

Agenda Item	5.2
Report No	PLS-45-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 23 August 2023
Report Title: 23/03163/PAN: Ness Valley Leisure Ltd
Land At Ness-Side Fields, Dores Road, Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Residential development, associated infrastructure and open space
Ward: 15 - Inverness Ness-Side

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 the application for planning permission.

1. BACKGROUND

- 1.1 To inform 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 28 June 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 Plan
- 1.4 In line with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the prospective developer proposes to undertake an in-person exhibition within 6 months of the date of validation (by 26 December 2023). This event will allow members of the public to engage in live discussion.
- 1.5 The consultation has been publicised and advertised in accordance with the appropriate statutory requirements with adverts placed within the Inverness Courier on the 14 and 28 July. The applicant notes they have carried out an in-person public consultation event on 25 July and 8 August at Holm Mills Shopping Village. A letter drop to all properties within 500m of the site boundary took place prior to the 8 August consultation event. Details of all notified parties are contained and appended to the PAN form and include Community Councils, Elected Members, local MSPs and MPs.
- 1.6 Any forthcoming application will require to 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. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Based upon the information provided, the development is likely to comprise of residential development, associated infrastructure and open space on 26.65ha of land.
- 2.2 The applicant has not yet sought pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments.

3. SITE DESCRIPTION

- 3.1 The PAN boundary covers approximately 26.65ha hectares and is the proposed next phase of development at Ness-side across the West Link road in the south western portion of the wider site. There is recently constructed residential development and ongoing works at Ness-Side and Ness Castle to the north/northeast and to the southeast respectively. An area of designated Long-Established Woodland is located towards the northeastern site boundary. The site is at risk of pluvial and fluvial

flooding, particularly along the banks of the River Ness and linked watercourses in the northern portion of the site.

4. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

4.1 National Planning Framework 4 (Adopted 2023)

- 1 - Tackling the climate and nature crises
- 3 – Biodiversity
- 6 – Forestry, woodland and trees
- 13 – Sustainable transport
- 14 – Design, quality and place
- 15 – Local living and 15 minute neighbourhoods
- 18 – Infrastructure first
- 22 – Flood risk and water management
- 25 – Community wealth building
- 27 – City, town, local and commercial centres

4.2 Highland-wide Local Development Plan (Adopted 2012)

- 1 – Completing the Unconstructed City Expansion Areas
- 2 – Inverness City Vision
- 8 – Ness-side and Charleston
- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 – Affordable Housing
- 34 – Settlement Development Areas
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 64 - Flood Risk
- 65 - Waste Water Treatment

66 - Surface Water Drainage

74 – Green Networks

75 – Open Space

77 - Public Access

4.3 Inner Moray Firth Local Development Plan (Adopted 2015)

IN24 Torvean & Ness-side (Northern part) (535 homes, business, retail, tourism, community)

4.4 Proposed Inner Moray Firth Local Development Plan 2

INS14: Ness-side South (indicative housing capacity 100 (200 total)

IN19: Ness-side South East (care home, business (day nursery))

4.5 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (November 2018)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Green Networks (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)

Roads and Transport Guidelines for New Developments (May 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Torvean and Ness-Side Development Brief (2019)

4.6 Scottish Government Planning Policy and Guidance

Circular 1/2017: Environmental Impact Assessment Regulations (2017)

PAN 1/2011 - Planning and Noise (Mar 2011)

Construction Environmental Management Process for Large Scale Projects
(2010)

PAN 60 – Planning for Natural Heritage (Jan 2008)

Developing with Nature Guidance (NatureScot 2023)

5. POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- 5.1
- a) Development Plan;
 - b) Planning History;
 - c) National Policy;

- d) Roads and Transport;
- e) Pedestrian and Cycle Links;
- f) Water, Flood Risk, and Drainage;
- g) Trees and Woodland;
- h) Natural Heritage including protected species and habitats;
- i) Built and Cultural Heritage;
- j) Design, landscape, and visual impact (including cumulative impacts);
- k) Open Space and Landscaping;
- l) Noise, Dust and Light Pollution;
- m) Outdoor Access;
- n) Phasing;
- o) Any other material considerations raised within representations.

6. CONCLUSION

- 6.1 The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered 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. IMPLICATIONS

- 7.1 Resource: Not applicable
- 7.2 Legal: Not applicable
- 7.3 Community (Equality, Poverty and Rural): Not applicable
- 7.4 Climate Change/Carbon Clever: Not applicable
- 7.5 Risk: Not applicable
- 7.6 Gaelic: Not applicable

8. RECOMMENDATION

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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Proposal of Application Notice
Plan 2 – Location Plan 313160 PL001

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	Ness Valley Leisure Ltd	Agent	Mabbett & Associates Ltd
Address	c/o Agents	Address	Willow House Stoneyfield Business Park INVERNESS IV2 7PA
Phone		Phone	01463 213040
Email		Email	ymacdonald@mabbett.eu

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

Land at Ness-Side, Inverness

Description of Development

Please include detail where appropriate – eg 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 residential development, associated infrastructure and open space

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?

