

**OUTLINE PLANNING PERMISSION
SUBJECT TO CONDITIONS
AND RESERVED MATTERS**

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

**THE HIGHLAND COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**To: Whiteness Property Company Ltd
Whiteness Head
Ardersier
IV2 7QX**

With reference to your application received on 19 December 2005 for outline planning permission under the above-mentioned Act for the following development, viz: -

Outline application for residential and leisure development including, housing, marina, boat yard, yacht club, visitors centre, nature conservation zones and hotel with supporting community facilities and sewage treatment plant, former Fabrication Yard, Whiteness Head, Ardersier, Inverness, IV1 2QY

The Highland Council in exercise of its powers under the above-mentioned Act hereby grant outline planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following standard conditions:-

- (1) In terms of Section 58 & 59 of the Town and Country Planning (Scotland) Act 1997, this permission is granted subject to the following conditions:-
- (a) that, in the case of any reserved matter, application for approval must be made before:-
- (i) the expiration of five years from the date of the grant of this permission; or
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused; or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed,

whichever is the latest:

Provided that only one such application may be made in the case after the expiration of the three year period mentioned in sub-paragraph (i) above; and

- (b) that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
- (i) the expiration of five years from the date of the grant of this permission; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

and also to the following condition(s), viz:-

Dated 2nd November 2007

Head of Planning and Building Standards

(see over)
PL/10 Feb 2004

Outline planning permission subject to conditions and reserved matters

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF PLANNING PERMISSION OR ON THE GRANT OF PERMISSION SUBJECT TO CONDITIONS.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval of reserved matters in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months from the date of this notice. The appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does **not** imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that mains water, drainage or other public services are, or will be available; or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.

Grid Reference	Eastings: 281940 Northings: 857740
Reference No	05/01294/OUTIN

General

2. The Master Plan is hereby approved in the context of outline permission 05/01294/OUTIN. For the avoidance of doubt, outline permission is hereby granted for a maximum number of 1950 residential units, a hotel, up to 400-500 mooring marina with yacht club and boat yard, retail and restaurant facilities to serve local community and tourists, community facilities (including primary school, community hall, health centre and recreation facilities (football, tennis, bowls etc)), nature conservation enhancement, waste water treatment works, site infrastructure, and landscaping all to be carried out in accordance with the approved Master Plan.

No development shall commence on site until a further application, or applications, is made to the Planning Authority for the approval of reserved matters and other details, before 02 November 2012. Reserved matters and other details referred to shall consist of the siting, design and external appearance of all buildings, the means of access thereto and proposals for landscaping including the design and appearance of boundary enclosure, car parking, all waste water and surface water infrastructure (SUDS), water supply and any required augmentation, foul drainage, open space amenity and recreation areas, footpaths, cycle ways, signalised crossings, bus routes, and street lighting provision.

Reason: As permission is granted in outline only and in order to clarify the terms of the permission and to ensure that the overall layout and design is satisfactory for the site.

3. Except as otherwise provided for and amended by the terms of this approval, the applicant shall carry out the development in accordance with the provisions of the application, the submitted plans, and the Environmental Statement (as revised by the addendum and Supplementary Information to the Environmental Statement).

Reason: In order to clarify the terms of this permission and to ensure that the overall layout and design is satisfactory for the site.

4. The development shall be undertaken in accordance with the Council's non-statutory guideline *Designing for Sustainability* in the Highlands, in particular with regard to use of sustainable building materials, waste water re-use/recycling and energy conservation.

Reason: To ensure compliance with the Council's policies on sustainable development and achieve high quality design.

5. All construction traffic shall access/egress the site via the A96 and the access link road. Unless otherwise agreed in writing with the Planning Authority, no construction traffic shall use the B9092.

Reason: In the interest of amenity and road safety

Dated 2nd November 2007


Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

6. Unless otherwise agreed in writing with the Planning Authority on the basis of good design, all roads serving more than four houses shall be constructed to a standard capable of adoption.

Reason: In order to conform to the requirements of the Council's Road Construction Design Manual.

7. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate, the number of residential units within the development, for the purpose of the required works to the Trunk Road Network, shall not exceed the following limits for the development: -

Phase 1 - Up to 891 units (520 apartments, 371 houses)
Full Development - Up to 1950 units (800 apartments, 1150 houses)

Reason: In the interest of ensuring that the upgrading works required to the Trunk Road are in place at the appropriate time.

