

## SCHEDULE OF PROPOSED CONDITIONS

- Condition 1**     The development to which this planning permission relates must be commenced not later than the expiration of FIVE YEARS beginning with the date on which this permission is granted.
- Reason*        *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.*
- Condition 2**     A minimum of 40 of the 160 units hereby approved shall be for affordable housing unless otherwise agreed in writing with the Comhairle as Planning Authority. Note: Affordable housing is defined as “Good quality homes that are affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared-equity, housing sold at discount (including plots for self-build), self-build plots and low-cost housing without subsidy.” (NPF4, Scottish Government)
- Reason*        *To comply with the requirements of the Outer Hebrides Local Development Plan Policy PD3: Housing and NPF4 Policy 16: Quality Homes.*
- Condition 3**     The development shall be undertaken in accordance with the approved plans and supporting information, including the mitigation measures contained in the Preliminary Ecological Appraisal (2 June 2025), attached to and forming part of this consent, with the exception of any changes required by the terms of the conditions following or subsequent alternative agreements made with the Comhairle as Planning Authority in writing.
- Reason*        *In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved, particularly in the interests of natural heritage.*
- Condition 4**     **PRIOR TO GROUND DISTURBANCE – ARCHAEOLOGY**  
 No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved by the Comhairle as Planning Authority. No groundworks shall commence until all stages of assessment have been undertaken.  
 The Written Scheme of Investigation shall indicate how:
- a) the extent, character, and significance of any archaeological remains within the site will be identified and evaluated;
  - b) any archaeological remains would be preserved in situ or, where their preservation in situ cannot be achieved, how they would be investigated, recorded, and recovered and the findings published;
  - c) access to the development site to enable archaeological works and investigation recording and recovery of finds would be achieved; and
  - d) notification of the commencement of development and access by an archaeologist to the site would be given.
- No part of the development to which this planning permission relates shall commence until the Comhairle as Planning Authority has issued, in writing, its approval of the scheme; any consequential programme of archaeological works to be undertaken; and terms for the submission of a Data Structure Report that includes an assessment of the impact of the development on the archaeological remains.  
 This scheme and programme (or any subsequent variation to it that may be agreed in writing by the Comhairle as Planning Authority) shall then be implemented to the satisfaction of the Comhairle as Planning Authority.
- Reason*        *To ensure proper recording and protection of items of archaeological interest.*
- Condition 5**     During the period of operations to which this planning permission relates, the operator must inform the Comhairle Archaeologist 14 days prior to commencement of works. The

operator shall also afford access, at all reasonable times, to any archaeologist nominated by the Comhairle as Planning Authority and shall allow such archaeologist to observe work in progress and record items of interest and finds.

*Reason* In order to ensure proper recording and protection of items of archaeological interest.

#### **CONSTRUCTION PERIOD**

**Condition 6** At least two months prior to the commencement of the development to which this planning permission relates, a finalised Construction Traffic Management Plan (CTMP) shall be submitted for the approval of the Comhairle as Planning Authority. The Construction Traffic Management Plan shall include:

- a) details of the traffic calming and management measures to be implemented on the A866 throughout the development construction period;
- b) anticipated duration of works, including commencement date;
- c) details of any temporary access route(s) to the development site;
- d) details of temporary or alternative access(es) to all Melbost East housing during the construction period;
- e) the routing of construction vehicles;
- f) the type of construction vehicles to be used and frequency of arrivals and departures to and from site;
- g) measures to minimise impacts on other road users;
- h) a pre-construction public road condition survey of transportation and haul route(s), the extent of such survey to first be agreed with the Comhairle as Planning Authority;
- i) a programme of inspections to be undertaken at regular intervals during construction stage to ensure any damage to the public road is identified in a timely manner;
- j) proposed parking arrangements for and the estimated number of movements of construction site traffic;
- k) timings for HGV and plant deliveries, specifically with consideration of any local school opening and closing times;
- l) measures to be taken to prevent loose or deleterious material being deposited on the public road network; and
- m) measures to prevent surface water from flowing onto the public road during construction.

