

Agenda Item	<b>6.1</b>
Report No	<b>PLS-44-24</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 20 August 2024

**Report Title:** 23/05237/MS: BDW Trading Ltd & Cawdor Maintenance Trust  
Land to north of A96 Extending from Whiteness Access Road to the Common Good Land, Nairn

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

### Purpose/Executive Summary

**Description:** Approval of Matters Specified in Conditions 2b-t, 6,7,10,11,12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 33, 35, 36, 38, 39, 40 of Planning Permission in Principle (20/00599/S42)

**Ward:** 18 – Nairn and Cawdor

**Development category:** Major

**Reason referred to Committee:** Major development

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

### Recommendation

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

## **1. PROPOSED DEVELOPMENT**

- 1.1 At the South Planning Applications Committee meeting on 18 June 2024, members agreed to approve Matters Specified in Conditions application 23/04419/MSD (“the first MSD”) relating to two conditions imposed on Planning Permission in Principle 20/00599/S42 granted by the Council on 22 January 2021, which itself was an application under Section 42 to develop land without compliance with condition 33 previously attached to Planning Permission in Principle 08/00080/OUTNA for the mixed use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure on land to the north of the A96 Trunk Road (A96(T)) at Delnies, Nairn. The first MSD approved the phasing of development (Condition 1) and the Area Development Brief (Condition 2a).
- 1.2 This application (“the second MSD”) seeks approval of all remaining pre-commencement conditions imposed on Planning Permission in Principle 20/00599/S42, in so far as they relate to the erection of 300 houses (Phase 1) at Delnies, Nairn. Specifically, Conditions 2b-t, 6,7,10,11,12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 33, 35, 36, 38, 39, 40 of Planning Permission in Principle (20/00599/S42). Essentially, this relates to the full design and layout of the housing site including house types and external materials; road layout; landscaping; and drainage infrastructure. For ease of reference, the Planning Permission in Principle is attached to this report as Appendix 2.
- 1.3 The Phase 1 housing site will be accessed via a new roundabout constructed on a realigned section of the A96(T). Water and drainage connections will be via the public network.
- 1.4 Pre-Application Consultation: Not required.
- 1.5 Supporting Information: The following information has been submitted in support of the application:
  - Planning Supporting Statement
  - Delnies Matters Specified in Conditions Schedule
  - Drainage Assessment
  - Flood Risk Assessment
  - Geotechnical Report
  - Protected Species and Habitat Survey
  - Archaeological Evaluation and WSI
  - Construction Environment Management Plan
  - Construction Traffic Management Plan
  - Arboricultural Report
- 1.6 Variations: The following variations have been made to the application since submission:

- Amendments to central open space - footpath addition, equipped play area enhancement; mounding adjustments; and additional tree planting with meadow area;
- Amendments to match layout changes to plots west of mounding;
- Adjustment to planting to west side of A96 due to footpath widening;
- Traffic calming added on Road 1 (Distributor Road);
- Bus stop lay-by added on Road 1 (Distributor Road);
- Private roads/shared driveways connected through to form adoptable loops;
- Road 7 amended to be a shared surface road. Extent of shared surfaces amended;
- 2.5m wide footway/cycleway provided up to the existing bus stop on the A96(T);
- Remote footpath between Plots 168/169 and 266/265 increased to 3m wide;
- Remote Footpath 6 added to link Road 10 to the existing path at the northern part of the site adjacent to Plot 300;
- Footpath 8 increased to 2m wide;
- 3m footpath/cyclepath link added between A96(T) roundabout and Shared Driveway 2;
- Recycling facility added;
- Disabled parking added; and
- Arboricultural report minor update to align plans to reflect revised site layout.

## **2. SITE DESCRIPTION**

- 2.1 The site is located to the west of Nairn and to the north of the A96(T). It is gently undulating agricultural land with Nairn Golf Club located to the north, between the northern site boundary and the Moray Firth. To the east are agricultural fields comprising land known as Sandown, adjoining the town of Nairn (allocated in the Development Plan for housing, business, and community use), and to the west are further extensive stretches of agricultural land, much of which forms the larger planning permission in principle development site.
- 2.2 There are a number of trees and hedgerows on the boundaries of the application site, with scattered areas of woodland located within the wider planning permission in principle development site.

## **3. PLANNING HISTORY**

- 3.1 03.08.2008 08/0080/OUTNA - Mixed use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference Outline Planning Permission

		facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure	Granted
3.2	13.04.2016	15/04666/S42 - Section 42 Planning Application to vary Condition 14 attached to Planning Permission in Principle 08/00080/OUTNA	Permission Refused
3.3	16.12.2020	20/01573/S75M - Modification of Section 75 Agreement attached to 08/00080/OUTNA to tie the obligations to any planning permission that may be granted in relation to 20/00599/S42	Modification of Section 75 Approved
3.4	22.01.2021	20/00599/S42 - Application under Section 42 to develop land without compliance with condition 33 previously attached to planning in principle ref. 08/00080/OUTNA for the mixed-use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure	Planning Permission in Principle Granted
3.5		23/04419/MS - Approval of Matters Specified in Conditions 1 (Phasing Plan) and 2a (Area Development Brief) of Planning Permission in Principle Ref: 20/00599/S42	Matters Specified in Conditions Approved

#### 4. PUBLIC PARTICIPATION

##### 4.1 Advertised: Unknown Neighbour

Date Advertised: 05.12.2023

Representation deadline: 19.12.2023

Timeous representations: 4 representations from 4 parties.

Late representations: 5 representations from 3 parties.

##### 4.2 Material considerations raised are summarised as follows:

- a) Proposal does not comply with Development Plan; and
- b) Compliance with concept masterplan

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

#### 5. CONSULTATIONS

##### 5.1 **Nairn West & Suburban Community Council:** Object on the following grounds: The proposal conflicts with the emerging Local Place Plan; there should be no new

developments until the Nairn bypass is completed and local population needs are clearer; focus should be on town centre regeneration and redevelopment of old and empty properties; adverse impact through congestion on A96(T); the roundabout is not located in compliance with the relevant planning condition; inadequate sewerage infrastructure; proposal does not meet definition of '20 minute neighbourhood'; implications for delivery of remaining mixed use development; no additional housing need has been identified; loss of agricultural land; and the site has been removed from the Inner Moray Firth Local Development Plan 2.

In addition, housing type is urban in design out of keeping with existing character of the area and rural setting in a prominent entrance to the town; scale and size of development is out of keeping with existing rural buildings; adverse impact on biodiversity and protected species.

The community council also strongly object to the proposed SuDS basin location, which they consider is beyond the scope of initial planning approval and which would deprive Nairn Golf Club of a 'future-proof' option in the event of significant coastal erosion alongside the course.

5.2 **Cawdor & West Nairnshire Community Council:** No comments received.

5.3 **Contaminated Land Team:** No objection. A Fairhurst Geo-environmental Summary Technical Note (October 2023) has been submitted to support Condition 22 on 20/00599/S42 and the Contaminated Land team agree that potential pollutant sources have not been identified in this part of the development.

5.4 **Flood Risk Management Team:** No objection. The following conditions relating to flooding and drainage can be considered discharged:

Conditions 2n (surface water drainage details); 15 (details of water and sewerage infrastructure); 16 (SUDS details); 18 (10m riparian buffer zone); 19 (watercourse improvements or modifications, noting none present within proposed housing areas); and 23c(i) (impact of paths on drainage or flood risk).