8. All roads, including footpaths, cycle ways and car parking that are to be adopted shall require road construction consent before works commence. The developer shall be responsible for the erection or modification of any roads signage as specified by the Roads Authorities.

Reason: In order to conform to the requirements of the Council's Road Construction Design Manual.

9. Any pile driving and suction dredging proposed shall be carried out between October and March inclusively and at no other times unless agreed in writing by the Council, in consultation with SNH and SEPA. A minimum exclusion zone of 500m shall be maintained for all noisy operations at all other times.

Reason: In order to avoid disturbance to European protected species.

10. All on-site waste water pipes shall be designed to take into account flooding.

Reason: In the interest of public safety.

11. For the avoidance of doubt, the bridge crossing the spit shown on Master Plan (Drawing WHAM/PA/1.12_D) is hereby not approved.

Reason: In order to clarify the terms of this permission.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

12. All landscaping shall be so designed to take into account the Civil Aviation Authority publication, Safeguarding of Aerodromes Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design.

Reason: In the interest of aviation safety.

13. The design and installation of any new plant, machinery or equipment on buildings within the development site should be such that any associated noise complies with NR 25 when measured and/or calculated within any nearby noise sensitive dwelling, and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

Reason: In order to protect the amenity of neighbouring occupiers.

14. Unless otherwise agreed in writing, the normal working hours within the site shall be Monday to Friday 0700 hours to 1900 hours and Saturdays between 0800 hours and 1300 hours, with no working being carried out on Sundays or public holidays. The carrying out of any work outwith these times shall only take place with the prior written approval of the Planning Authority.

Reason: In the interest of residential amenity.

15. Noise generated from any construction or associated activities, when measured and/or calculated at Norleigh Kennels and/or Juniper Cottage/Pine Trees, shall not exceed 55dBA Leq 1 hour free field within the normal working hours as specified in Condition 31 above.

In exceptional circumstances where construction or associated activities are considered likely to exceed this noise limit then such works shall only commence with the prior written approval of the Planning Authority. Written notification should be provided at least 4 weeks prior to the commencement of such works.

'Free field' shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

Reason: In the interest of residential amenity.

16. The developer shall undertake all necessary steps to prevent nuisance to neighbouring residents caused by dust arising from operations approved by this permission.

Reason: In the interest of residential amenity.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Eastings: 281040 Northings: 857740
Reference No	05/01294/OUTIN

17. There shall be no burning or disposal of controlled waste on site unless a waste management licence is in force or a suitable exemption has been registered under the Waste Management Licensing Regulations 1994.

Reason: In the interest of residential amenity and public safety.

Prior to commencement

18. Prior to the commencement of development on each Phase, an updated Master Plan shall be submitted and approved in the context of the detailed submissions to reflect intended house numbers, open space and site servicing arrangements.

Reason: In order to ensure that the overall layout and design is satisfactory for the site, as the present application is in outline only.

19. Prior to the commencement of development, a design code that will inform the detailed design of all building on the site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the approved design code.

Reason: In order to achieve consistent and high quality detailed design in the interest of visual amenity.

20. Prior to the commencement of development, a copy of the proposed Code of Construction Practice (COCP) shall be submitted to and agreed in writing by the Planning Authority. The COCP shall in particular consider:

- steps to avoid damage or disturbance to other;
- noise and vibration mitigation measures;
- dust/air quality control;
- traffic management;
- liaison with neighbouring proprietors;
- measures to confine workforce to work areas.

Once approved the COCP shall thereafter be implemented in its entirety.

Reason: In order to consider these matters further in the interest of mitigating the potential environmental impacts of the development.

Dated 2nd November 2007


Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

21. Prior to the commencement of development, details of the short, medium and long-term management of the spit shall be submitted to and agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage. Once agreed, the management plan shall be implemented.

Reason: In order to achieve appropriate management of the SSSI.

22. Prior to the commencement of development, details of an alternative access to the site via the local road network for emergency vehicles shall be submitted to and agreed in writing by the Planning Authority. The agreed access shall be completed and available for use prior to the occupation of the first house on the site.

Reason: In the interest of public safety.