No development shall commence on the site to which this planning permission relates until the Construction Traffic Management Plan has been approved in writing by the Comhairle as Planning Authority. The development shall thereafter be operated only in full accordance with the approved Construction Traffic Management Plan unless agreed otherwise in writing by the Comhairle as Planning Authority.

*Reason* In the interests of road and public safety and to finalise traffic management measures.

**Condition 7** At least one month prior to the commencement of development, a Construction Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, drainage, and mitigation, shall be submitted for approval by the Comhairle as Planning Authority. The CEMP shall include as a minimum:

- a Site Waste Management Plan, to manage waste streams throughout the construction phase of the development;
- a Pollution Prevention and Control Plan/Method Statement, including arrangements for the storage and management of oil and fuel on the site;
- construction Drainage Management Strategy, demonstrating how all surface and waste water arising during development is to be managed;
- details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- the location of construction compound(s), welfare facilities, contractor parking,

- and material lay-down areas; and
- any construction compound boundary fencing.

Following approval in writing the Construction Environmental Management Plan, all work shall be carried out in accordance with the approved Plan.

*Reason* To minimise water pollution during construction and to ensure protection of the environment; and in order to address Outer Hebrides Local Development Plan Policy EI 4: Waste Management.

**Condition 8** At least one month prior to the commencement of development, a method statement should be submitted to the Comhairle as Planning Authority outlining what dust mitigation measures will be put in place for the duration of the construction phase. Should any complaints be received in respect of dust, the developer shall fully investigate these complaints to establish dust levels at any affected property.

*Reason* To protect the amenity at dust sensitive premises.

**Condition 9** Unless otherwise agreed with the Comhairle as Planning Authority, hours of construction works should be restricted to 08.00 - 19.00 Monday to Friday, 08.00 - 13.00 on Saturdays and no working on Sundays.

*Reason* To protect the amenity at noise sensitive premises.

**Condition 10** Should any complaints be received in respect of noise levels, the developer shall fully investigate these complaints and if requested by the Planning Authority to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority and which shall be carried out in accordance with BS7445:2003, BS4142:2014 and PAN 1:2011.

*Reason* To quantify the loss of amenity at noise sensitive premises resulting from the operation of the development.

**Condition 11** Should any noise monitoring undertaken in accordance with Condition 10 above demonstrate that the noise thresholds are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority for written agreement within one month of the breach being identified. The agreed mitigating measures shall be implemented within one month of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

*Reason* To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

#### **ROADS AND TRAFFIC**

**Condition 12** At least two months prior to the commencement of the development to which this planning permission relates, a roads network statement, and accompanying drawings, shall be submitted for approval by the Comhairle as Planning Authority, in consultation with Comhairle Roads, Bridges and Streetlighting.

The statement shall include:

- details of junction and road markings relating to the existing Mackenzie Crescent access road to ensure safe, continued access to the existing housing development;
- drainage proposals to prevent water from the development site flowing on to the A866 and the existing Melbost East access roads;
- alternative or revised turning heads for each Phase of the development which are suitable for an 11 metre long refuse vehicle;
- positions for accessible crossing points, with dropped kerbs and appropriate tactile paving, throughout the scheme;
- details of a site boundary fence between the development and the A866, for implementation in Phase 1.

Unless agreed otherwise in writing with the Comhairle as Planning Authority, no dwelling unit within the development site to which this planning permission relates shall be occupied until the agreed measures are implemented, as required for each Phase.

*Reason* In the interests of pedestrian and road safety.

**Condition 13** Within two months of the commencement of development on site, finalised details pertaining to the following shall be submitted to the Comhairle as Planning Authority, in consultation with the Comhairle Roads, Bridges and Street lighting section:

- finalised plans of the new and altered vehicular access and egress with the public road, including the new roundabout;
- finalised details of the new roundabout and road realignment;
- finalised form, surfacing and marking-out proposals for non-domestic parking bays within the development site; and
- details of any other interventions in the public road which runs on the eastern boundary of the site.

These approved details shall then be implemented and retained throughout the life of the development to the satisfaction of the Comhairle as Planning Authority. Note: It is the responsibility of the developer to prevent surface water flowing from the site on to the main road or vice versa, and any existing roadside drainage should be retained, unless an alternative is agreed with the Comhairle as Planning Authority in writing prior to the commencement of works.

