demonstrably better state

than without intervention. Policy 2 of the Proposed IMFLDP requires enhancement to biodiversity in development and if adopted will seek a developer contribution to enhance biodiversity in future.

- 8.10 Policy 4 – Natural Places of NPF 4 seeks to protect, restore and enhance the natural assets of designated sites. There are no statutory natural heritage designations within the site boundary. Additionally, Policy 4 requires that where there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. This is also a requirement of Policy 58 – Protected Species which requires Protected Species Surveys and mitigation to protect species should there be potential impacts.
- 8.11 Policy 5 – Soils, aims to protect carbon rich soils and prime agricultural land, of which areas exist within the site, although there are no carbon rich soils present there is some prime agricultural land, as defined through the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute) but is unlikely to produce high quality crops due to the tree covering. Under Policy 5 in isolation, development proposals will only be supported on prime agricultural land where they relate to essential infrastructure, renewable energy development or development associated with agricultural or processing of agricultural produce. Nevertheless, given the previous tree covering and the longstanding designation of the site as suitable for housing within the Local Development Plan Framework, the location within the Settlement Development Area and the support afforded through NPF 4 Policies 15 and 16, it is considered that on balance, the loss of prime agricultural land is outweighed by the potential to realise a quantity of new housing within a well-connected location in this instance.
- 8.12 NPF Policy 13 – Sustainable Transport requires development to encourage, promote and facilitate walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. These requirements are also reflected in Policy 56 – Travel of the HwLDP.
- 8.13 Consideration has to be given to Policy 22 – Flood risk and water management with particular reference to policy 22c) which requires rain and surface water to be dealt with via sustainable urban drainage systems with a presumption against any connections into the combined sewer. 21d) states that development proposals will be supported if they can be connected to the public water mains, this aligns with policies 65 – Waste Water Treatment, 66 – Surface Water Drainage of the HwLDP and Policy 3 – Water and Waste Water Infrastructure Impacts of the Proposed IMFLDP.

Design, streetscape, residential amenity, recreational areas, and outdoor play

- 8.14 The 66 proposed housing units will consist of a mix of detached, semi-detached and terraced houses as well as two blocks of flats. All properties will be finished in white render and weatherboard cladding on the external walls. Roofs will be finished in smooth concrete roof tiles, uPVC windows and timber composite doors (Colour variations will be restricted to the windows and the front doors). The selection of colours will be carefully considered with a view to generating local neighbourhood identity within defined areas of the development and will provide a visual aid to

location. The mixture of 2 storey housing typologies along with the variety of house types proposed provides a varied streetscape and a greater sense of place consistent with the existing housing styles in the wider context of Invergordon. The design of the houses themselves are a mixture of detached, semi detached 2 storey villas and Cottage Flats with vertical window fenestration. The feedback from the community consultation was that 2 bedroomed flats with private entry could deliver additional provision on the ground floor for amenity and wheelchair units. They will be designed for accessibility and flexibility of space to enable people to live “well” and to remain at home, as their health changes. These flatted units have their own individual garden space in the same way as the houses to cater for cycle storage. There is also the desire to cater for visual impairment and various forms of dementia as part of the amenity needs of potential end users.

- 8.15 During the determination of the proposed development significant negotiations have taken place. In terms of design and layout the original density and juxtaposition of the houses were quite uncomfortable. Although the existing trees provide an attractive setting and backdrop for the development amendments were sought due to significant overshadowing during both the summer and winter months, which would result in poor residential amenity and limiting solar gain opportunities within the affected properties. A review of the overall layout, including a large reduction in the number of units has made a substantial improvement through reducing the shading and creating a more cohesive housing development.
- 8.16 The new layout considers the orientation and position of windows and the location of gardens in relation to a proposed new development which are especially important considerations. New houses should be constructed to take advantage of sunlight to provide a pleasant living environment and to maximise solar gain. This can be achieved by positioning main living areas, conservatories and rear gardens to generally face south or south-west where practicable.
- 8.17 The amended layout provides housing along the boundary with a central group of housing. The houses from the southern western corner have been removed with some of the other units reconfigured to avoid significant overshadowing from the ancient woodland. The southern row has also been reconfigured and moved north to take advantage of the natural gaps between the trees where the paths run to limit shading and provide natural surveillance to the outdoor natural play equipment. This reconfiguration allowed for a further amenity space to the south west corner that takes advantage of a large feature tree.
- 8.18 There were some concerns in relation to pedestrian safety particularly to the central area to the rear of the houses. The applicant took these comments into consideration and the paths to the rear of the units were reconfigured or removed to reduce the need for private paths, where houses backed onto each other. Lighting will still be a consideration particularly due to the location and will have to be appropriately addressed to ensure public safety whilst being sensitive to protected species within the wider site, this will be secured via a planning condition.
- 8.19 In recognition of Policies 1 and 2 of NPF4 the Council recognises the importance of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as the legislative tool for addressing Scotland's Climate and Ecological Emergency, which the Council committed to under its own Climate and Ecological Emergency

declaration in May 2019. To facilitate the Council moving towards achieving net zero, it is expected that the new housing will be designed to be sustainable and energy efficient. The Council is also committed to delivering low carbon transport solutions and as such the proposed houses will include cabling at an appropriate point (typically a backplate next to driveway) or electric vehicle charging points for flats to facilitate a connection to charge electric vehicles.

- 8.20 Scotland's ambitious climate change legislation sets a target date for net zero emissions of all greenhouse gases by 2045 with an interim target of 75% reduction by 2030. As part of encouraging the implementation of measures to meet this target, heating systems which emit zero carbon generation at source are being promoted. The current Building Standards Section 6 and Section 7 require use of sustainable materials and heating measures to achieve this target. The proposals are fully compliant with these legislative standards. A "fabric first" approach will be adopted as the main principal to meet these targets. The houses will be highly insulated to minimise lifetime energy use. Air Source Heat Pumps and PV panels will be the preferred methods to assist meeting net zero carbon requirements. Further to this a combination of other measures will be implemented where possible to meet requirements and further improve performance such as optimising the orientation of dwellings to maximise passive solar gain.
- 8.21 Due to amendments, reconfiguration and the orientation of the new homes and overshadowing has been reduced significantly within the application site boundaries. The proposals do not raise direct window to window loss of privacy issues with one another. All of the proposed dwellings generally respect the recommended 21m clearance between windows on habitable rooms, it is considered that the proposed boundary treatments are sufficient to ensure an acceptable level of privacy for both the existing and proposed dwellings, where these adjoin in the northern and northeastern parts of the site.
- 8.22 Within the development children's play spaces should generally be in a safe and overlooked area. Amendments were made to ensure that there are adequate open space areas for both children and recreational use. Including provision of open space, amenity and recreational play space with fixed equipment, but also the creation of "playable" spaces which meet the needs of different people at the same time. Support for playable spaces can extend the range of play opportunities available to children and can be cost effective, for example, providing playable spaces which can also function as amenity space and landscaping. Imaginative planting, ground mounding, boulders, seating and sculpture can all provide play for children of a wide range of ages as well as exercise and visual amenity for adults. The wooded area (to the south side of the proposed housing) that is proposed for community use provides opportunities to provide quality and open space for the expansion of outdoor recreational activities. Further opportunities for informal play are proposed in the woodland area to the South of the site. Trim trails and features for natural play are among the facilities which will be created in already occurring clearings along these pathway links. A number of informal path links are also proposed from the development which take advantage of natural desire lines through the wooded area linking into the existing footpath network and providing connectivity to the neighbouring development areas to the south.

- 8.23 The ancient woodland area to the north-east is an important asset and will be safeguarded and retained for both its historic value and wildlife habitat value. It is anticipated that the woodland will be transferred to community ownership but if this is not the case, a Woodland Management Plan (WMP) will be required and secured via an appropriate planning condition until the woodland is transferred to community ownership. A small number of trees will require to be removed where the access road is realigned into the former care home site.
- 8.24 In this case application site is situated in close proximity to a number of Playing Fields, Public Parks & Gardens and Sports Areas including Invergordon Golf Course and Ross Sutherland Rugby Club which are all located within a 5-20 minute walk from the development. There is a network of informal footpaths within the wider site with direct routes to the town centre and schools. Informal path links will be provided which permeate into the existing woodland area to the south providing active travel links for walking and cycling and connectivity to the neighbouring residential development areas to the south. Trim trails, features for natural play and outdoor gyms are among the facilities which will be created in already occurring clearings along these pathway links (in all directions including the upgrading of the core path). The existing access road/path to castle cottages and the House of Rosskeen will be protected. These details will be secured via a Recreational Access Management Plan (RAMP) which will also provide further detail in relation to the proposed development and overall permeability to the surrounding path network.
- 8.25 The applicant is committed to enhancing all access pathway routes within and around the proposed housing site to promote access to the outdoors. The Core Paths will be retained in its current route with a crossing introduced where the road into the development crosses. New remote dedicated path for access to school through the woodland area to the south will be provided to an agreed specification. New remote paths provide Active Travel routes to schools and for recreation within the woodland area to the south all linking into the existing Core Paths and into town. There will be trim trail and natural play features along the path routes to promote outdoor play activities for all ages and abilities. At the pocket park it is proposed to provide an information board providing the historic importance of the area.

