

Mrs K Cowey
Angus Council
Sent By E-mail

Our ref: LDP-120-1

3 June 2016

Dear Mrs Cowey

**PROPOSED ANGUS LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 9 December 2015. We have completed the examination, and now submit our report.

In our examination, we considered all 27 issues arising from unresolved representations which were identified by the council. In each case, we have taken account of the original representations, as well as the council's summaries of the representations and the council's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the council and other parties.

We did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them where they can view the report.

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

Claire Milne
Reporter

David Russell
Reporter

REPORT TO ANGUS COUNCIL

ANGUS LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: Claire Milne BSc (Hons) DipTP MBA MRTPI
David Russell MA (Hons) MPhil MRTPI

Date of Report: 3 June 2016

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Examination of Conformity with the Participation Statement

Introduction

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the person who has been appointed by the Scottish Ministers to examine the plan: “firstly to examine...the extent to which the planning authority’s actings with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 18(1)(a).”

The participation statement

2. As the proposed plan was published in February 2015, the version of Angus Council’s participation statement which was current at the time was contained in its published Angus Development Plan Scheme (Revised March 2014) at pages 7 to 9. The participation statement confirmed that:

“Angus Council has always taken a positive approach to development plan consultation and will consider opportunities for innovative ways of consultation and will make extensive use of the council web site. By encouraging consultation and engagement at various stages in the local development plan process, Angus Council seeks to ensure that those with an interest in the future of the Angus area have an opportunity to contribute their views before decisions are taken.

In implementing the above Angus Council will seek to involve a wide range of groups and organisations including:

- Angus community councils;
- Angus community planning partnerships;
- Other community groups;
- Public sector groups (including key agencies; local and national statutory and non-statutory bodies; adjoining local authorities and Cairngorms National Park Authority);
- Private sector groups/organisations; and
- Members of the community/public.

The council will continue to take a positive approach to public consultation and engagement and ensure that a variety of opportunities are available for potentially interested parties to examine, discuss and comment on the new Angus Local Development Plan. The council will review the effectiveness of its consultation processes at each stage and evolve its consultation practice and participation statement accordingly.”

3. In relation to consultation on and involvement with the proposed local development plan, it stated that the council would seek to involve the following: Angus councillors and chief officers; community councils; community planning partnerships; other community groups; key agencies; local and national statutory and non-statutory agencies; private sector organisations; members of the public; any person or group who commented on the main issues report; and owners, lessees or occupiers of premises on the site of a local development plan proposal or allocation,

or of premises on neighbouring land to a local development plan proposal or allocation where there would be a significant effect on the use and amenity of the neighbouring land.

4. The participation statement highlighted the following approaches which would be used by the council to facilitate engagement by these groups:

- Committee reports
- Web site
- Online local development plan portal
- Public notice
- Media coverage
- Documents available in paper and CD form
- Documents available at all council libraries and ACCESS offices
- Attendance at community planning partnership and community council meetings if requested
- Neighbour notification
- A fixed nine week period for objection or representation
- Representations accepted via:
 - E-mail
 - Online development plan portal
 - Online objection form
 - Letter

The council's report on conformity with the participation statement

5. The report on conformity submitted to the examination by the council confirmed that it had undertaken the following approaches and methods to secure the engagement of interest parties specifically in respect of the proposed plan:

- Prior approval of the proposed local development plan by councillors at the meeting of Angus Council on 11 December 2014.
- Publication of the proposed plan on 27 February 2015 with a nine week period for representations.
- Making available on the council's web-site copies of the proposed plan and of associated and supporting documents, together with an interactive comments form.
- The published documents were made available for inspection at all Angus Council Libraries, ACCESS Offices, and at the council's offices at County Buildings and Angus House, Forfar.
- Printed copies were made available for purchase, with CD versions available free of charge.
- A number of key agencies, including the Scottish Government, the Scottish Environment Protection Agency and Scottish Natural Heritage, and all Angus community councils were consulted directly on the proposed plan with consultation packs provided.
- Around 750 consultees, including landowners, developers, agents and members of the public were notified of the publication of the proposed plan by letter or email.
- Owners, lessees or occupiers of any premises on a site, or on land neighbouring a site proposed for development in the proposed plan were

notified as were respondents to the main issues report. Around 2030 notification letters were issued to neighbours of sites allocated in the proposed plan, except for those sites already with planning permission and/or under construction.

- Statutory public notices placed in the Dundee Courier on 27 February and 6 March 2015 provided details of how to access the proposed plan and supporting documents, the period for representations, and how to submit a representation. This information was also made available using the council's Twitter and Facebook pages throughout the period for representations.
- During this period, planning officers responded to a large number of information requests and attended meetings with members of the public, and local residents in Arbirlot. An offer to hold meetings with any community council was made at the Angus community councils' bi-annual meeting, but this was only taken up by Inveresk Community Council.
- The council subsequently agreed to accept late representations up until 29 May 2015.

The reporter's conclusions

6. With two exceptions, I consider that the above information submitted by the council in its statement of conformity demonstrates that its actions with regard to consultation and the involvement of the public at large as respects the proposed plan have been generally in conformity with those set out in the participation statement of the authority, dated March 2014, which was current when the proposed plan was published.

7. The first of these exceptions relates to the council's subsequent decision to extend the period for accepting representations to 27 May 2015, rather than adhering to a fixed nine week period. As this goes beyond the requirement set out in the participation statement, I am satisfied that no adverse issue arises.

8. The second exception is that the statement of conformity was silent on how the council had acted to secure media coverage of the proposed plan, which was one of the approaches which the participation statement identified would be undertaken by the council. I therefore sought information on this matter from the council.

9. In response, the council explained that, in addition to the statutory public notices placed in the local press, it had issued a press release to the relevant local newspapers and news agencies, and published it on the 'latest news' section of the council's web-site and on its twitter account which is followed by local journalists. Following this, an article relating to the proposed plan was published in each of the local newspapers covering the Arbroath, Brechin, Forfar, Kirriemuir and Montrose areas, highlighting its availability and the opportunity to make representations.

10. Based on this additional information, I am satisfied that the actions undertaken by the council's in order to secure media coverage of the proposed plan were also consistent with the intended approach outlined in the participation statement.

11. I therefore conclude that it is not necessary for me to submit a report to the Scottish Ministers under Subsection (1) (b) of Section 19A of the Act recommending that they should require the council to undertake further steps with regard to either

consultation or public involvement as respects the proposed plan. I will therefore proceed with the examination of the local development plan.

David A. Russell

Principal Inquiry Reporter

20 November 2015

Issue 1	Strategy Part 1 and Strategy Part 2	
Development Plan Reference:	Vision and Outcomes, Page 4 The Strategy - Part 1. A Presumption in Favour of Sustainable Development, Page 6 The Strategy - Part 2. Directing the Right Development to the Right Place, Pages 6 - 9	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Vision & Outcomes</u></p> <p><u>Support</u></p> <p>Scottish Water (PP/00127/1/001) Dundee City Council (PP/00072/1/001)</p> <p><u>The Strategy</u></p> <p><u>Support</u></p> <p>Scottish Enterprise (PP/00128/1/001) TACTRAN (PP/00073/1/001)</p> <p><u>Objections</u></p> <p>A & J Stephen & Avant Homes (PP/00139/1/003)</p> <p><u>The Strategy – Part 1</u></p> <p><u>Support</u></p> <p>Homes for Scotland (PP/00065/1/001) R Fleming & Co (PP/00115/1/001) Scotia Homes (PP/00119/1/001, PP/00119/2/002) Delson Contracts (PP/00110/1/001) D Ogilvie (PP/00102/1/001) Mrs A Ogilvie (PP/00108/1/001) F M Batchelor (PP/00117/2/001, PP/00117/1/001) Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/001) Stewart Milne Homes (PP/00140/1/001) A & J Stephen & Avant Homes (PP/00139/2/001, PP/00139/1/002) R Watson (PP/00118/1/001) Inveraldie Properties (PP/00136/1/001) Persimmon Homes East Scotland (PP/00126/3/001) The Greenspan Agency (PP/00015/1/001) Stewart Milne Homes (PP/00101/1/001, PP/00101/2/001, PP/00101/3/001)</p> <p><u>Comments</u></p> <p>Alistair J Lee (PP/00029/1/002)</p>		

The Strategy – Part 2Support

Homes for Scotland (PP/00065/1/002, PP/00065/1/004)
 Stewart Milne Homes (PP/00140/1/002)
 R Fleming & Co (PP/00115/1/002)
 F M Batchelor (PP/00117/2/002)
 Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/002, PP/00114/1/003)
 Certas Energy (PP/00001/1/001)
 Dalhousie Estates (PP/00098/1/002)
 Strathmore Estates (PP/00133/1/002)
 Hermiston Securities & Angus Estates (PP/00091/1/001)

Objections – Sustainable Development

Heathfield Ltd (PP/00050/1/001)

Objections – Towns

Barratt North Scotland(PP/00079/1/002)
 Andrew & Linda Lennon (PP/00016/1/001)

Objections – South Angus

Homes for Scotland (PP/00065/1/003)
 Stewart Milne Homes (PP/00140/1/003)
 A & J Stephen & Avant Homes (PP/00139/2/002, PP/00139/2/003)
 F M Batchelor (PP/00117/2/003)
 Robert Wallace (PP/00111/1/002)
 Heathfield Ltd (PP/00050/1/002)

Objections – Rural Service Centres

Inveresk Community Council (PP/00086/1/003)
 Charles Simpson (PP/00002/1/004)
 Karen Morrison (PP/00066/1/001)
 Gerald Johnston (PP/00007/1/002)

Objections – Rural Angus

Stewart Milne Homes (PP/00101/1/003, PP/00101/2/003)
 C S Fleming & Son (PP/00109/1/001)
 Stewart Milne Homes (PP/00140/1/004)
 Mrs A Ogilvie (PP/00108/1/002, PP/00108/1/003)
 D Ogilvie (PP/00102/1/002, PP/00102/1/003)
 Delson Contracts (PP/00110/1/002)
 Scotia Homes (PP/00119/1/002, PP/00119/2/003)
 Inveraldie Properties (PP/00136/1/002, PP/00136/1/003)
 R Watson (PP/00118/1/002, PP/00118/1/003)
 J C Fleming & Partners (PP/00020/1/001)
 W H Johnston (PP/00131/1/001)

<u>Comments</u>	
<p>R Fleming & Co (PP/00115/1/003) Delson Contracts (PP/00110/1/003) Scotia Homes (PP/00119/1/003, PP/00119/2/004) David Dunsmuir (PP/00100/1/001)</p>	
Provision of the Development Plan to which the Issue Relates:	<p>The Strategy Part 1 - A Presumption in Favour of Sustainable Development The Strategy Part 2 - Directing Development to the Right Place</p>
Planning Authority's Summary of the Representation(s):	
<u>Vision & Outcomes</u>	
<u>Support</u>	
<p>Scottish Water (PP/00127/1/001) - Support Angus Council vision for Angus as "...A place where a first class quality of life can be enjoyed by all".</p> <p>Dundee City Council (PP/00072/1/001) - The overall vision and strategy of the Proposed Angus Local Development Plan (LDP) does not raise many cross boundary land use planning issues and Dundee City Council is largely supportive of the Proposed Angus LDP.</p>	
<u>The Strategy</u>	
<u>Support</u>	
<p>Scottish Enterprise (PP/00128/1/001) - support the Proposed Plan approach towards development, particularly the positive and proactive approach towards promoting sustainable development by concentrating development in the main towns, including Arbroath and Montrose. Request that Angus Council ensure that a generous amount of effective land is allocated to meet needs and prevent any constraint to economic growth of the area.</p> <p>TACTRAN (PP/00073/1/001) - support the LDP's Vision, Outcomes and Strategy, in particular the emphasis on access to developments by sustainable travel modes.</p>	
<u>Objections</u>	
<p>A & J Stephen & Avant Homes (PP/00139/1/003) - object to the Proposed Plan's failure to comply with the terms of TAYplan and properly consider the allocation of land for housing in Birkhill as required by TAYplan Policy 1: Locational Priorities.</p>	
<u>The Strategy – Part 1</u>	
<u>Support</u>	
<p>Homes for Scotland (PP/00065/1/001); R Fleming & Co (PP/00115/1/001); Scotia Homes (PP/00119/1/001, PP/00119/2/002); Delson Contracts (PP/00110/1/001); D Ogilvie (PP/00102/1/001); Mrs A Ogilvie (PP/00108/1/001); F M Batchelor (PP/00117/1/001,</p>	

PP/00117/2/001); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/001); Stewart Milne Homes (PP/00140/1/001); A & J Stephen & Avant Homes (PP/00139/1/002, PP/00139/2/001); R Watson (PP/00118/1/001); Inveraldie Properties (PP/00136/1/001); Persimmon Homes East Scotland (PP/00126/3/001); The Greenspan Agency (PP/00015/1/001); Stewart Milne Homes (PP/00101/1/001, PP/00101/2/001, (PP/00101/3/001) - support ALDP presumption in favour of development that contributes toward sustainable development together with the commitment to support proposals which will improve the economic, social and environmental conditions in the area.

Comments

Alistair J Lee (PP/00029/1/002) - It is disconcerting that the whole of the Angus Local Development Plan has a "presumption in favour of sustainable development". Taking a presumption and using it to assess an opportunity looks like the ideal set of circumstances to achieve a quick decision thereby arriving at a fait accompli without due regard for the views of those affected.

The Strategy – Part 2

Support

Homes for Scotland (PP/00065/1/002); Stewart Milne Homes (PP/00140/1/002); R Fleming & Co (PP/00115/1/002); F M Batchelor (PP/00117/2/002); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/002, PP/00114/1/003); Certas Energy (PP/00001/1/001) – support the strategy guiding the majority of development to the principal settlements identified including Arbroath, Forfar, Montrose, Brechin, Carnoustie and Kirriemuir. The approach is in accordance with Policy 1: Location Priorities of the TAYplan (approved June 2012) and consistent with the emerging Proposed TAYplan (June 2015).

Homes for Scotland (PP/00065/1/004) - support the provision for new homes to be built outside the development boundaries of the main towns. Whilst the allocation of sites would provide greater certainty, the flexible approach proposed will enable the more viable and deliverable sites in each rural service centre to come forward. In the absence of an SPP-compliant generosity allowance, this will help ensure a generous supply of housing land.

Dalhousie Estates (PP/00098/1/002) - welcome the identification of Edzell as a key rural service centre and support the Proposed Plan's strategy of allocating new land for housing in Edzell at a scale commensurate with the capacity of the town to meet local demand, maintain the population and support services.

Strathmore Estates (PP/00133/1/002) - support the development strategy for Angus and, within a rural context, the focus on directing new development to rural service centres.

Hermiston Securities & Angus Estates (PP/00091/1/001) - welcome the strategy of the proposed plan and the key role Carnoustie can play within the housing market area and the wider Angus economy.

Objections – Sustainable Development

Heathfield Ltd (PP/00050/1/001) - Government policy principles and the presumption in

favour of sustainable development should support development that results in environmental as well as economic benefits. The last sentence of paragraph 3 of Part 2. Directing the Right Development to the Right Place (page 6) should recognise and add the words "and environment" to the reference to the economy.

Objections – Towns

Barratt North Scotland (PP/00079/1/002) - object to the scale of development proposed at Carnoustie and raise concerns regarding the prejudice of existing brownfield land within the settlement and the scale of growth in line with the TAYplan strategy.

Andrew & Linda Lennon (PP/00016/1/001) - Consider that Forfar's principal identity as a thriving, traditional, rural county town would be adversely affected by the continued building of expansive and highly visible new residential estates on the perimeter of the town. Such extensive building will also have a negative impact on the local community and the economy of Forfar over time. Private housing supply, where supply exceeds demand, has a negative impact on the health of the re-sale house market, house prices, individual family finances and so the wider local economy.

It is important for Forfar to retain its identity and for those in positions of authority to protect our community from further over-development. It is also imperative that Forfar residents and home-owners are assured that their substantial investments and financial contributions to the local economy are recognised, valued and protected by those employed in positions to make highly important decisions which will effect major changes which affect them.

The most immediate concern is for those residents of Forfar and the nearby surrounding areas who have invested in purchasing and developing existing properties. Already there are houses in Forfar and surrounding areas which have been on the market for long periods of time and which remain unsold, some even after several years. Valuations and selling prices of existing homes in Forfar have also been suppressed in recent years, which is in the main related to the glut of new houses and the enhancements and benefits offered by builders of new housing developments. Of those houses which have sold in the local area in recent years, many have been subject of part-exchange deals or other incentives offered by the builders of new developments, thereby 'skewing' the reality of the local housing market and masking the wider social, emotional and financial impact for some home-movers who would otherwise have had greater difficulty selling their home.

Objections – South Angus

Homes for Scotland (PP/00065/1/003) - Object to the exclusion of Birkhill / Muirhead from the areas considered by Angus Council as potential locations for new residential development. This area, along with Monifieth, is identified by TAYplan as being part of the Dundee Core Area as a Tier 1 settlement. Whilst land in Monifieth has been allocated for housing development, no such provision has been made at Birkhill / Muirhead.

Given its status as part of the Dundee Core Area, Homes for Scotland believes it was wrong of the Council not to identify an option (in the Main Issues Report) allowing for new residential development on land in the Birkhill / Muirhead area, to help meet housing need and demand in south Angus.

TAYplan Policy 1 allows the release of land next to principle settlements if there are no

opportunities within them. Birkhill/Muirhead form part of the Dundee Core Area and have Tier 1 settlement status. Land has been allocated adjacent to the existing Monifieth boundary. Opportunities adjacent to Birkhill/Muirhead should also have been considered for additional housing land provision in the South Angus HMA to improve the range and choice of available housing land.

Stewart Milne Homes (PP/00140/1/003); A & J Stephen & Avant Homes (PP/00139/2/003) – Object to the LDP approach to not allocating greenfield land in other locations outside the principal settlements but within the Dundee Core Area.

Policy 5: Housing, part C of the TAYplan, 2012 states that LDPs shall “ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.”

Policy 5C does not specifically refer to the Western Gateway SDA and does not preclude new land releases where the delivery of the SDA would not be prejudiced. With the immediate delivery of the Western Gateway it is considered that the ALDP can now provide for some further new housing within the Core Area, without prejudice to the TAYplan strategy and provide for the effective delivery of housing land in locations close to City services and infrastructure.

F M Batchelor (PP/00117/2/003) – Object to the LDP approach to not allocating greenfield land outwith the development boundaries for Birkhill/Muirhead or in other locations outside the principal settlements but within the Dundee Core Area.

A & J Stephen & Avant Homes (PP/00139/2/002) - The stated strategy for guiding the majority of development to the principal settlements would be in accordance with Policy 1: Location Priorities of the TAYplan, approved 2012 if it was properly reflected in the Proposed Plan. This approach would also be consistent with the emerging Proposed TAYplan, 2015.

However, in not considering the allocation of greenfield land outwith the development boundaries for Birkhill/Muirhead the Plan does not conform with TAYplan and we object to this omission.

Robert Wallace (PP/00111/1/002) - Although it is noted that a priority of the ALDP is to avoid promoting development which will prejudice implementation of the Western Gateway proposals, it is considered that the allocation of a modest amount of additional housing land on more marketable sites within the South Angus HMA will serve to offset delivery problems in the early part of the plan period without undermining the viability of the Gateway proposals. At the very least, given the constraints imposed on the extent to which the ALDP can realise the full potential outputs of the South Angus HMA as a result of the need to avoid any prejudice to the Dundee Core Area, it would seem appropriate that a policy mechanism should be introduced in the ALDP to enable additional sites to be brought forward in the event that implementation of the Core Area proposals is delayed. Given the complexities involved with the implementation of large infrastructure intensive proposals then difficulties in achieving delivery within the Dundee Core Area are entirely likely.

A further consideration supporting the case for the allocation of additional sites within the

South Angus HMA relates to the requirement of Scottish Planning Policy 2014 to apply a 10%-20% increase to the housing land requirement in order to establish the level of supply needed (SPP para 116).

Although it is recognized that TAYplan generally requires allocations be focused on the main settlements, in accordance with the three tiered approach, strategic license for the allocation of additional housing land afforded by TAYplan Policy 1 which states that LDPs may also provide for development within smaller settlements, outwith settlements designated under the three tiered policy, if such development contributes to meeting the objectives of TAYplan and meets local need or supports regeneration of the local economy.

Heathfield Ltd (PP/00050/1/002) - Para 4, page 8 states that "In order to avoid conflicts with TAYplan SDP and the Dundee Local Development Plan which focuses new development primarily on brownfield sites and on a limited number of greenfield sites within the city, the remainder of land in Angus which is part of the Dundee Core Area will not be considered for significant new development or greenfield release during the ALDP period."

The words 'significant new development or' should be deleted. The core strategy is to restrict further allocations of green field land. Including reference to significant new development could prejudice the delivery of other policy priorities. Other developments could be defined as significant in their own right and deliver other policy objectives and should not be excluded.

Objections – Rural Service Centres

Inveresk Community Council (PP/00086/1/003) - Consider 50 houses to be too large an allocation which would adversely affect the intrinsic character of the village. While accept that some new build will be necessary to maintain Edzell's viability as a service centre a smaller number than 50 would be more appropriate. Instead of being developed as a complete new site these could be 'added on' to the existing layout to provide more truly affordable housing enabling locally employed youngsters to purchase a property rather than move further afield. Whilst Edzell has a high percentage of retirees which add to the sustainability of the village by their regular use of local businesses, the village needs more locally employed young families to maintain a healthy mix of population and prevent the village from becoming a commuter location.

Charles Simpson (PP/00002/1/004) – considers that the present size of Edzell is sustainable and there is a danger of losing the "village" feeling if further development takes place which destroys the character of Edzell. Large developments proposed for the old Edzell base area will have an impact on the village i.e. Increased through traffic and footfall going to shops and restaurants. There will also be implications for medical and educational services.

Karen Morrison (PP/00066/1/001) - The proposed development to the East of the village of Edzell of some 50 houses and the approved development to the North East, where construction is under way will be more than the village in its present guise will be able to support and the "village" ethos will be lost. Consider that the village and its services and facilities not capable of absorbing scale of additional development proposed by the ALDP.

Gerald Johnston (PP/00007/1/002) - The long established strategy of supporting the

retention of population and services by providing opportunities for new homes in rural areas applies to more remote areas rather than settlements such as Letham which, as the largest village in Angus has:

- experienced sustained population growth over the past two decades as a result of previous housing development.
- the potential for further significant population growth arising from undeveloped sites already allocated for housing development together with infill sites which have continued to be a major feature of the historic development.

Objections – Rural Angus

Stewart Milne Homes (PP/00101/1/003, PP/00101/2/003) – Consider that the Proposed Angus Local Development Plan fails to properly plan for sustaining and supporting services in rural communities.

While it is accepted that development in the rural area needs to be controlled and development focussed on existing settlements where services exist, development which would contribute toward the provision of new or enhanced services or community facilities which may not necessarily contribute towards economic regeneration should be supported.

C S Fleming & Son (PP/00109/1/001) - Policy 1 of TAYplan makes provision for the allocation of smaller sites in rural areas which contribute to meeting the objectives of TAYplan and meet local need or support regeneration of the local economy. Given that such sites will be essential to achieving the TAYplan housing requirement and in view of the resulting support that such development will provide in achieving the social and economic objectives of TAYplan for rural areas then there is no impediment to such sites being brought forward through the ALDP. The allocation of such smaller sites in the rural west, a Category 2 area, will assist in achieving the ALDP objective of maintaining and growing communities through the provision of new housing which can support important rural services.

In terms of the SPP and TAYplan requirement to promote choice and flexibility within the housing land supply, it is noted that the current distribution of sites within the West Angus HMA fails to achieve this. As currently proposed the supply within the rural areas outwith the settlements of Forfar and Kirriemuir is heavily skewed towards the eastern portion of the HMA. Policy 5 of TAYplan states that Local Development Plans shall allocated land to ensure a generous supply of effective housing sites and to provide for flexibility and choice. In relation to the West Angus HMA it is considered that the ALDP has completely failed to achieve this. The allocation of a small number of sites within the rural area to the west of the West Angus HMA will serve to address this by providing increased choice and flexibility.

Stewart Milne Homes (PP/00140/1/004); Mrs A Ogilvie (PP/00108/1/003); D Ogilvie (PP/00102/1/003) - The strategy states that "Development in the rural area will be focused on supporting the RSCs of Edzell, Friockheim, Letham and Newtyle". Prioritising these settlements for development should not however be at the cost of also allowing for some new small scale growth elsewhere within some of the other settlements. In addition, there does not appear to be a planning justification for the scale of development proposed in the RSC's or failing to plan for small scale development in other small settlements over the LDP period.

Considered that sites should be allocated for residential development outwith the seven towns and four Rural Service Centres (RSC's). No justification is provided in the ALDP for failing to plan for small scale development within other small settlements over the 10-year period of the ALDP. It is considered that an embargo on growth outwith the seven towns and four RSCs fails to comply with bullets 2 and 3 of the ALDP's stated development strategy (page 7).

The lack of housing sites in small settlements will fail to provide for a range and choice of effective housing land as required by Scottish Government policy contained in paragraph 119 of SPP and also to support population retention.

The ALDP does not provide a justification for limiting the scale of development to just 50 houses over 10 years in the RSC's and for failing to provide for planned growth outwith the seven towns and RSC's.

The ADLP does not provide for a justification for failing to provide for planned growth outwith the seven towns and RSCs. It is considered that the ALDP should provide for planned growth in some of the villages and ensure that settlement boundaries are identified around settlements of a modest scale. This approach would facilitate modest growth of the settlements concerned and avoid the 10 year embargo on growth currently contained in the LDP.

Delson Contracts (PP/00110/1/002); Scotia Homes (PP/00119/1/002, PP/00119/2/003); Mrs A Ogilvie (PP/00108/1/002); D Ogilvie (PP/00102/1/002); Inveraldie Properties (PP/00136/1/002); R Watson (PP/00118/1/002) - The strategy seeks to "maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities; and provide opportunities for appropriate diversification of the rural economy." It is considered that the Proposed ALDP fails to secure this in practice for a number of local communities and villages. The Proposed ALDP fails to facilitate even a modest scale of growth in a number of locations where such development would support local services and community life.

Inveraldie Properties (PP/00136/1/003); R Watson (PP/00118/1/003) - The ADLP does not provide for a justification for limiting the scale of development to just 50 houses over 10 years in the RSCs and for failing to provide for planned growth outwith the seven towns and RSCs. It is considered that the ALDP should increase the housing provision in Rural Service Centres, for example at Friockheim, and provide for planned growth in some of the villages where this would sustain service provision, for example at Newbigging and Inveraldie.

J C Fleming & Partners (PP/00020/1/001) - Object that the development boundary of Barnhead Village is to remain unchanged. Whilst it is acknowledged that the majority of new housing will be directed towards larger settlements, it is not acceptable to solely rely on larger housing allocation and for smaller villages to have no provision for sustainable future expansion. By amending the settlement boundary to allow limited housing allocation in this location, this identifies a deliverable site for a limited amount of new housing within the village, which will help meet local housing demand as well as increasing the range and choice of housing available locally.

W H Johnston (PP/00131/1/001) - Object to the Development Strategy in the rural area. In pursuing a strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the Local Development Plan does not allocate

sites for residential development outwith the seven towns and four Rural Service Centres.

A Strategy that does not consider a long term settlement planning approach and to not allocate new residential development opportunities in settlements such as Newbigging (below Tier 3 and RSC level) which are modest in terms of their scale, number and relative to the size of settlement, is contrary to the essence of SPP: securing the right development in the right location and creating high quality places to live.

Comments

R Fleming & Co (PP/00115/1/003); Delson Contracts (PP/00110/1/003); Scotia Homes (PP/00119/1/003, PP/00119/2/004) - The Proposed ALDP approach to directing most new development to the larger towns of Arbroath, Forfar and Montrose is supported, together with the towns of Brechin, Carnoustie and Kirriemuir on a scale commensurate with their role as smaller centres of population and economic activity. It is considered however, that the phasing of new development in these towns is also critical to the effective delivery of housing, together with a generous supply.

David Dunsmuir (PP/00100/1/001) - Letham is the largest village in Angus with an active retirement community as well as a range of facilities that offer a good quality of life to younger people with families. It has a very highly regarded primary school and a play school and nursery school. It is a well-structured village with its own management committee. In addition, it has a full and varied range of community activities. When these are taken together they provide a village environment very reminiscent of times gone by. Any major changes, such as those proposed for new housing, need the most careful consideration to integrate them into the village without despoiling it. The existing mix of housing styles and rate of development has been steady mainly driven by the private sector responding to need, often at no cost to local government.

Modifications Sought by those Submitting Representations:

The Strategy

A & J Stephen & Avant Homes (PP/00139/1/003) - Through a revised Main Issues Report, consider the release of greenfield land adjacent to Birkhill and identify "Land to the South of Birkhill" as the Preferred Option for Housing Allocation in the first 5 year period.

In the subsequent Proposed Plan, amend the final paragraph under 'The Towns' to more clearly acknowledge the fact that Birkhill forms part of the Dundee Core Area to more accurately reflect TAYplan Policy 5.

Amend the following figures and maps to clearly show the Dundee Core Area and the South Angus settlements which form part of it:

- the diagram on the front cover of the plan.
- Figure 1 - Development Strategy - on page 7 of the plan.
- Figure 3 – Towns and Villages – on page 72 of the plan

The Strategy – Part 2

Objections – Sustainable Development

Heathfield Ltd (PP/00050/1/001) - The words "and environment" should be added to the

reference to the economy in the last paragraph of the TAYplan Strategic Development Plan section on page 6.

Objections – Towns

Barratt North Scotland(PP/00079/1/002) - Amend Strategy regarding approach to housing land release in the South Angus HMA by focussing additional development at Monifieth which lies within the Tier 1 Dundee Core Area rather than at Carnoustie which is a Tier 3 settlement.

Andrew & Linda Lennon (PP/00016/1/001) - Amend Strategy regarding approach to housing land release in the West Angus HMA to reduce the housing land release Forfar. The extent of the development proposed is too great and will affect the identity of the town and impact on the local community and economy.

Objections – South Angus

Homes for Scotland (PP/00065/1/003) – The Council should clarify why the release of greenfield land adjacent to Birkhill / Muirhead to be prejudicial to the Dundee Western Gateway. If detailed evidence cannot be provided, the option of allocating land for housing in this area should be reconsidered through the examination process.

Amend the final paragraph under 'The Towns' section on page 8 to read:

“Birkhill/Muirhead also lie within the Dundee Core Area. However, TAYplan SDP requires new housing developments in and around Dundee not to prejudice the delivery of Strategic Development Areas such as the Dundee Western Gateway development. In order to avoid conflicts with TAYplan SDP and the Dundee Local Development Plan which focuses new development primarily on brownfield sites and on a limited number of greenfield sites within the city, the remainder of land in Angus which is part of the Dundee Core Area will not be considered for significant new development or greenfield release during the ALDP period. The ALDP does not therefore seek to allocate greenfield land outwith the development boundaries for Birkhill / Muirhead or in other locations outside the principal settlements but within the Dundee Core Area.”

(this will need to be amended if changes are made to the plan in respect of Birkhill/Muirhead, or if evidence cannot be provided to demonstrate that allocating greenfield land in this area would prejudice the Dundee Western Gateway)

Amend the following figures and maps in the Plan to clearly show the Dundee Core Area and the South Angus settlements which form part of it:

- Diagram on the front cover of the plan
- Figure 1 - Development Strategy - on page 7 of the plan
- Figure 3 - Towns and Villages - on page 72 of the plan
- The Monifieth Inset Map - on page 131 of the plan

Stewart Milne Homes (PP/00140/1/003); A & J Stephen & Avant Homes (PP/00139/2/003) - Amend last paragraph of The Towns section on page 8 to read: “TAYplan SDP requires new housing developments in and around Dundee not to prejudice the Strategic Development Areas.”

F M Batchelor (PP/00117/2/003) - Amend the final paragraph under 'The Towns' section on page 8 to read: “TAYplan SDP requires new housing developments in and around

Dundee not to prejudice the Strategic Development Areas. In order to avoid conflicts with TAYplan SDP and the Dundee Local Development Plan which focuses new development primarily on brownfield sites and on a limited number of greenfield sites within the city, the remainder of land in Angus which is part of the Dundee Core Area will not be considered for significant new development or greenfield release during the ALDP period.”

A & J Stephen & Avant Homes (PP/00139/2/002) - Figure 1 Development Strategy, page 7, should be amended to reflect the status of Birkhill within TAYplan Policy 1.

Robert Wallace (PP/00111/1/002) - Amend Strategy regarding housing land release in the South Angus HMA to allow additional land allocation in settlements outwith the Dundee Core Area.

Heathfield Ltd (PP/00050/1/002) - The words 'significant new development or' should be deleted from line 6 of paragraph of the Towns Section on page 8.

Objections – Rural Service Centres

Inveresk Community Council (PP/00086/1/003); Charles Simpson (PP/00002/1/004); Karen Morrison (PP/00066/1/001) - Amend Strategy regarding approach to residential development in Edzell which is identified as a Rural Service Centre.

Gerald Johnston (PP/00007/1/002) – Amend Strategy regarding approach to residential development in Letham which is identified as a Rural Service Centre.

Objections – Rural Angus

Stewart Milne Homes (PP/00101/1/003, PP/00101/2/003) - Reword third paragraph of TAYplan Strategic Development Plan section on page 6 to read:

"In the rural area outwith the towns, TAYplan SDP sets out an approach which balances the importance of sustaining and servicing rural communities and the rural economy with the need to protect the countryside. A level of new housing and other appropriate development may be provided in the countryside and small settlements, but only where this meets specific local needs or supports regeneration of the local economy."

C S Fleming & Son (PP/00109/1/001) - Amend Strategy regarding housing land release in the West Angus HMA to allow additional land allocations in western portion of the HMA.

Stewart Milne Homes (PP/00140/1/004) - Reword second paragraph of Rural Angus section on page 9 to read: "In pursuing a strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the Local Development Plan allocates sites for residential development in some villages outwith the seven towns and four Rural Service Centres. In addition, below Rural Service Centre level appropriate infill or redevelopment proposals will be supported in those settlements and villages with development boundaries."

