

Agenda Item	8.13
Report No	PLN/073/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 26th November 2025
Report Title: 22/04104/PIP: Springfield Properties PLC
Land 320M SW Of Tore Roundabout, Tore, Muir of Ord
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Phased construction and operation of a business park with low carbon vehicle hub and Park and Ride facility comprising ancillary Class 1A retail, Class 3 food and drink, Class 4 business (excluding office space development), Class 5 General Industrial (excluding heavy industry), Class 6 Storage and Distribution, and Class 7 Hotel, landscaping and biodiversity enhancement, access, roads, SUDS, and associated infrastructure

Ward: 08 - Dingwall and Seaforth

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 10 of the report.

1. PROPOSED DEVELOPMENT

1.1 The applicant seeks planning permission in principle for the proposed change of use of agricultural land for the phased construction of a business park with a low carbon vehicle hub, EV charging and park and ride facility. A single Class 1A retail and a Class 3 food and drink unit is proposed. A Class 7 Hotel is also proposed; this would be a “stop and go” motel type establishment targeted at travellers along the A9(T) looking for a ‘single night stay’. In addition, the applicant proposes Class 4 business (excluding office space development), Class 5 General Industrial (excluding heavy industry), Class 6 Storage and Distribution uses. These land uses are aimed at addressing the short supply of effective business and industrial land in the Inner Moray Firth Local Development Plan (IMFLDP2) area. The proposal also includes landscaping and biodiversity enhancement, vehicular, internal roads, a phased foul drainage system and a sustainable urban drainage system (SuDS) and other associated infrastructure.

1.2 The supporting Design and Access Statement identified a wide range of possible land uses for the site (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended). However, as set out later in this report, the scope and mix of uses have been substantially reduced and refined.

The mix of uses is now delineated and defined as up to

- Class 1a: Retail – up to 325m².
- Class 3: Food and Drink – up to 300 m².
- Class 4 (Business, excluding 4a), 5 (General Industry) and 6 (Storage and Distribution) – up to 14,864m².
- Class 7 Hotels with up to 61 bedrooms; and
- Sui Generis: Low Carbon Hub and Park and Ride (up to 100 spaces) and will include EV charging.

1.3 The build out of the development will be phased to ensure compliance with policy and to ensure the development matches the available infrastructure capacity, in particular with regard to foul drainage. Consequently, the mix of uses and subsequent floor areas, where required, will be tightly controlled through condition with Phase 1 being supported for the following only:

- Class 1A for one 325m² unit;
- Class 4 (excluding 4a), 5 (excluding heavy industry) and Class 6 for a total combined of 5,000m² of gross external floorspace;
- The EV Charging Hub will not be restricted by area;
- The Park and Ride / Mobility Hub Facility, will not be restricted by area.
- SUDS

- New internal roads and separate access and egress junctions with the A832
- An active travel route through the site; and,
- Landscaping works with Biodiversity Enhancements.

- 1.4 To account for the increase in the number of people likely to be using the site, a small package treatment plant to accommodate foul drainage for up to 100 people will be required for Phase 1 of the development. This treatment plant will also accommodate existing properties to the north of the A85 and the 14 houses approved under 20/00563/FUL included as allocation TR01 in the Inner Moray Firth Local Development Plan 2. Treated water will then discharge to the Red Castle Burn as per the current arrangement. In order to accommodate future phases of development and an expansion of the site, the applicant will be required to forward foul drainage infrastructure designed for a minimum 400 people.
- 1.5 As an application for planning permission in principle, details of the final layout and design of the units will be assessed through future applications for Matters Specified in Conditions (MSC).
- 1.6 The applicant did not use the Council's Pre-application Advice Service for Major Developments however it did submit a Proposal of Application Notification (PAN) (ref. 21/04199/PAN) as required. In line with the Covid-19 public health advice and temporary modifications made to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 extant at the time, the applicant held two online public consultation events. Members of the community were also invited to submit their comments to the applicant either through the online question and answer sessions, or by email or completing the questionnaire provided on the proposal's dedicated webpage.
- 1.7 It should be noted that the PAN as submitted proposed a relatively large expansion of the village of Tore and included residential homes, community facilities, and a primary school. However, although the proposal currently under consideration is somewhat changed, it is accepted that the PAN encompassed the site and the land uses set out in this application. The applicant's public consultation was therefore valid at the time of the submission and considered sufficient to proceed with the application's determination.
- 1.8 The Pre-Application Consultation (PAC) report submitted with the application sets out how the applicant has sought to address the following concerns, which were raised directly by the public to the applicant regarding:
- support infrastructure issues particularly the existing road network capacity, access and drainage arrangements including flood risk;
 - loss of wildlife habitat/woodland;
 - the need to retain public access to existing footpaths and local connection;

- the need to avoid adverse impacts on the residential amenity of existing adjoining properties;
- the design of the development; and,
- the principle of the development including the proposed mix of land uses and housing.

1.9 The application is supported by a Noise Assessment; Archaeological Evaluation Written Scheme of Investigation; Design and Access Statement; Flood Risk Assessment – Stage 1; Drainage Assessment; Pre-application Public Consultation (PAC) Report; Transport Assessment; Preliminary Ecological Appraisal and a Habitat and Protected Species Survey Report; Bat Species Protection Plan – Method Statement, Amphibian and Reptile Species Protection Plan; Biodiversity Strategy; Biodiversity Enhancement Proposals; Phasing Plan and an Economic and Commercial Impact Assessment.

1.10 Since the application was submitted, the description of the development has been changed to reflect the more restricted mix of land uses. Revised/ additional information has also been submitted during the course of the application that relate to planning policy requirements, phasing, surface water and foul drainage, biodiversity enhancement and roads and transport. Members are asked to note that discussions with the applicant regarding the scope and extent of the proposal for the site have been ongoing and that agreeing on the mix of land uses that can be supported, and then receiving the corresponding supporting information to reflect this, has taken some time.

2. SITE DESCRIPTION

2.1 The application site is located at Tore, which is a settlement located approximately 9.25km to the northwest of Inverness. The site forms approximately 17.15ha of agricultural grazing bounded by the A835(T) to the north and the A832 to the south. Tore Roundabout is located to the east of the boundary and provides direct access onto the A9(T). To the west of the site is Linnie Wood and there are a number of roadside trees within and immediately adjacent to the site, particularly along the A835 to the north. There are existing field accesses from the A835 (opposite the junction leading to Muckernich Croft Road and Torewood Way) and from the A832. With the exception of two residential properties at the southern extremity of the site, housing is restricted to the opposite sides of the A835 and A832 and beyond Tore Roundabout. National cycle route 1 runs on the opposite side of the A835 to the site, which is located to the north.

2.2 The topography of the site is generally gently sloping from south to north. There is an established water course which flows into the site from the north and leaves the site towards its southern-most point before continuing onto the Redcastle Burn and eventually into the Beaully Firth. There is also a watercourse running along the eastern boundary of the site, which again exits in the southern portion of the site.

There are Scottish Water assets near the site (see Appendix C Drainage Assessment, Oct 2025). This is in the form of a 150mm combined water sewer to the north of the site and north of the A835. The applicants Drainage Assessment indicates that this is treated at the local sewage works plant and then discharges to the ditch which runs along the eastern/southern boundary. There is also a 150mm surface water sewer to the north of the site, which the applicant indicates discharges to the existing watercourse on the site. That being said, known flood risks to the site are from surface water rather than watercourse sources and are of very limited extent.

Environmental Designations and Habitats

2.3 There are no national or international statutory nature designations within 1km. However, there are eight designated sites within 5km.

- Monadh Mor Special Area of Conservation SAC is located 1km to the north-west; designated for transition mires and quaking bogs; and bog woodland.
- Monadh Mor Site of Special Scientific Interest SSSI is located 1km to the north-west; designated for its native Caledonian pinewood.
- Munloch Valley Geological Conservation Review Site GCR is located 3km to the east.
- Moray Firth SAC is located 3.7km to the south; designated for bottlenose dolphin; and sub-tidal sandbanks.
- Moray Firth Special Protection Area SPA is located 3.7km to the south. The SPA supports a non-breeding population - Great northern diver; red-throated diver; Slavonian grebe and the following migratory species: Greater scaup; Common eider; Long-tailed duck; Common scoter; Velvet scoter; Common goldeneye; Red-breasted merganser; European shag.
- Inner Moray Firth SPA is located 3km to the south-west. This SPA supports Osprey; Common tern and the Bar-tailed godwit. It regularly supports populations of migratory species: Greylag goose; Red-breasted merganser; and redshank. Also qualifies by supporting populations of waterfowl, wildfowl and waders of: Scaup; curlew; goosander; goldeneye; teal; wigeon; cormorant; redshank; red-breasted merganser; greylag goose; and bar-tailed godwit; and Oystercatcher.
- Inner Moray Firth Ramsar Site is located 3km to the south-west. The Ramsar site qualifies for its variety of wetland types including intertidal mudflats and sandflats. It supports breeding Osprey and Common tern. As well as waterbirds, wildfowl and waders.
- Beaully Firth SSSI is located 3km to the south-west. This is designated for Saltmarsh; Vascular plant assemblage; Goosander; Greylag goose; and Red-breasted merganser.

2.4 There are no protected trees or ancient woodland on the site, there is long-established woodland of plantation origin to the west of the site outwith the site boundary. The site is agricultural grazing land comprised of improved grassland and dense scrub, which is largely gorse.

Landscape Designations and Landscape Character

2.5 The site itself is not covered by any statutory international, national, regional or local landscape-related designation. The closest Special Landscape Area (SLA) are the Sutors of Cromarty, Rosemarkie and Fort George SLA which is at the opposite edge of the Black Isle to the east, and approx. 14.7km from the site. The Ben Wyvis SLA is approx. 17.4km to the north-west of the site. Neither SLA is considered to come under the influence of the proposal. Nor are any National Scenic Areas (NSA), which are even further afield, the closest of which is the Glen Strathfarrar NSA.

2.6 The site itself is located within the NatureScot Landscape Character Type (LCT) 345, 'Farmed and Forested Slopes – Ross and Cromarty. The key characteristics are:

- Complex pattern of farmland, tree cover, forests and woodland on sloped, often terraced land rising from firths or river plains to mid-elevations and often backed by large scale forest plantations where there are adjacent hills.
- Overall impression of a well-treed landscape, but within which farming is the dominant land use.
- Generally higher proportion of trees, woodland and forest plantations in upper slopes, forming a well-connected network within which fields are located.
- Terraces of open land, interspersed with forest plantations and woodlands on mid slopes.
- Gradual change to more open landscapes at lower levels.
- Wide range and distribution of archaeological sites indicating a long history of human settlement.
- Occasional large settlements in a predominantly rural landscape.
- Views from more open, terraced areas across lowlands or firth to hills or out to sea.

Built and Cultural Heritage

2.7 There are no designated heritage assets within the site boundary. The nearest is scheduled monument: SM4676 - remains of an enclosed cremation cemetery at Croftcrunie, which is approximately 1km to the east of the site. Three non-designated assets in the form of post medieval buildings have been identified within the site boundary. These are identified in Fig. 2 of the Written Scheme of Investigation and labelled as assets 9, 12 and 15. Assets 12 (MHG46312) and 15 (MHG46315) are shown as two roofed buildings on the 1st edition OS map but were not seen during the walkover survey. However, asset 9 (MHG46313) was seen during the walkover survey. It comprises the remains of stone footings from a possible rectangular and

circular structure which are recorded near the location of a site, it is depicted as a roofed building and well on the 1st edition OS map.

3. PLANNING HISTORY

- 3.1 19 October 2021 21/04199/PAN: Mixed-Use Development including Residential, Business, Retail, Community facilities (including a new primary school site) and associated infrastructure. PAN PRESENTED TO NPAC

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 14 October 2022/ re-advertised 12 September 2025

Representation deadline: 03 November 2025

Timeous representations: 14 objections

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Non-conformity with the Development Plan.
- Impact of additional traffic on the Tore Roundabout, A9 and A832, including congestion and potential increase in accident rates.
- Safe access provision for pedestrians and cyclists.
- Infrastructure provision including the low capacity of current foul drainage infrastructure, electricity and internet.
- Impacts on agricultural ground.
- Existing flooding including surface water issues on surrounding road network.
- Scale of the proposal.
- Amenity impacts including from noise and light pollution during the construction and operation of the development.
- Ecological impacts.
- Socio-economic impacts.

- 4.3 Non-material considerations raised are summarised as follows:

- The cost of upgrading the foul drainage system on statutory bodies;
- Impacts on livestock.

- 4.4 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 **Killearnan Community Council (Host) objects** to the application. It raises concerns about foul drainage infrastructure, flooding, road safety, capacity of electricity supplies and local medical facilities and effects on wildlife. In relation to the refined scheme of uses, the Community Council remain concerned that the applicant has not addressed road safety issues in respect of the A9(T), A835(T), and the A832 as well as the lack of a mains sewer in the area.
- 5.2 **Contaminated Land** has no objection to the application and confirms that there does not appear to be a potential source of contamination onsite. No further information is required in support of the application.
- 5.3 **Development Plans** does not object to the application. It outlines the applicable Development Plan policies and wider policy and material considerations and considers that the proposal is not in overall conformity, but parts of the scheme are supportable in policy terms. The comments advise that if any permission should restrict the range, type and scale of uses through condition, and confirm that developer contributions are required towards transport, green infrastructure, waste and public art.
- 5.4 **Ecology Team** has withdrawn its initial objection following the submission of additional biodiversity enhancement information. Conditions are required to secure pre-construction surveys, Species Protection Plans, habitat and biodiversity enhancement, a Construction and Environmental Management Plan (CEMP) and an Ecological Clerk of Works.
- 5.5 **Environmental Health** does not object to the principle of the development subject to conditions. It advises that the proposed development has the potential to cause disturbance during the construction (noise and dust) and operational phases to neighbouring sensitive receptors. It requests conditions securing an operational noise assessment, construction noise assessment, dust mitigation scheme, private water supply report and an external lighting assessment.
- 5.6 **Flood Risk Management Team** does not object on flood risk grounds subject to conditions to secure that each Phase and Sub-phase of development is informed by a finalised Flood Risk Assessment. It has withdrawn its objection on site surface water drainage grounds following the submission of further drainage information and clarification that demonstrate that the site can be suitably drained via SUDS subject to a condition for a finalised Drainage Masterplan and Drainage Impact Assessment and a Phase or Sub-phase specific Drainage Impact Assessment.