5.5 **Transport Planning Team:** No objection. The following conditions relating to roads matters and drainage can be considered discharged:

Conditions 2d & 13 (means of access including links to adjoining land); (2e, 2f & 6 relating to road and site layouts); 2g (car parking); 2h (cycle parking); 2j & 33 (soft and hard landscaping); 2k (landscaping management and maintenance); 2l (boundary treatments); 2m (provision of service vehicles); 2n & 16 (surface water drainage); 2p & 38 (waste management); 2r (site levels); 2t (street lighting); 7 (bus infrastructure); 10, 11 & 12 (trunk road interface, including replacement layby and new roundabout access); 14 (toucan crossing and pedestrian footway/cycleway facilities); 20 (above ground infrastructure); 21 (routing of underground services); 23 (access management plan); and 36 (Construction Traffic Management Plan). Refer to Condition 39 (electric vehicle charging provision) later in this report for comment on this matter.

The Transport Planning team recommends that any resolution of conditions for this Phase 1 development includes a new suitably worded condition requiring the new bus terminus, or alternative appropriate new facilities provided by the developer sufficiently close to the site, be adequately served by scheduled buses serving

Nairn by no later than the 50th house of this Phase 1 development being occupied.

- 5.6 **Access Officer:** Footpath 4, which runs through the open space area where the play facilities are located, should be 3 metres wide, and not 2 metres as indicated on the plans. This is the minimum recommended width for unsegregated shared use paths and is referenced in the Council's Supplementary Guidance 'Open space in New Residential Developments'. Paths through areas like that tend to have people standing and socialising on them as well as walking and cycling, hence the need for a wider path. On the previous Access Management Plan there were two short mown paths indicated. The latest plan now shows two longer ones. In future, whoever is managing the site will see demands for those paths to be surfaced (or at least the paths residents and visitors beat into the surface). Those paths (or desire lines) will also be beaten through hedges on the western edge and south western corner of the site.
- 5.7 **Forestry Officer:** No objection.
- 5.8 **Development Plans Team:** Response submitted in relation to first MSC.
- 5.9 **Estates Service:** No comments received.
- 5.10 **Housing Service:** No comments received.
- 5.11 **Historic Environment Team (Archaeology):** No objection.
- 5.12 **Historic Environment Team (Conservation):** No objection. The Written Scheme of Investigation submitted in relation to Condition 26 has been reviewed and can be approved. The Heritage Interpretation and Access Plan submitted in relation to Condition 27 has been reviewed and can be approved as submitted. As such, the suspensive elements of the conditions can be relaxed to allow work to proceed in accordance with those documents.
- 5.13 **Civil Aviation Authority:** No comments received.
- 5.14 **NATS Safeguarding:** No objection. The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria.
- 5.15 **Scottish Water:** No objection. However, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. There is currently sufficient capacity at the Inverness Water Treatment Works to service the proposed development. There is also currently sufficient capacity for a foul only connection at the Nairn Waste Water Treatment works to service the development.
- 5.16 **Transport Scotland:** No objection. Transport Scotland is satisfied that the level of detailed design that has been submitted by the applicant is considered sufficient in terms of addressing the requirements of Conditions 2d, 10, 11, 12, and 14. Transport Scotland would, however, advise that the developer should not take this as approval to undertake the modifications to the trunk road, as the Minute of Agreement relating to these works will first require to be concluded. It is understood that the developer is progressing these requirements with Transport Scotland's

Area Manager.

- 5.17 **HIAL:** No objection. HIAL's preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Inverness Airport.

## **6. DEVELOPMENT PLAN POLICY**

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.

- 6.2 The following Development Plan policies are relevant to the assessment of the application

### **6.3 National Planning Framework 4 (2023)**

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaption
- 3 – Biodiversity
- 13 – Sustainable Transport
- 14 – Design quality and place
- 15 – Local living and 20-minute neighbourhoods
- 16 – Quality homes
- 18 – Infrastructure first
- 20 – Blue and green infrastructure

### **6.4 Highland Wide Local Development Plan (2012)**

- 9 – A96 Phasing and Infrastructure
- 17 - Delnies
- 28 – Sustainable Design
- 29 – Design Quality & Place-making
- 31 – Developer Contributions
- 32 – Affordable Housing
- 34 – Settlement Development Areas
- 51 – Trees and Development
- 56 – Travel
- 57 – Natural, Built & Cultural Heritage
- 58 – Protected Species
- 59 – Other Important Species
- 61 – landscape
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage
- 74 – Green Networks
- 75 – Open Space
- 77 – Public Access
- 78 – Long Distance Routes

## **6.6 Inner Moray Firth 2 Local Development Plan (2024)**

- 1 – Low Carbon Development
- 2 – Nature Protection, Restoration and Enhancement
- 3 – Water and Waste Water Infrastructure Impacts in the Nairn and Inverness Areas
- 8 – Place Making
- 14 – Transport

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

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (November 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

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

- 7.1 Creating Places (Scottish Government 2013)
- Designing Streets (Scottish Government 2010)
- PAN 61 Planning for Sustainable Urban Drainage Systems (SUDS)
- PAN 68 Design Standards
- PAN 74 Affordable Housing
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- The Highland Council: Biodiversity Planning Guidance (May 2024)

## **8. PLANNING APPRAISAL**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

- 8.3 The principle of the development has been established through the grant of planning permission in principle. Furthermore, the first MSC (23/04419/MS) relating to this development, requiring approval of a Phasing Plan and Area Development Brief as a prerequisite to further matters specified in conditions submissions, was approved by South Planning Applications Committee at the 18



June 2024 meeting. This second MSC seeks approval of all other remaining pre-commencement conditions imposed on the planning permission in principle.

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

- 8.4 Whilst it is noted that this previously allocated site has not been taken forward in the Inner Moray Firth Local Development Plan 2, which was adopted by the Council on 27 June 2024, as the site benefits from an extant planning permission in principle, this is the overriding factor in the determination of this application and, in terms of Section 25 of the Act, represents a material consideration which takes precedence over the Development Plan, in so far as the site is no longer allocated for development.

### **Condition 2b (Siting, design and external appearance of all buildings and structures)**

- 8.5 The Area Development Brief approved as part of the first MSC set out the context for the siting, design and external appearance of the development.
- 8.6 The site will be accessed via a new roundabout located on a realigned section of the A96(T). It will also act as the construction access. This will provide access to the proposed primary school site, located on an area of land immediately to the northeast of the roundabout, as well as providing a direct route to the eastern boundary, safeguarding connectivity to the neighbouring Common Good land at Sandown.
- 8.7 The total of 300 houses making up this first phase of development occupy three main parts of the site. Two secondary access roads lead to a series of streets serving the housing area to the west. A third access road leads off the main access to the housing area to the north of the site. The landscaped open space forming the Village Green lies to the north and west of the main access road, with a single street of linear housing facing onto, and running along the length of, the northern boundary of the Village Green. The third area of housing is located immediately to the north of the school site, accessed via a secondary loop road on the south side of the main access. This is one of two areas of affordable housing, with the second area located to the west of the site.
- 8.8 There is a broad mix of housing types across the site. Of the 75 house types that will be affordable, 24 will be cottage flats; along with 28 terraced properties; 14 semi-detached houses; and 9 detached houses.
- 8.9 The 225 houses that will make up the remaining development are detached and semi-detached properties.
- 8.10 All housing units feature the same materials palette comprising grey concrete roofs; grey precast stone surrounds; white dry dash render for the walls; and white window frames. There are four affordable bungalows proposed, with all other houses being two storeys in height, with various styles as indicated on the submitted house type plans, consisting of a total of 33 house types across the development, of which 10 fall under the category of affordable.

