

Agenda Item	5.1
Report No	PLS-70-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 10 December 2024

Report Title: 24/04644/PAN: Statera Energy Limited
Land 150M SW Of Ferry Cottage, Scaniport, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Ness Weir II project - Modify existing weir, raising the crest height of weir, creating a fish pass, installing outlet sluice in the form of a tilting weir

Ward: 12 – Aird and Loch Ness

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 08 November 2024. 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 October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. In line with the current regulations, there will be two in-person consultation events.

- Event 1: 18 November – 21 November 2024 at Dores Village Hall; An Talla, Dochgarroch; Caledonian Canal Centre, Fort Augustus; Treehouse, Carsegate Road, Inverness; Glenmoriston Townhouse, 20 Ness Bank, Inverness
- Event 2: 20 January 2025 same venues but dates and times to be confirmed

1.5 The first event was advertised on 5 November in the Inverness Courier and Press and Journal in accordance with regulation 7 of the Town and Country planning (Pre-Application Consultation Scotland) Regulations 2019.

1.6 The Proposal of Application Notice has been served on the following Community Councils;

Dores & Essich

Glenurquhart

Stratherrick and Foyers

Fort Augustus & Glenmoriston

Holm

Crown & City Centre

Park

Dalneigh & Columba

Ballifeary
Lochardil
Muirtown
Merkinch
Strathnairn

Elected Members, MSP and MP have also been served notice.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The Ness Weir II project seeks to modify the existing weir to provide future resilience against the impacts of climate change. The modifications will include raising the crest height of the existing weir, creating a new fish pass and installing a new outlet sluice in the form of a tilting weir.

The proposals to modify the existing weir will help to:

- Ensure sufficient water levels to meet the minimum operation level of the canal
- Ensure the fish environment for salmonids (salmons, trout, smolt etc.) is protected
- Allow for better management of flood control with the prospect of wetter winters; and
- Reduce summer curtailment of existing and proposed pumped hydro schemes on the Loch.

3.0 SITE DESCRIPTION

3.1 The PAN boundary includes the existing weir on the River Ness from the Lock for the Caledonian Canal at Dochgarroch to the northeast to the jetty to the southwest where River Ness enters Loch Dochfour.

3.2 Access will be taken from the existing road between the River Ness and the B862.

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework 4 (2023)

Policy 1 – Tackling the climate and nature crisis
Policy 2 – Climate mitigation and adaptation
Policy 3 – Biodiversity
Policy 4 – Natural places
Policy 5 – Soils
Policy 7 – Historic assets and places
Policy 22 – Flood risk and water management

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

- 28 - Sustainable Design
- 29 - Design Quality and Placemaking
- 30 - Physical Constraints
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 74 - Green Networks
- 77 - Public Access

4.2 **Inner Moray Firth Local Development Plan (IMFLDP)2**

No specific policies are applicable to the site

4.3 **Highland Council Supplementary Guidance**

- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.4 **Scottish Government Policy and Other Guidance**

- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 56 - Planning and Noise
- PAN 58 - Environmental Impact Assessment
- PAN 60 - Planning for Natural Heritage

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Community amenity including operational noise impacts;
- c) Construction impacts;
- d) Roads and transport;

- e) Flood risk and drainage impacts;
- f) Impact on trees and woodland;
- g) Design, landscape, and visual impact (including cumulative impacts);
- h) Natural heritage including protected species and habitats;
- i) Built and cultural heritage;
- j) Economic impact and tourism;
- k) Construction impacts;
- l) Pollution;
- m) Decommissioning and restoration;
- n) Outdoor access; and,
- o) 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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author(s): Keith Gibson
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.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Statera Energy Limited	Agent	
Address	80 Victoria Street, London, SW1E 5JL	Address	
Phone	07854618041	Phone	
Email	kcassie@stateraenergy.co.uk	Email	

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.

Ness Weir, Dochgarroch, Inverness, IV3 8JG

Easting: 261221

Northing : 839535

--

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.