Access and Travel

- 8.26 Vehicle access to the site has been amended during the determination of this application to ensure the protection of the setting of the Polish War Memorial located to the eastern boundary of the site and reduce the impact on the ancient woodland. The principal access will still be taken from Castle Close where the road will be realigned to avoid the Polish War Memorial. This also allows for the existing historical access gates to be retained and protected. Access to the existing properties will be maintained at all times during construction works of the new upgraded road.
- 8.27 Vehicle access to the site will be from a new junction onto Castle Close. This route will require some upgrading works to accommodate the additional traffic with new surfacing and footways. This will also require part removal of the curtilage wall to the adjacent former care home.

- 8.28 Due to the amended access the woodland area to the north-east to be safeguarded and retained as wildlife habitat. A small number of trees will require to be removed where the access road is realigned into the former care home site. These will be replaced along the road side and site edges (Lime, Beech, Oak), within the development (Cherry, Rowan, Birch) and in the woodland areas to the south (Lime, Beech, Oak), to mitigate and tree removals.
- 8.29 The amended access avoids use and any works on private road to the two existing houses and farm tracks addressing concerns over access changing the nature of this length of road. The amended access should also resolve the representations received noting concerns involving the widening and realignment of the road from the former Castle Gardens entrance; impacts on the Polish War Memorial; road safety and an adverse impact on the setting through the removal of trees.
- 8.30 Further concerns were raised due to the anticipated traffic generated by the proposed development will have an impact on the junction of Castle Close with Castle Avenue. Both of these roads are adopted and the works required to improve the alignment is within the carriageway and can be addressed by condition. Subject to this Transport Planning have not raised any concerns in relation to the visibility splays or capacity issues with the anticipated increase in vehicle movement. It is considered that subject to appropriate mitigation the existing road network can accommodate the increase in vehicle movement.
- 8.31 Concerns were raised about there being the potential for development traffic to use the farm tracks which are located to the north and east of the site, to access the A9. While the TA suggests that one of the tracks has potentially been stopped up in the vicinity of Johnstone's Ditch, there remains potential for traffic to route east from the Polish War Memorial to access Academy Road. There is therefore a requirement for an appropriate scheme to be developed to prevent vehicles generated by the proposed development from accessing the wider road network via this route Transport Planning have suggested that consideration could be given to the installation of gates or bollards to force all development generated traffic to utilise the adopted road network when accessing and leaving the site. This arrangement will require agreement with those who have right of access over the tracks, with a planning condition attached to any planning permission to secure an appropriate scheme.
- 8.32 The Tomich junction is the main route to the A9 and lies approximately 1.3km from the proposed access to the site. Both Transport Planning and Transport Scotland, note that the calibrated analysis provided in the TA suggests that the junction is currently operating at capacity. Any increase in traffic levels at this junction is therefore likely to have an impact, although there are no safety issues identified. The principal concern is that the proposed development may result in further queuing at the junction. Whilst it is noted that the Tomich junction will require upgrading given the anticipated increase in development from the Green Free Port, there is currently no mechanism in place. The Council is actively reviewing these options with relevant stakeholders to secure a mechanism to deliver improvements to the Tomich junction. In the meantime, the applicant has made a commitment to significant active travel improvements to mitigate any negative impacts as a result of the proposed development. It is understood options being considered would be for improved

pedestrian and cycle linkages which would align with Action 4 of the Alness and Invergordon Active travel Masterplan. Part of the overall route runs along side the eastern boundaries of the site along Castle Close. A condition would be sought to ensure either a financial contribution towards this or a proportionate contribution to its delivery by the applicants. Transport Scotland have accepted active travel enhancements as appropriate compensation and therefore do not object to the proposed application.

- 8.33 Considering the climate emergency, it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. The applicant shall provide two designated electric car charging points within the development in this respect. The charge points will be provided for communal use within the parking area for the proposed flatted units. The provision of charge points in new housing is a matter for the building standards process, should the development progress to this stage. However, the Council is also committed to delivering low carbon transport solutions and as such the proposed house will include cabling at an appropriate point (typically a backplate next to driveway) to facilitate a connection to charge electric vehicles.
- 8.34 While a safe routes to school assessment is included in the TA, no commitment is provided to improving the existing paths to support access to the footway facilities provided adjacent to Strath Avenue. The TA suggests that 'Pedestrians from the site would access Strath Avenue via either the network of paths through the wooded area to the south of the site or via Castle Close'. As confirmed in the TA, these paths will provide the most convenient means of accessing the closest bus stop to the site in addition to supporting access to the local primary and secondary schools. Both Transport Planning and Transport Scotland have highlighted a requirement for the applicant to commit to upgrading active travel routes, including the paths to support their use by pupils. Significant enhancements will be secured via planning conditions.

Flood risk, drainage and servicing

- 8.35 The overall site is large and although some of the woodland is close to the flood risk area of the Rosskeen Burn the area to be developed is well set back and unaffected. As such none of the development appears to be in an area of fluvial flood risk and therefore neither SEPA nor the Council's Flood Risk Management Team have objected on flooding grounds.
- 8.36 Surface water and foul drainage connections will be made to the existing drainage network, with the additional installation of a wet SUDs basin in the northern corner of the site. Although there are some isolated pockets of surface water (photographic evidence has been provided through a third party), the Council's Flood Risk Management Team following a review of the latest Drainage Impact Assessment (DIA) are satisfied with the drainage proposals and SUDS arrangements. Discharge will be limited to pre-development greenfield rates for storms up to and including a 1 in 200 year plus climate change return period event.
- 8.37 The wet SUDS, including the proposed attenuation basin, will be put forward for vesting by Scottish Water. There is no flooding from the system during a 1 in 30 year (plus climate change) event. There is some flooding predicted during a 200 year event and this will need to be managed within the site without flooding to the

properties. A condition that the final design is submitted for review and approval should be applied to any consent.

- 8.38 SEPA have noted Enhancements of the water environment should be considered. There is a small artificially straight watercourse at the southwest corner of the site (NH 69909 69408). It appears to flow west to east so is presumably culverted under the playing field and Castle Gardens Nursing Home emerging again on the east side of Castle Close and eventually flowing into Johnstones Ditch. The watercourse is in an area of recreation open space as such there is an opportunity to improve it and the Biodiversity and amenity value of the recreation space. The watercourse also appears to currently be perched i.e.; it is not in the low point in the landscape. As part of improvement works it could be re-routed to the low point and partly de-culverted all within the recreational area. SEPA recommend that this is considered and can be secured via a planning condition.