- 5.7 **Forestry Team** has no objection to the application subject to a condition to secure a 20 metre development set-back of from Linnie Wood and that any subsequent matters specified in conditions applications are supported by an Arboricultural Impact Assessments, Tree Protection Plans, and Arboricultural Method Statements to be implemented under appropriate supervision.
- 5.8 **Historic Environment Team (Archaeology)** has no objection to the application and confirms the scheme of investigation is adequate. It also requests a condition to secure a programme for the survey, evaluation, preservation, and recording of archaeological and historic features.
- 5.9 **Landscape Officer** has no project specific comments to make on the application.
- 5.10 **Transport Planning** has withdrawn its objection to the scheme subject to conditions to secure further details of the proposed changes to the A832 as informed by a further detailed traffic assessment, along with cycle and vehicular parking provision, and waste and recycling servicing. It also confirms that the Council would not consider adopting the street network within the development.
- 5.11 **Historic Environment Scotland** has no objection to the application. It has considered the proposal's impact on the SM4676 Croftcrunie, enclosed cremation cemetery, but has no specific concerns or comments with regard to the current proposal.
- 5.12 **NatureScot** no formal comments as the application as the application is below its threshold for project specific comments and its standing advice should be referred to.
- 5.13 **Scottish Water** has no objection to the application. it confirms sufficient capacity in the Assynt Water Treatment Works to service the development for fresh water supply. Discussions with Scottish Water indicate that there is a feasible technical solution to providing a comprehensive public sewerage at this location. Foul drainage is a key determining factor in the assessment of the application and is discussed in detail in the body of this report.
- 5.14 **SEPA** has no objection to the application, subject to conditions. It confirms that the stage 1 Flood Risk Assessment (FRA) is based on appropriate methods. The indicative site layout appears to have been designed taking into account flood avoidance, with an appropriate buffer from the watercourses. The FRA has highlighted that while the channels can mostly convey the 1 in 200 year flow, there is a reduced capacity in the channels at some of the culverts. Consequentially, it supports the FRA recommendations for a wider buffer at these points, and for upgrades of the culverts and crossings to reduce risk. A more detailed FRA should

be submitted at the detailed design stage to assess this risk and inform the final site design, which should be secured by condition.

- 5.15 **Transport Scotland** has no objection to the scheme and are content with the methodology used in the applicant's assessment. It requests conditions securing details of the uncontrolled pedestrian crossing of the A835(T) and active travel improvements at and around the A9 / A835 Tore Roundabout, this could be in the form of physical works or a financial contribution. In addition, details of the lighting within the site, details of the landscaping and fencing / barrier proposals along the trunk road boundary and a condition precluding drainage from the site entering the trunk road drainage network.

6. DEVELOPMENT PLAN POLICY

- 6.1 Since the application was submitted in September 2022, the Development Plan has changed. The current Development Plan upon which this application must be assessed now comprises, National Planning Framework 4 (NPF4) (adopted 2023), the Highland-wide Local Development Plan (HwLDP) (adopted 2012), The Inner Moray Firth Local Development Plan 2 (IMFLDP2) (adopted 2024) and various supplementary guidance associated with these Local Development Plans. Should there be a conflict between policies, the greater weight shall be afforded to the most recent statement of planning policy.

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

National Planning Framework 4 (2023) (NPF4)

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 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 18 - Infrastructure First

Policy 20 - Blue and Green Infrastructure

Policy 22 - Flood Risk and Water Management

Policy 25 - Community Wealth Building

Policy 26 - Business and Industry

Policy 27 - City, Town, Local and Commercial Centres

Policy 28 - Retail

Policy 31 - Culture and Creativity

6.3 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

36 - Wider Countryside

40 - Retail Development

41 - Business and Industrial 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

62 - Geodiversity

63 - Water Environment

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

72 - Pollution

73 - Air Quality

74 - Green Networks

75 - Open Space

77 - Public Access

6.4 **Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

- 1 - Low and Zero Carbon Development
- 2 - Nature Protection, Restoration and Enhancement
- 5 - Green networks
- 6 - Town Centre First
- 7 - Industrial Land
- 9 - Delivering Development and Infrastructure
- 14 - Transport

6.5 **Highland Council Supplementary Planning Policy Guidance**

- Biodiversity Enhancement Planning Guidance (May 2024)
- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

6.6 **OTHER MATERIAL POLICY CONSIDERATIONS**

Scottish Government Planning Policy and Guidance

- Designing Streets (2010)
- Creating Places (June 2013)
- Biodiversity: draft planning guidance (Nov 2023)
- Cycling by Design (updated 2021)
- Design Manual for Roads and Bridges (DMRB) (updated Mar 2020)
- 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)
- The National Transport Strategy 2 (Feb 2020)

7. PLANNING APPRAISAL

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

Determining Issues

7.2 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

7. The key considerations in this case are:

- a) Compliance with the development plan and other planning policy
- b) Siting
- c) Layout, Design, and Landscaping
- d) Roads, Access and Parking;
- e) Natural Heritage (including protected species, ornithology and trees);
- f) Built and Cultural Heritage;
- g) Flood Risk, Drainage and Water Supply;
- h) Amenity Impacts (including during construction);
- i) Developer Contributions; and
- j) Any Other Material Considerations Raised.

The Development Plan

National Policy

7.1 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. It comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes spatial principles, national and regional spatial priorities, and action areas;
- Part 2 – sets out policies for the development and use of land to be applied in the preparation of local development plans; local place plans; masterplans

and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application; and

- Part 3 – provides a series of annexes that give the rationale for the strategies and policies of NPF4, it outlines how the document should be used and sets out how the Scottish Government will implement the strategies and policies.

- 7.2 **Part 1 - The Spatial Strategy** sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It also sets out that that Scotland's environment is a national asset which supports our economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.
- 7.3 NPF4 also identifies eighteen national developments (NPF4 Part 3 Annex B), for which the principle of the development does not later need to be agreed. The proposed development is not considered to meet the definition of national developments, so does not benefit from in principle support under this part of NPF4.
- 7.4 **Part 2 – Policies:** This part of NPF4 is to be used in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis.
- 7.5 NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while proposals for major developments must conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3 b).

- 7.6 Complimenting the above policies is NPF4 Policy 4, which sets out the developer requirements and decision makers duty to ensure that protected species are given adequate consideration prior to an application's determination. Policy 5 for Soils seeks to protect prime agricultural land, carbon-rich soils, restore peatlands, and minimise disturbance to soils from development. In addition, NPF4 Policy 6 for Forestry, Woodland and Trees seeks to protect and expand forest, woodland, and tree cover while sustainably managing trees on development sites. Potential effects on the adjacent woodland to the west and the existing on-site trees are outlined in the 'Natural Heritage' section below.
- 7.7 NPF4 Policy 7 seeks to protect and enhance Historic Assts and Places and sets out at section h) the criteria by which proposals affecting Scheduled Monuments will be supported. An assessment against this policy is outlined in the 'Built and Cultural Heritage' section below.
- 7.8 Policy 13 (Sustainable Transport) considers that active travel nodes and public transport use should be promoted and facilitated by all developments. This is particularly important given the aspirations of the developer in creating a low carbon hub with a park and ride facility. Development should also achieve liveable place, most pertinent Policies 14 for design, quality and place, and Policy 15 for Local living and 20-minute neighbourhoods. The policy intent of which is to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 7.9 NPF4 policies 18, 20 and 22 relate to infrastructure requirements. Policy 18 encourages an infrastructure first approach to land use planning and placemaking and provides support for proposals that contribute to LDP Infrastructure Delivery Programmes. Policy 20 (Blue and Green Infrastructure) seeks to protect and enhance blue and green infrastructure networks and supports in principle proposals that do not result in the loss of integrity of blue and green infrastructure. Policy 22 for Flood Risk and Water Management promotes avoiding, as a first principle, areas of known flood risk and sets out the criteria by which development proposals at risk of flooding or in a flood risk area will be supported. NPF4 Policy 18 is particularly pertinent to this site, given the concerns outlined above, regarding the deliverability of a suitable foul drainage system to accommodate further development at Tore. Matters regarding flood risk both in terms of pluvial and fluvial are addressed in the 'Flood Risk' section below.
- 7.10 Reinforcing the above, are further policies that back the overarching principle of supporting development that creates productive places. To that end, NPF4 Policy 25 for Community Wealth Building supports proposals that contribute to wealth building strategies and are consistent with local economic strategies. Additionally, Policies 26

(Business and Industry), 27 (Town Centre First) and 28 (Retail) are relevant to the mixed use proposal. Whereby employment uses are supported that do not prejudice the primary function of the area, undermine Town Centres and are compatible with area's character. Neighbourhood scale retail development is supported where it contributes to local living and 20 minute neighbourhoods, and/or is demonstrably contributing to the health and wellbeing of the local community.

Highland wide Local Development Plan (HwLDP)

- 7.11 Although the relevant general policies of the HwLDP remain an extant part of the Development Plan, the application is required to be considered against those of NPF4 in the first instance for the reason set out above.
- 7.12 The site does not benefit from specific policy designations under the HwLDP. Policy 36 Development in the Wider Countryside applies and sets out that all development in the countryside will be determined on the basis of a number of criteria. Pertinent matters to this proposal include siting and design, being compatible with the existing pattern of development, landscape character and capacity, as well as drainage and servicing implications. The site also does not form part of any natural heritage or built heritage designation.

The Inner Moray Firth Local Development Plan 2 (IMFLDP2)

- 7.13 The now superseded Inner Moray Firth Local Development Plan (IMFLDP) (2015) was the adopted local area plan when this application was submitted in 2022. Under this, the IMFLDP supported a major settlement expansion at Tore, with up to 450 homes, accompanied by a balance of commercial, industrial and community uses due to the site's strategic location on the A9(T) between major Highland Centre. The IMFLDP also noted the need for major public investment in the Wastewater Treatment network to facilitate development at Tore (IMFLDP para 4.177) and the town's potential for a park and ride facility. However, the application site was not subject to any allocations under the old IMFLDP whereby the major expansion allocation was in agricultural fields to the northeast.
- 7.14 This plan was superseded in 2024 by the Inner Moray Firth Local Development Plan 2 (IMFLDP2). As part of the plan making process, the desirability and feasibility of this scale of growth at Tore was revisited with the applicant actively engaging in the process as well as the subsequent public examination, due to it having acquired (or having options on) a large landholding at Tore.
- 7.15 The Scottish Government's appointed Reporters to the Examination agreed with the Council's conclusion that there was no quantitative need for the allocation to come forward in housing terms. In addition, because it was so distant from a suitable waterbody into which to discharge treated effluent, was not an economically viable location for major development. Indeed, whilst the applicant's engagement with the

plan making process indicated the development industry's interest in Tore, no serious mains adopted sewerage solution was subsequently advanced.

7.16 Consequentially, the Examination Reporters for the IMFLDP2 did not support a land allocation for the application site so it currently sits outwith the defined Settlement Development Area (SDA) for Tore as set out in the IMFLDP2. However, as noted by the Councils Development Plans team, the decision to not allocate the site was not justified by a definitive view on Tore's suitability as a growth location, but rather the Reporters took a similar position on the matter as the Council by having concerns over the scale and speculative nature of the applicants wider proposal, together with concerns over a lack of a public sewerage solution for the area.

7.17 In terms of policies, IMFLDP2 Policies 1 (Low and Zero Carbon Development) and 2 (Nature Protection, Restoration and Enhancement), support the policy objectives required under NPF4 policies 1, 2 and 3 of. IMFLDP2 Policy 6 (Town Centre First), also supports the approach set out in NPF4 Policy 27, in that only in exceptional circumstance will development which generates significant footfall be acceptable outside of town centres. Significant footfall developments include, retail, restaurant, commercial, offices and hotels. In relation to industrial developments outwith an allocated site, IMFLDP2 Policy 7 states that these will only be supported if it can be demonstrated that it is a sustainable location and accords with relevant policies set out in the development plan. Key policy issues will be whether the site is in a location which supports or has the potential to support sustainable travel, does not adversely impact the amenity of neighbouring properties or the environment.

7.18 Like NPF4 policy 18, policy 9 of the IMFLDP2 (Delivering Development and Infrastructure), requires the applicant to demonstrate that adequate capacity exists or can be created in any infrastructure network. This is particularly relevant for this site in relation to foul drainage capacity. Finally, IMFLDP2 policy 14 (Transport) is similar to policy 13 of NPF4 and provides for a more detailed vetting of the sustainability of an application's location and land use mix in transport terms.

7.19 The Plan is also supported by a transport strategy, which is to be delivered through Policy 14. This includes park and ride sites, local transport improvements and identified travel corridors. Another part of this strategy is to deliver a comprehensive network of Active Freeways, as defined by the Active Travel Network and between-settlement connections. Funding for these interventions will be supported by Developer Contributions. These routes include, but are not limited to, Muir of Ord to Tore; Tain to Invergordon; Tore to Ardullie; Tore to Inverness; and, Tore to Munloch.

Compliance with the Development Plan – Original Proposal

7.20 As detailed above the site is not classed as 'national development' under Part 3 (Annex B) of NPF4 and is not an allocated site under the HwLDP or the IMFLDP2.

Consequentially, the scheme does not benefit from an automatic in principle support under the Development Plan.

- 7.21 In response to the original submission, the Councils Development Plans team raised concerns regarding the wide range of potential use classes proposed by the applicant. In particular, the cumulative impacts of mix of use classes that included hotel, business, and drive-through food and drink facility. This mix was considered likely to increase the proportion of future journeys undertaken by unsustainable modes at the application site location, relative to the same mix and quantum of development if it were accommodated on allocated land and/or within a larger settlement. These concerns were shared by the Council's Transport Planning Team.
- 7.22 In NPF4 Policy 27 (Town Centre First) terms, some of the uses such as the proposed office floorspace (class 4a) was deemed to be a footfall generating use and could further undermine demand for existing offices and business allocations within defined town centres in the plan area and other more sustainable locations. Development Plans also highlighted the infrastructure capacity issues in relation to foul drainage as identified above. As such, the proposal, as first submitted, was contrary to NPF4 Policy 18 and IMFLDP2 Policy 9 for delivering feasible infrastructure as the applicant had not brought forward a workable in principle solution to this constraint
- 7.23 Consequentially, the applicant was advised to either: 1) narrow the mix and scale of land used focussing on land uses that do not require a comprehensive public sewerage solution and which would comply with NPF4; or, 2) advance a workable foul drainage solution with, in the first instance, in principle support from Scottish Water.