23. Prior to the commencement of development, a strategy for dealing with the impacts upon the local road network, in particular the B9092 between Ardersier and Nairn, resulting from the development (post construction), including any financial measures, shall be submitted to and approved in writing by the Planning Authority. Once agreed, the strategy shall be implemented in full at the expense of the applicant.

Reason: In order to consider these matters in more detail in the interest of road safety.

24. Prior to the commencement of development, or as may otherwise be agreed, a plan that promotes the development of open space, recreation and the natural heritage of the site shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. The Plan shall detail measures to establish new playing field and active recreational areas and shall take account of the Council's "Guidelines for the provision of open space and play areas within the residential developments in Inverness area" as attached herewith. The Plan shall also detail measures to establish and maintain recreational community woodland, and other associated open spaces and recreational footpaths. Once agreed, the plan shall be implemented.

Reason: In order to achieve quality open spaces in compliance with Council Guidelines and encourage outdoor recreation and an appreciation of the natural heritage interest of the site.

25. Prior to the commencement of work on site, details of the reinstatement works to the existing channel running along the west boundary of the site shall be submitted and approved by the planning authority. The reinstatement shall comply with the approved plans and be implemented in full prior to the occupation of the first house.

Reason: In the interest of flood protection.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

26. All surface water and flood prevention infrastructure shall be designed in accordance with the SUDS "CIRIA" design manual. The overall scheme details shall be submitted for prior approval before any development commences and shall show each main phase of SUDS infrastructure. Subsequently each submission of details of housing and other related development shall specify full details of the SUDS scheme to be implemented as part of that particular development phase. All water retention or detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose to the satisfaction of the Planning Authority before any houses in the relevant development phases are occupied.

Reason: In order to ensure effective surface water drainage in the interest of sustainability.

27. Prior to the commencement of development, or as may otherwise be agreed, the detailed arrangements for water and sewerage infrastructure, and its implementation programme to serve the site shall be submitted for the prior approval of the Planning Authority in consultation with Scottish Water. No houses shall be occupied until off-site sewer connections and potable water storage infrastructure as required has been completed to the satisfaction of the Planning Authority or as otherwise agreed in consultation with Scottish Water. For the avoidance of doubt the location of the Waste Water Treatment Plant is hereby not approved.

Reason: In order to ensure effective control over water and sewerage infrastructure in the interest of sustainability.

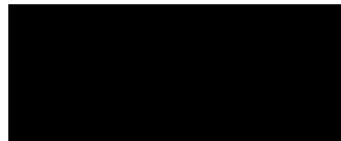
28. Prior to the commencement of development, a strategy relating to structural tree planting shall be submitted to and approved by the Planning Authority. The strategy shall provide details of the species to be planted along with the timing and phasing of such planting. Every effort shall be made to ensure that structural tree planting commences at the earliest opportunity. Once approved, the agreed strategy shall be implemented.

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

29. Prior to the commencement of development, details of locations for facilities for communal recycling shall be submitted to the Local Planning Authority and thereafter undertaken and retained in accordance with the approved scheme.

Reason: To ensure compliance with the Council's policies on sustainable development.

Dated 2nd November 2007

 standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

30. Prior to commencement of development, a plan showing the extent of the modifications proposed on the A96(T), necessary to mitigate *Phase 1* of the development, shall be submitted to and approved by the planning authority, in consultation with Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD).

Reason: In order to consider these matters in more detail.

31. Prior to commencement of development, a plan showing the extent of the modifications proposed on the A96(T), necessary to mitigate the *Full Development* shall be submitted to and approved by the planning authority in consultation with Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD).

Reason: In order to consider these matters in more detail.

32. Prior to the commencement of any development on site, a comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland – Trunk Road Network Management Directorate. The Travel Plan will include:-

- a. Details of the proposed monitoring schedule and reporting procedures;
- b. Details for the management of the travel plan identifying the persons responsible for implementation;
- c. Details of mode share targets;
- d. Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks;
- e. Details of cycle parking provision and location within the site;
- f. Details of proposed measures to improve public transport facilities;
- g. Details of initiatives such as car share schemes and flexible working;
- h. Details of employee locker and shower facilities;
- i. Details of travel information to be provided within the site; and
- j. Details of car parking provision and management.