Reword third paragraph of Rural Angus section on page 9 to read: "At Ballumbie, Letham Grange and Piperdam, a substantial number of houses have been developed alongside and in support of golf course, leisure and tourist based developments. Further medium to large residential development at Letham Grange and Piperdam would promote an unsustainable pattern of development and is therefore not supported. However, due to its

edge of City location, some modest infill development at Ballumbie would in principle be supported.”

Mrs A Ogilvie (PP/00108/1/003); D Ogilvie (PP/00102/1/003) - Insert new paragraph on page 9 to read: "Settlement boundaries will be drawn around settlements, in addition to those included in the Angus Local Plan Review, 2009 to accommodate modest infill development where appropriate in rural areas.

Reword second paragraph of Rural Angus section on page 9 to read: “In pursuing a strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the Local Development Plan allocates sites for residential development in some villages outwith the seven towns and four Rural Service Centres. In addition, below Rural Service Centre level appropriate infill or redevelopment proposals will be supported in those settlements and villages with development boundaries, and on appropriate sites in the open countryside.”

Delson Contracts (PP/00110/1/002); Scotia Homes (PP/00119/1/002, PP/00119/2/003); Mrs A Ogilvie (PP/00108/1/002); D Ogilvie (PP/00102/1/002) - The Proposed ALDP should facilitate a modest scale of growth in a number of locations where such development would support local services and community life. Site-specific representations are made on the ALDP in this respect. (Cross Referencing Required)

Inveraldie Properties (PP/00136/1/002, PP/00136/1/003); R Watson (PP/00118/1/002, PP/00118/1/003) - Reword second sentence of first paragraph of Rural Angus section on page 9 to read: “To support and maintain population levels the ALDP makes provision for development of up to 50 houses new housing in each Rural Service Centre over the life of the plan.”

Reword second paragraph of Rural Angus section on page 9 to read: “In pursuing a strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the Local Development Plan allocates sites for residential development in some villages outwith the seven towns and four Rural Service Centres. In addition, below Rural Service Centre level appropriate infill or redevelopment proposals will be supported in those settlements and villages with development boundaries, and on appropriate sites in the open countryside.”

J C Fleming & Partners (PP/00020/1/001) - Allow for sustainable future expansion of smaller villages by extending Barnhead development boundary.

W H Johnston (PP/00131/1/001) - Amend Strategy to allow sites to be allocated for residential development in settlements outwith the seven towns and 4 Rural Service Centres.

Summary of Responses (including reasons) by Planning Authority:

Vision & Outcomes

Supporting representations noted.

The Strategy

Supporting representations noted.

Objections

A & J Stephen & Avant Homes (PP/00139/1/003) – The Proposed ALDP (February 2015) (CD/1-1) requires to be consistent with the approved TAYplan SDP (June 2012). The spatial strategy put forward in the Proposed ALDP Main Issues Report (November 2012) is consistent with the approved TAYplan SDP (June 2012) (CD/3-1) and directs an appropriate level of plan led development within the hierarchy of settlements. It is important to the implementation of the TAYplan strategy that Local Development Plans do not undermine the delivery of development within the Tier 1 Dundee City by promoting greenfield land release in areas around the Dundee Fringe which could prejudice delivery of the Dundee Western Gateway Strategic Development Area or undermine redevelopment of the significant supply of brownfield sites within Dundee. The restriction applies primarily to significant greenfield extensions/allocations in the area but does not preclude appropriate brownfield and windfall sites within existing development boundaries coming forward. The MIR was subject to formal consultation and following consideration of the representations received, the approach in the South Angus HMA was carried forward into the Proposed Plan.

It is neither appropriate nor necessary to revisit this issue in the context of the current approved TAYplan. The spatial strategy for this area will be reviewed as part of the preparation of the review of the Angus LDP in the context of TAYplan Proposed Strategic Development Plan 2016-2036 (CD/3-2). For this reason the Council does not agree to modify the plan in response to this representation.

The Strategy – Part 1

Supporting representations and comment noted.

The Strategy – Part 2

Supporting representations noted.

Objections – Sustainable Development

Heathfield Ltd (PP/00050/1/001) – The representation and proposed modification refer to the high level strategy for development in the region set out in the approved TAYplan SDP (June 2012) (CD/3-1). The Angus LDP must be consistent with the TAYplan strategy. It is not appropriate to consider proposed changes to the TAYplan Strategy through representations on the Angus LDP. These concerns should be addressed by making representations to TAYplan. For these reasons the Council does not agree to modify the plan in response to these representations.

Objections – Towns

Barratt North Scotland (PP/00079/1/002) – The longer term growth strategy for Monifieth will be determined by the future ALDP Review in the context of spatial strategy and housing land requirements for the area established by the TAYplan Proposed Strategic Development Plan 2016-2036 (CD/3-2) and taking account of progress on delivery of current sites. Allocating or identifying additional greenfield land for longer term development at this time is not considered to be appropriate given the location on the edge of the Dundee Core and the existing brownfield site at Ashludie Hospital which must be a priority for development/regeneration. It would not be considered appropriate to

identify a further site of around 82 Ha in total as outlined in the submission (comprising a 24 ha site that was the subject of planning application 14/00233/PPPM (S4/1-1) which was refused by Angus Council at its meeting on 18 December 2015 and a further area of around 60ha) which could accommodate somewhere in the region of 1000 to 1800 dwellings, as this scale of development would be significantly in excess of the housing land requirement for the South Angus Housing Market Area as set out in TAYplan (approved June 2012), and could more than treble the level of allocations made at Monifieth in the Proposed Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Andrew & Linda Lennon (PP/00016/1/001) – The Proposed ALDP requires to be consistent with the approved TAYplan SDP (June 2012) (CD/3-1). The spatial strategy put forward in the Proposed ALDP Main Issues Report was subject to formal consultation and following consideration of the representations received, the approach in the West Angus HMA was carried forward into the Proposed Plan. The strategy is consistent with TAYplan and directs an appropriate level of plan led development to Forfar and Kirriemuir in line with TAYplan Policy 1: Location Priorities (CD/3-1, pages 8/9). The housing land allocations in the LDP meet the Housing Land Requirement for the North Angus HMA established by TAYplan and have where appropriate been phased over the two phases of the LDP (2016 – 21 and 2021 – 26). For these reasons, the Council does not agree to modify the plan in response to this representation.

Objections – South Angus

Homes for Scotland (PP/00065/1/003); Stewart Milne Homes (PP/00140/1/003); A & J Stephen & Avant Homes (PP/00139/2/002, PP/00139/2/003); F M Batchelor (PP/00117/2/003); Robert Wallace (PP/00111/1/002); Heathfield Ltd (PP/00050/1/002) – The Proposed ALDP requires to be consistent with the approved TAYplan SDP (June 2012) (CD/3-1). The spatial strategy put forward in the Proposed ALDP Main Issues Report was subject to formal consultation and following consideration of the representations received, the approach in the South Angus HMA was carried forward into the Proposed Plan. The spatial strategy is consistent with TAYplan and directs an appropriate level of plan led development within the hierarchy of settlements. It is important to the implementation of the TAYplan strategy that Local Development Plans do not undermine the delivery of development within the Tier 1 Dundee Core Area by promoting greenfield land release in areas surrounding the Core Area where it could prejudice delivery of the Dundee Western Gateway Strategic Development Area or undermine redevelopment of the significant supply of brownfield sites within Dundee. The restriction applies primarily to significant greenfield extensions/allocations in the area but does not preclude appropriate brownfield and windfall sites within existing development boundaries coming forward.

The ALDP Main Issues Report - Topic Paper 1 Spatial Strategy (paras 4.1 – 4.8, pages 13-15) (CD/1-12) sets out the rationale behind the approach to development in the South Angus HMA, which focuses development on Carnoustie and Monifieth over the 2016 – 2026 period. For these reasons the Council does not agree to modify the plan in response to these representations.

Objections – Rural Service Centres and Rural Angus

Gerald Johnston (PP/00007/1/002); Inveresk Community Council (PP/00086/1/003); Charles Simpson (PP/00002/1/004); Karen Morrison (PP/00066/1/001); Stewart Milne

Homes (PP/00101/1/003, PP/00101/2/003); C S Fleming & Son (PP/00109/1/001); Stewart Milne Homes (PP/00140/1/004); Mrs A Ogilvie (PP/00108/1/002, PP/00108/1/003); D Ogilvie (PP/00102/1/002, PP/00102/1/003); Delson Contracts (PP/00110/1/002); Scotia Homes (PP/00119/1/002, PP/00119/2/003); Inveraldie Properties (PP/00136/1/002, PP/00136/1/003); R Watson (PP/00118/1/002, PP/00118/1/003); J C Fleming & Partners (PP/00020/1/001); W H Johnston (PP/00131/1/001) - The Proposed ALDP requires to be consistent with the approved TAYplan SDP (June 2012) (CD/3-1). The spatial strategy put forward in the ALDP Main Issues Report (CD/1-11, pages 8 - 14) and carried forward into the Proposed Plan is consistent with TAYplan and directs an appropriate level of plan led development within the hierarchy of settlements.

The established strategy set out in the current adopted Angus Local Plan Review (February 2009) (CD/4-1, pages 8/9) supports the retention of population and services by providing opportunity for new homes in the rural area including Rural Service Centres, smaller settlements and the open countryside. New employment related development has been supported where proposals make a positive contribution to the rural economy and are of a scale and nature appropriate to the intended location.

The spatial strategy in the Proposed Plan continues to focus development on supporting the Rural Service Centres (RSC's) of Edzell, Friockheim, Letham and Newtyle which have relatively large resident populations and the most significant number and range of services and facilities, by allocating small-scale development sites for housing. This approach will support and maintain services and facilities, population levels and reduce the need to travel.

Appendix 2: Housing for Local Needs in Rural Service Centres of ALDP Main Issues Report Topic Paper 1 Spatial Strategy (CD/1-12, pages 25 - 34) detailed the rational and methodology applied to establish the scale of residential development considered appropriate for each of the 4 Rural Service Centres over the 2016 – 2026 period. The ALDP Main Issues Report (CD/1-11) consulted on a range of Preferred and Reasonable Alternative Options for each of the 4 RSC's. The Proposed LDP has allocated effective sites to meet the estimated requirement for Local Needs Housing. These land allocations are in addition to the TAYplan Housing Land Requirement which has been met by land allocations within the hierarchy of principal settlements set out in TAYplan Policy 1: Location Priorities (CD/3-1, pages 8/9).

The approach to rural development also supports appropriate infill and redevelopment opportunities which come forward within other settlements with development boundaries below Rural Service Centre level and support new development in appropriate countryside locations by encouraging people to live and work in rural communities.

It is intended to undertake a landscape capacity based review of settlement development boundaries to inform a future review of this first Angus Local Development Plan, to establish the potential for modest expansion of smaller settlements. This is detailed as Action 5 on page 7 of the Draft Action Programme (CD/1-15, page 7) published alongside the proposed Angus LDP.

For these reasons the Council does not agree to modify the plan in response to these representations.

Comments

R Fleming & Co (PP/00115/1/003); Delson Contracts (PP/00110/1/003); Scotia Homes (PP/00119/1/003, PP/00119/2/004) - Comment noted. The housing land allocations in the LDP have where appropriate been phased over the two phases of the LDP (2016 – 21 and 2021 – 26). As set out in Policy TC1 progress on the release and take up of identified housing land and maintenance of a 7 year supply of effective housing land will be monitored through the annual HLA process. Where necessary to maintain a 7 year effective housing land supply additional housing land will be allowed to come forward from early release of sites/houses planned for later phases of the plan. To support delivery of a generous supply of effective housing sites the ALDP supports residential development on appropriate windfall sites within development boundaries.

David Dunsmuir (PP/00100/1/001) – Comment noted.

Reporter's Conclusions:Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

The Strategy

2. Policy 1 of the TAYplan strategic development plan identifies the 'Dundee Core Area' as a 'Tier 1' settlement. This core area extends beyond the boundaries of Dundee City Council's area, and includes some towns in Fife on the south side of the Tay estuary, Invergowrie to the west of Dundee which is in Perth and Kinross, as well as both Monifieth and Birkhill and Muirhead which are in Angus. These Angus settlements are all in the South Angus housing market area, as identified in the strategic development plan and delineated in the local development plan. Most of the South Angus housing market area, including Carnoustie, is not in the Dundee core area.

3. TAYplan's Policy 1 identifies Carnoustie as one of the Tier 3 settlements. These settlements have the potential to play an important but more modest role in the regional economy and accommodate a small share of the region's additional development which, the policy states, is more about sustaining them.

4. TAYplan also confirms that the two Tier 1 settlements, which are the Dundee and Perth core areas, have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy. However the housing allocations which Policy 5 of TAYplan requires the local development plan to make are based on the housing market areas, and not on the core areas.

5. Policy 1 of TAYplan also sets priorities for local development plans to follow in identifying land to be released. There is an overall priority for the re-use of previously developed land and buildings, and a sequential approach which gives first priority to land

within principal settlements, then land on the edge of principal settlements before, if necessary, the expansion of other settlements. However I note that, when considering the appropriate approach to identifying the land to be allocated for housing development in the South Angus housing market area, TAYplan does not require priority to be given to the release of land within the Dundee core area, such as at Birkhill and Muirhead, over the release of land in a lower tier principal settlement such as Carnoustie.

6. I agree that the option of releasing land for new housing at Birkhill and Muirhead was one of the options which could have been canvassed by the council in its main issues report, as it would be broadly consistent with TAYplan's strategy. However the alternative approach to land release in the South Angus housing market area which is proposed in the local development plan, which focuses significant land releases at Monifieth and Carnoustie is also, in principle, consistent with the strategy of the strategic development plan. I also consider it to be justified by the greater range of facilities and services available in these settlements and, at the present time, by the concern expressed in its representation by Dundee City Council regarding the potential prejudice to the successful implementation of the 'Dundee Western Gateway' which could arise from large scale greenfield releases in adjacent parts of south Angus.

7. However I do agree that Figure 1 on page 7 of the local development plan does not accurately reflect the provisions of TAYplan and should identify Birkhill and Muirhead, as well as Monifieth, as one of the Tier 1 settlements which form part of the Dundee core area.

The Strategy: Part 2

8. I agree with the council that it would not be appropriate to amend the last sentence of the third paragraph under Part 2 'Directing the Right Development to the Right Place', found on page 6 of the proposed plan, as this is taken directly from Policy 1 of the strategic development plan.

9. In relation to the scale of development proposed at Carnoustie, I note that both concern and support have been expressed in representations. As referred to above, Carnoustie is one of the principal settlements in the South Angus housing market area identified in the strategic development plan, and that plan does not require land to be allocated first in Tier 1 or Tier 2 settlements, such as Monifieth which is part of the Dundee core area. No evidence has been submitted which demonstrates that the new housing allocations in Carnoustie would prejudice the development of any brownfield sites, or represent an inappropriate scale of development for this town. On the other hand, the scale of the land release being sought by Barratt at Monifieth is greatly in excess of that envisaged in the current strategic development plan for the whole of the South Angus housing market area. I conclude that on this basis a reduction in the scale of development proposed at Carnoustie would not be justified.

10. In relation to the scale of development proposed at Forfar, I recognise that increasing the town's housing stock will inevitably affect the housing market. Impacts on property prices are not a material consideration in planning decisions, and will be viewed differently by those seeking to buy as opposed to those seeking to sell. New housing is mainly required to meet the needs of the existing population across Angus, and is being allocated in accordance with the requirements of the strategic development plan for the West Angus housing market area in which Forfar is the largest town.

11. All towns change and adapt as they grow, and a period of faster housing growth may lead to a time of transition. Recent strains in the national economy, and in the housing sector in particular, have led to unforeseen impacts on local housing markets. However no compelling evidence has been presented which demonstrates that the proposed new housing in Forfar would exacerbate these trends to such an extent over the plan period as would justify reducing the provision of new housing which is intended to meet the area's assessed housing needs and demand.

12. In relation to South Angus, a number of representations have raised the same concerns regarding the omission of housing land allocations at Birkhill and Muirhead, which I have dealt with above at paragraphs 2 to 7. The concerns regarding the addition of an element of generosity to the housing land allocations, and the possibility of introducing a policy mechanism to enable the allocation of additional land in the event of a shortfall in the five years' effective housing land supply as a result of delayed implementation of the core area proposals or another unforeseen difficulty, are addressed at Issue 3.

13. I address below (at paragraph 18) the concerns expressed regarding the need or potential for housing land to be allocated in smaller settlements outwith the Tiers 1 to 3 principal settlements, as these relate to the whole of rural Angus, including South Angus.

14. I agree that the wording of the second sentence of paragraph 4 on page 8 should be amended. The inclusion of the terms 'significant new development' is not consistent with Policy 5C of the strategic development plan which simply states that local development plans should ensure that there is a presumption against land releases in areas surrounding the Dundee and Perth core areas. I do not consider that this is intended to apply to proposals which may be regarded as being for significant new development, if they are located on brownfield land or within settlement boundaries. I have found nothing in the main issues report background paper, referred to by the council, which contradicts that interpretation of the strategic development plan.

15. In addition to the Tier 1 to 3 principal settlements defined in the strategic development plan, four villages have been identified in this proposed plan as 'rural service centres'. They include Friockheim and Newtyle as well as Edzell and Letham. They have been identified as such because of their relative size, as well as the availability of services and facilities. I do not consider that it is inappropriate in principle for the proposed plan to allocate land for an additional 50 houses in each of these villages, although I note that in the case of Letham the new housing allocation being proposed in this plan is for a site with an indicative capacity of just 20 houses, which is in addition to the site allocated in the existing local plan for 30 houses and two other sites which have planning permission or are under construction and have a joint capacity of 17 houses.

16. All villages adapt to change both as they grow and/or over the passage of time. No compelling evidence has been provided which would suggest that any of these villages would not be able to absorb around fifty additional households over the length of this plan period. However, the suitability of the specific sites proposed in Edzell and Letham are examined below at Issues 21 and 23 respectively.

17. I also note that Policy TC2 sets out the circumstances where proposals would be supported for new housing developments within settlement boundaries, including rural service centres. The allocations of land within rural service centres made in this plan therefore do not represent a cap on potential new housing within them.

18. Elsewhere in the rural area of Angus, the same policy would similarly provide support for new housing developments within other villages, and does not require this to be restricted to proposals which directly support economic activities. The strategy (at Page 9) confirms that support will be given for appropriate infill and re-development proposals in the many villages with settlement boundaries, and such allocations would contribute an additional element of flexibility and choice. In these circumstances, the allocation of such sites through this examination would not be precluded where they are found to be appropriate and justified. This is also consistent with Policy 1 of TAYplan. The suitability of specific sites proposed at Barnhead, Inveraldie and Newbigging is examined below at Issues 21 and 24.

Reporter's Recommendations:

Modify the local development plan by:

1. On Figure 1 on page 7 of the local development plan, identifying Birkhill and Muirhead, as well as Monifieth, as among the Tier 1 settlements which form part of the Dundee core area.
2. In the second sentence of the fourth paragraph on page 8, replacing the phrase 'significant new development or greenfield release' with "significant greenfield release".

<p>Issue 2</p>	<p>Strategy Part 3 – Creating High Quality Places</p>	
<p>Development Plan Reference:</p>	<p>Strategy, Part 3, Creating High Quality Places, Pages 9 – 15 Policy DS1 Development Boundaries and Priorities, Page 10 Policy DS2 Accessible Development, Pages 11-12 Policy DS3 Design Quality and Placemaking, Page 13 Policy DS4 Amenity, Page 14 Policy DS5 Developer Contributions, Page 15</p>	<p>Reporter: David Russell</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Strategy, Part 3, Creating High Quality Places</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/001)</p> <p><u>DS1 Development Boundaries and Priorities</u></p> <p><u>Support</u></p> <p>F M Batchelor (PP/00117/1/003, PP/00117/2/004) Delson Contracts (PP/00110/1/004) R Fleming & Co (PP/00115/1/004) A & J Stephen & Avant Homes (PP/00139/2/004) Inveraldie Properties (PP/00136/1/004) R Watson (PP/00118/1/004) Scotia Homes (PP/00119/1/004, PP/00119/2/005) Mrs A Ogilvie (PP/00108/1/004) D Ogilvie (PP/00102/1/004)</p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/002, PP/00101/2/002, PP/00101/3/002)</p> <p><u>DS2 Accessible Development</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/002) F M Batchelor (PP/00117/1/004, PP/00117/2/005) Delson Contracts (PP/00110/1/005) R Fleming & Co (PP/00115/1/005) A & J Stephen & Avant Homes (PP/00139/2/005) Inveraldie Properties (PP/00136/1/005) R Watson (PP/00118/1/005) Scotia Homes (PP/00119/1/005, PP/00119/2/006) Mrs A Ogilvie (PP/00108/1/005)</p>		

D Ogilvie (PP/00102/1/005)

Objections

Network Rail (PP/00084/1/002)

DS3 Design Quality and Placemaking

Support

TACTRAN (PP/00073/1/003)
 F M Batchelor (PP/00117/1/005, PP/00117/2/006)
 Delson Contracts (PP/00110/1/006)
 R Fleming & Co (PP/00115/1/006)
 A & J Stephen & Avant Homes (PP/00139/2/006)
 Inveraldie Properties (PP/00136/1/006)
 R Watson (PP/00118/1/006)
 Scotia Homes (PP/00119/1/006, PP/00119/2/007)
 Mrs A Ogilvie (PP/00108/1/006)
 D Ogilvie (PP/00102/1/006)

Objections

Scottish Government (PP/00054/1/001)

DS4 Amenity

Support

F M Batchelor (PP/00117/1/006, PP/00117/2/007)
 Delson Contracts (PP/00110/1/007)
 R Fleming & Co (PP/00115/1/007)
 Scottish Environment Protection Agency (PP/00120/1/001)
 A & J Stephen & Avant Homes (PP/00139/2/007)
 Inveraldie Properties (PP/00136/1/007)
 R Watson (PP/00118/1/007)
 Scotia Homes (PP/00119/1/007, PP/00119/2/008)
 Mrs A Ogilvie (PP/00108/1/007)
 D Ogilvie (PP/00102/1/007)

Objections

TACTRAN (PP/00073/1/004)

DS5 Developer Contributions

Objections

Homes for Scotland (PP/00065/1/006)
 TACTRAN (PP/00073/1/005)
 Scottish Government (PP/00054/1/002)
 F M Batchelor (PP/00117/1/007, PP/00117/2/008)

<p>Stewart Milne Homes (PP/00140/1/005) Delson Contracts (PP/00110/1/008) R Fleming & Co (PP/00115/1/008) Scottish Environment Protection Agency (PP/00120/1/002) NHS Tayside (PP/00082/1/004) A & J Stephen & Avant Homes (PP/00139/2/008) Inveraldie Properties (PP/00136/1/008) R Watson (PP/00118/1/008) Scotia Homes (PP/00119/1/008, PP/00119/2/009) Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/004) Mrs A Ogilvie (PP/00108/1/008) D Ogilvie (PP/00102/1/008) Persimmon Homes East Scotland (PP/00126/3/002)</p> <p><u>Comments</u></p> <p>Barratt North Scotland (PP/00079/1/003) Network Rail (PP/00084/1/003)</p>	
Provision of the Development Plan to which the Issue Relates:	<p>Policies included within the Strategy Part 3 - Creating High Quality Places.</p>
Planning Authority's Summary of the Representation(s):	
<p><u>Strategy, Part 3, Creating High Quality Places</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/001) - Support objectives and policies which seek to ensure the sustainable design and location of development.</p> <p><u>DS1 Development Boundaries and Priorities</u></p> <p><u>Support</u></p> <p>F M Batchelor (PP/00117/1/003, PP/00117/2/004); Delson Contracts (PP/00110/1/004); R Fleming & Co (PP/00115/1/004); A & J Stephen & Avant Homes (PP/00139/2/004); Inveraldie Properties (PP/00136/1/004); R Watson (PP/00118/1/004); Scotia Homes (PP/00119/1/004, PP/00119/2/005); Mrs A Ogilvie (PP/00108/1/004); D Ogilvie (PP/00102/1/004) – support Policy DS1.</p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/002, PP/00101/2/002, PP/00101/3/002) – Consider that Policy DS1 should be reworded to include omission of reference to maintenance of effective 7 year supply of housing land. Whilst the existing policy wording is broadly in line with the spirit of the presumption in favour of sustainable development as set out in SPP in that it does not preclude housing sites being brought forward to make up a shortfall if the land supply cannot be met through sequentially more favourable sites, this could be made clearer through the suggested additional wording.</p>	

DS2 Accessible DevelopmentSupport

Tactran (PP/00073/1/002); F M Batchelor (PP/00117/1/004, PP/00117/2/005); Delson Contracts (PP/00110/1/005); R Fleming & Co (PP/00115/1/005); A & J Stephen & Avant Homes (PP/00139/2/005); Inveraldie Properties (PP/00136/1/005); R Watson (PP/00118/1/005); Scotia Homes (PP/00119/1/005, PP/00119/2/006); Mrs A Ogilvie (PP/00108/1/005); D Ogilvie (PP/00102/1/005) – Support Policy DS2.

Objections

Network Rail (PP/00084/1/002) - Where growth areas or significant housing allocations are identified close to existing strategic rail infrastructure it is essential that the potential impacts of this including the need for upgrades to existing strategic railway infrastructure are assessed through the development management process. Policy DS2 should be altered to address, more inclusively, land use and transport planning by incorporating wider range of modes and should widen its scope to include, water/ pedestrian and cycle networks.

Policy DS2 states Angus Council will require the submission of a Travel Plan and/or a Transport Assessment and appropriate planning obligations for significant travel generating uses. Network Rail are keen to ensure that Transport Assessments address level crossing safety however the current policy doesn't recognise that even moderate increases in the nature and type of traffic could have undesirable impacts on level crossing safety, and may require mitigation. Network Rail would be keen to see the Policy amended to ensure that it covered the railway network and that Transport Assessments are not only required where the travel generation is significant on the road network; but where it has moderate or more effects on any other transport mode (including the railway network).

DS3 Design Quality and PlacemakingSupport

Tactran (PP/00073/1/003); F M Batchelor (PP/00117/1/005, PP/00117/2/006); Delson Contracts (PP/00110/1/006); R Fleming & Co (PP/00115/1/006); A & J Stephen & Avant Homes (PP/00139/2/006); Inveraldie Properties (PP/00136/1/006); R Watson (PP/00118/1/006); Scotia Homes (PP/00119/1/006, PP/00119/2/007); Mrs A Ogilvie (PP/00108/1/006); D Ogilvie (PP/00102/1/006) – Support Policy DS3.

Objections

Scottish Government (PP/00054/1/001) - In order to qualify as supplementary guidance under section 22 (1) of the Planning etc. (Scotland) Act 2006 and so on adoption form part of the development plan in accordance with section 24, supplementary guidance must meet the requirements of Regulation 27 (2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. The Regulations set out that the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt within in supplementary guidance. The policy in the Proposed Plan

only states that the supplementary guidance will set out further details and should be amended to expressly state what these will be.

DS4 Amenity

Support

F M Batchelor (PP/00117/1/006, PP/00117/2/007); Delson Contracts (PP/00110/1/007); R Fleming & Co (PP/00115/1/007); Scottish Environment Protection Agency (PP/00120/1/001); A & J Stephen & Avant Homes (PP/00139/2/007); Inveraldie Properties (PP/00136/1/007); R Watson (PP/00118/1/007); Scotia Homes (PP/00119/1/007, PP/00119/2/008); Mrs A Ogilvie (PP/00108/1/007); D Ogilvie (PP/00102/1/007) – Support Policy DS4.

Objections

TACTRAN (PP/00073/1/004) - Policy DS4 Amenity should include consideration of the impacts of development on all transport modes, particularly walking and cycling, not just traffic.

DS5 Developer Contributions

Objections

Homes for Scotland (PP/00065/1/006) - Policy DS5 does not provide a huge amount of clarity on the type and level of developer contributions likely to be required of sites in different parts of Angus. It is essential that prospective developers have clarity on likely contribution requirements, so they can make a sound appraisal of the financial viability of proposed schemes. The proposed statutory supplementary guidance on developer contributions should, ideally, have been made available for comment alongside the proposed plan consultation. However, Homes for Scotland understands that the council's intention is to have this guidance in place prior to the local development plan's adoption.

TACTRAN (PP/00073/1/005) - Policy DS5 should be used to support services as well as transport infrastructure. This policy is supported and has the potential to be of assistance in progressing Park & Ride facilities in addition to public transport and active travel infrastructure.

Scottish Government (PP/00054/1/002) - To qualify as supplementary guidance under section 22 (1) of the Planning etc. (Scotland) Act 2006 and so on adoption form part of the development plan in accordance with section 24, supplementary guidance must meet the requirements of Regulation 27 (2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. The Regulations set out that the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt within in supplementary guidance. The policy in the Proposed Plan only states that the supplementary guidance will set out how the policy will be implemented rather than expressly stating the matters to be dealt with. Circular 6/2013 Development Planning, at paragraph 139, indicates that supplementary guidance should set out the levels of contribution or methodologies for their calculation. The policy of the Proposed Plan should be amended to reflect this.

F M Batchelor (PP/00117/1/007, PP/00117/2/008); Stewart Milne Homes (PP/00140/1/005); Delson Contracts (PP/00110/1/008); R Fleming & Co (PP/00115/1/008); A & J Stephen & Avant Homes (PP/00139/2/008); Inveraldie Properties (PP/00136/1/008); R Watson (PP/00118/1/008); Scotia Homes (PP/00119/1/008, PP/00119/2/009); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/004); Mrs A Ogilvie (PP/00108/1/008); D Ogilvie (PP/00102/1/008) - Consider that Policy DS5 should make specific reference for the need for contributions to comply with advice contained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements in order to provide further clarity on future requirements. This is without prejudice to commenting further on the referred to proposed statutory supplementary guidance on developer contributions, which should ideally be available for consultation alongside the consultation on the Proposed ALDP.

Scottish Environment Protection Agency (PP/00120/1/002) - Suggest the policy be modified to include wording in order to reflect the potential for 'developer contributions' to assist with the delivery of RBMP objectives related to site(s) development. The improvement of the water environment through measures put in place during the development process are crucial to achieving the high level objectives of the Water Framework Directive such that the water environment is protected from deterioration and is restored to good ecological status.

NHS Tayside (PP/00082/1/004) - Policy DS5 'Developer Contributions' applies to most forms of development where they may create deficiencies in infrastructure. It is recommended that the policy tempers the requirement for developer contributions in the context of a sites redevelopment viability, especially where a development site is likely to experience abnormal development costs.

Persimmon Homes East Scotland (PP/00126/3/002) - Support the approach of including some information within the LDP itself rather than through Supplementary Guidance. However we would consider that any specific costs should be indicated at this stage rather than through various SPG, as this allows a proper analysis by Scottish Government Reporters at the DPEA. Knowledge of expected developer contributions also has a significant impact on viability for developers such as Persimmon, and not knowing what exact figures will be required may have a negative effect on legal contracts. In turn, this may impact deliverability of developments if viability does not allow.

Persimmon Homes East Scotland would request that any developer contribution guidance is contained within the proposed LDP, or at the very least any Supplementary Guidance on Developer Contributions should be submitted to the DPEA as part of the plan examination. Furthermore Developer Contributions should not apply to affordable housing.

Comments

Barratt North Scotland (PP/00079/1/003) - The capacity of existing infrastructure and requirements for new infrastructure to accommodate this development should be assessed in early course, in order to ensure that developer contributions towards infrastructure are sufficient to address the individual and cumulative impacts of this level of development at the time that planning permission is sought.

Network Rail (PP/00084/1/003) - Network Rail broadly supports the intent of Policy DS5 to ensure that development contributes to transport infrastructure. To ensure that developer

contributions can deliver appropriate improvements to the rail network we support Policy DS5 where it states that Supplementary Planning Guidance will include details about how the policy will be implemented. The policy and supporting SPG should include the following:

- A requirement for developer contributions to deliver improvements to the rail network where appropriate (Policy DS5 achieves this as drafted)
- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated (as sought in suggested changes to Policy DS2 Accessible Development) (see representation (PP/00084/1/002))
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements.

In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. Network Rail would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit. Lastly, consideration should be given to excluding Network Rail from needing to make developer contributions. As a government agency our profits, including any from commercial developments, are reinvested in the railway. The LDP (and any new guidance) should make it clear that Network Rail is exempt. Improvements to rail transport contribute to the public good and railway developments should not be expected to support other public projects. Our infrastructure projects and station developments and improvements support regeneration, increase the attractiveness of settlements and benefit communities and as such are undoubtedly 'social' infrastructure.

Modifications Sought by those Submitting Representations:

DS1 Development Boundaries and Priorities

Stewart Milne Homes (PP/00101/1/002, PP/00101/2/002, PP/00101/3/002) - Policy DS1 should be reworded to read: "Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest (including the maintenance of a 7 year supply of effective land for housing) and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary."

DS2 Accessible Development

Network Rail (PP/00084/1/002) - Policy DS2 should be altered to address, more inclusively, land use and transport planning by incorporating wider range of modes: i.e. The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety or on other transport networks including railways, cycle ways etc. The policy should widen its scope to include, water/ pedestrian and cycle networks.

The Policy should be amended to ensure that it covers the railway network and that Transport Assessments are not only required where the travel generation is significant on the road network; but where it has moderate or more effects on any other transport mode (including the railway network).

These changes could be reinforced by altering the circumstances where Transport Assessment may be required to: "Where proposals involve significant travel generation or

could adversely affect other linear networks the Angus Council will require..."
 Further, the following could usefully be added: "Transport Assessments should assess and address the effects the development will have on railway infrastructure; including stations and any crossings (noting that any new at-grade crossings will not be supported".

DS3 Design Quality and Placemaking

Scottish Government (PP/00054/1/001) - The connection to supplementary guidance should expressly identify the further information or detail which will be dealt with in supplementary guidance.

DS4 Amenity

TACTRAN (PP/00073/1/004) – The policy should include consideration of the impacts of development on all transport modes, particularly walking and cycling, not just traffic.

DS5 Developer Contributions

Homes for Scotland (PP/00065/1/006) - The full suite of Supplementary Guidance, in particular the proposed guidance on developer contributions, should be available for consultation prior to examination of the LDP.

TACTRAN (PP/00073/1/005) - Policy DS5 Developer Contributions should be used to support services as well as transport infrastructure.

Scottish Government (PP/00054/1/002) - The connection to supplementary guidance should expressly identify the further information or detail which will be dealt with in supplementary guidance.

