

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
17 February 2015

Agenda Item	6.1
Report No	PLN/002/15

11/02695/FUL: The Highland Council
Land between A862 Newton Road and A834 Strathpeffer Road, Dingwall.

Report by Area Planning Manager

SUMMARY

Description : Formation of Kinnairdie Link Road, Improvements to Council Buildings Junction, reinforcement of existing flood bund and Formation of Flood Protection Bund

Recommendation - GRANT

Ward : 09 – Dingwall and Seaforth

Development category : Major Development.

Pre-determination hearing : Not required.

Reason referred to Committee: Major development & number of representations received.

1. PROPOSED DEVELOPMENT

1.1 This application proposes three separate elements of development as a linked project. These elements are:

- The formation of Kinnairdie Link Road,
- Improvements to County Buildings Junction
- the strengthening of the existing flood bund to the north and west of Dingwall Business Park and the formation of a new Flood Protection Bund

1.2 The Kinnairdie Link Road comprises the formation of a 0.9km long link road from Newton Road at the point of access into Dingwall Academy to Strathpeffer Road to the west at the junction with Docharty Road. The road will arch around to the north of existing housing developments at Burns Crescent and Bridgend Close, below Deas Avenue. It is proposed to be between a 7.3m to 10m wide carriageway with two 2m wide footpaths/cycleways.

- 1.3 Improvements are also proposed to the County Buildings junction to assist with anticipated associated changes to traffic flows. These improvements comprise increased width to the A862 northbound approach to provide more storage with both lanes allowing straight through movement, two continuous lanes northbound between the County Buildings and Tesco junctions with the offside lane providing the right turn into Mart Rd and widening of the eastbound approach from Burn Place back to the County Buildings access. (It has been clarified that these works could proceed without planning permission being required under permitted development rights. The works may proceed before the remainder of the development. They are included in this application for completeness as the improvements are required as a result of the Kinnairdie Link Road development.)
- 1.4 A new flood bund is proposed to the north of the Strathpeffer Road Business Park, together with strengthening of the existing bund to the north and west of the Business Park, to provide compensatory flood storage for the flood plain area within the town which will be lost as a result of the road construction.
- 1.5 The option of building the road in phases has been considered due to possible funding constraints with phase 1 comprising the section from Dingwall Academy (Newton Road) to Back Road. If funding becomes available it is anticipated that phase 2 would be moved forward. Large scale developments have been granted which require significant amounts of developer contributions to be made towards the construction of this road and the collection of these contributions has already commenced. Landscaping plans have been submitted to support the application with elements having been adjusted to take account of public comments received before the application was submitted.
- 1.6 A public display of the proposed development was advertised and held in Dingwall Academy on 27 May 2010 in accordance with the pre-application consultation regulations with specific invitations issued to various parties. Extensive pre-application discussions took place with the developer who also took advantage of the Council's pre-application advice service.
- 1.7 The access onto Newton Road was formed for the new Dingwall Academy but the first section of the access road itself will need to be upgraded as part of the current proposals.
- 1.8 An Air Quality Impact Assessment, an Archaeological Evaluation, a Traffic Model for Dingwall, a Flood Risk Assessment (which has been supplemented in discussion with SEPA), an Active Travel Regional Audit, a Junctions Design Options Assessment report, a Morphological Survey of the River Peffrey, a Noise and Vibration Assessment, a Pedestrian and Cyclist Survey, a Pre-Application Consultation Report, a Scenario Options Report, a Bat Survey Report, an Otter Survey, a Tree Survey and a Transport Assessment have been submitted in support of the application.
- 1.9 **Variations:** An amended site plan P/01 rev A with a revised red line boundary showing an increased site area was submitted on 4th November 2014. Re notification of neighbours and those parties who had lodged representations was carried out whilst the applicant re notified landowners and the Community Council.

The applicants advise that these changes followed on from consultations with various bodies and individuals which resulted in improvements and enhancements to the proposal.

2. SITE DESCRIPTION

- 2.1 The site comprises the first section of the access to Dingwall Academy leading off the A862 up to the point where this enters the Academy site. This section will be upgraded. Thereafter the site crosses the River Peffrey twice, it then crosses a corner of garden ground and runs along an area of overgrown grassland and trees to the north east of Burns Crescent. It then crosses Back Road to the north east of Robert's Bridge and traverses the lower area of Maggie's Wood which is a maintained area of public amenity ground comprising mown grass, trees and tarmac footpaths with lighting. It then crosses the river Peffrey again, a ditch and finally an area of waste ground before joining Strathpeffer Road to the east of its junction with Docharty Road. The route passes close to the curtilages of houses at Burns Crescent and Bridgend Close and is to be elevated above existing ground levels by 2 – 3 metres as the road has to pass over the level of the existing flood bund to the east of Dingwall Industrial Estate and tie in with the level of the river bridge. The land is currently below the level of the existing houses at Burns Crescent and Bridgend Court.

3. PLANNING HISTORY

- 3.1 11/01470/PAN – Formation of Kinnairdie Link Road, Improvements to County Buildings Junction and Formation of Flood Protection Bund – approved by letter 10.5.11.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Section 34 of the Act and Unknown Neighbour. (Re-advertised 4.11.14)
Representation deadline: 26 August 2011 & 28 November 2014

Timeous representations : 4 representations received from 4 households

1 further representation received following re-neighbour notification.

Late representations : 2 representations received including Dingwall Community Council and 1 household.

- 4.2 Material considerations raised are summarised as follows:

- Road very close to some houses in Bridgend Close/The Old Mill - alternative route should be sought further away, particularly given amount of undeveloped land to the rear. More consideration should be given to householders.
- Impact on privacy – road is elevated –anything larger than a car will be able to see directly into our kitchen/dining area and back garden. Road should be kept to the minimum height.
- Impact of noise, vibration and fumes of passing vehicles close to back fence

- Request that proper fencing should be erected between the road and The Old Mill by owner
- Day to day access from The Old Mill to land to rear will be destroyed.
- Removal of mature tree
- Exacerbation of flooding (Burns Crescent) – proposed design does not adequately protect against increased level of future flooding. Matter must be fully investigated and conditions imposed. Remedial action must be taken if future flooding occurs. Properties must be properly protected during phased construction.
- Considering a legal objection to this road on the grounds of flood prevention and drainage. The before and after SEPA flood risks both look in the Council's favour – they do not show the 1.5m of water cascading through my garden (Burns Crescent) – no mention of £60,000 of insurance claims since new school built.
- Safety and the need for such a road have not been taken into account.
- Understand need for road given congestion & need to be responsible with public purse.
- **Dingwall Community Council:** No objections- generally supportive of the proposals but have made the following observations .
- We have reservations about the development being split into 2 phases. Every effort should be made to bring phase 2 forward so there is as short a lapse as possible after the completion of phase 1. There are concerns regarding the impact of phase 1 alone, in terms of traffic flows along Mill Street (which we do not anticipate will reduce significantly before the completion of phase 2) and the possible additional traffic using phase 1 and then the lower part of Back Road down to Strathpeffer Road.
- Concerns have also been expressed about the signing of phase 1, and after the completion of the whole scheme, with respect to traffic heading east along the new road and travelling south out of Dingwall. Some of this traffic may find it easier to turn left at Newton Road and then right onto Craig Road and through the town to avoid two set of traffic lights. This will increase traffic on Craig Road which, as the Council is aware, is already of concern to local residents. There is evidence that some traffic uses this road already rather than the relief road to avoid the traffic lights.
- Removal of trees and other vegetation should be kept to a minimum.

Non-material considerations raised are summarised as follows:

- Could be difficult to get insurance in the future.
- Detrimental effect on value of property due to road and increased flood risk.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Archaeology Unit:** No objection – no remaining sensitive issues.

5.2 Environmental Health:

Noise and Vibration

As proposal comprises major construction work in close proximity to existing housing it has potential to cause disturbance through noise and vibration. Chapters 4.3 and 5.3 of the document “Kinnairdie Link Road – Noise and Vibration Assessment” (D125416) discusses various recommendations for mitigation measures. Recommend that these mitigation measures are implemented.

Provision of acoustic barriers is discussed for construction and operating phase. Recommend a condition to establish the detail of such barriers before development commences.

Recommend conditions should permission be granted regarding maximum levels of noise arising from the operations and the peak particle velocity generated, measured at the nearest building.

Air Quality/Dust

Section 6 of the Air Quality Impact Assessment for the development makes recommendations for mitigation of dust emitted during the construction phase. Recommend that the mitigation measures are implemented during construction.

Recommend an informative regarding hours of construction.