- 8.11 A comprehensive suite of landscaping plans has been submitted indicating substantial tree planting (Standards and Heavy Standards); shrub and hedge planting; wildflower mix and amenity grass mix throughout the site. The extent and variety of planting proposed is sufficient to demonstrate net biodiversity enhancement resulting from the development.
- 8.12 A key entrance feature for the site will be a landscaped mounded area in the southwest corner of the site as approached from the west, with another mounded area adjacent to the approach to the roundabout; a mixed hedge along the A96(T) boundary; and extensive tree planting and other landscaping works between the hedge and the adjacent houses, which will face onto the A96(T), and a 700mm high stone wall at the site entrance.
- 8.13 The details for the equipped play area located on the eastern side of the Village Green have been significantly improved since the application was originally submitted to address concerns that the design, layout and features did not comply with the Council's supplementary guidance 'Open Space in New Residential Developments'. Improvements include an increase in the level of equipment to be provided and the enclosure of the play area with a 1.2m high bowtop fence. Separately, a new footpath is proposed adjacent to the play area to connect with the cycleway/footway provision to the north and south of the Village Green. Following consultation with the Council's Access Officer, it is recommended that a condition is imposed requiring this footpath to be increased to 3m in width to comply with the Council's Supplementary Guidance, ensuring it meets the minimum recommended width for a shared use path.

**Condition 2c (sustainable design considerations/energy strategy)**

- 8.14 The applicant has submitted a Sustainability and Energy Statement in compliance with this condition. In summary, the document sets out measures that the developer will take to promote sustainable and low carbon living. A 'fabric first' approach will be taken for construction purposes to ensure homes are energy efficient, comfortable and economical to run. All houses will be fitted with photovoltaic roof panels; high performance windows and doors; low voltage lighting; and low flush sanitary appliances, amongst other matters. This is considered sufficient to discharge this condition.

**Condition 2d – t (means of access and internal connections; road layout in accordance with 'Designing Streets' principles; car parking; cycle parking; delivery of open space, including management and maintenance arrangements; boundary treatments; service vehicle provision; surface water drainage; waste and water connections; managing waste; trees, shrubs and hedges to be retained; site and finished floor levels; and street lighting)**

- 8.15 The remaining aspects of Condition 2 above cover a number of separate subject areas, and a brief summary of the Council's response to these is provided below. Members will wish to note that the majority of these subject areas are also covered by separate additional conditions tying back to Condition 2, and which are commented on in more detail later in this report.

## **Roads and Drainage Matters**

- 8.16 Transport Planning's consultation response dated 17 July 2024 provides detailed commentary on the relevant aspects of Condition 2 in so far as they relate to roads and drainage matters. In summary, Transport Planning has no objection to the discharge of the various elements of Condition 2 that are of direct relevance to them, noting that several matters will be dealt with and considered in more detail during the Road Construction Consent (RCC) process.
- 8.17 As highlighted in Section 5.5 above, the Transport Planning Team recommends that any resolution of Conditions for this Phase 1 development includes a new suitably worded condition requiring the new bus terminus, or alternative appropriate new facilities provided by the developer sufficiently close to the site, be adequately served by scheduled buses serving Nairn by no later than the 50th house of this Phase 1 development being occupied. This has been addressed in the recommended conditions to be imposed on any subsequent approval of this application.
- 8.18 The Flood Risk Management Team has confirmed that in relation to Condition 2n (surface water drainage details) sufficient information has been provided in the Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA) and related drawings for this aspect of Condition 2 to be considered satisfied.

## **Other Matters referred to in Condition 2**

- 8.19 The applicant has provided full details of all trees to be retained; open space delivery timescales; and site levels for these remaining aspects to be considered discharged.

## **Condition 6 (compliance with the Council's 'Roads and Transport Guidelines for New Development')**

- 8.20 Transport Planning has confirmed no objection to the discharge of Condition 6, noting that further minor technical changes that will not impact on the wider development will be considered during the RCC process.

## **Condition 7 (bus infrastructure)**

- 8.21 The details submitted in support of this condition include the proposed bus terminus located along the main access road. Transport Planning has no objection to this condition being considered satisfied, subject to the imposition of a further condition as referenced at Sections 5.5 and 8.17 above.

## **Conditions 10, 11 and 12 (trunk road interface; replacement layby; and new roundabout access)**

- 8.22 The applicant has provided full details of the proposed new roundabout access on the realigned section of the A96(T), along with details of the relocated layby.
- 8.23 Transport Planning and Transport Scotland have confirmed that they have no objection to the suspensive aspects of these conditions being considered

discharged with the latter confirming that the developer should not take this as approval to undertake the modifications to the trunk road, as the Minute of Agreement relating to these works will first require to be concluded.

**Condition 13 (road/footpath and cycle links between new roundabout and adjoining Common Good Land/Sandown to the east)**

- 8.24 Transport Planning welcomes that the latest proposals have extended the improved new shared pedestrian/cycle route on the southern side of the A96(T) through to the westbound bus stop layby west of Tradespark Road, as this would support part delivery of the “High Quality Active Travel Route” proposed in the October 2021 Nairn Active Travel Masterplan. They also note and welcome the intention to provide a new shared pedestrian/cycle active travel link on the northern side of the A96(T) across the entire frontage of this phase of development. This should provide another good quality connection through to the core path to the east and to future developable land to the west. Transport Planning also welcome that the latest proposals continue to show the 3-metre-wide shared pedestrian and cycle route being on the eastern side of the primary access, which should better serve the proposed school site. The latest layout also continues to provide a road and footway/cycleway connection through to the adjacent Sandown Common Good Land. Consequently, the pre-commencement aspects of this condition can be considered satisfied.

**Condition 14 (Toucan crossing on A96(T); new pedestrian footway/cycle network connections)**

- 8.25 As with Condition 13, Transport Planning welcomes that the latest proposals have extended the improved new shared pedestrian/cycle route on the southern side of the A96(T) through to the westbound bus stop layby west of Tradespark Road and the intention to provide a new shared ped / cycle active travel link on the northern side of the A96(T) across the entire frontage of this phase of development. Given this, and the new signalised crossing of the A96(T) in the vicinity of the roundabout access, Transport Planning continue to have no objection to the prior to commencement aspects of this condition being deemed suitably resolved for this Phase 1 development. This is however subject to Transport Scotland not reducing the scope of active travel improvements proposed along the A96(T) through their feedback.
- 8.26 Transport Scotland has not advised against the discharge of the suspensive elements of this condition, but noting as highlighted earlier, in relation to related conditions affecting the A96(T), that the developer should not take this as approval to undertake the modifications to the trunk road, as the Minute of Agreement relating to these works will first require to be concluded.

**Conditions 15 and 16 (water and sewerage infrastructure, and SUDS)**

- 8.27 Scottish Water has confirmed no objection to the proposal as highlighted in Section 5.15 above, noting connections to the public water supply and drainage infrastructure are available.
- 8.28 The Flood Risk Management team has confirmed that the submitted DIA shows an

allowance in the SUDS basin, located to the north of the site, is made for a possible future school and development of Phase 2B. Consequently, the FRM team has no objection to the suspensive elements of this condition being considered discharged.

**Conditions 20 and 21 (on street above ground infrastructure and underground routing of services)**

- 8.29 The applicant has provided details of the above ground substations, with one adjacent to the bus terminus, and the other located on the western edge of the Village Green, adjacent to the road. The substations will have a footprint of 16.32 square metres, feature a pitched roof, measuring 2.34 metres to eaves. Other above ground development includes provision of telephone and media units.
- 8.30 Transport Planning has confirmed that they have no objections to the suspensive element of Condition 21 being considered discharged, and noting that, for Condition 21, the design details of these services and their interactions with the proposed road network will be considered as part of the RCC process.

