

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE –
20 MAY 2014**

Agenda Item	5.1
Report No	PLS/032/14

**13/00618/S42: Highlands and Islands Enterprise
Land at Beechwood Farm, Inverness**

Report by Head of Planning and Building Standards

SUMMARY

Description: Application for non-compliance with Condition 20 of Planning Permission in Principle 09/00887/PIPIN (Inverness Campus); Raigmore Bus Gate.

Recommendation: GRANT planning permission

Ward: 17 and 20 – Inverness Millburn and Inverness South

Development category: Major Application

Pre-determination hearing: none

Reason referred to Committee: Variation of condition imposed by Committee

1.0 PROPOSED DEVELOPMENT

1.1 The application seeks to vary Condition 20 of the planning permission in principle granted for the Inverness Campus.

1.2 Condition 20 of planning permission in principle 09/00887/PIPIN states:

Prior to first occupation of the development, bus gates shall be provided between Churchill Road and the Raigmore hospital site and in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Detailed proposals for the bus gates shall be agreed in writing with the Council.

Reason: *To provide for sustainable public transport to and from the site.*

1.3 At the time that the application was lodged, the applicant sought to amend the condition to read:

Prior to first occupation of the development, a bus gate shall be provided in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Detailed proposals for the bus gates shall be agreed in writing with the Council.

1.4 The applicant wished to remove reference to the need to provide a bus gate between Churchill Road, within the Raigmore Estate, and Raigmore hospital. There are two key reasons as to why the applicant wishes the requirement to be removed. These are:

- The campus will be supported by good accessibility from a range of modes of sustainable travel; and
- It is not possible, for safety reasons in particular, to create the link through NHS property.

1.5 In a further statement submitted on 07 May 2014 this was amended to:

Prior to first occupation of the development, a bus gate shall be provided in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Prior to the occupation of 50,000sqm a bus gate shall be provided between Churchill Road and the Raigmore hospital site. Detailed proposals for the bus gates shall be agreed in writing with the Council.

1.6 A copy of the original permission is contained within Appendix 1, the original statement submitted in support of the application within Appendix 2 and the most recent statement in Appendix 3.

2.0 PLANNING HISTORY

2.1 **22 May 2013** Approval of Matters Specified in Condition 20 of Planning Permission in Principle 09/00887/PIPIN - Millburn Bus Gate (13/00556/MSC).

2.2 **20 September 2013** Approval of Matters Specified in Condition 2b (Revised Design Guidelines) 11/02146/MSC (13/02911/MSC)

2.3 **09 February 2012** Approval of Condition 15 of Planning Permission Reference 09/00887/PIPIN 11/03924/MSC

2.4 **03 February 2012** Approval of Conditions 6 and 12 of Planning Permission 09/00887/PIPIN (Phase 1) 11/04453/MSC

2.5 **04 November 2011** Approval of Conditions 11, 13, 14, 16, 17 & 18 of Planning Permission Reference 09/00887/PIPIN 11/03458/MSC

2.6 **04 November 2011** Discharge of Conditions (see covering letter and attached schedule): 2a, 2b, 4, 5, 8, and 19 11/02146/MSC

2.7 **14 April 2011** Planning Permission in Principle granted (09/00887/PIPIN).

3.0 PUBLIC PARTICIPATION

3.1 Advertised: Neighbour Notification

Representation deadline: 21 June 2013

Timeous representations: 0

Late representations: 0

4.0 CONSULTATIONS

4.1 **Transport Planning** – advises that the original TA submitted in support of the planning permission in principle was centred on the Raigmore bus gate and the improvements to Service 7. While the Campus will potentially be well served by public transport, no firm proposal for the movement of several hundred students to the Campus has been set out to date. Removal of the requirement for the Raigmore bus gate at this stage is only likely to be acceptable if a comprehensive public transport strategy can be provided.

5.0 DEVELOPMENT PLAN POLICY

5.1 The development plan comprises of the Highland Wide Local Development Plan (2012), the Inverness Local Plan (2006) (as continued in force) and Statutory Supplementary Guidance.

