

Agenda Item	7
Report No	PLN/060/25

HIGHLAND COUNCIL SUPPLEMENTARY REPORT

Committee: North Planning Applications Committee

Date: 26 November 2025

Report Title: 21/05962/PIP : Lochalsh & Skye Housing Association
Land 380M NE Of Portree NHS Dental Clinic Sraid An Eorna Portree

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Mixed use development comprising up to 248 residential units, business unit, community shop, care village, landscaping and associated infrastructure

Ward: 10 - Eilean A' Cheò

Development category: Major- Housing

Reason referred to Committee: Major application (returned to committee)

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.

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Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 10 of the report

1. BACKGROUND

- 1.1 This application seeks permission for a mixed use development of up to 248 houses with a business unit, shop, care village and associated infrastructure. The site is identified as PT04 Kiltaraglen (North) in the West Highland and Island Local Development Plan (West Plan) and represents the largest housing allocation in Portree. This application was reported to the North Planning Application Committee on 15 June 2022. At that time the committee resolved to grant planning permission in accordance with the officer's recommendation and subject to a Section 75 legal agreement. Planning Permission has not been granted as the legal agreement has yet to be concluded and in the interim NPF4 has been adopted as part of the development plan. NPF4 is a material consideration and the proposal must be considered against these policies before it can be determined. The Council, as the Planning Authority, has a statutory duty to take into account any new material considerations arising between the Committee's decision and the issuing of the decision notice. Failure to do so could constitute a breach of this duty, potentially exposing the Council to legal challenges. The application is therefore reported to committee for further consideration in light of the changes to the development plan.
- 1.2 This report is supplementary to that prepared for committee in 2022 and should be read in conjunction with it. The original report is appendix two of this paper.
- 1.3 The proposal is unchanged from that considered by committee in 2022. A Section 75 legal agreement is still required to secure developer contributions and to affordable housing provision but this is now well advanced and close to being concluded.
- 1.4 The proposal was originally assessed against Highland Wide Local Development Plan (HWLDP) (2012) and West Highland and Islands Local Development Plan (West Plan) (2019). These documents both remain part of the development plan and the assessment against these policies remains unchanged. The purpose of this report is to update the assessment to include consideration against NPF4 which now forms part of the development plan and the Council's Biodiversity Enhancement Planning Guidance which dates from May 2024. Subject to a condition in relation to biodiversity, the proposal is considered to broadly comply with the requirements of NPF4 and as such is still considered to be in accordance with the development plan.

2. DEVELOPMENT PLAN POLICY

- 2.1 In addition to the policies identified in Section 6 of the original report (appendix 1) The following policies are relevant to the assessment of the application
- 2.2 **National Planning Framework 4 (NPF4) (2023)**
- 2.3 Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

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 21 - Play, Recreation and Sport

Policy 22 - Flood Risk and Water Management

Policy 23 - Health and Safety

3. PLANNING APPRAISAL

3.1 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.

3.2 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.

Development plan/other planning policy

3.3 All planning applications must now be determined in accordance with the provisions of NPF4 and the existing Local Development Plan unless material considerations provide justification otherwise. If there is an inconsistency between NPF4 policies and an LDP which was adopted before 13 February 2023, NPF4 prevails under Section 24(3) of the Town and Country Planning (Scotland) Act 1997 (as amended).

3.4 In this case the Development Plan is comprised of NPF4, West Plan and the HWLDP. The proposal was assessed against the requirements of West Plan and HWLDP in the original report and found to comply. This is set out in section 6 of the original report which is appended. This report does not seek to revisit that assessment but provides a further assessment in relation to NPF4.

3.5 NPF4 Policies 1 & 2 apply to all development proposals throughout Scotland. When considering development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. This site is allocated for housing within the LDP and will serve to address an identified need on Skye. The masterplan includes proposals for SuDS, landscaping and habitat enhancement measures. The details of the siting and design will be considered as part of a further application or applications. The

current proposal is therefore considered to be acceptable in relation to policies NPF4 policies 1 and 2.

- 3.6 NPF4 policy 3 requires development proposals to 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. This was not a requirement at the time the permission was originally considered but reference to biodiversity enhancement is contained within the Design statement/masterplan document. The document sets out the potential for the creation of wetland areas in the southern part of the site, food growing and an orchard in the care village zone and the creation of green spaces throughout the development. The Council's published guidance on Biodiversity now requires development to demonstrate a 10% enhancement as part of the scheme with a preference for on-site provision. In this instance it is recommended that the previous condition requiring the submission of a habitats management plan is amended to reflect the changes required to ensure compliance with these requirements. This reflects the principles already embedded in the masterplan document but will secure a measurable biodiversity enhancement in line with NPF4 policy 3 and the Council's guidance on biodiversity enhancement.
- 3.7 NPF4 policy 4 seeks to protect natural assets. Development proposals that will adversely affect protected species will only be supported where the tests for licensing can be met. The requirements of NPF4 policy 4 reflect those of HWLDP policy 58. The initial surveys of the site found no evidence of protected species living on the site and concluded that the site provided poor habitat for protected mammals other than otters. The potential to impact on reptiles was noted. The conditions of the consent require pre-start surveys for protected species before the commencement of development on any phase or sub phase. Any recommended mitigation will thereafter have to be implemented in full. The recommended conditions will ensure compliance with NPF4 policy 4.
- 3.8 NPF4 policy 5 (c) states that development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported in limited circumstances including supporting a fragile community in a rural or island area. Part 5 (d) requires a site-specific assessment to be provided in support of any proposals on peatland. The West Plan Allocation (PT04) recognises the peat issues on the site and requires a peat management plan to be submitted. A peat survey found that peat levels across the majority of the site were no more than 0.5m but there are areas of deeper peat. The submitted indicative layout has sought to avoid these areas. The peat levels identified are common across Skye. This scheme is being brought forward by an affordable housing provider and NPF4 policy 5 recognises the need to support island communities. A peat management plan will be sought by condition. In this context the proposal is considered to be acceptable in relation to NPF4 policy 5.
- 3.9 NPF4 policy 6 seeks to protect trees and woodland. Part 6 (b) presumes against the loss of individual trees or high biodiversity value. There are some trees in the southern part of the site. The supporting information provided with the application notes that two will have to be removed. These can be compensated for throughout the wider development. Conditions are recommended to secure new

tree planting and to ensure the protection of retained trees. This slightly differs from the previously recommended condition on the advice of the Forestry Officer. The loss of trees is regrettable but the recommended conditions will ensure compliance with NPF4 policy 6.

NPF4 policy 7 seeks to protect and enhance the historic environment. Policy 7 (o) requires non-designated archaeological remains to be evaluated at an early stage in a development so that the impacts can be assessed. There are no listed buildings or scheduled monuments on the site, but the site has archaeological potential and a walk over survey has been carried out. A condition is recommended requiring archaeological evaluation. This meets the terms of the policy and will ensure that any archaeological findings are properly recorded.

- 3.10 NPF4 policy 13 requires development to improve and enhance active travel and public transport provision and is supportive of development where it can be demonstrated that the transport requirements have been considered including provision of safe links to facilities, vehicle charging points, cycle parking and safe crossings. These requirements are embedded in the proposals which make provision for active travel paths and new bus stops. These matters are controlled through the recommended conditions which include a requirement for an Access Management Plan, a Residential Travel Plan, cycle parking and bus stops. The recommended conditions are sufficient to ensure compliance with NPF4 policy 13.
- 3.11 NPF4 policy 12 requires all developments to adequately manage waste during the construction and operational period of the development. A condition is recommended requiring the submission of a waste management plan to provide details of waste management during construction and occupation of the development. It is considered that this is sufficient to meet the requirements of this policy.
- 3.12 NPF4 Policy 14 seeks for development to be designed to improve the quality of an area, and to be consistent with the 6 qualities of successful places – healthy; pleasant; connected; distinctive; sustainable; and adaptable. This application is in principle only and the final layout and design will be assessed as part of a further application or applications. However, the masterplan sets out a clear vision for effective placemaking with distinct character areas, a hierarchy of roads structures and the incorporation of public art. These principles which are reflected in the recommended conditions will ensure that the development brings forward a successful place in accordance with principles set out in NPF4 policy 14.
- 3.13 NPF4 policy 15 requires development to contribute to local living and 20-minute neighbourhoods. The site is within the settlement of Portree as identified in West Plan. The development will be well connected to the rest of the town by public transport and active travel routes. The proposals make provision for services within the development including a neighbourhood shop and commercial units which could be class 1a (Shops and financial, professional and other services) or class 4 (business) use. The proposal therefore complies with the principles of local living and 20-minute neighbourhoods and as such complies with NPF4 policy 15.

- 3.14 NPF4 policy 16 supports development on land allocated for housing in the LDP. 16 (b) requires developments for 50 or more homes to be accompanied by a statement of community benefit. NPF4 policy 16 (c) encourages a mix of tenures and types of housing provision. 16 (e) requires at least 25% affordable housing provision. The site is an allocated housing site (PT04) in West Plan. A mix of tenures is proposed across the development including the provision of a care village. The requirement for a minimum of 25% affordable housing will be secured by S.75. A statement is included within the masterplan/design statement document setting out the need for housing in Portree and how the development will contribute to creation of a sustainable community with the provision of a shop and other services. The development will also provide local employment and training opportunities. The proposal therefore meets the requirements of NPF4 policy 16.
- 3.15 NPF4 Policy 18 encourages an infrastructure first approach to development and supports development which contribute to infrastructure in line with the development plan and delivery programme. Developer obligations are sought in relation to the Portree Link Road and community facilities, and this will be controlled by S.75. The development is partly dependent on the provision of the Link Road although the supporting documents indicate that development in the western part of the site could be provided from the existing road network. A condition is recommended to control this. Since the application was last reported to committee Planning Permission (22/02739/FUL) has been granted for the Link Road. The proposal is considered to meet the requirements of NPF4 policy 18.
- 3.16 NPF4 policy 21 seeks to encourage opportunities for play recreation and sport. The existing scheme makes provision for formal and informal open space. No formal sports facilities are proposed but the master plan document makes reference to play areas and an outdoor gym. Condition 15 of the original recommendation required full details of the open space and outdoor recreation facilities to comply with the Council's adopted standards be provided as part of a further application or applications. This is sufficient to comply with the terms of NPF4 policy 21.
- 3.17 NPF4 policy 22 sets out policy in relation to flood risk and sets out explicitly that development on land at risk of flooding or in a flood risk area will not be supported unless essential infrastructure where the location is required for operational reasons; is for water compatible uses; consists of the redevelopment of an existing building or site for an equal or less vulnerable use; or. The redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice. The Flood Risk Assessment (FRA) submitted in support of the application demonstrated that only a small area in the north of the site is within the functional flood plain. The originally recommended conditions prevent any built development or land raising in this area and seeks to control the finished floor levels (FFL) and ground levels across the site to mitigate the risk of flooding. It is recommended that the original conditions have been amended slightly to correct some anomalies for compliance with SEPA's response. Based on the information available, the risk of flooding at the site is properly understood and can be

effectively mitigated. The proposal is therefore considered to comply with NPF4 policy 22.