F M Batchelor (PP/00117/1/007, PP/00117/2/008); Stewart Milne Homes (PP/00140/1/005); Delson Contracts (PP/00110/1/008); R Fleming & Co (PP/00115/1/008); A & J Stephen & Avant Homes (PP/00139/2/008); Inveraldie Properties (PP/00136/1/008); R Watson (PP/00118/1/008); Scotia Homes (PP/00119/1/008, PP/00119/2/009); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/004); Mrs A Ogilvie (PP/00108/1/008); D Ogilvie (PP/00102/1/008) - Policy DS5 should make specific reference for the need for contributions to comply with advice contained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements in order to provide further clarity on future requirements.

Scottish Environment Protection Agency (PP/00120/1/002) - The following wording should be added: "Developer contributions may also be required for the protection and enhancement of the water environment and sustainable flood management."

NHS Tayside (PP/00082/1/004) - The policy should temper the requirement for developer contributions in the context of a sites redevelopment viability, especially where a development site is likely to experience abnormal development costs.

Persimmon Homes East Scotland (PP/00126/3/002) - Developer contribution guidance should be contained within the proposed LDP, or at the very least any Supplementary Guidance on Developer Contributions should be submitted to the DPEA as part of the plan examination. Furthermore Developer Contributions should not apply to affordable housing.

Summary of Responses (including reasons) by Planning Authority:Strategy, Part 3, Creating High Quality Places

Supporting representation noted.

DS1 Development Boundaries and Priorities

Supporting representations noted.

Objections

Stewart Milne Homes (PP/00101/1/002, PP/00101/2/002, PP/00101/3/002) - The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan Policy 5 (CD/3-1, Page 17) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release, (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

There are therefore clear mechanisms in place to ensure that a 7 year supply of housing land is maintained from future phases of allocated sites or currently constrained / non-effective sites identified in the Housing Land Audit, as well as additional flexibility provided through support for appropriate windfall and smaller sites. It is not considered appropriate to introduce an additional mechanism for the release of housing sites into a policy that sets out appropriate locations for development as this could effectively bypass the mechanism already in place. For these reasons, the Council does not agree to modify the plan in response to these representations

DS2 Accessible Development

Supporting representations noted.

Objections

Network Rail (PP/00084/1/002) - The policy specifically states that development proposals will require to demonstrate that they provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. The Council therefore considers that the scope of the policy adequately includes pedestrian/cycle networks. It is not considered appropriate widen the scope of the policy to include water networks as this is not considered to be an issue in Angus.

The policy as drafted does not state that a Transport Assessment will only be required where the travel generation is significant on the road network, but only "where proposals involve significant travel generation", this is intended to be unspecific to cover a variety of different modes (including public transport, walking, cycling and road networks as set out in the first set of bullets in the policy). It is therefore not considered necessary or

appropriate to specifically make reference to either “linear networks” or “railway infrastructure including stations and any crossings” within the policy. For these reasons, the Council does not agree to modify the plan in response to this representation.

DS3 Design Quality and Placemaking

Supporting representations noted.

Objections

Scottish Government (PP/00054/1/001) – The text preceding Policy DS3, (CD/1-1, Page 12) sets out the type of information to be covered in Supplementary Guidance on Design Quality and the circumstances in which a Design Statement will be required.

Notwithstanding the comments are accepted and the Council would have no objection to identifying the further information/detail which will be dealt with in supplementary guidance and would suggest that the final paragraph of the policy is amended to state:

“Supplementary Guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a Design Statement and the issues that should be addressed will also be set out in Supplementary Guidance.” Such an amendment is considered to address the representation and be a non-notifiable modification to the plan.

DS4 Amenity

Supporting representations noted.

Objections

TACTRAN (PP/00073/1/004) - Policy DS2 Accessible Development (CD/1-1, Pages 11-12) considers the impacts of development on all transport modes including walking and cycling. Policy DS4 is intended to consider the impacts in terms of amenity of traffic movement, car parking and highway safety. Such impacts are not considered to arise when considering increased pedestrian or cycle movements (with the exception of highway safety). As the Council considers that such issues are addressed in an alternative policy, the Council does not agree to modify the plan in response to this representation.

DS5 Developer Contributions

Objections

Homes for Scotland (PP/00065/1/006); Persimmon Homes East Scotland (PP/00126/3/002) – Whilst it is acknowledged that it may be desirable for supplementary guidance to be available for consultation at the same time as the Proposed Plan, this is not a requirement. Nor is it a requirement for supplementary guidance to be submitted to DPEA as part of an examination.

It is considered to be entirely reasonable for supplementary guidance to be drafted and consulted on following examination of the proposed plan, and the Draft Action Programme (CD/1-3) is clear that the four Supplementary Guidance documents proposed to support the plan will be a priority for the Council in years 1 – 5 of the plan. The detailed project

plans for the supplementary guidance is still to be determined, but the Council have appointed Aberdeenshire Council to prepare the Developer Contributions Supplementary Guidance, with the intention that the document will be the subject of consultation in early 2016, and will be available for adoption at the same time as the plan itself (late 2016). For these reasons, the Council does not agree to modify the plan in response to these representations.

TACTRAN (PP/00073/1/005) - The comments made in relation to DS5 setting out that developer contributions should be used to support transport services as well as infrastructure is accepted. Consequently the council would have no objection to modifying the 5th bullet in the policy to read: "Transport services and Infrastructure". Such an amendment is considered to address the representation and be a non-notifiable modification to the plan.

Scottish Government (PP/00054/1/002) - The comments made in relation to Supplementary Guidance are accepted. Consequently the Council would have no objection to identifying the further information / detail which will be dealt with in supplementary guidance and would suggest that the final paragraph of the policy is amended to state: "Supplementary Guidance will set out the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations". Such an amendment is considered to address the representation and be a non-notifiable modification to the plan.

Scottish Environment Protection Agency (PP/00120/1/002) - Following submission of representations on the plan, further discussion with SEPA clarified that they were looking to secure opportunities for environmental enhancement as part of development proposals, and not necessarily seeking the amendment to the policy text set out in their representation. Discussions highlighted that the glossary of the Proposed Plan, Page 269 already defines Green Infrastructure as including green and blue infrastructure, and it was considered that the policy wording could also benefit from such clarification in the first bullet. The Council would have no objection to the first bullet of the policy being amended to read: "Open space, biodiversity enhancement and green and blue infrastructure" and the Action Programme (CD/1-3) being amended to change the title of the proposed Planning Advice Note set out in Action Ref 31, Page 11 to "Green and blue Infrastructure" with SEPA being added as a partner in its production. Such amendments are considered to be non-notifiable amendments to the plan, and SEPA has confirmed that such amendments would address their representation.

NHS Tayside (PP/00082/1/004) - Policy DS5 states that "the Council will consider the potential cumulative effect of developer contributions on the economic viability of proposals". Whilst the policy itself does not make reference to abnormal development costs, the supporting text sets out on page 15 that in dealing with developer contribution negotiations, the Council will take into consideration any abnormal development costs identified by the developer. The Council considers that viability is adequately addressed in the policy and supporting text and will be further considered in the supplementary guidance (see Proposed non-notifiable modification in response to representation PP/00054/1/002). For these reasons, the Council does not agree to modify the plan in response to this representation.

F M Batchelor (PP/00117/1/007, PP/00117/2/008); Stewart Milne Homes (PP/00140/1/005); Delson Contracts (PP/00110/1/008); R Fleming & Co (PP/00115/1/008); A & J Stephen & Avant Homes (PP/00139/2/008); Inveraldie Properties

(PP/00136/1/008); R Watson (PP/00118/1/008); Scotia Homes (PP/00119/1/008, PP/00119/2/009); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/004); Mrs A Ogilvie (PP/00108/1/008); D Ogilvie (PP/00102/1/008) – The supporting text to Policy DS5 on Page 14 makes reference to the tests set out in Circular 3/2012 (CD/2-15*). It is not considered necessary to add a reference to the specific circular in the policy text as this may become outdated over time. The supporting text reference is considered to be sufficient and appropriate and therefore the Council does not agree to modify the plan in response to these representations.

Comments

Barratt North Scotland (PP/00079/1/003) - Comments noted. The process of preparing the Planning Obligations Supplementary Guidance document will entail an assessment of the capacity of existing infrastructure and the requirements for new infrastructure as a result of development. This will help to ensure that the developer contributions sought are sufficient to address the individual and cumulative impacts of proposed development.

Network Rail (PP/00084/1/003) - Comments and support for Policy DS5 noted. The considerations set out (including the scale and nature of contributions towards transport infrastructure and possible exemptions) will be set out in the Planning Obligations Supplementary Guidance document. This representation will be considered in the preparation of that document, and Network Rail consulted on its contents.

Reporter’s Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy DS1 Development Boundaries and Priorities

2. Following my conclusions relating to Issue 3, I have recommended a modification to Policy TC1 to address the circumstances where there emerges a confirmed shortfall in the five years’ effective housing land supply. While priority is to be given to bringing forward sites phased for development in the later period of this plan, and resolving constraints on sites not currently effective, thereafter consideration can be given to other potential sites which are consistent with the policies of the plan. In these circumstances a site outwith a development boundary could be considered favourably in the context of Policy DS1 if, in the absence of effective sites being identified within the development boundaries of settlements, it would meet the need to resolve the shortfall in the effective housing land supply and be consistent with the other policies of the plan.

Policy DS2 Accessible Development

3. Given the differing understandings of the current wording of this policy in relation transport assessments, I consider that it would be appropriate to expand the explanation of the circumstances when the council would require one to be prepared. However

I agree with the council that in the case of Angus it would not be appropriate to include reference to water transport networks as well.

Policy DS3 Design Quality and Placemaking

4. I agree that the proposed wording of this policy lacks clarity as to the matters which will be addressed in the proposed supplementary guidance. Therefore to meet the requirements of the regulations regarding supplementary guidance, I consider that the final paragraph of the policy should be amended to confirm that the supplementary guidance will set out design principles expected in all developments; more detailed guidance on the design aspects of different proposals and on how to achieve the qualities set out in the policy; and further details on the type of developments that will require a design statement and the issues that should be addressed within it.

Policy DS4 Amenity

5. I consider that it would not be appropriate to modify Policy DS4 to include consideration of the impacts of development on all transport modes, as this policy concerns the impacts of development on amenity. Policy DS2 already includes consideration of the impacts of development on all transport modes, and I have addressed this in my conclusions at paragraph 3 above, and below in my recommended modification to that policy.

Policy DS5 Developer Contributions

6. Unlike local development plans, there is no statutory provision for the examination of supplementary guidance. The timing of its preparation is a matter for the council, except that it cannot be adopted prior to the adoption of the local development plan to which it relates.

7. The assertion by TACTRAN in its representation that this policy should be used to support services as well as transport infrastructure is not explicitly supported by the terms of Circular 3/2012. This circular sets out the Scottish Ministers' policy in relation to the use of Section 75 planning obligations to secure developer contributions, and refers to their use for the provision of infrastructure or facilities which are required to enable the approved development to proceed. Any use of planning obligations for developer contributions to support the revenue costs of providing services could only be countenanced if it met the five tests set out in the circular. These tests are already reiterated in the proposed plan, in the final paragraph on page 14.

8. In this context I am satisfied that the broad approach set out in Policy DS5, in conjunction the identification of the requirements which are likely to arise for specific developments, provides an appropriate framework which will be supported by the provision of additional information and detailed in guidance in the supplementary guidance which is to be prepared and adopted. However I agree that potential concerns would be allayed if the policy was amended to confirm that the supplementary guidance would be prepared consistent with requirements of Scottish Government policy currently set out in Circular 3/2012.

9. I also note that it is the council's intention that the supplementary guidance will incorporate details regarding the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. I consider that

it is also appropriate and helpful for this to be reflected in the wording of the policy. This should also allay concerns regarding the impact of the policy on a development's viability.

10. I now turn to the concerns that the policy should confirm the possibility that developer contributions will be required in relation to the water environment, including flood management. The policy already provides for contributions to be sought towards 'green infrastructure'. The council has confirmed that this is defined in the plan's glossary as including 'blue infrastructure' and is therefore intended to cover infrastructure relating to the water environment, including flood management. I consider therefore that the wording of the policy should be amended to clarify this. It should be noted that any amendments to the action programme are a matter for the council and not for this examination of the proposed plan.

11. The need for provision of off-site infrastructure facilities can apply to affordable housing as well as to private housing. It would therefore not be appropriate for the policy to preclude that possibility. However the council has confirmed in its response to a request from me in relation to this matter that it intends to include within the proposed supplementary guidance any exemptions from developer contributions that are considered appropriate for affordable housing developments.

Reporter's Recommendations:

Modify the local development plan by:

1. In the second section of Policy DS2 'Accessible Development', inserting: "by road, rail, bus, foot and/or cycle" after the phrase "Where proposals involve significant travel generation ...".
2. Replacing the final paragraph of Policy DS3 with: "Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance."
3. In the final section of Policy DS5, replacing the first sentence with: "Supplementary guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations."
4. In the fourth section of Policy DS5, after 'green infrastructure' inserting "..., including infrastructure relating to the water environment and flood management."

Issue 3	Housing Land Supply & Release	
Development Plan Reference:	Policy TC1 Housing Land Supply/Release, Page 19 Policy TC3 Affordable Housing, Page 23	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Housing Supply General/HMA</u></p> <p><u>Comments</u></p> <p>Dundee City Council (PP/00072/1/005) Scottish Water (PP/00127/1/002)</p> <p><u>Policy TC1 Housing Land Supply/Release</u></p> <p><u>Objections</u></p> <p>Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/001, PP/00121/1/003) NHS Tayside (PP/00082/1/002) C S Fleming & Son (PP/00109/1/002) Robert Wallace (PP/00111/1/001) Scottish Government (PP/00054/1/003) Homes for Scotland (PP/00065/1/007, PP/00065/1/008, PP/00065/1/009) Heathfield Ltd (PP/00050/1/003) Delson Contracts (PP/00110/1/012) G K Robertson (PP/00097/1/001) Hermiston Securities (PP/00078/1/001, PP/00078/1/002) I & H Brown (PP/00132/1/001) Scotia Homes (PP/00119/2/010,PP/00119/2/012) Persimmon Homes East Scotland (PP/00126/3/003) R Fleming & Co (PP/00115/1/009, PP/00117/2/009) F M Batchelor(PP/00117/1/008) Stewart Milne Homes (PP/00101/1/004, PP/00101/2/004, PP/00140/1/006) A & J Stephen & Avant Homes (PP/00139/2/009) Delson Contracts (PP/00110/1/009) Inveraldie Properties(PP/00136/1/009) R Watson (PP/00118/1/009) Scotia Homes (PP/00119/1/009) Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/005); Mrs A Ogilvie (PP/00108/1/009) D Ogilvie (PP/00102/1/009)</p> <p><u>Comments</u></p> <p>Homes for Scotland (PP/00065/1/005) W H Johnston (PP/00131/1/002)</p>		

<p><u>Policy TC3 Affordable Housing</u></p> <p><u>Objections</u></p> <p>Persimmon Homes East Scotland (PP/00126/3/004) NHS Tayside (PP/00082/1/003)</p> <p><u>Comments</u></p> <p>Homes for Scotland (PP/00065/1/011) Stewart Milne Homes (PP/00140/1/007)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>Housing Land Supply and Release including Affordable Housing</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>Housing Supply General/HMA</u></p> <p><u>Comments</u></p> <p>Dundee City Council (PP/00072/1/005) - Angus Council justified the granting of planning permission in December 2014 for two major housing developments close to the boundary to Dundee on the grounds of maintaining an effective supply of housing land in the South Angus Housing Market Area (SAHMA). These sites relate to the allocations at Mf2 and St1 in the proposed Angus LDP. The allocations are within the South Angus Housing Market Area which forms part of the Greater Dundee Housing Market Area (GDHMA). Any further shortfall of effective land within the SAHMA should be considered in the wider context of the GDHMA. Priority should be given to meeting any identified shortfall in the first instance from within existing settlements or Dundee. No further allocations for large scale housing developments within the South Angus Housing Market Area should be included within the Proposed Angus LDP.</p> <p>Scottish Water (PP/00127/1/002) - Scottish Water recognises the important role their undertakings will play on those sites outlined by Angus Council in each Housing Market Area, as identified by the TAYplan Strategic Development Planning Authority.</p> <p>Scottish Water will continue to work closely with Angus Council to identify available capacity at our Part 4 assets when planning for sustainable growth. In some areas, there are local network issues and while Scottish Water will continue to invest in enhancing their infrastructure developers will still require to meet the net cost of such enhancements to enable new developments to connect to the public sewer.</p> <p><u>Policy TC1 Housing Land Supply/Release</u></p> <p><u>Objections</u></p> <p>Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/001) - Sites which have been constrained for a long period of time should be removed from the Plan and new greenfield</p>	

sites identified to meet the housing land supply requirements identified in the TAYplan and in accordance with SPP. A further greenfield site should be identified in Montrose in addition to the existing allocations to make up for the delay in delivering brownfield sites which Angus Council acknowledge have not been delivered as quickly as anticipated. The identification of an additional greenfield site in Montrose would not undermine the delivery of the brownfield sites as the Housing Land Audit identifies that the proposed build rate in the North Angus Area is relatively low and can sustain additional development. This would supplement the brownfield allocations and ensure an adequate supply of housing land is maintained at all times and would ensure an effective housing land supply is provided in the area, should there be any further delays in the delivery of the existing sites. SPP introduces a new flexibility which enables the Plan to allocate more housing than required to ensure the housing land supply is maintained.

Scottish Planning Policy (SPP), at paragraph 115 identifies that development plans should set out the Housing Supply Target (HST), separated into affordable and market sector, for each functional housing market area, based on evidence from the HNDA. The plan does not clearly identify the HST or market housing element. The SPP continues at paragraph 116 that plans should indicate the number of new homes to be built over the plan period, and that this should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The plan is not explicit that the figures provided are the Housing Land Requirement and does not identify how generosity has been factored into the figures.

NHS Tayside (PP/00082/1/002) - Scottish Planning Policy (SPP) is quite clear in that Strategic Development Plans should set the Housing Supply Target, which should then be increased by a margin of 10 -20% "in order to ensure that a generous supply of land for housing is provided". The PLDP does not appear to increase the Housing Supply Target by even 10% and for the North Angus Housing Market Area in particular, by only 9.65 %. On this basis, the housing land supply within the PLDP takes a very conservative approach to housing land supply, not embracing the SPP requirement of providing for a "generous" supply.

For the North Angus HMA, in line with SPP the overall housing land supply numbers should be increased by between 112 and 224 units from the numbers set out within the Strategic Development Plan. The Proposed LDP should recognise that Sunnyside could deliver significantly more than 265 housing units within the Potential Development Areas to address abnormal development costs.

C S Fleming & Son (PP/00109/1/002) - The manner in which the housing land supply figures have been presented in the ALDP and lack of information on the methodology adopted makes it difficult to confirm whether an effective 5 year supply can be maintained up to 2026 in accordance with the requirements of SPP 2014 and PAN 2/2010.

The land supply figures provided in Table 1 of the ALDP comprising newly allocated sites together with those inherited from the Angus Local Plan Review will deliver sufficient housing to meet the TAYplan requirement. Consider that the figures in Table 1 and limited programming information contained in Appendix 3 of the ALDP are optimistic. The figures in Table 1 also do not reflect the policy set out at paragraph 116 of Scottish Planning Policy 2014 to apply a 10%-20% increase to the housing land requirement in order to provide a generous supply.

Consider that the current strategy of the ALDP will fail to achieve the delivery targets set out within TAYplan. The adoption of a housing land supply model based on actual outputs, as opposed to absolute supply figures derived from site areas and average build densities, is considered essential if the ALDP is to present a robust strategy which is capable of achieving delivery in accordance with the TAYplan housing requirement, particularly for the West Angus HMA.

Robert Wallace (PP/00111/1/001) - The manner in which the housing land supply figures have been presented in the ALDP and the lack of information on the methodology adopted makes it difficult to confirm whether an effective 5 year supply can be maintained up to 2026 in accordance with the requirements of SPP 2014 and PAN 2/2010.

Table 1 does not appear to correlate with figures presented in the programming tables at Appendix 3 of the ALDP. For the South Angus Housing Market Area (HMA) Appendix 3 indicates that none of the sites previously identified through the Angus Local Plan Review will form part of the either of the two 5 year phases from 2016-21 or 2021-26.

Scottish Government (PP/00054/1/003) - The LDP should clearly identify the Housing Supply Targets (HST) and Housing Land Requirement (HLR) for the plan area. This should be supported by explanatory text which outlines the HNDA estimates on which the figures are based, factors taken into consideration to arrive at the HST and how generosity has been applied to arrive at the HLR. This explanation should relate to figures set out in Table 1 and should use the terminology in SPP.

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/003) - Objection to the strategy of redeveloping brownfield sites before development takes place on greenfield sites. Although the development of brownfield sites is important, placing too much emphasis on this can stall the delivery of an adequate supply of housing land. New greenfield development must be identified in Montrose/Ferryden in addition to the existing, mainly brownfield allocations in Montrose which are being delivered more slowly than anticipated.

Homes for Scotland (PP/00065/1/007) - Scottish Planning Policy (SPP) paragraph 116 requires development plans to provide a generous supply of land for housing. In city-regions this is achieved by adding a margin of 10 to 20% to the housing supply target set out in the Strategic Development Plan (SDP). Under future iterations of development plans, the housing land requirement will be set at the SDP level. During the transitional period, local planning authorities are adding a generosity margin (and housing land requirement) for their area through their LDPs. Homes for Scotland supports this approach as good practice.

Angus Council has not added a generosity margin to the TAYplan Housing Land Requirement. Reference is, however made to providing a generous supply of land for housing through policy TC2 (which supports windfall development) and by planning to maintain a 7-year supply of effective housing land.

A generosity margin of 10% would result in the housing land requirements shown below:

Table 1a - Housing Supply Target for ADLP (10% Generosity)

Housing Market Area	TAYplan Housing Land Requirement 2012 - 2026	ALDP Housing Land Requirement 2012 - 2026	Difference
North Angus	1120	1232	112
East Angus	1120	1232	112
South Angus	1120	1232	112
West Angus	1260	1386	126
Angus Total	4620	5082	462

Table 1b - Housing Supply Targets for ADLP (20% Generosity)

Housing Market Area	TAYplan Housing Land Requirement 2012 - 2026	ALDP Housing Land Requirement 2012 - 2026	Difference
North Angus	1120	1344	224
East Angus	1120	1344	224
South Angus	1120	1344	224
West Angus	1260	1512	252
Angus Total	4620	5544	924

In reality it is possible that some of the 462 - 924 unit difference between the TAYplan housing land requirement and the Homes for Scotland's proposed ADLP housing land requirement may be realised through:

- The 406 unit oversupply shown in Table 1 of the ADLP
- Additional land allocated for up to 50 new homes in each Rural Service Centre (Edzell, Friockheim, Letham, Newtyle) over the plan period;
- Windfall developments.

To comply with SPP provision on generosity the ALDP should identify a housing land requirement that includes an SPP-type generosity margin, and then identify how this would be met through continued and new site allocations and the additional sources of supply identified above.

Homes for Scotland (PP/00065/1/008) - Detailed year-by-year programming of the proposed site allocations has not been provided. However, Appendix 3 (Housing Land Supply) shows how many units are expected to come forward from each site during each of the two phases of the plan (2016-21 and 2021-26).

Table 1 shows that the council expects 881 units to be delivered from actual and programmed completions during the period 2012-16. The council has also programmed the completion of 1,245 on existing / known sites between 2016-26. The proposed LDP allocates land for 2,900 additional units. Together, this amounts to a supply 5,026 units over the full plan period. This exceeds the TAYplan housing land requirement but falls a little short of the more generous housing land requirement identified by Homes for Scotland in Tables 1a and 1b (above).

The site programming and the council's housing supply calculations are based on

Housing Land Audit 2014. This was agreed by Homes for Scotland, with the exception of two sites which we disputed but which remained in the audit and are now identified in the proposed plan. Those sites are:

- F(b) - New Road, Forfar (audit FKF088) 8 units 17/18, 8 units 19/19
- F(d) - Dundee Road, Forfar (audit FKF156) 85 units 16/17-20/21, 35 later

Unless there has been post-audit progress on these sites, Homes for Scotland would suggest that the plan make additional provision for a further 136 units, in appropriate locations, to help ensure a generous supply of effective housing land by safeguarding against non-delivery of these two sites.

Homes for Scotland (PP/00065/1/009) - Supports the proposal to allow (in the event of a shortfall in the 7 year effective land supply) development on sites planned for later phases of the plan, and land that is currently constrained or non-effective. However, these sites alone may not provide sufficient flexibility. Early release of sites will reduce the amount of remaining, effective land for meeting the housing requirement of the later phases of the plan, and there is no guarantee that currently constrained sites will become effective during the lifetime of the plan. Homes for Scotland would suggest that provision be made to also allow the development of other sustainable brownfield and greenfield sites. This could include sustainable sites adjacent to the Dundee Core Area and the Tier 1 and Tier 2 sites identified within the plan.

It is acknowledged that the plan makes flexible provision for windfall development within settlement boundaries and for the identification on small scale housing opportunities in rural service centres. However, this should not be used to limit the scope for more flexible planning in the event of a housing supply shortfall. If a shortfall arises despite these flexibilities, it will be necessary to look for additional sources of supply.

Heathfield Ltd(PP/00050/1/003) – Paragraph 7, page 18 recognise that appropriate windfall and opportunity sites will provide additional housing beyond the allocated sites provided that other policy objectives are met.

For clarity and consistency the words.."and identified opportunity sites" should be added after 'within development boundaries'...and before the words...'to come forward' This would ensure that opportunity sites that were not within defined areas or settlement boundaries were not prejudiced by specific policy wording as drafted and that there were no inconsistencies between different policy objectives in the plan.

Delson Contracts (PP/00110/1/012) - In terms of the effective 5-year HLS the 2013 Housing Land Audit indicated an effective supply of 468 units in the West Angus Housing Market Area, the equivalent of a 5.2-year supply. The 2014 audit shows a declining 5-year supply with 382 units identified represents a supply of only 4.2 years. There is a 7-year supply of only 417 units which represents a further declining supply of 4.2 years.

Considers that in addition to the effective HLS for the West Angus HMA currently falling short of maintaining a 5 and 7-year effective land supply, there is also some doubt over the existing sites in Forfar and Kirriemuir delivering as anticipated as the phasing has slipped over successive Audits.

It is also clear from Table 1: HLS - 2016-2026 of the ALDP that there is a reliance on new LDP allocations being delivered to ensure that the HLS is achieved and this factor

together with the concern over the effectiveness of some of the supply suggests that further sites should be allocated or brought forward to provide for the necessary flexibility in provision. This is required to secure compliance with both the TAYplan HLR and Scottish Planning Policy (SPP, 2014) requirement for a generous supply (paragraph 116 refers).

The allocation of the remaining site capacity of 50 units in the period 2021-2026 at Site K1: South of Beechwood Crescent would assist in delivering the identified Housing Land Requirement.

G K Robertson (PP/00097/1/001) - The Plan allocates 318 housing units within existing sites in the Forfar area. Of these existing sites, the site at Wester Restenneth has a capacity of 136 units. Guild Homes (Tayside) Ltd obtained detailed planning consent for 209 units at this location on the 10th February 2012 (application reference: 11/00127/FULM). The delivery of this site is far advanced and we consider that this now presents a shortfall in the short term housing land supply for Forfar.

Land at Turfbeg has been identified for 300 units to be delivered during 2016-2021. This will assist in the delivery of housing within the Forfar area in the short term. However, this is the only new allocation identified for delivery between 2016-2021. This presents a clear shortfall in the medium term housing land supply for Forfar.

It is considered that allocation of the site at South Suttieside Farm (which was identified as an alternative option by the Council at the Main Issues Report stage) would assist in addressing this shortfall.

Hermiston Securities (PP/00078/1/001) - The proposed Local Development Plan fails to demonstrate that a development framework is established that will ensure the requirements of TAYplan are met in terms of housing land supply. Policy TC1, Table 1 and Appendix 3 of the plan give no indication if sufficient land has been identified to assist delivery of an average of 80 houses within the South Angus Housing Market Area.

The Angus LDP has two key requirements to fulfil - 1) provide a framework that allows a minimum of 80 houses to be constructed per annum; and 2) ensure a minimum of 5 years supply is available at all times.

Based on an analysis of the published Angus Housing Land Audit 2014 and comparing the requirements of TAYplan with Angus Council's forecast of likely completions from the existing supply of housing land there is a lack of effective housing land to allow TAYplan completion target to be achieved and provide a minimum of 5 years effective land to be available at all times.

The Plan should include a more detailed phasing of the sites expected to be effective during the plan period. The 2015 Audit will be available before the plan is considered through Examination and provides an ideal opportunity to test the soundness of the allocated sites.

Hermiston Securities (PP/00078/1/002) - The proposed Local Development Plan fails to demonstrate that a development framework is established that will ensure the requirements of TAYplan are met in terms of housing land supply. Policy TC1, Table 1 and Appendix 3 of the plan give no indication if sufficient land has been identified to assist delivery of an annual average of 90 houses within the West Angus Housing Market Area.

The Angus LDP has two key requirements to fulfil - 1) provide a framework that allows a minimum of 90 houses to be constructed per annum; and 2) ensure a minimum of 5 years supply is available at all times.

Based on an analysis of the published Angus Housing Land Audit 2014 and comparing the requirements of TAYplan with Angus Council's forecast of likely completions from the existing supply of housing land there is a lack of effective housing land to allow TAYplan completion target to be achieved and provide a minimum of 5 years effective land to be available at all times.

The Plan should include a more detailed phasing of the sites expected to be effective during the plan period. The 2015 Audit will be available before the plan is considered through Examination and provides an ideal opportunity to test the soundness of the allocated sites.

I & H Brown (PP/00132/1/001) – Scottish Planning Policy (SPP) is clear that Strategic Development Plans should set the Housing Supply Target, which should then be increased by a margin of 10 -20% "in order to ensure that a generous supply of land for housing is provided". The PLDP does not appear to increase the Housing Supply Target by even 10% and for the North Angus Housing Market Area in particular, by only 4.96 %. On this basis, the housing land supply within the PLDP takes a very conservative approach to housing land supply, not embracing the SPP requirement of providing for a "generous" supply.

For the South Angus HMA, in line with SPP the overall housing land supply numbers should be increased by between 112 and 224 units from the numbers set out within the Strategic Development Plan. The Proposed LDP should allocate additional land at Wellbank that could deliver additional house completions to address the perceived shortfall in housing land supply in the South Angus HMA.

Scotia Homes (PP/00119/2/012) - Submissions will be made on the 2015 Audit to bring forward a further 45 houses at Dubton into the effective supply for 2016-2021 (based on the 125 unit allocation in the Proposed ALDP) and this will assist in augmenting the supply in the first 5 years of the LDP.

However, the deficit in the supply would also grow in the event of applying a 10%-20% generosity allowance as required by SPP to the HLR. In the North Angus HMA this would equate to a further deficit of 34-146 units.

Given the undersupply in the first 5 years and the over-supply in terms of the 7 year target, brought about by the allocations of Dubton post 2021, Scotia would also be content to bring forward additional housing land at Dubton into the period 2016-2021, enabling the 5 year supply to be met without compromising the 7 year target.

Persimmon Homes East Scotland (PP/00126/3/003) - Request that a further 300 units are allocated within the second plan period, and the plan wording in Policy TC1 changed to indicate a 5 year land supply only, to bring the policy in line with the majority of other Local Authorities within Scotland.

R Fleming & Co (PP/00115/1/009); F M Batchelor(PP/00117/1/008, PP/00117/2/009); Stewart Milne Homes (PP/00101/1/004, PP/00101/2/004); Stewart Milne Homes (PP/00140/1/006); A & J Stephen & Avant Homes (PP/00139/2/009); Delson Contracts

(PP/00110/1/009); Inveraldie Properties (PP/00136/1/009); R Watson (PP/00118/1/009); Scotia Homes (PP/00119/1/009, (PP/00119/2/010); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/005); Mrs A Ogilvie (PP/00108/1/009); Ogilvie (PP/00102/1/009) - Support Policy TC1 together with maintaining a 7-year supply of effective housing land. Consider that the Housing Land Requirement (HLR) for each Housing Market Area should be increased by 10-20% to reflect Government Policy as contained in paragraph 116 of SPP.

Table 1 should clearly identify the 5-year HLR & HLS and the 7-year target HLR & HLS as required by TAYplan and national planning policy.

20% flexibility is supported in accordance with SPP having regard to potential delivery issues associated with some LDP Allocations and Programmed Completions. In effect, there is some concern over the deliverability of some of the sites identified in the effective supply and a sufficiently generous HLR will assist in achieving the housing land supply. The Proposed ALDP should also provide for planned housing growth in some of the villages where this would support service provision and sustain communities. It is considered that a more generous housing requirement would facilitate such growth and ensure compliance with Scottish Government Policy contained in paragraph 119 of SPP.

The principle of allowing sites to come forward where necessary to maintain a 7-year effective housing land supply is also supported, including the early release of sites/houses planned for later phases of the plan. Whilst this scenario could result in a diminishing HLS as the LDP advances, it is considered that a more generous HLR as advocated above would mitigate against this.

Comments

Homes for Scotland (PP/00065/1/005) - Homes for Scotland notes the Council's overview of its general approach to new land allocations. New land allocations have been accommodated within existing development boundaries wherever possible, though in some areas those boundaries have been extended to include new allocations on greenfield land. The identification of new sites has followed a brownfield-first principle and, in the open countryside, priority is given to land adjacent to existing development and groups of buildings.

W H Johnston (PP/00131/1/002) - The approved Strategic Development Plan, TAYplan, is already under review with TAYplan 2 soon to be published.

The approved Committee version of TAYplan's Proposed Plan provides up to date information on the Housing Targets to be set over the Plan period.

The 2 Proposed Plans (SDP and LDP) are now almost concurrent which causes a slight problem for a new LDP to comply with an approved SDP while the review of that SDP is at quite an advanced stage. Therefore, the Angus LDP Proposed Plan will need to comply essentially with the spatial strategy and housing land requirement/targets in the existing approved TAYplan.

In housing land supply terms, the LDP will need to plan for the higher new house building levels, which could turn out to be more accurate than the TAYplan 2 anticipated levels due to a resurgence in the house building industry with much more activity across the Central Belt of Scotland (generally house completion rates are on an upward trend again),

particularly in relation to the sites in the 50-100 houses category.

