

Agenda Item	6.2
Report No	PLS/17/25

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 02 April 2025
Report Title: 21/04895/PIP: Springfield Properties plc
Land 160M North of Glenericht, Stratton Lodge, Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Residential development comprising up to 400 residential units and associated infrastructure

Ward: 17 – Culloden and Ardersier

Development category: Major

Reason referred to Committee: Major application

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The applicant seeks planning permission in principle (PIP) for the following development in the Milton of Culloden area in East Inverness:
 - Up to 400 residential units, a minimum of 25% of which to be affordable.
 - Open space, play area, allotments and landscaping.
 - Sustainable Drainage System (SuDS).
 - Internal roads and active travel links.
- 1.2 The site is allocated in the Inner Moray Firth Local Development Plan 2 (IMFLDP2) and Inverness East Development Brief (IEDB) for residential development subject to a number of development requirements, including flood risk assessment; tree and woodland management plans; safeguarding of Milton ring ditch Scheduled Monument and the setting of Culloden Battlefield; redevelopment of B Listed Stratton Lodge; vehicular access to be taken from Barn Church Road; improved active travel links and protection of the amenity of adjacent neighbourhoods.
- 1.3 There are a number of constraints to development, particularly within the northwestern section of the site which includes the likely route of the proposed A96(T) dualling project; gas and oil pipelines which will require to be relocated as a consequence of the dualling; a Scheduled Monument; a B-Listed fire-damaged building and areas of flood risk.
- 1.4 The Design and Access Statement submitted with the application shows an indicative layout which takes account of the site-specific constraints and demonstrates that the site is capable of accommodating a development of this scale, however details of the final housing mix, layout and design will be determined at a later stage through submission of Matters Specified in Conditions applications.
- 1.6 All vehicular access shall be taken from an improved signalised junction on Barn Church Road, through the recent Stratton development and will enter the site at the end of Loch Avenue. There shall be no direct vehicular access from Caulfield Road or from the A96(T).
- 1.7 The design statement makes reference to the use of low-carbon technologies such as Air Source Heat Pumps (ASHP), Hybrid Heating Systems, Photovoltaic Panels and Electric Vehicle charging.
- 1.8 The application includes a Pre-application Consultation (PAC) Report that describes the 2 online public consultation events that were held by the applicant in line with Covid-19 restrictions applicable at the time in July and August 2021. Members of the public raised several issues with the applicant which have been responded to in the manner described in the applicant's PAC report.
- 1.9 Supporting Information: Archaeological Assessment, Design and Access Statement, Drainage Assessment, Flood Risk Assessment, Transport Assessment, Noise Assessment, PAC Report, Phase 1 Habitat survey, Tree constraints plan.

- 1.10 Variations: A number of variations to the Indicative Framework Plan within the Design and Access Statement including to the extent of development.

2. SITE DESCRIPTION

- 2.1 The application site consists of 33 hectares of predominantly agricultural land and woodland, located on the landward side of the A96(T) road. The site is bounded to the north by the non-through Milton Road which serves a small number of existing properties. The settlement of Culloden sits to the east. The land immediately to the south of the site is currently under development as part of the wider Stratton housing and mixed-use development, and the A96(T) runs adjacent to the west of the site.
- 2.2 Within the southern part of the site is Stratton Lodge, a late 18th century category 'B' Listed building, the setting of which is enhanced by its distinctive tree lined drive and surrounding mature woodland which stretches to the western boundary of the site. The building suffered extensive fire damage in 2013 but is capable of restoration. Approximately 240m NW of Stratton Lodge is a Scheduled Monument (SM: 6001) in the form of a Bronze Age ring ditch. The nearest Conservation Area is Culloden House Policies which is located approximately 400m to the east of the site. There are no national or local landscape or nature designations within the application site boundary.
- 2.3 The woodland surrounding Stratton Lodge is covered by a Tree Preservation Order (HC132: Stratton). The majority of the rest of the site is laid to grass with much of the eastern and southeastern boundaries lined with mature trees.
- 2.4 There are existing watercourses within the site boundary; one within the northern part of the site and a further to the south within the mature woodland around Stratton Lodge. Designated Core Paths run along the northern (IN08.05) and eastern (IN08.03) boundaries of the site.

3. PLANNING HISTORY

- 3.1 06.07.2021 21/02132/PAN: Residential development Case closed
and associated infrastructure

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 26.11.2021

Representation deadline: 10.12.2021

Timeous representations: 9 (from 7 households)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) Infrastructure cannot cope with more development – schools, health centre and the road network.
- b) Determining the application would be prejudicial to the emerging Local

Development Plan.

- c) Too many units and density is too high. The number of units should not exceed the adopted Inverness development brief.
- d) Height of units are not in keeping with the area.
- e) The adopted Development Brief states that this development should not take place until Stratton Primary School is completed.
- f) Proposed access route is not suitable for two-way traffic, and it would take away parking spaces for existing residents.
- g) Junction with the A96 is already under strain.
- h) Land is located within a flood zone and there will be an increase in surface water runoff.
- i) Destruction of archaeological remains.
- j) Impact upon existing trees and wildlife, including protected species.
- k) Impact on neighbouring bee keeping/honey business
- l) Inappropriate consultation carried out.
- m) Should de-centralise away from Inverness and support rural areas.
- n) Loss of greenspace and walking opportunities around Stratton Lodge.
- o) Loss of farmland – agricultural land should be retained not turned into housing sites.
- p) Impact upon the amenity of existing residents, including during the construction phase (e.g. noise, dust, location of temporary compounds) and use of the road.
- q) No need for this type of development, need affordable homes near the city centre and preferable on brown field sites.
- r) Should be no access from Milton Road.
- s) Impact that construction industry has on the climate change agenda in terms of carbon emissions.
- t) Good arable land is required for food security, in line with the Climate Emergency declared by Scottish Government and Highland Council.
- u) Will reduce biodiversity by removing hedgerows and reducing green space
- v) Other services are required before housing – e.g. a new hospital

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

5. CONSULTATIONS

5.1 **Culloden Community Council:** Culloden Community Council object to the application due to:

Environmental impact – The site is adjacent to an area used by local business Loch Ness Honey Company to raise and breed bee colonies. This site is a national environmentally important natural area for the bees to find food and gather when moving around the hives. Any disruption to the lands around the bee colony could have serious negative consequences. Flight paths for the bees travelling to their hives need to be kept clear and the bees require a quiet, natural area with farmland to thrive. This location was chosen because it was not originally zoned for housing in the development plans but has only recently been pushed forward as a potential housing site.

Loss of agricultural land for farmers – There are numerous sites around the Inverness East area which have been purchased by developers with the intention

of building houses. The Community Council understands that there is a huge waiting list for houses in Inverness, however, this area is still a very important area for farming and there are complaints from local farmers that land purchased by developers is being kept as rough grass and wasteland, with farmers being denied the opportunity to use the land for essential crops. The lands around Inverness East are needed by farmers to grow crops to support the food production industry, and also to grow crops that can be used to feed cattle overwintering in this area having been brought down from the hills.

Provision of local services and infrastructure – The excessively high demands on the medical, social, and educational infrastructure within the Culloden community are already known about, so this application to increase the number of houses at this time is an additional burden that the community will not be able to cope with. From existing housing developments, the secondary school role is already forecast to be over-capacity within the next 10 years, despite a planned extension. The schools cannot cope with any more additional housing developments.

Flooding – Local residents in Milton of Culloden South have had various issues with flooding over past years and they are quite rightly concerned that any housing developments could cause the current properties in this area to suffer more frequently from floods.

Access to the site – Local residents in Milton of Culloden have raised very valid concerns about the access to the proposed housing site, during both the development and the planned residential usage. The roads around this proposed development are single track rural lanes and are used by residents walking to and from schools and local facilities. Any increase in traffic, especially at high speeds by those unfamiliar with the roads, are a major concern. Any planning approval should ensure that access to the site considers the access needs of existing residents and ensures safe routes to school are maintained for local children.

5.2 **Transport Planning Team** do not object subject to the provision of the following:

- a financial contribution of £116,927.71 towards the upgrading of the B9006 Culloden Road / Tower Road junction;
- a traffic sign and road marking traffic management scheme on Barn Church Road in the vicinity of the signalised junctions with Appin Drive and Drum Mossie Road (Sullivan Street) – to redefine the northbound outside lane of Barn Church Road between the signalised junctions for Drum Mossie Road and Appin Drive as a dedicated right turn lane into Firth Avenue (Moor Road);
- connection to bus stops on the A96 (to be secured by condition for a later phase of development); connection to U1136 Milton Road as required by the Development Plan;
- installation of a MOVA system at the Barn Church Road / Tower Road / Keppoch Road signalised junction;
- submission of a Construction Traffic Management Plan and Residents Welcome Pack. To be clear, no construction access to this site will be permitted along the existing U1058 Stratton Lodge Road (Caulfield Road) from Barn Church Road;

- design details for the proposed new road access; street hierarchy, car and cycle parking proposals; active travel connections; refuse storage and collection arrangements; SUDS and drainage design details;
- details of public transport provision; and
- provision of a new shelter at Duncan Forbes Primary School.

5.3 **Development Plans Team:** The principle of residential development on the site is supported, however a number of issues were originally raised which required to be addressed in order for the proposal to be consistent with the Inverness East Development Brief (IEDB). These included the extent of development, density and capacity, phasing, open space and amenity. Further information was required before support could be given.

A number of the concerns related to the extent of built development which was shown in the original Design and Access Statement as extending closer to the A96(T). The Design and Access Statement has since been revised to pull the extent of the built development back in line with that shown in IEDB. The Development Plans response was further revised following adoption of NPF4 and IMFLDP2 and submission of additional information from the applicant. Further to resolution of a number of matters, such as phasing and means of securing the future of Stratton Lodge, there is no objection to the application. These are covered by condition.

Developer Contributions towards education, transport and active travel, community facilities, public art and open space are required as set out later in this report.

5.4 **Contaminated Land Team:** “Having reviewed our records, the site appears to be predominately greenfield with no suspected contamination issues.”

5.5 **Flood Risk Management Team:**

Flooding: The Flood Risk Assessment (FRA) has considered the flood risk from the Culloden Burn. The FRA predicts that parts of the site in the north and northeast are at medium to high risk of flooding from the Culloden Burn. Taking a precautionary approach, it is required that no development takes place in the areas identified as being at risk of flooding in a 1 in 200 year plus climate change flood event in the undefended scenario. For avoidance of doubt this is the flood extents as presented in Figure 9 of the FRA. It is noted that Figure 9 identifies an additional flood route in the southern part of the site between Walker Crescent and the tributary of the Cairnlaw Burn adjacent to the private access track. This flood pathway will also need to be preserved.

The Flood Risk Management Team request conditions to ensure that no development takes place in areas identified as being at risk of flooding during a 1 in 200 year plus climate change fluvial flood event and preservation of flood pathways through the site; finished floor level (FFL) to be set a minimum of 600mm above the predicted 1 in 200 year plus climate change fluvial flood levels; surface water pathways to be managed as per the recommendations in the FRA. All to form part of detailed design.

Drainage: The estimated pre-development greenfield runoff rates have been calculated. The site has been split into two drainage catchments which will be attenuated via separate SuDS basins. The smaller catchment (estimated to be 1.113Ha) will discharge into the Cairnlaw burn in the south of the site and the larger

basin (estimated catchment 811.Ha) will discharge to the Culloden Burn. The pre-development greenfield discharge rates from the site into each receiving watercourse have been estimated for the two catchments. At this stage, based on the topographic information available, the two watercourse catchments are reasonable. The Drainage Impact Assessment (DIA) includes MicroDrainage simulations for each SUDS basin that demonstrate that the basins will be adequately sized to attenuate surface water from a 1 in 200 year plus climate change storm event to the equivalent pre-development greenfield rate. A condition is required for detailed drainage design to be submitted for review and approval. This shall include an updated DIA that demonstrates that surface water discharge from the site into the receiving water course is limited to the equivalent pre-development (greenfield) rate into the same watercourse for a range of storms (e.g., 2, 30 and 200 year events) up to and including the 1 in 200 year plus climate change event.

5.6 Environmental Health:

External Noise: The assessment has considered the worst-case scenario of the traffic noise following proposed realignment and dualling works. The assessment has referred to the standards within BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This states that for gardens and patios etc, it is desirable that the external daytime noise level does not exceed 50 dB LAeq,T. However, it allows for an upper level of 55 dB LAeq,T in noisier environments which would be appropriate in this situation.

The noise assessment has demonstrated that predicted traffic noise levels will exceed relevant standards at some locations within the site for both external and internal locations. However, the guidance recognises that the target levels may not be achievable in all circumstances where development might be desirable and that there may need to be a compromise between elevated noise levels and other factors. In such cases, the development should be designed to achieve the lowest practicable levels.

It would be for the Planning Authority to decide whether the development of houses is desirable in those zones where noise levels will exceed the targets. [Note: The indicative Design and Access Statement has been amended to move all housing from the >55dB zone]

Construction Noise/Dust: No objections subject to the conditions.

5.7 Forestry:

Within the red-line of the application there are some significant areas of large, mature woodland and arboricultural features associated with the derelict Stratton Lodge. The majority of these trees/ woodlands are protected by the Stratton Tree Preservation Order (TPO No HC132). There are lines of mature, mixed broadleaf and conifer field margin trees on the south-eastern and south-western peripheries of the site and there are also lines of smaller trees along the internal field margins to the north of the derelict Stratton Lodge. The woodland to the north-west of derelict Stratton Lodge are within an area listed in the Native Woodland Survey of Scotland as mature lowland mixed deciduous woodland. None of the woodland on the site appears on the Ancient Woodland Inventory. However, the woodland around Stratton Lodge (and the field margin trees on the south-eastern and southwestern peripheries of the site) appears on the First Edition Ordnance

Survey map so this area should be regarded as at least Long-established plantation origin woodland (LEPO1860).

The applicant has provided a set of four Tree Constraints Plans covering the site, but there is no further arboricultural advice in support of the application. There is no Site Layout Plan although there are some indicative development layout sketches in the Design and Access Statement. It is not easy to tell what impact the development proposals might have, but it does appear that the indicative sketches have been drawn without full consideration for the existing tree constraints. It certainly appears that the field margin trees would be lost along with a section of the avenue to the derelict Stratton Lodge and all along Caulfield Road.

This is a PIP application and while the loss of the smaller internal trees and poor-quality category 'C' and 'U' trees could be accepted, the applicant will need to ensure that the category 'A' and 'B' trees are on the whole, retained, safeguarded and given adequate separation from residential development in the detailed layout design for the site. No objections to the proposed development, subject to conditions.

