

Agenda Item	5.3
Report No	PLN/020/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 7th March 2023

Report Title: 22/06013/PAN: Highlands & Islands Enterprise
Dingwall Business Park, Dingwall

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Removal of existing perimeter bund and replacement with perimeter defence structure.

Ward: 08, Dingwall and Seaforth

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 7th December 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location / Site Layout Plan.
- 1.4 Two in-person drop in consultation events are planned. The first took place on 14th December 2022 between 4pm and 7pm at 9 Fodderty Way, Dingwall Business Park. The second is planned to take place on 1st March 2023 between 4pm and 7pm at the Newton Room (Ground Floor) Dingwall Town Hall. The first event was advertised on 2nd December 2022 in the Ross-Shire Journal 12 days prior to the public consultation dates and within the required statutory period. The second event is still to be advertised.
- 1.5 Details of all notified parties are included in the PAN application form and in the accompanying Communication and Engagement Strategy and include Dingwall Community Council, Strathpeffer Community Council, as well as Ward Members, MSP, local businesses (within Dingwall Business Park), and landowners, who were notified on 7th December 2022. In addition, a leaflet advising of the event was dropped by hand to premises within 500m of the site on 9th December 2022.
- 1.6 In addition, landowners and businesses within the Business Park were emailed about the proposals on 3rd November 2022, and a Microsoft Teams meeting will be held with the landowners to the west, north, and east of the Business Park, at a date to be confirmed.
- 1.6 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal is to replace the existing sub-standard bund around the perimeter of Dingwall Business Park with a new perimeter flood defence structure. The new structure will be adequate to provide protection in the occurrence of a 1:200 year (+ climate change) event to existing and potential future businesses within the Business Park. The structure will consist generally of an earthworks bund with short wall lengths where the space available may be too limited to accommodate a bund. The structural design of the defence will be undertaken to a standard which will enable it to be adopted as a formal flood defence.

3.0 SITE DESCRIPTION

3.1 The PAN boundary covers the existing Dingwall Business Park which has a footprint of approximately 1.5 hectares. The overall operational footprint is expected to be the same as the existing bund, but temporary works will be required for the construction and to haul in materials, which are expected to exceed 2 hectares and therefore will be classed as a major development.

There is an existing informal bund around the perimeter of Dingwall Business Park, which varies in height and condition. It is in the most part vegetated in nature, with the older 1980's section of the business park (the eastern section) being well established with semi-mature / mature trees, and the newer section dating from approximately 2000 having younger trees. The Business Park itself contains a large number of business units, in addition to the Council's recycling centre and a children's day nursery. There are also a number of plots awaiting development, primarily in the newer western section of the Business Park. The Business Park is surrounded by farm land, with the River Peffery running along the north site boundary, and the A834 Dingwall – Strathpeffer road along the south boundary.

3.2 There are no natural heritage designations within the site boundary nor is the site within connectivity distance of any Special Protection Area (SPA), Special Area of Conservation (SAC), or Sites of Special Scientific Interest (SSSI). The proposed works are within 2km of 3 designates sites, the Cromarty Firth Ramsar, SPA and SSSI. The proposed works are connected by the River Peffery which interconnects downstream with the designated sites at the Cromarty Firth Estuary. There is a Tree Preservation Order (TPO) on the trees alongside the Dingwall – Strathpeffer road (A834). The topography of the site is relatively flat, apart from the engineered bund structure around the perimeter, and a section of former bund running through the centre of the site between the older and newer sections of the Business Park. The site falls wholly within the Farmed River Plains – Inverness Landscape Character Type as defined by NatureScot's Landscape Character Assessment. There are no Core Paths, however the wider area is subject to the Land Reform (Scotland) Act 2003 where members of the public may reasonably exercise their rights to public access. There are no Listed Buildings or Scheduled Monuments in the vicinity of the site.

3.3 The proximity of the site to the River Peffery means the whole of the development area is within the river flood plain and consequently at 1:200 year plus climate risk of flooding, according to SEPA's Flood Risk Mapping.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

4.1 National Planning Framework 4 (2023) (NPF4)

- Policy 1 – sustainable places
- Policy 2 – climate change and adaptation
- Policy 3 – biodiversity

- Policy 18 – infrastructure first
- Policy 20 – blue and green infrastructure
- Policy 22 – flood risk and water management
- Policy 23 – health and safety
- Policy 26 – business and industry

Highland Wide Local Development Plan (2012) (HwLDP)

28 - Sustainable Design
 30 - Physical Constraints
 51 - Trees and Development
 58 - Protected Species
 59 - Other Important Species
 60 - Other Important Habitats
 61 - Landscape
 64 - Flood Risk
 66 - Surface Water Drainage

4.2 Inner Moray Firth Local Development Plan (IMFLDP)

No site specific policies or allocations, application will be assessed against the general policies of the HwLDP.

4.3 Inner Moray Firth Local Development Plan 2

The plan is at the proposed stage with consultation closed and comments currently under review. The plan's focus is again on identifying specific site allocations however it will include several overarching 'general policies' that will apply to all developments including for Low Carbon Development, and, Nature Protection, Preservation, and Enhancement.