- 3.18 NPF4 policy 22 Part (c) requires that development does not increase the risk of surface water flooding and the use of suds for the effective management of the drainage. The Flood Risk Management Team had no objection to the proposal. A condition is recommended requiring full details of the final suds scheme to be provided with future applications. This will ensure that surface water is effectively managed in accordance with NPF4 policy 22.
- 3.19 The development will be connected to the public sewer and water supply.
- 3.20 NPF4 policy 23 seeks to protect people and places from environmental harm. Part (e) states that development that are likely to raise unacceptable noise issues will not be supported. At the time of the original application the existing SSE substation and associated overhead lines were identified as a source of noise pollution and an Noise Impact Assessment (NIA) was submitted in support of the application. In line with the findings of the NIA it was recommended that an acoustic barrier was sought by condition. Conditions are also attached requiring further noise assessment in relation to the proposed commercial units that form part of the scheme and to secure a Construction Environment Management Plan (CEMP) which will control the impacts of noise and dust etc during construction. NPF4 policy 23 does not impose any additional requirements in relation to noise and the condition as originally recommended will ensure compliance with the policy.

Other material considerations

- 4. No other new material considerations have been raised since the proposal was previously reported to committee.

Non-material considerations

- 5. None

Matters to be secured by Section 75 Agreement

- 6. In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
 - a) Contributions to the delivery of enhanced community facilities within the Portree High School Catchment Area (£1,019 per dwelling);
 - b) Contributions to the provision of the Portree Link Road (£4,000 per dwelling and £40 per m2 of retail or business floor space);
 - c) Minimum of 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development
- 6.1 A Section 75 Agreement between The Highland Council, the Applicant and the Landowner is currently being negotiated to secure the following mitigation prior to the issue of planning permission:

- a) A financial contribution towards enhanced community facilities within the Portree High School catchment area at £1,019 per dwelling;
- b) A financial contribution towards the Portree Link Road at £4,000 per dwelling and £40 per m² of retail or business floorspace;
- c) Provision of a minimum of 25% on-site affordable housing, to be delivered under a scheme to be agreed prior to commencement of development.

The parties must conclude and sign the Section 75 Agreement no later than 31 January 2026.

If the Agreement is not signed by that date, the application may be refused under delegated powers for the following reason:

The application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to mitigate the impacts of the proposed development. Accordingly, the proposal is contrary to Policies 31 and 32 of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the West Highlands and Islands Local Development Plan.

7. CONCLUSION

7.1 This application relates to a site which is the largest housing allocation in Portree in West Plan. The release of this site would have significant wider benefits for the community. The North Planning Applications Committee resolved to approve the application in June 2022 subject to the conclusion of a section 75 agreement. This report seeks to update the assessment of the application following the adoption of NPF4 which now forms part of the development plan. However, as is set out above the proposal is considered to meet the requirements of NPF4 and as such accords with the development plan. Some minor changes to the recommended conditions are proposed as set out below. The proposal is considered to accord with the development plan and there are no material considerations that indicate otherwise. It is therefore recommended that that planning permission is granted as per the recommendation below.

8 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.

9. IMPLICATIONS

9.1 Resource: Not applicable

9.2 Legal: Not applicable

9.3 Community (Equality, Poverty and Rural): Not applicable

9.4 Climate Change/Carbon Clever: Not applicable

9.5 Risk: Not applicable

9.6 Gaelic: Not applicable

10. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Y
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to

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

- 1 The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

 In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Planning Permission in Principle is hereby granted for a mixed use development comprising no more than 248 residential units and no more than 800 square metres of commercial uses upon 32.08 hectares to be developed in accordance with the indicative Master Plan hereby approved in seven sequential phases.

 For the avoidance of doubt commercial uses for the purposes of this application include Class 1a Shops and financial, professional and other services, and Class 4 Business only.

 No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units and level of commercial floorspace within each phase or subphase 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 ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

3.

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

- a. submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the planning authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for that particular phase. Each Area Development Brief shall be produced using the principles set out in the Kiltaraglen Master Plan and shall include the following:
 - i. Conformity with principles and vision of the Kiltaraglen Masterplan;
 - ii. Place-making and public realm;
 - iii. Transportation, access, active travel and connectivity;
 - iv. Drainage, sustainable drainage and the water environment;
 - v. Landscaping and open space;
 - vi. Public art strategy;
 - vii. Character and design including material palette;
 - viii. Phasing, implementation and integration

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

- b. the siting, design and external appearance of all buildings and other structures which shall be no more than 3 storeys in height;
- c. details of sustainable design considerations inclusive of energy strategy;
- d. the means of access to the site including connections to the Portree Link Road for all modes of transport;
- e. the layout of the site, in accordance with Designing

streets principles;

- f. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design with projected traffic figures supported by traffic modelling;
 - iv. junction and forward visibility requirements;
 - v. junction spacing both within the development and on the distributor road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of waste management routes inclusive of waste management vehicle tracking;
 - ix. details of provision for cyclists and pedestrians (including linkages to the Portree Link Road) with junctions and crossing designed to facilitate active travel;
 - x. provision for disabled users following consultation with the Skye Access Panel;
 - xi. details of safer routes to school;
 - xii. details of the location and type of service strips within the intended adoptable road boundary.
- g. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
- h. the provision of covered cycle parking including resident cycle parking in houses and communal secure covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
- i. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k. the details of, and timetable for, the hard and soft landscaping of the site;

- l. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
- m. the provision for service vehicles following occupation of the development;
- n. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- o. details of the water and waste water connections, with connection to the public water and waste water networks;
- p. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);
- q. details of existing trees, shrubs and hedgerows to be retained;
- r. details of existing and proposed site levels with fall arrows supported by a cut and fill calculation and plan;
- s. details of finished floor levels;
- t. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward; and

detailed designs of all watercourse crossings in the site.

The further application(s) must be submitted within 3 years of the date of this permission.

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

4.

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

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

- b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to;
 - i. Pedestrian access to any and all core paths;
 - ii. Construction details of all paths, inclusive of material finishes and drainage details;
- d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e. Links to the Highland Council's core paths and green frameworks

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.

5.

No development shall commence on either Phase 5 or Phase 7 as identified in Section 4 of the submitted document Kiltaraglen Masterplan – Design and Access Statement, or any sub-phase thereof, until, a scheme to deal with potential contamination within the phase will be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:

- i. the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of

this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;

- ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii. measures to deal with contamination during construction works; in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- iv. in the event that monitoring is required, monitoring

statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

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

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

6.

No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:

- a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- b) Processes to control / action changes from the agreed Schedule of Mitigation
- c) The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Habitat and Species Protection Plan (inclusive of specific plans for nesting birds, otters and reptiles)
 - (ii) Pollution prevention plan
 - (iii) Dust management plan
 - (iv) 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
 - (v) Site waste management plan;
 - (vi) Measures to protect private water supplies; including an emergency response plan;
 - (vii) Breeding Bird Survey and Protection Plan (if works are to take place during the bird breeding season (March – August inclusive))
- d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
- e) Methods of monitoring, auditing, reporting and

communication of environmental management on site and with the client, Planning Authority and other relevant parties.

- f) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document.

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

- 7 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 both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

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

- 8 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 should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

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

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

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

Reason: In the interests of amenity.

- 11 Any details pursuant to condition 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.

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

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

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

- 13 No development shall commence each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during school pick up or drop off times for Portree Primary School and Portree High School. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete. Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

Reason: In the interests of amenity and road safety.

- 14 Any details pursuant to condition 3 above shall show car

parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking'.

- 15 Any details pursuant to condition 3 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

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

- 16 Any details pursuant to condition 3 above shall include details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

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

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

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

- 18 Any details pursuant to condition 3 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

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

- 19 Any details pursuant to Condition 3 above shall be informed by:
- a. Arboricultural Assessment;
 - b. Tree Constraint and Protection Plan
 - c. Arboricultural Method Statement;
 - d. Tree and Woodland Management Plan for retained trees
Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

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

A suitably qualified arboricultural consultant shall be employed to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation of the approved tree protection measures

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

- 20 Any details pursuant to Condition 3 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works

related to that phase or sub-phase. Details of the scheme shall include:

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

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

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, die, 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.

21

Any details pursuant to Condition 3 shall include a 6m buffer from the top of the bank of any watercourse where no development can take place.

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

risk of flooding.

22

Any details pursuant to condition 3 shall include:

- a. a scheme for provision of a connected and permeable active travel network within the site; Thereafter, the scheme shall be implemented in full prior to the occupation of any residential unit in the phase or subphase it relates;
- b. a scheme for the location, design and installation of a signal controlled crossing of the Portree Link Road to facilitate active travel. Thereafter, the scheme shall be implemented prior to occupation of any development on site or prior to completion of the Portree Link Road whichever is the earlier;
- c. a scheme for the location, design and installation of bus stops within the site. Thereafter, the scheme shall be implemented no later than the occupation of the first property within each phase of development to which it relates;
- d. a scheme for the design and implementation of enhancements to Core Path SL21.06 between Portree Link Road and Storr Road to a minimum width of 3m. The agreed scheme shall be implemented prior to occupation of any residential unit within the development;

a scheme for the design and implementation of enhancements to the path link between Storr Road and Glamaig Place inclusive of all surfacing details. The agreed scheme shall be implemented prior to occupation of any residential unit within the development. in line with the approved scheme.

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

23

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.

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.

24

Any details pursuant to Condition 3 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:

- a. identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
- b. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
- c. a timescale for implementation for infrastructure within each phase or sub phase; and
- d. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

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

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

25

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

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

26

Any details pursuant to Condition 3 shall include a scheme for the inclusion of public art within the development. The scheme shall include:

- a. Detailed design of public Art provision including but not limited to provision of interpretation panels related to the history of the area,;
- b. locations of any and all public art provision;
- c. the management and maintenance of any and all public art provision; and
- d. 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.

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

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

- 28 Any details pursuant to condition 33 shall include details of the design and implementation of an acoustic barrier in line with the recommendations of the document titled Kiltaraglen, Portree Noise Impact Assessment, dated December 2021., or suitable alternative to be agreed in writing by the planning authority subject to provision of a further Noise Impact Assessment. The acoustic barrier will thereafter be implemented to the satisfaction of the planning authority prior to occupation of any residential unit within the development.

Reason: In the interests of amenity.