**Condition 23 (Access Management Plan)**

- 8.31 The submitted (and revised) Access Management Plan shows key pedestrian routes through the site and active travel routes in and adjacent to the site. The latest revision shows a new footway connection through the Village Green, adjacent to the play area. This is welcomed, as it will provide a direct connection between the active travel route to the north and south. However, at 2 metres wide, it does not comply with the Council's Supplementary Guidance and consequently, it is recommended that a condition is imposed on any subsequent approval of this application requiring the width to be increased to 3 metres, as suggested by the Council's Access Officer.
- 8.32 Transport Planning has commented that some of the changes proposed to the internal roads layout should actually enhance active travel permeability through the development.
- 8.33 Subject to the imposition of the aforementioned condition, the Access Management Plan is considered acceptable.

**Condition 24 (Pre-commencement surveys for protected species)**

- 8.34 The applicant has provided a Protected Species and Baseline Habitat Survey, dated October 2023. This document identifies a number of mitigation measures and biodiversity enhancements. It is recommended that a further condition is imposed in the event that this application is approved, setting out that additional pre-commencement work will be required, along with any mitigation and biodiversity enhancement, due to the ecological data now being out of date. Development would have to have commenced by July 2024 for no additional survey work to be required.

**Conditions 26 and 27 (programme of archaeological work and Heritage Interpretation and Access Plan))**

- 8.35 The Council's Historic Environment team (Archaeology) has confirmed that the submitted Written Scheme of Investigation submitted in connection with this condition has been reviewed and can be approved. Similarly, the submitted Heritage Interpretation and Access Plan has been reviewed and the suspensive element of this condition can be considered discharged.

**Conditions 29 – 31 (tree survey and protection plan; arboriculturist details; and implementation timetable)**

- 8.36 The Council's Forestry Officer has confirmed that the information submitted in support of the discharge of the suspensive elements of these conditions can be considered discharged.

**Condition 33 (scheme of hard and soft landscaping proposals)**

- 8.37 The Council's Forestry Officer has confirmed that the tree planting proposals and suite of landscaping proposals are acceptable.
- 8.38 The applicant has provided full details of boundary treatments, and these are set out on drawing 18196(PL)006 REV E 'Materials and Boundary Treatments and Parking Plan'. The proposals, which include a 700mm site entrance rubble feature wall; 1.8m high timber fencing details; and various hard surfacing materials, are considered acceptable, and the suspensive elements of this condition can be considered satisfied.

**Condition 35 (Construction Environmental Management Document)**

- 8.39 The applicant has submitted a Construction Environment Management Plan (CEMP) that provides a statement of the environmental management and monitoring measures that are considered necessary for the proposed development. It covers a wide range of subject matters relating to the construction phase of development, as required by this condition. The CEMP is considered to be acceptable and meets the suspensive requirements of this condition.

**Condition 36 (Construction Traffic Management Plan)**

- 8.40 Transport Planning has confirmed that the submitted Construction Traffic Management Plan is considered to be acceptable and is sufficient to satisfy the suspensive elements of this condition.

**Condition 38 (Waste Management Strategy)**

- 8.41 This condition requires the identification of bin stores, collection points and refuse vehicle collection routes. The submitted road and site layout plans address this. In addition, and following discussions with Transport Planning, the road layouts have been revised to ensure that all service vehicles can travel through the site more efficiently. Accordingly, the suspensive elements of this condition are considered to be satisfied.

### **Condition 39 (electric vehicle charge points)**

- 8.42 The applicant has provided two EV charge point drawings setting out the intended arrangements for in curtilage and communal EV charging locations. Transport Planning has highlighted potential issues with the communal charge point provision, particularly where this could impact on adopted public footways. Nevertheless, Transport Planning advise that this should be able to be addressed during the RCC stage.
- 8.43 Transport Planning has recommended that the Planning Service satisfy themselves that the proposals for EV charging across the development adhere with our published Planning Guidance for EV Infrastructure and will adhere with the latest requirements of Building Scotland Regulations before making any decision to deem the prior to commencement aspects of this Condition suitably resolved. This latter point is considered highly relevant to the consideration of compliance with this condition. This condition was imposed at a time when the provision of EV charging infrastructure was not controlled through statutory legislation. This changed in June 2023 when the provision of in curtilage and communal EV charging infrastructure was introduced as a statutory requirement under the Building Standards Domestic Technical Handbook. As such, the acceptability or otherwise of the submitted proposals will fall to be considered under the building regulations, and the developer will be required to demonstrate compliance. Accordingly, it is considered that this condition should be considered as being satisfied, in so far as information has been provided, but it will be for the Building Standards Authority to formally approve the required provision through the building warrant process.

### **Condition 40 (community liaison group)**

- 8.44 This condition requires the developer to establish a community liaison group, in collaboration with the Council and affected local community councils, prior to development commencing. The applicant has submitted details seeking to demonstrate how this will be achieved, and this is considered acceptable. The developer will be responsible for ensuring that the community liaison group is properly constituted prior to work commencing on site.

### **Other material considerations**

- 8.45 There are no other material considerations relevant to the determination of this application.

### **Non-material considerations**

- 8.46 A number of matters have been raised by objectors, which can be summarised as i) Inadequate local roads infrastructure to service development; ii) lack of school places; iii) impact on NHS services; iv) impact on drainage infrastructure; and v) validity of Transport Assessment.
- 8.47 The principle of development of this site to provide a Phase 1 development of 300 houses is already established. The above matters are therefore not relevant to the determination of the application or have not been raised as valid matters of concern through the consultation process. In terms of the impact on NHS services, this is a

matter that falls under the remit of NHS Highland as the local health authority.

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

- 8.48 There is an existing Section 75 Agreement relating to this site covering matters such as affordable housing provision; education contributions; and safeguarding of the site for the primary school. Any development will be required to accord with this existing Section 75.

## **9. CONCLUSION**

- 9.1 Approval of matters specified in conditions is sought in relation to the remaining pre-commencement conditions imposed on Planning Permission in Principle 20/00599/S42, in so far as they relate to the first phase of development comprising the erection of 300 houses, with associated landscaping; roads and drainage infrastructure; new roundabout access via A96(T); and safeguarding of land for a new primary school, on land at Delnies, Nairn.
- 9.2 The details submitted in support of this application adequately demonstrate that the proposal when fully implemented will provide a high-quality housing development with a variety of house types and styles, including the provision of 75 affordable units, to be delivered in accordance with the Phasing Plan and Area Development Brief approved as part of the first MSC in June 2024, and set within extensively landscaped grounds.
- 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**

Notification to Scottish Ministers      N

Conclusion of Section 75      N  
Obligation



Revocation of previous permission    N

**Subject to the above actions,** it is recommended to

**APPROVE** the application subject to the following conditions and reasons

1. No development shall commence until a further pre-commencement survey for protected species 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 an area of 100 metres 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:** The submitted Protected Species and Baseline Habitat Survey, prepared by EnviroCentre and dated October 2023 has ecological data that is valid for a period of 12 months from the date of survey. This expired in July 2024. Further survey work will be required before development can lawfully commence.

2. Within three months of the commencement of development, details of measures taken to engage with local bus operator(s) on the provision of bus services to serve the development shall be submitted to the Planning Authority for approval.