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

Highland Wide Local Development Plan 2012

5.3 Policy 10 Beechwood Campus
Policy 28 Sustainable Design
Policy 56 Travel

Inverness Local Plan (2006)

5.4 Policy 8(vii) Ashton

Statutory Supplementary Guidance

5.5 None applicable.

6.0 OTHER MATERIAL CONSIDERATIONS

Inner Moray Firth Proposed Local Plan (2013)

6.1 IN80 Inverness Campus, Beechwood

Scottish Government Planning Policy and Guidance

6.2 Scottish Planning Policy (SPP)

7.0 PLANNING APPRAISAL

7.1 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. The Development Plan in this case comprises the Highland wide Local Development Plan (approved April 2012).

Determining Issues

7.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

7.3 The principal of the development has been established. This is an application to vary a condition of the principal permission. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.

Development Plan

7.4 There is no specific reference within the development plan to the need to form the bus link from Millburn Road through Raigmore Hospital to the B9006/Perth Road. The proposed plan does however reference the need for the Campus development to progress in accordance with the planning permission in principle granted.

7.5 There is a general requirement within the development plan for development to be well served by the most sustainable modes of travel. For Inverness Campus, emphasis is placed on the opportunity that the development presents in linking the City centre to the expansion areas to the east of the City. Public transport improvements form part of that equation. This is a primary reason why the proposed bus link was proposed and then secured through condition.

Material Considerations

7.6 Without the completion of the bus gate, the applicant considers that the site will remain well served by public transport. While no detail on the frequency and exact routing of bus services to the site is known at this stage, this is likely to be the case. Implementation of a crossing from the Campus to the Retail Park to the east by the occupation of 50,000m² will assist in achieving improved public transport connectivity.

7.7 Delivery of the bus gate has been constrained as a result of landowner interests. While discussions have taken place between the applicant and NHS Highland regarding the route, NHS indicates a reluctance to accept a bus route through their site for safety reasons. This is because the location of the gates may conflict with

the safe operation of the helicopter ambulance i.e. the proximity to the heli-pad. This position has been recently confirmed to the Service in recent meetings with NHS regarding the proposed Inshes & Raigmore Development Brief.

- 7.8 While the applicant confirms that the bus gate on Millburn Road will be provided by the first occupation of development on the site, it is considered that to remove the requirement for a bus gate through Raigmore Hospital would be a lost opportunity.
- 7.9 The alternative, which would provide a further opportunity to discuss the proposals with interested parties would be to amend the timescale for implementation. To this end, it is proposed to amend the wording of Condition 20 to:

Prior to;

- i) first occupation of the development, a bus gate shall be provided within the central reservation of Millburn Road facilitating right turning into King Duncan's Road details of which shall be submitted to, and agreed in writing by, the Council.*
- ii) the occupation of 55,000m² gross floor area within the development, a further bus gate between Churchill Road and Raigmore Hospital shall be provided, details of which shall be submitted to, and agreed in writing by, the Council.*

- 7.10 While the applicant has already agreed to i) and the details have been submitted and agreed, the imposition simply safeguards implementation. In the latest submission the applicant agrees to the general position of point ii). If further discussion concludes that the part ii) of Condition 20 cannot be achieved then it is open to the applicant to apply once again to vary or remove the condition. This is considered a reasonable compromise.
- 7.11 An application submitted under S42 of the Planning Acts provides a planning authority with an opportunity, in considering the proposed variation, to amend any, or all, of the conditions on a planning permission that it considers necessary to regulate the development proposed.
- 7.12 Experience gained to date with the submission of matters specified in conditions applications for the layout and design of buildings on the site indicate that some conditions of the original permission would benefit from rewording to include the words 'within each Plot.' This would ensure that these matters follow with each submission for development within each plot. The relevant conditions in this regard are Conditions 3, 4, 5, 7 and 9.
- 7.13 Condition 21 includes the need to submit a travel plan on first occupation of the development and for this to be regularly updated. It is considered that the preciseness of the wording of this condition could be improved by removing the words 'regularly updated' and replacing them with 'updated on occupation of each building within the development.'