Impact on Ancient Woodland, Forestry and Trees

- 8.39 The woodland on and surrounding this site is listed in SNH's Inventory of Ancient Woodland as 1b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the Roy military maps of Scotland surveyed between 1747 and 1755. There is a small area to the south of Rosskeen Cottage, in the vicinity of the old Invergordon Castle site, which appears as 3 Other woodland shown on the Roy military maps. Although it appears as woodland on the Roy military maps it did not appear on the first edition Ordnance Survey maps dating back to the 1860's.
- 8.40 The existing woodland trees provide an attractive setting and backdrop for the development with extensive opportunities to provide high quality open space for the expansion of recreational pursuits for new and existing residents. The developable area of the site is almost completely clear of trees and new street trees will be incorporated into the streetscape of the housing development area of the site to ensure it is well integrated into the surrounding woodland context, creating a pleasant, well-designed streetscape.
- 8.41 A circular Core Path route runs around a large part of the site, extending to the west beyond The House of Rosskeen. The proposed housing is concentrated within an existing green space which is currently well used by local walkers. A number of footpath links are proposed in the woodland to the south, along with natural play areas within existing clearings. The proposed foul sewer and storm drainage outflow from the proposed SUDS basin extends through the mature woodland to the north, past the ruined Honeymoon Cottage. The woodland to the north east (approximately 8.5 hectares) has been identified on the Site Layout plan as a 'Proposed Community Woodland'. A clear strategy for delivery of the community woodland will be secured via a planning condition.
- 8.42 Policy 6 of the National Planning Framework 4 seeks to protect and expand forests, woodland and trees, while ensuring that woodland and trees are sustainably managed on development sites. This will be achieved as follows:
- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported;
 - b) Development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
- ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; and
- iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

8.43 The Highland-wide Local Development Plan (April 2012) explains the Highland Council's vision and sets out how land can be used by developers for the next 20 years. The HwLDP highlights the multiple benefits provided by trees and woodlands throughout the Highlands and in recognition of this there is a strong presumption in favour of protecting the existing woodland resource. Policy 51 (Trees and Development) of the Highland-wide Local Development Plan states: The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

8.44 Woodland Trust Scotland raised concerns to this proposal on account of potential deterioration of ancient woodland and veteran trees. However, a tree survey has been carried out to identify trees that could be retained. Through discussions with the applicant the retention of significant trees, in particular Category A trees has been secured through amendments to the access, layout and the removal of house plots. A further tree survey will be required to be undertaken before construction works to identify any silvicultural or safety works which may be required.

8.45 Furthermore, the Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary. The Inner Moray Firth Local Development Plan (IMFLDP) 2015 includes a low/medium density housing allocation (IG4 House of Rosskeen) for 30 houses within this 16-hectare site. The proposed capacity is 66 houses. There are also a number of developer requirements for this site, which includes the retention and protection of ancient woodland.

8.46 Given the proposed density of housing, there is limited scope for any biodiversity enhancement within the development area. In order to further demonstrate Biodiversity Net Gain, the focus needs to be on the pro-active management of the existing mature woodland within the site. The woodlands at Rosskeen would have formed part of the formal designed landscape associated with the Invergordon Castle and later mansion house. Unfortunately, they have been neglected in recent years and so the formation of a community woodland provides an opportunity to restore and enhance this important asset. While the WMP provides a 10 year work programme, the management responsibility of a community woodland continues in perpetuity. As a result, a formal constitution for the community woodland group must be established to secure this asset for future generations. The council's Forestry Officer has advised that the applicant approaches the Community Woodland

Association for further advice on how to progress this. A condition will be imposed to ensure clarification on this and ensure appropriate management of the woodland is retained either community woodland group or appropriate management agreement.

- 8.47 A suitably qualified arboricultural consultant must be employed at the developer's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. This must include the excavation of the drainage outlet through the woodland to the north and the installation of the Natural Play Areas in the woodland to the south. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Impact on natural heritage (ecology), landscaping and biodiversity gain

- 8.48 To address the comments of the Planning Authority, an area of amenity open space has been introduced around the large veteran tree in the south west corner to acknowledge and safeguard it as a feature. Enhancement of the central woodland area between the new and existing housing neighbourhoods is also key to benefiting the health and mental wellbeing of the wider community. It will deliver provision of a better equipped, attractive central community area for outdoor pursuits which will assist in generating a cohesive and connected community.
- 8.49 The SUDS area will be planted with meadow grass with new tree planting around the perimeter to maintain bat and badger foraging opportunities while providing green open area and an attractive outlook for some of the properties. Hedge and tree planting along the street frontage assists screening the parking, reducing the visual impact of vehicles and assisting with a tree line for bats to navigate between foraging areas. Properties along the southern edge of the development will have a double aspect front and rear to address the woodland edge to the Core Path in addition to the street frontage and natural surveillance. This will be done with lower fencing along this edge will be lower to be sympathetic to the woodland edge and provide an open aspect to the woodland and the path.
- 8.50 The tree surveys were carried out alongside an ecology survey to inform the best approach for the amended proposal. A Woodland Management Plan (WMP) has also been prepared to provide an overall approach for planting and maintenance of the wooded areas. Works will be carried out in accordance with the WMP. New planting will be introduced within the woodland areas to counter die back and ensure the woodland is regenerated. The focus will be on native species which enhance biodiversity and support wildlife. A range of native planting (including trees, shrubs and hedgerows) will further enhance biodiversity with multiple native species proposed supportive of existing habitat. Proposed planting areas will be carefully designed to encourage biodiversity whilst also allowing existing habitats to grow without disturbance.
- 8.51 A Biodiversity Net Gain Assessment has been prepared and demonstrates the proposals provide an overall net gain. Recommendations below from the Ecology

report are incorporated to provide habitat that is beneficial to Protected Species and other wildlife:

- i. Removal of rhododendron to allow for more foraging areas with native plants;
- ii. Management of the timber within the woodland to remove non-native/coniferous species on a rolling basis, leaving the wood to rot on site and provide insects; and,
- iii. Underplanting of native species tree seedlings which provide fruit for foraging badgers, as part of the long-term recruitment of smaller trees;
- iv. Existing walls and features may be kept and enhanced for wildlife and/or reused in the proposals for public art following further investigation. Including the existing Rosskeen 'Honeymoon' cottage ruin which will be made safe and the gable retained.

8.52 A Biodiversity Net Gain Feasibility Assessment was submitted as part of the application, which demonstrated a low percentage of biodiversity enhancement. This was in part due to the woodland enhancements not being able to be fully reflected within the metric. The applicant subsequently reduced the number of houses and incorporated additional enhancements as noted above. After discussions, further measures were incorporated into the design which now provides significant biodiversity enhancements, which strengthen nature networks and incorporates a nature-based solution. Highland Nature Biodiversity Action Plan priority species have been included in the landscape plans, including juniper and Scottish primrose which are of particularly high biodiversity value to the area. The proposed development complies with the requirements of NPF4 Policy 3.

8.53 A Habitat Management Plan (HMP) will be conditioned to provide full details of the biodiversity enhancement measures including monitoring and management, this should be agreed with the applicants arboriculturist. The Council's Ecologist has requested that a Bat Mitigation Plan (BMP) and pre-construction surveys should be carried out 3 months prior to works starting. Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for nesting birds should be made, not more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive). This survey should include the redline boundary. 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.

8.54 Although the application was accompanied by an Ecological Report (and surveys), further information was sought due to concerns over the impacts on bats and other species to the Council's ecologist's satisfaction. There has been representations stating there are other protected species within the site, however no evidence of these was recorded within the site other than bats. Inspections identified bat roosting potential, particularly in specific trees. The trees affected (to be felled) are not maternal bat roosts and as such do not require a survey prior to determination of an application. Nevertheless, all the trees and other structures identified as having bat roost potential will need surveyed prior to works beginning and will need a disturbance licence from NatureScot. The surveys must be undertaken in accordance with the Bat Conservation Trusts, Bat Surveys for Professional

Ecologists: Good Practice Guidelines (4th edition). All the mitigation listed within the Bat Species Protection Plan must be adhered to, including the lighting to be installed to this housing development must follow the Bat Conservation Trust Bats and artificial lighting at night guidance. This will be secured through an appropriate planning condition.

Historic Assets

- 8.55 Representations have concerns over the loss of one of the only areas in Invergordon with almost a thousand years of documented human occupancy. It began with the construction of the first castle in the thirteenth century by a Fleming national who had been awarded the area by William the Lion. Subsequently, two mansions built on this site, one, replacing the Castle in 1755 and again in 1873. The second mansion, which was built on the site of the previous mansion, was demolished in 1928. The foundation stones from the Castle/Mansion are still visible in the grass. During WW2, the Castle Grounds housed camps for Army Units in Nissen Huts. The bases of these huts are still noticeable on the proposed site. Norwegian soldiers were also billeted at the Castle Gardens Camp, and by 1945 there was a sizeable Polish Camp.
- 8.56 A letter of representation was also received from Invergordon museum as the Polish War Monument is one of only two in the United Kingdom, offering a place of solace for Polish veterans, but also many visitors who come to pay their respects in a people peaceful and quiet environment. The adjoining woods offer an opportunity for people to take peaceful and contemplative walks. These concerns have been taken into consideration during the determination of the application and the monument will no longer be affected with the memorial area remaining undisturbed and a significant area of woodland being retained and enhanced. The Council's Historic Environment Team did not raise any concerns and as a precaution, site clearance works should be undertaken under archaeological supervision.