Compliance with the Development Plan – Amended Proposal

- 7.24 In response to the above, the applicant has narrowed the proposed use class mix. This is reflected in the amended description of development and is defined as up to
- Sui Generis: Low Carbon Hub and Park and Ride.
 - Class 1a: Retail – up to 325m².
 - Class 3: Food and Drink – up to 300m².
 - Class 4 (Business, excluding 4a), 5 (General Industry) (excluding heavy industry) and 6 (Storage and Distribution) – up to 14,864m².
 - Class 7 Hotels with up to 61 bedrooms.

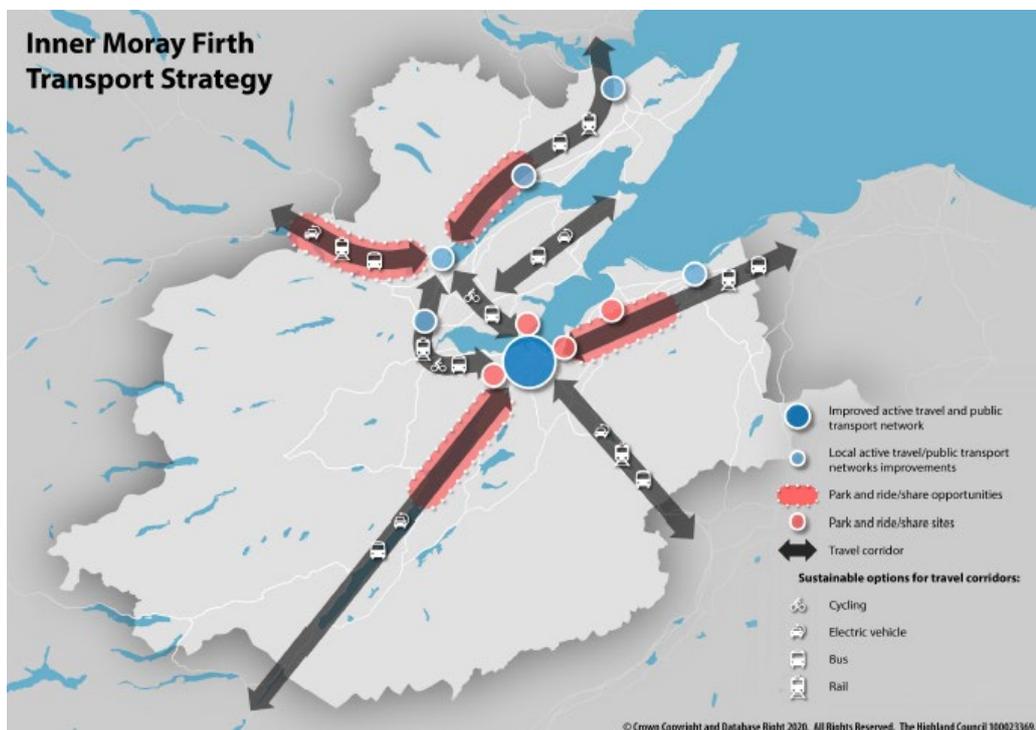
The applicant has also provided further justification and in accordance with Policy 27 of NPF4 the application is now supported by a Town Centre First Assessment. In addition, a phased foul water drainage strategy has been advanced with Scottish Water. High level details of this have been submitted in support of this application.

7.25 The Council's Development Plans team has assessed the amended proposal and concludes that it does not accord with the Development Plan overall due to it being on an unallocated site outside of a settlement development areas as defined in the IMFLDP2. However, it considers that a number of elements are supportable in policy terms and that other material considerations weigh in favour of the development and support its acceptability in principle. It is further considered that, by restricting land uses and phasing the build-out of the development through planning conditions, the proposal can be made acceptable in policy terms. These matters are discussed in more detail below.

Siting

7.26 The application site is located close to the intersection of several strategic road, tourist and public transport routes. The proposed EV charging facilities and the park and ride hub are considered to be a significant positive in relation to Policy 13 (Sustainable Transport) of NPF4. It is also considered to align with the intent of NPF4 Policies 1 and 2 as well as policy 1 of IMFLDP2, all of which seek to minimise emissions and address the climate emergency. The location off the A9(T) also supports the Scottish Government's 'Electric A9' ambitions to increase the number of, and improve access to, charging hubs between Falkirk and Scrabster with the route having been identified by as a key corridor for such infrastructure.

7.27 Furthermore, and as identified above, there is a Transport Strategy associated with policy 14 of IMFLDP2. This is expressed in Map 3 'Transport strategy', below)



- 7.28 While the IMFLDP2 identifies a park and ride site closer to Inverness at North Kessock, a more recent report commissioned by Councils Sustainable Transport Team identifies Tore as the most appropriate location for a park and ride to Inverness. The submission contends that the facility will assist with reducing the number of southbound car based journeys on the A9(T) during the AM peak period and northbound movements during the PM peak period, thus facilitating an overall reduction in traffic flow.
- 7.29 The Councils Development Plans Team also highlight the identification of Tore as the optimum place for a Mobility Hub (brings together different transport options) for traffic particularly when approaching Inverness from the north. In this regard the Development Plans Team consider that the location of the proposed EV charging facilities on strategic routes is likely to attract already passing trade and improve the shift towards more sustainable modes. However, it notes that Mobility Hubs are most effective if those charging vehicles or waiting for connecting transport modes have something to do.
- 7.30 Accordingly, it is considered that a small retail unit (use class 1A) is likely to utilise already passing and very local catchment trade, i.e. it will not generate additional, unnecessary unsustainable mode journeys. It could also serve the small neighbourhood community of Tore which would be appropriate in terms Policies 27 and 28 (retail) of NPF4. However, to ensure that this remains a small and ancillary part of the overall development, it is recommended that the retail use is restricted to one 325m² unit (as originally proposed), which can be secured by condition.
- 7.31 Whilst a similar argument could be made in relation to a small Class 3 (food and drink) unit, the original proposal also included a possible drive-through restaurant, which was considered likely to generate additional unnecessary non-EV car-borne travel to the location. It is therefore appropriate to limit the class 3 offering to a single unit up to 300m² and remove the drive-through element by condition.
- 7.32 In relation to a class 7 hotel use, concerns were expressed over its potential to generate a greater footfall at the location (likely through non-EV car-borne travel) than can be accommodated by the foul drainage infrastructure, especially if it included a public restaurant and bar. Third parties have also raised concerns about impacts on local hotel businesses, which as a commercial consideration are not material to the assessment even though they are acknowledged and understood.
- 7.33 In response to officer concerns, the applicant has agreed to a condition to limit the hotel size and type to a “stop and go” motel type establishment with a maximum of 61 bedrooms with no restaurant or bar facility, which is considered acceptable. Furthermore, it is appropriate to control the build out of the hotel development to a later phase by condition in order to ensure the adequacy of the installed foul drainage infrastructure capacity.

- 7.34 In relation to the business and industrial uses (classes 4, 5 and 6). NPF4 policy 26, part d) states, that proposals outwith areas identified for those uses in the Local Development Plan will only be supported where: i) It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and ii) The nature and scale of the activity will be compatible with the surrounding area. Whilst Part e) states that proposals must also take into account i) impacts on residential amenity, sensitive uses and the natural and historic environment. Matters raised under part e) are considered elsewhere in this report.
- 7.35 Development Plans confirm that in relation to Policy 26 part d), there is currently a lack of suitable and effective business and industrial land and bespoke buildings required by potential occupants within the Inner Moray Firth area. Policy 7 Industrial Land of the IMFLDP2 supports additional employment proposals outwith specific Plan allocations subject to its environmental sustainability and economic viability.
- 7.36 In that regard, it is considered that Tore's central location within the IMFLDP2 plan area and its standing workforce are reasonable justification for supporting light and general industrial development at this location, despite the additional unsustainable model journeys it will generate. It is acknowledged however that in time, commercial delivery vehicles will transition to hybrid and electric models and high-speed chargers at a central location would encourage that transition.
- 7.37 The potential socio-economic benefits associated with job creation at this location is also a significant justification. Whilst reference to the Inverness and Cromarty Firth Green Freeport project as a partial justification within the submission is noted, employment development connected to the Green Freeport project should, in the first instance however, be directed to land within the Inverness and Cromarty Firth Green Freeport Tax Sites. Consequently, the proposal would not gain any additional support due to its proximity to the Green Freeport sites.
- 7.38 In response, to NPF4 policy 27 and its Town Centre First principle requirements, officers recommend that office floorspace (use class 4a) should be controlled to exclude the possibility of significant footfall generating uses that should be located within existing town centres. The applicant has confirmed that a planning condition excluding of Class 4a under the Town & Country Planning (Scotland (Use Classes) (Scotland) Order is acceptable. This aspect is also reflected in the applicant's amended description of development. It is also noted that there permitted development rights allow for the unrestricted change of use from Class 5 and 6 to Class 4, it is proposed that these PD rights are removed. However, to again ensure that the development remains in line with infrastructure capacity and complies with policy 18 of NPF4 and policy 9 of IMFLDP2, it is recommended that the amount of business and industrial floor space that can be developed before a larger foul drainage scheme has been provided is restricted by condition.

Layout, Design, and Landscaping

- 7.39 The submitted masterplan identifies pockets of developable land against a likely land use, access points, connections through the site, areas of open space and a potential phasing strategy. However, it must be noted that the use classes detailed on the indicative masterplan (Figure 5b: Development Framework Plan in Context, included in the revised Design and Access Statement) no longer match the revised scope of the scheme as detailed above. As Members are aware, this application is for planning permission in principle and as such the site layout is indicative only and will not be approved as part of this application.
- 7.40 As detailed in the Design and Access Statement the applicant has outlined a number of guiding design principles for the site, these include:
- The retention and enhancement of the existing water courses;
 - The retention of established vegetation around the boundary of the site;
 - A variety of building forms, heights and materials which will be in line with a Design Code;
 - Gateway style buildings overlooking the A9 and Tore Roundabout;
 - The use of trees on streets, within open space and in belts of planting to help break up the site and form part of a site wide Green Network;
 - A central linear Green Corridor offering a segregated active travel path through the site between Tore North and Tore South and including a new crossing of the A835;
 - Belts of structure planting introduced to form buffer zones between the proposed development and existing properties/houses;
 - A new 'Main Street' Active Frontage to the A832; and
 - Clear definition of the public and private realms.
- 7.41 Although the site is located next to the strategic road network, which is a benefit in terms of vehicular connectivity, these roads are a major constraint in terms of cross settlement and active travel connectivity. As detailed above, the applicants have sought to address these constraints within the submission. The design strategy presented considers that the development should not be hidden from public view but instead seen as an 'outward looking development form, marked by potential gateway buildings overlooking the Tore Roundabout'.
- 7.42 However, the development strategy also recognises the need for a local perspective in the layout and design of the site and in this regard, embraces the need for improved connectivity at a local level. The Design and Access statement indicates that part of the design strategy will be to ensure that the frontage onto the A832 is an active 'main street'. The purpose of which is to act as the interface between the proposed development and the existing community currently accessed off the A832,

with the scheme according with the Scottish Governments policy document 'Designing Streets'.

- 7.43 As noted in the applicants Traffic Assessment, this will also enable traffic speeds to be reduced by agreement with the Council. Safe crossing points will also be advanced to connect the development with the wider community. This will allow local access (pedestrian and cyclists) to not only the businesses and services proposed on the site but also, to access the new path and green corridor which will cross the site. The aim is to provide a connection through to the north of the site across to A835(T), which includes Tore Primary School and Tore Village Hall and National Cycle Route No 1. This will also provide local communities with access to the improved bus routes, which are envisaged to run as part of the park and ride scheme. Transport Planning consider that this approach is essential if the non-car connectivity across the A832 is to be effective.
- 7.44 In addition, the A832 'main street', the layout of internal streets should also follow the principles of Designing Streets. This encourages the use of connected layouts and prioritises the needs of pedestrians and cyclists ahead of motor vehicles across the whole site. The applicant also envisages that the streets will be tree lined to add to the quality of the streetscape and these avenues will connect with other structural landscaping components to form a Green Network across the development area.
- 7.45 The internal site layout and design and heights of the buildings will be given further consideration in subsequent submission(s) for matters specified in conditions (MSC) applications. However, as the site is likely to be phased it is considered appropriate to secure an overarching Design Code through this planning in principle application. This will ensure that any subsequent MSC application adhere to the same overarching design principles.
- 7.46 Given the site's public prominence from major road corridors and tourist routes then the site's boundary treatments should be of a higher quality than standard for a development of this type. Stone dykes and additional planting could be one solution, and the latter would also help meet the net biodiversity enhancement requirement. These requirements can be secured by condition. Further conditions are suggested to secure final details relating to the external material palette, boundary treatments and landscaping.
- 7.47 Subject to the aforementioned conditions, it is considered that in principle a suitable scheme can come forward through the any subsequent MSC applications.

Roads, Access, and Parking

- 7.48 As detailed above, the site is located west of the busy five spur Tore Roundabout, which links two major trunk roads and a major Council adopted A road. The

development therefore has the potential to significantly impact the safety and free flow of traffic on these roads and the functioning of the roundabout.

7.49 Following concerns from third parties and consultees, officers requested that the applicant reduced the range of use classes proposed for the site. Concerns were also raised by Transport Planning regarding the methodology and accuracy of the traffic modelling undertaken for the original Transport Assessment (May 2022). As a consequence, an updated Transport Assessment (August 2025) has been submitted to address concerns and outline the revisions. The report outlines the key traffic impact and access opportunities associated with all modes of travel from development on the site, and documents the potential to improve the walking, cycling and public transport connections in the area. It also references a recent Transport Scotland commissioned study which assessed and reported on the safety and operation of the A9 between North Kessock and Tore Roundabout.