- 5.8 **Ecology:** Extended Phase 1 Habitat Survey acceptable, although Protected Species Surveys are now out of date. Further details require to be submitted as part of future MSC applications including an Ecological Impact Assessment (EclA) and a Habitat Management Plan that details all habitat compensation and enhancement measures. This should include the metric.
- 5.9 **Historic Environment Team (Archaeology):** Important historic environment assets lie within and adjacent to this application area. It is noted that the extensive scheduled cropmark site at Milton (SM6001) is to remain in open ground within the development. In addition, the south-east boundary of the area appears to include the northern section of the former enclosure known as Culloden Parks, that played an important role in the Battle of Culloden, although is not included in the Designed Landscape and Gardens of Culloden House or the Inventory Battlefield of Culloden. Its exclusion may reflect that the full extent of the Parks enclosure has only recently been identified; it is not mentioned in the Archaeological Desk-Based report that was submitted to support the application. This boundary survives as a tree-lined bank to the North of Caulfield Road and is likely worthy of further consideration for designation. It should be protected from the proposed development. There may additionally be an opportunity here for some interpretation of this feature and its significance. In addition, the application area is considered to have high archaeological potential. A condition to ensure the survey, evaluation, preservation and recording of any archaeological and historic features is recommended.
- 5.10 **Historic Environment Team (Conservation):** The Inverness East Development Brief for Milton of Culloden South clearly states that any proposal in this area should include the sensitive re-development of Stratton Lodge, a Category B listed building. The indicative Design and Access Statement includes no reference to the reuse and renovation of the listed building, and this must be a core component of any consented development in this area. Accordingly, until the listed building is properly referenced with detailed commitments given for its renovation and reuse within the wider development, the Historic Environment Team object to the proposal as contrary to the requirements of the Inverness East Development Brief.

- 5.11 **Access Officer:** The proposal is large enough to require an access management plan in line with HwLDP Policy 77 (Public Access). This should be submitted as part of a detailed application and secured by condition.

Deferring to Transport Planning, a more direct unsegregated shared use path parallel to the A96 and between it and the north-western edge of the development could be provided. This to make a more direct route to the proposed non-motorised user (NMU) crossing of the dualled A96 to join the Milton level crossing and the old A96 Core Path eventually. It will also link to the new A96's NMU route east. That link will be especially important as we understand Transport Scotland will not be accommodating a link at the junction of the existing path through the wood and the A96. It is considered that every street end at the eastern end could accommodate a gap and link to the Core Path too and the paths beyond. Also, deferring to Transport Planning it is hoped that the applicant will design and specify their unsegregated shared use paths to a high standard of accessibility and durability although we appreciate that some designs may be constrained by root protection zones.

- 5.12 **SEPA:** "Small areas of this proposed development site lie within the functional floodplain based on the SEPA Flood Maps. This indicates that generally along the northern boundary of the site there may be a medium risk of fluvial flooding from the Culloden Burn. In addition, areas of the site lie within the surface water flood extent shown on the SEPA Flood Maps. In light of the above referenced potential flood risk, SEPA welcomes that a Flood Risk Assessment (FRA) (Kaya Consulting, v 1.1, 08.10.2021) has been provided in support of this application. No objection subject to conditions to ensure that development does not take place in areas at risk of flooding. To achieve this, we recommend application of the conditions already requested by the Council's Flood Risk Management Team."

- 5.13 **Transport Scotland** do not object to the proposal subject to conditions requiring:
- Detailed layout drawing to be submitted prior to development commencing in any phase of development showing details of any road infrastructure or utilities diversions, including offsets, within that phase, to be approved in writing in consultation with Transport Scotland
 - Number of residential units not to exceed 400
 - Details of lighting to be submitted for approval after consultation with Transport Scotland
 - Details of landscaping treatments along the trunk road boundary to be submitted for approval after consultation with Transport Scotland
 - Details of fencing/barrier proposals along the trunk road boundary to be submitted for approval after consultation with Transport Scotland
 - No drainage connections to the trunk road drainage system

- 5.14 **Scottish Water:** "No objection, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and the applicant is advised that an application needs to be made to Scottish Water direct. This proposed development will be fed from Inverness Water Treatment Works and Allanfearn PFI Waste Water Treatment works."

5.15 **NatureScot:**

European sites: “The proposal is close to the Inner Moray Firth Special Protection Area (SPA) protected for breeding common terns and osprey, and a range of wintering wildfowl and waders, and the Moray Firth Special Area of Conservation (SAC) protected for its population of bottlenose dolphin and subtidal sandbank habitats. There is connectivity through the watercourses bordering the proposed development site which drain to the coast.

Our advice for both the SPA and SAC is that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. Although the habitats and species associated with these protected areas are sensitive to changes in water quality, we note that wastewater will go to the public drainage network. Any run-off associated with construction should be managed through best practice and SEPA’s provisions, including the likely requirement for a Construction Site Licence. With these standard measures in place, we would anticipate no adverse changes to water quality within the protected areas.

Sites of Special Scientific Interest (SSSI): The proposal is also close to the Longman and Castle Stuart Bays SSSI protected for a range of coastal habitats and wintering birds. There are natural heritage interests of national importance on the site, but these will not be affected by the proposal. The protected habitats and birds are sensitive to changes in water quality but, with the standard measures in place as described above, we would anticipate no adverse changes to water quality within the protected area as a result of this proposal.

Protected species: We fulfil our advisory role on protected species through the provision of standing advice and do not expect to be consulted other than in exceptional circumstances not covered by the relevant standing advice available on our website”

5.16 **Health and Safety Executive:** “From the information submitted HSE understands that the part of the development area near the major hazard pipeline is to be assigned to outdoor use by the public. HSE classes an outdoor area for use by the general public where not more than 100 people will gather at the facility at any one time as a sensitivity level 2 development and would advise against this type of development in the inner consultation zone.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development. HSE’s advice is that as it stands there are still sufficient reasons, on safety grounds, for advising against the

Permission in Principle application. However, HSE would not advise against an application where:

- the inner consultation zone consists of appropriate landscaped areas with no features or facilities which are likely to attract 100 or more people at one time; and
- outdoor open areas which would encourage members of the public to congregate, such as formal play areas or sports grounds, are located outside the consultation zones of the major accident hazard pipeline.

As a consequence, HSE would not advise against the granting of permission if the above is included as conditions to the permission.”

5.17 **Scottish Gas Network (SGN)** originally objected to the proposal subject to further consultation with the applicant. Further to this SGN has removed its objection to the application on condition that measures necessary to safeguard the security of the gas pipeline are further discussed as required, with the aim of ensuring the pipeline and the integrity of the servitude or easement area are not compromised.

5.18 **Historic Environment Scotland:**

Scheduled Monument: “The monument comprises a single ring-ditch, the remains of a prehistoric burial or settlement feature. The field in which the monument lies is wholly within the boundary of this development proposal. The monument is protected under the Archaeological Monuments and Ancient Areas Act 1979 and no works may take place within the scheduled area without our prior written consent. Scheduled Monument Consent (SMC) should be applied for well in advance of works commencing.

Without wishing to prejudge the outcome of any further discussions it seems unlikely that we would recommend consent be granted for any ground works associated with the development and development should therefore avoid the scheduled area. Development in the vicinity of the monument should also ensure that there is no intrusion into the scheduled area during any construction works. The extent of the scheduled area should be indicated on all relevant maps and plans, a boundary of at least 10m from the edge of the scheduled area should be marked off on the ground, such as with hazard tape, and workers should be briefed on the monument’s location, significance as well as its legally protected status.

We welcome that the current draft proposals would leave the area of the scheduled monument as open space. As the current plans are indicative in nature, there is no detail on how the open space would be managed after the development would be constructed. This will be crucial to the monument’s long-term survival and should therefore be explicitly covered in the resulting management and/or development plan proposals. Works within the scheduled area, including landscaping, gardening, or planting, may require prior Scheduled Monument Consent from us. Also, any finalised plans for the development should give full consideration to the setting of the scheduled monument. We would recommend that your Council ensure that all these requirements are made a condition of consent should you be minded to grant planning permission.

The Battle of Culloden: The Battle of Culloden is significant as the last pitched battle fought on the British mainland and was the last battle of the Jacobite Rising that commenced in 1745 and was led by Charles Edward Stuart (Bonnie Prince

Charlie). The battle was a bloody defeat for the Jacobites and is one of the most important battles in the history of the British Isles. The development site lies some 0.4km to the west of a part of the designated battlefield of Culloden. This is the part of the battlefield centred around Culloden House, which was the headquarters of the Jacobite army prior to the battle and the lodgings of Bonnie Prince Charlie. As such, it was not a core part of the battlefield, which mainly centred on Culloden Moor. Also, a band of modern housing now lies between Culloden House and Milton of Culloden. Therefore, it is not considered that this development would have a significant effect on the designated battlefield of Culloden.”

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 7 - Historic Assets and Places
Policy 12 - Zero Waste
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes
Policy 18 - Infrastructure First
Policy 19 - Heating and Cooling
Policy 20 - Blue and Green Infrastructure
Policy 21 - Play, Recreation and Sport
Policy 22 - Flood Risk and Water Management

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

9 - A96 Phasing and Infrastructure
12 - Stratton
28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
37 - Accommodation for an Ageing Population
51 - Trees and Development
52 - Principle of Development in Woodland
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species

- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 75 - Open Space
- 76 - Playing Fields and Sports Pitches
- 77 - Public Access

Inner Moray Firth Local Development Plan 2 (IMFLDP2) 2024

- 6.3 Policy 2: Delivering Development
Policy INE07 – Milton of Culloden South

6.4 Highland Council Supplementary Planning Policy Guidance

- Inverness East Development Brief (2018)
- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (as amended December 2020)
- Designing Streets
- Creating Places

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) Compliance with the development plan and development brief
 - b) Layout and design
 - c) Roads, access and parking
 - d) Active Travel
 - e) A96 dualling project / Utility diversions
 - f) Impact on residential amenity
 - g) Open Space, Trees and Landscaping
 - h) Impact on habitat, species and biodiversity
 - i) Impact on built and cultural heritage
 - j) Water, flood risk and drainage
 - k) Impact on infrastructure and services and mitigation (developer contributions)
 - l) Any other material considerations

Compliance with the Development Plan and Development Brief

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2 (IMFLDP2), and all statutorily adopted supplementary guidance including Inverness East Development Brief.
- 8.5 **NPF4 and HwLDP:** NPF4 Policies 1-3 apply to all development proposals nationwide. When considering proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 8.6 NPF4 Policy 4 (natural places) only supports development proposals that are likely to have an adverse effect on species protected by legislation where the proposal meets the relevant statutory tests; Policy 5 (soils) protects valued soils and prime agricultural land; and Policy 6 (Forestry, Woodland and Trees) aims to protect and expand forests, woodland and trees and states that development proposals involving woodland loss will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government guidance on woodland removal. Policy 7 seeks to protect and enhance Historic Assets and Places and sets out the criteria by which proposals affecting Scheduled Monuments will be supported. Policy 13 for Sustainable Transport considers that active travel nodes and public transport use should be promoted and facilitated by all developments. Policies 18, 20, and 22 relate to the development's infrastructure requirements, with Policy 18 encouraging an Infrastructure First

approach to land use planning and placemaking, Policy 20 seeks to protect and enhance blue and green infrastructure networks and Policy 22 promotes the avoidance, as a first principle, of areas of known flood risk.

- 8.7 A number of NPF4 policies relate to the overarching principle of supporting development that achieves liveable places. Most pertinent are Policy 14 for design, quality and place, Policy 15 for Local living and 20-minute neighbourhoods, and Policy 16 for quality homes. These policies seek to promote and facilitate well designed developments that make successful places by taking a design-led approach and applying the Place Principle consistent with the six qualities of successful places. To that end, new residential neighbourhoods should seek to be compact and connected to facilities that allow residents to meet the majority of their daily needs within a reasonable distance of their home, while facilitating the delivery of affordable, sustainable, and high-quality homes across a mix of tenures. Part a) of Policy 16 specifically supports proposals for new homes on land allocated for housing within Local Development Plans.
- 8.8 Although the relevant general policies of the HwLDP remain an extant part of the Development Plan, as the newer document the application is required, in the first instance, to be considered against those of NPF4.
- 8.9 **IMFLDP2:** The application site is within the Inverness Settlement Development Area and is allocated for residential development within IMFLDP2 under allocation INE07 (Milton of Culloden South) for an indicative housing capacity of 350 units. Policy 2 (Delivering Development) is also applicable. This states that development of allocated sites will be supported subject to general conformity with the requirements of the allocation, including the provision of the necessary infrastructure, services, and facilities required to support the development. Policy allocation INE07 details several developer requirements, as follows:
- Development to progress in accordance with Policy 15(c) 'Inverness East Development Brief'
 - Measures to improve watercourse morphology, existing riparian area should be protected, any crossings should be bottomless arched culverts or traditional style bridges, no culverting for land gain
 - Flood Risk Assessment (no development in areas shown to be at risk of flooding); Drainage Impact Assessment
 - Tree/woodland Survey and Management Plan, any permanent woodland removal to be assessed against Scottish Government Control of Woodland Removal policy
 - Protected Species Survey
 - Safeguard fabric, historic character and setting of Milton, ring-ditch 320m SSE of Scheduled Monument
 - Redevelopment of B Listed Stratton Lodge Hotel that is responsive, sensitive and appropriate to its historic character. Future of Stratton Lodge Listed Building must be secured prior to development of remainder of site
 - Safeguard setting of Battle of Culloden Battlefield; consider potential effects with reference to Inventory, programme of work for the evaluation, preservation and recording of any archaeological and historic features
 - Transport Assessment, access must be taken from a new route formed from Barn Church Road.