5.3 **Forestry Officer:** No objection, subject to conditions. Tree Constraints Plan (and associated Tree Survey Schedule) provides level of detail agreed during pre-application site meeting. Plan submitted as a Tree Constraints Plan is rather an Arboricultural Implications Assessment overlaying the road on the Tree Constraints Plan. The Tree Protection Plan is awaited and should include details of protective barriers, a method statement and identify stages of the development which need to be assessed by the arboricultural consultant. Preferable to have this information now but it could be provided as a condition of any consent. The indicative landscape proposals provide sufficient information at this stage, although a more detailed specification will be required as a condition of any approval.

5.4 **Access Officer:** No objections. Recommendations made at pre-application stage have been incorporated into the application by way of ensuring safe and continued access for cyclists and pedestrians to the Core Path at Maggie’s Wood and the path to Deas Avenue, safe crossing points at the Craig Road junction, Docharty

Road and Bridgend Avenue and the inclusion of a cycle path alongside the link road. Boardwalk access close to Dingwall Academy should be of as short a length as possible to ensure it is attractive and well used.

As a Core Path, the Maggie's Wood path must not be obstructed at any time during construction therefore a means of providing continued safe access must be incorporated within the construction plan.

- 5.5 **Landscape Officer:** Landscape Proposals: No outstanding concerns. Proposals merely indicative at present, detailed proposals will be considered in due course.

Pedestrian Links: Changes to landscaping plan address the lack of link between the northern section of the north-south pedestrian route and its lack of link to the roadside east-west path route. Following discussions an amended link will be required.

I appreciate that the southern section of the old drive no longer has a useful function, but would like to see some reference to it in the landscape proposals in this area, perhaps marking out the route with some subtle landform or planting lines.

Site levels: The road embankments appear very engineered and unsympathetic. Where flood risk considerations and existing retention of trees allows, the levels should be eased out to produce more sympathetic slopes to link with the open spaces and ameliorate the severity of the effect of the new road cutting through the existing landscape.

- 5.6 **Network Rail:** No objection subject to conditions being imposed. The proposal has potential to impact on a number of level crossings which can result in significant increases in the vehicular and/or pedestrian traffic utilising a crossing possibly impacting upon safety and service provision. Even a small change in the level or type of use can have significant impacts.

Network Rail had concerns about the impact of the proposed link road and associated works on the level crossings in the vicinity. In particular Dingwall Middle (on the A862) and Dingwall 1(Craig Road). They initially objected to proposals for the link road as a result.

Further information has now been provided on the nature of the junction and a more detailed Transport Assessment. That information has reduced their concerns but they state that they still have sufficient concerns to only be able to withdraw their objection if conditions can be attached to any consent for the works which further safeguard the safety of level crossing users.

As the revised Transport Assessment showed a significant difference between the impacts of various options for the design of the junction on the Dingwall Middle crossing and as drawings submitted with the application do not show a preferred option they require any consent to include a condition ensuring that the link road/A862 junction will be designed and constructed as a priority control junction (in favour of A862 traffic) and be fully operational prior to the link road being opened.

The modelling contained in the Transport Assessment (p 48) indicates that the new signalised pedestrian crossing on the proposed link road, to the west of the A862 junction, would not cause queuing traffic to extend back to the junction of the Kinnairdie link road and the A862. It states – ‘The signal timings would be set such that the traffic stage would be of such a duration that any queue from the pedestrian crossing did not extend back to the main road and interfere with the flow there. This could be by means of detectors on the carriageway’. Network Rail considers it is safety critical that a queue would not reach the Dingwall Middle level crossing. They therefore require a condition confirming that the signalised pedestrian crossing at the east end of the Kinnairdie link road must be controlled by signal timings and detectors so that there will be no blocking back over the Dingwall Middle level crossing, installed and operational prior to the opening of the link road. A programme of monitoring of queuing from the pedestrian crossing back towards Dingwall Middle following opening of the link road must also be agreed with Network Rail prior to the opening of the link road and results be shared with Network Rail timeously thereafter.

Although the proposed link road will have less impact on Dingwall 1(Craig Rd) than on Dingwall Middle there is still the potential for additional traffic over that crossing as traffic redistributes following opening of the link road. They therefore require a condition confirming that a programme of monitoring of traffic, volume and types, over Dingwall 1 prior to and following the opening of the link road must be agreed with Network Rail prior to the opening of the link road and the results must be shared with them timeously thereafter.

However Network Rail were concerned that in addition to existing residential consents in the Dingwall North area, other applications may be submitted or remain to be determined, approval of which may have adverse impacts upon the safety of the level crossings if the link road were not in place. It has been agreed that they will be formally consulted on all such applications, which should be accompanied by information from the re-running of Dingwall traffic model, and therefore they will be able to lodge comments regarding rail safety.

Further, given the proximity of the proposed link road and associated works to the railway, construction works must be undertaken in a safe manner which does not disturb the operation of the railway. The developer must consult with Network Rail. This can be addressed by way of an informative.

- 5.7 **Scottish Environment Protection Agency: Remove objection if conditions** outlined below are attached to any permission granted. If any of the conditions will not be applied, then we object.

The *Kinnairdie Link Road FRA – Compendium Report* dated 8 February 2013 provides full details of the flood risk assessment carried out for the site

Although for planning purposes there is only a need to ensure that the development has a neutral impact on flood risk, there is no requirement to improve the existing situation; it is unfortunate that no further improvement of the existing situation in Dingwall can be included. There are areas of Dingwall at high risk of flooding, in very close proximity to the route of the new road and any opportunity to improve the situation in those areas would have been most welcome.

Interaction between regulation and planning

The proposals for the new watercourse crossings, the bund, the diversion and any other engineering works on the water environment will be authorised by us under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

Based on the information provided to date we consider that the proposals are capable of being authorised by us under CAR. However there are a number of detailed design elements, including for example fish passage and final design of river engineering works, which will only be finalised as part of our CAR determination process. We are not asking that these issues be covered by condition as we directly regulate them. However, to ensure that you are satisfied with the final designs (for example in relation to visual impact), you may wish to consider applying conditions requiring these to be agreed with the planning authority.

Flood risk

The Compendium Flood Risk Assessment (FRA) Report is detailed and comprehensive, and adequately clarifies all the areas of concern regarding flood risk which we raised in our previous responses. The FRA work is appropriate for establishing the effect of the proposed road and adequately demonstrates that the upstream storage area can successfully mitigate the adverse effect on flood risk that the road would otherwise have had. The FRA has established that the full scheme of both road and upstream storage arrangements would have a neutral effect on flood risk in Dingwall.

One of the most significant factors in the success of the upstream storage area is the design of the bund and control structure. This should be carefully checked and transferred to the final design and construction. As we have been directed that CAR should not control flood risk we ask that a **condition** be applied requiring the developer to make a submission which demonstrates that the finalised design of the bund and control structure will produce the same flow regime as the FRA assessed it would be. It is also imperative that the new bund is maintained and the area of land behind it is protected in perpetuity for the purpose of flood water storage and this must be ensured by **legal agreement or planning condition**.

We would reiterate our previous advice that any development within the floodplain which results in a loss of storage or conveyance capacity but is not accompanied by compensatory storage or alternative measures would not be acceptable to us. As a result we ask that a **condition** is applied that the storage area is constructed prior to any elements of the development which are located within the floodplain or require construction activities within the floodplain.

We note that a study of the stability of the existing embankments at the Business Park has been undertaken and considered. We cannot provide any advice on this aspect or those of the bund construction and stability; until full commencement of the Reservoirs (Scotland) Act 2011, local authorities remain the enforcement authorities covered by the 1975 Act. Nonetheless we note that the design and works will be approved by an All-Reservoirs Panel Engineer and we would recommend that this requirement be covered by planning **condition**. It is

necessary for any required remediation works to be undertaken prior to the commencement of development of the flood storage area. We request that this issue be ensured by **condition** and that we be consulted on the proposals.

Hydromorphological effect from watercourse engineering works

The report entitled *Kinnairdie Link Road, Dingwall: River Peffery morphology report* by MNV Consulting Ltd V2 dated 17 August 2011 allows us to remove our previous objection on hydromorphological grounds. We will directly control the design of the proposed changes to the river and as a result we do not ask that this aspect be covered by planning condition (however see our advice in section 1 above). We would however welcome a **condition** requiring a habitat management plan to be developed to help demonstrate the steps taken to ensure that there isn't any deterioration in the quality of the water body.

Surface water drainage

The proposal to utilise SUDS is welcomed but no details have been provided. We request that a planning **condition** is imposed requiring two levels of sustainable drainage (SUDS) surface water treatment.