- 29 Any details pursuant to condition 3 shall show all properties within the development with a finished floor level of no less than 0.6m above the freeboard of a 1 in 200 year flood risk event plus an allowance for climate change. In the north western area of the site in proximity of the drainage ditch the in areas at risk of flood risk the finished floor levels shall not be below 51m above ordnance datum.

Any details pursuant to condition 2 shall show all properties within the development with a finished floor level of no less than 51mAOD and ground levels as detailed on approved plan 413_PL005 Rev A 23.2.2022

Reason: In the interests of avoidance of flood risk.

30 Any details pursuant to condition 3 shall show no built development or land raising in areas identified as being within the functional flood plain as identified on approved plan 413_PL005 Rev A 23.2.2022

Reason: In the interests of avoidance of flood risk

31 Any details pursuant to condition 3 shall include detailed designs of any and all new watercourse crossings designed to accommodate a 1 in 200 year plus climate change flood event. For the avoidance of doubt the watercourse crossings shall be bottomless arched culverts or traditional style bridges.

Reason: to ensure the detailed design is considered in the interests of avoidance of flood risk.

32 No development (including any engineering works) shall commence on any phase or sub-phase of the development until a Peat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the SEPA. The Peat Management Plan shall include:

- a. the volume of peat disturbed by the development (re-estimated following further ground investigations);
- b. a plan identifying where and how any disturbed peat can be reused;
- c. details of any and all proposals for the beneficial use of site elsewhere;
- d. a commitment to no all peat being reused and no temporary storage of peat for use in future phases.

Thereafter, the approved peat management plan shall be implemented at commencement of construction.

Reason: To ensure the re-engineering of the site limits impact on the peat resource

33 *No development shall commence until a scheme to provide for a 10% biodiversity of the site has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this shall incorporate the measures set out in the submitted Habitat Management and Restoration Plan and shall include timescales for the provision of each measure and maintenance arrangements. Thereafter the approved plan shall be implemented in full prior in accordance with the timescales set out in the document unless otherwise agreed in writing with the planning authority.*

Reason: To ensure that habitats are managed to enhance the environmental value of the site.

To ensure biodiversity enhancement of the site.

- 34 Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within 6 metres of the top of the bank of any watercourse without planning permission being granted on application to the Planning Authority.

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

- 35 No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development have been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

- 36 Any details pursuant to Condition 33 shall be informed and supported by a watercourse improvement and management plan focuses on the water features in the southern portion of the site inclusive of riparian corridors and wet woodland.

Thereafter the approved plan shall be implemented prior to completion of any development within phase 1.

Reason: In the interests of protection and enhancement of the water environment.

- 37 No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. In particular this Travel Plan shall identify measures to be implemented, the system of management monitoring, review, reportion and the duration of the plan. This shall include measures for extending and / or increasing the frequency of the existing local bus services and associated financial contribution. Thereafter the Travel Plan

shall be implemented following occupation of the first residential unit within the development.

Reason: To ensure a range of travel options are available.

- 38 No phase of development shall be occupied until all roads and pavements within the application site as they relate to each particular phase or sub-phase are formed to base course level. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential home within the phase or sub-phase to which the road related, or upon the expiry of a period of three years from the date of first occupation within that phase, whichever is the sooner.

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

- 39 No development shall be occupied other than that accessed via the existing roundabout on Rathad Na H-Airigh, until the Portree Link Road has been laid out and constructed substantially in accordance with the indicative layout, produced by SYSTRA, or such other drawings as may subsequently be approved in writing by the planning authority.

Reason: In the interests of road safety and the effective management of the transport network.

- 40 Any details pursuant to Condition 3 above for the development of any commercial units shall include a detailed survey and assessment of the noise emissions from the proposed commercial units shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

Signature:

Designation: Area Planning Manager - North

Author: Lisa MacDonald

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
	413 PL 001	A	21/12/21
PI Location Plan	413_PL_003	B	08/02/22
Site Plan			
Flood Extent Layout	413-PL-005	A	02/03/22

Site Layout Plan	413_PL_003	B	08/02/22
Floor Risk Overlay	413-PL-005	A	03/03/22

Appendix One – Letters of Representation

Mairead MacPherson,	Berneray, Staffin Road, Portree, IV51 9HP, 26/01/22	31/01/202
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Agenda Item	
Report No	

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 15 June 2022

Report Title: 21/05962/PIP: Lochalsh and Skye Housing Association

Land 380M NE Of Portree NHS Dental Clinic, Sraid An Eorna, Portree, Skye

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Mixed use development comprising up to 248 residential units, business unit, community shop, care village, landscaping and associated infrastructure

Ward: 10 - Eilean A' Cheò

Development category: Major development

Reason referred to Committee: Major development

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The applicant seeks planning in principle permission for a mixed use development comprising
- up to 248 residential units which are likely to be delivered in phases over a 15-20 year period.
 - three business units
 - a community shop
 - care village (comprising of supported residential units, no further details submitted other than this statement)
 - landscaping, which includes plans for a community orchard
 - surface water drainage strategy and
 - associated infrastructure in relation to roads
- 1.2 There is existing on-site infrastructure in the form of an SSE substation building and high voltage lines which converge at the substation. There is an existing unadopted and incomplete road which terminates along the southern boundary of the site, and it is anticipated that this will serve as one of the access points to the site.
- 1.3 Pre Application Consultation: The applicants have undertaken pre-application consultation with the Planning Authority 20/01482/PREMAJ. The following is a summary of the key issues highlighted.
- The site forms the largest housing land use allocation in Portree and the Planning Authority are keen to activate this extensive site. Although the proposed number of homes are double the Development Plan allocation's indicative housing capacity for the site, the overall principle of the proposed land use is established and the substantial increase in housing numbers can be strongly supported on the proviso that the finalised masterplan for the site demonstrates sufficient protection of natural habitats, deep peat, trees, as well as a sufficient stand-off from existing areas of flood risk, onsite electricity infrastructure and provides acceptable amenity to all existing neighbouring and proposed properties.
 - Whilst there are challenging site constraints to overcome, given the substantial size of this site it is believed that there is enough space to accommodate the number of homes envisaged without compromising on design. In that regard a lower density of housing development across the higher sections of the site, with higher density at the lower level, is a simple yet sensible approach. The introduction of higher marker buildings at the access points into the site, whilst in general would be supported, the envisaged four storey buildings would not be in-keeping with the character of the local area. Instead, the masterplan should identify higher quality

frontages adjacent to these access points, with consideration given to a mixture of 2 and 3 storey, higher density and possibly terraced accommodation in these areas.

- The completion of the Portree Link Road is seen as a key developer contribution requirement in the realisation of this housing allocation and a proportionate contribution towards this road's delivery must be done in a co-ordinated manner through a Link Road Strategy agreed with the Council. The masterplan also requires to provide sufficient safeguarded land for the creation of a potential route between Portree Link Road and the A855 at the Achachork junction (within site allocation PT06). In this regard the indicative masterplans shows the primary road network to potentially extend beyond the site to the north west and not towards the other nearby housing allocation PT06 to the north east. The rationale for this, the scope of the Link Road Strategy and Transport Assessment for the site is therefore strongly encouraged to be discussed and agreed with the local Roads Authority and Transport Scotland.
- The application should state the anticipated build out rate and include a phasing plan, so that there is a clear understanding of how the development will be built, how it will function and what infrastructure is required to support each phase. Given the prevailing low build out rate in this area and the substantial size of the site, clear construction, infrastructure, drainage and landscaping phasing details will be required.
- The land take associated with the presence of deep peat, wetlands and the delivery of an enhanced green network should also not be underestimated and it is promising to see that this has been acknowledged in the initial concept masterplan with large sections across the western side of the site appear to be dedicated for use as greenspace, drainage, accommodating the onsite electricity infrastructure and for access / active travel. SEPA have also confirmed that they will only be able to support the application if it is clearly demonstrated that impacts on deep peat and wetlands (and the water environment) have been avoided.
- Further engagement with SSEN is advised to explore any potential to remove or underground any of the existing overhead lines to enhance the character and outlook of this site. It would also be work clarifying any intentions to alter or upgrade this infrastructure during the lifetime of the development.
- The Council's Historic Environment team have highlighted the archaeological potential of the site and Historic Environment Scotland (HES) have requested that the development to be carefully designed to reduce potential impacts upon the setting of the Dun Gerashader, fort, Portree, Scheduled Monument. Whilst this Scheduled Monument is located some distance to the north west, an assessment of impacts on the Historic Environment will be required and HES would welcome further pre-application engagement on this prior to the submission of any planning application.

- 1.4 Supporting Information: Drainage Impact Assessment, Peat Survey, site photographs, landscaping masterplan, Transport Assessment, Contaminated Land Zoning information, Archaeology report, Design and Access Statement, Noise Impact Assessment, NVC survey, Habitat Management and Restoration Plan, Protected Species Survey, Flood Risk Assessment and a Public Consultation Report (PAC).
- 1.5 Variations:
- Amended boundary to resolve land ownership issue.

2. SITE DESCRIPTION

- 2.1 The land is located to the north-west of Staffin road. Along the south-eastern corner of the site are the properties at Hill Place and to the south-west is the existing development at Home Farm. The western boundary is identified in the WestPlan, as being part of a wider Green Network. With mature vegetation within the southern end of the site. Core Path SL21.06 runs through the southern boundary of the site. There are also a number of electricity transmission lines which converge at an existing sub-station which is located within the southern part of the site and there is also an existing gravelled track which traverses the site. There is a land level difference of approx. 25m across the site, which is generally from the area to the west to the more elevated on the eastern edge.
- 2.2 Access will via the Portree Link road as identified in the WestPlan, 2019. The PT04 land allocation is one of seven allocations which is identified within the WestPlan as having specific developer requirements relating to the completion and/or proposed extension of the Portree Link Road.
- 2.3 There are no statutory natural heritage designations within the site boundary. The nearest is the Inner Hebrides and Minches Special Area of Conservation (SAC), which is designated for the harbour porpoise and is located approx. 1.4km to the south-east of the site. The closest terrestrial designation is the Rigg-Bile SAC which is designated for its mixed woodland on rocky slopes and vegetated sea cliffs. In addition, is the Site of Special Scientific Interest (SSSI) of Rigg-Bile which is designated for its geological features and maritime cliff vegetation and coastal woodland. Both of these designations are located approx. 2.km to the east of the proposed site.
- 2.4 There are no national or local landscape designations within the application site boundary. The nearest national designation is The Cuillins National Scenic Area (NSA) is located over 12km to the south of the site. The nearest local designation is the Trotternish and Tianavaig Special Landscape Area (SLA) which at its closest point is just over 600m to the south-east of the site.
- 2.5 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. However, the existing Home Farm residential development to the south of the site was subject to archaeological investigation which found three principle prehistoric features and artefacts ranging from the late Neolithic to Iron Age within this wider area.