Allocation of land at Newbigging, by Monifieth could assist in fulfilling national planning policy objectives of providing for a generous supply of housing and maintaining at least a 5-year supply of effective housing land at all times in the South Angus HMA.

Policy TC3 Affordable Housing

Objections

Persimmon Homes East Scotland (PP/00126/3/004) - The policy wording on page 22 of the Proposed Local Development Plan indicates that a maximum of 25% affordable housing' will be required upon new development sites. Pleased to see the apparent understanding that it should be a maximum rather than a fixed value. This is seen as important as some sites which may have high infrastructure costs may be unviable if there is a significant amount of affordable housing, which has limited if any value. Therefore if a developer can prove a site is unviable with 25% affordable housing, the % to be delivered should be reduced. Request that approximately 25% affordable housing be included with in Policy TC3, with a further clause indicating the requirement can be reduced if proven by the developer that there is a viability issue.

NHS Tayside (PP/00082/1/003) - Policy TC 3 'Affordable Housing' sets a 25% blanket requirement for affordable housing provision across Angus. It is unclear where the evidence base for the requirement for affordable housing within the North Angus HMA has come from. This requires to be clarified. For the Sunnyside Hospital site, it is likely that development within the Potential Development Areas will be required to enable the conversion and retention of the listed buildings on site (enabling development). On this basis it would be appropriate for the policy to specifically identify that affordable housing requirements can be reduced on a case by case basis, dependent on development viability and wider site redevelopment objectives.

Comments

Homes for Scotland (PP/00065/1/011); Stewart Milne Homes (PP/00140/1/007) - This policy requires 25% of homes built on sites of 10 or more units (or 0.5 hectares or larger) to be affordable. This reflects the backlog of unmet need identified in the 2013 TAYplan HNDA. The Council's recognition of the need to take development viability into account when determining the scale and nature of the affordable housing contribution required from a site is welcomed. Policy TC3 should be retained in its current form.

Modifications Sought by those Submitting Representations:

Policy TC1 Housing Land Supply/Release

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/001) - Amend Table 1: Housing Land Supply 2016 - 2026 on page 20 to include a generosity allowance of between 10% - 20% in the SDP requirement, as required by SPP, paragraph 116.

NHS Tayside (PP/00082/1/002) - In line with SPP the overall housing land supply numbers for the North Angus HMA should be increased by between 112 and 224 units from the numbers set out within the Strategic Development Plan. The Proposed LDP should recognise that Sunnyside Hospital could deliver significantly more than 265

housing units within the Potential Development Areas to address abnormal development costs.

C S Fleming & Son (PP/00109/1/002) - Amend Table 1: Housing Land Supply 2016 - 2026 on page 20 to include a generosity allowance of between 10% - 20% in the SDP requirement, as required by SPP, paragraph 116.

Robert Wallace (PP/00111/1/001) – Ensure that Table 1: Housing Land Supply 2016 - 2026 on page 20 is consistent with the phasing set out in Appendix 3 – Housing Land Supply, pages 277 – 280.

Scottish Government (PP/00054/1/003) – Amend Table 1: Housing Land Supply – 2016-2026, page 20 to clearly identify the Housing Supply Targets (HST) and Housing Land Requirement (HLR) for the plan area. This should be supported by explanatory text which outlines the HNDA estimates on which the figures are based, factors taken into consideration to arrive at the HST and how generosity has been applied to arrive at the HLR using the terminology in SPP.

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/003) - Allocate additional site at Ferryden, Montrose to ensure an effective supply of housing land in the North Angus HMA.

Homes for Scotland (PP/00065/1/007) - Changes requested: (a) Incorporate ADLP housing land requirements within the ranges indicated by Tables 1a and Table 1b of the Homes for Scotland full submission paper (i.e. Including a 10% - 20% generosity margin as advocated in SPP). (b) Allocate land to provide to meet the revised housing land requirements. Alternatively, demonstrate how the plan will achieve the delivery of up to 5544 units, taking into account the potential sources of supply listed in paragraph 117 of SPP.

Homes for Scotland (PP/00065/1/008) - Make provision to release additional 136 units to safeguard against non-delivery of sites in Forfar.

Homes for Scotland (PP/00065/1/009) - Amend the last clause of Policy TC1 to allow the development of new housing on sustainable brownfield and greenfield sites (including land adjacent to the development boundaries of Tier 1-3 settlements), if this is necessary to help maintain a 7 year effective supply of housing land.

Heathfield Ltd (PP/00050/1/003) - For clarity and consistency the words.."and identified opportunity sites" should be added after 'within development boundaries'...And before the words...'to come forward' This would ensure that opportunity sites that were not within defined areas or settlement boundaries were not prejudiced by specific policy wording as drafted and that there were no inconsistencies between different policy objectives in the plan.

Delson Contracts (PP/00110/1/012) - Amend K1: South of Beechwood Crescent to allocate the remaining capacity of 50 units for release in the 2021 – 26 period to assist in delivering the identified Housing Land Requirement.

G K Robertson (PP/00097/1/001) - Allocate land at South Suttieside Farm, Forfar to assist the Council in meeting the housing land allocation requirements identified in the TAYplan.

Hermiston Securities (PP/00078/1/001); Lochhead Consultancy on behalf of Hermiston Securities (PP/00078/1/002) - The plan should show a more detailed phasing of the sites they expect to be effective during the plan period.

I & H Brown (PP/00132/1/001) - Amend Table 1: Housing Land Supply 2016 - 2026 on page 20 to include a generosity allowance of between 10% - 20% in the SDP requirement, as required by SPP, paragraph 116. Allocate additional housing land at Wellbank to meet the identified shortfall.

Scotia Homes (PP/00119/2/012) - It is suggested that 115 units (or thereabouts) could be brought forward from the 2021-2026 allocation at Dubton Farm to the period 2016-2021 if required to meet a shortfall in the HLS in this period in the North HMA.

Persimmon Homes East Scotland (PP/00126/3/003) - Amend references in Policy TC1 Housing Land Supply/Release to change references to a 7 year effective land supply to a 5 year effective land supply. Insert additional text to Policy TC1 to read:

'The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the council will consider supporting sustainable development proposals that are effective, in the following order of preference:

- Urban Capacity sites
- Additional brownfield sites
- Sustainable greenfield sites

In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal."

R Fleming & Co (PP/00115/1/009); F M Batchelor(PP/00117/1/008, PP/00117/2/009); Stewart Milne Homes (PP/00101/1/004, PP/00101/2/004); Stewart Milne Homes (PP/00140/1/006); A & J Stephen & Avant Homes (PP/00139/2/009); Delson Contracts (PP/00110/1/009); Inveraldie Properties (PP/00136/1/009); R Watson (PP/00118/1/009); Scotia Homes (PP/00119/1/009, PP/00119/2/010); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/005); Mrs A Ogilvie (PP/00108/1/009); D Ogilvie (PP/00102/1/009) - Amend Table 1: Housing Land Supply 2016 - 2026 on page 20 to include a generosity allowance of between 10% - 20% in the SDP requirement, as required by SPP, paragraph 116.

Policy TC3 Affordable Housing

Persimmon Homes East Scotland (PP/00126/3/004) - Request that "approximately 25%" affordable housing be included with in Policy TC3, with a further clause indicating the requirement can be reduced if proven by the developer that there is a viability issue.

NHS Tayside (PP/00082/1/003) - On this basis it would be appropriate for the policy to specifically identify that affordable housing requirements can be reduced on a case by case basis, dependent on development viability and wider site redevelopment objectives.

Summary of Responses (including reasons) by Planning Authority:Housing Supply General/HMA

Comments noted.

Policy TC1 Housing Land Supply/ReleaseObjections

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/001, PP/00121/1/003); NHS Tayside (PP/00082/1/002); C S Fleming & Son (PP/00109/1/002); Robert Wallace (PP/00111/1/001); Scottish Government (PP/00054/1/003); Homes for Scotland (PP/00065/1/007, PP/00065/1/008, PP/00065/1/009); Heathfield Ltd (PP/00050/1/003); Delson Contracts (PP/00110/1/012); G K Robertson (PP/00097/1/001); Hermiston Securities (PP/00078/1/001, PP/00078/1/002); I & H Brown (PP/00132/1/001); Scotia Homes (PP/00119/2/012); Persimmon Homes East Scotland (PP/00126/3/003); R Fleming & Co (PP/00115/1/009); F M Batchelor (PP/00117/1/008, PP/00117/2/009); Stewart Milne Homes (PP/00101/1/004, PP/00101/2/004, PP/00140/1/006); A & J Stephen & Avant Homes (PP/00139/2/009); Delson Contracts (PP/00110/1/009); Inveraldie Properties (PP/00136/1/009); R Watson (PP/00118/1/009); Scotia Homes (PP/00119/1/009, PP/00119/2/010); Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/005); Mrs A Ogilvie (PP/00108/1/009); D Ogilvie (PP/00102/1/009) – The Council's position relating to the Angus LDP spatial strategy, housing land supply/ release and maintenance of a 7 year effective land supply are set out in the Council's Housing Background Paper (CD/1-8).

The Council has allocated sites in the Plan, in addition to the existing supply of sites with planning permission, to meet the housing land requirements set out Policy 5 of the approved TAYplan SDP (June 2012) (CD/3-1, pages 16/17) for the period to 2026 – 10 years from the expected year of adoption of the Angus LDP. Policy 5 of TAYplan is clear that "Local Development Plans shall allocated land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption." The housing land allocations in the LDP have where appropriate been phased over the two phases of the LDP (2016 – 21 and 2021 – 26).

The sites allocated are considered to be effective and the continued effectiveness of and progress on the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit (HLA). The annual HLA is recognised in PAN 2/2010 (CD/2-3*, para 45, pages 14/15) as the appropriate means of monitoring the effective land supply and includes estimated programming of completions over a 7 year period. It is not appropriate to include detailed programming of completions into the LDP as it is updated annually through the Housing Land Audit and takes into account changing market conditions, past trends and completions and is subject to consultation with developers and/or landowners. The effects of the continuing difficult market conditions affecting house building across Angus have been considered and where appropriate a cautious approach has been adopted in estimating the potential yield from development sites.

Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit (HLA). It is not considered

appropriate to broaden the types of site which may be allowed to come forward to include additional greenfield extensions to development boundaries established by the Proposed LDP

To provide additional flexibility in the Housing Land Supply the Angus LDP supports the development of appropriate windfall/opportunity and small sites coming forward in accordance with Policy TC2 Residential Development. In addition the Proposed Plan continues to focus development on supporting the Rural Service Centres (RSC's) of Edzell, Friockheim, Letham and Newtyle which have relatively large resident populations and the most significant number and range of services and facilities, by allocating small-scale development sites for housing. The Proposed LDP has allocated effective sites for 230 houses to meet the estimated requirement for Local Needs Housing. These land allocations are in addition to the TAYplan Housing Land Requirement which has been met by land allocations within the hierarchy of principal settlements set out in TAYplan Policy 1: Location Priorities (CD/3-1, pages 8/9) and provide additional flexibility in the effective land supply.

Where appropriate the LDP has identified opportunity sites where residential development would be appropriate. Given the uncertainty of how and when these sites may come forward for development the potential yield has not been counted against the TAYplan Housing Land Requirement. Similarly small housing sites, with a capacity of less than 5 housing units are regarded as providing additional flexibility in the housing land supply and do not count towards meeting the Housing Land Requirement.

In the 10 year period from 2003 – 2013 around 40% of all completions have come from windfall (18%) and small sites (22%). This amounts to around 1600 completions from a total of 3941 across Angus over the period. A similar number and distribution of completions from non-plan led supply coming forward over the life of the LDP will make a significant contribution to the delivery of new homes across Angus. The LDP approach to meet the full TAYplan Housing Land Requirement from the allocation of effective sites supports a plan led approach to the delivery of new homes and maximises flexibility in ensuring that there is a generous supply of housing land capable of development during the life of the Angus LDP.

Angus Council considers that the approach to housing land release set out in the Angus LDP and Housing Background Paper (CD/1-8), including the monitoring and maintenance of the effective land supply conforms to the approved TAYplan and Scottish Government Guidance. The approach to release of appropriate windfall, opportunity and small sites in addition to the allocated supply, set out in Policies TC1 and TC2, provides a significant degree of flexibility. In these circumstances there is no requirement to include an additional generosity allowance of between 10 – 20%.

The Angus LDP requires to be consistent with the approved TAYplan which was prepared in the context of the SPP current at that time. The approved TAYplan is clear in setting Housing Land Requirements, not Housing Supply Targets. The Angus Proposed Plan is clear in Policy TC2 that the plan allocates land to meet the housing land requirements set out in TAYplan. The Angus Proposed Plan does not present Housing Supply Targets as these were not set out in the approved TAYplan (2012).

The approved TAYplan (June 2012) is currently under review with the Proposed TAYplan Strategic Development Plan 2016 – 2036 (CD/3-2) published for a period of representation between May and July 2015. It is anticipated that the proposed plan will be

approved by Scottish Ministers by the end of December 2016. The Proposed TAYplan, including the Housing Land Requirement, has been prepared in the context of the revised SPP (June 2014) (CD/2-2*, para 116, page 28). In accordance with SPP paragraph 116 the Proposed TAYplan (CD/3-2, pages 24/25) has identified a Housing Supply Target and a Housing Land Requirement. The HLR includes a 10% “generosity allowance” on top of the calculated Housing Supply Target informed by the TAYplan Housing Needs and Demand Assessment (2013) (CD/3-3). It should be noted that the Housing Land Requirements set out for the four Housing Market Areas in Angus are broadly similar to those in the adopted TAYplan SDP (June 2012), and those set out in the Proposed Angus LDP.

Housing Market Area	TAYplan 2012 Housing Land Requirement	Proposed TAYplan Housing Supply Target	Proposed TAYplan Housing Land Requirement
North	80	75	83
South	80	70	77
East	80	85	94
West	90	80	88

When approved by Scottish Ministers the Housing Land Requirement for the Angus Housing Market Areas set out in the TAYplan review will inform the preparation of the next Angus Local Development Plan. SPP is clear that the Housing Land Requirement already includes the 10-20% generosity. It would be inappropriate to add a further 10-20% to the current Housing Land Requirements in TAYplan, especially in the light of the Housing Land Requirement figures included in the Proposed TAYplan published in May 2015.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Comments noted.

Policy TC3 Affordable Housing

Objections

Persimmon Homes East Scotland (PP/00126/3/004); NHS Tayside (PP/00082/1/003) - Proposed Angus LDP Policy TC3 Affordable Housing seeks to secure the delivery of affordable housing from appropriate residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha. In line with Scottish Planning Policy (SPP) (2014) (CD/2-2*) and PAN 2/2010 : Affordable Housing and Housing Land Audits (CD/2-3*) the Policy seeks to secure delivery of affordable housing across all 4 Angus Housing Market Areas equivalent to 25% of the total number of residential units proposed on all qualifying allocated and windfall sites.

Policy TC3 is based on the most up to date assessment of the requirement for affordable housing across Angus provided by the TAYplan Housing Needs and Demand Assessment (HNDA) (December 2013). This identified a substantial backlog of need for affordable housing across the 4 HMA’s. Meeting the need identified by the TAYplan Housing Needs and Demand Assessment (2013) (CD/3-3) would require between 30 and 60% of all new houses to be affordable. This was not considered to be a reasonable or viable response to delivering affordable housing to meet the assessed need over the 2016 – 26 period. Details of the TAYplan HNDA backlog of Affordable Housing Need and

determination of the benchmark figure contained in Policy TC3 are set out in the Housing Background Paper (CD/1-8).

Continued from the approach set out in current ALPR Policy SC6, Policy TC3 details that the scale and nature of affordable housing contribution sought from individual sites will be subject to negotiation and agreement between the applicant and the Council and take into account local housing needs; physical characteristics of the site; development viability; and availability of public sector funding. The Council considers that paragraphs 3 & 4 of Policy TC3 detail the inbuilt flexibility in the approach to securing the delivery of affordable housing, including consideration of development viability. The Policy will be supported by a revised and updated Affordable Housing Implementation Guide (Action Programme Action 15) (CD/1-3, page 9) which will set out the mechanism for developers to seek a variation on the affordable housing contribution from any particular site, including guidance on the submission of Development Viability Statements.

For these reasons the Council does not agree to modify the plan in response to these representations.

Comments noted.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy TC1 Housing Land Supply/Release

2. In providing for a sufficient release of land for housing development, the Angus local development plan requires to be consistent with the TAYplan strategic development plan, which was adopted in June 2012. At Policy 5 and Proposal 2, the strategic development plan divides Angus into four housing market areas (North, East, South and West). It requires the local development plan to allocate sufficient land to ensure that there will be a generous supply of housing sites and will provide flexibility and choice. This is intended to assist in the delivery of average annual build rates, up to the year 2024, of 80 houses in each of these housing market areas, except in the West, where the average annual build rate is to be 90 houses.

3. The policy of the strategic development plan also requires local development plans to allocate land which is effective, or capable of becoming effective, to meet the housing land requirement up to year 10 from the date of adoption of the local development plan, and ensure a minimum of five years' effective housing land supply at all times, working towards a seven years' supply by 2015.

4. I consider that the approach adopted by the council, as outlined in its housing background paper (Document CD/1-8), is consistent with these requirements. In doing so it also takes account of the likely later adoption date of 2016 for this plan, by extending to

2026 the period to be covered by the housing land allocations, and increasing them accordingly.

5. The council also confirmed, in response to a request from me, that all of the sites allocated for housing development in the proposed plan have been assessed as 'effective', on the basis that it can be demonstrated that they will be free of constraints within five years. None of the allocated sites has been assessed as 'non-effective'. Some which may in future become effective have been included as 'opportunity sites', but these are not included among the sites which are treated as contributing towards meeting the requirements set out in the strategic development plan.

6. TAYplan was prepared and adopted well before the revised methodology for the provision of land for housing in development plans was published in 2014 in the latest version of Scottish Planning Policy. The need to ensure a generous supply of housing sites is therefore relevant to the local development plan, although the new guidance, which requires the strategic development plan to specify a level of between 10% and 20% generosity through additional housing land allocations, cannot apply retrospectively.

7. It is clear from Table 3 of the council's housing background paper that the allocations made in the proposed plan for housing development in the principal settlements are sufficient to meet the requirements of the TAYplan strategic development plan up until 2026, when also taking account of actual and programmed completions from sites which are already allocated or which have planning permission. As regards the scale of generosity, only in the West Angus housing market area does this meet the 10% to 20% scale now set out in Scottish Planning Policy.

8. However the plan takes no account of the scale of housing completions likely to arise on single plots, on sites of less than five houses, on windfall sites including the 'opportunity sites', and on new sites allocated in the plan within the rural service centres. Given that, between 2003 and 2013, 40% of all house completions in Angus occurred on windfall sites and small sites, I find that the proposed plan fully satisfies the requirement of the strategic development plan of ensuring a generous supply of housing land.

9. It should be noted that this conclusion would not preclude the deletion of a particular site allocated in the plan if it is found through this examination to be inappropriate for housing development, or the inclusion of an additional site in the event that there is found to be a compelling case for its allocation at this time. The unresolved issues regarding the merits of specific sites are dealt with at Issues 14 to 24.

10. In enabling the early development of sites programmed for the later phase of the plan period when there is a shortfall in the seven years' effective housing land supply, Policy TC1 of the proposed plan is consistent with the requirements of the strategic development plan. Arbitrary restrictions of development to a particular period of the plan should not prevent the early release of land, unless separately justified, as this may cause unnecessary difficulties for developers and may thwart the council's endeavours to maintain either a five or a seven years' effective housing land supply so as to meet the needs and demand for housing in Angus. I consider that Policy TC1 should be modified to confirm this, and I note that such restrictions are not supported by Scottish Planning Policy.

11. I have also considered whether it is necessary to amend the requirements of Policy TC1 to reflect the approach, now set out in Scottish Planning Policy, which is to be

taken when a shortfall in the five years' effective housing land supply is identified. That approach sets out that there will be a presumption in favour of development which contributes to sustainable development, and identifies the principles which are to be applied in assessing the merits of particular proposals in that context.

12. However I am satisfied that the approach set out in this plan is robust, and its policies are broadly consistent with these principles. It clearly allocates sufficient housing land to meet the requirements of the strategic development plan, and there is a strong prospect of a significant additional contribution from sources other than the allocated sites. Subject to minor amendments including some suggested by the council in the course of this examination, I am satisfied that the specified mechanisms for augmenting the housing land supply are also clear and reasonable.

13. However, to be consistent with the long-standing approach to housing land in Scottish Planning Policy, and with Policy 5A of TAYplan, these mechanisms should be activated when there is a shortfall in the five years' effective housing land supply, as well as in the seven years' supply. It should also be noted that the provisions of Scottish Planning Policy in this respect will remain a material consideration in the determination of a specific planning application.

14. The scale of the housing allocations in the South and East housing market areas is not as generous as elsewhere in Angus. However I consider that the flexibility provided by Policy TC1, as proposed to be modified, should enable the council to respond to any unseen change in circumstances and continue to enable the scale of new housing to be delivered as required by the strategic development plan. I also note that the 2015 housing land audit has broadly confirmed the effectiveness of the housing land supply in meeting the annual average build rates identified in the strategic development plan, as set out in the council's housing background paper.

15. The sites allocated in the proposed plan for new housing include both brownfield and greenfield land. This is appropriate given the scale of the additional housing required, and in these circumstances a policy which delayed development on allocated greenfield sites pending the development of allocated brownfield sites would not be justified. On the other hand, the effectiveness and programming of the allocated sites has been assessed, and on that basis I am also satisfied that the release of further greenfield land is not justified in order to augment completion rates. Low levels of completions in recent years have reflected conditions in the wider economy nationally.

16. I do not consider that it is of particular significance or concern that there is an absence from Appendix 3 of sites allocated for housing development in the current local plan in the South Angus housing market area. Some of those sites have been completed, and others are now shown as having planning permission or are under construction, and are shown under that heading in the appendix. As such, their ability to contribute to housing completions over the plan period will be subject to monitoring each year through the housing land audit.

17. With regard to rural villages, new allocations for around 50 houses have been made in Newtyle, Friockheim, Edzell and Letham. Housing allocations could also be made within other villages if demonstrably appropriate sites are identified, and where the development would be consistent with the scale and character of the village.

18. The suggested change to the wording of paragraph 7 on page 18 would not in my view add to the clarity of the text. 'Opportunity sites' are already one of the categories of 'allocated sites' within the proposed plan, and they are generally located within the development boundaries of settlements.

Policy TC3 Affordable Housing

19. I do not consider that this policy requires to be modified, as it is consistent with Scottish Planning Policy. While stating that the council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of houses proposed on a site, the text confirms that this will be treated as a maximum. The terms of the policy itself confirm that the detailed scale of the contribution towards affordable housing will be subject to agreement, and that it will take account of development viability, as well as local housing needs and the characteristics of the site.

Reporter's Recommendations:

Modify the local development plan by:

1. In the first paragraph of Policy TC1, inserting a new third sentence to read: "However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified."
2. Replacing the final paragraph of Policy TC1 with: "Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other sites may be supported where they are consistent with the policies in this plan."

Issue 4	Residential Development and Omissions	
Development Plan Reference:	Policy TC2 Residential Development. Page 21, Omission of New Country Houses Policy	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Policy TC2 Residential Development</u></p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/006, PP/00101/2/006, PP/00101/3/004) Scottish Government (PP/00054/1/004) Homes for Scotland (PP/00065/1/010) C S Fleming & Son (PP/00109/1/003) Robert Wallace (PP/00111/1/004) Heathfield Ltd (PP/00050/1/004) Scottish Natural Heritage (PP/00064/1/001) Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/006) Mrs A Ogilvie (PP/00108/1/010) D Ogilvie (PP/00102/1/010)</p> <p><u>Comments</u></p> <p>MBM Planning and Development Consultants (PP/00042/1/001)</p> <p><u>Omission New Country Houses Policy</u></p> <p><u>Objections</u></p> <p>John Stirling (PP/00103/1/001, PP/00021/1/001)</p>		
Provision of the Development Plan to which the Issue Relates:	Policies related to residential development and Housing policy omission.	
Planning Authority's Summary of the Representation(s):		
<p><u>Policy TC2 Residential Development</u></p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/006, PP/00101/2/006, PP/00101/3/004) – Consider that the Proposed ALDP fails to provide for the maintenance of a 7 year effective supply of land for housing. Amend Policy TC2 by inclusion of an additional criteria supporting development which is necessary to maintain a 7 year supply of effective land for housing if no other sequentially preferable sites are available.</p> <p>Scottish Government (PP/00054/1/004) - Policy TC2 should be amended to include support for residential use within town centres where this fits with local need and demand.</p>		

Homes for Scotland (PP/00065/1/010) - Policy TC2 lists a number of examples of housing developments that would be supported in countryside, but does not provide any scope for developments of 2 or more new dwellings in countryside locations. The release of rural sites for small scale residential developments should be added to the types of schemes that will be allowed in circumstances where it is necessary to re-establish a 7 year effective housing land supply. This provision should be added to Policy TC1 and references in the 'In countryside locations...' section of Policy TC2.

C S Fleming & Son (PP/00109/1/003); Robert Wallace (PP/00111/1/004) - Noted that in Policy TC2 - Residential Development a distinction is made between Category 1 and 2 RSUs in terms of infill development. The provisions for Category 2 areas relating to development being permitted between one dwelling and a metalled road should be the same as that for Category 1 areas. For both Category 1 and 2 areas a suitable gap for development should not be confined to situations where the infill development falls between residential properties only but should rather be related to any form of built development e.g. a school, hospital, shop etc.

Heathfield Ltd (PP/00050/1/004) - 'Countryside locations' section of Policy TC2 should include an additional bullet point to recognise the potential re-use/conversion and regeneration of heritage assets and Listed Buildings

Scottish Natural Heritage (PP/00064/1/001) - In countryside locations: add to the first bullet point after: "Retention, renovation or acceptable replacement of existing houses; "Restoration rather than replacement will be strongly preferred where the building is of traditional form and construction." This is in response to the loss of traditional farm buildings in Tayside, leading to erosion of local distinctiveness.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/006); Mrs A Ogilvie (PP/00108/1/010); D Ogilvie (PP/00102/1/010) - There is no planning justification for limiting the number of houses to either single or two houses in the categories referred to for development in the countryside. The scale of housing should be assessed having regard to site characteristics and the individual merits of the proposal. Small-scale rural residential developments can be acceptable, without limiting development to only one or two houses and can contribute to improving the range and choice of housing provision and as windfall development also contribute to the effective 7-year housing land supply.

Comments

MBM Planning and Development Consultants (PP/00042/1/001) - Concerned that Item No.14 in the Draft Action Programme details the council's intention to prepare, consult and publish Supplementary Guidance: Countryside Housing within a 1-5 year timescale. The existing detailed guidance on housing in the countryside that is contained within the current Angus Local Plan Review will fall when the new LDP Policy TC2 is adopted. Therefore depending on the exact timing of when the LDP is adopted and when the above Supplementary Guidance is published, this could potentially result in a void in the detailed criteria and specific requirements for housing in the countryside. It is unfortunate that the proposed Supplementary Guidance was not published along with the Proposed LDP as this would have been more helpful for applicants and agents when considering and assessing such proposals.

Omission New Country Houses Policy

John Stirling (PP/00103/1/001); John Stirling (PP/00021/1/001) - Objection to the omission of a policy supporting proposals for the development of New Country Houses, similar to Policy SC8 contained in the adopted Angus Local Plan Review (February 2009).

The background to Policy SC8: New Country Houses recognised that the existing countryside policies, which remain substantially unchanged in the Proposed LDP, preclude the achievement of one off modern day country houses. The Policy was intended to allow the opportunity to create country houses which will contribute to the architectural heritage of Angus. It was further recognised that the development of "country houses" of this unusual and exceptional nature have formed part of the historic development pattern in rural Angus and therefore to preclude development of this nature would be undesirable and would have a long term detrimental impact on the quality and choice of housing within the Angus countryside.

Omission of this Policy will exclude 'one off' country house of exceptional quality, reduce the quality of housing, and will have an impact on the established growth pattern of rural Angus.

The Scottish Government supports planned high quality housing development in rural areas. The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

PAN 72 Housing in the Countryside seeks to provide widespread good quality rural housing, which recognises the need that people want to live and work in rural areas. While in PAN 73 Rural Diversification the Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy.

The exclusion of a Policy which supports new Country Houses will eliminate the opportunity for country homes of an exceptional quality, homes which will make a valuable and important contribution to the architectural heritage of Angus and its commission will limit the opportunity for local entrepreneurs using skilled craftsmen to create the high quality designed homes that they desire.

The use of this Policy is not common given the very specific requirements and over the current plan period has only been used on a limited number of occasions to support houses of exceptional architectural merit. However, this Policy has been utilised and has resulted in a number of houses of exceptional quality which, as the Policy intends, make a contribution to the architectural heritage of Angus.

Modifications Sought by those Submitting Representations:Policy TC2 Residential Development

Stewart Milne Homes (PP/00101/1/006, PP/00101/2/006, PP/00101/3/004) - An additional criterion should be added to Policy TC2 which refers to development which is necessary to maintain a 7 year supply of effective land for housing if no other sequentially preferable sites are available.

Scottish Government (PP/00054/1/004) - Amend Policy TC2 to include support for residential use within town centres where this fits with local need and demand. This could

be achieved through the insertion of an additional bullet as follows:

“Within development boundaries Angus Council will support proposals for new residential development where:

- The proposal would support town centre living and meet local need and demand; and
- The site is not allocated...”

Homes for Scotland (PP/00065/1/010) - Requests that the “Countryside Locations” section of the policy be amended to allow for the development of new housing on sustainable brownfield and greenfield sites (including land adjacent to Tier 1-3 settlements) if this is necessary to help maintain a 7 year effective supply of housing land.

C S Fleming & Son (PP/00109/1/003); Robert Wallace (PP/00111/1/004) - Amend policy wording to ensure that the same definition of a gap site applies to both Category 1 and Category 2 areas.

Heathfield Ltd (PP/00050/1/004) - Include an additional bullet point under Countryside Locations to recognise the potential re-use/conversion and regeneration of heritage assets and Listed Buildings to read "development necessary to enable conversion, regeneration and redevelopment of Listed Buildings consistent with other policy objectives".

Scottish Natural Heritage (PP/00064/1/001) – Amend first bullet point under Countryside Locations to read "Retention, renovation or acceptable replacement of existing houses. Restoration rather than replacement will be strongly preferred where the building is of traditional form and construction”.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/006); Emac Planning on behalf of Mrs A Ogilvie (PP/00108/1/010); Emac Planning on behalf of D Ogilvie (PP/00102/1/010) - Amend fourth bullet point under Countryside Locations - remove the word ‘single’.

Omission New Country Houses Policy

John Stirling (PP/00103/1/001); John Stirling (PP/00021/1/001) - Include New Policy supporting the development of Country Houses similar to Policy SC8: New Country Houses contained in the adopted Angus Local Plan Review (February 2009).

Summary of Responses (including reasons) by Planning Authority:

Policy TC2 Residential Development

Objections

Stewart Milne Homes (PP/00101/1/006, PP/00101/2/006, PP/00101/3/004) – The Council has allocated sites to meet the housing land requirements set out in the approved TAYplan Strategic Development Plan (June 2012) (CD/3-1, pages 16/17 and Policy 5: Housing) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release allows additional housing land to come forward from early release of sites/houses planned

for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development.

A mechanism is already in place to address any shortfalls that may emerge in the seven year housing land supply, and for these reasons, the Council does not agree to modify the plan in response to these representations.

Scottish Government (PP/00054/1/004) - Policy TC2 does not preclude the potential for residential development in town centres and supports residential development proposals on sites or properties within development boundaries subject to a number of caveats, which apply to town centre locations as much as anywhere else. In addition Policy TC18 Core Retail Areas indicates that residential uses would be supported on upper floors subject to compliance with other appropriate policies of the Plan. Residential use on ground floors within Core Retail Areas will not be supported.

The plan is considered to have an appropriate approach to residential uses in town centres and for these reasons, the Council does not agree to modify the plan in response to this representation.

Homes for Scotland (PP/00065/1/010) - The Council has allocated sites to meet the housing land requirements set out in the approved TAYplan Strategic Development Plan (June 2012) (CD/3-1, pages 16/17 and Policy 5: Housing) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply / Release allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development.

A mechanism is already in place to address any shortfalls that may emerge in the seven year housing land supply, and for these reasons, the Council does not agree to modify the plan in response to these representations.

C S Fleming & Son (PP/00109/1/003); Robert Wallace (PP/00111/1/004) – Appendix 1 - Glossary of the plan (page 269) defines a Gap Site as: “the space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road – i.e. a stone surface with a hard, crushed rock or stone surface as a minimum. The site should have established boundaries on three sides.”

This definition is consistent with that included in the Adopted Angus Local Plan Review (February 2009) (CD/4-1, margin text, page 27). This definition was confirmed by the Reporters following the local Plan Inquiry into objections to the Finalised Angus Local Plan Review (January – April 2006). Angus Council do not consider that it is appropriate to extend the definition of gap sites to include gaps between a residential property and any form of built development. In line with SPP (CD/2-2*, para 83, pages 22-23) the approach to new countryside housing provides the opportunity for sustainable forms of development in appropriate locations. This includes the opportunity for new housing on

greenfield sites related to existing groups of houses, but only on a small scale and in locations consistent with the protection of the rural character. In Category 1 RSU's small scale means a single house, while in Category 2 RSU's a gap may be filled by up to two new houses. The definition of gap site detailed above applies to both Category 1 and 2 RSU's. Further expansion of Policy TC2 including detailed countryside housing criteria will be included in the Countryside Housing Supplementary Guidance.

No modification is proposed to the Plan. However if the Reporter is so minded the local authority would be comfortable with amendment to the Policy wording to clarify that the definition of gap sites applies to both Category 1 and 2 RSU's as it would not have any implications for Policy TC2.

Heathfield Ltd (PP/00050/1/004) - Policy TC2 supports the development of houses where development would result in the retention, renovation or acceptable replacement of existing houses and conversion of non-residential buildings. Development proposals affecting such buildings will be considered in the context of the principles set out in Policy TC2 and related Supplementary Guidance. Further expansion of Policy TC2 including detailed countryside housing criteria will be included in the Countryside Housing Supplementary Guidance. This will include the approach to the retention and conversion of stone-built and other non-residential buildings of merit (including Listed Buildings) for residential use. Development proposals affecting Listed Buildings will also be considered in the context of Policy PV8 Built and Cultural Heritage.