5.8 **Scottish Water: No objection.** A separate drainage system will be required for surface water (SUDS). This will need to comply with Sewers for Scotland 2 if the system is to be considered for adoption.

5.9 **Scottish Natural Heritage: No objection.** Due to the results of the surveys we consider that a European Protected Species License will be required before the work can take place. The mitigation measures proposed seem appropriate.

Principle natural heritage issues will relate to impacts construction would have on woodland, river and riverbank habitat which are of significant value to the character and public amenity of Dingwall and detailed design should aim to safeguard, and where possible, improve, these.

Conon Fishery Board and local community are investing in improvements to the River Peffrey and its catchment to aid fishery, amenity and wider interests. Changes to river channels could affect this.

Management of non-native species such as Himalayan balsam is an issue on the river which will be affected by the construction works. Pleased to note further discussions are to be held with Fishery Board and SEPA.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland wide Local Development Plan 2012

Policy 28 Sustainable Design.

Policy 30 Physical Constraints

Policy 51 Trees and Development

Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 64	Flood Risk
Policy 66	Surface Water Drainage
Policy 73	Air Quality

6.2 **Ross & Cromarty East Local Plan 2007 (as continued in force)**

Policy 14	Special uses – Kinnairdie Link Rd – Council assembling land for construction of road avoiding Dingwall town centre; will seek developer contributions towards construction and consider eligibility for European funding given its importance in enhancing the wider economic potential of the area
Policy 13	Special Uses – Dingwall Academy – detailed proposals to redevelop the school (now completed)
Policy 11	Industry (Docharty Rd Industrial Estate)
Policy 9	Housing – Strathpeffer Rd – now built.
BP 2	Council will permit development unless this would be likely to have a significantly adverse effect on, or be significantly adversely affected by, the features for which the area has been designated. Where it is concluded that any such adverse effects are likely to arise, development will only be permitted where it is considered that these would be outweighed by social or economic benefits. Area identified for Inventoried Long Established Plantation Origin Woodland 2b - Policy 57 Natural, Built and Cultural Heritage applies
BP 3	Council will only approve development if there are no significant adverse effects on heritage, amenity, public health and safety interests. Area identified for Amenity Trees/Woodland - Policy 57 Natural, Built and Cultural Heritage applies

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Inner Moray Firth Proposed Local Development Plan – November 2013

4.51

- significant opportunities for housing growth subject to completion of the Kinnairdie Link Rd

- improved transport infrastructure in the form of Kinnairdie Link Rd and opportunities for Dingwall to act as a transport hub.

4.56 recently, and through the initial part of this plan period, Dingwall will be constrained by the need to deliver improved transport infrastructure in the form of Kinnairdie Link Road. Delivery will unlock the development potential of sites at Dingwall North which are currently limited to 90 – 100 houses prior to completion of phase 1 which will release a further 100 units. To facilitate delivery of KLR, and to address deficiencies in other strategic infrastructure and services as a result of new development, an updated Dingwall Developer Contributions Protocol will be prepared and adopted as statutory Supplementary Guidance. Until KLR is delivered it is expected that the surrounding settlements of Conon Bridge, Evanton, Maryburgh and Strathpeffer will be under additional development pressure.

7.2 Highland Council Supplementary Planning Policy Guidance

Statutory:

Flood Risk and Drainage Impact Assessment Supplementary Guidance (adopted, January 2013)

Sustainable Design Guide: Supplementary Guidance (adopted, January 2013)

Trees, Woodlands and Development: Supplementary Guidance (adopted, January 2013)

Highland's Statutorily Protected Species Supplementary Guidance (adopted March 2013)

Physical Constraints Interim Supplementary Guidance (adopted March 2013)

Interim Supplementary Guidance

Developer Contributions in Dingwall: Supplementary Guidance (February 2006)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

Both the adopted and proposed local development plan identify the Kinnairdie Link Road as an important element of infrastructure required to facilitate the future development of the county town for housing, business and industrial projects. Accordingly the proposal accords with the terms of the Development Plan in

principle, subject to impacts upon flood risk, noise, dust and vibration, residential amenity, trees and woodland being fully assessed and considered to be reasonable.

8.4 **Material Considerations**

Consideration of this application has been delayed considerably due to the need to provide additional information to address concerns raised by SEPA and Network Rail. Their initial objections to the application have now been withdrawn, subject to conditions being imposed.

8.4.1 **SEPA:**

8.4.2 **Flood Risk:** The road lies within the functional flood plain of Dingwall and accordingly an appropriately sized compensatory flood storage area is required. The proposals include a new flood bund to the north of Dingwall Business Park and strengthening the existing flood bund to the west and north of the Business Park. This will provide the compensatory storage for the area of the flood plain taken up by the road. Considerable work has been undertaken in full consultation with SEPA to address the detailed elements of these issues. This has involved the submission of additional information culminating in the "Flood Risk Assessment – Compendium Report dated 8 February 2013". On receipt of the information contained in this document SEPA have withdrawn their original objection to the proposal, subject to a number of conditions. SEPA now accept that the Developer has demonstrated that the development will not exacerbate the existing risk of flooding. The issues set out in their consultation response of 7.3.13 can all be adequately addressed by conditions.

8.4.3 SEPA has made reference to a possible legal agreement in relation to ensuring the proper future maintenance of the bund and the protection of the area behind it in perpetuity for the purposes of flood storage. As the Council is the developer there would be no merit in a legal agreement for the maintenance of the bund, as the Council has a legal duty in relation to flood protection. With regard to the protection of the area of additional land behind the bund which will be subject to flooding following the development, it is open to the developer to either buy this land or ensure it is available in perpetuity by means of a legal agreement if the land were to remain in third party ownership. A suspensive condition is recommended to ensure that the land is adequately controlled, before the development of any works other than at the County Buildings junction commences.

8.4.4 As set out above, for planning purposes it is required that the development has a neutral impact on Flood Risk. SEPA accepts that the applicant has now demonstrated to their satisfaction that the proposals satisfy this requirement.

8.4.5 However, due to the fact that areas of Dingwall in close proximity to the scheme are already at high risk of flooding, and the concerns raised by local residents, the applicants assessed the possibility of improving on the existing flood risk situation through adjustments to the proposal. Regrettably it has not proved possible to reduce the level of risk to adjacent properties at a reasonable cost. Nevertheless it must be stressed that the proposed development meets the requirements in relation to flood risk in that it will have no adverse or additional impact on the

existing situation. Any further proposals to address flood risk in the area will have to be brought forward under a separate flood alleviation project independent of this application. It is understood that the Flood Risk Management Team are progressing options to alleviate the risk of flooding to Dingwall as part of the ongoing development of a Flood Risk Management Plan. This Plan, and the options for this area, will be available for public consultation in March 2015.

- 8.4.6 The existing flood protection bund adjacent to Dingwall Business Park is to be strengthened and raised along its western and northern edges. This will involve inserting steel piling which will project 0.6m above the top of the bund which will be reduced in height by approximately 200mm. Unfortunately the trees located on the bund which were part of the original landscaping for the business park will be lost as a result of these works but compensatory planting is proposed to the west of these works. Details of these works and the compensatory planting will be required by condition to secure acceptable details.
- 8.5 **Network Rail:** Network Rail objected to the proposals for the link road initially due to concerns regarding the impact on the level crossings in the vicinity, namely Dingwall Middle (on the A862) and Dingwall 1(Craig Road). They considered the proposal could result in significant increases in the vehicular and/or pedestrian traffic utilising the crossings which in turn could have impacts upon safety and service provision.
- 8.5.1 Further information has now been provided on the nature of the junction at Dingwall Academy together with a detailed Transport Assessment. This has reduced their concerns but nevertheless they have only withdrawn their objection subject to conditions being attached which further safeguard the safety of level crossing users. Having considered the consultation response in detail appropriate planning conditions can be imposed to address these issues.
- 8.5.2 It is the stated position of the planning authority that further housing development within Dingwall North will be restricted pending the completion of at least phase 1 of the link road, based on advice received from the former Head of Infrastructure, and as set out in paragraph 4.56 of the Inner Moray Firth Proposed Local Development Plan. Nevertheless it is open to developers to re-run the Dingwall traffic model to try to demonstrate that the impact of their proposals upon the transport network would be acceptable. It has been agreed with Network Rail that they will be formally consulted on all future housing developments within the Dingwall North area (sites DW 1 to 5 in the Inner Moray Firth Proposed Local Development Plan) which do not already have the benefit of a planning consent and such future applications should be supported by information provided by the re running of the Dingwall traffic model to demonstrate the impact of the proposed development upon the traffic network, taken cumulatively with the development already approved. This is in order to enable Network Rail to assess the impact of any additional development which may be proposed for completion before the completion of phase 1 of the road and comment upon the impact upon the level crossings for any such applications.