- 8.10 It is noted that this application was submitted prior to the adoption of IMFLDP2. The relevant allocations in IMFLDP were IN85 (Milton of Culloden) which was allocated for 375 homes, business and community use and IN77 (Stratton Lodge) which was allocated for a further 25 homes, giving a total indicative housing capacity of 400 homes rather than the 350 homes provided for in IMFLDP2. At the time the application was submitted therefore, the indicative housing capacity for the combined sites was 400 which matches the proposal. This number was reduced by IMFLDP2 to align with Inverness East Development Brief and to account for land take required for the A96(T) dualling project and other constraints within the NW section of the site. It is noted that the application is in principle only and is for “up to” 400 residential units. The Development Plans Team do not object to the maximum figure of 400 residential units provided it can be demonstrated through detailed design that a satisfactory layout which complies with the development plan’s developer requirements can be provided.
- 8.11 **Inverness East Development Brief:**
- Inverness East Development brief (IEDB) was adopted in 2018 and forms part of the development plan. It guides the urban expansion of the east of Inverness and sets out the parameters developers will be asked to follow in delivering growth. Milton of Culloden South is one of 4 main areas identified within the IEDB, the others being Stratton, Ashton and Inverness Campus/Castlehill. It is characterised by its rural feel and relationship with the surrounding agricultural land and woodland, and the vision set out in IEDB is for a distinctive and high-quality neighbourhood which reflects the agricultural history of the land and takes account of the constraints on the site, including road access, pipeline safeguards, a Scheduled Monument and the B-Listed Stratton Lodge.
- 8.12 The application site is covered by allocations M1 (Stratton Lodge) and M2 (eastern Milton of Culloden South) with a combined housing capacity of 350 units. It states that the Milton of Culloden sites are ‘middle phase’ and should therefore be delivered following the completion of allocation S3 (SE Stratton). This refers to the areas recently completed and currently under development by the Council and Places for People which need to be delivered first in order to ensure that a ransom free access can be provided up to the boundary of the Milton of Culloden site. In terms of phasing therefore, the developments in this part of Inverness are generally progressing in accordance with the Brief.
- 8.13 The Brief further sets out that Site M1 (Stratton Lodge) should be developed before or concurrently with Site M2 (Milton of Culloden South) in order to ensure the future of the B-Listed building; and that the primary school should be completed as part of S3 (and therefore prior to development to the application site). A condition is included to ensure timing of the development in relation to Stratton Lodge, and while a site for a new primary school has been set aside as part of the Stratton development it has been removed from the Capital programme at this time.
- 8.14 The Brief also sets out a number of site-specific development criteria as follows:
1. Sensitive re-development of Stratton Lodge to respect its historic character and landscape setting and secure the future of the listed building.

2. Safe walking and cycling routes lined by active frontages to link Milton of Culloden South to Stratton Lodge and future active travel connections proposed by the A96 Dualling project and all new development to Stratton primary school and existing neighbourhoods abutting Caulfield Road.
3. Medium density residential streets to gradually give way to low and very low-density development abutting rural land uses.
4. A diverse range of house types to reflect the transitional character of the area from urban to rural.
5. A greenspace at Milton of Culloden to provide a safe, attractive public open space for community activity, including play areas and planting.
6. Opportunities for public access to the amenity woodland at Stratton Lodge to be maximised.
7. The residential amenity of adjacent neighbourhoods to be respected and to inform the design and layout of new development.

These matters will be considered in detail in the relevant sections of this report.

- 8.15 The proposal constitutes delivery of an allocated housing site within the Inverness East area therefore the principle of residential development is established. Subject to ensuring that the development can adequately address the requirements of the development plan allocation and the IEDB; complies with the Sustainable Design, Placemaking, and 20 Minute Neighbourhood principles for a successful place; is compatible with the existing pattern of development and landscape character; respects any existing natural, built and cultural heritage features; is compatible with the existing infrastructure; and is not detrimental to the amenity of the area, the proposal will be considered to comply with the Development Plan.

Layout and design

- 8.16 The application is for planning permission in principle and as such the submitted details are indicative. A Design and Access Statement including an Indicative Framework Plan which shows the extent of development and primary access routes etc has been submitted, however the Framework Plan is not approved as part of this application and further details are required to be submitted as part of future MSC applications. It does, however set out the general strategy for the site which is for the built development to be concentrated in the eastern section of the development, with a wide green buffer adjacent to the A96(T) to account for the land to be kept free for the A96(T) dualling and associated utility diversions and setbacks; the Scheduled Monument and to protect future residents from noise from the A96(T). This will form a landscaped green space incorporating allotments, an informal recreation area and footpath access into the amenity woodlands surrounding Stratton Lodge. The proposed extent of development is broadly consistent with that shown in the IEDB and will be conditioned as such.
- 8.17 NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by non-vehicular means of transport. The application site is well connected to the established neighbourhoods of Culloden and Smithton which contain a good range of services and facilities within an easy walking distance of the site, including schools, shops, health care, public transport links and recreation facilities. It is also

close to areas of countryside, woodland and Core Paths. It is therefore considered that the resultant development would provide much needed housing in a sustainable location.

- 8.18 Internal layouts for residential developments of this scale should follow the principles of Designing Streets, which encourages the use of connected layouts and prioritises the needs of pedestrians and cyclists ahead of motor vehicles. In this instance, the indicative Design and Access Statement indicates an intention to provide a series of looping streets through the development to limit the need for cul-de-sacs, which is welcomed. The IEDB requires that medium density residential streets should gradually give way to low and very low-density development abutting rural land uses to the east. This has been shown in the indicative Design and Access Statement and should be carried through to the detailed applications.
- 8.19 The indicative Design and Access Statement shows strong active frontages along the key public areas, designed to provide passive surveillance of public spaces and engage with the street scene. It states that focal buildings and dual fronted corner buildings will be strategically located to ensure an outward looking, distinctive development. The indicative Design and Access Statement confirms that the development shall contain a wide range of house types and tenures, with the required level of associated parking, to be predominantly delivered to the rear or side of housing in order to reduce the visual dominance of parked cars which complies with local and national guidance.
- 8.20 The application proposes a mix of ownership tenures although detail of housing types is omitted from the submission at this stage. Nevertheless, it is considered that the site can accommodate a housing mix of detached, semi-detached, terraced house types as well as flatted accommodation. It is considered reasonable to limit house heights to 2 storeys to match heights of more recent housing developments in the wider area, and blocks of flats to 3 storeys. Conditions are proposed to secure final design details including housing mix, material palettes, boundary treatments, landscaping, and the integration of public art. It is expected that these provisions will encourage the developer to incorporate high-quality design that contributes some distinctiveness to what is likely to be a suburban style development.
- 8.21 Further details of street and building layout, open space provision, infrastructure and phasing will be provided through the submission of further MSC applications for the site. However, the details submitted thus far do demonstrate that the site is capable of accommodating the proposed residential development and supporting infrastructure, while addressing the constraints and requirements set out above and achieve a layout that accords with Designing Streets.

Roads, access and parking

- 8.22 Vehicular access to the site will be taken from Barn Church Road through the recently developed Stratton housing site. A suitably sized access road incorporating a segregated cycle path has been taken to the edge of the Stratton site in preparation for a future link to the Milton of Culloden site from Loch Avenue.

No vehicular access will be taken through Caulfield Road South, which will be unchanged by the development. This is consistent with the IEDB.

- 8.23 The indicative Design and Access Statement shows the Primary Distributor Road traversing the site parallel to Caulfield Road South. In line with IEDB requirements, this road will be taken to the northern edge of the site so that it has the potential to provide future vehicular access to the existing houses on Milton Road if required. This is necessary as the proposed A96(T) dualling project will require the existing Milton Road/A96(T) junction to be stopped up, meaning that access to the Milton Road properties will need to be taken from the east. However, if the dualling project progresses ahead of this development, Transport Scotland will provide an alternative access route for the Milton Road residents, along Caulfield Road. There will be no vehicular access from the development site onto Milton Road until such time as the A96 is closed in order to avoid rat-running.
- 8.24 The Primary Distributor Road will also need to provide an alternative access for Stratton Lodge and the 4 properties that currently take access via its driveway to Caulfield Road (unless otherwise provided for) prior to the Stratton Lodge driveway junction with Caulfield Road being closed to vehicles.
- 8.25 The Transport Assessment submitted in support of the application (and updated in June 2022) took account of the recent and committed development at Stratton, Balloch and Inverness Campus, and assumed the current A96(T) without dualling. The Assessment predicted that the traffic associated with the Milton of Culloden development could be accommodated without any significant alterations to the trunk road network. This has been accepted by Transport Scotland.
- 8.26 In order to mitigate for impacts to the local road network, a number of improvements are required including:
- a contribution of £116,927.71 towards the upgrading of the B9006 Culloden Road / Tower Road junction
 - improvements to the traffic sign and road marking traffic management scheme on Barn Church Road to redefine the northbound outside lane of Barn Church Road as a dedicated right-turn lane into Firth Avenue.
 - Installation of a MOVA system at the Barn Church Road / Tower Road / Keppoch Road signalised junction.
- 8.27 Internally, the proposed street hierarchy is acceptable, however it is recognised that this may alter as the internal layouts develop. Further consideration of the street hierarchy will be given through the submission of MSC applications, which should show good levels of permeability for all modes of travel, including active travel, and should be capable of safely accommodating modern refuse vehicles. Parking provision will need to be provided for residents and visitors in line with current Council guidelines, including electric vehicle charging in accordance with current Building Regulations.

Active Travel

- 8.28 The indicative Design and Access Statement shows a continuation of the dedicated cycleway from the Stratton development through the development site, along the

primary access road. This requirement is set out in IEDB and seeks to provide a seamless connection for cyclists from Inverness City Centre through Inverness Campus and across the Brief area to the suburbs of Smithton, Culloden and Balloch. In line with the Brief's requirements, and that secured in the Stratton area, a two-way segregated cycle lane with a minimum cycling width of 3.5m is required.

- 8.29 The indicative Design and Access Statement shows a number of active travel links from the development onto Caulfield Road, helping to integrate the development with the adjacent community and to allow for onward trips through the existing path network towards the facilities and services on Keppoch Road and beyond. In order to ensure that the existing pedestrian connections between Caulfield Road through to Walker Crescent, Maclean Court and Galloway Drive and onto Keppoch Road are suitable to provide the active travel connectivity needed to serve this development, Transport Planning has requested a planning condition requiring the submission of a review of these routes, and Caulfield Road itself, with any works deemed necessary to improve them to be carried out prior to occupation of any of the new residential units. Footways and footpaths through the recent Stratton development to the south will also provide easy access to the linear park, shopping opportunities and future community and school sites.
- 8.30 Active travel links will be made to the adjacent Core Paths (Milton Road and Caulfield Road) as well as to the amenity woodlands surrounding Stratton Lodge. An active travel link across the site to the northwest to meet the A96 Trunk Road is also required, however its exact position and timing of delivery will depend on the final design details of the A96(T) dualling project.
- 8.31 The majority of the site will be within 400m walking distance of existing serviced bus stops within the wider Culloden area, on Keppoch Road and Barn Church Road. There are also existing bus stops on the A96(T) road. A planning condition is included which requires a Public Transport Strategy to be submitted for approval by the planning authority and the relevant roads authority for each phase or sub-phase of the development, including a review of existing infrastructure, and delivery of any improvements deemed to be required.

A96 dualling project / Utility diversions

- 8.32 In this location the proposed route of the A96(T) dualling project runs parallel with the existing road on the landward side and will therefore encroach into the application site. The recently published Made Orders for the project show a substantial area of land to be compulsory purchased in the north-west of the application site. Some smaller areas of land along the edge of Milton Road and Caulfield Road are also covered by Made Orders and are required in the event that an alternative access for the Milton Road properties needs to be provided by Transport Scotland as described above.
- 8.33 It is also noted that an oil pipeline and a high-pressured gas pipeline run through this northwestern portion of the site, both of which will need to be relocated as part of the A96 dualling works. As the design details for the A96(T) dualling and associated utility works have not yet been finalised, it is not possible at this stage to be sure that the relocated pipelines and associated buffer zones will not impact upon the proposed development area. A planning condition is therefore included to

ensure that all detailed applications provide a layout plan showing details of any public utilities diversions and exclusion zones. These will need to be approved in consultation with Transport Scotland. The Health and Safety Executive have also requested a condition to limit the types of activities that can take place within setback distances of the pipeline.

Impact on residential amenity

- 8.34 Road noise from the current and re-routed A96(T) is a potential source of noise pollution for future occupants of the proposed housing. A Noise Assessment has been submitted which assesses the likely noise impact from the dualled A96(T) if realigned in accordance with latest design details. This found that the majority of the site fell into the “no change” category, however a strip along the northwestern section of the site was within the ‘moderate adverse’ category during the day and the ‘major adverse’ category during the night. This would result in noise levels which would be considered to cause disturbance to sleep and wellbeing. In order to mitigate for this, the edge of the developable area has been moved eastwards, and noise is therefore unlikely to be a significant issue, however this will need to be demonstrated through submission of an updated NIA as part of any MSC application.
- 8.35 The proposal will result in the introduction of new development close to existing housing on the no-through Milton Road, accessed from the A96(T). This group consists of 11 houses, most of whose rear gardens will face onto the northern boundary of the application site. The proposed change of use of adjacent land from agricultural to residential will clearly have an impact on these existing properties. As an allocated site for residential use, this impact has largely been considered and accepted, however care should be taken to ensure such impact is minimised, both during construction and afterwards. The majority of the existing houses sit close to the A96(T) and back onto the green buffer zone rather than the developable area. This will help to reduce impact to these properties. A small number of houses further east will back onto the developable area but will gain some separation from an area of flood risk which will require any development to be set back from the boundary, creating a buffer between the existing housing and the proposed development. Conditions are included to ensure the amenity of all existing properties are protected through design and from construction-related nuisances.
- 8.36 There are an additional 4 houses which sit close to Stratton Lodge and will be impacted by the development. Again, the allocation of the land for residential use of this scale has established its principle, however care will need to be taken in the final designs to make sure that impact from the development, including overlooking, is minimised as much as possible.
- 8.37 The proposal is not considered to be detrimental to the established residential amenity of existing properties off Caulfield Road in terms of overlooking, loss of privacy or overshadowing, by virtue of separation distances and existing mature trees. Some disruption is inevitable during the construction phase of development, however there will be no development related vehicle movements along Caulfield Road, either during construction or afterwards, which will reduce noise and amenity impact.

Open space, Trees and Landscaping

- 8.38 The indicative Design and Access Statement makes use of the wide green buffer to the northwest of the site for informal recreation and allotments, with a more formal play area to the southeast, adjacent to Caulfield Road. This is generally in accordance with IEDB; however, a centrally positioned green space is also required to aid the setting of the housing and introduce character and distinctiveness to the development. This should be included for consideration in forthcoming matters specified in conditions application(s).
- 8.39 There are significant areas of large, mature woodland associated with the derelict Stratton Lodge, the majority of which is protected by a Tree Preservation Order (TPO). In addition, there are lines of mature, mixed broadleaf and conifer field margin trees on the south-eastern and south-western peripheries of the site, all of which are long established plantation origin.
- 8.40 Tree Preservation Orders are listed as nationally important natural features in policy 57 of HwLDP and developments will only be allowed where they can be shown not to compromise these resources. As a PIP application only limited tree related information has been supplied, however the Forestry Officer has stated that while the loss of smaller internal trees and poor-quality category 'C' and 'U' trees could be accepted, the category 'A' and 'B' trees should, on the whole, be retained and given adequate separation from residential development in the detailed layout for the site. Conditions to ensure this and to require a tree and woodland management plan and landscaping plan and maintenance programme are included.
- 8.41 Full details of all hard and soft landscaping require to be submitted as part of the detailed applications for the development and should seek to provide a high-quality environment and sense of place. The Landscape Plan should include planting and maintenance plans and must be supervised by a landscape consultant to ensure implementation to the agreed standard.