No modification is proposed to the Plan. However if the Reporter is so minded the local authority would be comfortable with the proposed additional wording being inserted as it would not have any implications for any other aspect of the Plan.

Scottish Natural Heritage (PP/00064/1/001) - Policy TC2 supports the development of houses where development would result in the retention, renovation or acceptable replacement of existing houses and conversion of non-residential buildings. Development proposals affecting such buildings will be considered in the context of the principles set out in Policy TC2 and related Supplementary Guidance. Further expansion of Policy TC2 including detailed countryside housing criteria will be included in the Countryside Housing Supplementary Guidance. This will include the approach to the retention and conversion of stone-built and other non-residential buildings of merit for residential use.

No modification is proposed to the Plan. However if the Reporter is so minded the local authority would be comfortable with the proposed additional wording being inserted as it would not have any implications for any other aspect of the Plan.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/006); Mrs A Ogilvie (PP/00108/1/010); D Ogilvie (PP/00102/1/010) - In line with SPP (CD/2-2*, para 83, pages 22-23) the approach to new countryside housing provides the opportunity for sustainable forms of development in appropriate locations. This includes the opportunity for new housing on greenfield sites related to existing groups of houses, but only on a small scale and in locations consistent with the protection of the rural character. In Category 1 RSU's small scale means a single house, while in Category 2 RSU's a gap may be filled by up to two new houses.

The general approach to countryside housing set out in Policy TC2 continues that set out in the adopted Angus Local Plan Review (February 2009) (CD/4-1, pages 32-37). In addition to the approach to greenfield sites detailed above, Policy TC2 supports the

development of houses where development would result in the retention, renovation or acceptable replacement of existing houses; conversion of non-residential buildings; and regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. Although there is no specified level of development for appropriate brownfield sites, further expansion of Policy TC2 including detailed countryside housing criteria will be included in the Countryside Housing Supplementary Guidance.

Windfall and small sites including those in countryside locations make an important contribution to the housing land supply and annual house completions across Angus and provide additional flexibility in addition to the plan led supply of allocated and existing sites which meet the Housing Land Requirements set by the TAYplan SDP.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Comments

MBM Planning and Development Consultants (PP/00042/1/001) - Comments noted. The Countryside Housing Supplementary Guidance referred to in Policy TC2 Residential Development and included as Item 14 in the ALDP Draft Action Programme (CD/1-15, page 9) will be prepared in support of the ALDP. With this in mind it is intended to prepare consult on and publish the Countryside Housing SG to allow its adoption as soon as practicable after adoption of the Angus Local Development Plan. In line with legislation Statutory SG cannot be adopted until after the Angus LDP is adopted. The Angus Development Plan Scheme anticipates that adoption of the ALDP will be around September/October 2016.

Policy TC2 Residential Development has been subject to unresolved objections which are covered above and have been referred to the Scottish Ministers for consideration through the Hearing process. Consequently, although Policy TC2 is material to the consideration of planning applications the weight that can be attached to it until the LDP is adopted is limited.

Omission New Country Houses Policy

John Stirling (PP/00103/1/001); John Stirling (PP/00021/1/001) - The Countryside Locations element of Policy TC2 Residential Development and proposed Supplementary Guidance allows for single new houses in the countryside on plots ranging from 600m² to 2000m². The large country houses policy contained in the adopted Angus LPR (Feb 2009) aimed to see the creation of new houses which would contribute to the architectural heritage of Angus.

It is considered that Policy TC2 (as drafted) and proposed Supplementary Guidance will provide support for appropriate proposals for new large country houses within the context of an overall approach to accommodating housing development in rural areas. Consideration of appropriately located and designed proposals should not be constrained by Policy TC2 and the related Supplementary Guidance will set out the detailed guidance and criteria which should inform both the development and determination of proposals for new countryside housing, including those for large country houses. Policy TC2 has been developed in accordance with the approach to Rural Development set out in SPP and the LDP locational strategy.

The LDP also reflects the Government's emphasis on placemaking and high quality design and support for construction of well sited and designed single houses in countryside locations (outwith settlements) provided they fit with local landscape character, taking account of landscape protection and other appropriate LDP policies, including Policy DS3 Design Quality and Placemaking which aims to raise the design quality of new development and create better quality places. It is not accepted that good design should override other factors, particularly siting and location.

The Local Development Planning page on the Scottish Government website states 'Increasingly we want development plans to be about place and people rather than policy compendia.' For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy TC2 Residential Development

2. As set out at Issue 3, I am satisfied that Policy TC1, as proposed to be modified, will provide appropriate measures to enable the seven years' effective housing land supply to be maintained. I also found that, if modified as recommended, Policy TC1 would also provide a framework consistent with Scottish Planning Policy for considering proposals for new housing developments on unallocated sites when a shortfall in the five years' effective housing land supply is identified. That framework would be applied to proposals on rural as well as on urban sites, and I do not consider that a cross-reference to this requires to be made in Policy TC2.

3. I agree that, in conjunction with the support provided in Policy TC18 for residential uses in town centres, the terms of Policy TC2 provide an appropriate framework for new residential developments to take place within town centres, while still protecting the core retail areas.

4. With regard to Policy TC2's provisions for new residential development in countryside locations, I find that the broad approach is consistent with Scottish Planning Policy which confirms that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate.

5. However I find that the provisions of the policy as they relate to single new houses in 'RSUs' are somewhat unclear and potentially ambiguous. This is because 'RSUs' are not defined in the text of the policy; the justification for the policy is only found much earlier in the plan at page 9; there is no indication that the plan's glossary contains a definition of the term 'rural settlement units (RSUs)', or of the term 'gap site'; and the policy provides for up to two houses in some areas, despite specifying that it relates to proposals for single new houses. I consider that some minor alterations to the wording can address

these matters.

6. With regard to the definition of a gap site, the substance of the definition was not considered in any detail in the conclusions of the reporters who held the previous local plan inquiry. It appears to me that it would be anomalous to consider that a gap site can be identified as lying between two existing houses, and between an existing house and a metalled road, but not between an existing house and some other existing substantial buildings, such as a shop, church or other community building. I therefore conclude that the terms of the policy and of the glossary definition should be amended to reflect this, and to confirm that detailed guidance will be provided in the council's proposed supplementary guidance on the types of other buildings which could be considered suitable.

7. I find no confusion regarding the application of the term 'gap site' in Category 1 and Category 2 rural settlement units, as the same definition applies in both.

8. However the policy also indicates inappropriately that proposals in countryside locations must comply with appropriate detailed criteria set out in supplementary guidance, whereas the statutory role of supplementary guidance is to provide additional information, detail and guidance in relation to matters identified in a policy (or proposal) of the plan. This aspect should be amended accordingly.

9. For further clarity and to avoid confusion, I consider that the policy for the development of suitable gap sites for up to two houses in Category 2 rural settlement units should be separated from the policy relating to single house developments.

10. I note that the policy does not, and indeed cannot, cover every potential rural situation in which proposals for housing development may be brought forward. Decisions on planning applications require to be made in accordance with the relevant provisions of the development plan unless there are material considerations which indicate otherwise. This means that account has to be taken of the particular circumstances of each site, and of each proposal. In each case that may justify approval, or refusal, contrary to the policy of the local development plan, or in the absence of a such policy.

11. In this regard, I note that Policy TC2 makes no express provision in relation to proposals to develop more than two houses in countryside locations. However Policy DS1 provides a framework for supporting development proposals outwith the development boundaries of settlements, and Policy PV6 provides safeguards for rural landscapes across Angus. Both would apply to any such proposal, along with other policies of this plan which may be relevant. However account would also be taken of the specific merits and any adverse effects likely to arise from the particular proposal or its site.

12. I consider that Policy PV8 provides an appropriate framework for proposals for the protection of listed buildings, and would apply to any planning application which involves the retention, renovation or replacement of an existing house which is a listed building. Accordingly I do not consider that any amendment to Policy TC2 is required in this respect.

13. However, given that the council confirms that it intends to provide additional advice in the supplementary guidance in relation to the preference for the restoration, rather than replacement, of traditional buildings, I consider that the policy should contain a reference to this. As discussed at Issue 3 above, if there was a shortfall in the five years' effective

housing land supply at the time, that would also be a material consideration to be taken into account.

Omission New Country Houses Policy

14. In view of the council's confirmation that it intends that the supplementary guidance on countryside housing relating to Policy TC2 should also encompass guidance for potential proposals for new large country houses, I consider that it is appropriate and necessary that this support should be explicitly reflected in the terms of the policy within the plan. The policy should be modified accordingly.

Another matter

15. In a further information request to the council, among other matters I raised the following question which related to the provisions of Policy TC2 as far as they relate to proposals for the development of single houses in countryside locations: "In view of the plan's strategy of focusing new developments on settlements, would it be appropriate to support explicitly the rounding-off of village development boundaries, as well as supporting the rounding-off of an established building group of three or more existing houses in countryside locations?"

16. On subsequent reflection, I am satisfied that, as this was not a specific issue raised in the unresolved representations in relation to this policy, it is not a matter which I can address through this examination.

Reporter's Recommendations:

Modify the local development plan by:

1. In Policy TC2 'Residential Development', in the final bullet point under the heading 'In countryside locations' which supports the development of single new houses, replacing the third point with: "In Rural Settlement Units (RSUs)**, fill a gap site between the curtilages of two houses, or between the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility"; and amend the glossary definition of 'gap site' to match.

2. Adding the following second footnote to Policy TC2: " ** Rural Settlement Units are defined in the glossary and their role is further explained on Page 9."

3. In Policy TC2 'Residential Development', adding a fifth bullet point under the heading 'In countryside locations' to read: "In Category 2 Rural Settlement Units (RSUs), as shown on the proposals map, gap sites (as defined in the glossary) may be developed for up to two houses."

4. In Policy TC2 'Residential Development', replacing the final sentence under the heading 'In countryside locations' with: "Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary guidance, and will address:

- The types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural

Settlement Units.

- The restoration or replacement of traditional buildings.
- The development of new large country houses.

Issue 5	Services	
Development Plan Reference:	Policy TC8 Community Facilities and Services, Page 28 Policy TC9 Safeguard of land for Cemetery Use, Page 28	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>TC8 Community Facilities and Services</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/005) The Theatres Trust (PP/00031/1/001)</p> <p><u>TC9 Safeguard of Land for Cemetery Use</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/069) Peter Toms (PP/00004/1/001) Eric & Muriel McKelvie (PP/00009/1/001)</p> <p><u>Comments</u></p> <p>Church of Scotland (PP/00010/1/001)</p>		
Provision of the Development Plan to which the Issue Relates:	Policies related to Community Facilities and Services and Cemetery Provision	
Planning Authority's Summary of the Representation(s):		
<p><u>TC8 Community Facilities and Services</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/005) - A policy principle set out at paragraph 60 of SPP, is that 'the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities'. Paragraph 68 of the SPP also refers to community facilities specifying that they are covered by the town centre first sequential approach. Policy TC8 Community Facilities and Services focusses on the retention of existing community facilities and services, it does not provide locational guidance for the siting of new community facilities nor mention the town centres first approach.</p> <p>The Theatres Trust (PP/00031/1/001) - The Theatres trust supports Policy TC8 as it aims to safeguard existing 'community facilities'. For clarity, we strongly suggest a clear description for 'community facilities' is needed in the Glossary and in the relevant accompanying text to the policy so that guidelines are clear and consistent.</p>		

TC9 Safeguard of Land for Cemetery UseObjections

Scottish Environment Protection Agency (PP/00120/1/069) - Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of these allocations. A development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Due to the sensitivity of use and potential environmental harm should flooding occur on site, we require a modification to the developer requirements for Liff Cemetery to include an FRA which assesses the risk from the Liff Burn. The Liff Burn may be culverted through the site. Usable space may be constrained due to flood risk.

Peter Toms (PP/00004/1/001) – Objects to the reservation of land for cemetery purposes at Liff for the following reasons:

- The land proposed for the site is prime agricultural, food producing land.
- The road access to the site is winding, restricted and in parts single lane only. Frequent and increased traffic and parking may cause inconvenience and obstruction to residents and passing traffic. There is no reasonable public transport available, which will result in increased use of private cars.
- Nearby housing development (south of Liff village) will cause more traffic congestion.
- The proposal could impact on wildlife that currently uses the site.
- The gradient of the site will mean run off will drain onto the Gray Den roadway at the bottom of the field.
- It is uncertain whether ground conditions are suitable for a cemetery. There is no Sustainable Drainage on site. There is concern over burials in close proximity to the free flowing burn given WHO recommendations that human or animal remains must not be buried within 250m of any well, borehole or spring.
- Construction will create noise, disturbance and vibration and the increased activity will transform a rural area into an urban area, to the detriment of residents.

As a modification suggestion to this plan, I submit a serious rethink should be undertaken and a more suitable location sourced and utilised.

Eric & Muriel McKelvie (PP/00009/1/001) - Object to the reservation of land for cemetery purposes at Liff due to proximity to housing, restricted road access and parking provision and traffic congestion.

Comments

Church of Scotland (PP/00010/1/001) - Auchterhouse Church does not object to an extension of the cemetery but would point out: - 1. The land highlighted in the LDP is owned by the Church of Scotland General Trustees. 2. The land is let under a tenancy agreement to a local farmer.

Modifications Sought by those Submitting Representations:TC8 Community Facilities and Services

Scottish Government (PP/00054/1/005) - An additional paragraph should be inserted at the start of policy TC8 as follows: "New community facilities and services should be located where they are easily accessible to the communities that they are intended to serve. The first choice of location for community facilities will be town centres (including local centres) as accessible, mixed locations in the urban area near to public transport nodes. Proposals for, or affecting community facilities and services should accord with Policy TC19 Retail and Town Centre Uses."

The Theatres Trust (PP/00031/1/001) – Suggest that a description of "community facilities" is included in the Glossary and the accompanying text to the policy and would recommend this succinct all-inclusive description which would obviate the need to provide examples: "community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community".

TC9 Safeguard of Land for Cemetery Use

Scottish Environment Protection Agency (PP/00120/1/069) - Aberlemno, Kirkton of Auchterhouse, Liff and Panbride Cemetery - The acceptability of a site for cemetery use should be assessed following intrusive ground investigation. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site.

Liff Cemetery - The policy should be amended to include developer requirements for Liff Cemetery including a Flood Risk Assessment which assesses the risk from the Liff Burn.

Peter Toms (PP/00004/1/001) and Eric & Muriel McKelvie (PP/00009/1/001) - Delete site and provide cemetery in more suitable location

Summary of Responses (including reasons) by Planning Authority:TC8 Community Facilities and ServicesObjections

Scottish Government (PP/00054/1/005) - Policy TC8 seeks to retain and improve community facilities and services as a means of maintaining and enhancing the sustainability and viability of communities in Angus.

Proposals for new community facilities and services would be assessed against Policy TC19 Retail and Town Centre Uses (CD/1-1, Page 41) which is clear that Town Centre uses include: "commercial leisure, offices, community and cultural facilities". Policy TC19 provides appropriate locational guidance, directing such uses towards town centres. The need to ensure new facilities are accessible to the community they intend to serve is important, and the specific community need and demand they are meeting will have a bearing on the preferred location. Whilst town centres may be the preferred location for facilities that will serve a fairly wide catchment such locations may not be appropriate for a

facility which is designed to meet a localised need or a rural community.

Cross reference to Policy TC19 and the need to ensure that new facilities are accessible is set out in the preceding text to Policy TC8 on page 27 of the Proposed Plan (CD/1-1). Whilst the modification suggested is not considered necessary or appropriate due to supporting text and policy coverage and the geographical distribution of communities in Angus, Policy TC8 could benefit from the clarity that would result from a cross reference to Policy TC19. Consequently the Council would have no objection to including a cross reference in the Policy, and would suggest a final sentence is added that states: "Proposals for new community facilities and services will be assessed in the context of Policy TC19 Retail and Town Centres uses." As a consequence the Policy Matrix, Pages 262-263, (CD/1-1) will also be amended to reflect this relationship. Such an amendment is considered to address the representation and be a non-notifiable modification to the plan.

The Theatres Trust (PP/00031/1/001) – The term community facilities covers a wide range of locally orientated services and amenities where members of the community can meet and interact. The definition of community facilities provided in the Glossary, (CD/1-1, Page 268) seeks to give an indication of the types of uses to assist understanding of this term and the facilities listed are not intended to be all encompassing. Notwithstanding it is accepted that an expansion of the definition by including the suggested wording would further assist understanding. Consequently the Council would have no objection to incorporating the suggested definition within the existing definition given in the Glossary. The Council would therefore suggest that the definition for Community Facilities should read: "Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community." Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan. It is not considered necessary to also include this definition in the text accompanying the policy.

TC9 Safeguard of Land for Cemetery Use

Scottish Environment Protection Agency (PP/00120/1/069) - The comments made in relation to ground investigation are accepted. Consequently the Council would have no objection to adding ground investigation work to the developer requirements for the safeguarded sites at Aberlemno, Kirkton of Auchterhouse, Liff and Panbride. The Council also considers that it would be beneficial to include a footnote to the Policy setting out the relevant SEPA guidance. The comments made in relation to flood risk at Liff are accepted. Consequently the Council would have no objection to adding a Flood Risk Assessment to the developer requirements for the safeguarded site at Liff. Such amendments are considered to address the representation and be non-notifiable modifications to the Plan.

Peter Toms (PP/00004/1/001); Eric & Muriel McKelvie (PP/00009/1/001) - The safeguarded sites (including that at Liff) have been carried forward from the Angus Local Plan Review (2009) shown under Policy Li1 of that document. (CD/4-1 Pages 255-256). It is not considered that circumstances have changed significantly since the adoption of this document to warrant a fundamental re-assessment of potential options for cemetery sites. The need for the sites (excluding a previous safeguarding at Farnell, which has not continued to be safeguarded as there is an estimated 116 years left on the current extension) has been confirmed by the Council's Parks and Burial Grounds Service. Issues relating to ground conditions, surface water and flood risk are addressed by the non-notifiable modifications proposed in response to the SEPA representation

PP/00120/1/069 set out above. The Council does not consider that the use of the safeguarded site at Liff will result in the urbanisation of the area, or that it will create unacceptable levels of noise, disturbance or traffic, although these issues would be considered as part of any planning application for the site. For these reasons, the Council does not agree to modify the plan in response to these representations.

Comments

Church of Scotland (PP/00010/1/001) - Comments in relation to the ownership and tenancy of the land are noted.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to address only the unresolved issues which have been raised in representations. The council has listed above one representation which simply makes comments and does not seek modifications to the plan. Therefore, unless these comments relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy TC8 Community Facilities and Services

2. While the supporting text on page 27 refers to the plan's aims in relation to the location of new facilities, the wording of the policy itself focuses on the retention of existing facilities. I therefore agree that it would be appropriate to modify the policy to incorporate the stated intention that new community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

3. I also agree that providing a broader definition of 'community facilities' in the Glossary would be appropriate and helpful.

Policy TC9 Safeguard of Land for Cemetery Use

4. Due to the potential risk of contamination which could arise from their future use, I agree that the development of cemeteries on land safeguarded in the plan at Aberlemno, Kirkton of Auchterhouse, Liff and Panbride should be subject to a developer requirement for a prior intrusive ground investigation to be carried out in accordance with the Scottish Environment Protection Agency's guidance note LUPS GU32.

5. Due to potential risk of flooding from the Liff Burn onto the site safeguarded for a cemetery at Liff, I also agree that it is appropriate to specify as a developer requirement that a flood risk assessment requires to be undertaken before planning permission could be granted.

6. I note that the safeguarding of land at Liff for a future cemetery is a proposal already contained in the adopted Angus Local Plan, and which has been carried forward into this plan. No significant change of circumstances has occurred over this period and, with the council confirming that the need for an additional cemetery remains, I find nothing inherently unsuitable about this site on the edge of the settlement. However, prior

developer requirements are recommended to be specified regarding potential contamination and flooding, while issues regarding access and parking would also require to be addressed both in the preparation and the consideration of any planning application.

Reporter's Recommendations:

Modify the local development plan by:

1. At the end of Policy TC8 Community Facilities and Services, inserting a new paragraph stating: "New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location."
2. In the Glossary, replacing the definition of 'Community facilities' with: "Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community."
3. Adding at the end of Policy TC9 'Safeguard of land for cemetery use': "Development of the safeguarded land at Aberlemno, Kirkton of Auchterhouse, Liff and Panbride should be subject to a developer requirement for a prior intrusive ground investigation to be carried out in accordance with the Scottish Environment Protection Agency's guidance note LUPS GU32, while a flood risk assessment will be also be required for the land at Liff."

Issue 6	Connectivity	
Development Plan Reference:	Policy TC11 Park and Ride Facilities, Page 31 Policy TC12 Freight Facilities, Page 32 Policy TC13 Digital Connectivity & Telecommunications Infrastructure, Page 33	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>TC11 Park & Ride Facilities</u></p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/006)</p> <p><u>TC12 Freight Facilities</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/004) TACTRAN (PP/00073/1/007)</p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/068)</p> <p><u>TC13 Digital Connectivity & Telecommunications Infrastructure</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/008)</p> <p><u>Objections</u></p> <p>Mobile Operators Association (PP/00039/1/001)</p>		
Provision of the Development Plan to which the Issue Relates:	Policies related to connectivity and the connectivity of development.	
Planning Authority's Summary of the Representation(s):		
<p><u>TC11 Park & Ride Facilities</u></p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/006) - Support Policy TC11, although consider that the policy should refer to sites adjacent to the A90 north of Dundee and the reference to Monifieth could be better expressed as sites adjacent to the A92 east of Dundee. Reference could also be made to the potential for use also for overnight lorry parking.</p>		

TC12 Freight FacilitiesSupport

Network Rail (PP/00084/1/004) - Support Policy TC12 and the growth of the strategic rail freight network. Network Rail indicate that are keen to ensure an interim use can be made of these sites with local economic and amenity benefits.

TACTRAN (PP/00073/1/007) - Indicate support for Policy TC12.

Objections

Scottish Environment Protection Agency (PP/00120/1/068) - Consider that Policy TC12 should be amended to include developer requirements for the Railway Sidings, Montrose, including a Flood Risk Assessment (FRA) which assesses the risk from coastal flooding.

TC13 Digital Connectivity & Telecommunications InfrastructureSupport

TACTRAN (PP/00073/1/008) - Support Policy TC13 as this will reduce the need to travel.

Objections

Mobile Operators Association (PP/00039/1/001) - Support the inclusion of Policy TC13 within the emerging Local Development Plan, however consider that the draft policy is overly restrictive to telecommunications developments and contrary to the provisions of SPP. In order to create a concise and flexible telecommunications policy, the Mobile Operators Association would recommend that the wording for Policy TC13 is amended.

Modifications Sought by those Submitting Representations:TC11 Park & Ride Facilities

TACTRAN (PP/00073/1/006) - The policy should refer to sites adjacent to the A90 north of Dundee and the reference to Monifieth could be better expressed as sites adjacent to the A92 east of Dundee. Reference could be made to the potential for use also for overnight lorry parking.

TC12 Freight Facilities

Scottish Environment Protection Agency (PP/00120/1/068) - The policy should be amended to include developer requirements for the Railway Sidings, Montrose, including a Flood Risk Assessment (FRA) which assesses the risk from coastal flooding.

TC13 Digital Connectivity & Telecommunications Infrastructure

Mobile Operators Association (PP/00039/1/001) - Policy wording should be amended as follows:

“Proposals for telecommunications development will be permitted provided that the following criteria are met:

- 1) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- 2) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- 3) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.
- 4) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.”

Summary of Responses (including reasons) by Planning Authority:

TC11 Park & Ride Facilities

Objections

TACTRAN (PP/00073/1/006) - Although Policy TC11 Park & Ride Facilities does not include a specific site location, the first bullet point criterion within the policy establishes that proposals for park & ride schemes should be located for convenient access to the local/strategic road network. This would include the A90 and A92 as specified in the representation by TACTRAN. In addition, the Transport Appraisal (CD/1-4, Page 23) refers to meetings with TACTRAN in respect of major planning applications in Monifieth (Representation on such matters are set out in the Schedule 4 for Issue 19) and notes that no modelling has yet been undertaken to identify the size or optimum location for park & ride facilities in Angus, although TACTRAN have previously indicated that Monifieth would be the furthest east location for such a facility.

In relation to potential for overnight lorry parking, whilst Scottish Planning Policy (CD/2-2*, Page 64, Paragraph 282) indicates that provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic, Policy TC11 would not preclude the inclusion of overnight lorry parking within a park & ride facility subject to meeting the specific requirements set out in the policy including ensuring any adverse impacts do not negatively affect the amenity of neighbouring land uses, such as floodlighting and noise. For these reasons, the Council does not agree to modify the plan in response to this representation.

TC12 Freight Facilities

Supporting representations noted.

Objections

Scottish Environment Protection Agency (PP/00120/1/068) - The comment made in relation to amending the text to Policy TC12 Freight Facilities to include a developer requirement for a Flood Risk Assessment for the Railway Sidings, Montrose is accepted.

Consequently, the Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

TC13 Digital Connectivity & Telecommunications Infrastructure

Supporting representation noted.

Objections

Mobile Operators Association (PP/00039/1/001) - Scottish Planning Policy (CD/2-2*, Page 65, Paragraph 293) specifies that planning authorities should support development which helps deliver the Scottish Government's commitment to world-class digital connectivity; allowing networks to evolve and respond to technology improvements and new services; encouraging the provision of digital infrastructure in new homes and business premises and providing opportunity for new digital infrastructure which is sited and designed to keep environmental impacts to a minimum. The Council considers that Policy TC13 is sufficiently clear and provides the appropriate flexibility to allow future digital infrastructure provision in Angus. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy TC11 Park & Ride Facilities

2. I am satisfied that this policy is broadly consistent with TACTRAN's stated objectives in relation to the provision of park and ride facilities close to the A90 and A92. However, the potential for park and ride facilities also to be used for lorry parking should be incorporated in the wording of the policy, although approval of specific proposals would require to be judged on their merits and in the context of surrounding uses.

Policy TC12 Freight Facilities

3. In recognition of the potential risk of flooding at Montrose railway sidings, I agree that it would be appropriate for this policy to include reference to the requirement for a developer to undertake a flood risk assessment in relation to that site.

Policy TC13 Digital Connectivity & Telecommunications Infrastructure

4. The national planning framework highlights the need to extend and improve digital infrastructure across Scotland, ensuring that there is no digital divide between rural and urban Scotland, with investment in super-fast broadband in rural, semi-rural and suburban areas. This policy is intended to facilitate this investment across Angus as well, and so

requires to reflect the changing nature of the technology, including the move to 3G and 4G coverage to deliver these improvements.

5. In this context I consider that re-wording the policy broadly as suggested in the representation would be consistent with those objectives; would remove any impression that the provision of improved services in rural or residential areas would not be supported; and would provide appropriate safeguards for potentially sensitive areas, sites or buildings.

Reporter's Recommendations:

Modify the local development plan by:

1. In the second paragraph of Policy TC11, after the phrase 'Proposals for park and ride facilities' adding "... may incorporate lorry parking and...".

2. At the end of the second paragraph of Policy TC12 'Freight Facilities', adding: "There is a requirement for the developer to undertake a flood risk assessment of Montrose railway sidings prior to the consideration of the development of that land."

3. Replacing the wording of Policy TC13 'Digital Connectivity and Telecommunications Infrastructure' with:

"Proposals for telecommunications development will be permitted provided that the following criteria are met:

- a) The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- b) If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- c) If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.
- d) If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.

When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology."

Issue 7	Employment and Tourism	
Development Plan Reference:	Policy TC14 Employment Allocations and Existing Employment Areas, Page 34 Policy TC15 Employment Development, Page 35 Policy TC16 Tourism Development, Page 36 Policy TC17 Network of Centres, Page 38 Policy TC18 Core Retail Areas, Page 40 Policy TC19 Retail and Town Centre Uses, Page 41	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>TC14 Employment Allocations and Existing Employment Areas</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/009)</p> <p><u>Objection</u></p> <p>Scottish Enterprise (PP/00128/1/002)</p> <p><u>TC15 Employment Development</u></p> <p><u>Support</u></p> <p>The Greenspan Agency (PP/00015/1/002)</p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/006) Persimmon Homes East Scotland (PP/00126/3/005) Scottish Enterprise (PP/00128/1/003)</p> <p><u>TC16 Tourism Development</u></p> <p><u>Objections</u></p> <p>Sportscotland (PP/00005/1/001) TACTRAN (PP/00073/1/011) Kinpurnie Estate (PP/00081/3/002, PP/00081/4/002)</p> <p><u>TC17 Network of Centres</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/010) Dalhousie Estates (PP/00098/2/004)</p>		

<p><u>Objection</u></p> <p>Scottish Government (PP/00054/1/007)</p> <p><u>TC18 Core Retail Areas</u></p> <p><u>Support</u></p> <p>Dalhousie Estates (PP/00098/2/005)</p> <p><u>TC19 Retail and Town Centre Uses</u></p> <p><u>Support</u></p> <p>Dalhousie Estates (PP/00098/2/006)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>Policies relating to employment, tourism and town centres.</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>TC14 Employment Allocations and Existing Employment Areas</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/009) – The policy is welcomed and supported and will assist in reducing the need to travel and promoting alternative modes of travel to the private car.</p> <p><u>Objection</u></p> <p>Scottish Enterprise (PP/00128/1/002) – Scottish Enterprise requests that Angus Council gives consideration to whether this policy, as worded, could potentially fail to retain this essential land in employment use and, if so, whether the policy should be strengthened.</p> <p>Scottish Enterprise suggests that it may be appropriate to provide further explanation on the necessary processes and information requirements necessary to demonstrate that the employment land is no longer required for such purposes, when alternative uses are proposed.</p> <p><u>TC15 Employment Development</u></p> <p><u>Support</u></p> <p>The Greenspan Agency (PP/00015/1/002) – The introduction to Policy TC15 states 'The rural economy remains important as a source of wealth and employment, increasingly supplemented by tourism, recreation and energy generation.' The Greenspan Agency supports that energy generation is specifically mentioned as it contributes to the wealth and employment of the rural economy.</p>	

Objection

Scottish Government (PP/00054/1/006) – Scottish Government consider that the town centre first approach is not clearly set out in Policy TC15. It directs proposals for new employment development, including Class 4 (Business) uses to employment land allocations or existing employment areas within development boundaries, but it does not make specific reference to town centres and the town centre first approach.

Persimmon Homes East Scotland (PP/00126/3/005) – Persimmon Homes East Scotland request that Policy TC15 is amended to include an additional clause which does not allow for employment uses to be proposed on allocated housing sites.

Scottish Enterprise (PP/00128/1/003) – Scottish Enterprise suggests that Policy TC15 should be worded to allow flexible consideration to be given to proposals for all forms of economic development, on all land where this would have specific economic benefits.

TC16 Tourism DevelopmentObjection

Sportscotland (PP/00005/1/001) – We have concerns that reference to "leisure" facilities in Policy TC16 without a related definition, may prove confusing and that justification for the loss of sports facilities may be justified under the terms of this policy.

TACTRAN (PP/00073/1/011) – Policy TC16 Tourism Development is supported but the references to accessibility by public transport, cycling and walking in the last paragraph of text should be explicitly reflected in the Policy statement.

Kinpurnie Estate (PP/00081/3/002, PP/00081/4/002) – Kinpurnie Estate notes that the Angus Proposed Local Development Plan is broadly aligned with the principles of Scottish Planning Policy (2014) in terms of the consideration of leisure and tourism related development. However, the Proposed Local Development Plan does not provide for leisure/tourism related spatial allocations outwith settlement boundaries. Instead, it provides a catch-all policy in the form of Policy TC16 Tourism Development which provides a range of criteria that tourism related development should be assessed against. It is contended that to ensure consistency with Scottish Planning Policy (2014), the Proposed Local Development Plan should set out the policies and proposals for leisure accommodation, such as holiday units, caravans, and huts.

TC17 Network of CentresSupport

TACTRAN (PP/00073/1/010) – Tactran welcome and support Policy TC17 as it will assist in reducing the need to travel and will promote alternative modes of travel to the private car.

Dalhousie Estates (PP/00098/2/004) – Dalhousie Estates support the town centre and retail provisions within policies TC17-TC19 and application of the sequential test for new food retail.

Objection

Scottish Government (PP/00054/1/007) – Scottish Planning Policy (SPP) states at Paragraph 66 that the spatial elements of town centre strategies should be included in the development plan or supplementary guidance. We support that the Proposed Plan indicates that Angus Council will support the preparation of town centre strategies however; it indicates that outcomes will be reflected in future development plans. The SPP provides for supplementary guidance to be used, which would enable development plan status to be afforded in a shorter time frame.

TC18 Core Retail AreasSupport

Dalhousie Estates (PP/00098/2/005) – Dalhousie Estates support the town centre and retail provisions within policies TC17-TC19 and application of the sequential test for new food retail.

TC19 Retail and Town Centre UsesSupport

Dalhousie Estates (PP/00098/2/006) – Dalhousie Estates support the town centre and retail provisions within policies TC17-TC19 and application of the sequential test for new food retail.

Modifications Sought by those Submitting Representations:TC14 Employment Allocations and Existing Employment Areas

Scottish Enterprise (PP/00128/1/002) – The second paragraph of Policy TC14 should be modified to state: “In these locations, other uses will be supported only if it is demonstrated that:”

The second bullet should read: “The loss of the site will not undermine the provision of employment land in Angus, or land which may be important to retain due to its individual characteristics, regardless of the amount of employment land available; and”

The third bullet should read: “The proposal will not undermine the operation of existing or proposed employment uses on the whole allocation or existing employment area;”

A final paragraph should be inserted into the policy, which reads: “To justify development to meet the requirements of points 1, 2 and 3, evidence shall be submitted with the planning application to identify the form and length of time the site has been marketed for employment use etc; the inter-relationship of the site with adjacent employment land, strategic and local transportation infrastructure etc; and potential impacts of the future use and occupation of adjacent employment users etc.”