8.5.3 Network Rail has also advised that the details of construction need to be agreed with them. This can be covered by an informative.

8.6 **Noise and Vibration/Air Quality and Dust:**

8.6.1 During the pre-application advice process the applicants were requested to submit detailed reports on these issues. The requested information was submitted with the application. As anticipated these issues were raised as concerns in representations. Environmental Health is satisfied with the reports submitted and recommends conditions to secure the mitigation measures suggested therein. These matters can be addressed by condition.

8.6.2 The report recommends that a 3m high solid fence erected adjacent to properties in Bridgend Close and Burns Crescent would reduce noise to acceptable levels once the road is built. Adjacent to Deas Avenue it advises that a 4m high fence would be required as the houses are elevated above the road. It is considered that such acoustic barriers may well be desirable for residential amenity in terms of noise nuisance but given the height of the structures and their proximity to residential properties it is recommended that a further planning application be required to submit full details of the design, height and location of any such fences to allow local residents the opportunity to comment on these details and consider possible alternatives such as a fence of reduced height and planting. The noise protection offered by such fencing will need to be considered relative to the visual impact on householders.

8.7 **Landscaping and Footpaths:**

8.7.1 The Forestry Officer, Landscape Officer and Access Officer are all satisfied with the information now submitted at this stage, subject to conditions regarding the submission of a more detailed Tree Protection Plan, landscaping proposals and further details regarding the footpath links and the proposed boardwalk feature near Dingwall Academy to ensure that attractive routes are provided for pedestrians and cyclists. These matters can be secured by condition.

8.8 **Scottish Water:**

8.8.1 **No objections.** Request a condition requiring compliance with SUDs.

8.9 **Protected Species:**

8.9.1 The application is accompanied by otter and bat surveys which were undertaken in 2011 and 2009/2011 respectively.

8.9.2 The otter survey found evidence of the river channel being used although no resting places were found within the working corridor. Accordingly the impacts were assessed as temporary, short term and of low magnitude to the local otter population. The report concluded that with mitigation the predicted remaining impacts on otters during construction would be slightly adverse and not significant. That is they should be able to absorb or recover in the short term (under three years). A further pre-commencement study will be required.

- 8.9.3 The bat surveys detected Pipistrelle bats foraging in the area and a possible roost in a tree outwith the construction corridor. A more detailed assessment in 2011 surveyed 30 trees, found no bat roosts present, but identified roost potential in 23 trees. The reports concluded that the development will have a negligible effect on the bat population but that the 23 trees with bat roost potential would need a repeat survey prior to any tree work taking place. They recommended that to avoid or minimise potential impacts on the local bat population and breeding birds, tree felling within the proposed route corridor should be undertaken between September and March.
- 8.9.4 SNH have advised that a license will be required and accordingly an informative will be included in the decision notice. They consider the mitigation measures proposed to be appropriate.
- 8.9.5 Nevertheless the Planning Authority must also be satisfied that the three tests set out in the Conservation (Natural Habitats &c.) Regulations 1994 (As Amended) which are applicable to the granting of such a licence are likely to be met before granting planning permission for the proposal.
- 8.9.6 The three tests which need to be applied are as follows:
- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). In this case, the relevant purpose is likely to be for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.”
 - Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless the Scottish Government is satisfied “that there is no satisfactory alternative”.
 - Test 3 - Regulation 44(3)(b) states that the Scottish Government cannot issue a licence unless it is satisfied that the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
- 8.9.7 The purpose of the proposal is to construct a new link road through Dingwall to facilitate traffic movements across the town. The aim is to improve public safety by taking traffic away from Mill Street where carriageway widths are severely constrained, to facilitate the economic development of Dingwall Business Park and the nearby Industrial Estates by easing traffic movements for HGV’s and to facilitate housing development to the north of the town. This will also provide social benefits by providing more jobs in the town, reducing commuting distances for residents and increasing the availability and variety of housing stock available. There are no alternative routes available within the central area of Dingwall. There is an overriding public interest in allowing the road proposal to proceed as the development will assist in achieving the aims and aspirations of both the Government and the Council, as set out in policies, in relation to housing and the business/industrial development of the town. Any remaining impact, following

mitigation, upon the local otter population during construction is likely to recover in the short term (under three years) whilst potential impacts on the local bat population and breeding birds can be avoided or mitigated by undertaking the required tree felling within the proposed route corridor between September and March. Accordingly the development will not be detrimental to the maintenance of the population of these species at a favourable conservation status in their natural range.

8.1.0 Other material considerations

Material representations lodged are set out below and commented upon in turn:

- Road very close to some houses in Bridgend Close-alternative route should be sought further away.

Comment: Road alignment design constraints, the requirement to avoid property demolition and the location of the existing railway line has resulted in there being no alternative routes available for consideration.

- Impact on privacy – road is elevated –anything larger than a car will be able to see directly into our kitchen/dining area and back garden.

Comment: Applicants advise they are unable to offer any mitigation in terms of loss of privacy however, they have offered to install at particular property owner's land boundary a 1.8m high timber close boarded fence. The road is likely to be elevated approximately 2-3m due to the need to go over the existing flood protection bund without affecting it and the river bridge. The road is designed to pass through an existing gap and cannot be swung further away. Furthermore the proposed acoustic barriers at 3m high are likely to assist in providing privacy.

- Impact of noise, vibration and fumes of passing vehicles.

Comment: A Noise and Vibration Assessment Report, and Air Assessment Report have been prepared for the project. Environmental Health has recommended that the mitigation measures set out in these reports should be required by condition. Should residents consider that noise levels, after the road has been completed, are significant the Council would be required to undertake noise measurements at the property and assess if statutory noise insulation is appropriate.

- Request that proper fencing should be erected between the road and my property (The Old Mill)

Comment: Land purchase is under discussion with this landowner and the District Valuer. Provision of boundary fencing will be dealt with as accommodation works as part of this agreement.

- My day to day access will be destroyed.

Comment: It appears that the resident takes access to another parcel of land that they own over the proposed route which will be obstructed by the development but this is land that would be purchased before the development proceeds

- Removal of mature tree.

Comment: An Arboricultural Implications Assessment was carried out along the proposed road line to evaluate the trees to be removed for the road construction. The Forestry Officer has no objection to the application.

- Exacerbation of flooding (Burns Crescent) – proposed design does not adequately protect against increased level of flooding in the future. This could impact on property values and ability to obtain insurance. Matter must be fully investigated and conditions imposed. Remedial action must be taken if future flooding occurs. Phased construction is also of concern for this reason – properties must be properly protected during phased construction.

Comment: The County Buildings Junction Improvements may precede the Kinnairdie Link Road works but would raise no flood impact issues. The applicant has advised that works to construct the flood bund and river control structure adjacent to the Dingwall Business Park will be programmed for completion ahead of the main Kinnairdie Link Road works and this will be secured by conditions. SEPA is now satisfied that the proposals do not increase the risk of flooding and have therefore withdrawn their original holding objection, subject to conditions. If the Kinnairdie Link Road is constructed in two phases additional information will be required to ensure that this will have no adverse impact on flood risk

- A legal objection may be lodged regarding this road proposal on the grounds of flood prevention and drainage. The before and after SEPA flood risks both look in the Council's favour – they do not show the 1.5m of water cascading through my garden (Burns Crescent) – £60,000 of insurance claims made since new school built.

Comment: As part of the planning application submission a detailed Flood Risk Assessment was carried out to determine the effects on existing flooding as a result of constructing the road and this was supplemented in accordance with the requirements of SEPA. As stated above SEPA have now withdrawn their holding objection to the project having approved the Flood Risk Assessment work.

- Safety and the need for such a road have not been taken into account.

Comment: The Applicants advise that all schemes prepared by the Project Design Unit are required to have a number of Road Safety Audits carried out at scheduled stages from the Preliminary Design through to Construction Completion.

- Understand need for road given congestion and need to be responsible with public purse.

Comment: Applicant anticipates that when the Kinnairdie Link Road is complete the pressure on Mill Street will be much reduced, together with traffic volumes on the Bridgend Avenue/ Back Road junction.