**Reason:** In order to demonstrate that the developer has taken reasonable measures to engage with local bus operator(s) in seeking to ensure that the new bus terminus, or alternative appropriate new facilities provided by the developer sufficiently close to the site, can be adequately serviced by scheduled buses serving Nairn, by no later than occupation of the 50<sup>th</sup> house on the development.

3. Notwithstanding the details shown on the approved plans, Footpath 4 which runs through the Village Green adjacent to the equipped play area, shall be constructed 3 metres wide, with a bitumen surface.

**Reason:** To ensure it meets the Council's minimum guidelines for a shared use path and to promote active travel throughout the development site.

### **REASON FOR DECISION**

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

### **INFORMATIVES**

#### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as

Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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

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

### **Mud and Debris on Road**

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

### **Construction Hours and Noise-Generating Activities**

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

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

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

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

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

<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie

Designation: Area Planning Manager – South

Author: John Kelly

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

Relevant Plans: Plan 1 – Location Plan 18196(OS)001  
Plan 2 – Site Layout 18196(PL)001 Rev H  
Plan 3 – Site Layout & Topo 18196(PL)002 Rev C  
Plan 4 – Site Layout Sheet 1 of 3 18196(PL)003 Rev C  
Plan 5 – Site Layout Sheet 2 of 3 18196(PL)004 Rev C  
Plan 6 – Site Layout Sheet 3 of 3 18196(PL)005 Rev C  
Plan 7 – Materials and Boundary Treatments 18196(PL)006 Rev E  
Plan 8 – Pedestrian Connections 18196(PL)007 Rev D  
Plan 9 – Entrance Feature Wall 18196(PL)008 Rev B  
Plan 10 – Site Sections 18196(PL)050 Rev C  
Plan 11 – Cupar HT Floor/Elevations 18196(PL)100  
Plan 12 – Abergeldie HT Floor/Elevations 18196(PL)101 Rev A  
Plan 13 – Ravenscraig HT Floor/Elevations 18196(PL)102  
Plan 14 – Craigend HT Floor/Elevations 18196(PL)103  
Plan 15 – Glamis HT Floor/Elevations 18196(PL)104  
Plan 16 – Fenton HT Floor/Elevations 18196(PL)105  
Plan 17 – Mey HT Floor/Elevations 18196(PL)106  
Plan 18 – Dean HT Floor/Elevations 18196(PL)107  
Plan 19 – Campbell Floor/Elevations 18196(PL)108 Rev A  
Plan 20 – Balloch HT Floor/Elevations 18196(PL)109  
Plan 21 – Stobo HT Floor/Elevations 18196(PL)110  
Plan 22 – Crombie HT Floor/Elevations 18196(PL)111  
Plan 23 – Ballathie HT Floor/Elevations 18196(PL)112 Rev A  
Plan 24 – Glenbervie HT Floor/Elevations 18196(PL) 307  
Plan 25 – Single Garage Plan/Elevations 18196(PL)130  
Plan 26 – Double Garage Plan/Elevations 18196(PL)131  
Plan 27 – Substation Plan/Elevations 18196(PL)132  
Plan 28 – 1.8m Feature Wall/Fence 18196(PL)190  
Plan 29 – Standard Fence Detail 18196(PL)191  
Plan 30 – Ardlui & Arvorlich HT Floor/Elevations 18196(PL)200  
Plan 31 – Cashell & Endrick HT Floor/Elevations 18196(PL)201  
Plan 32 – Rossdhu HT Floor/Elevations 18196(PL)202 Rev A  
Plan 33 – Sloy HT Floor/Elevations 18196(PL)203  
Plan 34 – Finlas HT Floor/Elevations 18196(PL)204  
Plan 35 – Shantron HT Floor/Elevations 18196(PL)205 Rev A  
Plan 36 – Roslin HT Floor/Elevations 18196(PL)206  
Plan 37 – Duart HT Floor/Elevations 18196(PL)300  
Plan 38 – Dalmally HT Floor/Elevations 18196(PL)301  
Plan 39 – Ralston HT Floor/Elevations 18196(PL)302 Rev A

Plan 40 – Falkland HT Floor/Elevations 18196(PL)303  
Plan 41 – Ballater HT Floor/Elevations 18196(PL)304  
Plan 42 – Craighall HT Floor/Elevations 18196(PL)305  
Plan 43 – Brechin HT Floor/Elevations 18196(PL)306 Rev A  
Plan 44 – Colville HT Floor/Elevations 18196(PL)308  
Plan 45 – Landscaping Plan Sheet 1 of 16 415.47.11 REV D  
Plan 46 – Landscaping Plan Sheet 2 of 16 415.47.12 REV D  
Plan 47 – Landscaping Plan Sheet 3 of 16 415.47.13 REV D  
Plan 48 – Landscaping Plan Sheet 4 of 16 415.47.14 REV D  
Plan 49 – Landscaping Plan Sheet 5 of 16 415.47.15 REV D  
Plan 50 – Landscaping Plan Sheet 6 of 16 415.47.16 REV D  
Plan 51 – Landscaping Plan Sheet 7 of 16 415.47.17 REV D  
Plan 52 – Landscaping Plan Sheet 8 of 16 415.47.18 REV D  
Plan 53 – Landscaping Plan Sheet 9 of 16 415.47.19 REV D  
Plan 54 – Landscaping Plan Sheet 10 of 16 415.47.20 REV D  
Plan 55 – Landscaping Plan Sheet 11 of 16 415.47.21 REV D  
Plan 56 – Landscaping Plan Sheet 12 of 16 415.47.22 REV D  
Plan 57 – Landscaping Plan Sheet 13 of 16 415.47.23 REV D  
Plan 58 – Landscaping Plan Sheet 14 of 16 415.47.24 REV D  
Plan 59 – Landscaping Plan Sheet 15 of 16 415.47.25 REV D  
Plan 60 – Landscaping Plan Sheet 16 of 16 415.47.26 REV D  
Plan 61 – A96 Roundabout Landscaping Plan 415.47.50 REV C  
Plan 62 – Landscaping Plan – Play Area 415.47.27  
Plan 63 – Play Area Tree Climber 415.47.101  
Plan 64 – Play Area Double Bay Swing 415.47.102  
Plan 65 – Play Area Carousel 415.47.103  
Plan 66 – Play Area Bird Nest Swing 415.47.104  
Plan 67 – Play Area Bee Spingers 415.47.105  
Plan 68 – Play Area Seesaw 415.47.106  
Plan 69 – Play Area Stilts 415.47.107  
Plan 70 – Play Area Balance Beam 415.47.108  
Plan 71 – Play Area Crawling Pyramid 415.47.109  
Plan 72 – Play Area Agility Trail 415.47.110  
Plan 73 – Play Area Wobble Bridge 415.47.111  
Plan 74 – Play Area Balance Post & Rope 415.47.112  
Plan 75 – Play Area Bench & Bins 415.47.113  
Plan 76 – A96 Roundabout Layout 151315/1001 REV G  
Plan 77 – A96 Speed Limit Relocation 151315/1020 REV B  
Plan 78 – A96 Footway/Cycleway layout 151315/1021 REV C  
Plan 79 – Roads Layout Sheet 1 of 2 151315/1101 REV I  
Plan 80 – Roads Layout Sheet 2 of 2 151315/1102 REV I  
Plan 81 – Road Construction Sheet 2 of 2 151315/1120 REV B  
Plan 82 – Drainage Strategy 151315/2000 REV H  
Plan 83 – SUDS Construction Details 151315/2008 REV B  
Plan 84 – Flood Routing Plan 151315/2020 REV F  
Plan 85 – Drainage Catchment Areas 151315/2021 REV D