TC15 Employment Development

Scottish Government (PP/00054/1/006) – Policy TC15 should be amended to reference town centres and to fully reflect the town centres first approach set out in Scottish

Planning Policy. This should include a cross reference to Policy TC19 Retail and Town Centre Uses.

Persimmon Homes East Scotland (PP/00126/3/005) – Policy TC15 should include an additional clause, which does not allow for employment uses to be proposed on allocated housing sites, in order that a generous supply and 5 year land supply is maintained at all times.

Scottish Enterprise (PP/00128/1/003) – An additional bullet should be added to the second set of bullets in Policy TC15 which should read: “there is an overriding economic case for the development; or”

TC16 Tourism Development

Sportscotland (PP/00005/1/001) – Amend Policy Wording to read: “Outdoor sports facilities, as defined in Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, are not considered under this policy; and such sites may only be redeveloped where proposals accord with paragraph 226 of SPP.” Or alternatively include a definition of "leisure" facilities which excludes outdoor sports facilities.

TACTRAN (PP/00073/1/011) – References to accessibility by public transport, cycling and walking in the last paragraph of text should be explicitly reflected in the Policy statement.

Kinburnie Estate (PP/00081/3/002) – The Council should allocate the Ledyatt Wood site, by Lundie, for leisure/tourism uses.

Kinburnie Estate (PP/00081/4/002) – The LDP should include provision for tourist related development in appropriate locations. The site at Belmont, by Newtyle is considered an appropriate location and already benefits from planning permission in principle (LPA Ref: 10/00997/PPM).

TC17 Network of Centres

Scottish Government (PP/00054/1/007) – The fourth paragraph on page 37 should be amended to include an appropriate connection for supplementary guidance to be produced that enables spatial elements of town centre strategies to have development plan status. This could include the insertion of text in italics as follows: 'The seven town centres within Angus ... The formulation of town centre strategies are included within the ALDP Action Programme. Supplementary Guidance which provides further information on the spatial elements of these town centre strategies will be produced to identify opportunities and deliver improvements to the town centres.'

Summary of Responses (including reasons) by Planning Authority:

TC14 Employment Allocations and Existing Employment Areas

Supporting representation noted.

Objection

Scottish Enterprise (PP/00128/1/002) – Scottish Planning Policy (2014) (CD/2-2*, Page

24, Paragraph 93) states that “the planning system should...allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities;”. The Council considers that the current wording of Policy TC14 provides sufficient protection of employment land allocations and existing employment areas whilst providing flexibility to accommodate changing circumstances.

Proposals for alternative uses on employment allocations or existing employment areas will be assessed on a case by case basis. Policy TC14 does not require that an applicant demonstrates that “the employment land is no longer required for such purposes” as suggested by the representation, but sets out a series of criteria which would help to assess the impact of the proposed alternative use on surrounding employment uses and on the level of employment land provision in Angus. The additional paragraph suggested at the end of the policy seeks evidence to satisfy a policy test that goes above and beyond the policy as drafted, for example by requiring marketing evidence of the land. This is not considered to provide a suitably flexible approach. For these reasons the Council does not agree to modify the plan in response to this representation.

TC15 Employment Development

Supporting representation noted.

Objections

Scottish Government (PP/00054/1/006) – Policy TC15 gives locational guidance for all employment uses including Classes 4, 5 and 6. The Town Centre first approach is already set out in Policy TC17 Network of Centres and Policy TC19 Retail and Town Centre Uses. Policy TC17 clearly states that: “A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people.” Policy TC19 requires proposals for retail and town centres uses in edge or out of centre locations to demonstrate that a sequential approach has been followed in site selection.

It would not be appropriate to apply the town centre first policy approach to all the employment uses considered by Policy TC15. For these reasons the Council does not agree to modify the plan in response to this representation. The Council considers that the plan should be read as a whole and has therefore tried to limit cross referencing within the policies. However, if the Reporter is so minded, the Council would agree to the insertion of a cross reference in Policy TC15 to the town centre first approach for offices set out in Policies TC17 and TC19.

Persimmon Homes East Scotland (PP/00126/3/005) – Policy TC1 Housing Land Supply/Release (CD/1-1, Page 19) states that ‘To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses’. The Council considers that the current wording within Policy TC1 safeguards identified sites for residential development from development for other uses. For these reasons the Council does not agree to modify the plan in response to this representation.

Scottish Enterprise (PP/00128/1/003) – Scottish Planning Policy (2014) (CD/2-2*, Page 24, Paragraph 93) states that “the planning system should promote business and industrial development that increases economic activity while safeguarding and enhancing

the natural and built environments as national assets;...and give due weight to net economic benefit of proposed development”.

The Council considers that the current wording within Policy TC15 supports the aims stated within Scottish Planning Policy (2014) and provides flexible but appropriate consideration for all forms of economic development on land in all locations. The plan as a whole is considered to give due weight to the net economic benefit of proposed development while safeguarding and enhancing the natural and built environments. The Council does not consider that it would be appropriate to include a criterion which sets out that employment development outwith development boundaries will be supported where there is an overriding economic case for the development, as this would be evidenced by assessing the proposal against the other criteria in this policy and by other policies in the plan. For these reasons the Council does not agree to modify the plan in response to this representation.

TC16 Tourism Development

Objections

Sportscotland (PP/00005/1/001) – The Council considers that the plan is clear that the loss of outdoor sports facilities, as defined in Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD/2-11*, Page 35), will be considered under Policy PV2 Open Space Protection and Provision within Settlements (CD/1-1, Page 46). For these reasons the Council does not agree to modify the plan in response to this representation.

TACTRAN (PP/00073/1/011) – The final text paragraph before Policy TC16 sets out why the locational approach to tourism related facilities and tourist accommodation has been taken, i.e. directing such facilities to sites within development boundaries where possible. The plan should be read in its entirety and any proposal will have to satisfy the criteria set out in Policy DS2 Accessible Development (CD/1-1, Pages 11 and 12). The Council consider that including a cross reference to Policy DS2 or a specific reference to walking/cycling in all policies is unnecessary and repetitive. As such, the Council does not agree to modify the plan in response to this representation.

Kinpurnie Estate (PP/00081/3/002, PP/00081/4/002) – Scottish Planning Policy (2014) (CD/2-2*, Page 22, Paragraph 79) states that plans “should...where appropriate, set out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts’.

The Council considers that the current wording within Policy TC16 Tourism Development supports the above aims stated within Scottish Planning Policy (2014) by setting out clear criteria against which proposals for tourist accommodation will be assessed. Furthermore, definitions of tourist accommodation and tourist related facilities are provided within Appendix 1 – Glossary of the ALDP (CD/1-1, Page 272).

The Council has not made allocations for leisure/tourism uses at the Ledyatt Wood site, by Lundie, at the site at Belmont, by Newtyle or any other location as it felt that the criteria set out in Policy TC16 (along with other policies in the plan) provided an appropriate framework to assess such proposals. Aside from developer interest, as evidenced by these representations, the Council did not have any imperative or evidence to require or justify such allocations. For these reasons the Council does not agree to modify the plan

in response to these representations.

TC17 Network of Centres

Supporting representations noted.

Objection

Scottish Government (PP/00054/1/007) – Scottish Planning Policy (2014) (CD/2-2*, Page 19, Paragraph 66) states that ‘the spatial elements of town centre strategies should be included in the development plan or supplementary guidance’. It is important to recognise that Scottish Planning Policy (2014) does not state a preference whether the spatial elements of town centre strategies should be included in the ALDP or in supplementary guidance.

A Draft Action Programme has been prepared in support of the ALDP. The Draft Action Programme highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. The preparation of town centre strategies is highlighted as an action for Policy TC17 Network of Centres (CD/1-3, Page 11, Ref 27). The broad timescale provided to implement this key action will likely be determined by the Community Planning Programme for the Council which will include the current series of Charrettes.

It is not considered appropriate to commit to providing town centre strategies as supplementary guidance when such strategies may cover more than the ALDP considerations. The review of the ALDP will enable relevant outcomes from the town centre strategies to be incorporated in policies and proposals specific to each town. For these reasons the Council does not agree to modify the plan in response to this representation.

TC18 Core Retail Areas and TC19 Retail and Town Centre Uses

Supporting representations noted.

Reporter’s Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy TC14 Employment Allocations and Existing Employment Areas

2. For the reasons given in greater detail in its full representation, I agree with Scottish Enterprise that the wording of Policy TC14 should contain greater safeguards against the potential use of some land or sites allocated for employment uses for other purposes which could prove detrimental to wider economic development objectives. Subject to minor adjustments, I consider that the alternative wording suggested in its representation

would provide appropriate and proportionate safeguards, while still providing significant flexibility to accommodate other uses and developments on land allocated for employment uses.

Policy TC15 Employment Development

3. The terms of Policies TC17 and TC19 require proposals for office developments to be the subject of the town centre first approach set out in Policy TC19. Therefore I consider that it would be appropriate and helpful for this to be referred to in Policy TC15, as it has the effect of qualifying the support for the development of offices on land allocated for employment uses.

4. Policy TC1 already provides for the protection of land allocated for housing development from proposals for other uses, including employment uses. I am therefore satisfied that no modification to Policy TC15 is required in that respect.

5. Scottish Enterprise's requested modification to Policy TC15 would have the effect of providing the support of the development plan for a proposal which is judged to have overriding economic benefits, even in circumstances where its impacts on the built and natural environment or amenity have been found to be unacceptable. I do not consider that to be appropriate, while recognising that a planning authority may decide to grant planning permission for a development which is contrary to the relevant provisions of the development plan if there are material considerations which indicate that it should do so, and that economic benefit is potentially one such material consideration.

Policy TC16 Tourism Development

6. The council has confirmed that proposals affecting outdoor sports facilities would be considered under the terms of Policy PV2, rather than this policy which refers to tourism development within a section headed 'tourism'. I share the council's interpretation, and agree therefore that it would not be appropriate to modify Policy TC16 to address sportscotland's concerns regarding outdoor sports facilities. I will deal with these concerns instead at Issue 8.

7. As any proposal for a tourist related development will be subject to the requirements of Policy DS2 regarding accessibility by public transport, cycling and walking, I am satisfied that this does not need to be repeated within Policy TC16.

8. In stating that "where appropriate" development plans should set out policies and proposals for leisure accommodation, I consider that Scottish Planning Policy leaves some discretion to the planning authority. Here the council has addressed this issue through the terms of Policy TC16 'Tourism Development'. I find that it provides an appropriate framework for considering specific development proposals.

9. I accept that the proposed plan could have included particular proposals. The two potential site allocations referred to by Kinpurnie Estate, at Ledyatt Wood, by Lundie and at Belmont, by Newtyle, are considered at Issue 24. While I have concluded there that neither site should be allocated for development in the local development plan, I am also satisfied that the terms of Policy TC16 provided an appropriate framework for assessing the merits of any detailed proposal.

Policy TC17 Network of Centres

10. The council has confirmed that it does not intend to bring forward supplementary guidance to incorporate the spatial development aspects of the seven town centre strategies which it is going to prepare. In these circumstances, and given the timescales involved, I agree that the intention of incorporating these elements in the next local development plan would be reasonable and appropriate. Accordingly, I conclude that no modification is necessary in relation to this matter.

Reporter's Recommendations:

Modify the local development plan by:

1. Replacing the wording of Policy TC14 'Employment Allocations and Existing Employment Areas' with:

"Within employment land allocations and existing employment areas, planning permission will be granted for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. In these locations, other uses may be supported if it is demonstrated that:

1. The proposal is complementary or ancillary to an existing or proposed employment use; or
2. The loss of the site would not undermine the provision of employment land in Angus, or land which may be important to retain due to its individual characteristics, regardless of the amount of employment land available; and
3. The proposal would not undermine the operation of existing or proposed employment uses on the whole allocation or existing employment area; and,
4. There is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
5. If relevant, the proposal is in accordance with Policy TC19 Retail and Town Centre Uses.

To meet the requirements of points 1, 2 and 3, evidence shall be submitted with the planning application to identify the length of time the site has been marketed for employment use; the forms of marketing undertaken; the inter-relationship of the site with adjacent employment land, and with strategic and local transportation infrastructure; and potential impacts of the future use and occupation of adjacent employment land."

2. In Policy TC15 Employment Development, adding at the end of the first sentence:

"....., subject to the application of the sequential approach required by Policy TC19 'Retail and Town Centre Uses' for office developments of over 1,000 square metres gross floorspace."

<p>Issue 8</p>	<p>The Natural Environment</p>	
<p>Development Plan Reference:</p>	<p>Policy PV1 Green Networks and Green Infrastructure, Page 45 Policy PV2 Open Space within Settlements, Page 46 Policy PV3 Access and Informal Recreation, Page 47 Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value, Page 47 – 48 Policy PV5 Protected Species, Page 49 Policy PV6 Development in the Landscape, Page 50 Policy PV7 Woodland Trees and Hedges, Page 51</p>	<p>Reporter: David Russell</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>PV1 Green Networks and Green Infrastructure</u></p> <p><u>Support</u></p> <p>TACTRAN (PP/00073/1/012) Scottish Environment Protection Agency (PP/00120/1/004) RSPB Scotland (PP/00094/1/001)</p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/002)</p> <p><u>PV2 Open Space within Settlements</u></p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/003) NHS Tayside (PP/00082/1/005) sportscotland (PP/00005/1/002)</p> <p><u>PV3 Access and Informal Recreation</u></p> <p><u>Support</u></p> <p>Mountaineering Council of Scotland (PP/00026/1/001) TACTRAN (PP/00073/1/013)</p> <p><u>PV4 Sites Designated for Natural Heritage and Biodiversity Value</u></p> <p><u>Support</u></p> <p>RSPB Scotland (PP/00094/1/002) Mountaineering Council of Scotland (PP/00026/1/002)</p>		

Objections

Scottish Natural Heritage (PP/00064/1/004)
 NHS Tayside (PP/00082/1/006)

PV5 Protected Species

Support

Mountaineering Council of Scotland (PP/00026/1/003)

Objections

RSPB Scotland (PP/00094/1/003)

PV6 Development in the Landscape

Support

Mountaineering Council of Scotland (PP/00026/1/004)

Objections

Scottish Government (PP/00054/1/008)
 Scottish Natural Heritage (PP/00064/1/005)
 Network Rail (PP/00084/1/005)

PV7 Woodland Trees and Hedges

Objections

Scottish Natural Heritage (PP/00064/1/006)

Provision of the Development Plan to which the Issue Relates:

Policies relating to the protection and enhancement of the Natural Environment

Planning Authority’s Summary of the Representation(s):

PV1 Green Networks and Green Infrastructure

Support

TACTRAN (PP/00073/1/012) - The policy is supported and the potential for developer contributions for Green Networks is welcomed.

Scottish Environment Protection Agency (PP/00120/1/004) – The associated multiple benefits that the Green Network can deliver are fundamental to the successful implementation of the river basin management plan and sustainable flood risk management. The promotion of multi-functional green networks will therefore ensure that complimentary environmental benefits will be considered and delivered as part of the network. Support recognition of both green and blue water features of natural and built

environments and that Policy DS3 states that development proposals should link new areas of landscaping and open space to the existing green space wherever possible.

RSPB Scotland (PP/00094/1/001) - Welcome the commitment to green networks and would hope this is maximised as much as possible, with a commitment to increasing biodiversity, particularly in new developments.

Objections

Scottish Natural Heritage (PP/00064/1/002) - Support the mapping of the location and functions of green networks, but recommend that:

- this is Supplementary Guidance (SG) rather than a Planning Advice Note; and
- they are shown in local or small settlement scale maps, and identified through a "design-led approach".

PV2 Open Space within Settlements

Objections

Scottish Natural Heritage (PP/00064/1/003) - Request the outcome of the open space audit is spatially shown in the Supplementary Guidance on Green Networks when completed because open space which provides a positive contribution to the wider green network (through its location or function) should be retained.

NHS Tayside (PP/00082/1/005) - Recommend that where a site is specifically identified for development within the plan, the objective of the policy should be clearly stated as requiring the development of the particular site to meet its own open space requirements and not that of the wider area outwith the site.

sportscotland (PP/00005/1/002) – Are concerned that Policy PV2 does not adopt the model policy wording provided in SPP and that the introduction to the Policy refers to the protection of "areas of open space of sporting value" whereas SPP affords protection to 'outdoor sports facilities'. The concern is that an outdoor sports facility may be neglected and subsequently used infrequently or not at all. SPP still protects such facilities where they were last used for sport to avoid poor maintenance leading to justification for the loss of outdoor sports facilities. The wording of Policy PV2 may give less protection to certain outdoor sports facilities than SPP. This could be clarified by amending the policy.

PV3 Access and Informal Recreation

Support

Mountaineering Council of Scotland (PP/00026/1/001) and TACTRAN (PP/00073/1/013) - The policy is supported and the potential for developer contributions for Green Networks is welcomed.

PV4 Sites Designated for Natural Heritage and Biodiversity Value

Support

RSPB Scotland (PP/00094/1/002) - Welcome that this policy sets out to 'protect and

enhance' habitats and appropriate assessment would be carried out on any developments which could affect international, national or locally designated sites.

Mountaineering Council of Scotland (PP/00026/1/002) - The proposed policy regarding Sites Designated for Natural Heritage and Biodiversity Value is supported.

Objections

Scottish Natural Heritage (PP/00064/1/004) – Object to the Policy for the following reasons:

- The current wording of the first sentence in "International Designations" places emphasis on Ramsar rather than Natura sites.
- It should be clear that while the SAC guidance documents provide advice, they do not contain specific information for individual sites on how to avoid adverse effects on site integrity for these allocations.
- The proposal to produce further information on Protected Sites and Species is welcomed but recommend this is Supplementary Guidance.
- The impacts of private waste water systems in the countryside need to be mitigated. Scottish Natural Heritage can assist the Council in identifying relevant SSSIs and their catchment areas and recommending the measures required. This guidance will help provide more certainty to developers in providing advice on additional mitigation measures which may be required for developments in relation to these sites.
- Locally important sites should ensure that local geodiversity interest is also safeguarded and Scottish Natural Heritage are willing to assist in developing a methodology for the review and identification of local nature conservation sites.

NHS Tayside (PP/00082/1/006) – Is concerned that Policy PV 4 applies to both designated and undesignated sites. The policy places the same requirements on developments within 'Locally Important Sites', whether the site is designated or not. The policy test requires a developments impact to be assessed against the "integrity of the nature conservation value of the site". In order to undertake an assessment based on a development's potential effects on integrity, the special qualities or value of the site would require to be understood. This could only be achieved should a site be designated and should the designation be explicit on the reasons for its designation. It would be unreasonable to expect a developer to undertake ecological surveys for all development types in order to establish a site's qualities. As currently drafted the policy would result in a prospective developer having no certainty on how this policy may or may not be applied.

PV5 Protected Species

Support

Mountaineering Council of Scotland (PP/00026/1/003) - The proposed policy regarding Protected Species is supported.

Objections

RSPB Scotland (PP/00094/1/003) - The commitment to protect and enhance areas used by protected species and other wildlife for roosting and nesting should be extended to include areas which are important for feeding.

PV6 Development in the LandscapeSupport

Mountaineering Council of Scotland (PP/00026/1/004) - The proposed policy Development in the Landscape is supported. In particular, we support the wording used in paragraph 3 where 'adverse effect' is not qualified, as developers will argue it should be, by words such as 'significant' or 'unacceptable'. Instead, the policy would enable all adverse effects to be judged in the context of the proposed development, its landscape setting and the mitigation and remediation proposed. This is appropriate and we support the approach taken.

Objections

Scottish Government (PP/00054/1/008) – SPP Paragraph 196, sets out that the level of protection given to a local designation should not be as high as that given to international or national designations. It is not clear from the policy in the Proposed Plan whether any differentiation in protection will be applied in decision making relative to the type of landscape or landscape designation.

Scottish Natural Heritage (PP/00064/1/005) – The 2nd para should be amended to read: "...Scottish Natural Heritage's wild land maps and descriptions, any formal designations..." to ensure that cognisance is taken of both the maps and their underpinning descriptions and recommend areas of wild land are show on the Proposals Maps for clarity.

A reference should be inserted at the end of policy to the intent to produce supplementary guidance on "Development in the Landscape - including identification of special landscape and conservation areas in Angus" (ref. Action Programme, page 12). Scottish Natural Heritage pleased to advise on the methodology for special landscape areas.

Network Rail (PP/00084/1/005) - Whilst the intent of the policy is to ensure that any development is appropriate and mitigated in areas of high landscape quality, it should also recognise that where strategic linear infrastructure is located in these areas development associated with maintenance and repair (sometimes outwith its operational corridor locations) may be required, and that this can be considered positively within certain parameters. PV6 should reflect that it is reasonably likely, over the term of the LDP, that such works will be required to support and protect strategic infrastructure.

PV7 Woodland Trees and Hedges

Scottish Natural Heritage (PP/00064/1/006) – There is no policy differentiation between the protection of ancient semi natural woodland (first sentence) and other woodland in the second paragraph. The first sentence should be replaced with "Ancient semi-natural woodland is an irreplaceable resource and there should be a strong presumption against its removal. The Council will identify and seek to enhance woodlands of high nature conservation value."

- The locations of TPOs should be shown on the LDP's settlement maps.
- In the 6th bullet, insert: "identify and agree appropriate mitigation, implementation of an approved woodland management plan, re-instatement or alternative planting." to clarify that the preparation and implementation of woodland management plans for existing woodland may be required.

Modifications Sought by those Submitting Representations:PV1 Green Networks and Green Infrastructure

Scottish Natural Heritage (PP/00064/1/002) - Location and functions of green networks should be:

- Supplementary Guidance (SG) rather than a Planning Advice Note; and
- shown in local or small settlement scale maps, and identified through a "design-led approach".

PV2 Open Space within Settlements

Scottish Natural Heritage (PP/00064/1/003) – The open space audit outcomes should be included in Supplementary Guidance and the 3rd bullet should read: "...taking account of the sporting, recreational, amenity or biodiversity value, its contribution to a green network or compromise its setting; or...".

NHS Tayside (PP/00082/1/005) - Where a site is specifically identified for development within the plan, the objective of the policy should be clearly stated as requiring the development of the particular site to meet its own open space requirements and not that of the wider area outwith the site.

sportscotland (PP/00005/1/002)

- The first paragraph should read: "Angus Council will seek to protect outdoor sports facilities as defined in the Development Management Regulations 2013 and areas of open space of...".
- Replace "open space audit" with "open space strategy" in second bullet point
- Reword third bullet point to read: "...by the redevelopment of a minor part of the site..."

PV4 Sites Designated for Natural Heritage and Biodiversity ValueObjections

Scottish Natural Heritage (PP/00064/1/004) –

- Reword first sentence in "International Designations" as follows: "... Could have a significant effect on a site designated or proposed under the Birds or Habitats Directive (SACs or SPAs) or Ramsar site..."
- Amend second sentence in section 2 to read "To help ensure no adverse effects on the River Tay SAC or River South Esk SAC, development proposals should take account of the detailed advice*..."
- Penultimate sentence: further information on Protected Sites and Species should be Supplementary Guidance not a Planning Advice Note.
- Add final sentence: "This will also provide further guidance to developers in order to safeguard water-dependent SSSIs from foul drainage in their catchments."
- Locally important sites: 1st bullet should read: "it is demonstrated that the integrity of the nature conservation or geodiversity value of the site..."
- Further information on Protected Sites and Species should be Supplementary Guidance.

NHS Tayside (PP/00082/1/006) - Amend Policy wording to distinguish between locally important sites that are designated and those that are not.

PV5 Protected Species

RSPB Scotland (PP/00094/1/003) Insert 'areas which are important for feeding.' after '...nesting places.' at the end of the first sentence.

PV6 Development in the Landscape

Scottish Government (PP/00054/1/008) - LDP should provide clarity on the landscape designations for the plan area by mapping them in the Proposed Plan. This should include an indication of where the mapped areas of wild land are. The LDP should also recognise the different level of landscape protection afforded to different landscape type (i.e. Wild land) and designation, in accordance with paragraph 196 of the Scottish Planning Policy. The approach should reflect the policy position outlined in the SPP where paragraph 197 discusses areas of local landscape value, paragraphs 200 and 215 address wild land and paragraph 212 discusses national landscape designations, each with a differing approach to protection of the landscape.

Scottish Natural Heritage (PP/00064/1/005) – Policy PV6 should be amended in the following ways:

- 2nd para should be amended to read "...Scottish Natural Heritage's wild land maps and descriptions, any formal designations..."
- Areas of wild land should be spatially identified on the LDP Proposals Maps for clarity.
- A reference should be inserted at the end of this policy to the intent to produce further information on "Development in the Landscape - including identification of special landscape and conservation areas in Angus" (Action Programme, page 12, Ref 34).
- The identification of special landscape areas should be produced as Supplementary Guidance rather than a Planning Advice Note (PAN).

Network Rail (PP/00084/1/005) - Add criterion to list after 'Development which has an adverse effect on landscape will only be permitted where:

"It relates to the reasonable maintenance of existing strategic transport and communication infrastructure."

PV7 Woodland Trees and Hedges

Scottish Natural Heritage (PP/00064/1/006):

- The first sentence should read "Ancient semi-natural woodland is an irreplaceable resource and there should be a strong presumption against its removal. The Council will identify and seek to enhance woodlands of high nature conservation value."
- The locations of TPOs should be shown on the LDP's settlement maps.
- 6th bullet: add "implementation of an approved woodland management plan" between "identify and agree appropriate mitigation,..." and "re-instatement or alternative planting."

Summary of Responses (including reasons) by Planning Authority:PV1 Green Networks and Green Infrastructure

Supporting representations noted.

Objections

Scottish Natural Heritage (PP/00064/1/002) - Angus Council has followed advice given in Circular 6/2013 Development Planning (CD/2-8*) and Letter from Chief Planner to Heads of Planning (January 2015) – Development Plans – Supplementary Guidance (CD/2-9*) in determining the number and nature of Supplementary Guidance proposed in the Plan. It would not be appropriate to include Supplementary Guidance in relation to location and function of green networks as the LDP establishes a robust policy framework for the protection, maintenance and creation of both the green and blue network. A Planning Advice Note will supplement this and provide additional advice for applicants and other interested parties.

There are number of elements to the green network which will require to be mapped for the Planning Advice Note, including the open space audit for Angus and it will take time to acquire and map all elements. This policy provides for the protection, enhancement and extension of green networks including through design of Development Briefs and masterplans for individual sites and development proposals identifying and enhancing the green network and how this can be enhanced and extended wherever possible. The publication of the Open Space Audit and Planning Advice Note will provide the supporting information for the implementation of this policy.

The mapping of green networks will not be completed in time to include in local or small settlement scale maps in the first LDP. The preparation, consultation and publication of a Planning Advice Note; Green and Blue Networks is included in the Draft Action Programme (CD/1-15 Page 13, Ref 33) and this will support and guide the "design-led approach".

Additionally this policy should be read in conjunction with other policies such as DS3 Design Quality and Placemaking (CD/1-1 Page 13), those relating to the natural environment and the water environment and site specific policies. For these reasons, the Council does not agree to modify the plan in response to this representation.

PV2 Open Space within SettlementsObjections

Scottish Natural Heritage (PP/00064/1/003) - As noted in the response to Scottish Natural Heritage (PP/00064/1/002) the open space audit outcomes (CD/1-15 Page 13, Ref 34) will be incorporated in a Planning Advice Note for Green Networks and Green Infrastructure.

The comment made in relation to bullet point three is accepted. Consequently the Council would have no objection to including the wording "its contribution to a green network" in the bullet. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

NHS Tayside (PP/00082/1/005) - Site specific provision is, in principle, in accordance with the six acre standard on a pro rate basis. PV2 does not require development proposals to meet the open space requirements of the wider area. On the contrary the open space requirement may be relaxed or a contribution to an offsite facility in line with Policy DS5 (CD/1-1 Page 15) may be accepted depending on the level quality and location of existing local provision. This allows for flexibility in meeting the onsite open space requirement, for

example a contribution to enhance the quality of existing provision if there is already an adequate or excess provision. For this reason, the Council does not agree to modify the plan in response to this element of the representation.

The Open Space Audit will identify existing levels of provision and any deficiencies while the Strategy will establish standards for the provision of open space in new development and opportunities for improving and extending green networks in and around the Angus towns where the opportunity arises. Given that this bullet point refers to both existing provision and future requirements as it affects the loss of open space to development it may be appropriate to refer to both. The comments made in relation to the open space strategy are therefore accepted. Consequently the Council would have no objection to replacing “open space audit” with “open space audit and strategy” in the second bullet point. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

sportscotland (PP/00005/1/002) - The proposed wording would restrict the policy to the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD/2-11* Schedule 5 Page 35) and also remove the reference to enhance which would significantly undermine the aim of this policy to enhance open space as part of the green infrastructure. Alternatively, the inclusion of ‘outdoor sports facilities’ after ‘enhance’ in the first line of PV2 would conform with SPP as requested, and including the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 definition of ‘outdoor sports facilities’ in the glossary of the ALDP would address sportscotland concern by adding the definition of ‘outdoor sporting facilities’.

It is therefore suggested that the following definition as per SPP glossary (CD/2-2* Page 74) is added to the glossary of the Proposed Plan: “Outdoor sports facilities – Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes ‘outdoor sports facilities’ as land used as: (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green.” Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

Bullet point two refers to an open space audit and it is accepted that this will identify the amount and location of open space but not whether there is or is not appropriate provision. This is the function of the open space strategy and the comments made are accepted. Consequently the Council would have no objection to amending “open space audit” to “open space audit and strategy”. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

The comments made in relation to paragraph one of PV2 are partially accepted. Consequently the Council would have no objection to amending it to read ‘Angus Council will seek to protect and enhance outdoor sports facilities, existing areas of open space ...’ and the addition of a definition of ‘outdoor sports facilities’ to the glossary. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

This policy refers to more than outdoor sports/play facilities. In this instance the wording of

bullet point 3 also incorporates retention and enhancement of open space of amenity, biodiversity and townscape as part of the green infrastructure value as well as outdoor sports, recreation and play facilities in accordance with SPP (CD/2-2* Page 50 Paragraph 222). For this reason, the Council does not agree to modify the plan in response to this element of the representation.

Policy PV3 Access and Informal Recreation

Supporting representations are noted.

PV4 Sites Designated for Natural Heritage and Biodiversity Value

Supporting representations are noted.

Objections

Scottish Natural Heritage (PP/00064/1/004) – The comments made in relation to the first sentence of PV4 under International Designations are accepted. The proposed reordering: "... could have a significant effect on a site designated or proposed under the Birds or Habitats Directive (SACs or SPAs) or Ramsar site..." will emphasise the importance of Natura sites. Consequently the Council would have no objection the proposed rewording. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

The comments made in relation to section 2 of PV4 are accepted. The proposed replacing of "In order to ensure ..." with "To help ensure" will clarify these documents are general guidance and do not provide specific mitigation measures. Consequently the Council would have no objection the proposed rewording. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

Angus Council has followed advice given in Circular 6/2013 Development Planning (CD/2-8* Pages 35-36 Paragraphs 135-145) and Letter from Chief Planner to Heads of Planning (January 2015) (CD/2-9*) in determining the number and nature of Supplementary Guidance proposed in the Plan. It would not be appropriate to include Supplementary Guidance in relation to PV4 as protected sites and species are already subject to a range of regulatory controls. It is considered this requires expanding and clarifying only to assist and guide developers. Statutory Supplementary Guidance is not required to reinforce this policy and the Planning Advice Note format allows modification and updating to ensure it is current at all times which cannot be achieved through the consultation and approval requirements of Supplementary Guidance. For this reason, the Council does not agree to modify the plan in response to this representation.

Policy PV14 (CD/1-1 Page 63) provides for the protection and management of the water environment and states that development proposals must not pollute surface or underground water. There is no requirement to introduce a specific reference to the protection of SSSIs in PV4, but the Council is happy to work with Scottish Natural Heritage to develop appropriate guidance within the proposed Planning Advice Note. For this reason, the Council does not agree to modify the plan in response to this representation.

The comment made in relation to the inclusion of biodiversity in the first bullet under

Regional and Local Sites is accepted. Consequently the Council would have no objection to amending the first bullet to read "... the integrity of the nature conservation or geodiversity value of the site...". Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

NHS Tayside (PP/00082/1/006) - The first paragraph of PV4 states: 'Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the regulatory appropriate regime.' This sentence is intended to clarify that different levels of protection apply to sites covered by this policy. There are currently no locally significant sites identified in Angus but the Draft Action Programme (CD/1-15 Page 14, Ref 37) provides a timetable for their designation. There are, however, a number of other local sites identified for their natural heritage value, for example, through the Local Biodiversity Action Plan, RSPB sites, and Scottish Wildlife Trust Sites which warrant appropriate protection but are not identified on the Proposals Map. Where such sites are affected by development proposals, adverse impacts should be identified and assessed in accordance with page 47, Paragraph 203 of SPP (CD/2-2*) which states – 'Planning Permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.' An appropriate degree of protection should be afforded to locally important sites, reflecting their value and status, which may require survey work to demonstrate development can be accommodated without unacceptable adverse impact or to identify appropriate mitigation measure. For these reasons, the Council does not agree to modify the plan in response to this representation.

PV5 Protected Species

Supporting representation noted

Objections

RSPB Scotland (PP/00094/1/003) - The inclusion of 'areas which are important for feeding.' after '...nesting places.' at the end of the first sentence could be an acceptable addition, but will incorporate additional, possibly extensive, land areas not previously included in PV5. It is therefore not considered to be a minor change and is therefore not deemed a non-notifiable modification. If the Reporter is so minded the suggested additional text could be added to Policy PV5 as detailed in the 'Modifications Sought' section.

PV6 Development in the Landscape

Supporting representation noted

Objections

Scottish Government (PP/00054/1/008) and Scottish Natural Heritage (PP/00064/1/005) - There are no statutory national or local landscape designations within the LDP area. The Cairngorms National Park within Angus includes National Scenic Areas and National Nature Reserves within Angus but these are outwith the Angus LDP boundary and Historic Gardens and Designed Landscapes fall within the remit of PV8 Built and Cultural Heritage (CD/1-1 Page 52).