*Reason* In order to secure the satisfactory development of the site in the interests of road safety.

**Condition 14** Prior to the occupation of each dwelling house hereby approved, provision shall be made within the curtilage of the dwelling for 2 car parking spaces. Each space shall be at least 2.5 metres by 5 metres wide and surfaced with pavers or other suitable bound material.

*Reason* To ensure that adequate provision is made for parking clear of the highway in the interests of road safety.

**Condition 15** Prior to the first occupation of housing in each relevant phase of the development, as identified on Approved Plan 02A, provision shall be made for overspill car parking spaces outwith the curtilage. Each space shall be at least 2.5 metres by 5 metres and surfaced with pavers or other suitable bound material.

*Reason* To ensure that adequate provision for overspill parking is made in the interests of road safety.

**Condition 16** No dwelling house to which this planning permission relates shall be occupied, until the bus layby on the spinal route serving Melbost East and the development hereby approved, shown on Approved Plan 02A, is installed and operational. The layby shall have a minimum depth of 3.5 metres and a bus shelter will be installed. The positioning of the layby and bus shelter shall not interfere with the visibility splay of the access point to the north.

*Reason* In order to secure the satisfactory development of the site in the interests of road safety, as the phasing and scale of the development is such that the need for a dedicated public transport stop and shelter is required.

#### **WATER AND WASTEWATER**

**Condition 17** Prior to the installation of any substructure for the houses hereby approved, a surface water drainage strategy demonstrating compliance with the requirements of SuDS Manual CIRIA C753 shall be submitted for approval by the Comhairle as Planning Authority. This should specifically address the following:

- control of run-off volume for frequent and extreme rainfall events;
- control of peak rate run-off;
- exceedance capacity for events which result in flood risk;
- protection of receiving waters from short and long term pollution;

- details of capacity and integration with any existing SuDS systems through which the scheme would discharge;
- contribution to local biodiversity, demonstrated through a specific SuDS planting scheme and maintenance plan for the surface water drainage scheme;
- amenity function and value of the surface water drainage scheme.

*Reason* To ensure the management of surface water drainage and associated green infrastructure of the development meets the requirements of Outer Hebrides Local Development Plan Policy EI2.

**Condition 18** The houses to which this planning permission relates shall not be occupied until the SuDS scheme, as phased and agreed through Condition 17, has been made operational.

*Reason* To ensure the satisfactory treatment of surface water from the development.

**Condition 19** Throughout the life of the development to which this planning permission relates, foul drainage from the development shall only be connected into the public sewerage system. **Note: For the avoidance of doubt, the grant of planning permission does not guarantee a connection to the public sewerage system.**

*Reason* In order to protect the environment from the impact of waste water and because connection to the public sewerage system is in the best interests of public health.

#### **AMENITY, LANDSCAPING AND LEVELS**

**Condition 20** Prior to the erection of any superstructure within the development site to which this planning permission relates, a public realm scheme shall be submitted for approval by the Comhairle as Planning Authority.

The scheme shall contain:

- finalised layout and surfacing details of the non-adopted pedestrian path network;
- details of the positioning, design and materials for seating to be located within the public open space areas identified in Approved Plan 02A;
- details of the intermediate treatment of the future commercial development plot.

Unless agreed otherwise in writing with the Comhairle as Planning Authority, no dwelling unit within the development site to which this planning permission relates shall be occupied until the agreed measures are implemented in each corresponding Phase.

*Reason* In order to ensure the provision of external amenity spaces which will meet the needs of the proposed housing development.

**Condition 21** Prior to the erection of any superstructure within the development site, details of the materials and equipment specifications for the approved play area within the site shall be submitted for approval by the Comhairle as Planning Authority. Unless agreed otherwise in writing with the Comhairle as Planning Authority no dwelling within the development site to which this planning permission relates shall be occupied until the upgrade of the playground has been completed.

*Reason* In order to ensure the provision of a recreation area which will meet the needs of the proposed housing development.