Reason: In order to encourage greater use of public transport in accordance with Government guidance and advice on sustainable transport.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

Commencement on each Phase

33. Each Phase shall require a fully detailed landscape scheme. No operations or works shall take place on a development Phase until detailed plans and a written schedule of new tree, shrub and ground cover planting proposals with details of ground preparation, species, size, density and disposition of planting and areas of grass seed or turf have been submitted to and approved in writing by the Planning Authority. Native species should dominate planting regimes. All planting, seeding and turf laying in the approved landscaping scheme shall be completed prior to the occupation of the last dwelling on a development phase or such period as agreed in writing by the Planning Authority. New planting and landscaping operations should comply with the requirements of BS 3936 and BS 4428. Thereafter areas of amenity space shall be permanently retained and any trees or other planting which die within a period of 5 years from the completion of development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with plants of a similar size and species to those originally required to be planted.

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

34. Prior to the commencement of development on Phase 3 the applicant shall submit proposals, for the prior approval of the Planning Authority, for the provision of sports facilities and community hall to a standard acceptable for general community use. The proposal shall include details of maintenance. Once agreed, the facilities shall be in place prior to the occupation of any house within Phase 4.

Reason: In order to ensure commitment to provide facilities as set out within the application.

35. Prior to the commencement of construction on each Phase, further details of external lighting, including that proposed on buildings, shall be submitted to and agreed in writing by the Planning Authority. All site lighting shall be designed to avoid extraneous light pollution or urban 'sky glow.'

Reason: In order to ensure proper selection of lighting that reduces 'sky glow.'

36. Prior to the commencement of the marina element of the development a detailed dredging plan shall be submitted to and agreed in writing by the Planning Authority. The plan shall include details on proposed frequency, location, depth and pattern of dredging together with proposals for beneficial use of dredged materials. All dredging shall thereafter be carried out in accordance with the agreed plan.

Reason: In order to consider these matters in more detail.

Dated 2nd November 2007


Head of Planning and Building Standards

Grid Reference	Eastings: 281040 Northings: 857740
Reference No	05/01294/OUTIN

37. At least one month prior to the commencement of work on the waste water outfall to the Moray Firth, a construction method statement for the works shall be submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage. In addition to providing details of the chosen method and route through the SSSI and any mitigation measures proposed, this statement shall detail all options considered, including direct drilling, as a means to install the pipe. Only the option that is least damaging to the SSSI should be adopted unless it can be demonstrated that this is not technically feasible.

Reason: In order to consider these matters in more detail in the interest of protecting the geomorphological interest of the SSSI.

38. Prior to the submission of a reserved matters application, an assessment of the potential for ground contamination of the site shall be undertaken. Such an assessment shall be carried out by a suitably qualified person, and include, as appropriate:
- i. A desk study consideration of the historical uses of the site, hydro geological and geological characteristics of the area and the likely nature, location and extent of any contamination;
 - ii. A site investigation*, including the taking and analysis of any necessary samples;
 - iii. A site specific assessment of the risks posed to the development arising from the presence and nature of contaminants at the site.
 - iv. A Site Remediation Plan detailing the works to be carried out in order to achieve site conditions suitable for the proposed development, including measures to remove unacceptable levels of risk from identified contamination. This Plan shall detail the validation measures necessary to demonstrate that remedial targets have been successfully achieved.

* the site investigation should be carried out in accordance with BS 10175 and be based on the Conceptual Site Model derived from the desk study.

The assessment shall be submitted to the Planning Authority in the form of a complete authorised Report for consideration and consultation. No works or development other than site investigation shall commence in advance of the written approval of the Remediation Plan.

On completion of the approved Remediation Plan the applicant shall submit a Remediation Completion Certificate demonstrating implementation of this Plan for the written approval of the Planning Authority. Development works should not commence prior to this approval unless written permission is given by the Planning Authority.

Reason: To ensure that the land is remediated before the commencement of any new use, in the interest of public health, environmental protection and the protection of property.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

39. For each development phase, a statement will be submitted for the approval of the Planning Authority describing the steps to be taken a) to minimise the use of raw materials, b) to reduce waste materials and to re-use or re-cycle materials where appropriate on site. Design and layout is expected to demonstrate a minimal approach to earth moulding, excavation, re-contouring and general disturbance to the land.

Reason: To ensure compliance with the Council's policies on sustainable development.