There are a number of watercourses which run through the site, most of which discharge into the Leasgarry River which runs along the north and western boundaries of the site. As a result there are some areas at risk of flooding based upon the 1 in 200 year plus climate change scenario.

3. PLANNING HISTORY

3.1	27.05.2020	20/01482/PREMAJ: Residential development comprising approximately 225 to 250 units and supporting infrastructure	Advice Issued
3.2	26.05.2020	20/01846/SCRE: Residential Development, together with supporting infrastructure.	EIA not required
3.3	05.05.2021	21/01435/SDR: Residential development comprising approximately 225 to 250 units and supporting infrastructure	Advice Issued
3.4	26.10.2021	21/04209/PAN: Residential development of various house styles, tenure and densities. The proposal also includes capacity for a care village, commercial units and community retail premises, protected green space, SUDS area, civic amenity spaces, active travel routes and new/upgraded transport links.	Case closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 21.01.2022

Representation deadline: 7 March 2022

Timeous representations: 1 objection

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Red line encompasses land not under the control of the applicants and have not been informed of the plans.

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 **Portree and Braes Community Council** object to the application unless the Portree Link Road is in place first. It considers that the infrastructure needs to be in place before work on the unit commences.

- 5.2 **Access Officer** does not object to the application and generally welcomes the overall Access Strategy submitted. However, highlights a number of points which would refine the path layout and requests that an Access Management Plan is secured by a planning condition.
- 5.3 **Contaminated Land Team** do not object to the application. It is content with the finding of the Geo-environmental Risk Assessment Report, but request that a remediation and validation report is secured by a planning condition.
- 5.4 **Environmental Health Team (EHT)** originally objected to the application on the grounds of a lack of information in relation to noise mitigation in from the existing substation. Further information has been received and the EHT have removed its objection subject to a planning condition securing an acoustic barrier which must be installed prior to the occupation of any residential unit.
- 5.5 **Development Plans Team** do not object to the application. It considers that although the allocation is for Housing only, the inclusion of commercial space, three business units and a small shop is an acceptable departure from the Plan. It considers that the application responds positively to previous pre-application advice provided by the Planning Authority. It notes the importance of the link road for developments within Portree. In addition, it confirms the required level of developer contributions to be secured for the development.
- 5.6 **Flood Risk Management Team (FRM)** do not object following the submission of further information. It originally objected to the application on the grounds of flood risk and sought additional details in relation to potential out of bank flooding from the northern burn, this should take into account the predicted 1 in 200 year plus climate change flood extents. This information has been submitted and the FRM Team are satisfied with the risk of flooding within this site subject to finished floor levels being a minimum of 0.6m above the 1 in 200 year plus climate change flood level; no development within 6m of the top of banks of watercourses; and details of watercourse crossings.
- In terms of drainage it has no objection but request a planning condition to secure details of the final drainage design.
- 5.7 **Historic Environment Team (HET)** do not object to the application. It welcomes that a desk-based and walkover survey report has been submitted to support this application. The results indicate upstanding remains are present on the site and there is also the potential for further buried remains to survive. It recommends that further evaluation is required here to record in detail the upstanding remains, including their evaluation and possible excavation; and to inform the presence of buried remains and a strategy to mitigate any impacts on them and that this should be secured by a planning condition.
- 5.8 **Transport Planning** do not object to the application following submission of further information and clarifications related to the proposed junction arrangements, traffic modelling and Transport Assessment. Transport Planning have been supported by WSP in the review of the Transport Assessment. It is satisfied with the transport implications of the approved scheme, subject to conditions to secure details of: access to the site being via the Portree Link Road;

visibility splay information; detailed layout of the site; landscaping; parking arrangements; waste management arrangements; water supply and drainage arrangements; construction traffic management plan; access management plan; completion of roads to base course level prior to occupation; electric vehicle charging; bus stops and bus routing; delivery of mitigation set out in the Transport Assessment including active travel network, signal controlled crossing, formalising the core path to Storr Road, and formalising the path link between Storr Road and Glamaig Place.

- 5.9 **Historic Environment Scotland (HES)** do not object to the application. The development site is located approximately 700m south-west of an archaeological site that is recognised as being of national importance and is designated as a scheduled monument Dun Gerashader, fort, Portree. HES do not consider that in principle the development will challenge the legibility of the monuments position as being a prominent feature within its landscape and therefore the proposed development is unlikely to have a significant adverse impact on the setting of the monument such that it would raise issues of national significance.
- 5.10 **NatureScot** no comments to make on the application as it does not meet their consultation threshold.
- 5.11 **Scottish Water** do not object to the application and confirm that there is currently sufficient capacity on the foul sewer network to serve the development. It cannot currently confirm that there is sufficient capacity in relation to water supply and invite the applicant to submit a formal pre-development enquiry to Scottish Water.
- 5.12 **Scottish Environment Protection Agency (SEPA)** do not object to the application following the submission of information in relation to flood risk and provision of information to show 6m buffer zones around water features. SEPA are content with the Flood Risk Assessment but request a planning condition to ensure that no development or change in land levels occur below 51m AOD. Planning conditions are also requested to control the design for any watercourse crossings; a scheme for watercourse improvement works; no built development or land raising be brought forward in areas of functional floodplain, a finalised Habitat Management Plan; and a finalised Peat Management Plan.
- 5.13 **Transport Scotland** do not advise against the development following submission of an updated Transport Assessment. It notes that while the TA does not include information on speed and volume of traffic, the cycle user trip distribution is a matter for the Planning Authority with any cycling facilities provided having to accord with Cycling by Design. It notes that the mode share for buses in Portree is relatively low but acknowledges the measures to increase this through the development by appropriate siting of bus stops and bus routes. It does not consider the access junctions require further consideration by Transport Scotland. It explains that the assessment does not include phasing of delivery of the proposals or consider seasonal changes in traffic flow but the scenario considered in the assessment is acceptable. It is content with the mode of transport assumptions in the assessment are appropriate and the trip distributions on the network are acceptable. It notes that the Portree Link Road will change the

distribution of traffic once complete. It explains that the Transport Scotland project to simplify the A87(T) / A855 junction to install a signal controlled junction is progressing and will mitigate impacts of the development. It recommends a condition to secure a comprehensive travel plan for the development.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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
47 – Inbye/Appportioned Croft Land
51 - Trees and Development
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other Important Species
60 - Other Important Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
70 - Waste Management Facilities
72 - Pollution
74 - Green Networks
75 - Open Space
77 - Public Access

6.2 West Highland and Islands Local Plan 2019 (WestPlan)

The site is located within the defined settlement development area (SDA) for Portree. The Placemaking Priorities for Portree are as follows:

- Encourage town centre expansion that respects the architectural, cultural and natural heritage of the conservation area, the Lump, other greenspaces and public vistas notably to the Cuillin mountains.
- Diversify the tourism offer of the historic, central part of the village, including land at Bayfield and the harbour.
- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.
- Safeguard a route for the possibility of a longer-term service access to the harbour from the A855 and around the south of the Lump.

- Safeguard land for a second phase of commercial and industrial expansion at Home Farm on the northern side of Portree.
- Preserve and extend Portree's green networks particularly its wooded river and burn sides.
- Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for development.
- Improve public car parking and coach/bus drop-off provision within the village centre and encourage relocation of longer stay needs to more peripheral locations.

As stated above the land is allocated (site reference PT04: Kiltaraglen North) in the WestPlan for housing, with an indicative capacity of 125 units. This requires the developer to:

- Provide a minimum 6 metre buffer between watercourses and development.
- Integrate watercourses as recreational and natural features within the development.
- Provide a Flood Risk and Drainage Impact Assessment (there shall be no development in areas shown to be at risk of flooding).
- Retain/enhance green corridors within and around site, including additional tree planting.
- Provide financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road; Safeguard land for potential route between the Portree Link Road and the A855 at the Achachork junction (within site allocation PT06).
- Set-back development from the substation and overhead lines or to provide the relocation/diversion of this infrastructure.
- Provide a peat management plan to demonstrate how impacts on peat have been minimised, and a vegetation survey to demonstrate how impacts on wetlands have been avoided. Presence of deep peat and wetlands may limit areas that can be developed.

6.3 **Highland Council Supplementary Guidance**

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Managing Waste in New Developments (Mar 2013)
- Open Space in New Residential Developments (Jan 2013)

- Physical Constraints (Mar 2013)
- Public Art Strategy (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

6.4 **Scottish Government Policy and Other Guidance**

- Scottish Planning Policy (Jun 2014 and as amended Dec 2020)
- National Planning Framework 3 (Jun 2014)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)
- PAN 83 – Master Planning (Sept 2008)

7. **Other Development Guidance**

- 7.1 Skye Raasay Futures 2021 was adopted by the Skye and Raasay Area Committee in August 2021. This set out a total of 7 outcomes including: Strengthening Communities (where everyone has access to good quality affordable housing); Transport Infrastructure (integrated and well maintained network of high quality of sustainable transport options); and Diverse and Green Economy (embraces a range of employment opportunities).

8. **PLANNING APPRAISAL**

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy

- b) design and layout
- c) impact upon amenity
- d) access, roads, parking and wider access.
- e) impact on croft land
- f) natural heritage
- g) built and cultural heritage
- h) water supply and drainage
- i) developer contributions, and
- j) other considerations.

Development plan/other planning policy

- 8.4 Development Plan Policy is set out in the Highland-wide Local Development Plan, 2012 (HwLDP), the West Highland and Islands Local Development Plan, 2019 (WestPlan), and statutorily adopted supplementary guidance.
- 8.5 The whole application site is located within the Portree Settlement Development Area (SDA) as defined within the WestPlan. Policy 34 identifies that SDAs are the preferred locations for most types of developments including housing. The policy further states that the Council will support proposals within SDAs if they meet the requirements of Policy 28 – Sustainable Design and all other relevant policies of the Development Plan. Proposals will also be judged in terms of their compatibility with surrounding land uses and impacts on any natural, built and cultural heritage features.
- 8.6 Policy 28 requires sensitive siting and high-quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 repeats this emphasis on good design in terms of compatibility with the local landscape setting and settlement pattern. In this regard the proposal is considered to have responded positively to the concerns raised during the pre-application process in relation to density, design and layout.
- 8.7 The site appears to be classed as croft land. Policy 47 of the HwLDP states that all proposals should where possible avoid:
 - siting on the better part of a croft in terms of its agricultural value; and
 - impeding use of the remaining croft land by virtue of its location.

If proposals do not meet these criteria, then they will only be deemed acceptable where the following apply:

- there exists a proven/recognised wider community interest; and

in terms of other policy considerations, such as accordance with settlement pattern or impact on a natural, built or cultural heritage feature, they can be considered acceptable.