Developer contributions

- 8.57 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. The application site is located within the catchment area of Invergordon Academy Secondary and South Lodge Primary School. In this case although concerns have been raised in relation to schools not having capacity, this has not been evidenced in the consultation responses with reference to current and projecting school roll forecasts.
- 8.58 Contributions will be required however to support the expansion of community facilities at Invergordon Leisure Centre associated at a rate of £1,568 per unit.
- 8.59 Proportionate contributions to be made to help deliver Action 4 of the Alness and Invergordon Active travel Masterplan either through an upfront payment or a section undertaken by the developer themselves. It is understood a financial contribution of £1750 would be sought per house.
- 8.60 A minimum of 17 affordable housing units will be provided and this will be secured through a legal agreement.

- 8.61 Given the site's lack of public prominence and the degree of landscaping and play facilities provision incorporated within the design, a further contribution towards public art is not considered necessary required.

Other material considerations

- 8.62 Third party concern was received in relation to the neighbour notification and public consultation process not been undertaken in accordance with legislations. In respect of the neighbour notification and consultation process, all neighbours were notified that lie within the 20-metre buffer from the site as identified on the submitted Location Plan and as set out in planning legislation. Furthermore, the application was advertised in the local press. The Scottish Government sets out the neighbour notification and public consultation process, details can be found here <https://www.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/pages/7/>. As such it is considered the correct procedures were followed.
- 8.63 Many letters of representation were received with concerns in relation to the lack of health services.
- 8.64 Some contributors considered that an Environmental Impact Assessment should have been submitted with the application. The proposed development was screened against this criteria, and it was concluded that the proposed development did not meet the threshold whereby an Environmental Impact Assessment would be required.
- 8.65 The Planning Authority have received a large number of representations to the application and all material planning issues that have been raised have been taking into account during its determination. Where relevant to planning it is considered the issues have either been addressed or can be mitigated by condition(s).

Other non-material considerations

- 8.66 Many letters of representation were received with concerns in relation to the lack of health services. This is not a matter that can be dealt with through the planning process.
- 8.67 Third parties have suggested that there are other brownfield sites within Invergordon that should be developed. Unfortunately, whilst there may be other sites, the Planning Authority is obliged to consider the application as submitted on its respective merits.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.68 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Contributions to the delivery of community facilities rate of £1,568 per unit, giving a total of £103,488.
 - b) Contributions to the delivery of Action 4 of the AIness and Invergordon Active Travel at a cost of £1750 per unit as an upfront payment or a proportionate element of the works are undertaken by the developer.

- c) Minimum of 25% affordable housing provision (17 affordable homes onsite).

8.69 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers.

9. CONCLUSION

9.1 It is recognised that the application has aroused considerable public interest and concern as evidenced in the representations received. At present the site remains allocated under the Development plan and will remain so until IMFLDP2 is ratified, the Planning Authority are required to consider the application within the current policy framework. Whilst the policy context is due to change in the near future the wider context has also changed with the advent of the Inverness Cromarty Freeport. It is recognised that the development of this site will make a contribution to the delivery of additional housing locally to help meet the additional demand that is likely to arise with the Freeport.

9.2 In this regard the applicant has taken forward a master planning approach to deliver a mix of tenure and types of new homes on the site whilst enhancing recreational uses and biodiversity. The layout, siting, design and infrastructure arrangements and impacts to amenity and the natural environment have been considered and mitigated through the design of the proposals. The concerns raised in the community are recognised and where relevant to planning these issues have been addressed through mitigation and appropriate conditions.

9.3 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 to **GRANT** the application subject to the following conditions and reasons

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

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

2. No development shall commence until the materials to be used in **external finishes** (including but not limited to finishes of walls, roofs, rainwater goods, windows and doors) of any and all built structures, have been submitted to and approved in writing by the Planning Authority

Reason: To ensure that these matters can be considered in detail.

3. No development shall commence until the final **road layout and material finish** of all roads within the development have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the site is maintained in the interests of place making.

4. No development shall commence until the exact siting and design of all **on street above ground infrastructure** (including electrical substations, junction boxes and broadband cabinets) has been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail in the interests of place making.

5. No works in connection with the development hereby approved shall commence unless an **Archaeological Written Scheme of Investigation (WSI)** has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the

programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details..

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

6. No development or work (including site clearance) shall commence until a **Heritage Interpretation and Access Plan** has been submitted to, and approved in writing by, the Planning Authority. The Plan shall:
 - i. identify all historic sites within and/or adjacent to the application site boundary which would benefit from improved access and interpretation; and
 - ii. outline proposals for the improvement of identified historic sites which should include interpretative resources, signage, footpath provision and the promotion of a Heritage Trail; and
 - iii. include proposals for implementation of the Plan.

The approved Heritage and Access Plan shall be implemented prior to the first use of the development hereby approved, or, if different, in accordance with the approved Plan.

Reason: In order to promote the archaeological/historical interest of the site.

7. A **pre-construction** survey is required to be undertaken not more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

8. No development shall commence until a **Bat Protected Species Plans**, including protected species pre-commencement survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and the access to the site in all directions from the boundary of application site and

the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

9. No development shall commence until a **Habitat Management Plan (HMP)** has been submitted to, and approved in writing by, the Planning Authority, in consultation with the councils Ecology Officer, providing full details of the biodiversity enhancement measures including monitoring and management, all of which shall be agreed with the applicants arboriculturist, the Council's Forestry Officer and Ecology Officer. In addition the HMP shall examine opportunities to improve the watercourse to the southwest of the site to enhance biodiversity as well as whether it could be re-routed to a natural low point and de-culverted within the recreational area.

The HMP shall set out proposed habitat management of the site including all mitigation, compensation and enhancement measures, and shall provide for the maintenance, monitoring and reporting of the habitat on site for a minimum period of 30 years.

The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full.

Reason: In the interests of biodiversity net gain.

10. Construction works have the potential to disturb **nesting birds** or damage their nest sites, and as such, checks for nesting birds should be made, not more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive). This survey should include the redline boundary. 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.

Reason: In the interests of protecting nesting birds.

11. No development shall commence until a **Recreational Access Management Plan** (RAMP) has been submitted to, and approved in writing by the Planning Authority, in consultation with the councils Access Officer, Transport Planning and Transport Scotland. The submitted RAMP shall detail how the core path(s) and wider access network of paths will be upgraded and how it will be phased or diverted to reduce any disruption to the public use of the core path. The RAMP shall also ensure the section of core path from the Polish War Memorial should be open at all times, or nearly all the time, for public access and recreational purposes. The RAMP should also provide details of the installation of gates or bollards to ensure traffic does not utilise the private tracks to the north of the Polish War Memorial.

Reason: In order to safeguard public access both during and after the construction phase of the development.

12. No development shall commence until details of **active travel and public transport interventions** and a supporting assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland as trunk roads authority. The supporting assessment of the proposed active travel and public transport interventions (and a new bus shelter), or another transport scheme, shall demonstrate how it will mitigate the impact of development traffic, including on the trunk road network, and include details on its method of delivery and trigger points for its implementation.

Reason: To assist in ensuring that the safety and efficient operation of the traffic on the trunk road is not diminished.

13. The **transport interventions** or scheme shall be delivered in accordance with the details approved under condition 12.

Reason: To assist in ensuring that the safety and efficient operation of the traffic on the trunk road is not diminished.

14. No part of the development shall be occupied until a comprehensive **Travel Plan** that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland. The Travel Plan shall identify measures to be implemented (including measures to help deliver the aims of Action 4 of the Alness and Invergordon Active travel Masterplan along Castle Close), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of National Planning Framework 4 (NPF4) and PAN 75 Planning for Transport.

15. Prior to the commencement of works full details of measures to ensure all construction and residential traffic pertaining to this development, to and from the site shall only do so via Castle Close. Such details of physical measures to enable this shall be submitted to and approved in writing with the Planning Authority and shall be fully implemented and maintained prior to the

commencement of any development on site and maintained thereafter in perpetuity.

Reason : Int the interest of road safety.

16. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated **operating noise** does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

17. No development shall commence until a detailed **construction noise assessment** has been submitted to and approved in writing by the Planning Authority.