8.0 CONCLUSION

- 8.1 All relevant matters have been taken into account when appraising this application. The application does not raise any significant new issues. A variation to Condition 20 along the lines suggested will allow for further discussion on the provision of a bus gate that could provide an opportunity for buses to travel through Raigmore Estate to connect with the east of the City thereby providing more choice and flexibility in public transport for residents within this area as well as occupiers of the Campus. It also provides an opportunity to amend conditions other than those applied for in the interest of clarity moving forward.
- 8.2 It is considered that the application to amend the conditions on this extant planning permission accords with the development plan and is acceptable in terms of all other applicable material considerations.

9.0 RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that the application be **granted** planning permission subject to:

- A.** A variation to Condition 20, as generally agreed, and Condition 21 as follows: -

20. Prior to;

i) first occupation of the development, a bus gate shall be provided within the central reservation of Millburn Road facilitating right turning into King Duncan's Road details of which shall be submitted to, and agreed in writing by, the Council.

ii) the occupation of 55,000m² gross floor area within the development, a further bus gate between Churchill Road and Raigmore Hospital shall be provided, details of which shall be submitted to, and agreed in writing by, the Council.

Reason: To provide for sustainable public transport to and from the site.

21. Within three months of the first occupation of the development an updated comprehensive green travel plan that sets out detailed provisions for reducing dependency on the private car shall be submitted and approved in writing by the Council. The travel plan shall be updated on occupation of each building within the development to reflect changing circumstances as the Campus develops and shall include procedures for monitoring the success of the plan objectives.

Reason: In the interests of sustainable travel.

- B.** The insertion of 'within each Plot' following the word 'development' within Conditions 3, 4, 7 and 9.
- C.** All other conditions of planning permission 09/00887/PIPIN that continue to have effect.

Signature:

Designation: Head of Planning and Building Standards

Author: David Mudie (01463) 702255

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

PLANNING PERMISSION IN PRINCIPLE

Reference No: 09/00887/PIPIN

To:
Highlands & Island Enterprise
C/o Agent

Per:
Jonathan Coulson
41-43 Maddox Street
London
W1S 2PD

**Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc.
(Scotland) 2006 Act**

DECISION NOTICE

Education Campus comprising: non-residential institution, business, residential institutions, assembly and leisure and associated landscaping, open space, parking and infrastructure, services and means of access on land at Beechwood Farm, Inverness

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

Type of Plan	Plan Number	Version No.	Date Plan Received
Location/Site Plan	0001		24.12.2009
Other	0002		24.12.2009
Site Layout	0003		24.12.2009
Other	0004		24.12.2009
Other	0008		24.12.2009
Other	0009		24.12.2009
Other	0009		24.12.2009
Access Layout	76725/00002		24.12.2009

This permission is granted subject to the following conditions: -

- Applications for approval of the matters specified by conditions shall be made to the planning authority within FIVE years from this date of this permission. The development shall then have to be begun before the expiration of EIGHT years from the date of this permission or of two years from the date of approval of the last of the matters specified by condition to be approved, whichever is the later.**

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Acts and ensure due progression of the delivery of development within the period of the permission.

- A further application, (or applications), for the approval of matters specified in this condition must be made. These matters specified are:**

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- a) A 'masterplan' for the campus development area shall be submitted for the prior written approval of the Council in advance of any subsequent matters specified by condition. The masterplan shall include a detailed layout of the site including - plot boundaries, proposed uses, means of access, car parking, a landscape framework showing existing and proposed landscaping, principal infrastructure provision and the proposed phasing of development plots;
- b) Following the submission of the masterplan specified in condition 2a, design guidelines shall be submitted for the written approval of the Council. The design guidelines shall include the following:-
- Design principles applicable to the entire development;
 - Design principles for adopted roads and other public routes;
 - General soft and hard landscaping;
 - Sustainable design considerations including use of solar gain design, solar energy use, grey water recycling and rain water harvesting, external lighting to minimise sky glow, and energy conservation generally;
 - Water management and Sustainable Urban Drainage Systems;
 - Boundary treatments;
 - Public Art.
- c) following submission of details required by conditions 2a and 2b the further detailed matters specified by this condition will include detailed plans, sections and elevations of the siting, design and external appearance of all buildings and other structures. The development shall follow the general principles set out in the masterplan and design guidelines.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Acts because this planning permission is in principle only and the layout details (which were submitted for indicative purposes only) are required to be revised to conform with the terms of this permission.