Impact on habitat, species and biodiversity

- 8.42 Outwith the site boundary and on the opposite side of the A96(T) are the natural heritage designations for the Inner Moray Firth Ramsar site, the Inner Moray Firth Special Protection Area (SPA), the Moray Firth Special Area of Conservation (SAC) and the Longman and Castle Stuart Bays Site of Special Scientific Interest (SSSI). These are designated for particular bird species and the marine environment with Eelgrass beds, intertidal mudflats and sandflats. There are no national or local landscape designations within the application site boundary however there is connectivity through the watercourses bordering the proposed development site which drain to the coast. NatureScot has confirmed that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly.
- 8.43 NPF4 Policy 3 requires all major developments to demonstrate that proposals will conserve, restore and enhance biodiversity, including nature networks, so that they are in a demonstrably better state than without intervention. In order to ensure

compliance with this, the submission of an Ecological Impact Assessment (EclA) and a Habitat Management Plan is required, to detail habitat compensation and enhancement measures to result in a minimum biodiversity net gain of at least 10%.

- 8.44 An extended Phase 1 Habitat Survey has been submitted which includes the results of surveys carried out to determine the presence of rare plants, habitats, invasive non-native species, protected species, and ornithology. The report assesses any potential impacts from the development and makes recommendations for enhancements to the ecological value of the site. Given that the Protected Species Surveys are now out of date, updated surveys are required by condition, along with Species Protection Plans to outline any necessary mitigation measures.
- 8.45 Some of the letters of representations to the application, including the Community Council response, refer to the presence of a local bee breeding and honey business which is located on Milton Road and which will back on to the development site. It is stated that the proposed development will have a significant impact on the ability of the business to continue. It is noted that the land to the northeast will remain farmland and the mature trees surrounding the site will largely be retained. Furthermore, in line with NPF4 there will need to be at least a 10% increase in biodiversity across the site following its development. In the long run, therefore, there may be an overall improvement in the number and diversity of plant species to support bees, however it is acknowledged that there will be a period of construction activity which may impact negatively upon this local business. Any impact will be reduced as far as possible through measures to be agreed through the Construction Environment Management Plan.

Impact on built and cultural heritage

- 8.46 **Stratton Lodge:** The B Listed Stratton Lodge is contained within the site boundary. The historic building suffered extensive fire damage in 2013 but is capable of restoration and extension. The IEDB explains that development will only be supported on the land between the Stratton development and the Lodges tree-lined driveway if the future of the Listed Building is secured first; and that M2 (the main Milton of Culloden site) is to be delivered concurrently with or after the completion of M1 (Stratton Lodge site). IMFLDP2 further requires the redevelopment of Stratton Lodge that is responsive, sensitive and appropriate to its historic character, and that its future must be secured prior to development of the remainder of site.
- 8.47 It is noted that applications for full planning permission (23/05767/FUL) and listed building consent (23/05768/LBC) are currently pending for the redevelopment of Stratton Lodge into 5 apartments, plus the erection of 25 residential units on the land immediately to the west of the Lodge. These applications are made by a different applicant to this application, and while the proposal to redevelop the Lodge is welcomed, there is no guarantee that the development, if granted, will go ahead within the timescales required by IEDB and IMFLDP. Therefore, a planning condition is included which restricts any further development on the Milton of Culloden site beyond the 200th house, unless the Council is satisfied that Stratton Lodge has been redeveloped in line with the development plan's requirements. It should also be noted that any housing delivered on these sites under separate planning permissions will contribute to the maximum 400 unit capacity for this site.

- 8.48 **Scheduled Monument:** The site contains a Scheduled Monument which sits within the wide green buffer to the north-west of the site. Historic Environment Scotland have confirmed that Scheduled Monument Consent would be required for any groundworks within its boundary, and that any such works would not be likely to be supported. The indicative Design and Access Statement shows the Scheduled Monument within an area where there are no proposals for built development, however a planning condition and informative will be included to ensure that it is protected from construction and that Scheduled Monument Consent would be required for any works that may affect it.
- 8.49 **Culloden Battlefield:** The application site lies 0.4km to the west of a part of the designated battlefield of Culloden (Culloden House which was the headquarters of the Jacobite army prior to the battle). As such it was not a core part of the battlefield, which mainly centred around Culloden Moor, and Historic Environment Scotland has confirmed that it is not considered that the proposal will have a significant effect on the designated battlefield of Culloden. However, the Council's archaeologist has noted that the application site is adjacent to the surviving former Culloden Parks enclosure which was an important feature in the battle landscape and remains as the tree lined bank to the west of Caulfield Road. This is considered worthy of retention, and there are opportunities for interpretation to be provided. It is noted that this would not preclude the provision of active travel crossings to Caulfield Road.
- 8.50 **Archaeology:** There is potential for more undiscovered archaeology on site and as such a condition can secure a Written Scheme of Investigation / Programme of Work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation.

Water, flood risk and drainage

- 8.51 The proposal will be served by the public water and foul drainage systems. An appropriate drainage strategy has been submitted which clarifies that all SUDS and surface water drainage will be designed in accordance with the current Scottish Water Sewers for Scotland requirements. The indicative Design and Access Statement shows two SUDS basins for collection of surface water - one in the northeast and another in the southwest. It is understood that the final location and size of the SUDS may change as the detailed design and layout is formulated, and full details of the final drainage scheme are required to be submitted for approval as part of future MSC applications.
- 8.52 The Flood Risk Assessment (FRA) for the site considers the flood risk from the Culloden Burn which flows west towards the Moray Firth along the northern boundary of the site, and Cairnlaw Burn (a tributary of Smithton Burn) which runs along the south of the site. Culloden and Smithton Burns are served by a flood prevention scheme. The FRA predicts that parts of the site in the north and northeast are at medium to high risk of flooding from the Culloden Burn, and from the Cairnlaw Burn tributary in the south. SEPA and the Council's Flood Risk Management Team require that no development takes place in the areas identified as being at risk of flooding in a 1 in 200 year plus climate change flood event

(modelled without the flood prevention scheme). Planning conditions are included to ensure that this is taken into account in the detailed design and that the development progresses in line with the recommendations set out in the FRA.

Impact on Infrastructure and Services and Mitigation (Developer Contributions)

- 8.53 Planning obligations are used to mitigate the impact of development that cannot be mitigated through the planning process or through the use of planning conditions. In line with HwLDP Policy 31, the Council's Developer Contributions Supplementary Guidance (DCSG) was adopted in November 2018 and sets out the Council's approach to mitigating the impact of development on services and infrastructure by seeking fair and realistic developer contributions. The Council's Development Plans Team have assessed the contributions as follows (all figures subject to indexation).
- 8.54 **Affordable Housing:** In line with Council policy and Developer Contributions Supplementary Guidance in place at the time the application was submitted, 25% equivalent of all housing shall be affordable. It is noted that IMFLDP2 requires 35% affordable housing provision for proposed developments within the Settlement Development Area of Inverness, however this only applies to applications submitted after adoption of the Plan in June 2024, therefore the previous rate of 25% applies in this case.
- 8.55 **Education:** The application site lies within the catchment area of Duncan Forbes Primary School and Culloden Academy. Duncan Forbes Primary School has been extended in recent years to address known capacity issues and currently has a capacity of 364 pupils and a roll of 247 pupils. The most recent school roll forecasts (SRF) (2023/24) were re-run to take account of the proposed development alongside the existing roll, other significant permissions for housing within the catchment and updated programming for allocated housing sites within the catchment area as per the Council's Draft 2024 Housing Land Audit. The results continued to show Duncan Forbes Primary school remaining below 90% capacity throughout the 15 year forecasting period. The Council forward funded the recent expansion of school provision to address known capacity issues, therefore all housing developments in the area are still required to contribute towards these expansion costs. A site for a new primary school on land to the south of the application site at Stratton has been set aside and will be retained for that purpose, however the Stratton primary school has been removed from the Capital Programme at this time.
- 8.56 For secondary education, additional capacity has been created at Culloden Academy in recent years through the installation of temporary classrooms (current capacity 1,330 pupils; current roll 1,137 pupils). As above, the most recent school roll forecasts (2023/24) were rerun with updated information, and the results showed the Academy remaining below 90% capacity throughout the 15 year forecasting period. The 2024 Delivery Programme explains that Culloden Academy is planned to be redeveloped, including a new synthetic pitch and that a future new school at Inverness East is planned (including land acquisition) therefore the Major Extension/New School Rates apply to this application.

- 8.57 Subject to developer contributions (index linked) of £2,041 per 3 bed and above house and £1,157 per 2 bed house or flat (two classroom extension rate) for Duncan Forbes and £3,482 per 3 bed and above house / £1,875 per 2 bed house or flat (major expansion/new school rate) for Culloden Academy, the proposal is acceptable in terms of education provision. It should be noted that the recently increased education contribution rates only apply to applications submitted after 04 May 2023 and therefore do not apply to this application.
- 8.58 **Transport and Active Travel:** The Inverness East Development Brief sets out a cost per home towards East Link and Inshes Corridor. This development will impact upon this part of the city's road network and will therefore be required to contribute £2,734 per home (index linked).
- 8.59 As detailed above a payment of £116,927.71 towards the upgrading of the B9006 Culloden Road / Tower Road junction, and on-site delivery of improvements to Barn Church Road signalling and road marking and installation of a MOVA system on Barn Church Road / Tower Road / Keppoch Road have also been agreed.
- 8.60 **Community Facilities:** Contributions towards a new sports facility for the east of the city at Inverness Campus (£164 per home); Ashton District park (£1,369 per home) and recycling points (£7 per home or onsite provision) are required.
- 8.61 **Public Art:** The Council's preference is for Public Art to be an integral part of the overall design of a development to promote neighbourhood identity and a distinctive sense of place. This will be secured by means of a planning condition.
- 8.62 **Green infrastructure:** As discussed, the Council's open space guidance requires a provision standard of 40sqm per person in Inverness. Applying the guidance, the development of 400 houses will give rise to 892 on-site residents (2.23 people per home) which equates to a need for 35,680sqm of high quality, useable open space. The indicative application layout meets this quantitative requirement however detailed designs will require to demonstrate that open space will be of high amenity, recreational, and biodiversity quality.
- 8.63 **Allotments:** The proposal includes land for allotments to be provided as part of the development. In line with examples elsewhere it is anticipated that this land will be gifted to the Council who will rent it for a peppercorn rent to a suitable Community Group. The developer will also be asked to provide some basic infrastructure (fencing; hardstanding; sewage and water connections to the edge of the site etc) prior to handover of the land.
- 8.64 **Payments and Indexation:** An upfront payment is encouraged wherever possible. This option is often desirable when the time and legal costs to set up a planning obligation are disproportionate to the level of contribution required. Where a planning obligation is entered into, developers may have the option to phase payments over the lifetime of a development. It is the Council's standard that twice yearly payments are made on the 1 April and 1 October each year based on the number of homes completed in the six months preceding these dates. Invoices are issued by the Council to request payment shortly after these dates. Developer contributions are subject to indexation and will be re-calculated to reflect the current

BCIS All-in Tender Price Index at the time of payment with the costs set out within this response reflecting Q3 2018 and Q4 2017.

Other material considerations

- 8.65 A number of representations to the application have referred to the need locally for improved local health services. While health service provision is a matter for NHS Highland and not the Council, it is noted that a piece of land within the adjacent Stratton development has been purchased by the Council and set aside for use as a new GP Surgery/healthcare centre. In terms of the available land use, it is therefore considered that future healthcare provision in the area has been adequately accounted for, although provision is a matter for NHS Highland.
- 8.66 Representations also highlighted the loss of prime agricultural land and the need to protect productive farmland for future food production. The majority of the application site does comprise prime agricultural land, however the Development Plans Team have confirmed that a loss of prime agricultural land in this location continues to be considered acceptable given the importance of development in this eastern part of Inverness towards the wider spatial strategy of growth in this location as set out in successive development plans. While NPF4 does seek to protect valued soils it also requires planning authorities to identify sufficient land for all uses. Furthermore, the Council, in making its site selections for IMFLDP2 has taken account of land capability for agriculture but weighed this factor against others.

Non-material considerations

- 8.67 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.68 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued (all figures subject to indexation):
- a) Affordable housing: on site provision - 25% of total housing
 - b) Primary education:
 - c) Secondary education:
 - d) Community facilities (sports facility, district park, recycling facilities):
 - e) East Link and Inshes corridor:
 - f) A contribution of £116,927.71 towards the upgrade of the B9006 Culloden Road / Tower Road junction
 - g) Transfer of land for allotments to the Council for onward rent (at peppercorn rates) to an appropriate community group
- 8.69 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers.

9. CONCLUSION

- 9.1 The Council declared a Highland Housing Challenge in June 2024, in recognition of an anticipated need for 24,000 additional houses over the next decade. This application for planning permission in principle represents the first step in delivery of up to 400 residential units within a site which has been allocated in the development plan for over 10 years; which is well located in terms of proximity to services and facilities; and which complies with national goals set out in NPF4 to deliver well connected neighbourhoods where people can meet the majority of their daily needs within a reasonable walking distance of their home. A minimum of 25% of the properties will be affordable which will make a valuable contribution to the Council's affordable housing targets.
- 9.2 The application is for planning permission in principle therefore the detailed layout and technical matters will be further considered through subsequent applications for matters specified in conditions, which are suggested within this report. However, the information submitted to date has satisfactorily demonstrated that the applicant has considered the constraints affecting the site, including areas of flood risk, the presence of oil and gas pipelines, the proposed A96(T) dualling and associated utility realignments, a Scheduled Monument and a Listed Building, and has shown that they can be addressed and incorporated within the site. Habitat and biodiversity enhancements as required by NPF4 will be secured by condition; landscaping and open space, including play areas and allotments, will create a welcoming development with its own identity; and active travel routes will open up the site and make the most of the amenity woodland within it and the surrounding countryside. Overall, it is considered that the application site can accommodate the development as proposed, subject to the recommended conditions, and can be supported.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

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

11. RECOMMENDATION

Action required before decision issued Y

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	Y
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. The Highland Council hereby makes the following Direction under Section 59(5) and (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. The expiry of THREE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For each subsequent Phase

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

In respect of each phase, this permission will lapse on the expiration of the period of TWO 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.