The assessment shall include: -

- 1) A description of construction activities with reference to noise generating plant and equipment.
- 2) A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations.
- 3) A description of any noise mitigation methods that will be employed and the predicted effect of said methods on noise levels.
- 4) A prediction of noise levels resultant at the curtilage of noise sensitive receptors.
- 5) An assessment of the predicted noise levels in comparison with relevant standards.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

18. No development, including any demolition works, shall commence until a **Construction Method Statement** has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;

- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants, and that no activities or processes take place which may be detrimental to its amenities.

19. No development shall commence on site until a **Construction Phase Traffic Management Plan** (including a routing plan for construction vehicles and a wear and tear agreement for the route) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority and Transport Scotland. This shall detail construction traffic routes, construction site operating times, removal of material from the site, and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up or drop off times. This shall include full measures to widen and upgrade the Castle Avenue/Castle Close junction.

Thereafter the approved traffic management plan and all associated works shall be implemented prior to development commencing and remain in place until the development is complete with the completed Castle Avenue/Castle Close junction improvements to be retained in perpetuity.

Reason: To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network and the operation of the development thereafter.

20. No development shall commence until full details of all surface water drainage provision within the application site (which shall 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) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

21. A suitably qualified arboricultural consultant must be employed at the developer's expense to ensure that the approved **Tree Protection Plan and Arboricultural Method Statement** are implemented to the agreed standard. This must include the excavation of the drainage outlet through the woodland to the north and the installation of the Natural Play Areas in the woodland to

the south. Stages requiring supervision are to be agreed with the Planning Authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation of the approved Tree Protection Plan.

22. All **landscaping works** shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site, including biodiversity gains appropriate to the location of the site.

23. A suitably qualified landscape consultant must be employed at the developer's expense to ensure that the approved **Landscape Plan** is implemented to the agreed standard and maintained thereafter, until established to the satisfaction of the planning authority. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until a landscape consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project. All landscaping must be implemented in full prior to occupation of the first property.

Reason: To secure the successful implementation and future maintenance of the approved Landscape Plan, including biodiversity gains appropriate to the location of the site.

24. No development shall commence until details of a **factoring agreement** has been submitted for approval to ensure that the future maintenance of the communal landscaped areas is secured.

For the avoidance of doubt this will include a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities and/or play equipment, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, landscaping within the adopted carriageway, 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 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' and the provisions of the Property Factors (Scotland) Act 2011, shall be implemented thereafter to the satisfaction of the planning authority.

Reason: To secure the future maintenance of communal landscaped areas.

25. A suitably qualified forestry consultant must be employed at the developer's expense to ensure that the approved **Woodland Management Plan** (WMP) is successfully delivered to the satisfaction of the planning authority. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until a forestry consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation and future maintenance of the approved Woodland Management Plan.

26. No development shall commence on site until a finalised Woodland Management Plan is submitted to and agreed in writing by the planning authority. This will include the mechanism and timescale for the delivery of the proposals in full, including the formation of a **Community Woodland Group**. The developer will implement the Woodland Management Plan within the agreed timescale until such time as a Community Woodland Group is established and assumes responsibility for the implementation of the plan to the satisfaction of the planning authority.

Reason: To secure pro-active and sustainable woodland management, including the formation of a Community Woodland Group.

27. No part of development shall be occupied until all **roads and pavements** within the application site are formed to base course level. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential home, or upon the expiry of a period of three years from the date of first occupation, whichever is the sooner.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

28. No development shall commence until detailed designs showing visibility at all junctions within the development and forward visibility within the development has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. These designs should be submitted with a **Road Safety Audit** undertaken by suitably qualified independent safety professionals in accordance with current design and best-practice requirements, along with a Designers Response to the Audit findings. Thereafter the visibility splays on the approved drawings shall be maintained free of obstruction.

Reason: In the interests of road safety for motorised and non-motorised users.

29. No development shall commence until full details of any **external lighting** to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

For the avoidance of doubt bat friendly lighting shall be installed and must follow the Bat Conservation Trusts Bats and artificial lighting at night guidance note - <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Thereafter only the approved details shall be implemented.

Reason: In order to ensure that any lighting installed within the application site utilises suitably powered/coloured bulbs and does adversely affect protected species.

30. Prior to the first occupation of the development hereby approved, a raised **road junction table** with crossing points formed in accordance with the specifications detailed in the Council's Roads Guidelines for New Developments shall be installed at the junction of Castle Close.

Reason: In the interests road safety

31. No development shall commence until a scheme for the storage of **refuse and recycling** within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

32. No development shall commence until a scheme detailing secure, covered **cycle parking** spaces for the flatted blocks has been submitted and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall include cycle stores provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the elements of the development to which they relate, thereafter being maintained for this use in perpetuity.

Reason: In order to facilitate the use of a variety of modes of transport.

33. Prior to the first occupation of the development provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow **charging of electric vehicles** within the curtilage of the proposed house shall be installed.

Reason: To ensure that access to the charging facilities for electric vehicles to allow for to low carbon transport options.

34. Prior to the first occupation of the development provision of **4 electric car charging points** within the development shall be provided.

Reason: To ensure that access to the charging facilities for electric vehicles is available to all residents and visitors, to allow for to low carbon transport options.

35. Prior to the occupation of any part of the development, a **Residential Travel Pack** that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, in consultation with Transport Scotland.

Reason: In order to reduce dependency on the private car and to encourage greater use of public transport.

36. Prior to occupation of the first property, it shall be demonstrated to the satisfaction of the planning authority that a **Community Woodland Group** has been formed to continue the implementation of the Woodland Management Plan. If a Community Woodland Group has not been formed by this point, the developer shall submit an alternative mechanism for the continued delivery of the approved Woodland Management Plan, to be agreed in writing by the planning authority.

Reason: To secure pro-active and sustainable woodland management, including the formation of a Community Woodland Group.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

Protected Species - Ground Nesting Birds

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

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: Dafydd Jones
Designation: North Planning Manager
Author: Claire Farmer
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 4966-01-001 REV D
Plan 2 - Site Layout Plan 4966-01-051 REV E
Plan 3 - Site Layout Plan 4966-01-052 REV E
Plan 4 - Access Layout 4966-01-053 REV B
Plan 5 - Drainage 4966-01-054 REV C
Plan 6 - Landscaping Plan - CC RH 100.23 SL-01 REV E & CC RH 100.23SL-02 REV C
Plan 7 - Tree Protection Plan TPP_CC_290823-2 REV D
Plan 8 - Tree Protection Plan TCP_CC_290823-1 REV D
Plan 9 - Tree Protection Plan TPP_CC_290823-3 REV D
Plan 10 - Elevations 4 bed villa 4966-01-601 REV A
Plan 11 - Floor Plan detached flats 4966-01-804
Plan 12 - Elevations detached flats 4966-01-805
Plan 13 – Elevations terraced 4966-01-903
Plan 14 – Elevations Semi Villa 4966-01-201
Plan 15 – Floor Plan Corner Villa 4966-01-500
Plan 16 – Elevations Terraced Block 4966-01-301
Plan 17 – Elevations Flats 4966-01-803
Plan 18 – Floor Plan Semi Villa 4966-01-100
Plan 19 – Elevations Corner Villa 4966-01-501
Plan 20 – Elevations Villa 4966-01-401

Plan 21 – Elevations Semi Villa 4966-01-101
Plan 22 – Floor Plan Detached Flats 4966-01-800
Plan 23 – Floor Plan Detached Villa 4966-01-700
Plan 24 – Floor Plan Semi Villa 4966-01-200
Plan 25 – Elevations Terraced (Handed) 4966-01-903
Plan 26 – Elevations Detached Flats 4966-01-801
Plan 27 – Floor Plan Terraced Block 4966-01-300
Plan 28 – Floor Plan Terraced Block 4966-01-904
Plan 29 – Floor Plan Villa 4966-01-400
Plan 30 – Elevations Terraced Block 4966-01-905
Plan 31 – Floor Plan Villa 4966-01-600
Plan 32 – Elevations Villa 4966-01-701
Plan 33 – Floor Plan Flats 4966-01-802
Plan 34 – Floor Plan Terraced (Handed) 4966-01-902

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs		£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Primary – Land Costs		£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Build Costs		£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Land Costs		£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	
Community Facilities	Upgrade of facilities at Invergordon Leisure Centre	£1,568	£1,568	£103,488	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Affordable Housing									
On-site provision ³	17 units shall be provided prior to the first occupancy of the development.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Transport									
Active Travel	100 metres of upgrades at Castle Close	£916.67	£916.67	£60,500	BCIS		TOC/CC	Apr/Oct	20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