**SECTION 42 PERMISSION**

ReferenceNo:20/00599/S42

To: Cawdor Maintenance Trust  
 c/o The Bourse  
 47 Timber Bush  
 Leith  
 Edinburgh  
 UK  
 EH6 6QH

Per:  
 Farningham Planning Ltd  
 Per; Alan Farningham  
 The Bourse  
 47 Timber Bush  
 Leith  
 Edinburgh  
 UK  
 EH6 6QH

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

**DECISION NOTICE**

**Application under Section 42 to develop land without compliance with condition 33 previously attached to planning in principle ref. 08/00080/OUTNA for the Mixed use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure at Land to north of A96 extending from Whiteness Access Road to the Common Good land, Nairn.**

The Highland Council in exercise of its powers under the above Act **grants planning in principle to develop land without compliance with condition 33** previously imposed, in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Date Plan Received
Concept Design Statement		01.07.2010
Site Plan	000001	10.06.2008

This permission is granted subject to the following conditions: -

1. Planning Permission in Principle is hereby granted for a mixed use development comprising of 300 houses; tourism and heritage, equestrian and ecological centres; hotel, spa and conference facilities; championship golf course, clubhouse, golf range and golf academy; community woodland and country park with associated infrastructure to be developed in accordance with the indicative Concept Masterplan (Ref. A031992 SK(--)-0002 Rev Q July 2010) hereby approved.

No development shall commence on each phase or sub phase until a phasing plan has been submitted to and approved in writing by the Planning Authority. The Phasing Plan shall detail

*David Mudie*

**Dated: 22nd January 2021**

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

the exact sequences of development for each proposed land use, the provision of infrastructure, the numbers of houses including affordable homes, landscaping, open space, footpaths, cycleways and, the location of any works compounds or materials storage areas.

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

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

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

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved indicative Concept Master Plan and Concept Design Statement, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-
  - a. submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the Planning Authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for that particular phase. Each Area Development Brief shall include the following:
    - i. Conformity with the principles and vision of the approved indicative Concept Masterplan and Concept Design Statement;
    - ii. Place-making and public realm;
    - iii. Transportation, access, active travel and connectivity;
    - iv. Drainage, sustainable drainage and the water environment;
    - v. Landscaping and open space;
    - vi. Public art strategy;
    - vii. Character and design including materials palette; and,
    - viii. Phasing, implementation and integration.

Thereafter each application within each phase or sub-phase shall accord with the terms of the relevant Area Development Brief and the phasing strategy to be approved under Condition 1 of this planning permission in principle unless otherwise approved in writing by the Planning Authority.

- b. the siting, design and external appearance of all buildings and structures;
- c. details of sustainable design considerations inclusive of energy strategy;
- d. the means of access to the site including connections to the A96(T) and to adjacent development sites for all modes of transport;

*David Mudie*

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

**Dated: 22nd January 2021**

- e. the layout of the site, in accordance with Designing Streets principles;
- f. road layout including:
  - i. the road hierarchy;
  - ii. typical form of the routes forming the hierarchy;
  - iii. junction layouts and design with projected traffic figures supported by traffic modelling;
  - iv. junction and forward visibility requirements;
  - v. junction spacing within the development;
  - vi. vehicle tracking at junctions and standard radii;
  - vii. details of any bus routes and bus stops inclusive of bus tracking infrastructure;
  - viii. details of the provision for cyclists and pedestrians (including linkages to the Nairn Town Centre) with junctions and crossings designed to facilitate active travel;
  - ix. provision for disabled users following consultation with the Nairnshire Access Panel;
  - x. details of safer routes to school;
  - xi. details of the location and type of service strips within the intended adoptable road boundary;
- g. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions, all in accordance with The Highland Council's Roads and Transport Guidelines for New Developments (or any superseding guidance prevailing at the time of submission);
- h. the provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and external secure, covered visitor cycle parking at flats, all in accordance with The Highland Council's Roads and Transport Guidelines for New Developments (or any superseding guidance prevailing at the time of submission);
- i. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j. the details of, and timetable for, the hard and soft landscaping of the site;
- k. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
- l. details of all boundary treatments within the development designed in a manner which facilitates the creation of a sense of place and identity, as set out within the relevant approved Area Development Brief.
- m. the provision for service vehicles following occupation of the development;
- n. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- o. details of the water and waste water connections, with connection to the public water and waste water networks;
- p. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);

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**Area Planning Manager**

**Dated: 22nd January 2021**

- q. details of existing trees, shrubs and hedgerows to be retained;
- r. details of existing and proposed site levels with fall arrows;
- s. details of finished floor levels; and,
- t. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward.

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

3. Any details pursuant to Condition 2 above shall show no built development, other than the Ecological Centre and associated bird hides, north of the raised beach escarpment as shown on drawing number A031992 SK(--)-0002 Rev Q.

**Reason:** To ensure that the development addresses the site's constraints.

4. No more than 100 residential dwellings shall be occupied until development on the adjoining Common Good Land/Sandown site to the east has commenced, unless otherwise agreed in writing with the Planning Authority.

In the event development on the Common Good Land/Sandown site has not commenced within 6no. months of completion of the 100th house on this site, such restrictions will be deemed to be discharged and construction of the remainder of the approved houses (i.e. 300no. in total) will continue in accordance with the Phasing Plan approved under Condition 1.

**Reason:** In the interests of proper planning of the area.

5. Any details pursuant to Condition 2 as they relate to the construction of the golf course shall include a Golf Management Plan, to be submitted to and approved in writing by the Planning Authority in consultation with Scottish Environment Protection Agency and NatureScot. The Golf Management Plan shall, include the following:

- a) Details of the seed mixes to be used for the planting of the golf course;
- b) A turf management plan including full details of fertilisers, herbicides and pesticides;
- c) A full topographical survey including all engineering works and site levelling etc required for the formation of the course;
- d) Surface water drainage management and water supply details including any new abstractions, the scope of which should take into account and protect the adjacent designated conservation sites;
- e) Details of mitigation to minimise the loss of habitats; and,
- f) Details of habitats to be created.

The works when undertaken shall accord with the details of the approved Golf Management Plan.

**Reason:** In the interests of habitat enhancement and in order to protect the environmental sensitivity of adjoining land uses.

*David Mudie*

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**Area Planning Manager**



6. Any details pursuant to Condition 2 shall show all internal roads, footpaths, cycleways and car parking in accordance with the Council's Roads and Transport Guidelines for New Development.

**Reason:** In order to conform to the requirements of the Council's Roads and Transport Guidelines for New Development.

7. Any details pursuant to Condition 2 shall include a scheme for the location, design and installation of real time information bus stops within each phase of the development. For the avoidance of doubt, within the residential phase of development the full scheme shall be implemented no later than the occupation of the 100th residential unit and a temporary scheme identifying the location, design and installation of any temporary bus stops and turning facilities shall be implemented prior to the occupation of the 50th residential unit. For all other phases of development, where bus stops are included the scheme shall be implemented prior to first occupation of that phase.

**Reason:** In the interests of road safety and to encourage greater use of public transport.

8. No phase or sub-phase of residential development shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt this shall include:

- Timetables for all buses serving or passing close to the site;
- Timetables for train services to Nairn and details of access to Nairn station by all modes including walking and cycling;
- Maps and details of active travel opportunities toward Nairn town centre;
- Descriptive information of active travel routes to nearby facilities and attractions and, public transport routes to those outwith walking distance;
- Information relating to school travel; and,
- Taxi Services.
- The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.