- **Dingwall Community Council:** No objections- generally supportive of the proposals.
- We have reservations about the development being split into 2 phases. Every effort should be made to bring phase 2 forward so there is as short a lapse as possible after the completion of phase 1. There are concerns regarding the impact of phase 1 alone, in terms of traffic flows along Mill Street (which we do not anticipate will reduce significantly before the completion of phase 2) and the possible additional traffic using phase 1 and then the lower part of Back Road down to Strathpeffer Road.

Comment: The Council hope to construct the Link Road, County Buildings Junction and the Flood Attenuation Bund as one phase. The County Buildings junction works may precede the Link Road and the Flood Attenuation Bund works.

- Concerns have also been expressed about the signing of phase 1, and after the completion of the whole scheme, with respect to traffic heading east along the new road and travelling south out of Dingwall. Some of this traffic may find it easier to turn left at Newton Road and then right onto Craig Road and through the town to avoid two set of traffic lights. This will increase traffic on Craig Road which as the Council is aware is already of concern to local residents. There is evidence that some traffic uses this road already rather than the relief road to avoid the traffic lights.

Comment: Traffic modelling was used to determine which routes will be taken by vehicles as they travel through Dingwall and the signing has been designed accordingly.

- Removal of trees and other vegetation should be kept to a minimum.

Comment: The Arboricultural Implications Assessment and the landscape design take this matter into account and the Forestry Officer raises no objections to the application.

Comments have been made by several local residents in relation to the location and height of the road in relation to their houses. The route of the road cannot be repositioned further from the houses as the options are very limited as the road line passes through an existing gap between buildings. It is anticipated that it will be elevated approximately 2-2.5m above existing ground levels adjacent to Burns Crescent and 2.5 – 3m above existing ground levels adjacent to Bridgend Close as it has to travel over the existing flood protection bund to the east of the Industrial Estate without affecting it and tie in with the levels of the river bridge. However it appears that this will be approximately 1.25m and 1.6m above the floor levels of these existing properties respectively and therefore screen fencing/the acoustic barriers should assist in providing some privacy.

8.12 Other Considerations – not material

The impact of development on the availability of insurance for householders and any affect on property values are not material planning considerations. However, as stated above, the flood protection works have been designed to ensure that

there is no increase in flood risk as a result of the proposed works whilst the road design includes mitigation measures introduced to minimise impacts on adjacent properties.

8.13 **Matters to be secured by Section 75 Agreement**

None.

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

It is recommended that permission be granted.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development other than the County Buildings junction improvements shall commence on site until such time as fully detailed drawings for the road scheme, including sections, have been submitted to and approved in writing by the planning authority. For the avoidance of doubt the height of the road shall be kept as low as practicable throughout its length.

Reason: In order to enable the planning authority to consider these matter(s) in detail prior to the commencement of development; in the interests of amenity.

2. Full details of the finalised design of the bund and control structure which demonstrates that these structures will produce the same flow regime as set out in the Flood Risk Assessment shall be submitted for the consideration and written approval of the Planning Authority in consultation with the Council's Flood Risk Management Team and SEPA. Thereafter the development and work shall progress in accordance with these approved details.

Reason: To reduce the risk of flooding by providing adequate flood protection.

3. No development other than the County Buildings junction improvements shall commence on site until such time as the Developer submits details to demonstrate that the additional area of land susceptible to flooding behind the new flood bund is

protected in perpetuity for the purposes of flood water storage to the satisfaction of the planning authority in consultation with SEPA and these details are approved in writing.

Reason: To reduce the risk of flooding by providing adequate flood protection.

4. No development located within the floodplain, or requiring construction activities within the floodplain, shall commence on site until such time as the proposed flood bund and improvements to the existing flood bund are completed and operational. Any variation shall require the prior submission of a detailed flood risk assessment, which clearly demonstrates that the proposed variation will not result in an increase in flood risk elsewhere, which shall require to be approved in writing by the planning authority in consultation with SEPA. This shall also be required if the link road is to be built in phases. Thereafter the development shall be completed in accordance with the approved scheme and the new flood bund together with the improved flood bund shall be maintained in perpetuity to the satisfaction of the Council's Flood Risk Management Team and SEPA.

Reason : To reduce the risk of increased flooding.

5. No development shall commence on any works, other than the County Buildings junction improvements, until the design of the proposed flood protection bund and the associated strengthening works proposed to the existing flood protection embankments at Strathpeffer Road Business Park have been demonstrated as being to the written satisfaction of an All-Reservoirs Panel Engineer and confirmed as acceptable in writing by the planning authority in consultation with SEPA, and any remediation works to the existing flood protection embankments at Strathpeffer Road Business Park shall be undertaken prior to the commencement of development of the flood storage area.

Reason: To reduce the risk of flooding by providing adequate compensatory flood storage.

6. Full details of the final designs for all new watercourse crossings, the bund, the improvement works to the existing flood bund, the river diversion and any other engineering works on the watercourse, including fish passage and final design of river engineering works and proposed timescale for implementation shall be submitted for the consideration and written approval of the planning authority, in consultation with SEPA, prior to any work commencing on these elements of the development. Thereafter the development shall be completed in accordance with the agreed details.

Reason: In order to enable the planning authority to consider these matters in detail prior to the commencement of these elements of the development; in the interests of amenity.

7. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA, providing for measures to protect and manage habitat

within and adjoining the application site. The approved HMP, which shall be implemented in full unless otherwise agreed in writing, shall include the identification of management methods and opportunities to mitigate for any adverse impacts on the water environment.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

8. No development other than the County Buildings junction improvements shall be undertaken until, a scheme detailing two levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in the [SUDS for Roads](#) manual.

Reason: to ensure adequate protection of the water environment from surface water run-off.

9. The Kinnairdie link road/A862 junction shall be designed and constructed as a priority controlled junction (in favour of A862 traffic) and shall be fully operational prior to the link road being opened.

Reason: In the interests of railway, road traffic and pedestrian safety, to reduce the impacts upon the adjacent railway level crossing (Dingwall Middle).

10. The signalised pedestrian crossing at the east end of the Kinnairdie link road shall be controlled by signal timings and detectors so that there will be no blocking back over the Dingwall Middle level crossing. These measures must be installed and operational prior to the commissioning of the signals and the opening of the link road. A programme of monitoring of queuing from the pedestrian crossing back towards Dingwall Middle following opening of the link road shall be agreed with Network Rail prior to the opening of the link road and these results shall be provided to Network Rail in accordance with a timescale to be agreed in writing with the Planning Authority in consultation with Network Rail before the link road is opened.

Reason: In the interests of railway, road traffic and pedestrian safety, to reduce the impacts upon the adjacent railway level crossing (Dingwall Middle).

11. A programme of monitoring of traffic, volume and types, over Dingwall 1/Craig Road both prior to and following the opening of the link road shall be agreed with Network Rail prior to the opening of the link road and results shall be provided to Network Rail in accordance with a timescale to be agreed in writing with the Planning Authority in consultation with Network Rail before the link road is opened

Reason: In the interests of railway, road traffic and pedestrian safety, to reduce the impacts upon the nearby railway level crossing (Dingwall 1/Craig Road).

12. The development shall be undertaken in accordance with the recommended mitigation measures set out in Chapters 4.3 of the document “Kinnairdie Link Road – Noise and Vibration Assessment” (D125416) and any variation shall require the prior written permission of the planning authority in consultation with Environmental Health.

Reason: In order to safeguard the amenity of neighbouring properties and occupants during construction.

13. No development other than the County Buildings junction improvements shall be undertaken until a further planning application has been submitted including a detailed design, location, sections and specification for any proposed acoustic barriers, including materials and finishes (including trade names and samples where necessary) in the form of 3m high noise barriers (solid fencing) adjacent to properties located on Bridgend Court and Burns Crescent and a 4m high noise barrier (solid fencing) adjacent to properties located on Deas Avenue. Thereafter, development and work shall progress in accordance with these approved details. Noise barriers shall be erected before the road is first brought into use.

Reason: In order to safeguard the amenity of neighbouring properties and occupants once the road is operational.

14. Noise arising from the operations shall not exceed the levels in Table 1.

Table 1

DAYS	TIMES	MAXIMUM NOISE LEVELS	
		LAeq (1 hour)	LpA(max)
MONDAYS TO SATURDAYS	0800 to 1900 hours	75 dB(A)	–
	1900 to 2200 hours	65 dB(A)	–
	2200 to 0800 hours	40 dB(A)	50 db(A)
SUNDAYS AND HOLIDAYS	PUBLIC 0000 to 2400 hours	40 dB(A)	50 db(A)

Notes:-

The LAeq (1 hour) is the equivalent continuous A-weighted sound pressure level arising from work operations measured (on Fast weighting) or calculated over any continuous period of 60 minutes.