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

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details

Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details

7EIA SCREENING CHECKLIST

23/05466/FUL - Erection of 66 no dwelling houses comprising 2 storey, 2, 3, and 4 bed flats and villas with associated road, drainage and services with various landscaped recreation areas and retained woodland

**Land 190M East Of House Of Rosskeen
Invergordon**

Decision: EIA is Not Required

Section 1: Project Information

Please Describe									
Address or location of proposed development	Land 190M East Of House Of Rosskeen Invergordon								
Site area (hectares)	20ha (approx.) with the houses located on a much smaller parcel of land 3ha (approx.)								
Brief description of the proposed development	Erection of 66 no dwelling houses comprising 2 storey, 2, 3, and 4 bed flats and villas with associated road, drainage and services with various landscaped recreation areas and retained woodland								
Type of Application (please tick)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">X</td> <td>Application for planning permission</td> </tr> <tr> <td style="text-align: center;"></td> <td>Application for planning permission in principle</td> </tr> <tr> <td style="text-align: center;"></td> <td>Application for the approval of matters specified in conditions</td> </tr> <tr> <td style="text-align: center;">TBC</td> <td>Other permissions, please state: EIA Screening Request Section 37 Consent</td> </tr> </table>	X	Application for planning permission		Application for planning permission in principle		Application for the approval of matters specified in conditions	TBC	Other permissions, please state: EIA Screening Request Section 37 Consent
X	Application for planning permission								
	Application for planning permission in principle								
	Application for the approval of matters specified in conditions								
TBC	Other permissions, please state: EIA Screening Request Section 37 Consent								

	Road Authority Consents Building Warrant Scottish Forestry Consents
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Section 2a: Single Stage Consent Application (complete where relevant)

Yes/No – Please Describe	
Is the proposed development of a type listed in Column 1 of Schedule 2?	Yes – The Council considers that housing is considered within Schedule 2 of the Regulations, Category 10 Infrastructure Projects, Part b. Urban Development projects on sites over 0.5ha.
Is the proposed development to be located within a ‘sensitive area’?	No, although the housing site is surrounding by Ancient Woodland and Long Established Woodland of plantation origin. There are also core paths in the vicinity of the development and wider area.
Does the proposed development meet any of the relevant thresholds and / or criteria in Column 2 of Schedule 2?	Yes – area of development exceeds 0.5ha.

Section 2b: Multi Stage Consents (complete where relevant)

Where the proposed development is of a type listed in Column 1 of Schedule 2 and either:

- is located wholly or in part within a sensitive area; or
- meets any of the relevant thresholds and / or criteria in Column 2 of Schedule 2

it will be necessary to consider whether the proposed development is likely to have significant environmental effects. In determining whether a proposed development is likely to have such effects, account must be taken of the selection criteria in Section 3 of this checklist.

Yes / No – Please Describe

Does the proposed development change or extend development described in Column 1 of Schedule 2?	N/A – proposal is for a new rather than changed development
Does the application concern development to be located within a sensitive area?	N/A
Does the development as changed or extended meet or exceed any of the relevant thresholds and / or criteria in Column 2 of Schedule 2?	N/A
Is the proposed development of a type listed in Column 1 of Schedule 2?	N/A

Where an application for a proposed development is part of a multi stage consent and it changes or extends development described in Column 1 of Schedule 2, and where either:

- it is located wholly or in part within a sensitive area; or
- the development as changed or extended meets any of the relevant thresholds and / or criteria in Column 2 of Schedule 2

it will be necessary to consider whether the proposed development is likely to have significant environmental effects. In determining whether a proposed development is likely to have such effects, account must be taken of the selection criteria Section 3 of this checklist.

Section 3: Selection Criteria for Screening Schedule 2 Development

There are two stages to this section of the checklist:

- **First, identifying the potential impacts of the proposed development based upon the characteristics of the development and its location.**
- **Secondly, considering whether significant environmental effects are likely based upon the characteristics of the potential impacts.**

The selection criteria in this section meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 – Schedule 3 for screening Schedule 2 development.

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
1. Characteristics of the Development			
(a) Size and design of the development			
Will the proposed development be out of scale with the existing environment?	No	Development is smaller in scale and scope than the nearby housing development and is well screened via the existing woodland	Although introducing a new type of land use, its scale is not considered significant in the receiving landscape.
(b) Cumulation with other existing and/or approved development			
Will the proposed development lead to further consequential development or works?	N	The housing development will require service connections, road and pedestrian access and egress, and landscaping.	Not significant as these elements are contained within the proposal.
Are there potential cumulative impacts with other existing development, approved developments or developments the subject of valid applications?	Yes	Potential construction noise impacts in conjunction with other approved developments and a temporary increase in construction traffic.	Not Significant. These issues can be mitigated through the Construction Noise Assessment Plan and Construction Traffic Management Plan therefore it is not considered that these impacts require to be assessed as part of an EIAR.

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Should the application for the proposed development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	No	The application takes advantage of existing infrastructure. It is for a standalone project overall and therefore in the event that other applications related to other development in the area are received, they would be determined and implemented independently.	Not significant
(c) Use of natural resources, in particular land, soil, water and biodiversity			

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
<p>Will the proposed development use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or are in short supply?</p>	<p>Yes</p>	<p>Land take and raw materials</p>	<p>Main land take impact on a large area of open ground surrounded by woodland. The open ground is mapped as Class 2 agricultural ground on the national soil maps but there is no evidence that it has ever been used for agriculture as it would have been parkland within the demolished Invergordon Castle grounds.</p> <p>Impacts on trees and woodland are addressed through an arboricultural impact assessment, while mitigation already proposed in such as compensatory planting and biodiversity gains. Overall land take is not considered significant as landscaping / planting is proposed within the site boundary. Raw materials will be used in construction but not in the operation of the facility. A construction environment management plan can be conditioned to include a waste management strategy to ensure that all materials are used or disposed of following the waste management hierarchy.</p> <p>Not significant.</p>
<p>(d) Production of waste</p>			

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Will the construction, operation or decommissioning of the proposed development produce wastes?	Yes	Construction is likely to result in waste. The housing development is anticipated to exist in perpetuity, which will result in household waste that is not the remit of the planning service. The development is not anticipated to be decommissioned.	As above, a construction environment management plan can be conditioned to include a waste management strategy to ensure that all materials are used or disposed of following the waste management hierarchy. Not significant.
(e) Pollution and nuisances			
Will the construction, operation or decommissioning phases of the proposed development release pollutants or any hazardous, toxic or noxious substances to the air?	Yes	Construction dust	Not considered significant as can be managed through onsite practices as agreed through a Construction Method Statement.
Will the construction, operation or decommissioning of the proposed development lead to risk of contamination of land or water from releases of pollutants?	Yes	Potential for spillages and waste during construction	Not significant as can be managed through onsite practices as agreed through a Construction Method Statement. The proposal is not considered to result in additional impacts on natural heritage designations in the wider area, including the Cromarty Firth SSSI.
Will the construction, operation or decommissioning phases of the proposed development cause noise, vibration or the release of light?	Yes	Potential for vibration, light and noise pollution during construction. Light after construction.	Not considered significant as can be managed through onsite practices as agreed through a Construction Method Statement as well as lighting / noise assessments and strategies, limited by conditions.

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
(f) Risk of major accidents and/or disasters which are relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge			
Will there be any risk of accidents during construction, operation or decommissioning of the proposed development which could affect the environment or human health?	No	Nothing beyond previously described above.	Not significant.
(g) Risk to human health			
Will the construction, operation or decommissioning phases of the proposed development involve the use, storage, transport, handling or production of substances or materials which could be harmful to human health?	Yes	Potential for contractors to be required to handle materials hazardous to human health.	Not considered significant The risk should be appropriately mitigated by onsite working practices as above through a working construction method statement and environmental management plan.