3. Prior to commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council, including ecological plan and management arrangements for the construction periods of the principal elements of the campus, will be adopted by all developers/contractors for Phase 1 unless otherwise agreed by the planning authority, and will include:
- general environmental principles to be followed;
 - mitigation and monitoring measures to be adopted to address the impacts identified within the Environmental Statement, including plans for water protection, pollution incident control, soil management, construction noise, dust control, air quality and wildlife protection (including birds, otters, bats and newts); and
 - management arrangements to ensure effective delivery of these measures including training to contractors on key environmental management issues.

Thereafter the CEMP shall be implemented to the satisfaction of the Council.

Reason: To secure and sustain appropriate measures to protect the local environment and natural heritage interests during construction.

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4. Prior to commencement of development details of water and waste water servicing, implementation of environmental mitigation and alleviation measures shall be submitted for the written approval of the Council. For the avoidance of doubt foul drainage for all development shall connect to the public foul sewerage system.

Reason: In the interests of amenity and pollution prevention.

5. Prior to commencement of development details of surface water drainage in accordance with the SUDS Manual (CIRIA C697), including a detailed Flood Risk Assessment and flood risk management shall be submitted for the written approval of the Council in consultation with SEPA. The SUDS scheme shall be designed to ensure that it does not increase the risk of flooding on site or elsewhere.

Reason: In the interests of amenity and to prevent flooding and pollution of watercourses.

6. No development shall commence on site until a site specific scheme for all water body engineering is submitted for the written approval of the Council in consultation with SEPA and SNH as appropriate and all work shall be carried out in accordance with the approved scheme and there shall be no water abstraction from watercourses without the prior written approval of the Council in consultation with SEPA.

Reason: In the interests of amenity and to prevent flooding and pollution of watercourses.

7. No development shall commence on site until a Site Waste Management Plan has been submitted to and approved in writing by the Council. This plan shall detail the measures for minimising waste production and managing waste generation during the construction stage of development. The plan shall thereafter be implemented in accordance with an agreed timetable throughout the construction phase of the development hereby approved.

Reason: in the interests of amenity and manage and reduce waste production.

8. Prior to commencement of development details of a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification shall be submitted for the written approval of the Council. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

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

9. Prior to commencement of development details of construction dust mitigation measures shall be submitted to and agreed in writing by the Council prior to commencement of development. Thereafter the agreed mitigation measures shall be implemented to the satisfaction of the Council.

Reason: In the interests of amenity and to minimise dust nuisance.

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10. Noise assessments for the non-residential buildings and the proposed student residences within the campus must be carried out at the design stage and any noise mitigation measures identified within the assessment shall be incorporated into the design of the buildings. Details of the noise assessments and mitigation measures shall be submitted for the written approval of the Council prior to the commencement of development. Noise from the operational railway and vehicular transportation should be given particular attention.

Reason: In the interests of amenity and to mitigate potential noise nuisance.

11. Prior to commencement of development mitigation measures to protect the residential amenity of the existing houses on the site, namely:-

- implementation of environmental barriers such as acoustic fencing;
- low noise road surfaces;
- speed restrictions;
- travel plan
- noise insulation works at the house closest to the campus access road;

shall be submitted for the written approval of the Council. The peak particle velocity generated by operations shall not exceed 5mm/second measured at the building nearest to the operations. The mitigation measures shall thereafter be implemented.

Reason: In the interests of amenity and to mitigate potential noise nuisance.