This policy is therefore currently based on landscape work undertaken by SHN (Wild

Land) or supported by Scottish Natural Heritage (such as the Tayside Landscape Character Assessment and Strategic Landscape Capacity Assessment for Wind Energy in Angus 2013) and the programmed designation of Special Landscape Areas in Angus, to be incorporated into a future Planning Advice Note. In order to reflect a differing approach to protection of the landscape in accordance with SPP it is suggested the second sentence in PV4 is also included in this policy to reflect the differing degrees of protection appropriate to differing legislative status of allocations. For clarity, the Council would suggest the addition of a second sentence to the first paragraph of PV6 as follows: 'Development proposals that are likely to affect designated sites will be assessed to ensure compatibility with the appropriate regulatory regime.' Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan

The modification proposed by Scottish Natural Heritage (PP/00064/1/005) ensures that the maps are considered with their supporting text and the small area of Wild Land within the ALDP area illustrated on the Proposals Map (see also Scottish Government (PP/00054/1/008)). Consequently the Council would have no objection the proposed rewording "...Scottish Natural Heritage's wild land maps and descriptions, any formal designations..." and the spatial identification of Wild Land on the LDP Proposals Maps for clarity. Such an amendment is considered to be a non-notifiable modification to the Plan

A reference to further information would clarify the link to the Draft Action Programme, but as noted in the response to Scottish Natural Heritage (PP/00064/1/004), this additional guidance will be a Planning Advice Note. An additional sentence is therefore suggested at the end of PV6 as follows: 'Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.' Such an amendment is considered to be non-notifiable modifications to the Plan.

Network Rail (PP/00084/1/005) The inclusion of the proposed bullet point adds another exemption to this policy, and one which has not been consulted upon. Whilst recognising the need for necessary maintenance on the strategic transport and communication network, including the rail link through Angus, such works may be of a scale which has a significant landscape impact. The use of 'reasonable' presumably aims to address this concern. While some aspects of transport and communication infrastructure are outwith planning controls or addressed elsewhere in this plan it is not accepted that maintenance works should be exempt from this policy. For this reason, the Council does not agree to modify the plan in response to this representation.

PV7 Woodland Trees and Hedges

Objections

Scottish Natural Heritage (PP/00064/1/006) - SPP (CD/2-2* Page 49 paragraph 216-218) requires that Ancient semi-natural woodland should be protected from adverse impacts resulting from development as in this policy. Removal/felling is managed through the Scottish Government's Control of Woodland Removal Policy, which includes a presumption in favour of protecting woodlands with removal permitted only where it would achieve significant and clearly defined additional public benefits. Whilst PV7 seeks to protect and enhance ancient and semi natural woodland in accordance with SPP), the presumption against removal is contained within The Government's Woodland Removal Policy (S4/8-3 Page 6 Guiding Principles). Whilst no modification is proposed to the plan, if the Reporter is so minded the importance of ancient and semi-natural woodland could

be emphasised. The Council would suggest: "Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The Council will identify and seek to enhance woodlands of high nature conservation value."

TPOs are not normally shown on local settlement maps in LDPs as these are designed to identify development proposals not all development constraints. Development proposals impact on TPOs is routinely considered through the development management process. For this reason, the Council does not agree to modify the plan in response to this element of the representation.

The inclusion of an approved management plan in bullet point 6 is accepted as a technical modification to ensure the implementation and management of the required mitigation or reinstatement. Consequently the Council would have no objection the proposed rewording. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy PV1: 'Green Networks and Green Infrastructure'

2. I consider that the intended mapping of the green network, which is referred to in this policy, and its publication in a planning advice note is a sufficient and appropriate approach to supporting the implementation of the policy. Although non-statutory, the contents of such a planning advice note would be a material consideration in decisions on planning applications which are likely to affect the green network. The method to be adopted in undertaking the mapping is not a matter for this examination of the plan.

Policy PV2: 'Open Space Protection and Provision within Settlements'

3. The council has confirmed its intention to incorporate the outcomes of its open space audit within the planning advice note on the green network and green infrastructure, which is referred to in Policy PV1. I am satisfied that this is an appropriate and sufficient approach to utilising the outcomes of the audit, and that it is not necessary to require the preparation of supplementary guidance.

4. In its detailed representation, Scottish Natural Heritage also sought a minor re-wording of this policy to ensure that open space is protected where it makes a contribution to a green network. I agree that this would make the policy more consistent with the justifying text on page 45, which confirms the intention to protect open spaces from development that might erode the function for which they are valued.

5. I consider that the terms of Policy PV2 do not require new development proposals, whether on allocated or un-allocated sites, to provide open space for the wider area

beyond the development site itself. No modification to the policy is therefore necessary in this respect.

6. I agree with the concerns raised by sportscotland that the support for outdoor sports facilities provided by Policy PV2 is unclear, and may not be consistent with the requirements of Scottish Planning Policy. I consider that it would be helpful for the policy to make explicit reference to 'outdoor sports facilities', and to provide clarity for the use of that term by including in the plan's glossary the definition of 'outdoor sports facilities' contained in Scottish Planning Policy.

7. I also agree that the policy should require (at the second bullet point) that any development involving loss of open space should only be permitted where an excess of that type of open space has been identified, not just in an open space audit, but also in an open space strategy.

8. I agree with sportscotland's contention that the third bullet point would better reflect the terms of Scottish Planning Policy if it only permitted re-development of a 'minor' part of a site where that would best achieve the retention or enhancement of existing facilities in the area. However I also agree that this may be unnecessarily restrictive in relation to proposals affecting areas of open space. As the key point in the element of the policy refers to the proposed re-development not affecting the site's sporting recreational, amenity or biodiversity value, I conclude that the current wording is both appropriate and sufficient, and therefore no modification is necessary.

Policy PV4: 'Sites Designated for Natural Heritage and Biodiversity Value'

9. I consider that, for the purposes of this examination, a re-ordering of the wording of the first sentence of the section of Policy PV4 relating to international designations is unnecessary, as it would not affect its substance or application.

10. Similarly, I find that amending the policy's requirement for development proposals to take account of existing published guidance on the River Tay and River South Esk special areas of conservation "to help ensure no adverse effects", rather than "in order to ensure no adverse effects", would not affect its substance or application. Nor do I consider that it would clarify that the guidance is not site specific. As I do not consider it necessary for the policy to contain that clarification, I conclude that no alteration should be made to the wording of the policy in this respect either.

11. The final section of the policy confirms the council's intention of preparing a planning advice note, rather than supplementary guidance, to give more information on protected sites and species and their influence on development. I consider that the council's approach is appropriate and sufficient, particularly in view of the existing statutory framework provided by regulations and EU directives in relation to international designations as well as by the strategic and local development plans, together with the availability of further advice and information from Scottish Natural Heritage itself.

12. I also note that the council would welcome input from Scottish Natural Heritage to the planning advice note intended to provide further guidance for developers in relation to the potential impact from foul drainage on sites of special scientific interest. I agree that this would be helpful, but do not consider that specific mention requires to be made of this aspect where the policy refers to the planning advice note.

13. With regard to sites of value for their geodiversity, Scottish Planning Policy at paragraph 198 confirms that these are one type of nature conservation site. As such, I do not consider that it would be appropriate to refer (in the first bullet point of the section of Policy PV4 dealing with locally important sites) to the “nature conservation or geodiversity value” of a site. Accordingly I conclude that amending the wording of the policy to that effect would not be justified.

14. The council has confirmed that there are at present no sites in Angus which have been designated for their local natural heritage value. In its response to the representation from NHS Tayside it has referred to the action programme setting out a timetable for this to be done. However, the references in the action programme are to the preparation of a planning advice note, but not one related to the designation of locally important sites of natural heritage value. In these circumstances, there is no prospect of such sites being identified and formally designated until the next local development plan is prepared.

15. Further, it appears to me that it would be unreasonable for the local development plan to require developers to demonstrate that the integrity of the nature conservation value of their site would not be compromised if the plan is unable to identify where such sites are located, and what that nature conservation value is. In these circumstances, I consider that it would be inappropriate and mis-leading for Policy PV4 to contain a section entitled ‘Locally Important Sites’.

16. However, I consider that the first sentence of Policy PV4 provides the council with the necessary powers to protect sites which are found to be of local natural heritage value, as it confirms that the council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. The policy’s commitment to providing a planning advice note in relation to protected species as well as protected sites will assist in achieving this. Where there are sites identified through other means, or by other bodies, such as the local biodiversity action plan, the Royal Society for the Protection of Birds’ sites, or the Scottish Wildlife Trust’s sites, the impact of the development on the natural heritage value of these would be a material consideration in determining any planning application for development, along with any benefits which would arise from the development.

Policy PV5: ‘Protected Species’

17. I consider that the terms of Policy PV6 already provide protection for the feeding places of protected species, as it covers their habitats as well as important roost and nesting places. Therefore no modification to this policy is necessary.

Policy PV6: ‘Development in the Landscape’

18. I note that the area covered by the proposed plan excludes that part of Angus which lies within the Cairngorms National Park. Nowhere within this plan’s area forms part of an area covered by a national landscape designation, and there are at present no local landscape designations in Angus. Differentiation within the policy to deal with the greater protection afforded by such designations is therefore not necessary.

19. However, as confirmed by the council in a map submitted in response to a request from me, small parts of this plan’s area lie within one of the areas of ‘wild land’ identified in the maps published by Scottish Natural Heritage, and to which the provisions of Scottish

Planning Policy apply. Although wild land is not a statutory landscape designation, I consider that this should be referred to in Policy PV6 and the relevant areas shown on the proposals map.

20. I agree that it is appropriate that the policy should confirm the council's intention, set out in the action programme, of undertaking the work necessary to identify special landscape and conservation areas in Angus. I also consider that it is appropriate for the conclusions of that work then to be published in a planning advice note, rather than in supplementary guidance which would confer statutory development plan status without the opportunity for independent scrutiny in the event of disagreements regarding any of the proposed designations.

21. In the absence of other provisions in the plan providing explicit support for the maintenance of strategic transport and communications infrastructure, I consider that it is reasonable and appropriate that Policy PV6 recognises its importance, while still providing appropriate protection for the landscape of Angus.

Policy PV7: 'Woodland Trees and Hedges'

22. I agree that it would be consistent with Scottish Planning Policy for Policy PV7 to give greater weight to the protection of ancient semi natural woodland. The alternative wording suggested by the council would be an appropriate and effective way of doing so.

23. With regard to tree preservation orders, in view of the council's reassurance that its development management procedures ensure that the presence of tree preservation orders and the implications of proposed developments on protected trees are considered when assessing planning applications, I find that the provisions of this policy are sufficient without requiring the identification of every individual tree preservation order on the settlement maps. I also note that doing so is not a requirement of Scottish Planning Policy.

24. I agree that it would be helpful to include reference in the policy to the implementation of an approved woodland management plan being one of the potential measures to be incorporated within development and planting proposals.

Reporter's Recommendations:

Modify the local development plan by:

1. In the first sentence of Policy PV2, amending the phrase "...to protect and enhance existing areas of open space" to read: "...to protect and enhance existing outdoor sports facilities and areas of open space".

2. In the second bullet point of Policy PV2 'Open Space Protection and Provision within Settlements', inserting "... and strategy" after 'open space audit'.

3. In the third bullet point of Policy PV2 'Open Space Protection and Provision within Settlements', inserting "..., its contribution to a green network," after 'biodiversity value'.

4. In the plan's Glossary, inserting the following definition of 'Outdoor sports facilities': "Uses where sportsotland is a statutory consultee under the Town and Country Planning

(Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as:

- (a) an outdoor playing field extending to not less than 0.2 hectares used for any sport played on a pitch;
- (b) an outdoor athletics track;
- (c) a golf course;
- (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and
- (e) an outdoor bowling green.”

5. In Policy PV4 ‘Sites Designated for Natural Heritage and Biodiversity Value’, deleting the section entitled ‘Locally Important Sites’.

6. In Policy PV6 ‘Development in the Landscape’:

- In the second paragraph, deleting the phrase “SNH’s wild land maps”, and adding the following sentence: “Within the areas shown on the proposals map as being part of ‘wild land’, as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy’s provisions in relation to safeguarding the character of wild land.”
- In the final paragraph, adding: “..., and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.”

7. In Policy PV7 ‘Woodland, Trees and Hedges’:

- Replacing the first sentence with: “Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value.”
- In the final bullet point, inserting "implementation of an approved woodland management plan," between ‘identify and agree appropriate mitigation,...’ and ‘re-instatement or alternative planting.’”

8. On the proposals map, including the areas of ‘wild land’ which lie within the plan area, as identified in the maps of ‘wild land’ published by Scottish Natural Heritage in 2014 and shown on the map submitted by the council for this examination in response to a further information request.

Issue 9	The Built Environment	
Development Plan Reference:	Policy PV8 Built and Cultural Heritage, Pages 51 - 52	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>PV8 Built and Cultural Heritage</u></p> <p><u>Objections</u></p> <p>Heathfield (PP/00050/1/005) The Greenspan Agency (PP/00015/1/003)</p>		
Provision of the Development Plan to which the Issue Relates:	Policies relating to the Built Environment	
Planning Authority's Summary of the Representation(s):		
<p><u>PV8 Built and Cultural Heritage</u></p> <p><u>Objections</u></p> <p>Heathfield (PP/00050/1/005) - Consider that an additional bullet point should be added under 'National Sites' to address enabling development.</p> <p>The Greenspan Agency (PP/00015/1/003) - Consider that development proposals can have varying degrees of adverse impact, and where this is low the requirement for a social, environmental or economic benefit of national significance is excessive. Also adverse impacts on site and setting should be treated differently and the magnitude of adverse effects be taken into consideration.</p>		
Modifications Sought by those Submitting Representations:		
<p><u>PV8 Built and Cultural Heritage</u></p> <p><u>Objections</u></p> <p>Heathfield (PP/00050/1/005) - Add additional bullet point under 'National Sites' to state: "the level of development proposed is necessary to ensure a viable development so that the site is dealt with in a comprehensive manner."</p> <p>The Greenspan Agency (PP/00015/1/003) – In bullet point 2 add the words 'significant' and 'or' and delete the words 'and' and 'of national significance' to read as follows: "Any significant adverse effect on the site or its setting are significantly outweighed by social, environmental or economic benefits;"</p>		

Summary of Responses (including reasons) by Planning Authority:PV8 Built and Cultural HeritageObjections

Heathfield (PP/00050/1/005) - The Angus Local Development Plan seeks to protect and enhance built and cultural heritage assets. Scottish Planning Policy recognises the need to protect, conserve and enhance heritage assets (CD/2-2 Page 34, Paragraph 142) but also states that “enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims”. It is considered that the issue of enabling development is appropriately covered by national policy and there is no need to re-state the approach within the Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

The Greenspan Agency (PP/00015/1/003) - Change in the historic environment should be a positive contribution to the protection and enhancement of the built and cultural heritage. New development and re-use of our historic properties will not only maintain our built and cultural heritage but enhance and protect it for future generations. Sites designated for their nationally important characteristics should be protected from development that adversely affects them. Angus Council believe the effect of development need not be adverse or that appropriate mitigation may be possible. Where there are adverse effects that cannot be mitigated, the value of that development should outweigh the national importance of that designated site. This approach is considered to accord with Scottish Planning Policy (CD/2-2* Page 33, Paragraph 137) and Scottish Historic Environment Policy 2011(S4/9-1 Page 7 Paragraph 1.10). For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:Policy PV8 Built and Cultural Heritage

1. To avoid confusion, I consider that it would be helpful if the terms of Policy PV8 make explicit provision for enabling development which is necessary to secure the preservation of a listed building, consistent with the statement contained within Scottish Planning Policy in that respect.
2. As currently worded, I consider that the degree of protection afforded to national sites by the second bullet point of Policy PV8 is excessive and unjustified. Its stipulation that an adverse effect of any magnitude on a national site requires to be outweighed by social, environmental or economic benefits which are of national significance reflects neither a statutory requirement nor Scottish Ministers' policy. Accordingly I consider that the wording of this part of the policy requires adjustment, as suggested in the representation, to make it proportionate.

Reporter's Recommendations:

Modify the local development plan by:

1. In Policy PV8 'Built and Cultural Heritage', in the section dealing with national sites, adding an additional paragraph as follows: "Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building."
2. Amending the second bullet point of Policy PV8 to read: "Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental, and/or economic benefits;"

Issue 10	Heat and Energy Networks	
Development Plan Reference:	Energy and Heat Networks, Page 52 - 59 Policy PV9 Renewable and Low Carbon Energy Development, Page 54 Policy PV10 Heat Mapping and Decarbonised Heat, Page 58 Policy PV11 Energy Efficiency – Low and Zero Carbon Buildings, Page 59	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Energy and Heat Networks</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/009) Wind Prospects Development Ltd (PP/00035/1/004, PP/00035/1/003, PP/00035/1/002)</p> <p><u>PV9 Renewable and Low Carbon Energy Development</u></p> <p><u>Support</u></p> <p>Wind Prospects Development Ltd (PP/00035/1/001) Scottish Environment Protection Agency (PP/00120/1/005)</p> <p><u>Objections</u></p> <p>Greenspan Agency (PP/00015/1/004, PP/00015/1/005, PP/00015/1/006, PP/00015/1/007) Scottish Natural Heritage (PP/00064/1/007) The Mountaineering Council of Scotland (PP/00026/1/005) RSPB Scotland (PP/00094/1/004) Shell UK Ltd (PP/00047/1/004)</p> <p><u>PV10 Heat Mapping and Decarbonised Heat</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/010) Scottish Environment Protection Agency (PP/00120/1/006) Greenspan Agency (PP/00015/1/008)</p> <p><u>Comments</u></p> <p>RSPB Scotland (PP/00094/1/005)</p> <p><u>PV11 Energy Efficiency - Low And Zero Carbon Buildings</u></p> <p><u>Objections</u></p>		

<p>Scottish Government (PP/00054/1/011) Scottish Natural Heritage (PP/00064/1/008) Homes for Scotland (PP/00065/1/012) Scotia Homes (PP/00119/1/010, PP/00119/2/011) Delson Contracts (PP/00110/1/010) D Ogilvie (PP/00102/1/011) F M Batchelor (PP/00117/2/010) Mrs A Ogilvie (PP/00108/1/011) R Watson (PP/00118/1/010) F M Batchelor (PP/00117/1/009) Inveraldie Properties (PP/00136/1/010) A & J Stephen & Avant Homes (PP/00139/2/010) Stewart Milne Homes (PP/00140/1/008) R Fleming & Co (PP/00115/1/010)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>Policies relating to heat and energy networks.</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>Energy and Heat Networks</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/009) - The LDP should:</p> <ul style="list-style-type: none"> - map in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. - provide the clarity of guidance to developers and communities expected by the SPP. - not apply additional constraints to the spatial framework. - reflect that landscape issues are a development management consideration that follows on from the spatial framework. - incorporate a spatial framework for windfarms through supplementary guidance, with the inclusion of an appropriate connection to a policy in the LDP. <p>Wind Prospects Development Ltd (PP/00035/1/004) - The paragraph titled 'Local Community Benefit' should be removed as there is no link between the LDP and community benefit payments and no connection between a development proposal and any voluntary contribution. Given that it is a voluntary commitment between a developer and the local community, it should not be governed or managed by the council.</p> <p>Wind Prospects Development Ltd (PP/00035/1/003) - The Renewable Implementation Guide does not fall within the remit of Supplementary Guidance and its status has not been clearly set out within the proposed LDP. It should be made clear within the finalised LDP that the study is non statutory guidance.</p> <p>Wind Prospects Development Ltd (PP/00035/1/002) - The Strategic Landscape Capacity Assessment for Wind Energy in Angus (2014) was not subject to public or government consultation and does not fall within the remit of Supplementary Guidance. The status of the capacity study has not been clearly set out within the proposed LDP and it should be made clear within the finalised LDP that the study is non statutory guidance. While the</p>	

Landscape Capacity Assessment Study is a 'starting point,' providing strategic guidance, it is essential to take into account detailed site specific considerations which can only happen at the Environmental Impact Assessment (EIA) stage.

PV9 Renewable and Low Carbon Energy Demand

Support

Wind Prospects Development Ltd (PP/00035/1/001) - Welcome the recognition of local socio-economic and economic benefits within Policy PV9 - Renewable and Low Carbon Energy Development.

Scottish Environment Protection Agency (PP/00120/1/005) - Supports:

- the dedicated renewable and low carbon energy policy as it seeks to encourage sustainable energy development using low carbon sources and connections between renewable energy and waste.
- The requirement within bullet point 3 that the renewable and low carbon energy sites will be supported where they have been designed to make links to the national grid and/or other users of renewable energy and heat generated on site.
- The final bullet point which states that there will be no unacceptable impact on groundwater, surface water, carbon rich soils, deep peat and peatland habitat (see also comments on Policy PV20 - PP/00120/1/014)
- The inclusion of carbon rich soils and areas of deep peat being identified within Table 3 Spatial Framework as areas of significant protection and thus not deemed appropriate for wind farm development in all circumstances.

Objections

Greenspan Agency (PP/00015/1/007) - Support in part the statement in the last sentence on page 55 'Within the geographic area of moderate sensitivity, there are locations of high sensitivity' but for completeness we would like the proposed plan to recognise there are also locations with low sensitivity.

Scottish Natural Heritage (PP/00064/1/007) – The Strategic Landscape Capacity Assessment for Wind Energy in Angus should be adopted as statutory Supplementary Guidance and reference made to the need to identify "strategic capacity" for onshore wind farms and areas with the greatest potential.

The Mountaineering Council of Scotland (PP/00026/1/005) - Support the position that the Highland area, as mapped in Figure 2, is unlikely to be suitable for 'larger' turbines. The wording might more clearly express what we believe is the intention by using the phrase 'large or multiple turbines', consistent with the earlier reference in the same paragraph to the possibility of 'individual turbines' (and presumably smaller?) being satisfactorily accommodated. Assume the definition of 'larger' follows that in the Strategic Landscape Capacity Assessment for Wind Energy (i.e. 80+m BTH). The definition should be included here for the avoidance of doubt.

RSPB Scotland (PP/00094/1/004) – Would suggest that:

- as heat, energy from biomass is only 'renewable' where the biomass comes from a certified sustainable source.
- when identifying wind energy sites, developers should take into consideration the RSPB's bird sensitivity maps and be in line with guidance published by SNH.

- cumulative impacts should consider a broad range of issues in addition to communities, landscape and visual impacts.
- where developments with long term financial commitments, including mitigation and restoration, are consented, we advise that a lower risk option of an ESCROW deposit, or pay as you go ESCROW in combination with a bank guarantee or bond (to cover the initial period) be secured. Ensure that financial guarantees are periodically monitored - risks of restoration bonds are also applicable to policies on waste management, landfill and minerals development.
- recommend that development proposals are sited to avoid impacts on carbon rich soils, deep peat and priority peatland habitat.

Greenspan Agency (PP/00015/1/005) - Would like to see 'anaerobic digestion' specifically mentioned in the statement above to show a more diverse range of types of energy production as directed by Paragraph 154 of the Scottish Planning Policy.

Greenspan Agency (PP/00015/1/004) – Agree that opportunities to reduce the output of greenhouse gases should be seized, but the LDP should recognise renewable energy developers already face challenging constraints - for example electrical grid capacity may become constrained, hydro development requires a suitable watercourse, and wind energy development may have to avoid large areas to ensure airport radar can function.

Shell UK Ltd (PP/00047/1/004) - Policy PV9 and the proposed Wind Energy Supplementary Guidance should take into account and specifically include reference to the pipeline consultation zones that cross the Angus LDP Area and guidance prepared by the United Kingdom Onshore Pipeline Operator's Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines. This would ensure that any potential conflicts between these uses are avoided.

PV10 Heat Mapping and Decarbonised Heat

Objections

Scottish Government (PP/00054/1/010) - Scottish Planning Policy sets out that development plans should identify where heat networks, heat storage or energy centres exist or would be appropriate and include policies to support their implementation. Whilst the Proposed Plan supports the identification of existing heat networks, it should go further to identify appropriate future opportunities. Details for the preparation of the heat map should be set out in the Action Programme, including timing.

Scottish Environment Protection Agency (PP/00120/1/006) - Note that a localised heat map has not been included. The Angus Heat Map should be produced and relied upon to determine the potential for co-location of heat sources and 'high-demand' energy users (i.e. anchor developments including high density large scale development, urban extensions, hospitals, schools and heat intensive industry etc.) and Action Programme updated to require the formulation of a heat map within the first year of the programme's proposed timescales.

Greenspan Agency (PP/00015/1/008) - Note the 50% figure has been updated since the proposed plan was published. In the document 'Energy in Scotland 2015', published by the Scottish Government, the figure given for the energy consumed in Scotland for heating and cooling is 55% (page 64).

Greenspan Agency (PP/00015/1/007) - Oppose the statement 'This may be through one or more turbine or wind farm being visible from a single point...' regarding cumulative impacts because in order to have cumulative impacts there needs to be more than one development.

Comments

RSPB Scotland (PP/00094/1/005) - As heat accounts for around half of energy use in Scotland, in addition to supporting heat networks, there should be strong support for the installation of heat pumps in domestic and commercial buildings as heat pumps are likely to be key to decarbonising the heat sector.

PV11 Energy Efficiency - Low and Zero Carbon Buildings

Objections

Scottish Government (PP/00054/1/011) - Section 3F of the Town and Country Planning (Scotland) Act 1997 requires:

- emissions savings to come from technologies that 'generate' energy; and
- the proportion of emission savings to be achieved through the installation and use of technology be specified;

As drafted, the policy will become outdated and will be inconsistent with Scottish building standards. Alternative approaches are contained within the annex of the latest 'Fifth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009' Section 7.3 of the report sets out the policy elements that the Scottish Government suggests should be within local development plan policies.

Scottish Natural Heritage (PP/00064/1/008) - Recommend that the standard is changed to Gold level of sustainability until 2019, and Platinum from 2019. Climate change is the single biggest threat to Scotland's nature and so to our lifestyles, economy and culture, and the Council should adopt best practice.

Homes for Scotland (PP/00065/1/012) - The energy performance of buildings should be a matter for building standards rather than planning policy. Policy PV11 sets out a requirement that, up until 2019, all new buildings must achieve the Bronze Active level of sustainability for carbon emissions. After 2019 they must achieve the Silver Active level. This policy seeks only to track (and not exceed) the requirements of building standards both in their current form and in the form they are expected to take after 2019 when provisions made under EU Directive 2010/31/EU take effect. However, Homes for Scotland considers it unnecessary to duplicate provisions made elsewhere and requests that this policy provision be deleted from the ALDP.

Scotia Homes (PP/00119/1/010, PP/00119/2/011) - Support submission of a Sustainability Statement with specified developments, but whilst developments should strive to achieve the low carbon targets proposed by the Scottish Government, the LDP policies should be balanced against achieving viable developments in this economic climate and the imposition of overly stringent standards could threaten the viability of development. Many zero carbon technologies are untested over the lifetime of a building and place a maintenance burden upon the owner. A 'fabric first' approach places minimal maintenance burden upon owners and can prove more effective due to it removing the reliance on occupants to understand and manage complex system controls which zero

carbon techniques rely upon.

Alternative legislation is available to ensure a reduction in CO2 emissions in developments and therefore the Policy in the LDP should be of a general nature only encouraging such developments, with specific targets being the responsibility of other legislation and policy documents.

Delson Contracts (PP/00110/1/010); D Ogilvie (PP/00102/1/011); F M Batchelor (PP/00117/2/010); Mrs A Ogilvie (PP/00108/1/011); R Watson (PP/00118/1/010); F M Batchelor (PP/00117/1/009); Inveraldie Properties (PP/00136/1/010); R Fleming & Co (PP/00115/1/010) - Support submission of a Sustainability Statement with specified developments, but whilst developments should strive to achieve the low carbon targets proposed by the Scottish Government, the LDP policies should be balanced against achieving viable developments in this economic climate. The ability of developments to reach zero carbon generating technologies may place a financial burden on developments and the imposition of overly stringent standards could threaten the viability of development.

Alternative legislation is available to ensure a reduction in CO2 emissions in developments and therefore the Policy in the LDP should be of a general nature only encouraging such developments, with specific targets being the responsibility of other legislation and policy documents.

A & J Stephen & Avant Homes (PP/00139/2/010) - Whilst developments should strive to achieve the low carbon targets proposed by the Scottish Government, the LDP policies should be balanced against achieving viable developments in this economic climate. The ability of developments to reach zero carbon generating technologies may place a financial burden on developments and the imposition of overly stringent standards could threaten the viability of development.

Alternative legislation is available to ensure a reduction in CO2 emissions in developments and therefore the Policy in the LDP should be of a general nature only encouraging such developments, with specific targets being the responsibility of other legislation and policy documents.

Stewart Milne Homes (PP/00140/1/008) - Building design, materials and construction have the potential to offer a more effective approach to CO2 reductions than through the use of low carbon generating technologies although we do however also recognise the crucial role of location, siting, orientation, design, materials and insulation. The energy performance of buildings should be a matter for building standards rather than planning policy. Policy PV11 seeks only to track (and not exceed) the requirements of building standards and we consider it unnecessary to duplicate provisions made elsewhere.

Modifications Sought by those Submitting Representations:

Energy and Heat Networks

Scottish Government (PP/00054/1/009) – seek the following modifications

- remove the current Table 3: Spatial Framework;
- give primacy to mapping the spatial framework for the plan area, ensuring information on landscape dealt with separately, not as part of the spatial framework.
- clarify relationship between Policy PV9 Renewable and Low Carbon Energy

Development through statutory supplementary guidance to provide further information or detail in respect of a policy in the LDP. This would require an appropriate connection being included in the plan.

Wind Prospects Development Ltd (PP/00035/1/004) - Delete last paragraph on page 57.

Wind Prospects Development Ltd (PP/00035/1/003) - It should be made clear within the finalised LDP that the Implementation Guide for Renewable Energy Developments is non statutory guidance.

Wind Prospects Development Ltd (PP/00035/1/002) - It should be made clear within the finalised LDP that the capacity study is non statutory guidance.

PV9 Renewable and Low Carbon Energy Development

Greenspan Agency (PP/00015/1/006) - Text (last sentence, page 55) should be amended as follows: 'Within the geographic area of moderate sensitivity, there are locations of high and low sensitivity.'

Greenspan Agency (PP/00015/1/007) - Text (paragraph 1, page 57) should be amended as follows: 'This may be through one or more than one turbine or wind farm being visible from a single point...'

Scottish Natural Heritage (PP/00064/1/007) - the following modifications should be made:

- amend text (1st sentence, paragraph 2, page 55) as follows "The Strategic Landscape Capacity Assessment for Wind Energy" commissioned jointly with SNH will help assess potential landscape impacts, and inform the Council's locational guidance."
- adopt The Strategic Landscape Capacity Assessment for Wind Energy as statutory Supplementary Guidance
- refer to the need to identify "strategic capacity" for onshore wind farms and areas with the greatest potential.

The Mountaineering Council of Scotland (PP/00026/1/005) - amend text (line 5, paragraph 4, page 55) to read: "...are unlikely to be suitable for multiple or larger (80+m, to blade tip) turbines,"

RSPB Scotland (PP/00094/1/004) – Amend the plan as follows:

- refer to biomass from a certified sustainable source (1st sentence, final 2, page 53);
- refer to RSPB's bird sensitivity maps and need for assessment of the potential impacts that a wind energy development, pre and post construction, may have on birds should be included as part of the application submission (PV9 bullet point 5);
- extend cumulative effect to cover broad range of issues in addition to communities, landscape and visual impacts (bullet point 5.2);
- section on restoration in PV9 should include lower risk option of an ESCROW deposit, or pay as you go ESCROW in combination with a bank guarantee or bond (to cover the initial period) be secured and monitored; and
- development proposals sited to avoid impacts on carbon rich soils, deep peat and priority peatland habitat (PV9 bullet point 1).

Greenspan Agency (PP/00015/1/005) - Text (first sentence, final paragraph, page 53) should be amended as follows: 'All renewable energy production, including wind, water, biomass, anaerobic digestion, waste incineration and sources using emissions from

wastewater treatment works and landfill sites...’

Greenspan Agency (PP/00015/1/004) - Text (first sentence, paragraph 3, page 53) should be amended as follows: ‘The opportunities that exist across Angus to generate energy from renewable and low carbon sources should be encouraged where they are available so that development can contribute to a reduction in the output of greenhouse gases....’

Shell UK Ltd (PP/00047/1/004) - Policy PV9 and proposed Wind Energy Supplementary Guidance should be amended to include reference to:

- pipeline consultation zones that cross the Angus LDP Area; and
- Guidance prepared by the United Kingdom Onshore Pipeline Operator’s Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines.

PV10 Heat Mapping and Decarbonised Heat

Scottish Government (PP/00054/1/010) - Text (PV10 first sentence) should be amended as follows: “Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres.”

Scottish Environment Protection Agency (PP/00120/1/006) - Text (paragraph 2, page 58) should be amended as follows: “Subsequent site allocations could be informed by using a localised heat map.” The Action Programme should also be updated to require the formulation of a heat map within the first year of the programme’s proposed timescales

Greenspan Agency (PP/00015/1/008) - Text (second sentence, paragraph 1, page 58) should be amended as follows: “However, 55% of the energy consumed in Scotland is used in heating and cooling”.

RSPB Scotland (PP/00094/1/005) - Comment noted heat pumps are an accepted form of domestic renewable energy generation and may be classified as permitted development in future.

PV11 Energy Efficiency - Low and Zero Carbon Buildings

Scottish Government (PP/00054/1/011) – The policy should be revised to set out a proportion, and one increase in that proportion, of the emissions savings to be made by use of low and zero-carbon generating technology and better align with revised building standards.

Scottish Natural Heritage (PP/00064/1/008) – The first sentence of PV11 should be amended to require Gold level of sustainability until 2019, and Platinum from 2019.

Homes for Scotland (PP/00065/1/012); Scotia Homes (PP/00119/1/010, PP/00119/2/011); Delson Contracts (PP/00110/1/010); D Ogilvie (PP/00102/1/011); F M Batchelor (PP/00117/1/009, PP/00117/2/010); Mrs A Ogilvie (PP/00108/1/011); R Watson (PP/00118/1/010); Inveraldie Properties (PP/00136/1/010); R Fleming & Co (PP/00115/1/010); Inveraldie Properties (PP/00136/1/010); A & J Stephen & Avant Homes (PP/00139/2/010) - The first two paragraphs of Policy PV11 should be deleted.

Stewart Milne Homes (PP/00140/1/008) - Delete Policy

Summary of Responses (including reasons) by Planning Authority:

Energy And Heat Networks/PV9 Renewable and Low Carbon Energy Development Supporting representations noted.