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

- 2a Planning Permission in Principle is hereby granted for residential development of up to 400 homes, with 25% being made available for affordable housing, along with associated engineering works, landscaping, open space, parking, drainage and servicing and new accesses to be carried out in accordance with NPF4 Policies for 14, 15, 16, and HwLDP Policies 28

and 29, along with Inverness East Development Brief, national guidance Creating Places and Designing Streets.

- 2b No development shall commence on each phase or sub-phase until a phasing plan, setting out the proposed number of units within each phase or subphase including the number of units being made available for affordable housing with each phase, has been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

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

Matters Specified in Conditions

3. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase, has been submitted to, and approved in writing by, the Planning Authority in consultation with the relevant Consultees, in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the indicative Design and Access Statement, Inverness East Development Brief, Designing Streets, Creating Places, and other relevant national and local policy and guidance related to the matters set out below:
- a) Siting, design, and external appearance of all buildings and other structures, including details of the type and colour of all external materials, with:
 - i. A minimum separation of 20 metres between existing tree stems and all residential units
 - ii. No single residential properties of more than 2 storeys in height;
 - iii. No flatted accommodation of more than 3 storeys in height.
 - b) Details of sustainable design considerations inclusive of an energy strategy.
 - c) Details of site access to be taken from Loch Avenue.
 - d) Layout of the site in accordance with Designing Streets principles and showing the extent of the built development in general accordance

with the indicative Design and Access Statement and Inverness East Development Brief (IEDB).

- e) Road layout including:
 - i. The road hierarchy;
 - ii. Typical form of the routes forming the hierarchy;
 - iii. Junction layouts and design;
 - iv. Junction and forward visibility requirements;
 - v. Junction spacing;
 - vi. Vehicle tracking at junctions and standard radii;
 - vii. Details of provision for cyclists and pedestrians (including provision of a segregated cycle lane between Loch Avenue and Milton Road, in accordance with details set out in the Inverness East Development Brief and to tie in with the existing provision along Loch Avenue) with junctions and crossing designed to facilitate active travel;
 - viii. Provision for disabled users following consultation with the Inverness Access Panel (if functioning);
 - ix. Details of safer routes to school; and
 - x. Details of the location and type of service strips within the intended adoptable road boundary.
- f) Provision of car parking, inclusive of disabled parking and electric vehicle charging infrastructure, 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.
- g) Provision of covered cycle parking including resident cycle parking in houses and communal cycle parking within buildings containing flats and external secure, covered visitor cycle parking at flats.
- h) Public open space provision, including a timetable for delivery, in accordance with the Open Space in New Residential Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission).
- i) Public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission).
- j) Hard and soft landscaping, including a timetable for delivery.
- k) All boundary treatments within the site
- l) Management and maintenance arrangements for (f) through to (k) above.
- m) Provision for service vehicles following occupation of the development.
- n) Provision of surface water drainage systems, including access or maintenance, across the Phase or sub-Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements thereof.
- o) Water and wastewater connections, with connections to the public water and wastewater networks.
- p) Means of dealing with domestic waste in accordance with the Council's Managing Waste in New Developments Supplementary

Guidance (or any superseding guidance prevailing at the time of submission).

- q) Details of existing trees, shrubs, and hedgerows to be retained and removed.
- r) Details of existing and proposed site levels with fall arrows.
- s) Details of finished floor levels.
- t) Details of all external lighting.

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.

Design

- 4. Any details pursuant to Condition 3 above shall show the following:
 - a) a variety of different house types, with external finishes utilising a variety of different materials and colours (render, doors etc) to ensure a coordinated but diverse development;
 - b) a layout which respects the amenity and privacy of existing houses on U1136 Milton Road and at Milton of Culloden South;
 - c) car parking generally located to the side or rear of houses or flatted developments;
 - d) residential units which are orientated towards the street, other than in exceptional circumstances. Where buildings are located on the corner of more than one street, they shall have enhanced gables to ensure active frontages on each street;
 - e) a minimum of 18 metres separation distance between directly facing windows of residential units; and
 - f) the use of walling, hedging or railing to define residential boundaries which face the public realm.

Thereafter the development shall progress in accordance with the approved details.

Reason: In the interests of residential amenity

Construction Environmental Management Plan

- 5. Any details pursuant to Condition 3 above shall be informed by and include a Construction Environmental Management Plan (CEMP) and no development shall commence within each Phase, or sub-Phase, until the CEMP has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:
 - a) a Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions;
 - b) processes to control / action changes from the agreed Schedule of Mitigation;
 - c) the following specific plans:

- i. Ecological Impact Assessment (which must consider priority habitats and priority species listed within the Highland Nature Biodiversity Action Plan and the development's impact on soils);
 - ii. Habitat Management Plan (HMP), to include the following:
 - a. Proposed biodiversity enhancement measures of the site detailing the creation and management of the biodiversity enhancements. The HMP shall include a plan of the biodiversity enhancements and show a minimum biodiversity net gain (BNG) of 10% using the Defra BNG Metric, or any other justified and appropriate metric available at the time;
 - b. The HMP shall include provision for the regular monitoring and review of the HMP's objectives and include measure for securing amendments or additions in the event that the HMP's objectives are not being met;
 - c. Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with the written approval of the Planning Authority) shall be implemented in full;
 - iii. Updated Species Protection Surveys and Species Protection Plans including, but not limited to, Badger, Otter, Bats, West European Hedgehog and breeding birds protection plans.
- d) Pollution prevention plan, including water management by way of SUDS;
 - e) Dust management plan, including from construction traffic;
 - f) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, with:
 - i. A description of the most significant noise sources in terms of equipment; processes or phases of construction;
 - ii. The proposed operating hours and the estimated duration of the works for each phase;
 - iii. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required);
 - iv. A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified;
 - g) Site waste management plan, including details of a materials handling plan with details of existing and proposed site levels, with the plan to

specify the removal of inert waste and re-worked material from the top 1m of the site;

- h) Measures to protect private water supplies; including an emergency response plan;
- i) Details of existing site boundary walls and fences to be retained, repaired or enhanced, and details of construction site access and means of enclosure;
- j) Details of the location and extent of all construction compound and laydown areas, as well as timescales for their removal with ground restoration / reinstatement;
- k) Details of measures to protect the Scheduled Monument during construction during construction, including the extent of the scheduled area to be indicated on all relevant maps and plans; a boundary of at least 10m from the edge of the scheduled area to be marked off on the ground, such as with hazard tape; and workers to be briefed on the monument's location, significance and legally protected status.
- l) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- m) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties; and
- n) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

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

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

Noise

6. Any details pursuant to Condition 3 above shall include an updated Noise Impact Assessment (NIA) demonstrating how the following noise limits will be met: Internal Levels:

- 35 dB LAeq daytime and 30 dB LAeq night-time in habitable rooms;
- 45 dB LAmax in bedrooms (night-time).

External Levels:

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

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

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

Trunk road / Utilities

7. Any details pursuant to Condition 3 shall include a layout plan for that phase or sub phase showing details of any public utilities diversions, including necessary exclusion zones, to be approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter the development shall progress in accordance with the approved details.

Reason: To ensure the future development of the trunk road network is not prejudiced.

8. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

9. Unless otherwise agreed in writing with the Planning Authority in consultation with the operator, there shall be no features or facilities which are likely to attract 100 or more people at any one time within the inner consultation zone of any high pressure gas pipeline (i.e. 32m on either side of the pipeline); and no outdoor open areas which would encourage members of the public to congregate, such as formal play areas or sports grounds within the consultation zone of any high pressure pipeline (i.e. 85m on either side of the pipeline).

Reason: In accordance with public safety

10. No development shall commence within the relevant phase or sub-phase until the following details have been submitted to and approved in writing by the Planning Authority, in consultation with the Trunk Roads Authority:
 - a) details of the landscaping treatment along the trunk road boundary, with all landscaping to be located such that it can be installed and maintained from within the development without requiring access to the trunk road;
 - b) details of the fencing / barrier proposals along the trunk road boundary, to be located such that they can be erected and maintained from within the development without requiring access to the trunk road; and
 - c) details of lighting proposals.

Thereafter the works shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and to minimise risk of pedestrians gaining uncontrolled access onto the trunk road in the interests of safety.

Roads, parking and access

11. Any details pursuant to Condition 3 shall include details of the vehicular access into the development from Loch Avenue. For the avoidance of doubt all vehicular access shall be taken from the signalised junction on Barn Church Road and through the existing Stratton development, entering the site at the end of Loch Avenue. There shall be no construction or ongoing vehicular access from Caulfield Road. Thereafter the access shall be formed in accordance with the approved details prior to any other development commencing on site.

Reason: In order to ensure the site can be properly accessed

12. All roads intended to link with any future phases of development, or to other adjoining sites, shall be taken to the edge of the application site boundary with no impediments, including to the U1136 Milton Road and Loch Avenue.

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

13. No development shall commence until design details for a traffic sign and road marking traffic management scheme on Barn Church Road, in the vicinity of the signalised junctions with Appin Drive and Drummossie Road (Sullivan Street), has been submitted to and agreed in writing by the Planning Authority, in consultation with the Roads Authority. The aim of the scheme is to safely deal with right turning traffic from Barn Church Road into Firth Avenue (Moor Road). Thereafter the scheme shall be implemented in accordance with the approved details prior to any other works commencing on this development.

Reason: In the interests of road safety and to ensure free movement of traffic.

14. No development shall commence until design details for a MOVA system at the Barn Church Road / Tower Road / Keppoch Road signalised junction have been submitted to and approved by the Planning Authority, in consultation with the Roads Authority. Thereafter the scheme shall be installed in accordance with the approved details, and to the satisfaction of Highland Council Traffic Signals Team, prior to first occupation of any properties at this site.

Reason: In the interests of road safety and to ensure free movement of traffic

15. Any details pursuant to Condition 3 shall include a Public Transport Strategy for the relevant phase or sub-phase, demonstrating that the recommended distance of 400m walking distance between homes and bus stops can be generally achieved. This shall include consideration of connectivity to and suitability of waiting environments for existing bus stops on Keppoch Road, Barn Church Road and the A96(T) northwest of Milton of Culloden, and include a review of the existing active travel connections which are being promoted between the site and the bus stops, to be submitted to and

approved in writing by the planning authority in consultation with the relevant roads authority prior to commencement of development in that particular phase or sub-phase. For the avoidance of doubt, any proposals which connect the site to the bus stops on the A96(T) will require to provide appropriate pedestrian connections along and across the A96(T) to ensure safe access to and from eastbound services is achieved. Any works deemed necessary to either improve the aforementioned active travel routes or provide new routes or infrastructure shall be fully implemented prior to any occupation of residential units in that particular phase or sub-phase.

Reason: In order to ensure that the site is adequately served by public transport provision

16. Unless otherwise agreed in writing by the Planning Authority, no development shall commence until details of a suitably sized and located pick up/drop off shelter at Duncan Forbes Primary School have been submitted to and approved in writing by the Planning Authority in consultation with representatives from the school and the Council's Road Safety Team. Thereafter, the shelter shall be constructed in accordance with the approved details prior to occupation of the development or as otherwise agreed by the Planning Authority.

Reason: In order to promote non-vehicular modes of travel

17. No development shall commence until details of a review into the form and suitability of the existing Stratton Lodge Road (Caulfield Road) to support new active travel connections along and across it between the development site and the routes through to Keppoch Road via Walker Crescent, MacLean Court and Galloway Drive; and the existing active travel connections between Stratton Lodge Road (Caulfield Road) and Keppoch Road, via Walker Crescent, MacLean Court and Galloway Drive has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the review shall be carried out in accordance with the approved details and timescales, and any works deemed necessary to improve the aforementioned routes shall be fully implemented prior to any occupation of new residential units.

Reason: In order to ensure that the existing infrastructure is capable of accommodating the proposed development

18. Any details pursuant to Condition 3 shall show details of how the existing Stratton Lodge driveway shall connect to the new access road serving the development. For the avoidance of doubt these details shall ensure an uninterrupted vehicular access to serve Stratton Lodge and the existing properties at Milton of Culloden South (Glenericht, Isle View, Du Allan and Glenbeg). This road connection shall be constructed in accordance with the approved details and be fully operational prior to the closure of the Caulfield Road / Stratton Lodge driveway junction.

Reason: In order to ensure vehicular access to and from existing properties is maintained at all times.

19. The existing Caulfield Road / Stratton Lodge driveway junction shall be closed to vehicular traffic prior to the first occupation of any residential unit on site.

Reason: In order to comply with the development plan.

20. There shall be no vehicular access from the development onto U1136 Milton Road until and unless the existing A96(T) / U1136 Milton Road junction has been closed to all vehicular traffic, as generally set out in the Inverness East Development Brief, to the satisfaction of the planning authority in consultation with the roads authority.

Reason: In the interests of road safety.

21. Any details pursuant to Condition 3 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transport Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity. For the avoidance of doubt car parking shall generally be provided to the side or rear of residential properties.

Reason: To ensure adequate provision of car parking.

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

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance, or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc. and how these will integrate with existing or proposed networks. Details shall include but not be limited to:
 - i. active travel connections to U1136 Milton Road;
 - ii. active travel routes to provide good connectivity to and across Caulfield Road;
 - iii. construction details of all paths, inclusive of material finishes, which shall be kerbed (not wooden edged) and bitmac, and drainage details; with all remote routes through

woodland to detail a no dig solution within any root protection areas and elsewhere all paths and watercourse crossings shall be to Lowland Path Construction Guide standards;

- iv. any diversion of paths, temporary or permanent proposed for the purposes of the development;
- v. the provision of an active travel link into the Stratton Woodland to the west of the site;
- vi. the provision of an active travel route to the A96(T); and
- vii. the upgrade of all existing crossing points within the vicinity of the site; and
- viii. any diversion of paths, temporary or permanent, proposed for the purposes of the development.

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

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003, in the interest of active travel, safety, amenity and tree root protection.

Construction Traffic Management Plan

23. Any details pursuant to Condition 3 above shall be supported by a Construction Traffic Management Plan (CTMP) which includes:
- a) Specification that no other development shall commence until the vehicular access into the site from Loch Avenue has been constructed to the satisfaction of the Planning Authority in consultation with the Roads Authority, unless otherwise agreed in writing by the Planning Authority;
 - b) Identification of the routes to site for construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period, with no construction access, including delivery of materials, to be taken from the existing U1058 Stratton Lodge Road (Caulfield Road) or U1136 Milton Road.
 - c) Traffic management measures on the routes to site for construction traffic such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort;
 - d) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - e) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
 - f) Provisions for emergency vehicle access;

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

The Construction Traffic Management Plan shall be implemented as approved prior to development commencing and remain in place until the development is complete.