7.50 **Active Travel and Connectivity:** As detailed in the Traffic Assessment, current sustainable travel options for the area are as follows:

Walking: The existing settlement has intermittent footways to the east of the A9(T). The primary footway provision is located adjacent to the Tore Roundabout which benefits from footways on all sides with the exception of the southeast. The footway network at Tore Roundabout provides connections to the bus stops on the A9(T) south arm and the primary school which is located to the north of the A835(T). The footways adjacent to the roundabout are street lit and benefit from dropped kerb crossings and tactile paving. The existing residential area to the west of the A9(T), has a crossing for pedestrians to the south of the Tore Roundabout. The crossing provides a connection to the remainder of the settlement to the east and the bus stops. A Transport Scotland A9(T) North Kessock to Tore commissioned study identified several improvements. In particular, improve pedestrian routes to provide better integration with bus stops, particularly at Tore Roundabout; improve footpaths around Tore to encourage use; and improve pedestrian routes via a controlled crossing at the Tore Roundabout.

7.51 The Traffic Assessment submitted with the application identifies the following measures that will be undertaken to ensure greater pedestrian connectivity from the site to the wider settlement:

- 1) include footpath provision on all new internal streets;
- 2) provide an active travel route through the centre of the site to connect the A835(T) to the north with the A832 to the south, which Transport Planning has advised would be adopted;
- 3) install a dropped kerb crossing point of the A835(T) on the desire line of the internal active travel route to link the route to the primary school and the housing to the north of the A835(T);

- 4) connect the internal footpath network to a new footpath at the A832 along the site frontage up to the Tore Roundabout;
- 5) install crossing facilities to connect the footpath along the A832 to housing at Bogroy Road south of the A832; and,
- 6) reduce the speed limit on the A832 along the frontage of the development site to 30mph.

- 7.52 **Cycling:** National Cycle Route 1 (NCR1) passes through Tore using the U2723 to access the A832 to the east of Tore Roundabout then heading west on to the A835(T). The footways around this section of Tore Roundabout are shared footway / cycleways and the applicant's assessment states that these are well used by cyclists during the summer months. The applicant proposes that the internal street layout will be designed to accommodate cyclists and will include cycle parking. The assessment also states that the route could be used to remove Tore Roundabout from NCR1.
- 7.53 **Public Transport:** Bus stops are located on the A9(T) to the south of Tore Roundabout and benefit from laybys, shelters, and timetable information. In addition, further stops are available on the A832 to the east of the roundabout within the current settlement. The Transport Scotland A9(T) North Kessock to Tore study mentioned above identified possible improvements in the form of relocating the bus stops further to the south and away from the Tore Roundabout, this would be accompanied by improved footway connections. The applicant proposes to enhance bus travel through the installation of new bus stops within the park and ride scheme and also provide new footway connections between the park and ride and the existing A9(T) bus stops.
- 7.54 Transport Scotland has no objection to the application and is content with the methodology used in the applicant's assessment. It requests conditions securing details of the uncontrolled pedestrian crossing of the A835(T) and active travel improvements at and around the A9 / A835 Tore Roundabout, this could be in the form of physical works or a financial contribution. In addition, details of the lighting within the site, details of the landscaping and fencing / barrier proposals along the trunk road boundary.
- 7.55 Transport Planning removed its initial objection to the proposal for park and ride facility following sight of the study commissioned by the Sustainable Transport Team that demonstrates the viability of Tore for the scheme. Transport Planning nevertheless still points out to the fact that the c.7km stretch of the A9(T) between Tore and North Kessock is free flowing and that as such, measures to promote and incentivise motorists to delay their journey by pulling off the Trunk Road at Tore to get onto a bus to head south towards Inverness should be secured by condition.
- 7.56 In terms of improving local connectivity and pedestrian access to the site, Transport Planning also raised concerns regarding the suitability of an uncontrolled dropped

kerb crossing of their A835(T), as well as for pedestrians accessing the site from the east of the roundabout and the A9(T), including from housing at Tore Road East and users of existing bus facilities crossing the A9(T) on the 70mph dual carriageway section.

- 7.57 In its response to these concerns, Transport Scotland's has advised that its own improvement strategy for the Tore Roundabout includes fully signalising the roundabout and providing signalised crossing points across all arms, which it considers would adequately serve the development in and off itself. However, there are no timescales as of yet for the delivery of these improvements. It has advised that the crossing point on the A835(T) Road was proposed by the applicant and is not identified in its strategy for Tore Roundabout improvements as a requirement. However, given the low anticipated demand for the crossing and that Transport Scotland is proposing to implement a 40mph speed limit (as part of wider works) along the A835(T) as it approaches approach to the roundabout, it considers the crossing proposal acceptable subject to its prior approval of the detailed design to be controlled by condition.
- 7.58 Transport Scotland has requested a condition to secure a scheme for active travel improvements at and around the A9(T) / A835(T) Tore Roundabout and for developer contributions to assist with the delivery, which could be in the form of physical works or a financial contribution. The applicant has accepted this developer contribution requirement. Whilst Transport Planning continue to have road safety concerns about vulnerable road users crossing busy roads, it acknowledges that Transport Scotland is the responsible body for trunk roads and therefore does not object on these grounds.
- 7.59 **Access and Internal Layout:** At this stage it is envisaged that access to and egress from the site will be from two junctions with the A832. The northernmost junction has been designed with a ghost island stacking lane as the majority of the development traffic will approach the site from Tore Roundabout in the north. An additional priority access junction from the A832 is also proposed to access land within the southwestern portion of the site. As noted in the 'Design, Layout and Landscaping' section above, the applicant is also proposing to alter the current form of the A832 along its frontage with the development. The purpose of which is to create an active interface between the development and the existing parts of Tore which are also accessed off the A832. The Design and Access Statement states that this will adhere to the 'Designing Streets' guidance. As part of the proposed access strategy, it is also proposed to introduce a 30mph speed limit on this part of the A832, which will need to be advanced and agreed through a Traffic Regulation Order.
- 7.60 Transport Planning has no objection to the proposals for access and egress along the A832 or the introduction of a speed limit and, indeed, consider it essential if any form of effective non-car connectivity was to be attempted across the A832.

However, the frontage of the development site and the gateways into it from both ends would need careful design consideration. Transport Planning recommend that such proposals are also developed through discussions with the local community and Transport Scotland.

- 7.61 Transport Planning also notes that the required form of the access junctions will be dependent on the amount and types of vehicles needing to make use of them, along with the predicted traffic patterns along the A832. Conditions are recommended to secure finalised design details for the vehicular access points including visibility splays and the proposed changes to the A832 road. This is because the form of the junctions will be subject to a further detailed traffic assessment, which can be advanced once there is a greater understanding of the types, scale and positioning of development within the site. Transport Scotland has advised that it does not anticipate that traffic using these junctions will affect the function and free flow of traffic at the Tore Roundabout.
- 7.62 For the internal street layout, the applicant's intention to implement a street hierarchy in accordance with Designing Streets is supported. It is noted that the applicant has stated that it is its intention for the internal road network to be publicly adopted however as already stated, Transport Planning has confirmed that there are no plans to adopt internal roads with the exception of the internal active travel route.
- 7.63 In terms of parking, Transport Planning requests that a suitable level of vehicular parking for each unit is secured by condition. This shall include parking for all abilities, motorcyclists and parking for parent and children and shall comply with the Council's Roads and Transport Guidelines for New Developments. In addition, sufficient EV charging facilities shall be included for each building and in line with Building (Scotland) Regulations. Bicycle parking for visitors and staff at each unit shall also be provided. This shall be in line with the Councils aforementioned guideline and the latest published national guidance 'Cycling by Design'. These measures can be secured by condition.
- 7.64 In terms of servicing the site, Transport Planning requests conditions requiring its prior approval of details relating to refuse storage, collection, and the routing of service vehicles. The provision of suitable recycling facilities for the local community should also be secured by condition.
- 7.65 **Roadside Drainage:** Transport Planning also requested further clarification relating to the intended arrangements for the collection, treatment, and discharge of surface water run-off from the proposed enhanced A832 'Main Street' given that this surface water drainage arrangement is independent from the proposed onsite drainage. In response, the applicant has stated that it is proposed that A832 road drainage is retained as per the existing, with gullies draining the roadway and this will not change from the current situation. The proposed footway/cycleway fronting the development will drain via crossfall towards the existing ditch located to the west of A832 Road.

The new impermeable areas will be treated and attenuated using a shallow stone-filled filter strip prior to discharging to the existing ditch, mimicking the existing greenfield runoff from the verge. As such, it is the applicant's contention that there will be no additional flows into the existing road drainage network serving A832.

- 7.66 It is acknowledged that the above drainage strategy will be developed at detailed design once proposals are available for improvements at A832 Road. To that end, Transport Planning has recommended a condition that requires the applicant to include full details of the roadside drainage with the detailed design for the proposed changes to the public road.
- 7.67 Whilst not objecting Transport Scotland has requested a condition which precludes drainage from the site entering the trunk road drainage network.
- 7.68 A condition is also proposed to secure a Construction Traffic Management Plan prior to works on each phase commencing on site to manage impacts from construction traffic.
- 7.69 **Wider recreational access:** In terms of wider access, the site in its current use is not normally accessed for recreational purposes. As such, the proposal will support active travel and wider access improvements as stated above. An access management strategy should be secured by condition to clearly set out how the detailed design integrates improvements to access to and through the site and how this will be maintained in perpetuity.

Natural Heritage (including protected species, ornithology and trees)

- 7.70 The application is supported by a Preliminary Ecological Appraisal, a Habitat and Protected Species Survey, a Bat Species Protection Plan (Method Statement), an Amphibian and Reptile Species Protection and a Biodiversity Strategy. As detailed below, the Councils Ecology Team originally objected to the application, but following the submission of further information, this objection has been removed subject to conditions.

Designated Sites

- 7.71 As detailed in section 2 above, there are no national or international statutory nature designations on the proposed site or within 1km. No consultee has raised any concerns about the impact of the development on designated sites.
- 7.72 The Monadh Mor SAC and SSSI are the closest, being located 1km from the site and are designated for bog habitats and pinewood respectively. However, the Ecological Assessment reports that these are not hydrologically connected to the site and there is no protected or ancient woodland within the site. As such no direct or indirect effects are anticipated in relation to these designations. However, the Moray Firth SAC, SPA, Inner Moray Firth SPA and Ramsar, and Beaully Firth SSSI are

connected hydrologically to the site by a series of drainage channels. Consequently, there is potential for indirect impacts such as pollution. The assessment recommends that construction works are undertaken in accordance with a Construction Environmental Management Plan (CEMP). The CEMP should detail the proposed methods of working and measures to ensure protection of all habitats on and adjacent to the proposed development, especially in association to the watercourses.

7.73 The Councils Ecology Team support the need for a CEMP and request that it is secured by condition. The CEMP will include the requirements for a risk assessment of potentially damaging construction-type activities on the environment, an Ecological Clerk of Works, mitigation to protect the ecological resources on site, such as biodiversity protection zones, location and timing of works and a Pollution Prevention Plan including drainage management strategy and mitigation measures and arrangements for the storage and management of oil and fuel on the site.

7.74 In terms of ornithological designations, the applicant's assessment reports that there is potential for a small number of SPA qualifying species to occasionally utilise the site (e.g. greylag geese, oystercatcher and common gull). However, no qualifying bird species for the SPAs were recorded within or adjacent to the site during the surveys, although greylag geese are recorded as flying overhead. The assessment considered that the majority of SPA species would be unlikely to utilise the site due to the lack of suitable habitat. Consequentially, no direct impacts to the bird assemblages are anticipated.

Habitats and Biodiversity Enhancement

7.75 The site is largely agricultural grazing land comprised of improved grassland and dense scrub, which is predominantly of gorse. Although there will be a loss of grassland, the assessment considers that it is generally low value to wildlife, but there is potential that it could be used by overwintering/nesting birds. The gorse scrub and stream channel are of moderate value to wildlife and likely to provide nesting opportunities and shelter for birds. The woodland to the west has potential to be of high value to wildlife.

7.76 The assessment considers that there is potential to improve the habitat on the site. This could include planting native species of trees, shrubs and hedges as part of the landscaping, including new woodland and the planting of wildflower meadows. In addition, it is recommended that a wildlife corridor is created along the watercourse. The use of bat boxes and pond/wetland creation is also suggested. The Ecology Team has no objection in principle to the proposal, but request that a Habitat Management Plan (HMP) is secured by condition. The HMP shall set out the proposed habitat management of the site including all mitigation, compensation and enhancement measures, and shall provide for the maintenance, monitoring and reporting of the habitat on site for a minimum period of 30 years.

7.77 NPF4 policy 3b is applicable to this development and states “development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, this will include future management. These provisions are also required by Policy 2 of IMFLDP2 Plan. The Councils Ecology Team originally objected to the application, on the basis of a lack of information regarding the delivery of biodiversity enhancement. In response, the applicant has submitted a further document detailing indicative Biodiversity Enhancement measures. It also now provides a potential area for the delivery of off-site enhancement measures, if required. This land is near the application site and is under the control of the applicant. The Councils Ecology Team are satisfied with this information in principle and has removed its objection to the application. As part of the detailed planning application/s the areas of habitat loss, offsetting and enhancement will need to be quantified as part of the detailed application/s, this can be secured by condition.

Protected Species

7.78 Several protected species surveys have been carried out. The assessment reports that the trees on and adjacent to the site have negligible or low bat roost potential. The habitat is of moderate suitability for foraging and commuting bats. There is suitable nearby habitat for badgers, pine martens, amphibians and reptiles but the habitat on the site is of limited value to these species and no signs of these species was recorded. However, red squirrel signs were recorded in the woodland to the west of the site. No signs of otters or water voles were recorded, and the site is considered to have limited suitable habitat for these species.

7.79 The applicant’s assessment recommends that pre-construction checks are made for badgers, red squirrels, pine martens and otters. In relation to bats, workers to be fully briefed regarding the possibility of bats on site, their legal status and that of their roosts. It is also recommended that lighting should be directed away from the western woodland edge and site stream channel and that the Bat Conservation Trust guidance on artificial lighting is followed. The Councils Ecology Team has no objection but require Species Protection Plans (SPP) for all protected species present or likely to be on site to be secured by condition.