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

9. No non-residential development within the application site shall be occupied until a Travel Plan has been submitted to and approved in writing by the Planning Authority. The plan shall detail the following measures:

- a) The name and contact details of an appointed Travel Plan Co-ordinator;
- b) The proposed objectives and targets for those accessing the relevant non-residential use including targets to reduce access being taken to the development by staff and visitors in private cars, encourage access to the development within that phase by sustainable and active transport and for avoiding parking overspill onto the adjacent public roads;
- c) Details of measures to be taken by the operator of the non-residential development

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

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

Thereafter the Travel Plan shall be implemented prior to first occupation of the non-residential development within that phase.

The Travel Plan shall be monitored for a minimum period of 4 years following the occupation of each non-residential use within the application site by the operator of the non-residential development. At the end of the 4 year period if the targets in the Travel Plan have not been met by operator of the non-residential development, a scheme of mitigation to address any deficiency in meeting agreed targets in the approved travel plan for the relevant phase of non-residential development requires to be submitted to and approved in writing by the Planning Authority.

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

10. Any details pursuant to Condition 2 shall include details of and a timetable for implementation of the following elements to be approved by the Planning Authority in consultation with Transport Scotland:
- a. Road lighting and road drainage;
  - b. Lighting within the site; and,
  - c. Boundary fencing details with the A96 trunk road.

Thereafter the details and timetable shall be implemented as agreed.

**Reason:** As directed by Transport Scotland to ensure that the efficiency of the existing road lighting/road drainage is not affected; there will be no distraction or dazzle to drivers on the trunk road; and, in order to ensure that the safety of users of the trunk road network is not diminished.

11. Any details pursuant to Condition 2 shall include a scheme for the delivery of a replacement for the existing lay-by on the A96(T) indicated on Waterman Boreham Drawing Ref No. 207837 - 105 dated 04 August, 2010 for the approval of the Planning Authority and Transport Scotland. Thereafter the approved scheme shall be implemented prior to first occupation of any element of the development.

**Reason:** To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards and that the safety and the free flow of traffic on the trunk road is not diminished.

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

12. Any details pursuant to Condition 2 shall include details of the access to the site via a roundabout in the location as shown indicatively on the approved indicative Concept Masterplan (Ref No. A031992 SK(--)-0002 Rev Q, July 2010). The design of the roundabout shall generally be in accordance with Waterman Boreham Drawing Ref No. 207837 - 105 dated 04 August, 2010 or as otherwise agreed with the Planning Authority in consultation with Transport Scotland.

Thereafter, no other development within the application site shall commence until the approved scheme is implemented in full to the satisfaction of the Planning Authority and Transport Scotland.

**Reason:** To ensure that the standard of infrastructure modification proposed to the trunk road complies with current standards and that the safety and free flow of traffic on the trunk road is not diminished.

13. Any details pursuant to Condition 2 shall include a scheme for the delivery of road, footpath and cycle links between the new roundabout junction on the A96(T) through the site to the adjoining Common Good Land/Sandown development to the east, which will be to 'local distributor' standard and be capable of accommodating public transport vehicles, shall be constructed and completed up to and including the mutual site boundary, at a point on the boundary to be agreed in writing with the Planning Authority.

Thereafter the approved scheme shall be delivered no later than the occupation of the 100th house within the development.

**Reason:** To provide for appropriate pedestrian and traffic links with the adjoining development and to avoid any potential 'ransom' strips in the interests of proper and effective planning for the area.

14. Any details pursuant to Condition 2 shall include a scheme for the design and implementation of the following infrastructure for the approval of the Planning Authority in consultation with Transport Scotland:

- a) The siting of a toucan crossing facility on the A96(T); and,
- b) Pedestrian footway/cycleway facilities linking the site and the existing pedestrian footway/cycleway network in the surrounding area, particularly to the east along the frontage of the Common Good Land/Sandown site towards Nairn and to the west, between the existing access/junctions with the A96(T) at Easter Delnies, the B9092 at Hilton of Delnies and, the B9092 at Wester Delnies.

Thereafter, no development within the application site shall be occupied until the approved schemes are implemented in full to the satisfaction of the Planning Authority and Transport Scotland.

**Reason:** To ensure that safe and attractive facilities are provided for pedestrians and cyclists generated by the development and that they may access the existing footway/cycleway network, including access to schools, community facilities, places of employment and shops.

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

15. Any details pursuant to condition 2 shall include detailed arrangements for water and sewerage infrastructure, and its implementation programme to serve the site. For the avoidance of doubt, all elements of the development hereby approved shall be connected to the public water and waste water network.

**Reason:** to ensure the development accords with Policy 9 and Policy 65 of the Highland-wide Local Development Plan.

16. Any details pursuant to Condition 2 shall include full details of surface water drainage provision within the relevant phase or sub-phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

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

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

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

18. Any details pursuant to Condition 2 shall include a 10m buffer zone from the top of the bank of any watercourse, drainage ditch or waterbody where no development can take place.

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

19. Any details pursuant to Condition 2 shall include details of any and all improvements or modifications to the watercourses or waterbodies which are present within the site. Details shall include any proposed works to ensure more natural forms of watercourse or waterbodies present within the application site.

**Reason:** To ensure that the water environment is protected and enhanced in a manner which facilitates a more natural watercourse.

*David Mudie*

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**Area Planning Manager**

**Dated: 22nd January 2021**

20. Any details pursuant to Condition 2 shall include details of the siting and design of all on street above ground infrastructure (including but not limited to electrical substations, junction boxes and broadband cabinets) within the relevant phase or sub-phase of the development.

Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved details.

**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.

21. Any details pursuant to Condition 2 shall show all services to any buildings and to the golf course routed underground.

**Reason:** In order to safeguard the visual amenity of the area.

22. No development shall commence within each phase or sub-phase, until a scheme to deal with potential contamination within each phase or sub-phase has been submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:

- i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- ii) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii) measures to deal with contamination during construction works;
- iv) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures; and,
- v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence within any phase or sub-phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

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

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

- a. All existing paths, tracks and rights of way and any areas currently outwith or excluded

*David Mudie*

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- from statutory access rights;
- b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
  - c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to:
    - i. Pedestrian access to any and all core paths;
    - ii. Construction details of all paths, inclusive of material finishes and drainage details;
    - iii. Details of the paths intended to form part of the Green Network's Coastal Trail and North - South Links as well as active travel links;
  - d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
  - e. Links to the Highland Council's core paths and green frameworks; and
  - f. Mitigation and monitoring mechanisms taking account of the qualifying interests of the Inner Moray Firth SPA/Ramsar site and Whiteness Head SSSI and the measures proposed for Whiteness Head and Sandown.

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

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

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

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

25. For the avoidance of doubt, construction of the ecological centre and hides must only take place between the 15 April and the 01 September in any year.

**Reason:** To safeguard the natural heritage interest of the site.

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

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

27. Any details pursuant to Condition 2 shall include a Heritage Interpretation and Access Plan (HIAP), including a timetable for its implementation for the written approval of the Planning Authority. The HIAP will detail which archaeological sites should have their access improved and, which sites would benefit from interpretation along with proposals for maintaining and encouraging public access to the archaeological resource, as well as details of signage and promotion of a Heritage Trail.

The approved details shall be implemented prior to the first occupation of each relevant phase or sub-phase.