Statera Energy Limited is proposing the Ness Weir II project, to modify the existing weir to provide future resilience against the impacts of climate change. The modifications will include raising the crest height of the existing weir, creating a new fish pass and installing a new outlet sluice in the form of a tilting weir.

The proposals to modify the existing weir will help to:

- Ensure sufficient water levels to meet the minimum operation level of the canal
- Ensure the fish environment for salmonids (salmons, trout, smolt etc.) is protected
- Allow for better management of flood control with the prospect of wetter winters; and
- Reduce summer curtailment of existing and proposed pumped hydro schemes on the Loch.

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?

If yes, please provide a copy of this Opinion.

Yes No

Community Consultation

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

Community Council/s

Date Notice Served

Dores and Essich
Inverness West
Glenurquhart
Stratherrick and Foyers
Fort Augustus and Glenmoriston
Holm
Crown and City Centre
Park
Danleigh and Columba

1st November 2024

Ballifeary Lochardil Muirtown Merkinch Strathnairn	
Local Elected Members	Date Notice Served
Raymond Bremner Ken Gowan Thomas MacLennan Chris Balance (Ward) Helen Crawford (Ward) David Fraser (Ward) Emma Knox (Ward) Paul Oldham Alasdair Christie Jackie Hendry Andrew Mackintosh Bill Boyd Alex Graham Ryan Mackintosh Michael Cameron Michael Gregson Kate MacLean	1 st November 2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Angus MacDonald MP Kate Forbes MSP Fergus Ewing MSP	1 st November 2024
Names / details of other parties	Date Notice Served
NA	NA

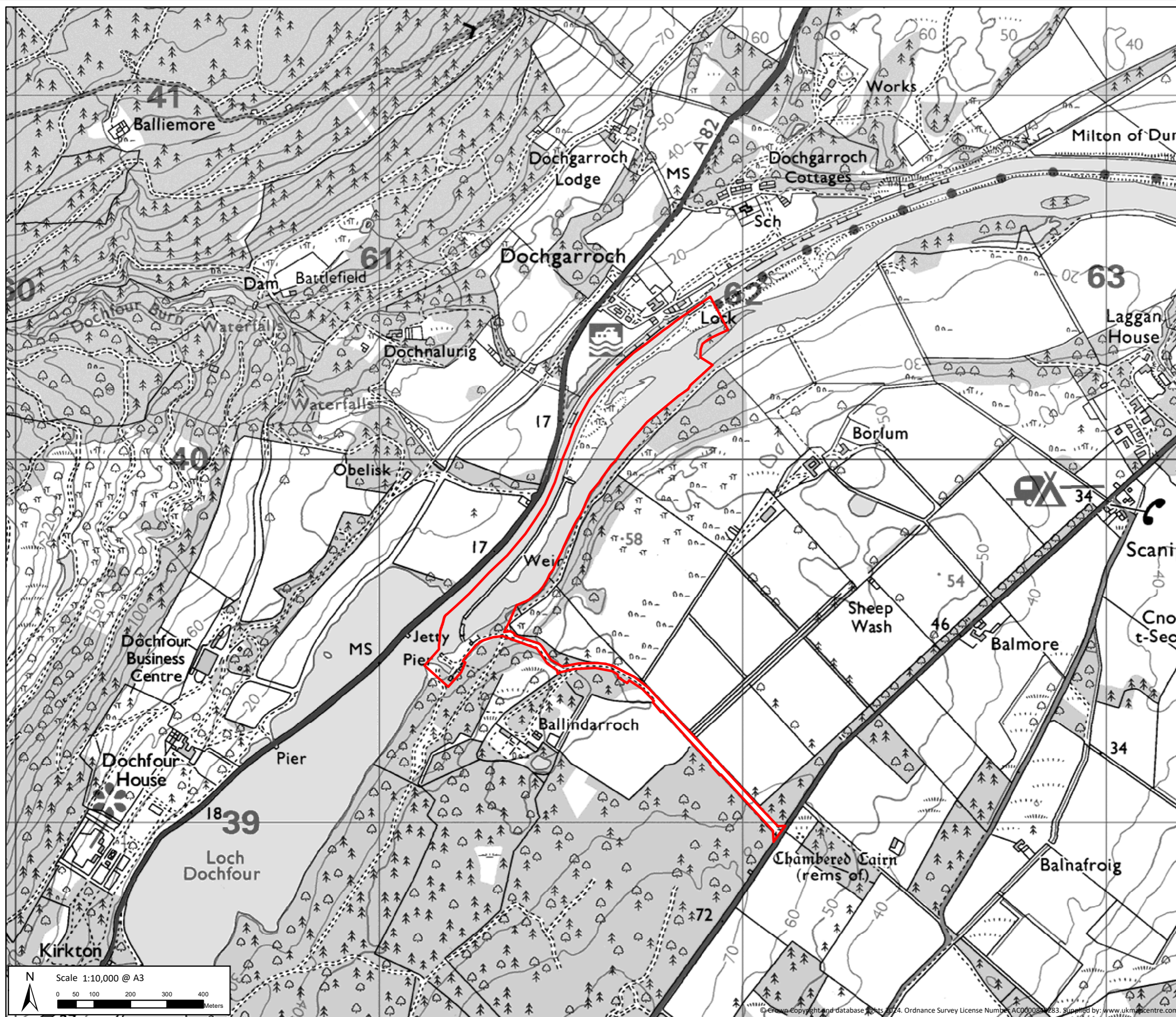
Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time