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

Residential Travel Pack

24. No Phase or sub-phase shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. This shall include:
- a) Timetables for all buses serving or passing close to the site;
 - b) Descriptive information and maps of active travel routes to nearby facilities and attractions and, public transport routes to those outwith walking distance;
 - c) Information relating to school travel;
 - d) Details of electric vehicle charging provision; and
 - e) City car club and taxi service details.

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

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

Drainage

25. Any details pursuant to Condition 3 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole, which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS). The finalised drainage design shall include an updated DIA which demonstrates that surface water discharge from the site into the receiving water course is limited to the equivalent pre-development (greenfield) rate into the same watercourse for a range of storms (e.g., 2, 30 and 200 year events) up to and including the 1 in 200 year plus climate change event. Designs shall be in accordance with Sewer for Scotland to allow vesting by Scottish Water and The Highland Council.

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

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

26. No Phase or sub-Phase of the development shall be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

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

Flooding

27. Any details pursuant to condition 3 above shall show a design and layout informed by the flood risk assessment (FRA) included as part of the submission for this planning permission (Development at Milton of Culloden FRA. Version 1.1. Kaya Consulting, 08 October 2021, submitted 14 October 2021) including:

- a) no development to take place within areas identified as being at risk of flooding during a 1 in 200 year plus climate change fluvial flood event in the undefended scenario. For avoidance of doubt this is the flood extents as presented in Figure 9 of the aforementioned FRA;
- b) preservation of flood pathways throughout the site;
- c) all buildings to have finished floor levels (FFL) of a minimum of 600mm above the predicted 1 in 200 year plus climate change fluvial flood levels;
- d) a design which shows surface water flow pathways throughout the site managed as per the recommendations in the FRA;
- e) A 6m buffer from the top of the bank of any watercourse where no development can take place; and
- f) Any new watercourse crossings, if required, conveying the 1 in 200m year flow plus climate change and an additional freeboard, with an updated Flood Risk Assessment to demonstrate how this will be achieved.

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

Waste

28. Any details pursuant to Condition 3 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase. Thereafter the facilities shall be fully operational in accordance with the approved details prior to occupation of the units to which they relate.

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

Protected Species

29. 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. This shall include additional bat, badger and otter surveys with species protection plans to be followed. Should any protected species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

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

Trees

30. Any details pursuant to Condition 3 above shall include and specify:
- a) a 20m setback between all retained trees and any residential or commercial unit;
 - b) an Arboricultural Impact Assessment, Tree Constraints and Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012
 - c) Details of the appointment of a suitably qualified Arboricultural consultant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement and certificates of compliance for each stage are to be submitted for approval of the Planning Authority.

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

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

31. The development shall not be occupied until a tree and woodland management plan has been submitted to, and approved in writing by, the Planning Authority. The management plan shall be prepared by a qualified and experienced forestry or arboricultural consultant and shall be implemented in full during the first planting season following its approval.

Reason: To ensure that the woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area

Open Space

32. Any details pursuant to Condition 3 above shall include details, including full specifications, for the layout, design and construction of open space and recreation facilities that comply with the Highland Council's adopted standards contained within Open Space in New Residential Development for that Phase shall be submitted to and agreed in writing by the Planning Authority. Unless otherwise agreed, the details shall include:

- a) A minimum of 35,680sqm of usable quality open space across the development, including:
 - i. an equipped children's play area towards the southeastern edge of the site
 - ii. a centrally positioned village green
 - iii. allotments/community growing space
 - iv. informal open space towards the northwest of the site

- b) All landscape and habitat corridors shall remain in communal ownership for the purposes of factoring and future maintenance, with no areas to be incorporated within any adjacent residential plots.

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

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

Maintenance

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

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

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

Landscaping

34. Any details pursuant to Condition 3 above shall include details of a scheme of hard and soft landscaping works related to that Phase or sub-Phase of the development. Details of the scheme shall include:

- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- b) A plan showing existing landscaping features and vegetation to be retained;
- c) The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space, including 1:20 scale plans showing the detail of each feature; with all boundary means of enclosure being defined in terms of its future maintenance responsibilities;
- d) The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
- e) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- f) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works
- g) A design which gives full consideration to the setting of the Scheduled Monument, noting that all works within the scheduled area (including landscaping, gardening or planting) may require prior Scheduled Monument Consent from Historic Environment Scotland.

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.

35. No development or any works shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their

appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work. Their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- a) Ensuring that the approved Landscape Plans are implemented to the agreed standard;
- b) Ensuring compliance with the Construction Environmental Management Plan and specifically the site waste and materials handling plan; and
- c) The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

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

Public Art

36. Any details pursuant to Condition 3 above shall include a scheme for the inclusion of public art within the development. The scheme shall include:
 - a) detailed design and location of public art provision;
 - b) the management and maintenance of any and all public art provision; and
 - c) a timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

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

Built Heritage/Archaeology

37. There shall be no development beyond the 200th residential unit until the redevelopment of the B-listed Stratton Lodge has been completed to the satisfaction of the Planning Authority.

Reason: In order to secure the future of the Listed Building in line with the requirements of the development plan

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

Thereafter, the approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

39. With effect from the date of this permission, unless otherwise agreed in writing by the planning authority, there shall be no excavation, build-up of material, storage of material or machinery movements within 10m of the outer edge of the tree-lined bank, or line of the former bank, (which formed part of the Culloden Parks enclosure) to the west side of Caulfield Road.

Reason: To ensure the protection and retention of the historic bank during construction and thereafter.

40. The Indicative Development Framework Plan, contained within the Design and Access Statement (submitted on 30 April 2025) is indicative only and is not hereby approved.

Reason: For the avoidance of doubt.

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.

Transport

Road Construction Consent (RCC) Approval will be required before any works commence on building new or extending any existing local public roads. The

process for seeking an RCC is set out on Highland Council website at: RCC. It should be noted that Highland Council will not be able to adopt any new roads built to serve this development until the roads in the adjacent Stratton development that this proposal will connect to have been adopted.

Permits

A permit will be required from Highland Council acting at the Local Roads Authority prior to commencement of any works on or immediately adjacent to the local public road network. The process for seeking such permits is set out on Highland Council website at Permits to Work on Road

Section 96 Agreement

The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

Scheduled Monument Consent

The site contains a Scheduled Monument (Milton ring ditch). No works may take place within the scheduled area without the prior granting of Scheduled Monument Consent (SMC).

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, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Construction Site License

Any run-off associated with construction shall be managed through best practice and SEPA's provisions. A Construction License may be required. Details can be found on SEPA's website.

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.

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a

public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

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

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Christine Macleod

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

Relevant Plans:

Plan 1 - IN01-1-L-01 LOCATION PLAN

Plan 2 - 000001 TREE CONSTRAINTS PLAN

Plan 3 - DESIGN AND ACCESS STATEMENT

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs	2 classroom extension	£2,041	£1,157	£3,198	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	n/a	£0	£0	£0					
Secondary – Build Costs	Major extension/New School	£3,482	£1,875	£5,357	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	n/a	£0	£0	£0					
Community Facilities	Sports facilities, Ashton District Park, Recycling Points	£1,540	£1,540	£1,540	BCIS	Q4 2017	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³	25% (up to 100 units)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	n/a	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	n/a	N/A	N/A	£0	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	N/A	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A
Transport									
East Link and Inshes Corridor	Towards strategic road improvements	£2,734	£2,734	£2,734	BCIS	Q4 2017	TOC/CC	Apr/Oct	15 or 20

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

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

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

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Road Improvements	Upfront payment towards upgrade of B9006 Culloden Road/Tower Road junction	£0	£0	£116,927.71	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Allotments – land to be gifted to Council	Provision of allotment site	£0	£0	£0	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Art	On-site provision	£0	£0	£0	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	N/A	£0	£0	£0	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

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

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

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

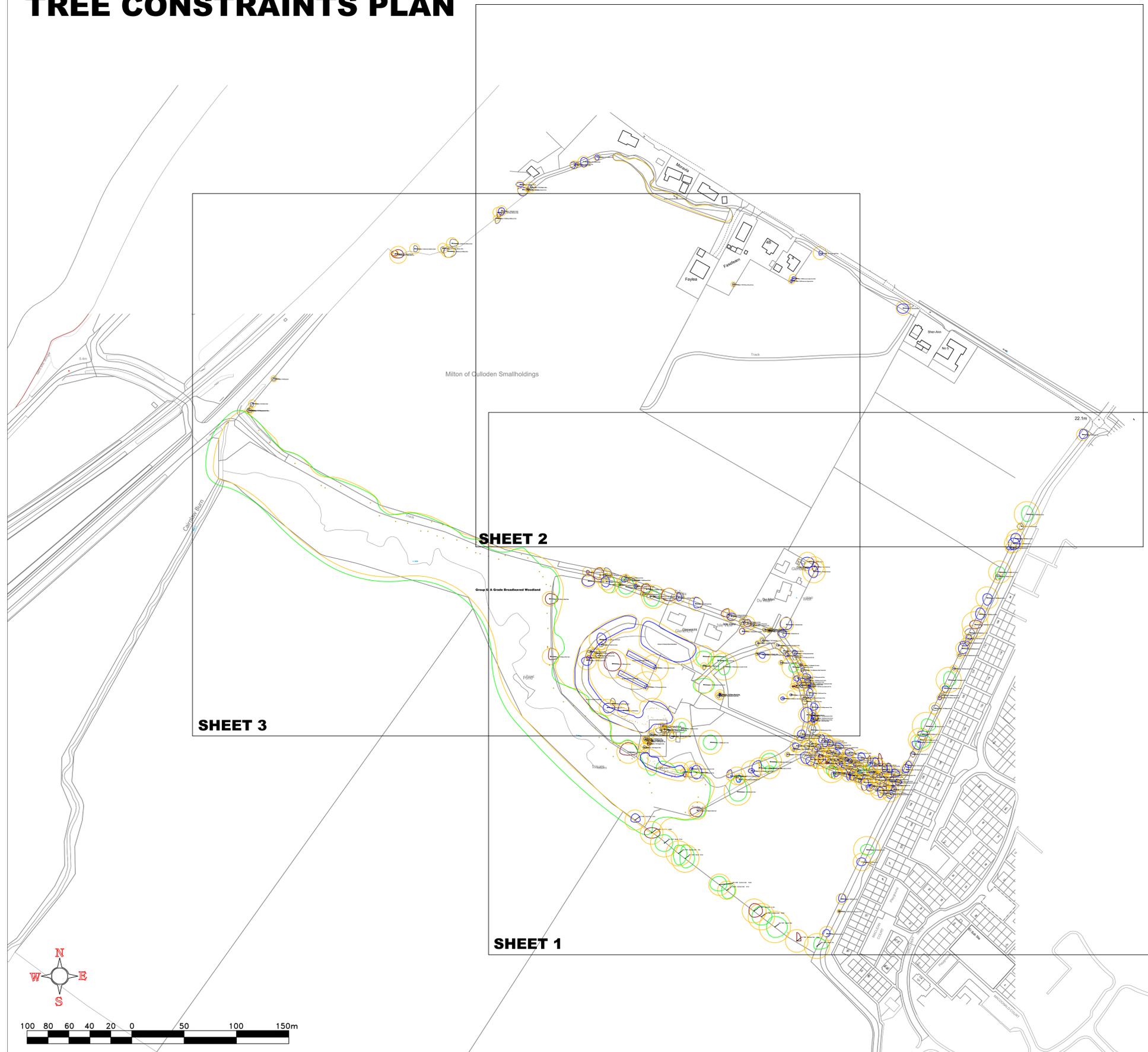
*5 Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)

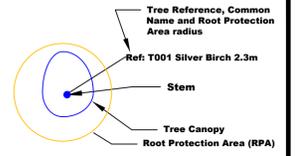
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details

TREE CONSTRAINTS PLAN



General Notes

KEY



Colours are in accordance with BS5837:2012 quality grading:

- Red: Unsuitable for retention
- Grey: Low quality
- Blue: Moderate quality
- Green: High quality

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 24-28.05.2021



No.	Revision/Issue	Date

Firm Name and Address
Urban-Arb LLP
 Dolphin Cottage
 11 The Muir
 Bogmoor
 Spey By
 Fochabers
 Moray IV32 7PN
 www.urban-arb.com



Project Name and Address
Milton of Culloden

Project TREE CONSTRAINTS PLAN	Sheet
Date 30.05.2021	Overview
Scale 1:2000@A1	

MILTON OF CULLODEN SOUTH

PLANNING IN PRINCIPLE APPLICATION

DESIGN & ACCESS STATEMENT

APRIL 2024



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INTRODUCTION

This Design and Access Statement is submitted in support of an application for Planning Permission in Principle for a proposed residential development and associated works on land at Milton of Culloden South, Inverness.

The physical land use principle of residential development is firmly established on this site through its allocation for 400 homes in the Inner Moray Firth Local Development Plan (adopted June 2015) and 350 homes in the Inverness East Development Brief (adopted June

2018). In Springfield's assessment of the site, we can confirm that the site can satisfactorily accommodate the upper number and meet all design guidance criteria.

This document evaluates the site within its wider context and identifies key features and assets. The development of the design is then described within the second section.



View over site and Stratton Woodland



THE SITE

1.1 LOCATION

The application site relates to an area of farmland and woodland which extends to approximately 33 hectares, immediately to the north west of the built up area of Culloden, on the east side of Inverness.

The site is well contained and benefits from well-established boundary treatments, the A96 Trunk Road to the north west, Milton Road and several residential properties to the north east, Caulfield Road and the rest of Culloden to the south east and mature woodland surrounding the B Listed Stratton Lodge to the south west.

A further combination of mature planting, stone dyke, and post and wire fencing along these boundaries also helps to screen and separate the land from neighbouring developments and the surrounding farmland to the north.