Schedule 3 Selection Criteria	Yes/No	Briefly describe potential impact	Is effect likely to result in a significant effect? Please explain
Location of the Development			
(a) Existing and approved land use			
Are there existing and/ or approved land uses in the locality of the proposed development site which could be affected by the proposed development?	Yes	Some residential amenity issues during construction.	Surrounding area is not largely populated and the site has good links to and from Invergordon and the wider area. Community impacts were assessed in terms of general material planning considerations. The applicant will submit assessments and strategies to reduce amenity impacts. It is not considered that these impacts are of a scale or

			'significance' that would require to be assessed through an EIAR and are of a temporary nature.
(b) Relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground			
Are there any areas on or around the location of the proposed development and its underground which contain important, high quality or scarce resources which could be affected by the proposed development?	Yes	The proposal would develop a site of potential prime agricultural quality according to national soil maps. The site is surrounded by woodland with the boundary of the inventoried ancient woodland within the open ground	<p>The site area is not currently being used for the purpose of growing crops, the single field is isolated with limited vehicular access. Furthermore, historic maps show no evidence that the ground has ever been used for agricultural food production and given its physical context surrounded by ancient woodland, its historic use as grounds within the demolished Invergordon Castle, and planning history as an allocated housing site, there is no evidence to suggest that the land will be brought into agricultural use in the near future.</p> <p>The proposal is outwith the wooded area and any impacts on this resource has been appropriately mitigated through the arboricultural impact assessment and method statement and appropriately compensation is secured.</p> <p>Not significant overall.</p>
(c) Absorption capacity of the natural environment			
Are there any areas on or around the application site that are protected under international or national legislation for their ecological, landscape, cultural heritage or other value which could be affected by the construction, operation or decommissioning of the proposed development?	Yes	<p>Potential ecological, impacts, impacts on:</p> <p>Ancient Woodland and Long established woodland of plantation origin</p> <p><u>Built Heritage</u></p> <p>Polish War Memorial</p>	Development's impact on Ancient woodland will be assessed against national and Highland woodland policies. The Applicant submitted sufficient supporting information (Arboricultural Impact Assessment / Tree Impact Assessment etc.) with mitigation proposed and accepted. It considered that impacts on the woodland resource can be adequately assessed through supporting information rather than through an EIAR. The development is outwith other natural heritage

		Historic features and Archaeological potential, in particular the site of the former Invergordon Castle	designations and should not impact the qualifying interests of those resources, however ecological surveys were nevertheless undertaken and further surveys will be undertaken prior to the commencement of development to ensure appropriate mitigation and habitat gains are achieved. Construction impacts can be mitigated by proper implementation of a Tree Protection Plan and Construction Method Statement. Further impacts can be mitigated through design, consultation with appropriate agencies, and managed through conditions. Not considered significant overall.
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology which could be affected by the proposed development? Particular attention should be paid to the following areas: wetlands, riparian areas, river mouths; (ii)coastal zones and the marine environment; (iii)mountain and forest areas; (iv) nature reserves and parks.	No		
Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora which could be affected by the proposed development?	No	There is potential for bats, otter, reptiles, and other protected species to be present	EPS surveys with mitigation have been submitted and accepted. Further surveys will be required prior to works commencing to ensure appropriate mitigation and protections are implemented. Not significant.

Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources which could be affected by the proposed development?	No	N/A	N/A
Are there any areas on or around the location of the proposed development where environmental quality standards are already exceeded which could be affected by the proposed development?	No	N/A	N/A
Are there any areas on or around the location which are densely populated which could be affected by the proposed development?	No	The proposal site is separated from the northern extent of the settled parts of Invergordon. Any construction impacts will be temporary.	N/A
Is the proposed development in a location where it is likely to be visible to many people?	No	Heavily Screened by the existing forestry	Further landscaping, planting, and screening proposed, design aspect of the development was assessed as a material consideration. Not Significant.
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the proposed development?	Yes	Core Path (Ref: RC23.02) Core Path (Ref: RC23.06) Various woodland nearby desire line paths. Local road network.	Not significant. The applicant is committed to enhancing all access pathway routes within and around the proposed housing site to promote access to the outdoors. The Core Paths will be retained in its current route with a crossing introduced where the road into the development crosses. New remote dedicated path for access to school through the woodland area to the south will be provided to an agreed specification. New remote paths provide Active Travel routes to schools and for recreation within the woodland area to the south all linking

			<p>into the existing Core Paths and into town. There will be trim trail and natural play features along the path routes to promote outdoor play activities for all ages and abilities. At the pocket park it is proposed to provide an information board providing the historic importance of the area.</p> <p>The developer will be required to maintain favourable public access during construction works including providing alternatives access routes where existing routes require to be closed for a temporary period. Any route closures will be required to be kept to a minimum and for the shortest duration possible. All access issues will be managed through the Recreational Access Management Plan and Construction Traffic Management Plan to be finalised prior to the commencement of development.</p> <p>Not considered significant.</p>
Are there any areas of local landscape or scenic value on or around the location which could be affected by the proposed development?	No	No regional or nationally designated areas of scenic value although the rural setting is attractive.	No impacts of regional or national significance.
Are there any areas of features of historic, cultural or archaeological value on or around the location which could be affected by the proposed development?	Yes	Polish War Memorial Historic features and Archaeological potential, in particular the site of the former Invergordon Castle	The setting of the Polish Monument is not considered likely to be impacted. The Council's Archaeology Officer was consulted on the potential for archaeology in the area. Historic environment, impacts are mitigated through planning conditions, siting and design. Not significant.
Is the proposed development location susceptible to earthquakes, subsidence,	No	N/A	N/A

landslides, erosion, flooding or extreme or adverse climatic conditions?			
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Schedule 3 Selection Criteria

3. Characteristics of the Potential Impact

(a) Magnitude and special extent of the impact (for example geographical area and size of the population likely to be affected)

Will the effect extend over a large geographical area, affecting many people and resulting in social changes, e.g. in demography, traditional lifestyles, employment?

No

(b) Nature of impact

Is the development located within or close to any other areas which are protected under international, EU, or national or local legislation for their ecological, landscape, cultural or other value, which would be significantly affected by the development?

No

(c) Transboundary nature of the impact

Will there be any potential for transboundary impact?

No

(d) Intensity and complexity of the impact

Is there a risk that environmental standards will be breached?

No

(e) Probability of the impact

Is there a high or low probability of a potentially highly significant effect?

Low

(f) Expected onset, duration, frequency and reversibility of the impact

Will the effect be permanent, continuous or irreversible?

Permanent

(g) Culmination of the impact with the impact of other existing and/or approved development

Will the Project have cumulative effects, due to its proximity to other existing or planned Projects with similar effects?

Yes, the proposal is in effect a small and contained expansion of the town's urban area.

(h) Possibility of effectively reducing the impact

Will there be any significant adverse effects on any aspect of the environment during the construction and operational phases of the development, has the developer included mitigation measures to avoid, prevent, repair or reduce the potential impact?

A Construction Method Statement has been secured through a planning condition that will be required to manage environmental impacts at the construction phase of development