12. Prior to commencement of development, evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, shall be submitted to and agreed in writing by the Council. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33, and the British Standard for investigation of potentially contaminated sites (BS10175:2001). In the event that contamination is found, details of the measures required to treat/remove contamination (remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to and agreed in writing by the Planning Authority. The agreed remedial strategy shall be implemented to the satisfaction of the Planning Authority prior to the commencement of development.

Reason: In the interests of amenity and to deal with any potential contamination of the site.

13. Prior to commencement of development a land and habitat management and maintenance plan, including proposals for agriculture uses until required for development shall be submitted for the written approval of the Council.

Reason: In the interests of amenity.

14. Prior to commencement of development a scheme for the design and implementation of a new rail crossing for public transport, pedestrians and cyclists shall be submitted for the further approval of the Council. Prior to the occupation of 50,000 square metres of floorspace the approved design for a new bridge shall be constructed and be operational unless otherwise agreed in writing by the Council. Thereafter, subject to an acceptable scheme and acceptable maintenance agreements being concluded, the bridge shall be considered for adoption by the Council.

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Reason: To comply with the A96 Framework Plan, to provide adequate public access and connectivity between the site and East Inverness, and in the interests of proper planning of the area but to allow sufficient flexibility for the provision of the rail crossing to take full account of the public interest and changing economic and planning circumstances.

- 15. Prior to commencement of development a scheme for the improvement to an acceptable standard for adoption by the Council for public pedestrian and cycle access of the proposed A9 over-bridge shall be submitted by the applicant for the further approval of the Council. The scheme shall also provide for a connection suitable for pedestrians and cyclists from the bridge to the road/footway network within the application site and Raigmore estate. Thereafter, subject to an acceptable scheme and acceptable maintenance agreements being concluded, the bridge shall be considered for adoption by the Council and the bridge shall be available for pedestrian/cycle use prior to first occupation of the development.**

Reason: To ensure safe and adequate provision for pedestrian and cycle access to and from the site.

- 16. Prior to commencement of development a scheme for the improvement to an acceptable standard for adoption by the Council for public pedestrian and cycle access of the accommodation bridge at Scretan shall be submitted by the applicant for the further approval of the Council. The scheme shall also provide for a connection suitable for pedestrians and cyclists from the accommodation bridge to the road/footway network within the Inverness Retail and Business Park. Thereafter, subject to an acceptable scheme and acceptable maintenance agreements being concluded, the bridge shall be considered for adoption by the Council and the bridge shall be available for pedestrian/cycle use prior to first occupation of the development.**

Reason: To ensure safe and adequate provision for pedestrian and cycle access to and from the site.

- 17. Prior to commencement of development a detailed scheme for the access arrangements to the site shall be submitted for the written approval of the Council. The scheme shall include the widening of the A9 slip to provide two traffic lanes off the dual carriageway. The junction layout and traffic management arrangements adopted at the accesses shall ensure the safe and efficient operation of the junction without detriment to existing traffic flows and ensure that satisfactory provision is made for public transport entering and exiting the site. Proposals for the replacement of the existing traffic signals be optimised to ensure safety and maximise efficiency of the road network and shall be agreed in writing with the Council. Thereafter, subject to an acceptable scheme the accesses to the site and the widening of the A9 slip road shall be implemented prior to first occupation of the development.**

Reason: In the interests of road safety.

- 18. Prior to commencement of development an access management plan including details of footpaths and cycle ways (and information on temporary or permanent diversion or closure), lighting, bus service provision and infrastructure including shelters and real time information displays shall be submitted for the written approval of the Council. The plan shall show:-**

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- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc;
- d) Any diversion of paths, temporary or permanent;
- e) Public transport routes, frequency and infrastructure.

The agreed plan shall thereafter be implemented as part of Phase 1 of the development.

Reason: To uphold access rights (Section 13 of the Land Reform (Scotland) Act 2003) and to provide public access and transportation.