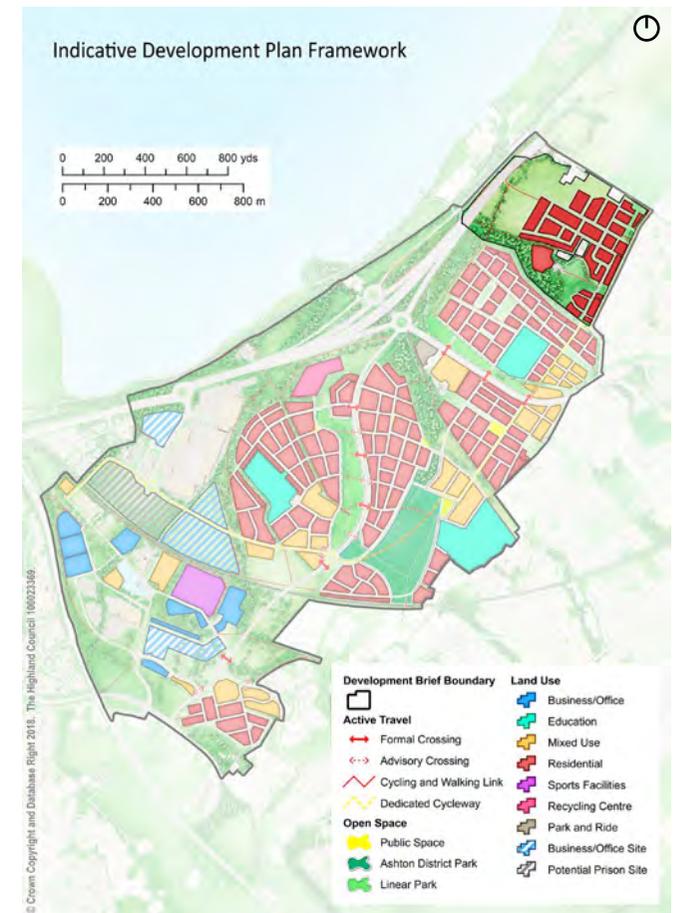
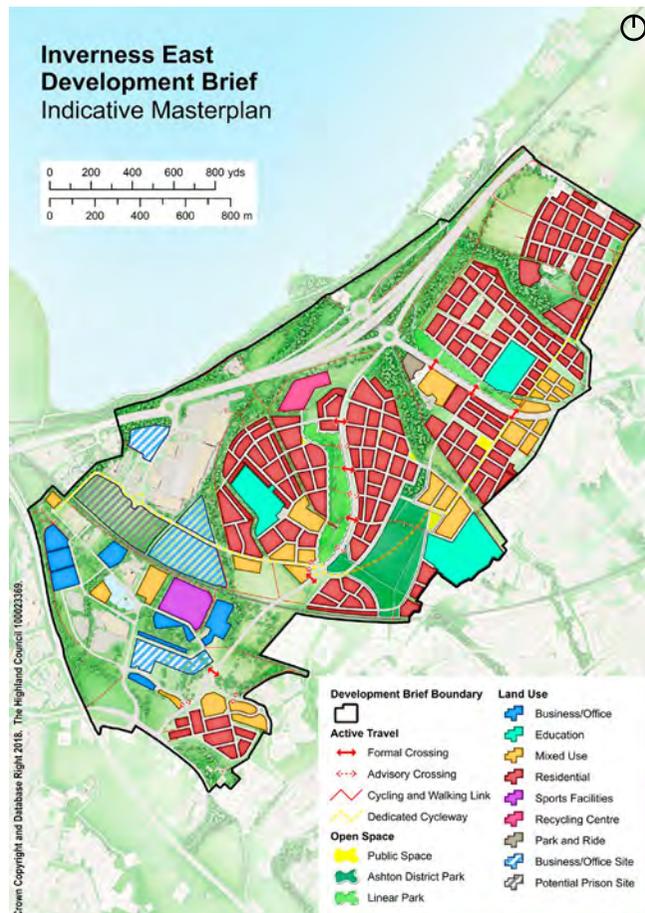
Location Plan

THE SITE

1.2 APPROVED INVERNESS EAST DEVELOPMENT BRIEF / INDICATIVE DEVELOPMENT PLAN FRAMEWORK

The Inverness East Development Brief is the Council's blue print for the expansion of the City eastwards. The document contains guidance for developers across land at Ashton Farm, Stratton, Milton of Culloden South, the University Campus and Castlehill and ties these together to ensure new development provides the necessary range and type of residential, business and community uses across the expansion area.

Using the Indicative Masterplan as the template for development and in the context of a detailed assessment of constraints and opportunities, the Indicative Development Plan Framework Plan sets out how the proposals relate to the approved guidance and how the land can successfully accommodate residential development.



Please note the above diagram has been taken from the Highland Council Inverness East Development Brief and have been modified to demonstrate the relationship between the development brief and our proposals for Milton of Culloden South.

THE SITE

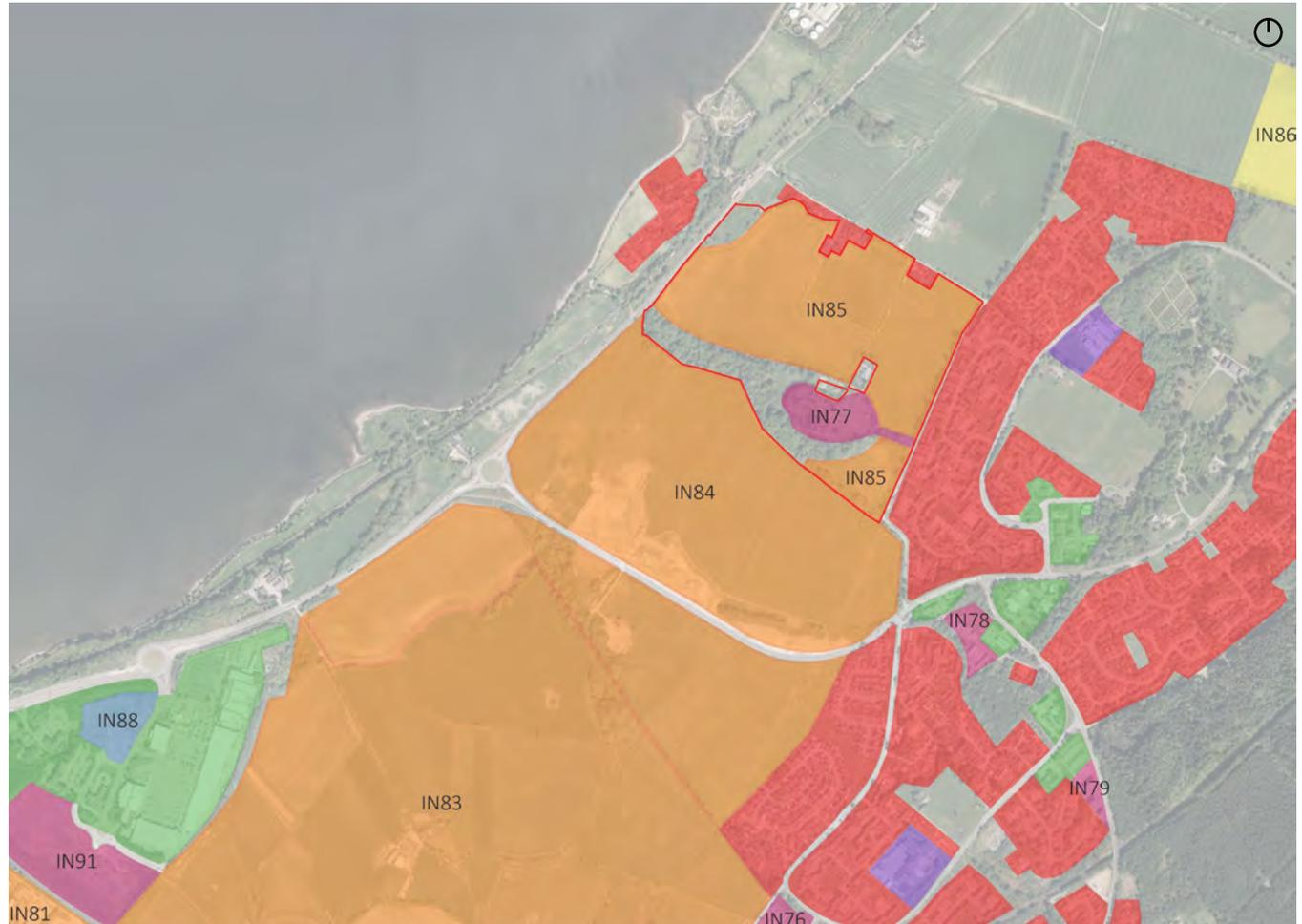
1.3 LAND USE

The site is well related to the settlement and the proposed development will integrate well with the established settlement pattern, including recently approved development and development allocations. As can be seen in the adjacent illustration, the site is read as a logical extension of the built up area, effectively rounding off development in this part of the City.

The proposed development therefore aligns well with strategic policy objectives contained within the Inner Moray Firth Local Development Plan and Inverness East Development Brief which seek to steer new development towards the most sustainable locations in Inverness.

KEY

-  Site
-  Allocated for Mixed Use
-  Allocated for Business
-  Allocated for Housing
-  Allocated for Community
-  Current Residential Use
-  Current Education Use
-  Current Mixed Use



Current Use and Land Allocation - Taken from the Inner Firth Local Development Plan

THE SITE

1.4 SITE PHOTOGRAPHS



Housing at Caulfield Road



Junction on Caulfield Road looking to avenue to Stratton Lodge



Existing path leading to Stratton Lodge



Derelict Stratton Lodge



View from North East boundary towards Stratton Woods



Aerial of site looking to the A96 & Moray Coast

THE SITE

1.5 SITE ANALYSIS: CONSTRAINTS

KEY

-  Application Area
-  Gas Main and Offset
-  Oil Pipe Line and Offset
-  Adjacent Stratton Woodland
-  Gradient
-  Existing Properties
-  Existing Properties- need to maintain residential amenity
-  Flood Extents
-  Scheduled Monument - Indicative area only
-  TPO - HC123 Stratton, Culloden
-  Stratton Lodge - B listed 18th century 2 storey house in a derelict condition
-  A96 Dualling



THE SITE

1.6 SITE ANALYSIS: OPPORTUNITIES

KEY

-  Application Area
-  Adjacent Stratton Woodland
-  Existing Properties
-  Existing Properties- need to maintain residential amenity
-  Scheduled Monument - Indicative area only
-  Indicative line of Link Road
-  TPO - HC123 Stratton, Culloden
-  Potential Viewpoints
-  Summer Sun Path
-  Winter Summer Path
-  Stratton Lodge - B listed 18th century 2 storey house in a derelict condition



THE SITE

1.7 LOCAL FACILITIES AND SERVICES

Typical one way walking times from site centre point

Co-op- 15min Duncan Forbes Primary School- 15min
Smithton Industrial Estate- 15min

- Healthcare
- Retail
- Education
- Sports
- Play Area
- Gardens
- Affordable Housing
- Housing Diversity
- Safe Routes
- Main walking routes
- Cycle routes
- Public Transport route
- Employment Opportunities



DESIGN DEVELOPMENT

2.1 INDICATIVE DEVELOPMENT FRAMEWORK PLAN

- KEY**
- Application Area
 - Gas Main & 6.1m Offset
 - Oil Pipe Line & 5m Offset
 - HSE Middle Offset (33m)
 - Development Areas
 - Open Space
 - Woodland
 - Proposed Suds
 - Surrounding Roads
 - Bus Stop
 - Core Paths
 - Flood Extents
 - Primary Active Travel - Dedicated cycle route
 - Secondary Active Travel - Secondary Cycling and Walking Links
 - Woodland walk/ informal path links



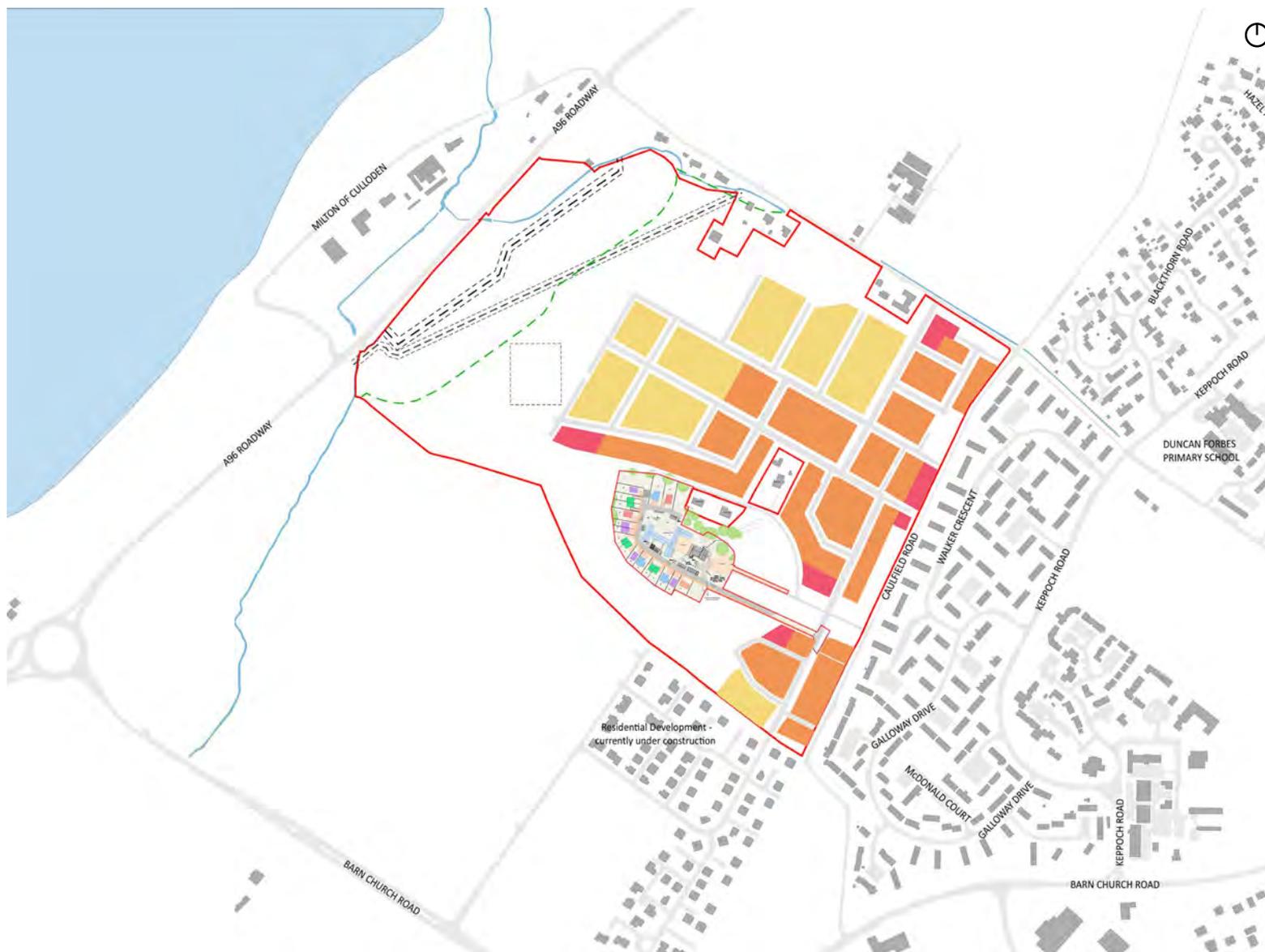
DESIGN DEVELOPMENT

2.2 DENSITIES

KEY

-  Application Area
-  Gas Main & 6.1m Offset
-  Oil Pipe Line & 5m Offset
-  HSE Middle Offset (33m)
-  Lower Density (20-25 units/Ha)
-  Medium Density (30-35 units/Ha)
-  Higher Density (40-45 units/Ha)

Following a detailed review of the site this density has evolved from that contained within the Inverness East Development Brief. The proposed density is based on experience, current market conditions and detailed site factors.