**Condition 22** A detailed scheme for the landscaping of the site, including species names, age/whip size and distribution, shall be submitted to and approved in writing by the Comhairle as Planning Authority. No part of the development to which this planning permission relates shall commence until the Comhairle as Planning Authority has issued approval of the scheme in writing.

*Reason* In order to secure the satisfactory development of the site in the interests of the visual amenity of the area.

**Condition 23** All of the work relating to the approved scheme of landscaping shown on the plans and specifications attached to this planning permission shall be completed no later than in the first planting season after the completion of each individual development phase as identified on Approved Plan 03, unless an alternative phasing for implementing the scheme has been approved in writing by the Comhairle as Planning Authority, in which case the scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall then be retained throughout the life of the development.

*Reason* In order to ensure the implementation of the approved landscaping in the interests of the amenity of the area.

**Condition 24** Any trees, shrubs or other plants required to comply with Condition 22 and which die, or are removed or become seriously damaged or diseased, within a period of five years from the first use or completion (whichever is the sooner) of the development shall be replaced in the next planting season with others of similar size and species unless the Comhairle, as Planning Authority, gives written consent to any variation.

*Reason* In order to safeguard and care for the landscaping in the long-term interests of the appearance and amenity of the area.

**Condition 25** Prior to the erection of any superstructure, details of bin enclosures and any screening for air source heat pump units shall be submitted for approval by the Comhairle as Planning Authority. The approved details shall then be implemented and maintained throughout the lifetime of the development to the satisfaction of the Comhairle as Planning Authority.

*Reason* In the interests of visual amenity.

**Condition 26** The total noise from any mechanical and electrical plant shall not exceed NR35 during daytime and NR25 during night-time within any adjacent residential property (the noise measurements shall be taken with the windows open at least 5cm). For the avoidance of doubt NR35 is applicable for the period 07.00 to 23.00 hours and NR25 is applicable for the period 23.00 to 07.00 hours.

*Reason* To safeguard neighbouring property from any potential noise nuisance in the interest of residential amenity.

#### **GENERAL**

**Condition 27** Works and operations on site shall be carried out in accordance with the Biodiversity Enhancement Statement contained within the Preliminary Ecological Appraisal (PEA) (dated June 2025), which form part of this planning permission, unless a variation is subsequently approved in writing with the Comhairle as Planning Authority.

*Reason* In the interests of securing the development of the site in the interests of natural heritage.

**Condition 28** Details of the materials, finishes, and colours to be used for the development hereby permitted shall be in accordance with the Approved Plans and shall be carried out in compliance with the approved details unless agreed otherwise in writing with the Comhairle as Planning Authority.

*Reason* In the interests of the visual amenity of the area.

**Condition 29** Throughout the life of the development to which this planning permission relates all external lighting shall be fitted, maintained and operated so as to prevent external light spilling upwards and outwith the confines of the site.

*Reason* In the interests of visual amenity, and in consideration for the potential protected species in the area.

**Condition 30** The finished ground levels shall be as per Approved Plan 16 unless otherwise agreed in writing by the Comhairle as Planning Authority.

*Reason* In the interests of visual amenity and to reduce any landscape or neighbouring amenity

*impacts from the development.*

**Condition 31** Throughout the life of the development to which this planning permission relates there shall be no exposed underbuilding more than 600mm deep, unless otherwise agreed in writing by the Comhairle as Planning Authority.

*Reason* To reduce the impact of the development in the interests of visual amenity of the area.

**Condition 32** Prior to installation of any substructure relating to the houses hereby approved, details of any retaining structures to be developed and used on site shall be submitted for approval to the Comhairle as Planning Authority. The approved details shall then be implemented and maintained throughout the lifetime of the development to the satisfaction of the Comhairle as Planning Authority.

*Reason* In the interests of visual amenity.

**Condition 33** Unless agreed otherwise in writing with the Comhairle as Planning Authority, no dwelling forming part of the development to which this planning permission relates shall be occupied prior to the provision of a dog foul waste bin as identified on Approved Plan 02A.

*Reason* In order to ensure a dog foul waste bin is provided in the interest of amenity and public health.