The LpA(max) is the maximum A-weighted sound pressure level (on Fast weighting) arising from work operations during the time period.

The LAeq (1 hour) and LpA(max) are measured or calculated at one metre from the façade of the nearest or most affected noise-sensitive premises.

Noise-sensitive premises shall include dwellings, offices, schools, hospitals and similar establishments.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

15. The peak particle velocity generated by the operations shall not exceed 5mm/second measured at the building nearest to the operations.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

16. No work shall commence on site until a Construction Method Statement (CMS) to control the generation of dust emissions has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The CMS shall demonstrate/include the following:

- The potential for dust to be emitted during site activities shall be assessed as part of a formalised environmental risk assessment by the contractor, in advance of any site work commencing. This risk assessment should include a comprehensive inventory of materials, machinery and manual processes with the potential to generate dust. The findings of the risk assessment shall inform the most effective, appropriate control measures and contingency plans to be incorporated into the method statement.
- Contractors shall, as a minimum, refer to the "Control of Dust from Construction and Demolition Activities" report produced by the Building Research Establishment¹. These guidelines set out control measures for the fugitive emissions of dust and PM₁₀ from specific construction plant activities.
- The dust control measures to be employed during site clearance and construction works could include, but should not be limited to, the following standard mitigation:

- materials arising from site works to be used within the redevelopment of the site where possible, reducing the amount of off-site vehicle movements;
- where it is necessary to keep stockpiles of materials on site, control measures identified in the BRE guidance will be followed to minimise dust emissions;
- use of screening and enclosures at the site of operations with a high potential to generate dust;
- operation of a 'just in time' system for the delivery of materials;
- all plant and stockpiles to be thoughtfully located, minimising the impact on sensitive receptors;
- screening off or locating crushing processes and machinery as far away from sensitive locations as possible;
- where fitted, dust suppression equipment on site machinery should be operational and in use at all times;
- regular cleaning of paved areas on-site and along off-site access routes using a mechanical road sweeper as necessary;
- sheeting of lorries leaving the site;
- an ongoing visual risk assessment by all site staff for the potential for site activities to generate fugitive dust emissions, with appropriate taken to limit such emissions in the event that they occur;
- construction traffic approaching and leaving the site shall do so via an agreed pre-planned route, designed to reduce the impact (including that of air quality) at local sensitive receptors.

Thereafter the development shall proceed in accordance with the approved CMS. The proposed scheme shall be subject to the application of best practice standard mitigation measures throughout the construction phase of the project.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

17. No development other than the County Buildings junction improvements shall commence until a Tree Protection Plan and Arboricultural Method Statement is submitted, (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time) and approved in writing by the planning authority in consultation with the Forestry Officer. A suitably qualified arboricultural consultant shall be employed by the developer to ensure that the Tree Protection Plan is implemented to the agreed

standard. Stages requiring supervision are to be agreed with the Planning Authority in consultation with the Forestry Officer and completion certificates for each stage are to be submitted for approval.

Reason : To ensure the protection of retained trees during construction.

18. No development other than the County Buildings junction improvements shall commence until a detailed Landscape Plan and maintenance programme, based on the Indicative Landscape Proposals (Drwg No. 302-01 Rev C) and including compensatory planting to the west of Dingwall Business Park, is submitted to and approved in writing by the Planning Authority. Where existing retention of trees and flood plain requirements allow, embankment levels should be eased out to produce less engineered, more sympathetic slopes to link with the open spaces. The Landscaping Plan should mark out the route of the southern section of the old Tulloch Castle Drive utilising landform or planting lines.

The Landscape Plan shall be implemented in full prior to the completion of the development and shall thereafter be maintained in accordance with the maintenance programme with any plants or trees which die, are removed or become seriously diseased within the first two years being replaced with plants/trees of a similar size and species.

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

19. No development shall commence on any works, other than the County Buildings junction improvements, until otter and bat pre-commencement surveys have been undertaken of the site, no more than 2 months from the date of commencement of works, and reports of the surveys has been submitted to, and approved in writing by, the Planning Authority. The reports of the surveys shall include all mitigation measures required where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved reports of survey and the timescales contain therein.

Reason : In order to ensure that the appropriate measures are secured to maintain otter habitat and the roost status for bats; both being European Protected Species as the surveys submitted in support of the application were undertaken in 2011.

20. New road crossings shall have otter ledges to allow animals to pass up and downstream in high water conditions, materials shall not be stored on riverbanks during construction and if steep sided holes are to be left overnight these shall either be closed over or a ramp will be required to allow animals to escape.

Reason: To minimise impacts upon otters during and after construction as these are European Protected Species.

21. Tree felling within the proposed route corridor shall be undertaken between September and March only.

To avoid or minimise impacts upon Protected Species.

22. Full details of the proposed footpath links from the roadside footpath to the north of the road to the Deas Avenue housing development/Maggie's Wood footpath network and the boardwalk adjacent to Dingwall Academy, including sections, shall be submitted for the written approval of the planning authority in consultation with the access officer. For the avoidance of doubt this shall include the route being as short as is practicable. Thereafter the development shall be completed in accordance with the approved details.

Reason: As full details of these elements have not been provided and in the interests of pedestrian access and safety.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice, failing which this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Network Rail

Given the proximity of the proposed link road and associated works to the railway, Network Rail advise that construction works must be undertaken in a safe manner which does not disturb the operation of the railway. The developer must therefore consult with Network Rail:

Network Rail Asset Protection Engineer
Buchanan House, 58 Port Dundas Road
Glasgow, G4 0LQ.
Tel: 0141 555 4087
E-mail - AssetProtectionScotland@networkrail.co.uk

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

European Protected Species License - SNH advise that a European Protected Species License will be required before the work can take place. Accordingly you must contact SNH to obtain the required License before any development commences which may affect any habitat.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are 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 the 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

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained. Tree felling within the proposed route corridor shall be undertaken between September and March only.

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdsegg.asp

Management of non-native species

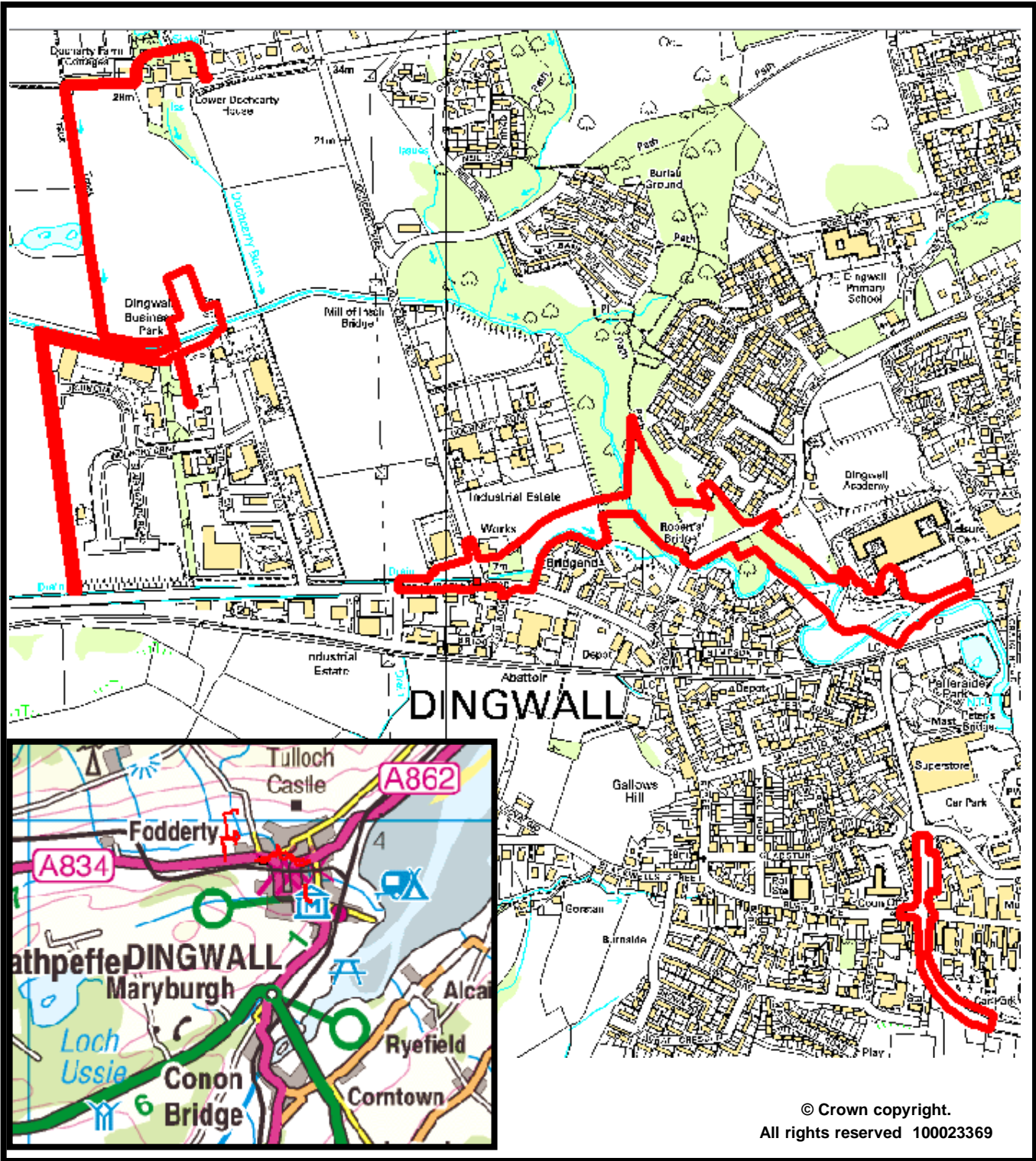
Management of **non-native and controlled species** such as Himalayan balsam and Japanese Knotweed may be an issue on the river which will be affected by the construction works and should be controlled in accordance with best practice to maximise the effectiveness of any control measure undertaken and to avoid the spread of these species. This approach will compliment the work undertaken to control invasive non-native species beside the River Peffery by the Cromarty Fishery Board and Trust.