7.80 In relation to ornithological interests, no Schedule 1 birds or any of the qualifying species for the SPA recorded within the site boundary. There is potential for greylag geese, oystercatcher and common gulls to use the site. However, there is other suitable local habitat available. Several red-listed birds were recorded on site, these included house sparrows, woodcock and starlings, and amber listed woodpigeon, common gull and dunnock. In terms of mitigation measures, it is recommended that during the breeding season, any areas subject to ground clearance is checked for nests. New planting will provide shelter for birds; and planting berry and fruit trees

will widen food sources. The provision of nest boxes for a range of bird species is also recommended. This can be secured through the HMP.

- 7.81 For the above reasons and subject to the recommended conditions the proposed development is now considered to accord in principle with policies 1, 2, 3 of NPF4, policies 57, 58, 59 and 60 of the HwLDP and policy 2 of IDFLDP2.

Trees and Woodland

- 7.82 As detailed above, Linnie Wood is located to the west of the application site, and is a mature coniferous plantation with a larch fringe along its eastern edge, which forms the western boundary of the site. The Wood is listed in NatureScot's Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin, so it appears as woodland on the first edition Ordnance Survey maps from the 1860's. As such, it does not fall within the meaning of ancient woodland as defined in NPF4. In addition, there are a number of roadside trees within and immediately adjacent to the site, particularly along the A835 to the north, with more fragmented tree coverage along the A832 to the south.
- 7.83 The Forestry Officer has no objection to the application, noting that the importance of the existing and potential green networks, biodiversity, watercourses, trees and hedges have been recognised in the Design & Access Statement. However, a significant development set-back (20 metres) will be required from Linnie Wood to the west. This is to allow for restricted light (the shadow cast into the site is clearly evident on aerial images) and to maintain a safe distance from mature woodland. In addition, the Forestry Team recommend that any subsequent matters specified in condition applications are supported by an Arboricultural Impact Assessment; tree protection plans; an Arboricultural Method Statement; details of site supervision and compliance monitoring; a landscape plan (including maintenance) and details of factoring arrangements.
- 7.84 Subject to the above planning conditions, the proposed development is considered to accord in principle with Policy 6 of NPF4 and Policy 51 of HwLDP.

Built and Cultural Heritage

- 7.85 The application is supported by an Archaeological Evaluation Written Scheme of Investigation (WSI), which includes a desk based assessment and walk over survey (undertaken in 2019). The applicants Design and Access Statement suggests that this has been used to inform the master planning process for the site. As detailed in Section 2 above, there are no designated heritage assets within the site boundary, but there are three non-designated assets.
- 7.86 **Direct effects:** The applicant proposes to undertake an archaeological evaluation across the site, in the form of trial trenching (see Figure 2 of the WSI). The purpose

of this evaluation is to determine and assess the character, extent, condition, quality, date and significance of any buried archaeological remains located within the site boundary. In the event that significant archaeological remains are encountered then further mitigation measures will be identified, this could include further excavation. The trial trenching will also target the three post medieval non-designated assets located within the site boundary (assets 9, 12 and 15 as detailed on Figure 2 of the WSI). The WSI confirms that where excavation encounters upstanding remains, further trench excavation will be undertaken by hand. The Council's Archaeologist has no objection but confirms that as the site is located within an area of archaeological potential, a phased programme of archaeological works will be required. The submitted WSI is considered to be acceptable and that any archaeological work should proceed in accordance with this WSI. This can be secured by a planning condition.

- 7.87 **Indirect effects:** The nearest is designated asset is SM4676: remains of an enclosed cremation cemetery at Croftcrunie, approximately 1km to the east of the site. Historic Environment Scotland (HES) does not object to the application but notes that the Design and Access Statement submitted with this application includes potential future development proposals. HES advises that further expansion of the settlement would bring development substantially closer to the Croftcrunie Scheduled Monument and that if these proposals are brought forward then they should accord with its Guidance for 'Managing Change in the Historic Environment' note on setting. However, HES' comments are not related to the current application for planning permission in principle.
- 7.88 Subject to the above planning condition, the proposed development is considered to accord in principle with Policy 7 of NPF4 and Policy 57 of HwLDP.

Flood Risk, Drainage and Water Supply

- 7.89 SEPA's Online Strategic flood mapping shows that the site lies outwith any indicated areas of fluvial or coastal flooding during a 1 in 200 year return period storm event. This suggests that the flood risk from these sources may be low. However, the SEPA's Online Strategic flood mapping shows isolated areas of pluvial flooding within the site (near watercourses) during a 1 in 200 year return period storm event. The Councils Flood Risk Management Team (FRM) confirmed that they are satisfied that such areas would be manageable as part of a robust drainage strategy.
- 7.90 In terms of fluvial flood risk, there are two watercourses within the site boundary and are noted to be culverted at multiple parts along their length. Drain 1 (as referred to in the FRA) bisects the site and drain 2 runs along the site's eastern boundary. Although, these are under the size recorded on the SEPA flood maps, these can cause issues particularly if the culverts are incorrectly sized. To assess the flood risk potential of these watercourses and to inform the potential site layout, the application is supported by a stage 1 Flood Risk Assessment (FRA). This concludes that during

a 1 in 200 year flood event, drain 1 has capacity to support this flow. However, there would be some flooding from drain 2 which is just upstream of the culverted section where the drain discharges into drain 1. The FRA recommends that riparian buffers are provided along the line of the watercourse, finished floor levels should be a minimum of 0.6m above the 1 in 200 year plus climate change water levels, and that culverts are removed. If structures are required, then these should be designed to convey the 1 in 200 years plus climate change flow.

- 7.91 SEPA has no objection to the application and confirms that the FRA is based on appropriate methods. The indicative site layout has been designed to take account of flood avoidance and includes an appropriate buffer from the onsite two watercourses. The FRA has highlighted that while the channels can mostly convey the 1 in 200 year flow, there is a reduced capacity in the channels at some of the culverts. SEPA has confirmed a recorded incident of flooding from a blocked culvert just outwith the site. Therefore, SEPA supports the recommendations in the FRA for a wider buffer at these points, and for upgrades of the culverts and crossings to reduce risk.
- 7.92 SEPA and the Council's FRM Team require that a further detailed FRA is submitted at the detailed application stage to inform the detailed site layout for each phase of development including for: finished site and floor levels (with a 250mm freeboard allowance between finished floor and ground levels); riparian buffers; safe routing of flood water entering the site from the public roads or other sources; exploring de-culverting across the site by removing all possible culverts; and, the design of new watercourse crossings. These matters can be secured by condition.
- 7.93 Subject to the above planning conditions, the proposed development is considered to accord in principle with Policy 22 of NPF4 and Policy 64 of HwLDP.

Surface Water Drainage

- 7.94 In terms of surface water drainage, the applicant has clarified that the five phase development would be built out with a three stage SUDS scheme, with each stage relating to its own SUDS basin. The first SUDS basin to be installed is anticipated to be located in the site's southeast and serve development Phases 1, 2, and 5. Phases 3 and 4 would each have their own SUDS basin. The applicant has also clarified that any significant foul drainage infrastructure for the site and wider areas is not anticipated to have a significant impact on the current surface water drainage proposals and that it anticipates that onsite SUDS infrastructure will be adopted and maintained by Scottish Water.
- 7.95 In its response to this surface water drainage strategy, FRM has advised that the large stage 1 SUDS basin would require to be designed to attenuate water during a 1:200 year plus climate change flood event in perpetuity for Phase 1 of the development. This is because future development for phases 2 and 5 cannot be

guaranteed, and without this failsafe, the oversized SUDS basin would otherwise discharge water during a 1:200 year plus climate change flood event at a rate over and above the natural greenfield rate due to the excavation of the surface and below ground materials. This discharge could result in surface water flooding of a greenfield area of many times greater than the site area being actively drained.

- 7.96 To that end, the Applicant has proposed that the stage 1 SUDS basin is installed with an intermediate hydrobrake. The hydrobrake would maintain the post-development discharge from the basin at an appropriate rate until the later development Phases come forward. For the purposes of the PIP application, FRM advises that this solution is acceptable to support a Phase 1 development. However, a method of controlling the combined post-development discharge from the basin for Phases 1 and 2 will similarly be required to be demonstrated in order to avoid an FRM objection to the phase 2 development.
- 7.97 For future Phases, FRM advises that the SUDS basins should be included as an integral part of the development of that Phase, and that a Drainage Impact Assessment (DIA) and Drainage Masterplan will be required for the Phase 1 MSC application. MSC applications for subsequent phases will also require a supporting updated DIA. These matters should be secured by condition.
- 7.98 On the above basis, the Drainage Assessment confirms that the surface water from the proposed development can be fully managed on site via an appropriate SUDS scheme, which will ensure that post development run-off is restricted to greenfield rates. As set out, the system will be designed to accommodate the 1 in 200-year storm event, inclusive of a 42% climate change allowance.

Foul Drainage

- 7.99 As detailed above, substantial concerns have been raised regarding the lack of a public sewerage solution for the development and not only during the course of this application, but also as part of the applicant's engagement with the wider development plan making process for the IMFLDP2. Given the importance of foul drainage being a determining issue, it is disappointing that a solution was not advanced and included with the submission when the application was originally submitted in 2022. This may be due to the applicant's reluctance to pay for the infrastructure in the first instance but without a solution with in principle support from Scottish Water, the development would be contrary to Policy 18(b) of NPF4 (Infrastructure First) and policy 9 of the IMFLDP2.
- 7.100 However, following extensive dialogue with Scottish Water, the applicant has confirmed that a staged scheme has been agreed in principle and that the land required for the improved foul drainage scheme is under the control of the applicant. Although the applicant notes that the wastewater proposals are still high level at this stage, it will be divided into two phases for the purposes of this development.

- 7.101 Stage 1 of the foul drainage system will involve the provision of an onsite packaged sewage treatment plant. Full details of the plant can be secured by condition but will be designed with a capacity of a 100 Population Equivalent (PE). This provision will provide sufficient foul drainage capacity to allow the first phase of the proposed development for the mix of land uses listed in Paragraph 1.3 above, to come forward. A condition will be used to ensure that the total combined developments and land use mix constructed under Phase 1 of this permission remains within the 100 PE capacity.
7. 102 Thereafter, no further development beyond Phase 1 will be permitted within the wider application site until a detailed planning permission is granted for the Stage 2 foul drainage system, which can be secured by condition. The Stage 2 foul drainage scheme is likely to involve the provision of an off-site waste-water treatment works with an outfall to the Redcastle Burn. It is envisaged to provide capacity for a 400 PE. An indicative location has been identified to the south of the site which is within the applicants' wider landholding but does not form part of the current application site. This 400 PE system is anticipated to be sufficient to serve all of the development including Phase 1 and the remainder of the land uses identified in the description of development for the wider application site. If, when it comes forward, the proposal includes infrastructure is outside of the current red line boundary, it would require to be the subject of a separate planning application if it were to be the basis of the upgraded foul drainage solution to enable the remainder of the site beyond phase 1 to be developed. Members are reminded that these land uses include the limited class 7 hotel and class 4 business uses excluding offices, general industrial land use under class 5, and storage and distribution under class 6.
7. 103 Scottish Water has confirmed via an email exchange that the proposal is feasible in principle subject to further design works. Discharge to any watercourse will require consent from SEPA through the CAR licence regime. On this basis it is considered that, in principle, there is a viable foul drainage option. However, the recommended planning conditions will ensure that development remains in line with the available infrastructure capacity as extant, or as authorised at the time, in order to comply with the infrastructure first requirements outlined in Policy 18(b) of NPF4 (Infrastructure First) and policy 9 of the IMFLDP2.

Water Supply

7. 104 It is proposed that the development will connect to the existing public water supply network. Scottish Water has confirmed that it has no objection and following a capacity review that there is currently sufficient capacity at the Assynt Water Treatment Works to serve the development.
- 7.105 Environmental Health has confirmed that it has no record of any private water supplies (PWS) at the development site however, it is expected that the developer

will undertake a survey to ensure this is the case. If any PWS are identified, the developer will be required to undertake a risk assessment to determine whether any supply is at risk from contamination or disruption from the development, which can be secured by condition.

Amenity Impacts (including during construction)

- 7.106 The application is supported by a Noise Assessment. However, as this is a planning in principle application the final layout, location of uses and likely noise generating activities cannot be assessed in detail. However, to assist with setting noise limits, background noise monitoring has been undertaken at two locations (see Appendix C of the Noise Assessment).
- Noise Monitoring Position 1 - adjacent to the properties on the A835.
 - Daytime background 40 dB LA90
 - Night time background 23 dB LA90
 - Noise Monitoring Position 2- properties adjacent to the A832 The background levels were recorded as follows:
 - Daytime background 38 dB LA90
 - Night time background 21 dB LA90
- 7.107 The Noise Assessment recommends that appropriate noise limits for the site would be for the Rating Level of noise from plant and equipment not to exceed the background levels. The Councils Environmental Health Team has no objection to this approach. It notes that the limits are deemed to apply to the total plant noise emission levels from the whole development, so individual uses or plant items may need to be designed to a lower limit to take into account the cumulative effects of noise from other uses and plant.
- 7.108 However, the Noise Assessment also identifies that the night-time limits, as detailed above are very low, and it may be difficult for any fixed plant to operate at night without exceeding the limits. Consequentially, the applicant identifies that further assessments will be required at the detailed design stage. This will include plant and equipment and other activities associated with commercial operations, including vehicle movements and unloading or loading activities. The assessments will be carried out in accordance with BS4142: 2014+A1: 2019.
- 7.109 Furthermore, the assessment considers that commercial elements of the proposal should be designed to maximise noise control. Section 6 of the Noise Assessment outlines a number of mitigation measures which should be taken forward as part of the detailed design process. This includes:
- orienting buildings so that they acoustically screen any external service yards from noise-sensitive receptors;

- strategic use of acoustic barriers or screen to reduce the acoustic pathway between commercial noise sources and the surrounding noise-sensitive receptors;
- the use of external building fabric materials that provide a good level of sound attenuation to minimise the risk of noise breaking-out from within the buildings;
- minimising the number of penetrations through the external building fabric, including doors, windows, and outlets/inlets for building services plant; and,
- if necessary, limiting the times at which certain noisy activities can occur

7.110 Whilst noting that the development has the potential to cause disturbance to neighbouring receptors, Environmental Health has no objection to the development in principle. Further assessment work will be required at the detailed design stage, which will be secured by condition. It also expects the mitigation measures outlined above to be adhered to in the design process.