19. Prior to commencement of development a survey of the location and quality of existing trees on the site and identifying those trees to be retained shall be submitted for the written approval of the Council. With effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the Council. All built development shall be sited a minimum of 20 metres from the boundaries of existing woodland/trees identified to be retained unless otherwise approved in writing by the Planning Authority. The trees identified for retention shall be fenced off and protected physically from damage during site construction works in accordance with details which shall be submitted to and require the approval in writing of the Planning Authority.

Reason: In order to ensure the protection of existing trees within the site.

20. Prior to first occupation of the development, bus gates shall be provided between Churchill Road and the Raigmore hospital site and in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Detailed proposals for the bus gates shall be agreed in writing with the Council.

Reason: To provide for sustainable public transport to and from the site.

21. Within three months of the first occupation of the development an updated comprehensive green travel plan that sets out detailed provisions for reducing dependency on the private car shall be submitted and approved in writing by the Council. The travel plan shall be regularly updated to reflect changing circumstances as the Campus develops and shall include procedures for monitoring the success of the plan objectives.

Reason: In the interests of sustainable travel.

22. Prior to first occupation of the development the applicant shall agree with the Council in conjunction with Transport Scotland the area of land which is required for the A9/A96 East Link and provide a plan showing the safeguarded land. This land should thereafter be kept free of all development unless otherwise agreed in writing with the Council.

Reason: To ensure that adequate land is safeguarded for a future A9/A96 East Link Road.

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23. a) Prior to first occupation of the development a 1.8m high trespass proof fence (rivet-less palisade or expanded mesh) must be erected on the boundary of the site with the operational railway and details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Outside Parties Engineer for approval.
- b) Tree and/or shrubs planted near the railway shall be positioned at a minimum distance from the boundary that is greater than their predicted mature height. Certain broad leaf deciduous species must not be planted adjacent to the railway boundary.
- c) All buildings on the site must be positioned a minimum of 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of the proposed buildings can be carried out without adversely affecting the safety of the railway or encroaching on Network Rail property.
- d) All surface or foul water arising from the development must be diverted away from Network rail property.
- e) No hazardous materials that could pose a risk of fire shall be stored or processed in any way that could affect the operational railway.

Reason: In the interests of amenity and the safe operation of the railway.

24. All planting comprised in the approved scheme of landscaping shall be undertaken in the first planting season following occupation of the first building on the site. Any plants which, within a period of five years from the occupation of the first building on the site, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.
Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

25. No development shall exceed 35m above existing ground levels.

Reason: In the interests of aircraft safety.

26. Operations for which noise is audible at the boundary of the site shall only be carried out between 08:00 hours and 18:00 hours Monday to Friday, between 08:00 hours and 13:00 hours on Saturdays and at no time on a Sunday or public holiday. Work requiring to be carried out outwith these times shall only commence with the prior written approval of the Council except in the case of an emergency.

Reason: In the interests of residential amenity and to minimise construction noise.

NOTES

Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

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

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 (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Street Names: inline with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

The applicant is advised to take account of the Highland Council Badger Policy Guidance. (copy attached) <http://www.highland.gov.uk/NR/rdonlyres/5F8D14CC-A073-416D-B34B-011A8E0549FD/0/BPGN.pdf>

Any stopping up or diversion of the right of way (e.g. Beechwood Farm to Beechwood Business Park) shall require a stopping up or diversion order under Section 46 of the Countryside (Scotland) Act 1967 and may require the applicant to provide an appropriate alternative route, the costs for which the Council may reclaim from the applicant.

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Regarding the design of attenuation ponds relating to water quality SEPA direct the applicant to our publication 'Ponds Pools and Lochans' www.sepa.org.uk/water/water_regulation/guidance/idoc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1 which provide guidance for the design of habitats which could potentially assist in the amelioration of water quality. SEPA also recommend that advice should also be sought form Scottish Natural Heritage in this respect.

Details of environmental protection regulatory requirements and good practice advice for the applicant can be found on SEPA's website at www.sepa.org.uk/planning. For a specific regulatory matter, please contact a member of the Environmental Protection and Improvement Team in the local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel:01349 862 021.