DESIGN DEVELOPMENT

2.3 BUILDING HEIGHTS

KEY

-  Application Area
-  HSE Middle Offset (33m)
-  Gas Main & 6.1 Offset
-  Oil Pipe Line & 5m Offset
-  1-1.5 Storeys
-  1.5-2 Storeys



DESIGN DEVELOPMENT

2.4 OPEN SPACE

KEY

- Application Area
- Gas Main & 6.1m Offset
- Oil Pipe Line & 5m Offset
- HSE Middle Offset (33m)
- Open Space
- Woodland
- Surrounding Roads

Open Space= 48 % of site area (16.7ha)

If the criteria within the Highland Council's Open Space in New Residential Development Supplementary Guidance is applied to an indicative number of 400 homes, the level of open space/ woodland is calculated to be 196m² per person (prescribed level is 40m² per person at a rate of 2.33 per home).



DESIGN DEVELOPMENT

2.5 OPEN SPACE

KEY

- Application Area
- Amenity green space
- Natural green space
- Allotments
- Play Areas
- Outdoor sports facility
- Flood extents



DESIGN DEVELOPMENT

2.6 Site Strategy - Creating a Sense of Place

The Scottish Government's 'Creating Places' Policy Statement sets out the six qualities of successful places. They should be:

Distinctive:

The proposed site will create a sense of place through making small character areas, this will be achieved using a variety of feature materials and a range of hard and soft landscaping.

Safe and Pleasant:

The streets within the site are designed to create natural surveillance for the active travel routes and open spaces creating safe places for the people living there.

Easy to move around:

The proposed site will have a series of foot/cycle path connections. The main active travel route through the site will provide connections to the surrounding development and woodland areas.

Welcoming:

The proposal will use feature walls, open green space and landscaping creating attractive and welcoming spaces for residents and visitors to move through the site.

Adaptable:

The proposal will provide a wide range of house types including private and affordable housing such as flats, apartments, smaller houses to medium and larger homes. This supports sustainability and creates a diverse community.

Resource Efficient:

The homes and landscaping will be designed in line with the Highland Council's Sustainable Design Guide.



Distinctive - Feature dormer, material and colour variation



Welcoming - Tree lined avenue to existing Stratton Lodge



Safe and Pleasant - Natural Surveillance



Adaptable - Accessible off street parking



Easy to move around - active travel



Resource Efficient - Energy Efficient

DESIGN POLICIES

3.1 STREET HIERARCHY

KEY

- Application Area
- Gas Main & 6.1m Offset
- Oil Pipe Line & 5m Offset
- Adjacent Woodland
- Primary Distributor Road
- Main Residential Street
- Minor Residential Street
- Private Road / Parking Court
- Surrounding Roads



DESIGN POLICIES

3.3 KEY FRONTAGES

The layouts within each character area will include a mixture of principal and active public frontages along with private areas. The idea is to provide a positive frontage to each of the character areas to provide outward, site sensitive development and to continue those strong frontages through into the development areas.

The frontages will visually engage with common open spaces, street scenes and other public realm areas ensuring security in terms of overlooking and passive surveillance of public space. Where these front onto roads, where practicable they will be set at a level that ensures that the road is not higher or lower to achieve better driver behaviour. Direct access properties would also assist with this.

Key buildings and dual fronted 'corner turners' will be utilised to ensure properties look distinctive and are responsive to their context and outward looking. Each key building will have a distinguishing colour palette and boundary enclosures to provide way markers.

KEY

-  Active Frontage and Green Edge
-  Existing Green Edge



Example of Active Frontage



DESIGN POLICIES

3.4 KEY FRONTAGES



Indicative visualisation from A96

DESIGN POLICIES

3.5 OPENSACE AND LANDSCAPING

The Landscaping Strategy will seek to provide high quality open space which is consistent with the Highland Council's Supplementary Guidance on Open Space in New Residential Development and build on the site's woodland backdrop by providing high quality planting on street, gardens and in open space, to soften the appearance of buildings and integrate the site into its surrounds effectively.

The proposed SUDs ponds will be seeded with a grass /wildflower mix and managed to create species rich long grass areas. The green corridor along the western portion of the site will be the focal point of open space along with small pocket parks and seating areas elsewhere. Landscaping adds greatly to sense of place and biodiversity. The high quality open space associated with the development will be attractive and highly functional – in ecological, cultural, visual and recreation terms and accessible for all.



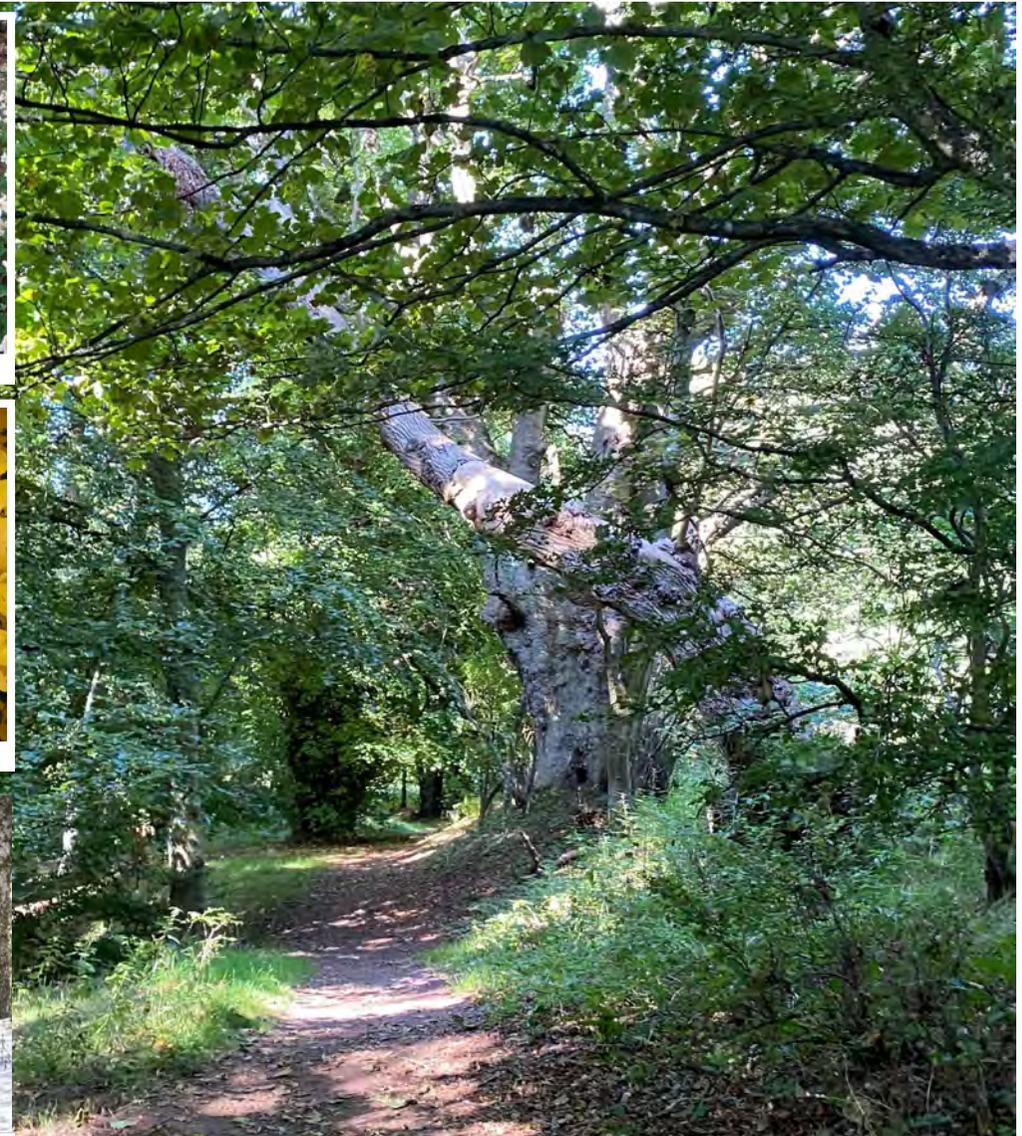
Spring woodland planting



Autumn colours



Winter landscapes



Stratton Woods - Summer

DESIGN POLICIES

3.6 BIODIVERSITY

The main aim in terms of biodiversity is to protect and encourage wildlife on site and incorporate improved connectivity to further suitable habitat in the wider area.

Blue-green infrastructure will be incorporated into the multi-functional open space in the form of sustainable urban drainage systems and other water features which are design elements which contribute to biodiversity and also help create a sense of place and identity. Wildflowers present diverse and appealing habitats which are iconic to UK countryside, benefiting local wildlife and quickly naturalising with little maintenance required.



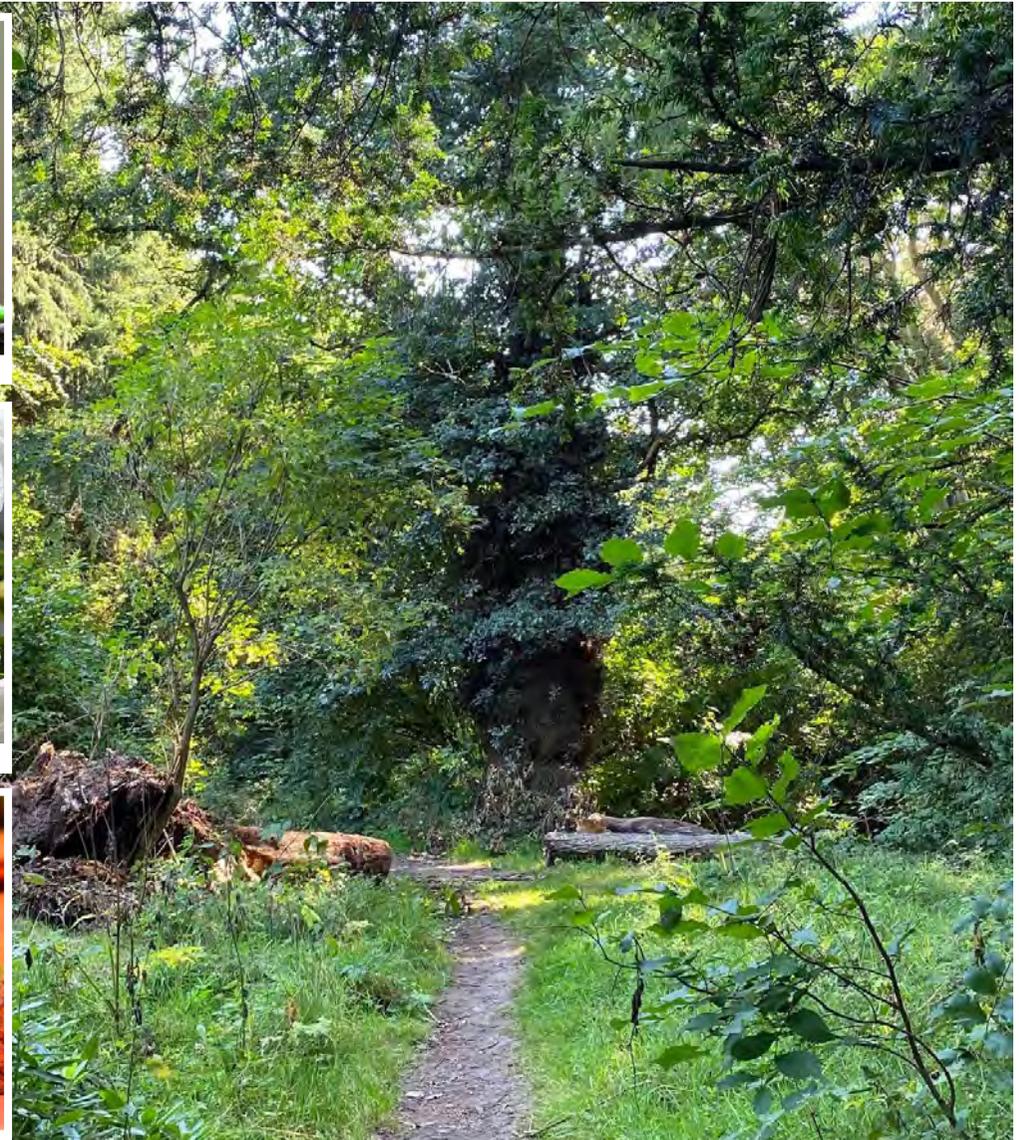
Wildlife friendly environments



Encouraging Pollinators



Protected Species



Stratton Woods

DESIGN POLICIES

3.7 HOUSING EXAMPLES

Within the proposed site we will provide a wide range of house types including private and affordable housing such as flats, apartments, smaller housing with private garden space to medium and larger homes. This will provide a full spectrum of choice for people wishing to move to the new development from single people to couples, smaller or larger family units, from young to the elderly.

This supports sustainability and creates a diverse community. The housing will be designed to meet Bronze Active building standards relative to energy and sustainability.

The housing will make use of low carbon technologies such as; Air Source Heat Pumps, Hybrid Heating Systems and Photovoltaic Panels, as well as Electric Vehicle charging.



Examples of Affordable Housing



Example of Private Apartments



Example of Private Housing



Example of Private Housing

DESIGN POLICIES

3.8 PARKING

Parking will predominately be provided to the rear of building lines, through side drives or parking in courtyards to ensure parked cars are as inconspicuous as possible.

Mitigation in the form of varied mature hedging, semi mature trees and boundary treatments is proposed for screening.



Side parking



Parking courts



Parking mitigated with landscaping



Traffic Calming

DESIGN POLICIES

3.9 HEALTHIER, SAFER ENVIRONMENTS

Within the proposed site Springfield will be providing a series of active travel routes through housing areas and open space to provide new routes for people walking, cycling and running. There is potential to link into existing path networks and informal routes, strengthening the choice of movement for people living within the site and next to it. There is also potential for pocket parks and informal landscaping areas which will contribute to creating an attractive open space strategy for the site.

Springfield will be providing green streets with landscaping to help reduce the dominance of the car in favour of people and designing safe streets in which to walk and play. The site will provide natural landscaping to encourage biodiversity and wildlife preservation, alongside housing – for the community to enjoy and respect. Planting of pollinators will be included to attract bee's, butterflies and insects.



Woodland Walks



Active community



Open Spaces



Shared cycle/pedestrian routes