EIA is not required

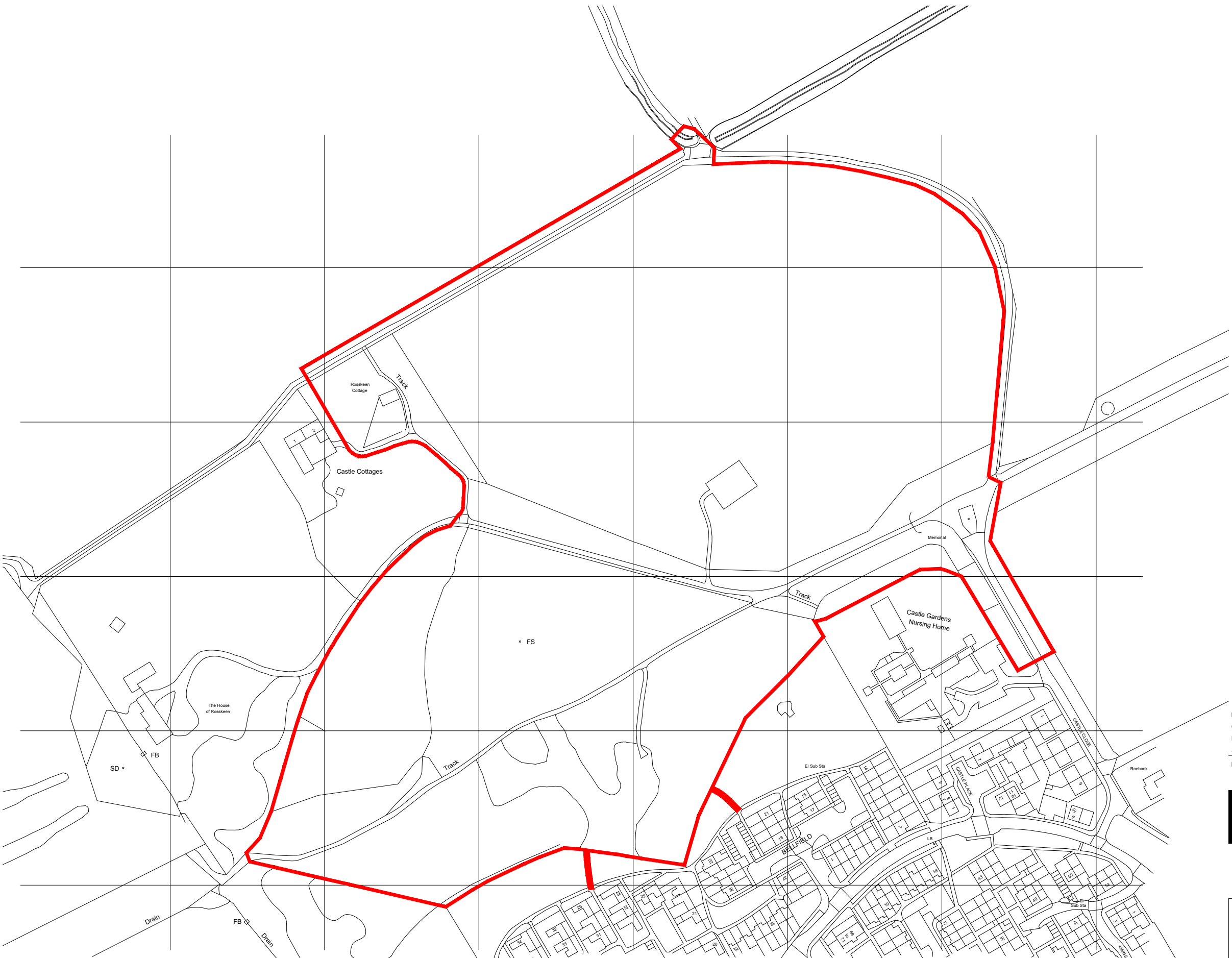
Note to Designers and Contractors

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol ▲.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.



SITE AREA = 15.31 Ha

D	03.04.24	BOUNDARY UPDATED	AJM
C	10.02.24	BOUNDARY UPDATED	AJM
B	10.11.23	BOUNDARY UPDATED	AJM
A	16.10.23	BOUNDARY UPDATED	GB
REV	DATE	DESCRIPTION	DRN

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOLTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

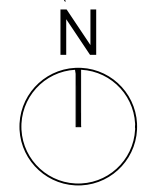
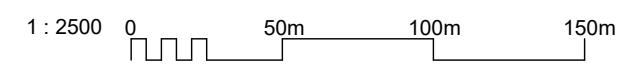
**SITE AT ROSSKEEN
 INVERGORDON
 CAPSTONE CONNECT**

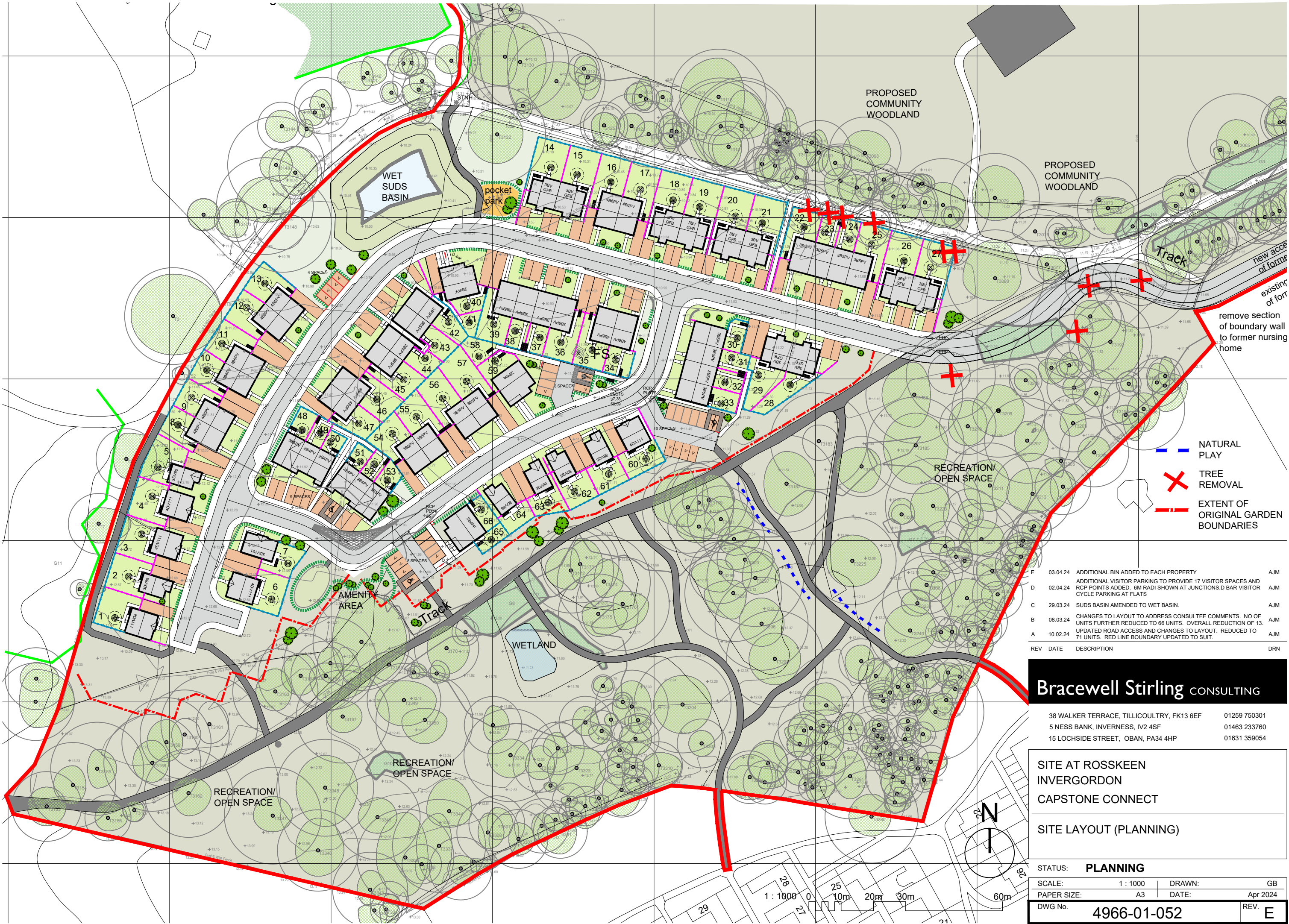
LOCATION PLAN

STATUS: **INFORMATION**

SCALE: 1 : 2500 DRAWN: GB
 PAPER SIZE: A3 DATE: Apr 2024

DWG No. **4966-01-001** REV. **D**





PROPOSED COMMUNITY WOODLAND

WET SUDS BASIN

Track

remove section of boundary wall to former nursing home

- — — NATURAL PLAY
- + TREE REMOVAL
- - - EXTENT OF ORIGINAL GARDEN BOUNDARIES

REV	DATE	DESCRIPTION	DRN
E	03.04.24	ADDITIONAL BIN ADDED TO EACH PROPERTY	AJM
D	02.04.24	ADDITIONAL VISITOR PARKING TO PROVIDE 17 VISITOR SPACES AND RCP POINTS ADDED. 6M RADI SHOWN AT JUNCTIONS.D BAR VISITOR CYCLE PARKING AT FLATS	AJM
C	29.03.24	SUDS BASIN AMENDED TO WET BASIN.	AJM
B	08.03.24	CHANGES TO LAYOUT TO ADDRESS CONSULTEE COMMENTS. NO OF UNITS FURTHER REDUCED TO 66 UNITS. OVERALL REDUCTION OF 13.	AJM
A	10.02.24	UPDATED ROAD ACCESS AND CHANGES TO LAYOUT. REDUCED TO 71 UNITS. RED LINE BOUNDARY UPDATED TO SUIT.	AJM

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

SITE AT ROSSKEEN
 INVERGORDON
 CAPSTONE CONNECT

SITE LAYOUT (PLANNING)

STATUS: **PLANNING**

SCALE: 1 : 1000 DRAWN: GB
 PAPER SIZE: A3 DATE: Apr 2024

DWG No. **4966-01-052** REV. **E**