7.111 Environmental Health has also requested that external lighting be controlled by condition and that an assessment of the impact of external lighting on neighbouring receptors is carried out in accordance with Guidance Note 01/21 The Reduction of Obtrusive Light published by the Institute of Lighting Professionals is included in any subsequent MSC applications. The assessment shall also include details of mitigation measures.

7.112 In terms of construction, Environmental Health request that a Construction Noise and Vibration Impact Assessment is secured by condition. These details can be secured through a condition on Construction Environmental Management Plan (CEMP), along with a scheme for the suppression of dust however, it should be noted that any construction noise complaints would be dealt with by Environmental Health via Section 60 of the Control of Pollution Act 1974 rather than by planning condition. Furthermore, a Construction Traffic Management Plan (CTMP) should also be secured by condition in order to detail construction traffic routes and construction site delivery times.

7.113 Consideration of noise and impacts upon neighbouring properties will be fully considered and mitigated for at the detailed design stage. This will involve the location of uses in relation to neighbouring properties to ensure there is sufficient spaces between the commercial and domestic spaces. In addition, boundary treatments and appropriate landscaping as well as noise mitigation will be development through the detailed planning stage.

Developer Contributions

7.114 The Developer Contributions Supplementary Guidance (DCSG) was adopted in November 2018. This guidance sets out the Council's approach to mitigating the impacts of development on services and infrastructure by seeking fair and realistic developer contributions to the delivery of such facilities. The Council's Development

Plans Team has confirmed that the following will likely be required/provided as part of this proposal.

- **Transport Contributions:** As highlighted above, Transport Scotland has requested a condition securing a scheme of active travel improvements at and around the A9 / A835 Tore Roundabout. It also requests contributions towards the Tore Roundabout improvement works; this could be in the form of physical works or a financial contribution. The applicant has agreed to this condition. Other works can also be secured by condition including the crossing proposed on the A832.
- **Public Art:** This can be secured by condition.
- **Waste:** The scale of the development would justify onsite segregated waste collection and management facilities which should be developer funded. This can be secured by condition.
- **Green Infrastructure:** The DCSG states that commercial developments should contribute to green infrastructure. Additional onsite planting would be most appropriate and would assist in achieving net biodiversity enhancement. Green infrastructure can be secured by condition through a biodiversity enhancement management plan (BEMP), a habitat management plan (HMP), and onsite landscaping.

Other material considerations

- 7.115 As detailed above, NPF4 Policy 25 for Community Wealth Building supports proposals that contribute to wealth building strategies and are consistent with local economic strategies. It is recommended that a planning condition is used that requires the applicant to commit to the delivery of the socio-economic benefits of the scheme.

Assessment of Significance of Departure From the Development Plan Using the Criteria

- 7.116 As detailed in the report, the proposal is a departure from IMFLDP2 as the site lies outwith the defined Settlement Development Area and is not an allocated site. As this is a departure, the Council must assess whether this departure is significant. Paragraph 4.77 of Planning Circular 3/2022 states that determining whether a departure is "significant" is a matter of planning judgment for the Planning Authority, with the final decision resting with the Courts. In the absence of case law or internal guidance, the Council has reviewed approaches taken by other local authorities, particularly West Lothian Council, and applied the criteria, outlined in Appendix 2, to determine the significance of the departure. This approach is reasonable in the circumstances. In summary Appendix 2 sets out that to assess whether a major planning application constitutes a significant departure, the following five key criteria are considered:

- The scale of the major development
- Environmental sensitivity and sustainability
- Development outwith settlements
- Land use allocations
- Resource implications

Following an assessment against these criteria, the following conclusions have been reached:

The scale of the major development

- 7.117 The statutory threshold for major developments is defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. For a mixed use development, the threshold is the gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres or the area of the site is or exceeds 2 hectares.
- 7.118 The site is approx. 17.5ha so is classed as a major development, which is significant in terms of site area. However, the site is located adjacent to the existing settlement boundary at Tore. The application proposes local sustainability travel connectivity with onsite active travel routes and wider connectivity with the EV hub and park-and-ride. All of which strongly align with NPF4's sustainable transport and climate objectives. The Councils Development Plans Team also outline that there is a recognised shortage of effective business and industrial land in the wider area which the development helps to address. This application will provide local employment opportunities which are connected to sustainable transport options.
- 7.119 Policy 7 of the IMFLDP2, which is the more recent of the Development Plan documents including NPF4, supports proposals for uses classes 4, 5, and 6 on unallocated sites where they can be justified. The policy goes on to advise that key issues will be whether the location can support sustainable travel, does not impact the amenity of neighbouring properties, and does not adversely affect the environment.
- 7.120 Given the site's proximity to the settlement boundary site and the developments alignment with the wider Development Plan strategies. It could be seen as an expansion of Tore rather than an isolated rural development. However, given the scale of the site it is on balance not considered in this regard to be a significant departure from the Development Plan.

Environmental sensitivity and sustainability

- 7.121 As outlined in Section 2 above, the site is not located within any local, national or international designations. The proposal's impact on the built and natural

environment has been assessed in relation to relevant policies, including biodiversity, sustainable transport, and land use. According to the Scotland Soil Maps, approx. half of the site is classified as Class 3.1 agricultural land (1 - 3.1 are classed as prime agricultural land) with the remaining part being Class 3.2 (not prime agricultural land).

- 7.122 However, in ecological terms the existing habitat on site is considered to be of low value and a net biodiversity gain is anticipated post-development, subject to robust implementation and monitoring through conditions. This will include a Biodiversity Enhancement and Habitat Management Plan (BEHMP) and a minimum of 10% increase of the site's biodiversity post development.
- 7.123 Conditions will also ensure that the development is set back from the existing woodland to the west (which is outwith the sites boundary) and that this resource is protected. The Councils Ecology and Forestry Team have no objection or have withdrawn objections subject to conditions, and biodiversity enhancement being manageable offsite if required. Furthermore, the use of sustainable design principles and the integration of landscaping and biodiversity within the development can be secured through the subsequent detailed applications.
- 7.124 Other consultees such as SEPA and Flood Risk Management have either no objection with drainage and flood risk issues now being shown to be manageable in principle. Sustainable transport considerations have been addressed. The EV hub and park-and-ride elements of the proposal are considered to strongly align with NPF4's sustainable transport and climate objectives. In addition, Active Travel routes within the site can be delivered by condition, this will link the existing parts of Tore with the improved transport options being delivered through this proposal. In addition, the scale, type and phasing of uses are tightly controlled by the recommended conditions. This will avoid undermining the sustainability of town centres or generating unsustainable patterns of travel. For example, the restriction of office use (with Class 4a excluded), the retail and food-and-drink elements are capped and ancillary and the hotel is limited to a small "stop and go" model without bar/restaurant.
- 7.125 In conclusion the development results in a minor to moderate departure (loss of some prime agricultural land) in environmental terms. However, on balance the mitigation measures and enhancements measures secured, and the wider sustainability benefits of the scheme outweigh these concerns.

Development outwith settlements

- 7.126 The site is located outwith the settlement development area boundary for Tore, making it a countryside development under the IMFLDP2. However, as detailed above, it is located adjacent to the defined settlement boundary. The application proposes sustainable transport connections with the proposed park and ride and EV charging facilities. This could provide local community benefits at Tore but also wider

public benefits which are in line with the sustainability and climate change objectives outlined under NPF4. The application also proposes active travel and wider connectivity routes to the existing settlement, and it will improve the foul drainage infrastructure for the area, both aspects have previously been seen as a barrier to growth in this area. However, importantly the proposed conditions will ensure that build out of the development will have to match foul drainage infrastructure capacity.

- 7.127 In conclusion the development represents a departure in terms of settlement policy but is not significantly contrary to the overall plan strategy. Its proximity to the settlement boundary and the proposed connectivity infrastructure including pedestrian links and foul drainage improvements support the argument that it can in principle function with the existing settlement rather than being a detached rural island development.

Land use allocations

- 7.128 The site is not allocated under the IMFLDP2 and represents a departure in terms of land use allocations. However, the proposal does align with the Scottish Government's call to address the national climate emergency. As outlined in the Development Plans response, there is also a recognised shortage of effective business and industrial land in the wider area which the development helps to address, which means the proposal addresses the key issues listed in IMFLDP2 Policy 7 for Industrial Land.

In conclusion the proposal represents a departure in terms of land use allocation; however, this is not significant when balanced against the overriding material considerations stated above.

Resource implications

- 7.129 The development does not impose significant additional financial burdens on the Council. Residential use has been removed from the proposed list of land uses on this site. Consequentially, there is no increased burden upon school, community or medical facilities in the area. The financial cost of the required foul drainage system will be a matter between the applicant and Scottish Water as the statutory undertaker. In terms of roads, Transport Scotland requires the applicant to contribute to its scheme of active travel improvements at and around the A9 / A835 Tore Roundabout, either in the form of physical works or a financial contribution, which is addressed by Grampian condition (condition 10) in the report. Other works can also be secured by condition including the crossing proposed on the A832.

- 7.130 In conclusion the development does not represent a significant departure in terms of resource implications.

7.131 Overall Conclusion: For the above reasons and as presented throughout this report on handling. The schemes departure from the IMFLDP2 is not considered to be significant and on balance is outweighed by compliance with other aspects of the Development Plan and other material considerations as set out within this report. Many elements of the scheme are supported under wider policy terms. In addition, the scale, type and phasing of uses can be tightly controlled through the recommended conditions. This will make the overall proposal on balance acceptable.

There are no other material considerations.

Non-material considerations

7.132 The issue of the cost of upgrading the foul drainage is not a material planning consideration. Whilst ensuring that the development can be served by an adequate foul drainage system is a material planning consideration. The cost of this is a private/commercial matter for the developer and statutory undertaker and is not a material planning consideration.

Matters to be secured by Legal Agreement / Upfront Payment

7.133 None – Transport Scotland has confirmed that matters relating to transport contributions can be dealt with by condition.

8. CONCLUSION

8.1 The quality of the submission has been disappointing and it has taken some time to receive consistent information that reflects the totality of proposal and the land uses being applied for, along with the supporting technical information to demonstrate that the scheme can be built out. Nevertheless, and despite the protracted assessment process, officers are now in a position to recommend approval of the mixed use scheme subject to strict limitations.

8.2 The report has set out that the application site does not presently benefit from a mixed use allocation in the development plan and lies outside of a settlement development area as defined within the Inner Moray Firth Local Development Plan 2. For those reasons, the proposal is a departure from the Development Plan. However, in terms of material considerations, the report has also set out that Tore lies at a key nodal point in Highland's strategic road network and while its expansion has been ruled out in the current Local Development Plan cycle, it remains a suitable location for a low carbon vehicle hub as well as for the proposed limited business, general industry, and storage and distribution uses. Full detailed assessments of these uses will be carried out through future applications for matters specified in conditions as and when they come forward.

- 8.3 Nevertheless, the delivery of such facilities would, in each case, meet an identified but currently unsatisfied need. Specifically, a park and ride facility would ease congestion on the northern gateway to the City of Inverness, EV charging would allow cleaner, low carbon cars to make long distance journeys within Highland on this key transport route, while, as the Development Plans Team has confirmed, there is a current lack of suitable business and industrial land within the Inner Moray Firth plan area, along with the bespoke buildings they offer to potential occupants.
- 8.4 Moreover, by controlling the proposed business land use to exclude offices that should otherwise be located in town centres, as well as limiting the total floorspace to exclude the possibility of significant footfall generating uses, the proposal will not compete with or otherwise be detrimental to the vitality and viability of existing town centres as defined within the Local Development Plan.
- 8.5 Ancillary retail and food and drink uses would supplement these facilities as well as the local commercial offering by serving the small neighbourhood community of Tore. Similarly, a stop and go motel style hotel with limited beds and no commercial restaurant or bar would serve motorists on long distance journeys rather than remove visitors from tourist destinations to an out of town location. As described and within the limits set out in the report, these uses would not make the development a destination in and of itself that would attract visitors away from existing commercial and tourism centres, most likely using non-EV car-borne travel from miles around.
- 8.6 In addition to the above, the provision of adequate foul drainage facilities has been a major constraint to future development in the Tore area. Indeed, the applicant was advised that the absence of a supportable proposal for foul drainage would be a key determining factor in assessing this application. Following discussions with Scottish Water however, there now appears to be a technical solution to create an adoptable, mains sewerage system to service the development, which could also benefit existing properties.
- 8.7 To that end, a short term solution of a small onsite package treatment plant designed for a population equivalent of 100 people would allow the mix of land uses described for Phase 1 of the development while serving existing and approved neighbouring properties. A larger offsite treatment plant (on land within the control of the applicant) designed for a minimum 400 people population equivalent would allow all of the scheme's phases to go ahead. Consequently, a condition to tie the timing of each phase of development to the capacity of proposed or approved foul drainage infrastructure is key to protecting people and place from environmental harm.
- 8.8 In terms of other considerations, the proposal's impact on the safety and free flow of traffic on the public road network is considered beneficial overall subject to agreement on finalised road layout, pedestrian crossing facilities, and junction designs. Surface water drainage across the site can be adequately dealt with through

SUDS provision, while the retention and augmentation of tree/woodland planting, other biodiversity enhancements, greenspace provision, public art and other Placemaking provision can be controlled by condition

- 8.9 All matters have been taken into account when appraising this application. It is acknowledged that the proposal is a departure from the current Development Plan however due to the policy support for, and public benefits of, aspects of the proposal, and subject to the conditions set out in this report, this departure is not considered significant. Indeed, it is considered that the mixed use proposal despite being proposed for an unallocated site can be developed in general conformity with the provisions of the Development Plan and would provide some wider public benefit.

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: the development offers a low carbon vehicle hub in the form of park and ride and EV charging facilities.
- 9.5 Risk: Not applicable
- 9.6 Gaelic: Not applicable

10. RECOMMENDATION

Action required before decision issued N

it is recommended to **GRANT** the application subject to the following conditions and reasons and that Members grant delegated authority to the Area Planning Manger – North to agree the finalised condition wording.

CONDITIONS AND REASONS

1. Time Limit for the Implementation of this Planning Permission in Principle

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

For Phase 1

- i. The 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.