8.8 As stated above the land is allocated (site reference PT04: Kiltaraglen North) in the WestPlan for housing, with an indicative capacity of 125 units. Consequentially, the principle of housing development on this site is supported by the Development Plan. However, as highlighted the application also includes some commercial space, three business units and a neighbourhood scaled shop. The Councils Development Plans Team have confirmed that for the following reasons this departure from the Plan is considered acceptable for the following reasons:

- The units proposed are to be small-scale, providing neighbourhood level functions than servicing the wider town/region.
- Such small-scale commercial units would not present a challenge to the vibrancy or vitality of the town centre or other established business centres (therefore according with Policy 1: Town Centre First of WestPlan).
- A proposal for housing development is currently pending on the undeveloped Retail allocation (site reference PT27), and if supported it would essentially remove one of the areas identified for retail development in the northern part of Portree.

8.9 There are also developer requirements for a minimum 6 metre buffer between watercourses and development, integrate the watercourses as recreational and natural features within the development, provide a Flood Risk and Drainage Impact Assessment, retain/enhance green corridors within and around site, including additional tree planting, provide financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road; Safeguard land for potential route between the Portree Link Road and the A855 at the Achachork junction (within site allocation PT06). There should also be a set-back development from the substation and overhead lines or to provide the relocation/diversion of this infrastructure. Finally, a peat management plan should be submitted to demonstrate how impacts on peat have been minimised, and a vegetation survey to demonstrate how impacts on wetlands have been avoided. Presence of deep peat and wetlands may limit areas that can be developed.

8.10 As detailed above, the WestPlan (2019), also identifies several Placemaking Priorities for Portree, the most applicable are:

- Encourage town centre expansion that respects the architectural, cultural and natural heritage of the conservation area, the Lump, other greenspaces and public vistas notably to the Cuillin mountains.
- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.

- Preserve and extend Portree's green networks particularly its wooded river and burn sides.
- Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for development.

8.11 Skye and Raasay Futures was adopted in August 2021 and is a shared statement of the values, ambition and priorities for partners to work together to improve outcomes for everyone across the area. It also outlines how current and future actions and investments can help to address these priorities. It is intended to act as an investment portfolio for the future of Skye and Raasay and will create a credible and robust case for seeking future funding. The document sets out seven outcomes for people and place. The proposed affordable housing development will contribute toward the following outcomes set out in the document:

- Outcome 2 - Strengthening Communities – A resilient, inclusive and resourceful community network where everyone has access to good quality, affordable housing options, appropriate access to essential services, and where Gaelic and the area's unique culture and identity is celebrated.
- Outcome 4 - An integrated and well maintained network of high-quality sustainable transport options which support social inclusion, a competitive economy and deliver the wider ambitions for the area

The document highlights the need for affordable housing. In addition, the Portree Link Road is a specific case study and is a project that has the potential to both transform the way people move around Portree and unlock much needed housing development coupled with a range of regeneration opportunities across the town.

Design and layout

8.12 The application is for planning permission in principle. In assessing applications of this nature, the Planning Authority need to be satisfied that enough space has been identified for the uses proposed for the site and that the uses are in appropriate locations.

8.13 The Design and Access Statement submitted in support of the application identifies that after taking into account all on site constraints there is three principle areas for development on the site, these are denoted on the plans as

- 'High Land' which is the area within the northern portion of the site and the potential character for new housing within the area will be rural and closely related to the remaining landscape.
- The two 'low land' areas are closer to the existing housing and have the potential to have a higher density and form which is commensurate with the existing housing.

- 8.14 The masterplan sets out that the development intends to work with the existing contours of the site but given the undulating nature of the site there will inevitable be some areas of cut and fill to create development platforms. These areas will form a series of neighbourhood clusters responding to the landscape within the site. The applicant aims to ensure each of these clusters have their own distinct characteristics, while tying together through the wider masterplan. This approach is well considered and, subject to detailed design, can be considered acceptable.
- 8.15 A clear street hierarchy has been put forward by the applicant with a distributor road wrapping around the site creating a loop between the two points of access from the Portree Link Road. Within each of the neighbourhood clusters the applicant has set out that there would be a secondary road network of streets where the majority of housing would be accessed from. In addition the applicant has identified an indicative active travel network within the site to make a accessible, direct and pleasant network of paths for recreation and active travel. The approach to defining a street hierarchy is in line with Designing Streets. The layout and hierarchy is indicative and will require further consideration in future matters specified in conditions application. With that said, it is considered that the approach to accessibility in the masterplan layout is positive.
- 8.16 The layout of business units, houses and flats, while indicative is proposed to be located around neighbourhood squares and focal points. Taking this approach will ensure that the development is legible and will reinforce the proposed approach to neighbourhood clusters. In the northern part of the site, houses are proposed to be no more than two storeys in height with houses on the lower slopes being single storey. In the south-eastern part of the site, development will be more varied both in terms of type of uses (residential, retail and business) and height.
- 8.17 A public art strategy will be required to be delivered through the site. This will generally be via design of the development and bespoke landscaping, however the applicant is also proposing in a memorial cairn near the entrance to the site.
- 8.18 The proposed development would be delivered across seven phases. The applicant has highlighted that there is potential for the development on the western edge of the site, which comprises phase 1, to be accessed via the existing roundabout. It has suggested that the area to the south will require the delivery of the new roundabout which forms part of the Portree Link Road to provide access. However, once that is delivered it is anticipated that the business and retail units are delivered along with the higher density residential development in the lower area of the site. The phasing strategy is welcomed however a detailed phasing plan will be required in advance of commencement of development of the site as a whole. This will also be required to set out phasing for key infrastructure and landscaping across the site.
- 8.19 The indicative masterplan demonstrates an appropriate layout and mix of uses is achievable. It generally addresses good practice in terms of layout and design while addressing the site constraints. Conditions will be required to secure the matters such as material palette, road and street layouts, utilisation of soft landscaping, encouraging use of active travel and appropriately designed open space.

Access, Roads, Parking and Wider Access

- 8.20 Access for the early phases of development will require to be taken from the existing roundabout on Rathad Na H-Airigh, which forms part of the Portree Link Road. A further access via a second roundabout on the Portree Link Road when it is built. The Council will be shortly submitting an application for the detailed layout and design of the Portree Link Road with a view to commencing construction on the Portree Link Road in 2023. The proposed phasing set out in the Design Statement, sets out that Phases 1-4 will be accessed via the existing roundabout and local road network. Thereafter the remaining phases (phases 5-8) will need access via the new roundabout on the Portree Link Road. It is therefore considered appropriate to limit the development on site to phases 1-4 until the Portree Link Road is delivered given the necessity to take access from the Link Road. As the design statement does not form part of the approved plans the final details of phasing will be secured by condition and it will set out that only development accessed via the existing roundabout can be taken forward prior to completion of the Portree Link Road. The remaining elements therefore require the completion of the Portree Link Road prior to occupation. This can be secured by condition.
- 8.21 The Transport Assessment which accompanies the application modelled the impact of the development on the basis of the current road network and the future road network, including the completion of the Portree Link Road. In doing so it considers that 27% of traffic which currently passes through the Portree Town Centre will utilise the Portree Link Road on completion in the weekday AM peak and 42% will utilise the Portree Link Road in the weekday PM peak. For vehicles using the A855 29% of vehicles will use the Portree Link Road in the AM peak and 34% in the PM peak. The Transport Assessments sets out that all of the existing network and the Portree Link Road will be working well within theoretical capacity. Following clarification on a number of technical matters, WSP on behalf of Transport Planning agree with the conclusions of the Transport Assessment.
- 8.22 As set out earlier in the report the applicant has set out a range of paths around the development to facilitate active travel. A comprehensive assessment of the safe routes to Portree Primary School and Portree High School has been undertaken and found to be acceptable subject to the mitigation identified being delivered. With mitigation implemented, application site is considered to be well connected to both via active travel and recreational routes. Details of all paths within and connecting outwith
- 8.23 The proposed development will lead to additional traffic on the local and trunk road network. The applicant identified mitigation of the impact of additional traffic on the road network. This includes:
- Delivery of bus stops and bus routes within the development to ensure all residents are within 400m walking distance of a bus stop;
 - Upgrade of Core Path SL21.06 between Portree Link Road and Storr Road to 3m width;
 - Provision of a signal controlled crossing on the Portree Link Road;
 - Formalising the link between Storr Road and Glamaig Place; and

- Provision of a residential travel pack.

Further, as the development requires access to the Portree Link Road, the developer will be required to pay £4000 per dwelling toward the construction of the Portree Link Road. The developer contribution arising from the impact of the business and retail units remains to be calculated but will be linked to the floor space of the units once known. It is considered that this mitigation is proportionate to the impact on the road network.

- 8.25 Transport Scotland has not raised specific concerns with regard to the trunk road network. It has however set out that the project to simplify the A87(T) / A855 junction by installing a signal controlled junction is progressing and will mitigate impacts of the development. Further it has sought a Travel Framework to help address modal shift to be secured by condition.
- 8.26 Any future application will be required to provide details of car and cycle parking in accordance with the Roads and Transportation Guidelines for New Developments. This will be secured by condition.
- 8.27 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition.

Impact on Croft Land

- 8.28 Part of the site is croft land, as detailed previously policy 47 seeks to avoid the loss of inbye and apportioned land. Whilst there is conflict with this initial section of the policy, it is considered that overall, the land will facilitate substantial wider benefits to the community, in the form of much needed market and affordable housing, a new school and community sports pitch and contribute towards the provision of the Portree Link Road. Further the development of the site has been identified through the Development Plan process and subject to public consultation and scrutiny. Through that process the loss of croft land has been accepted. Overall, these benefits are considered to comply with the 'wider community interest' provision contained within policy 47 and is deemed acceptable. However, it must be noted that the granting of planning permission does not automatically mean that a de-crofting direction will be forthcoming from the Crofting Commission. This is a separate process to the planning application and will be subject to a separate de-crofting criterion set by the Crofting Commission.

Natural Heritage

- 8.29 There are no statutory natural heritage designations within the site boundary. The application has been supported by a protected species survey. Otter and pine marten have been identified within proximity of the site but no nesting grounds have been identified. With the exception of otter, it is considered that the site offers generally poor habitat for mammals. There is however suitable habitat for

reptiles on the site. The construction of the development will have an impact on habitats for reptiles, however mitigation is proposed in the form of a habitat management and restoration plan to ensure suitable habitat is maintained in the long term.