Please note that the site is directly under the flightpath of the main operating runway for Inverness Airport, and there is the possibility that some of the lighting may cause a distraction to pilots. The developer is advised to follow the recommendations of the Civil Aviation Advice Note No2 which refers to lighting near airports.

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During construction it is likely that mobile or fixed cranes will impact on the airport protected surfaces. The developer should refer to the British Standard publication "Crane Control in the Vicinity of Aerodromes". Contact should be made with the airport before any crane operation takes place.

Inverness airport is obliged to ensure that any development within eight nautical miles is assessed against the bird strike risk and associated hazard. The developer should ensure such activities as earthworks, soil stripping and seeding do not increase the risk of bird activity and the threat to aircraft safety. The provision of open water features should be of such a nature that any potential for feeding/roosting of birds is restrained.

The ES states that based on the noise predictions from the projected traffic, the Noise Insulation (Scotland) Regulations apply to the cottage closest to the access road. The Council's Environmental Health Service advises that the applicant carries out a detailed assessment to identify any other properties which would come under the terms of these regulations. Thereafter it is recommended that the applicant provides appropriate sound insulation/grants to the eligible properties as part of the initial phase of the development.

The Council's Environmental Health Service advises that the applicant should ensure that appropriate noise mitigation measures are incorporated into the second phase of the development to reduce the noise impact on residential properties to the south and east of the site.

For the avoidance of doubt the access proposals may conflict with a proposed alignment of the A9/A96 east link and the developer(s) of the site would not be compensated in the event of the proposed access arrangements being rendered unusable by development of the A9/A96 east link. Furthermore these access arrangements are not sufficient to sustain any further phases of development in the Campus which will require provision of the A9/A96 east link.

The applicant is encouraged to progress negotiations with the relevant stakeholders to enable a pedestrian/cycle route to be formed linking the site with Stoneyfield Business park and Inverness Retail Park using the existing Stoneyfield railway over-bridge and to identify a possible site for a rail halt as part of a park and ride facility.

Notice of initiation of development Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of the Act, which may result in enforcement action being taken.

Notice of completion of development As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country planning (Scotland)m Act 1997 (as amended) to give the planning authority written notice of that position.

Dated: 8th March 2011

Head of Planning and Building Standards

Variations

During the processing of the application the following variations were made to the proposal:

1. None.

Section 75 Agreement

An Agreement in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 Agreement are as follows:

- Payment of monies

The full Section 75 Agreement can be inspected at the relevant planning office.

Dated: 8th March 2011

Head of Planning and Building Standards

NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>

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

Dated: 8th March 2011

Head of Planning and Building Standards

David Mudie
The Highland Council
Planning and Development Service
Glenurquhart Road
Inverness
IV3 5NX

TurnberryConsulting

15th February 2012

Our ref L THC 15.02.13 HIE
Your ref

Dear David,

Further Application to Vary Condition 20 of Planning Permission in Principle 09/0887/PIPIN

Condition 20 of Campus Planning Permission in Principle (reference 09/00887/PIPIN) requires Highlands and Island Enterprise (HIE) to deliver off-site bus gates at Raigmore Hospital and Milburn Road.

However, it has emerged that it is no longer necessary or possible to deliver the Raigmore Bus Gate. To ensure that this does not prevent the discharge of this condition and timely occupation of the Campus, we are seeking permission to vary Condition 20 to remove this requirement as follows:

"Prior to first occupation of the development, a bus gates shall be provided ~~between Churchill Road and the Raigmore hospital site and in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Detailed proposals for the bus gates shall be agreed in writing with the Council.~~"

In support of our application this letter sets out in detail the reasons why the Raigmore Gate is no longer required.

Sustainable Travel Strategy

The Campus will be supported by good accessibility from a range of modes of sustainable travel. To this end, provision has been made for walking and cycling throughout the Campus, with external links provided via the provision of the new A9 Bridge but also through inclusion of pedestrian and cycle crossing facilities within the new Campus access road. Alongside this the Campus will be served by 6 buses an hour (on Route 2 and Route 3) with journey of 15 minutes

to Inverness City Centre via Old Perth Road. Taken as a whole these measure will ensure the Campus enjoys excellent accessibility from Inverness City Centre and beyond.