For each subsequent Phase

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

In respect of each phase, this permission will lapse on the expiration of the period of TWO YEARS from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

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

2. **Terms of the Permission and Phasing**

- 1) Planning Permission in Principle is hereby granted for the development of a Low Carbon Hub and Park and Ride facility (up to 100 spaces) with EV charging (Sui Generis), up to 325m² of gross floorspace for Class 1a (Retail), up to 300 m² of gross floorspace for Class 3 (Food and Drink, excluding drive thru), up to 14,864m² of total combined gross floorspace for Class 4 (Business, excluding 4a), 5 (General Industry) and 6 (Storage and Distribution), a Class 7 (Hotel) with up to 61 bedrooms and no restaurant or bar facility, together with associated vehicular access, internal roads and servicing infrastructure, vehicular and cycle parking, active travel routes, surface water drainage, foul drainage infrastructure and landscaping and biodiversity enhancement.
- 2) No development shall commence on each phase or Sub-phase until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing plan shall show the exact use class mix comprised in, and the associated population equivalent usage of, each phase, as well as associated road, active travel, foul drainage, landscaping and biodiversity enhancement and other infrastructure required to be brought forward at that point in the overall scheme.
- 3) For the avoidance of doubt, Phase 1 shall include the following uses only: Low Carbon Hub and Park and Ride facility, with EV charging, up to 325 sqm of gross floorspace for a single Class 1a unit (Retail), up to 300 sqm of gross floorspace for a single Class 3 unit (Food and Drink, excluding drive thru), up to 5,000msq

of total combined gross floorspace for Class 4 (Business, excluding 4a), 5 (General Industry) and 6 (Storage and Distribution). This phase shall also include an associated vehicular access, internal roads and servicing infrastructure, vehicular and cycle parking, active travel routes, surface water drainage, foul drainage system designed to accommodate a population equivalent of a minimum of 100 people, landscaping, and biodiversity enhancement measures.

- 4) No further development beyond that identified in (2) above shall commence unless and until a proposal for a foul drainage system with capacity for a population equivalent matching or exceeding the anticipated population equivalent of each subsequent phase is approved in writing by the Council in consultation with Scottish Water and SEPA. For the avoidance of doubt, the development as identified in (1) above shall be serviced by foul drainage infrastructure with a capacity of a population equivalent of 400 people, which shall be so installed and made available for use prior to the first occupation of the final Phase and maintained for that use in perpetuity.
- 5) Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To define the extent and terms of the development consent. To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages, and to ensure that the development is phased to reflect the foul drainage system operational capacity.

3. **Specified Matters**

No development shall commence within each Phase, or sub-phase, until all of the matters specified below, as they relate to or are relied upon by that phase, have been submitted to and approved in writing by the Planning Authority:

- a) A detailed site layout plan which shall include a 20m setback from Linnie Wood and 6m development free riparian buffer zones from the edge of waterbodies;
- b) Siting, design, and external appearance of all buildings and other structures;
- c) the amount of floorspace area and population equivalent of each land use;
- d) compliance with the overall Design Code for the site;
- e) energy strategy detailing sustainable design considerations;
- f) Access Management Plan;
- g) Construction Environmental Management Plan;
- h) Biodiversity Enhancement and Habitat Management Plans;
- i) Details of site access, Active Travel routes, and alterations to the A832 including roadside drainage;
- j) Layout of the site in accordance with the principles contained within Designing Streets and Creating Places;
- k) Street layout including:
 - i. The internal street hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. Junction layouts and design;
 - iv. Junction and forward visibility requirements;
 - v. Junction spacing both within the development and on the new access road;
 - vi. Vehicle tracking at junctions and standard radii;
 - vii. Details of bus routes and bus stops;
- l) Site travel plan;
- m) Provision of car parking inclusive of disabled parking for each unit and the site as a whole, electric vehicle charging for each unit and the site as a whole, and covered cycle parking for each unit and the site as a whole;
- n) Public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (March 2013) (or any superseding guidance prevailing at the time of submission);
- o) Hard and soft landscaping, including existing trees, shrubs, and hedgerows to be retained and removed and a timetable for delivery;
- p) All boundary treatments within the site;
- q) Management and maintenance arrangements for (m) through to (q) above;
- r) Provision for service vehicles following occupation of the development;
- s) Provision of surface water drainage systems, including access and maintenance, across each Phase or Sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements thereof;
- t) Public water connections and a wastewater system;
- u) Public and Private Water Supply Protection Measures;

- v) Means of dealing with waste and recycling in accordance with the Highland Council's Managing Waste in New Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- w) Flood risk measures;
- x) Details of existing and proposed site levels with fall arrows;
- y) Details of finished floor levels; and,
- z) Details of all external lighting ensuring that safety and security are addressed with no lighting directed skyward or towards habitat corridors.

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. **Design Code**

- (1) Any details pursuant to Condition 3 above shall be informed by and include a 'Design Code' for the whole site and no development shall commence within each Phase or sub-Phase unless and until the Design Code has been submitted to and approved in writing by the Planning Authority.
- (2) The Design Code, which shall comply with Designing Streets and Creating Places, shall consist of, but not limited to, Character areas, mix of land uses, public realm strategy, movement network including route hierarchy, block typologies, boundary treatments (including the treatment of development edges along site boundaries and green spaces and interfaces with public roads), building heights, landscaping, biodiversity and the integration of blue and green infrastructure, SUDS, car and cycle parking layout principles recycling facilities, and innovative solutions to a range of environmental issues, to maximise resource efficiency and climate change adaptation through external or internal features, passive means, such as: landscape contribution, layout/ orientation, massing, and material palette for all building's external finishes including roofs, walls, doors, windows, rainwater goods, micro renewables (with reference to RAL numbers and manufacturer specifications).
- (3) Thereafter any revisions to the approved Design Code shall be first submitted to and approved in writing by the Planning Authority.
- (4) The details of each Matters Specified by Condition application required by Condition 3 shall accord with the Design Code approved under Condition 4(2) and shall be accompanied by a written statement which demonstrates conformity with the Design Code.

Reason: To ensure a high quality integrated design is achieved across each phase of the development.

5. **Permitted Development Rights**

- (1) Notwithstanding the provisions of Article 3 and Class 12 of 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 of a type identified in the aforementioned class shall take place within the curtilage of the development hereby approved without planning permission being granted on application to the Planning Authority.
- (2) For the avoidance of doubt, no change from Use Classes 5 and 6 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, shall be permitted to Use Class 4(a) without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard to ensure that the development does not result in infrastructure capacities being exceeded.

6. **Hotel Restriction**

The occupancy of the Hotel shall be limited to 61 bedrooms. The creation of a restaurant and bar within the hotel shall not be permitted without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard to ensure that the development does not result in infrastructure capacities being exceeded.

7. **Construction Environmental Management Plan (CEMP)**

Any details pursuant to Condition 3 above shall be informed by and include a Construction Environmental Management Plan (CEMP) and no development shall commence within each Phase, or sub-Phase, until the CEMP has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:

- a) 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) Risk assessment of potentially damaging construction-type activities on the environment; Mitigation to protect the ecological resources on site, including biodiversity protection zones, location and timing of works;
- c) A Schedule of Ecological Works requirements;
- d) Processes to control / action changes from the agreed Schedule of Mitigation;
- e) Species Protection Plans for, but not limited to, reptiles, great crested newts, breeding birds, bats, badger, otter, red squirrel, and pine marten, which shall be informed by pre-construction surveys;
- f) Pollution prevention plan, including drainage management strategy and mitigation measures, demonstrating how all surface water run-off and wastewater arising during and after development is to be managed and prevented from

polluting any watercourses or sources. This must also include arrangements for the storage and management of oil and fuel on the site.

- a) Dust management plan, including from construction traffic;
- b) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, with:
 - i. A description of the most significant noise sources in terms of equipment; processes or phases of construction;
 - ii. The proposed operating hours and the estimated duration of the works for each phase;
 - iii. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required);
 - iv. A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified;
 - v. A prediction of noise levels resultant at neighbouring noise sensitive premises; and,
 - vi. An assessment of the predicted noise levels in comparison with relevant standards.
- g) Site waste management plan, including details of a materials handling plan with details of existing and proposed site levels, with the plan to specify the removal of inert waste and re-worked material from the top 1m of the site;
- h) Measures to protect private water supplies including an emergency response plan;
- i) Details of existing site boundary walls and fences to be retained, repaired or enhanced, and details of construction site access and means of enclosure;
- j) Details of the location and extent of all construction compound and laydown areas, as well as timescales for their removal with ground restoration / reinstatement.
- k) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- l) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties; and,
- m) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

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

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact the environment, and that the mitigation measures contained

in the Environmental Impact Assessment Report which accompanied the application, or as otherwise agreed, are fully implemented.

8. **Access Junctions and Works Along the A832**

No development shall commence on site until the following details have been submitted to and agreed in writing by the Planning Authority:

- a) Full details of access and egress for construction traffic for Phase 1 of the development hereby approved which shall be so installed and made available for use prior to construction of Phase 1 commencing on site.
- b) Full details of the vehicular access/egress points onto the A832 local Public Road which shall be informed by a further detailed traffic assessment and include details of the roadside drainage;
- c) Full details for the proposed changes to the A832 Local Public Road, which shall include details of roadside drainage and comply with any Traffic Regulation Orders as may be required.

Thereafter, the works shall be carried out in accordance with the approved details, made available for use prior to the first occupation of any Phase or Sub-phase, and maintained for this use in perpetuity.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity, to ensure that the development is accessible by active travel means, and to ensure that the works involved comply with applicable standards.

9. **Pedestrian Crossing on the A835(T)**

Any details pursuant to Condition 3 above shall include details of the new pedestrian crossing over the A835(T) and no development shall commence within each Phase, or sub-Phase until the details have been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland. Thereafter, the pedestrian crossing shall be so installed to the satisfaction of the Planning Authority and Transport Scotland, made available for use prior to the first occupation of Phase 1 of the development hereby approved and maintained as such in perpetuity unless otherwise agreed in writing by the Council in consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

10. **Active Travel Improvements - A9 / A835 Tore Roundabout**

- (1) No development shall commence on any Phase or Sub-phase of the development hereby approved unless and until details evidence that an agreement has been reached between the developer and Transport Scotland on

the developer's requirements towards the delivery of a scheme of active travel improvements at and around the A9(T) / A835(T) Tore Roundabout has been submitted and approved in writing by the Council.

- (2) Prior to the first occupation of any Phase or Sub-phase of the development, the developer shall provide evidence to the satisfaction of the Council that it has fulfilled its requirements agreed with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

11. **External lighting Scheme**

- (1) Any details pursuant to Condition 3 above shall be informed by and include an external lighting scheme and no development shall commence within each Phase or sub-Phase unless and until the external lighting scheme has been submitted to and approved in writing by the Council in consultation with Transport Scotland.
- (2) The external lighting scheme shall be informed by an assessment of the impact of external lighting on neighbouring receptors in accordance with Guidance Note 01/21 The Reduction of Obtrusive Light published by the Institute of Lighting Professionals and shall include details of mitigation measures which shall include but is not limited to the prevention any direct illumination, glare or light spillage outwith the site boundary or along habitat corridors.
- (3) Thereafter, the works shall be carried out in accordance with the approved details with the lighting made available for use prior to the first occupation of any Phase or Sub-phase of the development hereby approved, and maintained for this use in perpetuity.

Reason: In order to safeguard the amenity of nearby properties and occupants, to protect ecological interests, and to ensure that there will be no distraction or dazzle to drivers on public roads to ensure that the safety of traffic using public roads is not be diminished.

12. **Landscaping and Fencing along the Trunk Road Boundary**

- (1) Any details pursuant to Condition 3 above shall be informed by and include details of the landscaping treatment along the trunk road boundaries including proposals for planting, barriers and fencing and no development shall commence within each Phase or sub-Phase unless and until these details have been submitted to, and approved in writing by, the Planning Authority in consultation with Transport Scotland.
- (2) For the avoidance of doubt all landscaping, barriers and fencing along the trunk road boundaries shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the Trunk Road and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents so that the safety of the traffic on the trunk road will not be diminished.

13. **Road Drainage**

No surface water drainage shall at any time discharge on to public roads.

Reason: To ensure that no surface water drains on the public road network in order to maintain the safety and free flow of traffic on public roads and to maintain the efficiency of the existing road drainage network.

14. **Travel Plan**

(1) Any details pursuant to Condition 3 above shall be informed by and include a comprehensive Travel Plan, which sets out proposals for reducing dependency on the private car has been submitted to, and agreed in writing by, the Council in consultation with Transport Scotland. The Travel Plan shall identify measures to be implemented including measures to promote and incentivise motorists to use the park and ride facility, commitment from occupiers of individual units to operate within it and contribute to the system of management, monitoring, review, and reporting to the Council and Transport Scotland, as well as the duration of the plan. The agreed measures shall thereafter be implemented from the date of first occupation of any part of the development.

(2) Thereafter, no Phase or Sub-phase shall be occupied unless and until a Travel Pack for the relevant Phase or Sub-phase, which shall be informed by the Travel Plan, to inform occupants and users of the development for reducing dependency on the private car and shall, as a minimum, include:

- a. Timetables for all buses serving or passing close to the site;
- b. Descriptive information and maps of active travel routes to nearby facilities and attractions and, public transport routes to those outwith walking distance;
- c. Information relating to school travel;
- d. Details of electric vehicle charging provision; and,
- e. City car club and taxi service details.

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

15. **Vehicular and Cycle Parking**

Any details pursuant to Condition 3 above shall include:

- i. details of all forms of vehicular parking including for drivers with disabilities, motorcyclists, any proposed parent and child provisions for all units and for each Phase or Sub-phase; and

- ii. details of cycle parking facilities for all units and for each Phase or Sub-phase.

The details shall be in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments and national guidance Cycling by Design (or any superseding guidance prevailing at the time of submission); and shall be formed 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 parking for drivers of private vehicles and cyclists.

16. **Waste Management and Recycling Strategy**

Any details pursuant to Condition 3 above shall include a Waste Management Strategy, which shall detail the approach to sustainable waste management during the operational phase of all elements of the development with identification of bin stores, bin collection points, the provision of recycling facilities and refuse vehicle collection routes and turning manoeuvres in each phase or sub-phase. Thereafter, the development shall proceed in accordance with the approved details, which shall be implemented in full and made available for use prior to the first occupation of each phase, unless otherwise first agreed in writing by the Planning Authority.