**Reason:** To safeguard and promote the site's archaeological interests.

28. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

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

- a) A detailed plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition, any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal must be shown, for example by shade, overhang from the boundary, intrusion of the Root Protection Area or general landscape factors;
- b) A tree survey that lists details for each tree, including a schedule of any remedial works which may be required. The Root Protection Area and recommended Hold Back Distance from any new building, which takes into consideration above ground constraints must be calculated;
- c) Tree categorisation in accordance with Table 1 - Cascade Chart for Tree Quality Assessment;
- d) A Tree Constraints Plan that indicates categories for each tree annotated onto the original Land Survey along with canopy spread, Root Protection Area and Hold Back Distances. Details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring ground must be clearly identified;
- e) An Arboricultural Method Statement that superimposes the proposed layout, including any underground services, onto the Tree Constraints Plan; and,
- f) A Tree Protection Plan that details the appropriate tree protection measures for every retained tree before and for the duration of the development. The agreed Plan shall be implemented.

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

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

30. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the development when tree works or planting are being undertaken and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
- i. Ensuring that the approved Arboricultural Method Statement and approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be implemented as per the approved AMS for the written agreement of the Planning Authority; and,
  - ii. The preparation of written statements setting out the arboricultural works being completed for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

31. Any details pursuant to Condition 2 shall include the submission of a tree and woodland management plan, including a timetable for its implementation, which details the management proposals for all of the woodland and tree features within the site for the written approval of the Planning Authority. Thereafter the management plan shall be implemented as approved.

**Reason:** To ensure the long term management of all trees and woodland within the site in the interests of the local landscape and visual amenity of the area.

32. Before any works for the lopping, topping or felling of trees commences, surveys for protected species, generally squirrels and bats, shall be carried out. The survey methodology shall be agreed in writing by the Planning Authority in consultation with NatureScot. The findings of these surveys will inform the mitigation/protection measures to be implemented during tree works.

**Reason:** To safeguard the natural heritage interests of the site.

33. Any details pursuant to Condition 2 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or sub-phase. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

*David Mudie*

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- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features within each open space, including 1:20 scale plans showing the detail of the feature;
- iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans within each open space;
- v. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities, with no fruit bearing trees; and,
- vi. A programme for the preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

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

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

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

35. No development shall commence within each phase, or sub-phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
- a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions;
  - b) Processes to control / action changes from the agreed Schedule of Mitigation;
  - c) The following specific Construction and Environmental Management Plans (CEMP):

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- (i) Habitat and Species Protection Plans for badger, bat, otter, and red squirrel
  - (ii) Pollution prevention plan
  - (iii) Dust management plan
  - (iv) Construction Noise and Vibration Assessment and a Mitigation Plan in accordance with BS5228 Code of Practice for noise and vibration control on construction and open sites - Part 1: Noise
  - (v) Site waste management plan
  - (vi) Measures to protect private water supplies; including an emergency response plan
  - (vii) Measures to prevent the spread of non-native invasive species;
- d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- e) Methods of monitoring, auditing, reporting and communication of environmental management on site with the client, Planning Authority and other relevant parties; and,
- f) Statement of responsibility to 'stop the job / activity' if a potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document unless otherwise agreed in writing with the Planning Authority.

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

36. No development shall commence on each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles and details of wheel washing facilities) has been submitted to, and approved in writing by, the Planning Authority. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during Rosebank Primary school pick up or drop off times. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

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

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

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

38. Any details pursuant to Condition 2 shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operation of all aspects of the development with the identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

*David Mudie*

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**Area Planning Manager**

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

39. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision of electric vehicle charging points. The scheme shall include:
- i. identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
  - ii. the 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 each house in each phase or sub phase, where the house has in-curtilage car parking provision;
  - iii. a timescale for the implementation of the infrastructure within each phase or sub phase; and,
  - iv. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

**Reason:** To facilitate the move toward the reduction in reliance of petrol and diesel cars.

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

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

### Variations

None.

### Section 75 Obligation

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

- a) Delivery of affordable housing (minimum 25%);
- b) Contributions to primary education provision;
- c) Contributions to secondary education provision;
- d) Contribution to the delivery of public transport; and

*David Mudie*

**Dated: 22nd January 2021**

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- e) Provision of a 3ha site for a service site for a primary school and associated playing fields.

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

**Dated: 22nd January 2021**

*David Mudie*  
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**Area Planning Manager**

**IMPORTANT INFORMATIVES**

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

**REASON FOR DECISION**

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 PRINCIPLE**

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

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

For Phase 1:

- i. THREE YEARS from the date of the granting of this permission;

For Phase 2 and each subsequent Phase:

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

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

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

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

**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.
1. 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.

**Major Development Site Notice**

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

**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.

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

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

Application forms and guidance notes for access-related consents can be downloaded from:  
[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

As required by the Roads (Scotland) Act the developer shall obtain Road Construction Consent from the Council as Roads Authority prior to commencement of construction of any of the houses or the roads within the development.

In accordance to comply with the relevant statutory regulations for implementing traffic calming and road signage the applicant will be required to apply to the Council as Roads Authority for promotion of a 20mph zone; all necessary costs associated with the promotion, making and enactment of any required Traffic Order shall be at the applicant's expense and this application shall be made prior to occupation of any of the units.

### **Mud and Debris on Road**

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

### **Construction Hours and Noise-Generating Activities**

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

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

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

### **Protected Species - Halting of Work**

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

developer responsibilities is available from NatureScot: [www.nature.scot/protecting-scotlands-nature/protected-species](http://www.nature.scot/protecting-scotlands-nature/protected-species)

**Factoring of the Development**

Shared elements of the development are to be factored. The applicant is advised that it is their responsibility to ensure compliance with the provisions of the Property Factors (Scotland) Act 2011. Land Ownership/Planning Permission For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

**Building Regulations**

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

**Land Ownership/Planning Permission**

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

**Accordance with Approved Plans & Conditions**

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**



**RIGHT OF APPEAL ETC**

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

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

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

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

*David Mudie*

**Dated: 22nd January 2021**

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**Area Planning Manager**

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

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

<b>Notification of Initiation of Development</b>
--

**Application for Non-Compliance with Condition 33 (08/00080/OUTNA) Seeking Amendment of Cross Reference to Phasing Condition at Land To North Of A96 Extending From Whiteness Access Road To The Common Good Land Nairn**

Date of planning permission: 22nd January 2021

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

\*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed ..... agent/applicant

Dated .....

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

<b>Notification of Completion of Development</b>
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In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**Application for Non-Compliance with Condition 33 (08/00080/OUTNA) Seeking Amendment of Cross Reference to Phasing Condition at Land To North Of A96 Extending From Whiteness Access Road To The Common Good Land Nairn**

Date of planning permission: 22nd January 2021

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

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

Signed ..... agent/applicant

Dated .....

# NOTICE

Development at Land To North Of A96 Extending From Whiteness  
Access Road To The Common Good Land, Nairn

Notice is hereby given that planning permission has been granted subject to conditions to:

(a)	Cawdor Maintenance Trust, Per Farningham Planning Ltd, The Bourse, 47 Timber Bush, Leith, Edinburgh, EH6 6QH
(b)	Permission 20/00599/S42 was granted on 21 January 2021 by Highland Council
(c)	Non-Compliance with Condition 33 of 08/00080/OUTNA to develop a mixed use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure

Further information regarding the planning permission including the conditions on which it has been granted can be viewed online at the following link

<http://wam.highland.gov.uk>

using the application number 20/00599/S42 and at all reasonable hours (generally 9am to 5pm Monday to Friday) at:

**Environment and Infrastructure Service  
Glenurquhart Road, Inverness IV3 5NX**

**Tel: (01349) 886608**

**Email: [planning@highland.gov.uk](mailto:planning@highland.gov.uk)**

## Note to Developer

This Notice must be displayed while development is carried out. It must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material e.g. be laminated.