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
Holm Community Council	28 June 2023
Local Elected Members	Date Notice Served
Inverness Ness-Side Members	28 June 2023
Aird and Loch Ness Members	28 June 2023

Members of Scottish Parliament and Members of Parliament	Date Notice Served
N/A	

Names / details of other parties	Date Notice Served
N/A	

Details of Proposed Consultation

Proposed Public Event 1	Venue	Date and Time
	Holm Mills Shopping Village – Restaurant area	Tuesday 24 July 2023 1.00 – 5.00 pm
Proposed Public Event 2	Venue	Date and Time
<i>(at least 14 days after Public Event 1)</i>	As above	Tuesday 8 August 2023 1.00 – 5.00 pm

Publication of Event

Newspaper Advert	Name of Newspaper	Advert Date
	Inverness Courier	Friday 14 July 2023 Friday 28 July 2023

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

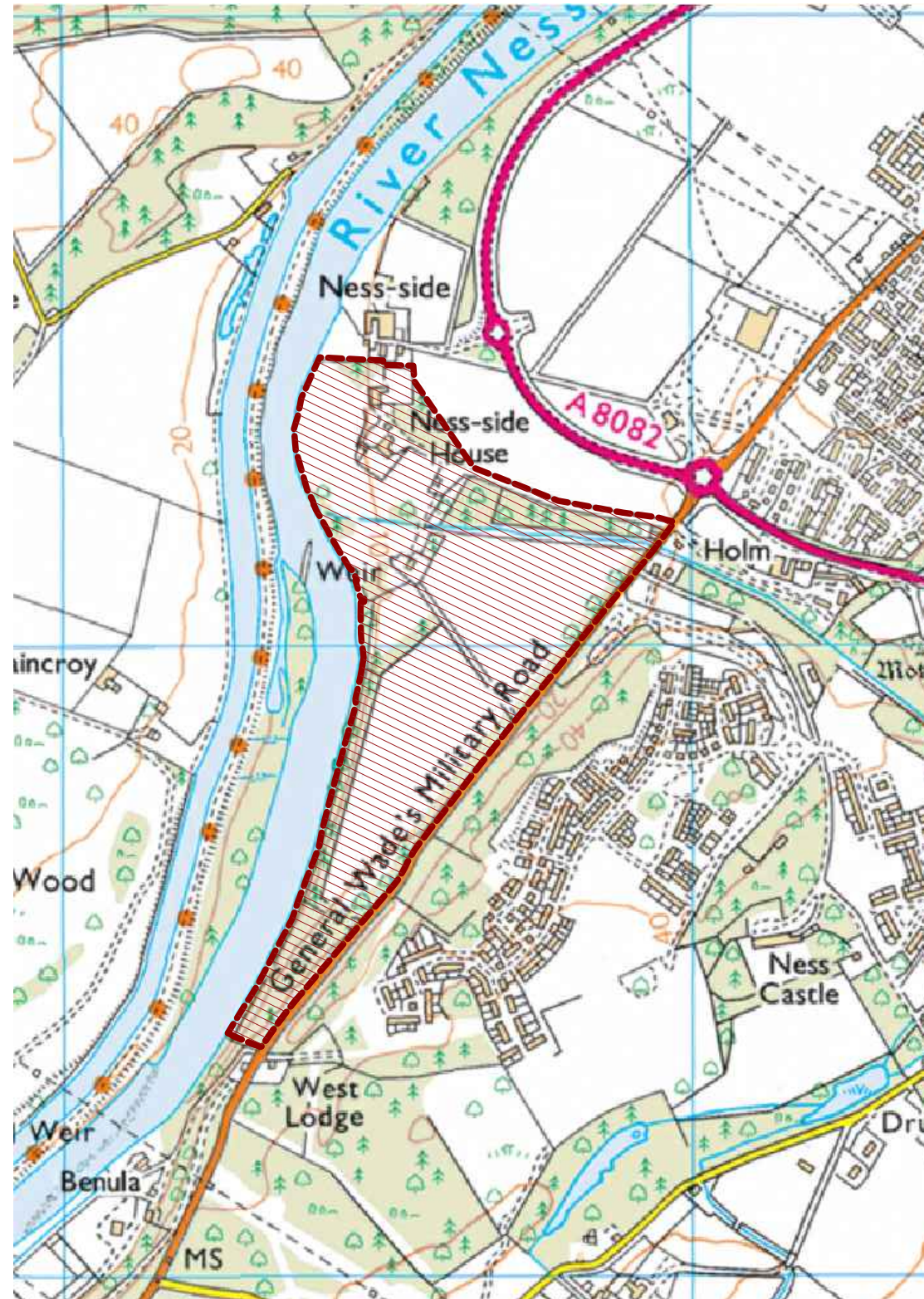
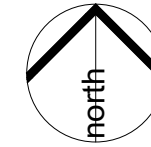
Signed *Robert Grant*
Mabbett & Associates Ltd

Date **28 June 2023**



0 50 100 250 500
Scale 1:5000 (metres)

Application Area 26.76 ha



0 100 200 500 1000
Scale 1:10000 (metres)

Rev.	Description	Drawn	Date
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Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
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Client
Ness Valley Leisure Ltd

Project
PIP for residential development
Ness-Side Inverness

Drawing
Location Plan

Status
Proposal of Application

Scale 1:5000	Sheet A3
Drawn AF	Check RG
	Date 28/06/23

Drawing No: 313160 PL001