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

17. **Access Management Plan**

Any details pursuant to Condition 3 above shall include an Access Management Plan (AMP), which shall include details of public access rights, footpaths, cycleways, and bridleways (hereafter collectively referred to as 'paths') and lighting, during the construction and operational stage for each Phase or Sub-phase of the development. The AMP shall detail:

- 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. access to any and all core paths;
 - ii. construction details of all paths, inclusive of material finishes and drainage details;
 - iii. shared paths which shall be constructed to a minimum 3 metre width; and,
 - iv. details of the construction type and delivery of any bridges;

- d) any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e) links to the surrounding path network, the Highland Council's core paths, and green network frameworks; and,
- f) measures to secure implementation, monitoring and enforcement, underpinned by byelaws.

The agreed AMP shall be implemented prior to the first occupation of the of the Phase or Sub-phase it relates to and thereafter the provision shall remain in perpetuity with any amendments to be subject to the prior approval of 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.

18. **Surface Water Drainage**

- (1) Any details pursuant to condition 3 above shall be informed by and include a comprehensive Drainage Masterplan and Drainage Impact Assessment (DIA) and no development shall commence within each Phase or sub-Phase unless and until the document(s) has been submitted to, and approved in writing by, the Council. For the avoidance of doubt, the Drainage Masterplan and DIA shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and demonstrate how drainage infrastructure across the development will be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).
- (2) A finalised detailed DIA shall be submitted for each Phase or Sub-phase of the development which shall detail how that Phase or Sub-phase will connect to the SUDS infrastructure.
- (3) In the event that SUDS infrastructure is intended for use by multiple Phases or Sub-phases of the development, the attenuation for the SUDS basin shall meet the drainage requirements of the area to be developed under that Phase or Sub-phase and not discharge at a greater rate because the supporting infrastructure has been designed for a significantly larger development area.
- (4) The land area reserved for SUDS attenuation shall be no less than that shown in Drainage Layout drawing ref. 251088-000-CAM-DR-C-400 Rev A Dated 16 October 2025 received 17 October 2025.
- (5) Thereafter, the approved details shall be implemented in full and all surface water drainage provision for the relevant phase or Sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase and maintained for use in perpetuity.

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

19. **Surface Water Drainage - maintenance**

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

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

20. **Flood Risk**

Any details pursuant to Condition 3 above shall show a design and layout informed by a finalised and detailed Flood Risk Assessment (FRA), and no development shall commence within each Phase or sub-Phase unless and until the FRA has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:

- any potential site de-culverting;
- any culverts to be removed which shall be replaced with oversized culverts or new crossings designed to accommodate 1 in 200 year flood event flows plus climate change allowance. The use of 'multiple inlet' culverts shall be avoided;
- finished floor levels of no less than 0.6m above the design fluvial flood level; and,
- the safe routing of any flood water which may enter the site from the public roads or any other offsite sources; and,
- requirement for a minimum of 6m development free riparian buffer zones from the edges of waterbodies.

Any measures included within the design and layout for the purposes of mitigating and/or protecting properties and/or land from flood risk shall be completed prior to the first occupation of each phase or Sub-phase of development.

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

21. **Foul Drainage**

(1) Any details pursuant to Conditions 2 and 3 above shall be informed by and include details of a Foul Drainage Scheme and no development shall commence within each Phase or Sub-phase unless and until the Foul Drainage Scheme, which shall show the locations of all foul drainage infrastructure, has been submitted to

and approved in writing by the Council in consultation with Scottish Water and SEPA.

- (2) For the avoidance of doubt, Phase 1 of the development hereby approved shall be accompanied by a detailed proposal for onsite foul drainage infrastructure with a minimum capacity of a population equivalent of 100 people.
- (3) Any subsequent Phase or Sub-phase of development shall be accompanied by a detailed proposal for foul drainage infrastructure with a minimum capacity of a population equivalent of 400 people.
- (4) For the avoidance of doubt, no development shall commence on any subsequent Phase or Sub-phase that includes proposals for foul drainage infrastructure outwith the red line boundary of this permission without planning permission first being granted on application to the Planning Authority.
- (5) Thereafter, the approved Foul Drainage Scheme shall be implemented in accordance with the approved details, made available for use prior to the first occupation of any Phase or Sub-phase, and maintained for this use in perpetuity.

Reason: In order to ensure that foul drainage infrastructure is suitably provided for, in the interests of public health and environmental protection.

22. **Private Water Supplies**

- (1) No development shall commence on any Phase or Sub-phase of development unless and until a Private Water Supply Survey Report has been submitted to and approved in writing by the Council. The report shall:
 - i. identify any private water supplies and associated infrastructure that may be impacted by the development as surveyed during site investigations;
 - ii. detail any site-specific mitigation measures to prevent contamination and physical disruption of supplies;
 - iii. detail monitoring of private water supplies during the pre-construction, construction, and post-construction stages of each Phase or Sub-phase; and,
 - iv. detail any contingency measures to be employed in the event that one or more private water supplies are contaminated or disrupted during construction activities.
- (2) Thereafter, development shall proceed in accordance with the approved details.

Reason: To protect private water supplies in the interests of amenity, public health and environmental protection.

23. **Biodiversity Enhancement and Habitat Management Plan**

- 1) Any details pursuant to Condition 3 above shall include a Biodiversity Enhancement and Habitat Management Plan (BEHMP).
- 2) The BEHMP shall set out proposed biodiversity enhancement measures and the habitat management of the site. The BEHMP shall:

- a. detail all mitigation, compensation, and habitat and biodiversity enhancement measures;
 - b. Include a Biodiversity Net Gain (BNG) Metric demonstrating a minimum of 10% increase of the site's biodiversity post development;
 - c. Provide for the ongoing maintenance, monitoring, and reporting of the BEHMP measures for a minimum of 30 years.
- 3) The BEHMP shall include provision for regular monitoring and review to be undertaken against the BEHMP objectives and measures for securing amendments or additions in the event that the BEHMP objectives are not being met.
- 4) GIS Shapefiles shall be supplied to the Council of the BEHMP compensation and enhancement areas.
- 5) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved BEHMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full throughout the lifetime of the plan.

Reason: In order to secure a suitable level of Biodiversity Enhancement associated with the development as required by National Planning Framework 4.

24. **Pre-commencement Surveys**

No development shall commence within each Phase or sub-Phase until pre-construction surveys have been undertaken not more than 3 months prior to works commencing on site and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The surveys shall cover both the application site and an appropriate buffer from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat have been identified. Thereafter, development and works shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

25. **Species Protection Plans**

No development shall commence until Species Protection Plans (SPPs) for, but not limited to, reptiles, great crested newts, breeding birds, bats, badger, otter, red squirrel, and pine marten, have been submitted to and approved in writing by the Planning Authority. The SPPs shall be informed by pre-commencement surveys and proposed mitigation and shall include all protected species present or likely to be on site. Thereafter, the approved Species Protection Plans shall be implemented in full within the timescales set out in the approved SPPs.

Reason: To ensure that all construction and operation of the proposed development has a limited impact on the aforementioned protected species

26. **Ecological Clerk of Works (ECoW)**

No development or works shall commence on each Phase or Sub-phase of development unless and until an Ecological Clerk of Works (ECoW) has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority (in consultation with relevant consultees). For the avoidance of doubt, the ECoW shall be appointed as a minimum for the period from the commencement of each Phase or Sub-phase to the completion of construction and remedial works of the development and implementation of the BEHMP and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
- ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
- iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
- iv. Directing the placement of the development and the avoidance of sensitive features; and,
- v. The power to call a halt to development on site where environmental considerations warrant such action.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

27. **Trees and Woodland**

- (1) Any details pursuant to Condition 3 above shall be informed by an Arboricultural Impact Assessment, a Tree Protection Plan, and an Arboricultural Method Statement which shall accord with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time). No development shall commence within each Phase or sub-Phase unless and until these documents have been submitted to and approved in writing by the Council.
- (2) Thereafter, no development site excavation or groundwork shall commence within each phase or Sub-phase until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed as a minimum for the period from the commencement of each Phase or Sub-phase and as a minimum retained until

the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the approved Tree Protection Plan and approved Arboricultural Method Statement (are implemented to the agreed standard; and,
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect existing trees during construction and thereafter

28. **Landscaping Scheme**

- (1) Any details pursuant to Condition 3 above shall include details of a scheme of hard and soft landscaping works related to that Phase or sub-Phase of the development. Details of the scheme shall include:
 - a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - b) A plan showing existing landscaping features and vegetation to be retained, informed by Arboricultural Impact Assessment and Method Statement in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time);
 - c) The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features;
 - d) all boundary means of enclosure being defined in terms of its future maintenance responsibilities;
 - e) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - f) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.
- (2) 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 or Sub-phase of development to which the scheme relates.
- (3) Any trees or plants which within a period of five years from the completion of the Phase or Sub-phase of development to which they relate, die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

29. **Landscape Consultant**

(1) No development or any works shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of each Phase or Sub-phase and as a minimum retained until the completion of the approved landscaping work within any given phase. Their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- a) ensuring that the approved Landscape Plans are implemented to the agreed standard;
- b) ensuring compliance with the measures contained within the Construction Environmental Management Plan;
- c) ensuring compliance with the measures contained within the Habitat Management Plan; and,
- d) the preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

(2) No development or any works shall commence until details of each stage of work to be overseen by the Landscape Consultant (including a general description of the type and extent of work to be carried out within that stage) have been submitted to and approved in writing by the Planning Authority.

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

30. **Public Art**

Any details pursuant to Condition 3 above shall include a scheme for the inclusion of public art within the development to accord with the Highland Council's Public Art Strategy Supplementary Guidance (March 2013) (or any superseding guidance prevailing at the time of submission). The scheme shall include:

- a) Detailed design and location of public Art provision;
- b) The management and maintenance of any and all public art provision; and
- c) A timetable for implementation.

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

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

31. Operational Noise Impact Assessment

- (1) Any details pursuant to Condition 3 above shall include a detailed Operational Noise Impact Assessment for each Phase or Sub-phase of development carried out by a suitably qualified and competent person in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.
- (2) The assessment shall demonstrate that the Rating Level of noise arising from the operational phase of this development as determined in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound shall not exceed the limits stipulated in the Table below unless otherwise agreed by the Planning Authority.

Layout	Period	Background Sound Level, L_{A90}	Suggested Noise Limit, $L_{Ar, Tr}^{(1)}$
Receptors close to Position 1*	Day	40	40
	Night	23	23
Receptors Close to Position 2*	Day	38	38
	Night	21	21

As shown on Figure D.1: Measurement positions, Appendix D – Measurement Positions of ‘A Noise Assessment for Land at Bogroy Farm, Tore’ Rev3 dated 30 May 2022, received 10 September 2022.

- (3) Thereafter the development shall progress in accordance with the approved noise assessment and all approved mitigation measures shall be in place prior to the first occupation/use of the Phase or Sub-phase of development, or as otherwise may be agreed in writing by the Planning Authority.

Reason: in order to protect the amenity neighbouring properties and future occupants of the development.

32. Archaeology

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

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

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

33. **Local Employment Scheme**

Prior to the Commencement of Development, a Local Employment Scheme for the construction and operation of the development shall be submitted to and agreed in writing by The Highland Council. The Scheme shall include the following:

- a) details of how employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising access of the local workforce to information about employment opportunities;
- b) details of training opportunities including the provision of apprenticeships or an agreed alternative, college and/or work placement opportunities at the development to students within the locality;
- c) a procedure setting out criteria for employment, and for matching candidates to the vacancies;
- d) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development and employers occupying the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the Phase and Sub-phase of development;
- e) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to The Highland Council; and,
- f) a timetable for the implementation of the Local Employment Scheme.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure compliance with NPF4 Policy 25 and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. Subject to the conditions set out in this report, it is considered that the mixed use proposal, despite being proposed for an unallocated site, can be developed in general conformity with the provisions of the Development Plan and would provide some wider public benefit such that it is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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

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

Flood Risk

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

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – 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>

Nesting Birds

Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for nesting birds should be made, not more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive). This survey should include the redline boundary. All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

Transport Scotland Informative

You are advised that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan

Appendices: Appendix 1 - Letters of Representation

Appendix 1 – Letters of Representation

OBJECTORS

1.	Ian And Elizabeth Bain	Edelweiss, Tore, Muir Of Ord, IV6 7RY,	27/10/22
2.	Mrs Liz Mackenzie	Ellanwood, Bogroy, Tore, Muir Of Ord, IV6 7RY	26/10/22
3.	Jeff And Linda Heafey	Burnbank, Tore, Muir Of Ord, IV6 7RZ,	9/10/22
4.	Mr Malcolm MacLeod	Glenedin, Bogroy, Tore, Muir Of Ord, IV6 7RY	25/10/22
5.	Mr David Bain	The Retreat, Glackmore, Tore, Muir Of Ord, IV6 7SD	26/10/22
6.	Ms Clea Warner	Auchenblae, Bogroy, Tore, Muir Of Ord, IV6 7RY,	26/10/22
7.	Mrs Gayle Macleod	The Maples, Bogroy, Tore, Muir Of Ord, IV6 7RY,	25/10/22
8.	Miss Hazel Munro	Willow Cottage, Tore, Muir Of Ord, IV6 7SD,	20/09/25
9.	David & Christine Corsar	Corrigan, Tore, Muir Of Ord, IV6 7RY,	24/10/22
10.	Miss Samantha Johnson	Dunleary, Muir Of Ord, IV6 7RY,	26/10/22
11.	Mr William Gill	The Pines, Glackmore, Tore, Muir Of Ord, IV6 7SD,	26/10/22
12.	Mr Garry Bain	The Burrows, Glackmore, Tore, Muir of Ord IV6 7SN	26/10/22

13.	Mr Andrew Mackay	Swallow House, 25 Muckernich, Tore, Muir Of Ord, IV6 7RY	24/10/22
14.	Ms Jean Maccallum	Dalriada, Bogroy, Tore, Muir Of Ord, IV6 7RY,	26/10/22