Prior to use/occupation

40. Notwithstanding the Master Plan hereby approved, a doctor's surgery shall be open and available for use prior to the occupation of the 500th house within the development. In the longer term, this shall be relocated to a purpose built facility incorporated within the community/school sites as identified on the attached plan.

Reason: In order to ensure commitment to provide facilities as set out within the application and to support the function of the community facilities.

41. There shall be no discharge of waste water from vessels into the marina. Prior to the marina coming into use, details of the arrangements for the proper disposal and treatment of waste water from all vessels using the marina, and any punitive measures taken should users not adhere to these arrangements shall be submitted to and agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage. Once agreed, the arrangements shall be put in place.

Reason: In order to consider these matters in more detail, in the interest of the water environment and European protected species.

42. Prior to the occupation of the first house on the site, the main access road to the site shall be brought up to a standard capable of adoption by the Council. The following improvements must be incorporated: traffic calming; provision for walkers and cyclists; priority at junction with B9092 to be reviewed and junction appropriately modified; the minor road link to the A96 upgraded as necessary.

Reason: In the interest of road safety.

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Easting: 281040 Northing: 857740
Reference No	05/01294/OUTIN

43. Prior to the occupation of any part of the *Phase 1* development hereby permitted the following proposed modifications shall be implemented to the A96(T) corridor to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD), as follows:-

1. Upgrade the existing A96(T)/ B9092 priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06803;
2. Upgrade the existing A96(T)/ B9039 priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06806;
3. Upgrade the existing A96(T)/ Retail Park roundabout junction, generally in accordance with Waterman Civils drawing WCSA06808;
4. Upgrade the existing A96(T)/ A9(T) Raigmore roundabout junction to a signalised roundabout, generally in accordance with Waterman Civils drawing WCSA06819;
5. Upgrade the existing A96(T) single carriageway in both directions to 10.0m wide single carriageway between the A96(T)/ B9039 and the A96(T)/Barn Church junction.

Reason: In order to increase capacity of existing junctions in the interest of road safety.

44. Prior to the occupation of the 892nd house of the development hereby permitted the following proposed modifications shall be implemented to the A96(T) corridor to the satisfaction of the planning authority, in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate (TS-TRNMD), as follows:-

1. Upgrade the existing A96(T)/ B9092 priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06813;
2. Upgrade the existing A96(T)/B9006 priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06815;
3. Upgrade the existing A96(T)/ B9039 priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06816;
4. Upgrade the existing A96(T)/Barn Church priority junction to a roundabout junction, generally in accordance with Waterman Civils drawing WCSA06817;
5. Upgrade the existing A96(T)/ Retail Park roundabout junction, generally in accordance with Waterman Civils drawing WCSA06818;
6. Upgrade the existing A96(T) variable standard single carriageway in both directions to dual carriageway between the A96(T)/ B9092 junction and the A96(T)/ Retail Park roundabout junction.

Or, alternatively;

Dated 2nd November 2007



Head of Planning and Building Standards

Grid Reference	Eastings: 281840 Northing: 857740
Reference No	05/01294/OUTIN

A financial contribution agreed with Transport Scotland – Trunk Roads Network Management Directorate shall be provided towards the cost of all road infrastructure modifications indicated above; as detailed in Waterman Civils drawings WCSA06813, WCSA06815, WCSA06816, WCSA06817 and WCSA06818. The financial contribution shall be submitted to Transport Scotland to contribute towards the implementation of approved measures intended to provide additional capacity on the A96(T).

Reason: In order to increase capacity of existing junctions and the Trunk Road network in the interest of road safety.

45. No houses shall be occupied until a scheme for the maintenance in perpetuity of all open space, community woodland or associated areas, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water has been submitted to and approved in writing by the Planning Authority. The agreed scheme, which will accord with the Council's "Guidelines for the provision of open space and play areas within the residential developments in Inverness area" as attached herewith, shall be implemented.

Reason: In order to achieve quality open spaces in compliance with Council Guidelines.

46. Within three months from the date of this consent, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority after consultation with Transport Scotland – Trunk Road Network Management Directorate. In particular this Travel Plan shall detail the provision of either new or extended bus services within the development, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide this service including subsidies required, (in accordance with the proposed service outlined within the Waterman Civils Transport Report Dated February 2007). The agreed measures shall be implemented from the date of occupation of the first house and, with the exception of bus subsidies which shall endure for a period of three years from the date of first occupation, shall continue without time limit, subject to the provisions for monitoring and review contained within the Travel Plan.