Core Path: The Maggie's Wood path is a Core Path and accordingly must not be obstructed at any time during construction in accordance with Section 7 of the Land Reform (Scotland) Act 2003. Details of the proposed method of providing continued safe access must be agreed with the Access Officer (Philip Waite 01349 868431) and incorporated within the construction plan.

Major and Schedule 3 Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Signature: Dafydd Jones
Designation: Area Planning Manager- North
Author: Julie Ferguson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Layout Plan
Plan 3 – Adopted Local Plan Extract
Plan 4 – Site Plan
Plan 5 – Landscaping Plan
Plan 6 – Flood Bund Plan



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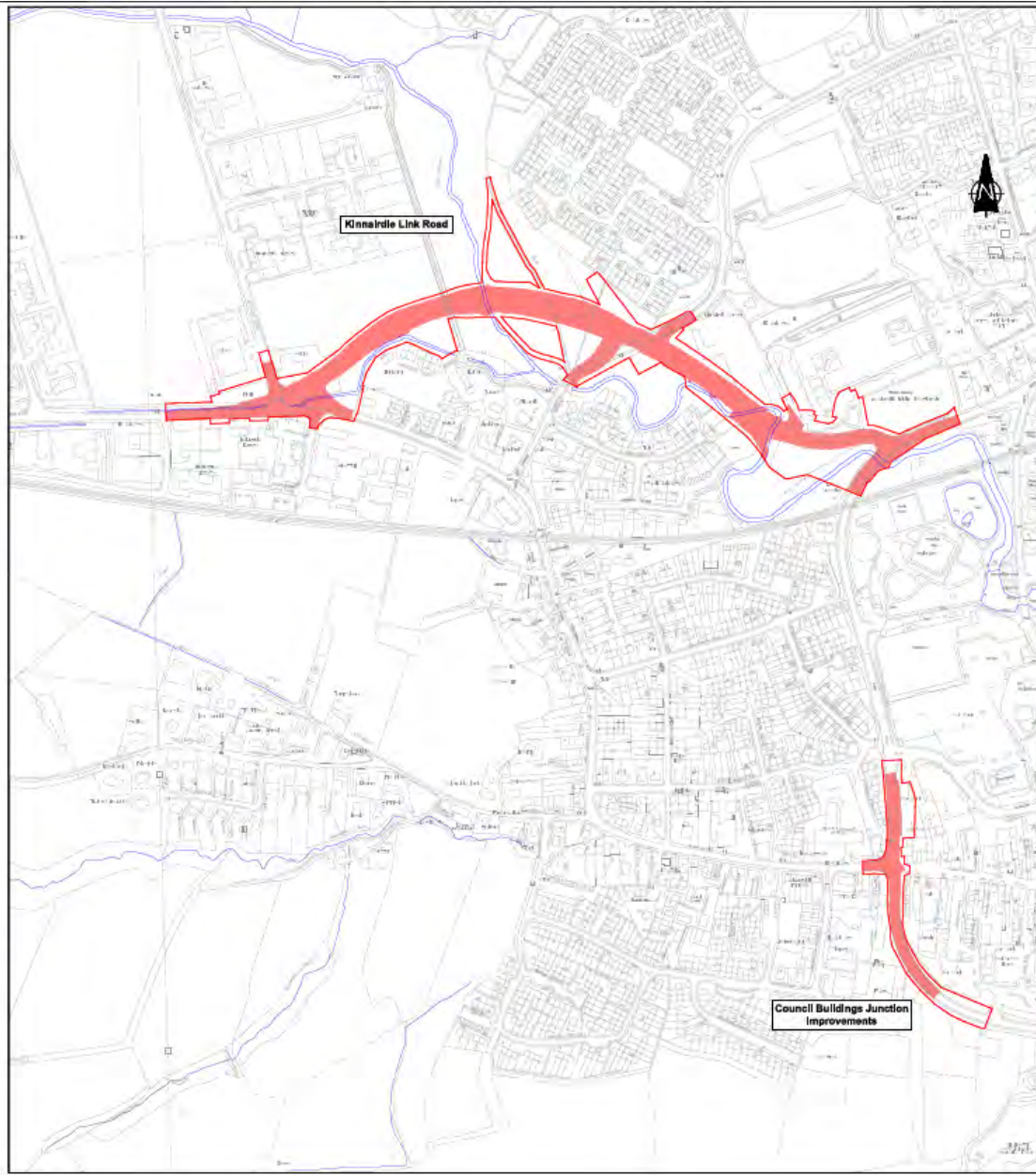
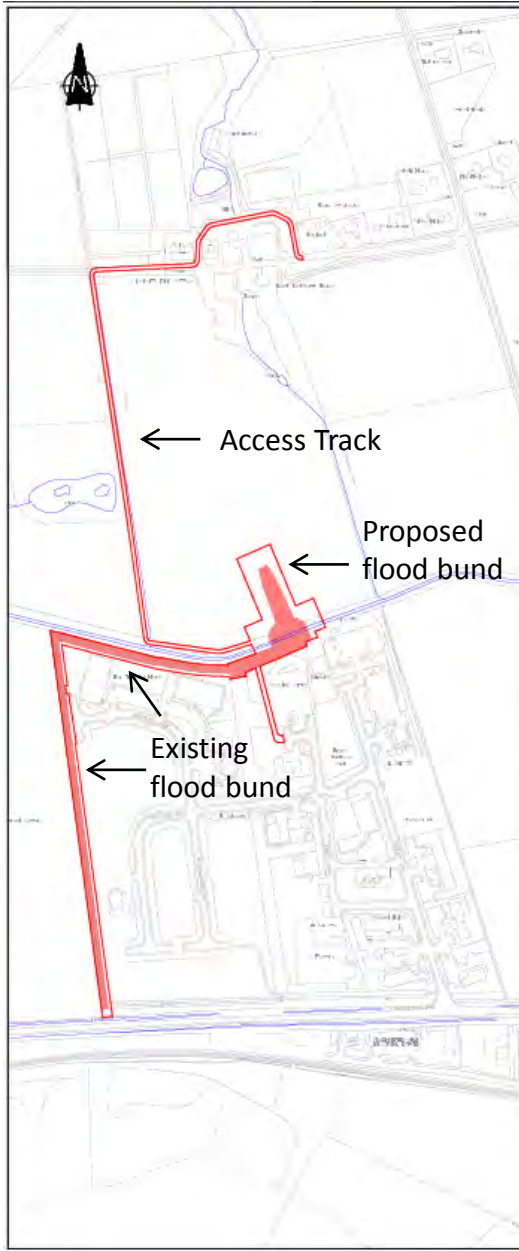
The Highland Council
Comhairle na Gàidhealtachd

Development & Infrastructure

Plan 1
11/02695/FUL

Formation of Kinnairdie link road, improvements to Council Buildings junction and formation of flood protection bund
17 February 2015





The Area has been prepared using a scale of 1:2500 and is subject to the usual disclaimer of liability of the Highland Council.