Route 7 - Bus Gates

At the time the Permission in Principle for the Campus was granted, it was suggested that, if bus gates were provided on Milburn Road and at Raigmore Hospital, an extended Route 7 services (which currently runs along Milburn Road, through the Raigmore Estate and back to the City Centre) could also be diverted via the Campus via Raigmore Hospital, thereby providing an additional route to the Service 2 and 3. The requirement to deliver the bus gates was therefore included as a condition of the Campus Permission.

Raigmore Bus Gate

Following the grant of planning permission, HIE have been liaising with the NHS who own the land upon which the Raigmore Gate would need to be constructed. Whilst the NHS are supportive in principle of the enhancement of public transport services the gate cannot be delivered (in any location in this area) due to a variety of reasons, not least the safety constraints associated with the helicopter air ambulance landing area.

In addition Stagecoach who are now the principal bus service operator in Inverness, has confirmed that it no longer considers the Raigmore Bus Gate to be necessary. Stagecoach highlights that Route 2 and Route 3 will provide a good level service to the Campus and into the City Centre, so also extending re-routing the Service 7 is unlikely to be attractive to Campus customers as a result of the longer journey time, nor commercially viable.

It should be noted that even with the absence of the Route 7, as a consequence of higher frequency Route 2 and 3 services, the bus service provision to and from the Campus remains high and in accordance with the our original aspirations.

The applicant has liaised closely with the Highland Council TEC Services in respect of these issues. Given the insurmountable land ownership and operational constraints it is our understanding that the Council accepts that the Raigmore Gate cannot be delivered, and therefore agree with our proposal to vary Condition 20.

Milburn Bus Gate

It should be noted that whilst the Route 7 Service will not be diverted via the Campus, the Milburn Road Bus Gate is still being delivered and details have been be submitted to this end.

David Mudie
The Highland Council
15th February 2013

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The delivery of the Milburn Bus Gate will result in enhanced services for the residents of the Raigmore Estate, with journey times cut and reliability improved (principally because buses will be able to avoid the A9 junction).

I trust this letter provides you with sufficient detail to support our application to vary condition 20. However should you require any further information please do not hesitate to contact me.

Yours sincerely,

Tom Ashley

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David Mudie
The Highland Council
Planning and Development Service
Glenurquhart Road
Inverness
IV3 5NX

TurnberryPlanning

7th May 2014

Our ref L THC 070514 HIE
Your ref

Dear David,

**Application for non-compliance with Condition 20 of Permission in Principle 09/0887/PIPIN
(Inverness Campus); Raigmore Bus Gate
Reference 13/00618/S42**

I refer to the above application which was submitted on 15th February 2013 which sought to vary Condition 20 of Planning Permission 09/0887/PIPIN to remove the requirement to provide the Raigmore Bus Gate.

As we explained in our supporting submission the principal reason for seeking to vary the condition related to the inability to deliver the bus gates due to land ownership constraints; specifically the location of the gates is constrained by the operation of the helicopter ambulance.

In response to our application you advised that, rather than remove the requirement for the gate altogether from the condition, the condition should be amended so that the gates are not required until occupation of the 50,000sqm. You explained that this would allow the operational constraints to be reviewed again in due course. I understand that this revised approach to the condition is supported by your colleagues in Roads, by the bus operator and also by the NHS.

On this basis I write to propose the following variation to Condition 20:

"Prior to first occupation of the development, a bus gates shall be provided between Churchill Road and the Raigmore hospital site and in the central reservation of Millburn Road in order to facilitate a right turn into King Duncan's Road. Prior to the occupation of 50,000sqm a bus gate shall be provided between Churchill Road and the Raigmore hospital site. Detailed proposals for the bus gates shall be agreed in writing with the Council."

I trust this letter provides you with sufficient detail to support our application to vary condition 20 and that this variation can be secured under our extant application reference 13/00618/S42. However should you require any further information please do not hesitate to contact me.

Yours sincerely,


Tom Ashley