W/C 18 th November 2024	Dores Village Hall, Dores, IV2 6TR	Tuesday 19th November 3.00pm - 7.30pm
	An Talla, Dochgarroch, IV3 8JG	Wednesday 20th November 11.00am - 2.00pm
	Caledonian Canal Centre, Fort Augustus, PH32 4AU	Wednesday 20th November 4.00pm - 7.30pm
	Treehouse Carsegate Road, Inverness, IV3 8EX	Thursday 21st November 11.00am - 2.00pm
	Glenmoriston Townhouse, 20 Ness Bank, IV2 4SF	Thursday 21st November 4.00pm - 7.30pm
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
W/C 20 th January 2025	TBC – will look to use same venues	Number and timings of events will be similar to those above

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Please see advert attached.	The Inverness Courier Press and Journal	Tuesday 5 th November 2024
Details of any other consultation methods (date, time and with whom)		
<p>Flyer distribution to 3,135 addresses (distribution buffer included addresses within 80m of the Canal and River Ness, and addresses within 4,000m of Loch Ness.) Flyers will be delivered w/c 4th November 2024.</p> <p>Targeted social media ads, to be posted for 2wks on run up to consultation events.</p> <p>Posters – copies of the flyer will be distributed to the consultation venues and displayed on notice boards ahead of events.</p> <p>Press Release issued to the Inverness Courier and Press and Journal for consideration w/c 4th November.</p> <p>Consultation website (www.nessweir2.co.uk) containing further information about the proposals available from 1st November, and which will host online versions of the consultation materials and feedback form from Tuesday 18th November 2024.</p>		

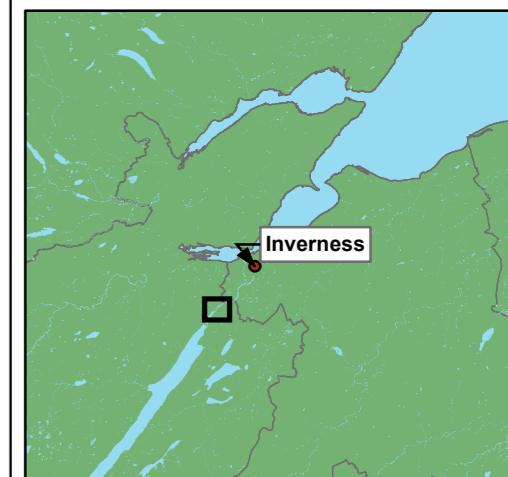
--

Signed		Date	31/10/204
--------	--	------	-----------



Legend

 PAN Boundary



Title: Ness Weir II - Proposal of Application Notice (PAN)

Figure 1: Site Location

Drawn by: MT **Date:** 31/10/2024

Drawing: 122015-D-PAN-1.0.0