Notes
 The Area has been prepared using a scale of 1:2500 and is subject to the usual disclaimer of liability of the Highland Council.

Change to red line boundary:	west	east	North	A
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Original on the boundary of 20th July 2011

The Highland Council
 Comhairle na Gàidhealtachd

TRANSPORT, ENVIRONMENTAL & COMMUNITY SERVICES
 PUBLIC WORKS TEAM
 Glasgow House
 Above Post Office, Perth
 Perth, Perthshire, Scotland, PH1 1ST

Phone: 01738 880744
 Fax: 01738 880749
 Email: perth@highland.gov.uk

Kinnairdie Link Road Dingwall

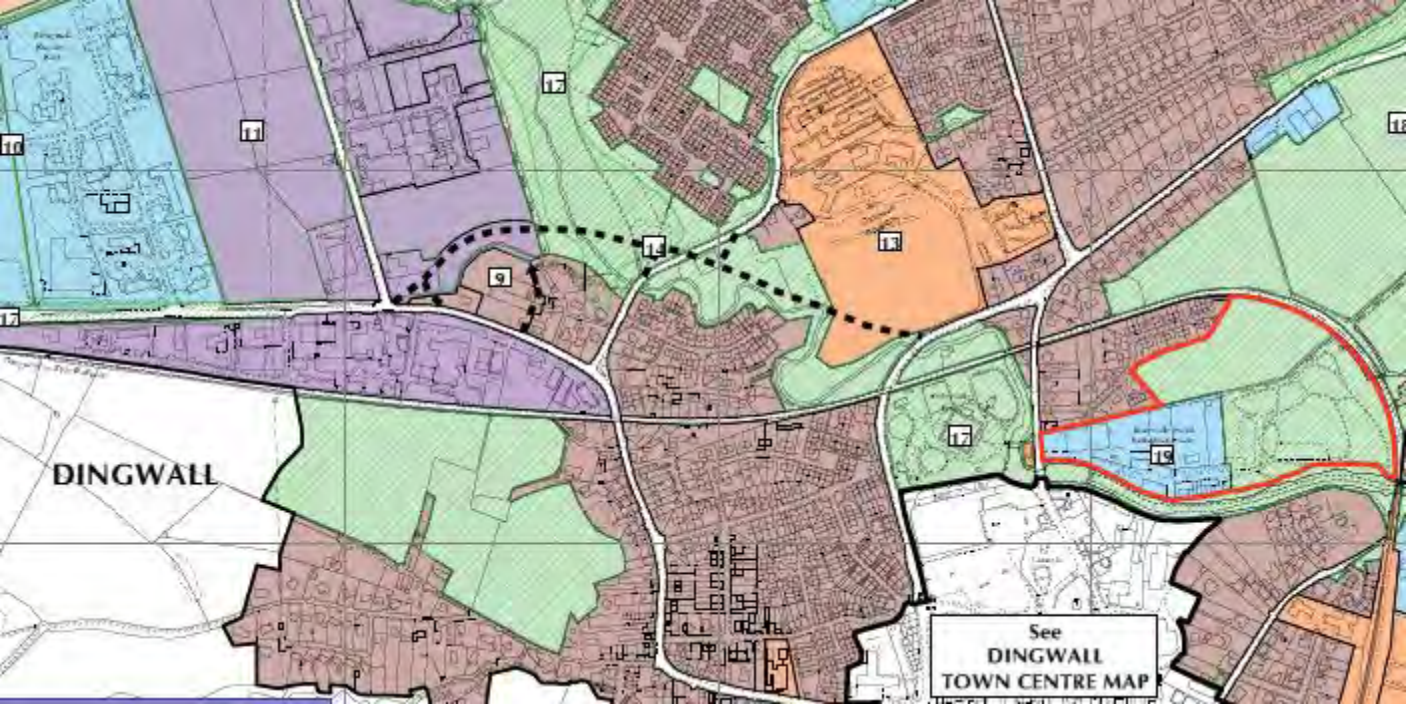
Planning Application

Scale: 1 : 2500

Prepared by:	G. A. Mackay	Date:	02/08/11
Checked by:	J. A. Stewart	Date:	02/08/11

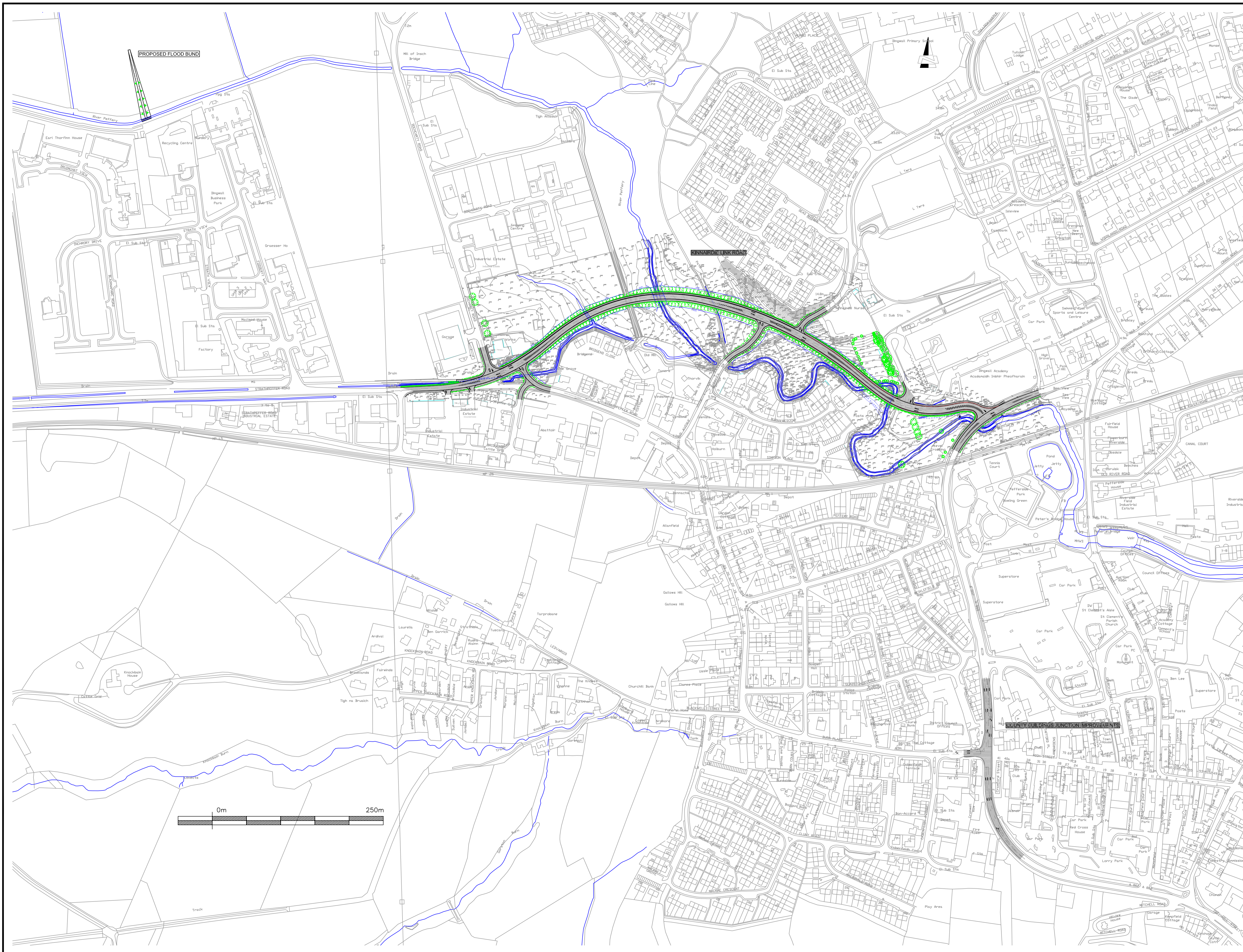
Application No: **RS7124**

Drawing No: **P/01** of **A**



DINGWALL

See
DINGWALL
TOWN CENTRE MAP



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Kinnairdie Link Road layout updated	sam1	May 2011	D
Proposed Flood Bund location added	sam1	April 2011	C
County Buildings Junction layout added	sam1	Feb 2011	B
Preliminary drainage layout added	sam1	Jan 2011	A

Revision Details By Date Sur'x



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Project
**Kinnairdie Link Road
 Dingwall**

Title
LOCATION PLAN

Scale (at A1)
1:2500

Drawn **S Maclaren** Date **March 2009**
 Checked **J Smith** Date **March 2009**

Project No:
RS7124

Drawing No:
LOC 01 Rev:
D