- 8.30 An arboricultural impact assessment, arboricultural method statement, tree survey and tree protection plan has been submitted with the application. This has surveyed all 16 of the trees on site and has identified that 2 trees require to be removed to accommodate the development. This includes a mature hawthorn tree, considered to be a 'C' class tree, and an early mature lime tree which is considered to be a 'B' class tree. All other trees will be retained and protected via tree protection fencing through the construction period. The applicant's Landscape Masterplan identifies significant landscaping across the site which will compensate for the losses of the two trees. The final details of the landscaping and tree protection can be secured by condition.
- 8.31 There are several burns and drains which traverse the site, most of them discharging into the Leasgarry which borders the site on its north-west boundary. There are areas of peat including blanket bog (surface water fed), areas of deep peat and ground water dependent eco-systems on the site. The indicative masterplan has sought to minimise the disturbance of peat. A national vegetation survey has been undertaken which has identified that much of the site is dominated by wet heath and poor-mires, which are Ground Water Dependant Terrestrial Ecosystems (GWDTEs). There are also some areas of blanket mire in the depressions in the site where drainage is limited. Other areas of grassland and rush pasture are also found in the site. The survey notes that the richer habitats on the site are at the edge where no development is to take place and that the vegetation on the site has been heavily influenced by grazing. The proposed habitat management and restoration plan will facilitate improvement of the habitats on site in due course.
- 8.32 The peat survey which accompanies the application has identified that peat depths vary across the site from 0m-2.18m, with the majority of the site being covered by peat depths of no more than 0.5m. The deeper areas of peat are in the depressions on the site and concentrated in the south east corner of the site where depths. This depth of peat is common across development sites across Skye and the masterplan has identified parcels of development away from the deepest areas of peat. Peat can be appropriately managed through the construction period to minimise risk to the peat. A peat management plan can be secured by condition.

Built and Cultural Heritage

- 8.33 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The development site is located approximately 700m south-west of an archaeological site that is recognised as being of national importance and is designated as a scheduled monument - Dun Gerashader, fort. Historic Environment Scotland have no objection and do not consider that in principle the development will challenge the legibility of the monuments position as being a prominent feature within its landscape and therefore the proposed development is unlikely to have a significant adverse impact on the setting of the monument such that it would raise issues of national significance.

- 8.34 In relation to potential direct impact the Councils Historic Environment Team (HET) welcomes that a desk-based and walkover survey report has been submitted to support this application do not object to the application. The results indicate upstanding remains are present on the site and there is also the potential for further buried remains to survive. As such HET recommend that further evaluation is required here to record in detail the upstanding remains, including their evaluation and possible excavation; and to inform the presence of buried remains and a strategy to mitigate any impacts on them and that this should be secured by a planning condition.

Impact on the Water Environment (including flood risk and drainage)

- 8.35 The applicant's intention is to connect to both the public water supply and foul drainage systems. This is considered to be in compliance with the requirements of policy 65 of the HwLDP which states that the Councils preference is that connection is made to the public sewer. Scottish Water have no objection to the scheme but requests that the developer submits a Pre-Development Enquiry to confirm capacity in relation to the public water supply network.
- 8.36 Areas of the site, adjacent to the watercourses, are at risk of fluvial flooding in a 1 in 200 year plus climate change flood event. Having considered the findings of the Flood Risk Assessment, both SEPA and the Council's Flood Risk Management Team are satisfied with the findings of the report and accept their findings. In doing so they recommend that the finished floor levels should be no less than 51m above ordnance datum, that there should be no land raising within the functional flood plain, no built development or land raising be brought forward in areas of functional floodplain, and detailed designs of watercourse crossings. These matters can be secured by condition.
- 8.37 Surface water drainage on the site will comprise both treatment of surface water and attenuation of surface water. The surface water drainage system will discharge to the watercourses on the site at greenfield run off rates via a network of detention basins within the landscaped area at the western edge of the site. The applicant has committed to designing the drainage system in accordance with Sewers for Scotland Fourth Edition. The final details of the surface water drainage system will require to be secured by condition, as per the requirements of Transport Planning and Flood Risk Management teams.

Impact upon Amenity

- 8.38 There is existing on-site infrastructure in the form of a SSE substation building and high voltage lines which converge at the substation. The substation was identified as a source of low level noise and a Noise Assessment was submitted with the application. Following the submission of additional information, the Councils Environmental Health Team have no objection subject to a planning condition securing an acoustic barrier which must be installed prior to the occupation of any residential unit.
- 8.39 Due to the location of the development, the topography of the site and intervening landscaping the properties in the development will not lead to amenity impacts in terms of privacy or daylight to existing properties. This will however be considered further as part of any future matters specified in conditions application.

- 8.40 Depending on the heating systems of the housing and any plant or machinery required for the retail and business uses proposed, noise impact assessments may be required. These can be secured by condition. In addition the uses of the business and retail units will require to be controlled to ensure that any adverse effects on amenity can be adequately managed.

Construction Impacts

- 8.41 In order to manage the construction process, a Construction Traffic Management Plan can be secured via a planning condition, this will aim to minimise the impacts from the construction works associated with the development. In addition, a planning condition is also recommended to control the location of the construction site compounds to minimise impacts upon neighbouring properties.
- 8.42 A construction traffic management plan will be required. This will be required to detail construction traffic routes, construction site operation times and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up and drop off times at Portree Primary School and Portree High School.

Impacts on Infrastructure

- 8.43 Policy 31 Developer Contributions sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure.
- 8.44 The development is located within the Portree Primary School and Portree High School Catchment Areas.
- 8.45 The proposed development, based on a worst case scenario of all the properties being houses, will generate 74.4 primary school pupils and 32.24 secondary school pupils. These figures have been derived from the published Pupil Product Ratios in the Developer Contributions Supplementary Guidance. The impact on the school estate has been considered in the context of the recently published 2022 School Roll Forecasts.
- 8.46 The School Roll Forecasts demonstrate that there is sufficient capacity within both primary and secondary education facilities to accommodate the proposed development. As this is the case no developer contributions are required to enhancements in education infrastructure to mitigate the impacts of the development.
- 8.47 The Development Plans Team have confirmed that the housing elements of the application detailed under this masterplan, will require to contribute towards enhanced community facilities within the area within the Portree High catchment area. This could include expansion of the Fingal Centre to provide a new fitness suite, creation of a new community hub in Broadford Primary School or to another community facility which may be identified through the Skye and Raasay Futures document. The contribution will be £1,019 per residential This is based on quarter 2 2018 prices and require to be index linked to current prices.

- 8.48 As per the summary table above, the Development Plans Team have confirmed that the housing detailed under this masterplan, will require a contribution towards Community Facilities. This equates to £1,019 per unit, so £252,712 in total. These prices are based on quarter 2 2018 prices and require to be index linked to current prices at the time of payment.
- 8.49 As set out earlier in this report, the development will be required to contribute toward the completion of the Portree Link Road which is being forward funded by the Council via an infrastructure loan fund and the capital programme. Each residential unit will be required to contribute £4,000 based on quarter 2 2022 prices. Retail and business uses will also be required to make a proportionate contribution based on floor area.
- 8.50 Policy 32 (Affordable Housing) of the HwLDP requires a contribution of 25% affordable housing for all developments of four or more houses. The applicant is Lochalsh and Skye Housing Association which are an affordable housing provider. The breakdown of affordable housing provision across the site will require to be secured.

Other material considerations

- 8.51 The Councils Contaminated Land Team do not object to the application and are content with the finding of the Geo-environmental Risk Assessment Report. However, it requests that a remediation and validation report is secured by a planning condition.

Non-material considerations

- 8.52 A representation set out that the application covered an area within their landownership and they had not been notified by the applicant. The red-line boundary was subsequently amended to remove the area of disputed land ownership.

Matters to be secured by Section 75 Agreement

- 8.53 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Contributions to the delivery of enhanced community facilities within the Portree High School Catchment Area (£1,019 per dwelling);
 - b) Contributions to the provision of the Portree Link Road (£4,000 per dwelling and £40 per m² of retail or business floor space);
 - c) Minimum of 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.
- 8.54 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 for the following reason:

The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 (Developer Contributions and Policy 32 (Affordable Housing of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the West Highland and Islands Local Development Plan.

9. Conclusion

- 9.1 While the site is not allocated for the mix of uses proposed or the scale of development proposed, there are significant benefits to Portree and the wider area as a result of this proposal, including the opportunity deliver a significant number of affordable homes to meet current need and demand, facilitation of the delivery of the Portree Link Road and provision of retail and business space. The applicant has brought forward a masterplan which accords with good practice and will help to deliver outcomes of the recently adopted Skye and Raasay Futures document. While significantly in excess of the indicative number of units outlined in the development plan, the increase in numbers is acceptable given the quality of design and layout that demonstrates efficient use of land. These benefits must be balanced against the challenges in delivering a scheme of this scale.
- 9.2 The key challenges for the proposal have been those related to traffic and transport impacts. Subject to the mitigation proposed being delivered for both vehicular movements and for active travel users, and detailed designs being considered through future matters specified in conditions applications, it is considered the development can be accommodated. Further the applicant has agreed to mitigation to manage and off-set the impacts arising from the development.
- 9.3 Subject to a suite of conditions to manage the design and layout of the development, the indicative masterplan is acceptable and will facilitate the delivery of a high quality development which would not have a significantly detrimental impact on our communities.
- 9.4 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): Provision of affordable housing within the scheme.

10.4 Climate Change/Carbon Clever: the development will enhance active travel opportunities for existing and future residents and provide electric vehicle charging facilities.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers - N

Conclusion of Section 75 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. Planning Permission in Principle is hereby granted for a mixed use development comprising no more than 248 residential units and no more than 800 square metres of commercial uses upon 32.08 hectares to be developed in accordance with the indicative Master Plan hereby approved in seven sequential phases.

For the avoidance of doubt commercial uses for the purposes of this application include Class 1 Retail, Class 2 Financial, Professional and Other Services, and Class 4 Business only.