Reason: In order to encourage greater use of public transport in accordance with Government guidance and advice on sustainable transport.

INFORMATIVE

The use of cranes during decommissioning of existing structures and build of new structures should be co-ordinated with Inverness Airport.

Dated 2nd November 2007


Head of Planning and Building Standards

SECTION 42 PERMISSION

Reference No: 12/04225/S42

To: Port of Ardersier Limited, formerly
Whiteness Property Company Limited

Per: [Redacted]
Savills
Wemyss House
8 Wemyss Place
Edinburgh
EH3 6DH

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

DECISION NOTICE

Application under Section 42 to develop land without compliance with condition(s) 1 previously attached to planning permission in principle (outline) ref. 05/01294/OUTIN for residential and leisure development including, housing, marina, boat yard, yacht club, visitors centre, nature conservation zones and hotel with supporting community facilities and sewage treatment plant at Former Fabrication Yard, Whiteness Head, Ardersier, IV2 7QX.

The Highland Council in exercise of its powers under the above Act **grants planning permission in principle** for residential and leisure development including, housing, marina, boat yard, yacht club, visitors centre, nature conservation zones and hotel with supporting community facilities and sewage treatment plant at the former Fabrication Yard, Whiteness Head, Ardersier, IV2 7QX in accordance with permission ref. 05/01294/OUTIN dated 02 November 2007, **without compliance with condition(s) 1 previously imposed**, but subject to the other conditions imposed, insofar as they are still subsisting and are capable of taking effect, and to the following condition(s);

- 1 Within a period of 28 days following the completion of each phase of the development, a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) must be submitted in writing to the Planning Authority.

Reason: In order to accord with the statutory requirements of Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).

FOR THE AVOIDANCE OF DOUBT, ALL CONDITIONS ATTACHED TO THE ORIGINAL PLANNING PERMISSION IN PRINCIPLE WHICH ARE UNAFFECTED BY THIS DECISION, AS WELL AS ANY ASSOCIATED LEGAL AGREEMENTS, STILL APPLY.

EXPIRATION OF THIS PERMISSION

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

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

Date: 25 February 2013

.....
Head of Planning and Building Standards

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

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

REASON FOR THIS DECISION

The proposal accords with the development plan. No material considerations indicate that permission should not be granted.

SECTION 75 OBLIGATION

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

1. Access Management Plan
2. Marine Management Plan
3. Education contribution
4. Site for School
5. Community Site
6. Affordable housing contribution
7. Agreement to enter into the A96 Corridor protocol
8. Council undertakes to promote a byelaw to restrict access to sensitive sites
9. Dispute resolution and arbitration

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

IMPORTANT INFORMATIVES

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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. A copy of the notice referred to is attached to this consent for your convenience.

Roads Authority Consent: You may require one or more consents from the Roads Authority (TECS Roads) prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter. The following website contains relevant application form and guidance: <http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Bilingual Signage: In line with the Council's Gaelic Language Plan and policies, you are encouraged

Date: 25 February 2013

Head of Planning and Building Standards

to consider the use of both Gaelic and English on signage within in this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

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

Protected Species: You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species is 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 a 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 SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species.

RIGHT OF APPEAL

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

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

Appeals can also be lodged online via the ePlanning Portal at:

<http://eplanning.scotland.gov.uk>

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

Date: 25 February 2013


Head of Planning and Building Standards

To:
 Planning and Development Service
 Highland Council
 Glenurquhart Road
 Inverness
 IV3 5NX

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

Notification of Initiation of Development
--

**Vary condition 1 of planning permission 05/01294/OUTIN to extend the time limit of the consent at
 Former Fabrication Yard Ardersier Nairn**

Date of planning permission: 25th February 2013

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

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

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

Signed agent/applicant

Dated

To:
 Planning and Development Service
 Highland Council
 Glenurquhart Road
 Inverness
 IV3 5NX

Notification of Completion of Development
--

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**Vary condition 1 of planning permission 05/01294/OUTIN to extend the time limit of the consent at
 Former Fabrication Yard Ardersier Nairn**

Date of planning permission: 25th February 2013

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

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

Signed agent/applicant

Dated