4.3 Highland Council Supplementary Guidance

- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Trees, Woodlands and Development (Jan 2013)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy;
- b) Construction impacts;
- c) Flood risk and drainage impacts;
- d) Impact on trees and woodland;
- e) Design, landscape, and visual impact (including cumulative impacts);
- f) Natural heritage including protected species and habitats;
- g) Economic impact;
- h) Any Other Material Considerations Raised within Representations.

6.0 CONCLUSION

- 6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further

matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

7.1 Not applicable.

8.0 RECOMMENDATION

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North

Author(s): Susan Hadfield

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

Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
Plan 2 – Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019

Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council

Contact Details

Applicant	Highlands & Islands Enterprise	Agent	Iain Armstrong JBA Consulting
Address	An Lòchan 10 Inverness Campus Inverness IV2 5NA	Address	Floor 4 Maybrook House 31/35 Grainger Street Newcastle upon Tyne NE1 1JE
Phone		Phone	0191 4325902
Email		Email	Iain.Armstrong@jbaconsulting.com

Address or Location of Proposed Development

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice

Dingwall Business Park, Fodderty Way, Dingwall, IV15 9XB

Description of Development

Please include detail where appropriate – e.g. the number of residential units; the gross floorspace in m² of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

Proposed removal of existing perimeter bund and replacement with new perimeter defence structure at Dingwall Business Park.

A perimeter bund has been added as part of every development stage of Dingwall Business Park over the last 40 years. The perimeter length now totals approximately 1650m. The bund was intended to function as a flood protection structure but it has not been constructed to any identifiable structural standards nor to a defined standard of protection and is not adopted by the Highland Council.

The lack of a flood protection structure with a clearly defined standard of protection is preventing further development of the business park because statutory consultees are obliged to object to development on the basis of flood risk. Current applications for planning permission have therefore been placed on hold.

Highlands & Islands Enterprise now propose to construct a defence in the form of a new perimeter defence structure which will be adequate to provide protection in the occurrence of a 1:200 year (+ climate change) event. The structure will consist generally of an earthworks bund with short wall lengths where the space available may be too limited to accommodate a bund. The structural design of the defence will be undertaken to a standard which will enable Highlands & Islands Enterprise to propose it for adoption by the Highland Council as a formal flood defence.

The area of the site is expected to exceed 2ha and therefore will be classed as a major development within The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

Yes

No ✓

If yes, please provide a copy of this Opinion.

Community Consultation

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s	Date Notice Served
Dingwall Community Council	07.12.22
Strathpeffer Community Council	07.12.22

Local Elected Members	Date Notice Served
Councillor Angela MacLean	07.12.22
Councillor Sean Kennedy	07.12.22
Councillor Graham MacKenzie	07.12.22
Margaret Paterson	07.12.22

Members of Scottish Parliament and Members of Parliament	Date Notice Served
Kate Forbes MSP	07.12.22

Names / details of other parties	Date Notice Served
See accompanying Communication and Engagement Strategy	

Details of Proposed Consultation

Proposed Public Event 1	Venue	Date and Time
Drop-in event	9 Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB	14.12.22 from 4-7pm

Proposed Public Event 2	Venue	Date and Time
Drop-in event	Newton Room, Dingwall Town Hall, 1 Church Street, Dingwall, IV15 9SB	Expected to be in March 2023 time TBC.

Publication of Event

Newspaper Advert (wording below)	Name of Newspaper	Advert Date
Notice of Pre-Application Public Event	Ross-shire Journal	02.12.22

Proposal: Upgrades to flood defence embankment, along the perimeter of the Dingwall Business Park, IV15 9XL.

JBA Consulting and Highlands & Islands Enterprise will host a public

drop in event from 4-7pm on Wednesday 14th December at 9 Fodderty Way, Dingwall Business Park, IV15 9XB.

There will be an opportunity to comment on the proposal at the event or by contacting JBA Consulting within 10 days following the event, by emailing iain.armstrong@jbaconsulting.com. There will be a further public event in early 2023.

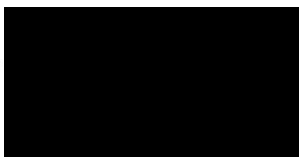
Further information can be obtained from: JBA Consulting, Unit 2.1 Quantum Court, Heriot-Watt Research Park, EH14 4AP. Tel No: 0131 319 2940.

Please note this notice does not relate to a current planning application, and that all comments made are not representations of The Highland Council. There will be further opportunities to make representations to the council, once the application has been made by Highlands & Islands Enterprise.

Details of any other consultation methods (date, time and with whom)

See accompanying Communication and Engagement Strategy.

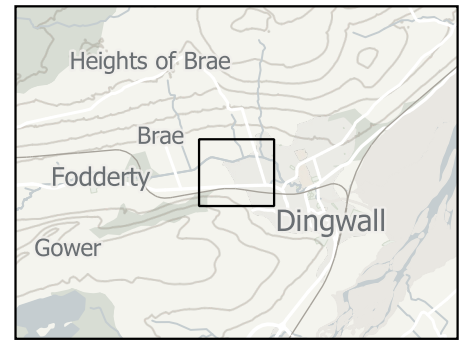
Signed



Date 07.12.22



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Flood Embankment Upgrades, Dingwall

 Property Boundary

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