No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units and level of commercial floorspace within each phase or subphase 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 ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority

in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-

- a. submission of an 'Area Development Brief' for each Principal Phase of the development has been submitted to and approved by the planning authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for that particular phase. Each Area Development Brief shall be produced using the principles set out in the Kiltaraglen Master Plan and shall include the following:
 - i. Conformity with principles and vision of the Kiltaraglen Masterplan;
 - ii. Place-making and public realm;
 - iii. Transportation, access, active travel and connectivity;
 - iv. Drainage, sustainable drainage and the water environment;
 - v. Landscaping and open space;
 - vi. Public art strategy;
 - vii. Character and design including material palette;
 - viii. Phasing, implementation and integration

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

- b. the siting, design and external appearance of all buildings and other structures which shall be no more than 3 storeys in height;
- c. details of sustainable design considerations inclusive of energy strategy;
- d. the means of access to the site including connections to the Portree Link Road for all modes of transport;
- e. the layout of the site, in accordance with Designing streets principles;
- f. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design with projected traffic figures supported by traffic modelling;
 - iv. junction and forward visibility requirements;
 - v. junction spacing both within the development and on the distributor road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of waste management routes inclusive of waste management vehicle tracking;

- ix. details of provision for cyclists and pedestrians (including linkages to the Portree Link Road) with junctions and crossing designed to facilitate active travel;
 - x. provision for disabled users following consultation with the Skye Access Panel;
 - xi. details of safer routes to school;
 - xii. details of the location and type of service strips within the intended adoptable road boundary.
- g. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
 - h. the provision of covered cycle parking including resident cycle parking in houses and communal secure covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
 - i. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
 - j. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
 - k. the details of, and timetable for, the hard and soft landscaping of the site;
 - l. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
 - m. the provision for service vehicles following occupation of the development;
 - n. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
 - o. details of the water and waste water connections, with connection to the public water and waste water networks;
 - p. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);
 - q. details of existing trees, shrubs and hedgerows to be retained;
 - r. details of existing and proposed site levels with fall arrows supported by a cut and fill calculation and plan;

- s. details of finished floor levels;
- t. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward; and
- u. detailed designs of all watercourse crossings in the site.

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

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

- a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to;
 - i. Pedestrian access to any and all core paths;
 - ii. Construction details of all paths, inclusive of material finishes and drainage details;
- d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e. Links to the Highland Council's core paths and green frameworks

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.

4. No development shall commence on either Phase 5 of Phase 7, or any sub-phase thereof, until, a scheme to deal with potential contamination within the phase will be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
 - i. the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of

this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;

- ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii. measures to deal with contamination during construction works; in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- iv. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

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

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

5. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:

- a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- b) Processes to control / action changes from the agreed Schedule of Mitigation
- c) The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Habitat and Species Protection Plan (inclusive of specific plans for nesting birds, otters and reptiles)
 - (ii) Pollution prevention plan
 - (iii) Dust management plan
 - (iv) 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
 - (v) Site waste management plan;
 - (vi) Measures to protect private water supplies; including an emergency response plan;

- (vii) Breeding Bird Survey and Protection Plan (if works are to take place during the bird breeding season (March – August inclusive))
- d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
- e) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- f) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document.

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

6. 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 both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

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

7. Any details pursuant to Condition 2 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 should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

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

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

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

Reason: In the interests of amenity.

10. Any details pursuant to condition 2 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.

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

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

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

12. No development shall commence each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during school pick up or drop off times for Portree Primary School and Portree High School. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete. Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

Reason: In the interests of amenity and road safety.

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

Reason: To ensure adequate provision of car parking

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

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

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

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

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

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

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

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

18. Any details pursuant to Condition 2 above shall be informed by:
- a. Arboricultural Assessment;
 - b. Tree Constraint and Protection Plan

- c. Arboricultural Method Statement;
- d. Tree and Woodland Management Plan for retained trees Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

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

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

19. Any details pursuant to Condition 2 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or sub-phase. Details of the scheme shall include:

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

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

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, die, 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.

20. Any details pursuant to Condition 2 shall include a 6m buffer from the top of the bank of any watercourse where no development can take place.

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

21. Any details pursuant to condition 2 shall include:
- a. a scheme for provision of a connected and permeable active travel network within the site; Thereafter, the scheme shall be implemented in full prior to the occupation of any residential unit in the phase or subphase it relates;
 - b. a scheme for the location, design and installation of a signal controlled crossing of the Portree Link Road to facilitate active travel. Thereafter, the scheme shall be implemented prior to occupation of any development on site or prior to completion of the Portree Link Road which ever is the earlier;
 - c. a scheme for the location, design and installation of bus stops within the site. Thereafter, the scheme shall be implemented no later than the occupation of the first property within each phase of development to which it relates;
 - d. a scheme for the design and implementation of enhancements to Core Path SL21.06 between Portree Link Road and Storr Road to a minimum width of 3m. The agreed scheme shall be implemented prior to occupation of any residential unit within the development;
 - e. a scheme for the design and implementation of enhancements to the path link between Storr Road and Glamaig Place inclusive of all surfacing details. The agreed scheme shall be implemented prior to occupation of any residential unit within the development. in line with the approved scheme.

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

22. 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.

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.

23. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:

- a. identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
- b. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
- c. a timescale for implementation for infrastructure within each phase or sub phase; and
- d. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

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

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

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

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

25. Any details pursuant to Condition 2 shall include a scheme for the inclusion of public art within the development. The scheme shall include:
- a. Detailed design of public Art provision including but not limited to provision of interpretation panels related to the history of the area,;
 - b. locations of any and all public art provision;
 - c. the management and maintenance of any and all public art provision; and
 - d. 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.

26. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and the Portree and Braes Community Council unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed

of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the construction programme, timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

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

27. Any details pursuant to condition 2 shall include details of the design and implementation of an acoustic barrier in line with the recommendations of the document titled Kiltaraglen, Portree Noise Impact Assessment, dated December 2021., or suitable alternative to be agreed in writing by the planning authority subject to provision of a further Noise Impact Assessment. The acoustic barrier will thereafter be implemented to the satisfaction of the planning authority prior to occupation of any residential unit within the development.

Reason: In the interests of amenity.

28. Any details pursuant to condition 2 shall show all properties within the development with a finished floor level of no less than 0.6m above the freeboard of a 1 in 200 year flood risk event plus an allowance for climate change. In the north western area of the site in proximity of the drainage ditch the in areas at risk of flood risk the finished floor levels shall not be below 51m above ordnance datum.

Reason: In the interests of avoidance of flood risk.

29. Any details pursuant to condition 2 shall show no built development or land raising in areas identified as being at risk of flooding in a 1 in 200 year plus climate change flood event.

Reason: In the interests of avoidance of flood risk

30. Any details pursuant to condition 2 shall include detailed designs of any and all new watercourse crossings designed to accommodate a 1 in 200 year plus climate change flood event. For the avoidance of doubt the watercourse crossings shall be bottomless arched culverts or traditional style bridges.

Reason: to ensure the detailed design is considered in the interests of avoidance of flood risk.

31. Prior to the commencement of the development (including any engineering works) of any phase or sub-phase of the development, a Peat Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the SEPA. The Peat Management Plan shall include:

- a. the volume of peat disturbed by the development (re-estimated following further ground investigations);
- b. a plan identifying where and how any disturbed peat can be reused;

- c. details of any and all proposals for the beneficial use of site elsewhere;
- d. a commitment to no all peat being reused and no temporary storage of peat for use in future phases.

Thereafter, the approved peat management plan shall be implemented at commencement of construction.

Reason: To ensure the re-engineering of the site limits impact on the peat resource

32. No development shall commence until a Habitat Management Plan, based on the principles of the Habitat Management and Restoration Plan, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved plan shall be implemented at the start of construction.

Reason: To ensure that habitats are managed to enhance the environmental value of the site.

33. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within 6 metres of the top of the bank of any watercourse without planning permission being granted on application to the Planning Authority.

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

34. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development have been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

35. Any details pursuant to Condition 2 shall be informed and supported by a watercourse improvement and management plan focuses on the water features in the southern portion of the site inclusive of riparian corridors and wet woodland.

Thereafter the approved plan shall be implemented prior to completion of any development within phase 1.

Reason: In the interests of protection and enhancement of the water environment.

36. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. In particular this Travel Plan shall identify measures to be implemented, the system of management monitoring, review, reportion and the duration of the plan. This shall include measures for extending and / or increasing the frequency of the existing local bus services and associated financial contribution. Thereafter the Travel Plan shall be implemented following occupation of the first residential unit within the development.

Reason: To be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport.

37. No phase of development shall be occupied until all roads and pavements within the application site as they relate to each particular phase or sub-phase are formed to base course level. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential home within the phase or sub-phase to which the road related, or upon the expiry of a period of three years from the date of first occupation within that phase, whichever is the sooner.

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

38. No development shall be occupied other than that accessed via the existing roundabout on Rathad Na H-Airigh, until the Portree Link Road has been laid out and constructed substantially in accordance with the indicative layout, produced by SYSTRA, or such other drawings as may subsequently be approved in writing by the planning authority.

Reason: In the interests of road safety and the effective management of the transport network.

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

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

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 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:

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

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (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. If development has not commenced within this period, then this planning permission in principle shall lapse.

INFORMATIVES

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_working_on_public_roads/2

Mud and Debris on Road

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

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

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

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

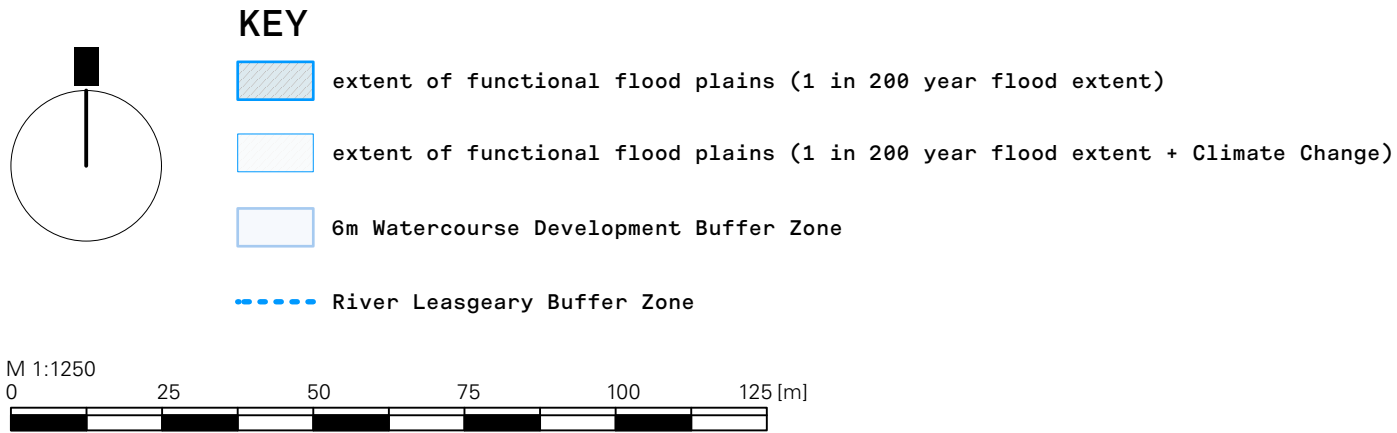
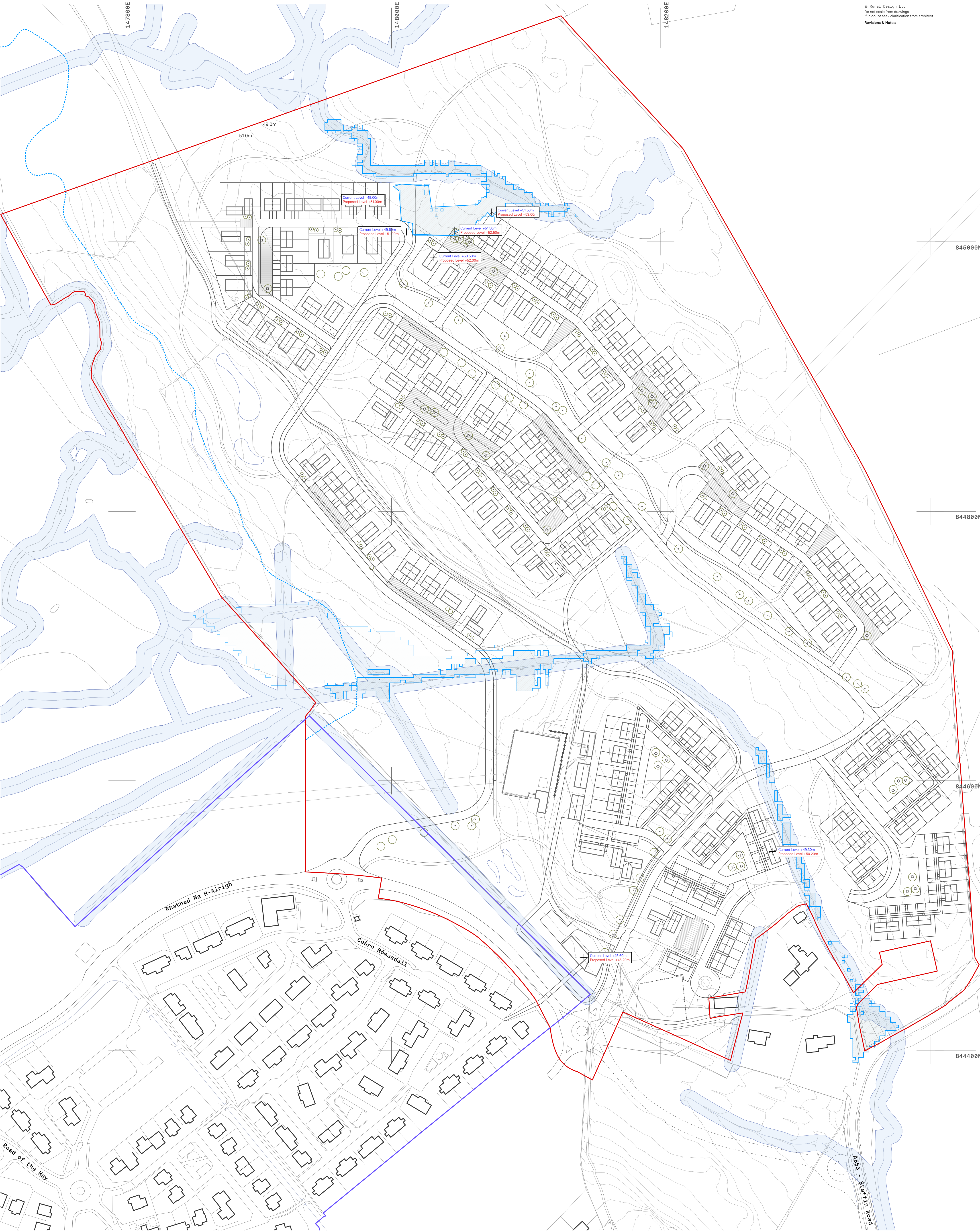
Protected Species – Halting of Work

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>

Designation:	Area Planning Manager - North
Author:	Alison Harvey/ Simon Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan (413 PL 001 REV A) Plan 2 – Site Layout Plan (413_PL_003 REV B)

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked	Base Date	Payment Trigger	Accounting Dates	Clawback Period
Community Facilities	Provision of enhanced community facilities in the Portree High School catchment area	£1,019	£1,019	£252,712	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Affordable Housing									
On-site provision	Minimum 25% delivered on site to a scheme to be agreed (inclusive of penalty clause)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agreement for Delivery Needed	Yes	N/A	N/A	N/A	N/A	N/A	Prior to commencement of development	N/A	N/A
Transport									
Road Infrastructure (Residential)	Contribution toward the delivery of the Portree Link Road	£4,000	£4,000	£992,000	BCIS	Q2 2022	TOC/CC	Apr/Oct	15 or 20
Road Infrastructure (Commercial)	Contribution toward the delivery of the Portree Link Road	£40 per sq m of floor space		£32,000	BCIS		TOC/CC	Apr/Oct	15 or 20



Note:
All proposed FFL to be above 51.0m level
See HCA road layouts and sections for
proposed road levels

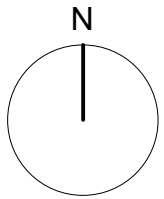
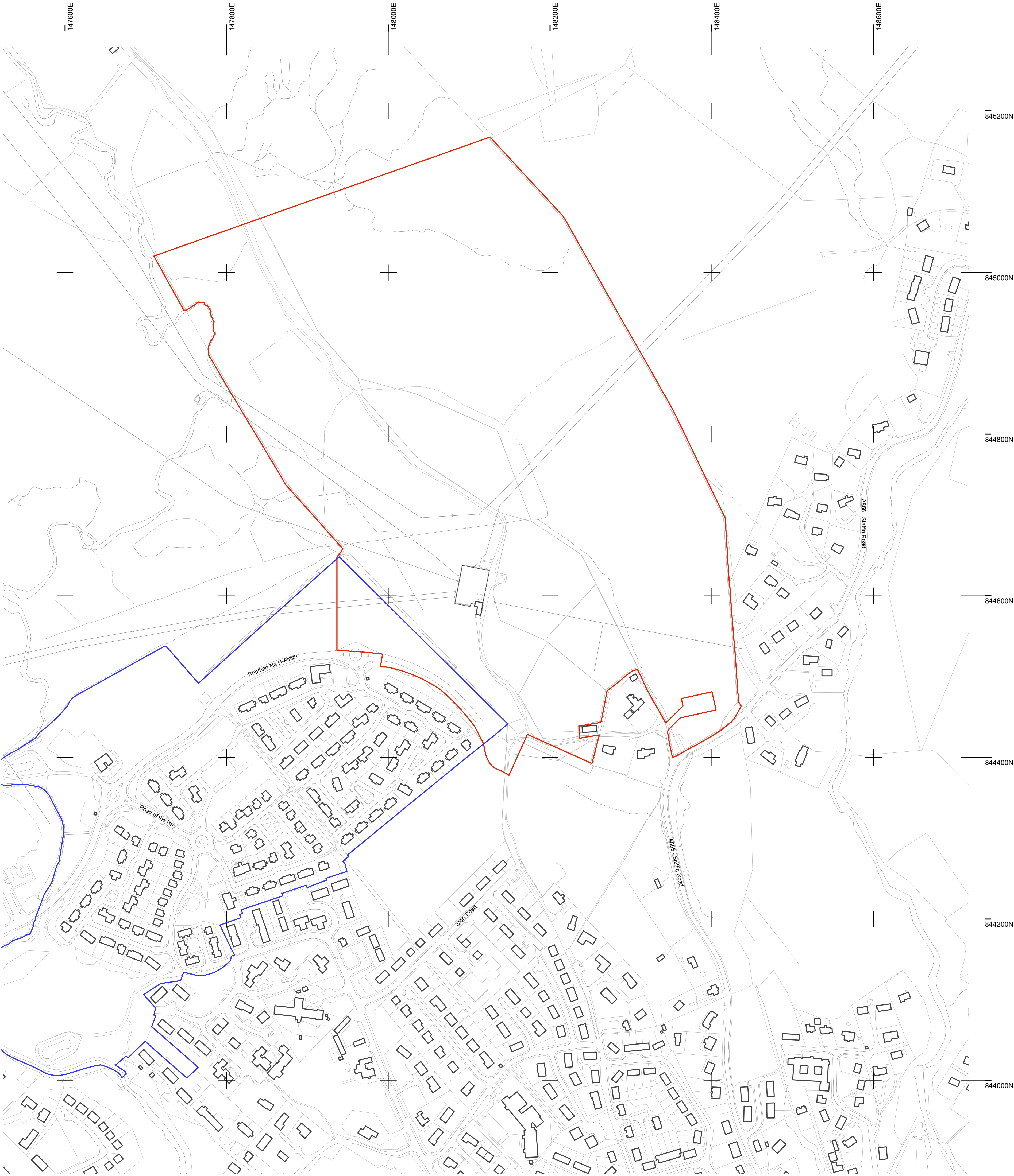
RURAL DESIGN

Mill Studio
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Project: PT04 / Kiltaraglen Housing Development
Client: LSHA

Drawing: Flood Risk Overlay
Scale: 1:1250@A1
Status: PIP
Drawn: AT
Date: 23/02/22
Checked:
REV: A

Drawing No: 413_PL_005



Proposed Planning Application Boundary
Extent of LSHA (applicant) Ownership



RURAL DESIGN

Mill Studio
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Project: PT04 / Kiltarglen Housing Development

Client: LSHA

Drawing: Location Plan

Scale: 1:2500@A1	Drawn: TM	Checked: AT
Status: PIP	Date: 20/12/2021	REV: A

Drawing No: 413_PL_001

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Do not scale from drawings.
If in doubt seek clarification from architect.
Revisions & Notes:
A 20/12/2021 TM
For PIP
B 02/02/2022 TM
Updated masterplan for PIP.
1) Local shop moved north to be outside of waterways 6m exclusion zone.
2) Path below local shop centred between waterways including a more perpendicular crossing.
3) Beginning of existing track retained leading to existing decrofted land enclosed by post and wire fence.
4) Cottage bungalows removed to avoid existing decrofted land, with four cottage flats included in their place.
5) Indicative position shown on substation Acoustic Attenuation Wall.
6) Single large dwelling removed to north of site to avoid potential flood risk zone.



KEY

- 3.5m high Acoustic Attenuation Screen
- 01 Sub-Station
- 02 Shop
- 03 Commercial Unit
- 04 Play Park & Monument
- 05 Park
- 06 Crossing
- A Care Village
- B Suburban Housing
- C Rural Housing
- D Existing decrofted land
- Main Distribution Road
- Neighbourhood Streets
- Pavement / Parking / Footpaths
- Neighbourhood Squares
- Informal Footpaths
- Planting
- Gardens
- SuDS basins
- Proposed Swale & Rain Gardens
- Peatland
- New Mixed Woodland
- Existing Watercourses

RURAL DESIGN

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Project: PT04 / Kiltaraglen Housing Development

Client: LSHA

Drawing: Proposed Masterplan

Scale: 1:1250@A1

Drawn: TM

Checked: AT

Status: PIP

Date: 20/12/2021

REV: B

Drawing No: 413_PL_003