Scottish Government (PP/00054/1/009); Scottish Natural Heritage (PP/00064/1/007); Shell UK Ltd (PP/00047/1/004); Wind Prospects Development Ltd (PP/00035/1/002, PP/00035/1/003) – The deletion of Table 3: Spatial Framework (CD/1-1 Page 57) and its replacement by mapping the Spatial Framework for Windfarms, can be achieved through Supplementary Guidance (SG). This would allow provision for wind energy to be fully integrated into proposed SG for Renewable and Low Carbon Energy Development meeting the provisions of Scottish Planning Policy on onshore wind (CD/2-2* Pages 38 to 40).

Mapping the Spatial Framework will provide a strategic guide for developers and communities in accordance with the Scottish Government's submission. It will identify areas likely to be most appropriate for onshore windfarms and be supported in the Supplementary Guidance (SG) by the detailed information needed to guide Development Management decisions in accordance with SPP, Policy PV9 and other policies in the ALDP.

SG will clarify and expand on Policy PV9 criteria, including factors which will be taken into account in considering and advising on renewable energy development proposals. Where appropriate it can also provide additional information on other relevant policies, regulations and guidance. This could include, for example the Strategic Landscape Capacity Assessment for Wind Energy 2013 (CD/5-7) as identified by Scottish Natural Heritage (PP/00064/1/007) and more detailed information on pipeline corridors (S4/10-1) as proposed by John Handley Associates on behalf of Shell UK Ltd (PP/00047/1/004).

The Strategic Landscape Capacity Assessment for Wind Energy cannot be adopted as Supplementary Planning Guidance (SPG) as it was not subject to the necessary consultation and Scottish Government approval it will remain a material consideration in the consideration and determination of wind energy development proposals as agreed at the Development Standards Committee, November 2013 (S4/10-2). It will also be used to inform the preparation SPG, with particular reference to the more detailed and exacting development management process.

The link to proposed Supplementary Planning Guidance (SPG) in Policy PV9 would integrate text (CD/1-1 Page 53), Policy PV9 and Draft Action Programme (CD/1-15 Page 15 Ref 43) which states 'Prepare, consult and publish Supplementary Guidance: Renewable and Low Carbon Energy Development incorporating Spatial Framework for Wind Energy'. Such a modification would address an anomaly within the LDP in relation to the Policy link to SPG, retain the connection to SPP and spatial framework requirements, and allow concerns regarding additional guidance and its status to be addressed by preparation of new SPG. This clarifies the position with regard to the production of Supplementary Planning Guidance and spatial framework as already outlined within the proposed LDP and Draft Action Programme.

Consequently the Council would have no objection to the following amendments:

- PV9 add final sentence as follows: "Supplementary Guidance, incorporating the Spatial Framework for Wind Energy, will set out how Policy PV9 is to be implemented, factors which to be taken into account in considering and advising on

proposals for renewable energy development projects with reference to other relevant policies, regulations and guidance including, for example the Strategic Landscape Capacity Assessment for Wind Energy.”

- P53 para 2 – replace the second paragraph on page 53 replace ‘locational framework’ with ‘spatial framework’ to better reflect SPP.
- replace Table 3 on page 57 and the final sentence of this section as follows:
“Development Proposals for wind farms will additionally be considered within the context of the spatial framework for wind farms to be included in Supplementary Guidance for Renewable and Low Carbon Energy Development.”

Such amendments are intended to be clarification of the approach and are therefore considered to be non-notifiable modifications to the Plan. These modifications would delete the references to the Implementation Guide for Renewable Energy Proposals (CD/5-6) and Strategic Landscape Capacity Assessment for Wind Energy (2014) (CD/5-7) as objected to by Wind Prospects Development Ltd (PP/00035/1/003); Wind Prospects Development Ltd (PP/00035/1/002) and their replacement with the reference to proposed Supplementary Guidance.

Wind Prospects Development Ltd (PP/00035/1/003) - Community Benefit is an area of interest and some confusion for many. This section makes clear there is no link between Community Benefit and the determination of a planning application for a renewable energy development, but other officers within the Council can advise and assist developers, applicants and members of the public in considering options for these voluntary contributions. For these reasons, the Council does not agree to modify the plan in response to this representation.

The Mountaineering Council of Scotland (PP/00026/1/005); The Greenspan Agency (PP/00015/1/006) - The text on pages 55 - 57 of the PALDP (CD/1-1) sets a general context for wind energy development and details relating to each location, application or development inquiry will be considered within the context of PV9 and proposed SPG which will provide further guidance for wind turbines, including in relation to height The Mountaineering Council of Scotland (PP/00026/1/005) and geographic sensitivity The Greenspan Agency (PP/00015/1/006). For this reason, the Council does not agree to modify the plan in response to these representations.

The Greenspan Agency (PP/00015/1/004, PP/00015/1/005); RSPB Scotland (PP/00094/1/004); Scottish Environment Protection Agency (PP/00120/1/005) - Detailed technology matters will be expanded upon and addressed in the proposed SPG but it should be noted that:

- Policy PV9 already applies to development proposals for renewable and low carbon energy technologies (PP/00015/1/005) and (PP/00094/1/004) and further information will be contained within the proposed SG;
- all proposals for renewable and low carbon energy development will be supported in principle where they meet the criteria in Policy PV9 (PP/00015/1/004);
- potential impact on carbon rich soils, deep peat and priority peatland habitat (PP/00094/1/004) are addressed in policy PV9 and Policy PV20 Soils and Geodiversity (CD/1-1 Page 69) as noted and supported by Scottish Environment Protection Agency (PP/00120/1/005);
- cumulative impacts in PV9 include residential amenity; public access routes; sites designated for scientific, historic, cultural or archaeological reasons; protected species (including birds) (PP/00094/1/004) as well as communities, landscape and visual impacts; and

- provision of bonds is required depending on the scale and necessary mitigation and details of amounts, management of funds and monitoring are part of the development management process, reflecting best practice at that time (PP/00094/1/004).

For these reasons, the Council does not agree to modify the plan in response to these representations.

Greenspan Agency (PP/00015/1/007) - The text modification 'one or more than one turbine' (CD/1-1 Page 57) as proposed by does not appear to alter the sense of the sentence. For this reason, the Council does not agree to modify the plan in response to this representation.

Greenspan Agency (PP/00015/1/008) - Text update (second sentence, paragraph 1, page 58) in accordance with Scottish Government publication Energy in Scotland 2015 (S4/10-3) is accepted. This proposed amendment is considered to address the representation and be a non-notifiable modification to the Plan.

PV10 Heat Mapping and Decarbonised Heat

Objections

Scottish Government (PP/00054/1/010); Scottish Environment Protection Agency (PP/00120/1/006) and Greenspan Agency (PP/00015/1/008) - The Scottish Government published The Heat Policy Statement in June 2015 (S4/10-3) and Policy PV10 and associated text should be updated to reflect the current policy statement and SPP. This does not change the purpose or content of the LDP and consequently the Council would have no objection to the following changes:

- amend first sentence to read 'Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres.' Scottish Government (PP/00054/1/010);
- update introductory text to 'subsequent site allocations could be informed by using a localised heat map' Scottish Environment Protection Agency (PP/00120/1/006); and
- update 50% to 55% in the introductory text (Greenspan Agency (PP/00015/1/008).

Such amendments are considered to address the representation and be non-notifiable modifications to the Plan.

PV11 Energy Efficiency - Low and Zero Carbon Buildings

Objections

Stewart Milne Homes (PP/00140/1/008) - Section 72 of the Climate Change (Scotland) Act 2009 (CD/2-13*) introduced section 3F into The Town and Country Planning (Scotland) Act 1997 (CD/2-7*). Section 3F requires local development plans 'to include policies requiring all developments in the plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use. This is calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies' (CD/2-8* Page 4 Paragraph 14).

Qualifying developments should be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their

use through the installation and operation of low and zero-carbon generating technologies. PV11 is designed to meet these obligations and will not therefore be deleted. For this reason, the Council does not agree to modify the plan in response to this representation.

Scottish Government (PP/00054/1/011); Scottish Natural Heritage (PP/00064/1/008) - The steady increase in the Building Standards Regulations with regard to technologies that generate energy and emissions savings have surpassed the standards set in the proposed LDP. These require to be updated and refer not only to emissions but to energy generation technologies. The Scottish Government highlight alternative approaches as contained within the annex of the latest 'Fifth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009' (CD/2-13*) and Section 7.3 sets out the policy elements that the Scottish Government suggests should be within local development plan policies addressing Section 3F of the Town and Country Planning (Scotland) Act 1997 (CD/2-7*).

It is proposed that the standards reference in PV11 Paragraph 1 be amended as follows: "All new buildings must demonstrate low and zero-carbon generating technologies installation and operation meets 10% of current Building Standard requirements for adoption of the LDP in 2016 and 15% in 2018." As the amendment reflects current standards, it is considered to be a non-notifiable modification to the Plan.

Homes for Scotland (PP/00065/1/012); Scotia Homes (PP/00119/1/010, PP/00119/2/011); Delson Contracts (PP/00110/1/010); D Ogilvie (PP/00102/1/011); F M Batchelor (PP/00117/1/009, PP/00117/2/010); Mrs A Ogilvie (PP/00108/1/011); R Watson (PP/00118/1/010); Inveraldie Properties (PP/00136/1/010); A & J Stephen & Avant Homes (PP/00139/2/010); R Fleming & Co (PP/00115/1/010) – The proportion of emissions reduction set by the Scottish Building Standards to be met through installation and operation of low and zero-carbon generating technologies is generally set at 10% rising to 15% over the life of the plan, with exemption. It is accepted that updating PV11 will meet appropriate standards over the life of the ALDP, clarity emissions reduction relates to low and zero-carbon generating technologies and need to be additional to not repetition of current standards. The exemptions to this requirement, need for sustainability statement and other energy efficiency measures remain valid.

Developer concerns regarding the cost and longevity of low and zero-carbon generating technologies is noted. There is however both a legislative and environmental need to improve building efficiency. The widespread application of such measures will help reduce costs through competition to meet a growing market, improve living standards and have environmental benefit through long term emissions reductions.

It is proposed that the standards reference in PV11 Paragraph 1 be amended as follows: "All qualifying new buildings must demonstrate low and zero-carbon generating technologies installation and operation meets 10% of current Building Standard requirements on adoption of the ALDP in 2016 and 15% in 2018." As the amendment reflects current standards, it is considered to be a non-notifiable modification to the Plan.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved

issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Energy and heat networks and Policy PV9: 'Renewable and Low Carbon Energy Development'

2. In response to a request from me for clarification, the council has confirmed that in its response set out above to the representations, its references to Supplementary Planning Guidance and to 'SPG' were made in error. They should have been to supplementary guidance and to 'SG', and I have therefore treated them as such.

3. The reference in the proposed plan to the preparation of supplementary guidance relates to a locational framework for wind energy, together with detailed locational guidance for other forms of generation, along with supporting information and sources of guidance. For the spatial framework to be adopted as statutory supplementary guidance, there requires to be an explicit reference to its preparation in Policy PV9, along with a reference to the intended information and guidance for other forms of renewable energy generation.

4. Scottish Planning Policy states that planning authorities are to set out in the development plan a spatial framework for onshore wind farms, and the council has not done so in this proposed plan. Accordingly, I consider that the only option now available to the council to conform with this element of Scottish Planning Policy is to amend Policy PV9 to confirm its intention to prepare such a spatial framework as supplementary guidance. Once adopted, supplementary guidance forms part of the statutory development plan, alongside both the local development plan and the strategic development plan.

5. Particularly as it is the intention of the council to prepare a spatial framework for onshore wind farms as supplementary guidance, I find that much of the text under the heading 'wind energy' is a source of potentially significant confusion.

6. The text following the first paragraph on page 55, Figure 2 'Geographic Areas' on page 56, and the first paragraph on page 57, all appear to relate to the findings of the 'Strategic Landscape Capacity Assessment for Wind Energy' which was commissioned jointly by the council and Scottish Natural Heritage and published in March 2014. Its detailed assessment would be a material consideration in determining a specific wind farm proposal, and a very useful input to the preparation of the spatial framework. However its publication pre-dates the current approach to preparing spatial frameworks for onshore wind farms which was set out in the revised Scottish Planning Policy when it was published in June 2014. Accordingly I find that the adoption of the 'Strategic Landscape Capacity Assessment for Wind Energy' as supplementary guidance in relation to this plan would not be appropriate.

7. Additionally, while the assessment is not referred to in the text of Policy PV9 itself, these paragraphs together with the Figure 2 could be read as being the spatial framework, with the three 'geographic areas' of Highland, Lowland and hills, and Coast being identified on a map and confirmed as being of high, moderate, and high 'sensitivity' respectively. This potential for confusion is illustrated in the representations themselves.

The inclusion of this text also runs counter to the current approach of addressing landscape issues as a development management consideration that follows on from the spatial framework.

8. I therefore conclude that the inclusion of this text, together with Figure 2, within the plan is not appropriate as it does not contribute to the justification for, or explanation of, the policy.

9. The remaining text under the heading 'Wind energy' is also a source of potential confusion. Although the council has confirmed that it intends to prepare a spatial framework for the development of onshore wind farms, the second paragraph on page 57 states that "development proposals for wind farms will additionally be considered within the context of the Scottish Government's spatial framework for wind farms and Angus Council's Implementation Guide." Following that sentence there is printed a table entitled "Table 3: Spatial Framework". It sets out three groups of areas: the first group is stated to be where wind farms will not be acceptable; the second is where there will be significant protection; and the third is where there is potential for wind farm development.

10. Again, this could lead the reader to assume that this is the proposed plan's spatial framework for onshore wind farm development in Angus, contrary to the council's confirmed intention. In fact, the table replicates Scottish Planning Policy's "Table 1: Spatial Frameworks" (on page 39 of that document). Paragraph 161 of Scottish Planning Policy explains that the table sets out the approach to be followed by planning authorities in preparing their spatial framework.

11. The reference to Angus Council's 'Implementation Guide' appears to be to the council's 'Implementation Guide for Renewable Energy Proposals' which has been submitted as a document for this examination (CD/5-6). It was published in 2012 in support of the earlier local plan's policies, and it too predates the latest version of Scottish Planning Policy. As such, it cannot form supplementary guidance in relation to this plan, although its contents, where still relevant, might provide some useful input either to the intended spatial framework or to the consideration of individual proposals. However it will not provide "the context" for the consideration of development proposals for wind farms in Angus once this local development plan is adopted, so I conclude that the current reference to it should be removed.

12. Policy PV9 is intended to cover not only onshore wind farms, but all other forms of renewable and low carbon energy developments. While it should be consistent with Scottish Planning Policy's provisions relating to onshore wind farms, it would not be appropriate simply to replicate the terms of paragraph 169 of that document. However it is appropriate that the policy should confirm that, for proposals for onshore wind farms, account will be taken of the spatial framework, once it is prepared and adopted as supplementary guidance, and of the additional considerations set out in paragraph 169 of Scottish Planning Policy.

13. I now turn to other specific points raised in the representations. I consider that clarification of the definition of 'renewable biomass'; the potential role and impacts of anaerobic digestion; and recommended use of the Royal Society for the Protection of Bird's bird sensitivity maps and Scottish Natural Heritage's published guidance can more appropriately be addressed in the council's intended supplementary guidance. The nature of the financial mechanism to secure site restoration or appropriate mitigation would be a matter for the council and the developer to agree. However potential impacts

on carbon rich soils, deep peat and priority peatland habitat is one of the factors which Scottish Planning Policy requires planning authorities to take into account in preparing their spatial framework for onshore wind farms, and is one of the criteria set out in Policy PV9 to be used in assessing development proposals. The criterion relating to cumulative impacts already deals with a wide range of potential effects, and is not restricted to landscape and visual impacts.

14. Both national and local planning policies are broadly supportive of renewable energy developments, but I do not consider it is an appropriate role for the local development plan to state the range of potential constraints faced by developers, other than to identify the criteria to be used in assessing specific proposals, and in setting out a spatial framework for the development of onshore wind farms, in this case through supplementary guidance.

15. I agree with the council's suggestion that further information on pipeline corridors can be included within the supplementary guidance to assist potential developers in identifying potential constraints.

16. I consider that the inclusion of the section entitled 'local community benefit' on page 57 of the proposed plan is useful in clarifying the role of such benefits, and confirming that they are not taken into account in deciding whether or not planning permission should be granted.

Policy PV10: 'Heat Mapping and Decarbonised Heat'

17. I agree that it would be appropriate to amend the terms of Policy PV10 and the supporting text to better reflect the Scottish Government's latest heat policy statement, although the text already refers to the potential to use heat maps in allocating development sites.

18. In response to the representation from the Scottish Environment Protection Agency, I consider that the current wording of the final sentence of the second paragraph on page 58 is appropriate and should not be altered, as I do not read it as meaning that the proposed heat map would inform site allocations in this local development plan.

Policy PV11: 'Energy Efficiency - Low and Zero Carbon Buildings'

19. While building standards do play a crucial role in reducing carbon emissions, there is now a statutory requirement for local development plans to contain policies to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero-carbon generating technologies. Subject to minor adjustments to aid clarity, I consider that the amended wording suggested above would better take account of these requirements. Following a response from the council to a request from me for further information, I am satisfied that setting the requirement to avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018, through the installation and operation of low and zero-carbon generating technologies in qualifying new buildings is both reasonable and appropriate, as it reflects the legislative requirements and current practice elsewhere in Scotland.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 55 under the heading of 'Wind Energy', deleting the whole of the text on that page except for the first three sentences in the first paragraph, and inserting a new second paragraph to read: "The latest version of Scottish Planning Policy which was published in June 2014 sets out a new approach for planning authorities to follow in guiding the development of new onshore wind farms in Scotland. Each planning authority is required to prepare, as part of the development plan, a spatial framework for onshore wind farms. Angus Council will prepare its spatial framework as supplementary guidance which, when adopted, will form part of the statutory development plan for Angus. Until it is adopted, the council will apply the principles and considerations set out in Scottish Planning Policy to any individual proposal for the development of a new wind farm."
2. On page 56, deleting the whole of Figure 2.
3. On page 57, deleting the first two paragraphs and the whole of 'Table 3: Spatial Framework'.
4. In Policy PV9 'Renewable energy and low carbon energy development', inserting a new fourth paragraph as follows: "Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. Prior to the adoption of that supplementary guidance, the council will apply the principles and considerations set out in Scottish Planning Policy in assessing the acceptability of any planning applications for onshore wind farms."
5. In Policy PV10 'Heat Mapping and Decarbonised Heat', amending the first sentence to read: "Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres."
6. In the first paragraph on page 58, replacing '50%' with "55%".
7. In Policy PV11 'Energy Efficiency - Low and Zero Carbon Buildings', replacing the first sentence with: "All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018."

<p>Issue 11</p>	<p>The Water Environment</p>	
<p>Development Plan Reference:</p>	<p>Policy PV12 Managing Flood Risk, Page 60 Policy PV13 Resilience and Adaptation, Page 62 Policy PV14 Water Quality, Page 63 Policy PV15 Drainage Infrastructure, Page 63 Policy PV16 Coastal Planning, Page 64</p>	<p>Reporter: David Russell</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>PV12 Managing Flood Risk</u></p> <p><u>Objections</u></p> <p>Network Rail (PP/00084/1/006) Scottish Environment Protection Agency (PP/00120/1/007)</p> <p><u>PV13 Resilience and Adaptation</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/008)</p> <p><u>PV14 Water Quality</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/012) Scottish Environment Protection Agency (PP/00120/1/009)</p> <p><u>PV15 Drainage Infrastructure</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/010)</p> <p><u>PV16 Coastal Planning</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/007)</p>		

Provision of the Development Plan to which the Issue Relates:	Policies relating to the Water Environment
Planning Authority's Summary of the Representation(s):	
<p><u>PV12 Managing Flood Risk</u></p> <p><u>Objections</u> Network Rail (PP/00084/1/006) - The policy notes that whilst there is a presumption against the location of new development within high risk flood plains the framework acknowledges that existing transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow) may be supported. This accommodation occurs in the framework table however it would also be appropriate to provide better strategic support for considering modifications to existing infrastructure by reflecting this within the main body of the policy.</p> <p>Scottish Environment Protection Agency (PP/00120/1/007) - The policy wording should be expanded to support the delivery of pertinent objectives, measures and actions from the Flood Risk Management Strategies and Local Flood Risk Management Plans relevant to Angus Council, due to be published in 2015 and 2016 respectively.</p> <p><u>PV13 Resilience and Adaptation</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/008) - Support the policy commitment that new development should not require additional flood defences as this implies that development will not be located in areas at risk of flooding which accords with sustainable flood management and climate change adaptation.</p> <p><u>PV14 Water Quality</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/012) The National Marine Plan 2015 (NMP) applies from Mean High Water Springs and covers both Scottish inshore and offshore waters. It has statutory effect for any public authority taking decisions which can affect the marine environment including:</p> <ul style="list-style-type: none"> - terrestrial planning applications and enforcement action which affects the UK marine area - the preparation and adoption of terrestrial development plans. <p>A Planning Circular on the relationship between the statutory land use planning system and marine planning and licensing explains the relationship between the two systems and discusses opportunity for alignment of the two planning regimes. http://www.Gov.Scot/Topics/marine/seamanagement/national/circular</p> <p>Scottish Environment Protection Agency (PP/00120/1/009) - Support the clear policy</p>	

position that development proposals which do not maintain the water environment will not be supported, as it commits all development to minimise and mitigate impacts on the water environment but support for the WDF's "enhance" objective should be strengthened.

PV15 Drainage Infrastructure

Objections

Scottish Environment Protection Agency (PP/00120/1/010) – Support the requirement that development proposals within Development Boundaries will be required to connect to the public sewer where available, but the policy should clarify that suitable private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system.

Support DIA requirement that all new development (except single dwellings or developments that discharge to coastal waters) is required to provide sustainable urban drainage systems (SUDs) and recognition SUDs can contribute to the green network and should form an integral part of the design process. Strongly support this background information which ensures the Plan is in accordance with the objectives of the Water Framework Directive and the Water Environment and Water Services (Scotland) Act 2003.

PV16 Coastal Planning

Support

Network Rail (PP/00084/1/007) - The Policy is supported not only as it seeks to protect the coastal environment but also as it recognises that in some circumstances there is a justifiable locational requirement for the development in coastal areas.

Modifications Sought by those Submitting Representations:

PV12 Managing Flood Risk

Network Rail (PP/00084/1/006) - Policy PV12 should be amended to read as follows: "Where new development is part of an existing network the functional and location reasons for the development shall be taken into account."

Scottish Environment Protection Agency (PP/00120/1/007) - The word "general" should be removed from the first sentence of the policy and the wording of the first paragraph expanded to make it clear that there is a presumption against built development on land at medium to high risk from any source of flooding, unless it accords with the SPP risk framework, and that predicted effects of climate change will be taken into account.

The word "may", in the second line of the second paragraph, should be replaced with "will", and wording clarified with regards low to medium categories to accord with SPP paragraphs 263 and 266 i.e. civil infrastructure defined in the SPP risk framework includes development such as hospitals, fire stations, emergency depots etc where these developments should remain operation and accessible during extreme flooding events.

PV14 Water Quality

Scottish Government (PP/00054/1/012) - The LDP should reflect the National Marine Plan as being a relevant part of the general planning framework.

Scottish Environment Protection Agency (PP/00120/1/009) – Policy PV14 should be amended as follows;

"To protect and enhance the physical, chemical and biological quality of the water environment (all rivers, lochs, streams, groundwater, estuaries and coastal waters (out to 3 nautical miles), development proposals will be assessed within the context of the wider blue/green network and must:

- take account of water environment pressures and proposed actions to put in place improvements detailed in the Scotland River Basin Management Plan and associated Area Management Plans;
- reflect best practice guidance in construction, minimising impact of development on the water environment in the first instance and applying all appropriate mitigation measures to the satisfaction of Angus Council and SEPA. This includes the application of pollution prevention measures relating to discharges, leachates and disturbance of contaminated land;
- reflect best practice guidance in engineering - all unnecessary engineering works to be refused;
- apply water conservation technologies appropriate to the site;
- ensure that Groundwater Dependent Terrestrial Ecosystems (GWDTE) are identified and afforded appropriate protection; and
- require a buffer strip of at least 6m be provided between the development and adjacent watercourses to allow for maintenance access."

PV15 Drainage InfrastructureObjections

Scottish Environment Protection Agency (PP/00120/1/010) - The policy should be modified in order to clarify that suitable private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system.

Summary of Responses (including reasons) by Planning Authority:PV12 Managing Flood RiskObjections

Network Rail (PP/00084/1/006); Scottish Environment Protection Agency (PP/00120/1/007) – The comments made in relation to the text of the policy supporting the delivery of pertinent objectives, measures and actions from the Flood Risk Management Strategies and Local Flood Risk Management Plans are accepted. Consequently the Council would have no objection to the first bullet of paragraph three of PV12 being amended to read: "assessed in the context of the Shoreline management Plan, Flood Risk Management Strategies and Local Flood Risk Management Plans; and". Such an amendment is considered to address the representations and be a non-notifiable modification to the Plan.

Further discussion with SEPA in relation to their representation (PP/00120/1/007) highlighted the need to amend the definition of flood risk in the Glossary to that provided in the Flood Risk Management (Scotland) Act 2009 (S4/11-1 Part 2 Page 3 Paragraph 2) rather than that included in the SPP. This is considered to be a non-notifiable modification to the plan. Discussion also highlighted the need to clarify that the third bullet point in the first paragraph to read: “which would materially increase the probability of flooding to existing or planned development.” This is considered to be a non-notifiable modification to the plan.

The Flood Risk Framework published in Scottish Planning Policy (CD/2-2* Pages 58-59 Paragraph 263) is the basis for PV12. The framework indicates that areas of medium to high risk may be suitable for some development types and this is reflected in the use of ‘general’ in line one of the policy. The objection by Network Rail (PP/00084/1/006) wishes an exemption in the policy for works to existing networks, in this instance railways, whilst Scottish Environment Protection Agency (PP/00120/1/007) wish the “general” to be deleted from line one extending the presumption against all built development. These conflicting views exemplify the purpose of the current policy wording. There is a general presumption against built development in the flood plain but also recognition that some types of development can demonstrate a locational need, or effective flood prevention measures are in place, but only on submission of appropriate supporting information and assessment in the context of other policies within the LDP.

The use of ‘may’ in paragraph 2 reflects the fact that development will not automatically require a Flood Risk Assessment and this is stated in SPP (CD/2-2* Page 60 Paragraph 266 page 60) ‘Flood Risk Assessments should be required for development in the medium to high risk category of flood risk, and may be required in the low to medium risk category.....’ This paragraph is part of the Development Management requirements in Scottish Planning Policy, and it is not deemed appropriate to override this within the LDP. For these reasons, the Council does not agree to modify the plan in response to these representations.

PV13 Resilience and Adaptation

Supporting representation noted.

PV14 Water Quality

Objections

Scottish Government (PP/00054/1/012) - The National Marine Plan - A Single Framework for Managing our Seas (2015) (CD/2-4*) was published after the Proposed Plan, but reference to it should be incorporated within Policy PV14. The text before PV14 recognises the duty on Angus Council to protect all water bodies including the coast and that any development proposal may affect the water environment. It would therefore be appropriate to include reference to the National Marine Plan within PV14 as a consideration in the assessment of any development proposal which may affect the water environment. Consequently the Council would have no objection to adding a new first bullet which states: “The adopted National Marine Plan and supporting Circular;”. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Scottish Environment Protection Agency (PP/00120/1/009) - The wording of PV14

incorporates SEPA's original comments on the draft PV14 prior to approval of the Proposed Plan for publication by Angus Council in December 2014. No new policy or legislative requirements have been issued but the Scottish Environment Protection Agency (PP/00120/1/009) proposes significant modifications based on the Water and Environment and Water Services (Scotland) Act 2003 (CD/2-5* Page 2 Paragraphs 2(1) and 2(2)).

PV14 recognises the Council's duty to protect and enhance the quality of the water environment and role of the Scotland River Basin and Area Management Plans. A non-notifiable modification proposed in response to the Scottish Government representation (PP/00054/1/012, above) would also require development proposals to be assessed in the context of the National Marine Plan.

The requirement to identify the Groundwater Dependent Terrestrial Ecosystems would constitute a notifiable modification to the plan. This is a significant body of work and is encompassed within the Green Networks mapping and advice note proposed in PV1 and supporting text.

The ALDP must be read as a whole and policy requirements viewed in a co-ordinated manner. The specific protection of the water environments is established within PV14 to ensure reference to appropriate policies and legislation, but environment and development issues are addressed throughout the plan including (CD/1-1 Pages : 45; 47-48; 54; 62; 63-64; 69)

- PV1 addressed mapping and function of green networks, including water bodies and preparation of a planning advice note;
- PV4 sets out protection for designated and undesignated sites including water based sites;
- PV9 recognises the potential impacts on the water environment affected by renewable and low carbon energy proposals
- PV13 requires removal of culverts and engineering works and avoidance of development requiring unnecessary engineering works, minimising impermeable surfaces and natural flood management which enhance biodiversity and the water environment
- PV15 refers to SUDs and their contribution to green networks and biodiversity. – including water environment
- PV16 considers coastal protection and management
- PV20 requires development proposals, amongst other things, to protect groundwater and peat soils.

In addition, site specific policies and development briefs/masterplans are prepared with the water environment as a fundamental asset/characteristic of the site and can address the provision of buffer zones adjacent to water courses as part of an integrated approach to development. For these reasons, the Council does not agree to modify the plan in response to this representation.

PV15 Drainage Infrastructure

Objections

Scottish Environment Protection Agency (PP/00120/1/010) - PV15 requires development proposals within Development Boundaries to connect to the public sewer system where available and this is supported by Scottish Environment Protection Agency

(PP/00120/1/010). PV15 states Scottish Water's position regarding their commitment to the provision of additional wastewater treatment capacity where it meets the 5 Criteria and instigation of a growth project. Private drainage systems may be considered within the context of progressing towards this if it agreed as a solution to allow development to proceed. Private drainage systems are identified as an option, as they are only a means towards achieving connection to the public sewer system, and will only be considered as part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project. SEPA's request for a reference to the temporary nature of private drainage systems, making specific reference to private drainage systems is not considered to be necessary, and may encourage the use of such provision to avoid making proper provision for connection to the public sewer system at the earliest opportunity. For these reasons, the Council does not agree to modify the plan in response to this representation.

PV16 Coastal Planning

Supporting representation noted.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy PV12: 'Managing Flood Risk'

2. I agree that the inclusion in Policy PV12 of a general presumption against development in a functional flood-plain is appropriate. A general presumption is consistent with the requirements of Scottish Planning Policy which recognises that there may be circumstances, including developments associated with the rail or other infrastructure networks, where granting consent may be justifiable.

3. I also consider that the policy should be amended to reflect the council's commitment, referred to in the supporting text, to use strategic flood risk assessments and flood management plans to guide development.

4. As my examination is restricted to the issues which were raised in representations to the proposed plan, I am unable to consider suggested changes to the definition of 'flood risk' in the glossary, and to the third bullet point of the first paragraph of this policy, which have emerged in the council's subsequent discussions with the Scottish Environment Protection Agency.

Policy PV14: 'Water Quality'

5. It is now a statutory requirement for local development plans to have regard to the provisions of the national marine plan. As Scotland's first national marine plan has now been approved, I agree that it is appropriate for this policy to be amended to require development proposals to be assessed in relation to it.

6. I note that the wording of this policy explicitly reflects the duties placed on the council by the water framework directive both to protect, and to enhance, the quality of the water environment, and that it also accords with the advice given to the council by the Scottish Environment Protection Agency earlier. In view of the additional provisions elsewhere in the plan which will contribute to the protection and improvement of the water environment, I am satisfied that the terms of this policy are sufficient in this respect.

Policy PV15: 'Drainage Infrastructure'

7. I consider that the reference in this policy to the circumstances in which a private drainage scheme may be approved is potentially confusing, and I conclude that it should be expanded to incorporate the council's explanation as set out above.

Reporter's Recommendations:

Modify the local development plan by:

1. In the second bullet point of the third paragraph of Policy PV12: 'Managing Flood Risk', adding after 'assessed within the context of the Shoreline Management Plan', ", Strategic Flood Risk Assessments and Flood Management Plan".
2. In Policy PV14: 'Water Quality', inserting a new first bullet point stating "the national marine plan;".
3. In the third paragraph of Policy PV15: 'Drainage Infrastructure', adding the following sentence: "A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project."

Issue 12	Resources	
Development Plan Reference:	Policy PV17 Waste Management Facilities, Page 66 Policy PV18 Waste Management in New Development, Page 67 Policy PV19 Minerals, Page 68 Policy PV20 Soils and Geodiversity, Page 69	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>PV17 Waste Management Facilities</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/011)</p> <p><u>PV18 Waste Management in New Development</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/012)</p> <p><u>PV19 Minerals</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/013)</p> <p><u>Objections</u></p> <p>RSPB Scotland (PP/00094/1/006)</p> <p><u>PV20 Soils and Geodiversity</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/014)</p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/009, PP/00064/1/010) RSPB Scotland (PP/00094/1/007)</p> <p><u>Omission</u></p> <p>RSPB Scotland (PP/00094/1/008)</p>		
Provision of the Development Plan to which the Issue Relates:	Policies relating to the protection, management and sustainable use of resources.	

Planning Authority's Summary of the Representation(s):PV17 Waste Management FacilitiesObjections

Scottish Environment Protection Agency (PP/00120/1/011) - Support the proposed policy approach that safeguards existing waste management facilities but recommend that this policy is modified to include 'storage and distribution' uses as these areas are expressly identified as being suitable for such facilities within SPP paragraph 186.

Support the policy framework for new waste management facilities that comply with the aims of the Zero Waste Plan and uphold 'waste hierarchy' principles.

PV17 (in combination with PV9) considers the provision of energy from waste facilities within the Plan area, however, both policies exclude discussion focusing on the treatment of waste from such facilities. This policy should be modified to make reference to Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2014).

Specifically, requiring that energy from waste facilities comply with the (energy efficiency and operational) requirements within this document.

PV18 Waste Management In New DevelopmentSupport

Scottish Environment Protection Agency (PP/00120/1/012) - Support the requirement

- for new retail, residential, commercial, business and industrial development to seek to minimise the production of demolition and construction waste;
- that proposals likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste (also response to Policy DS4 Scottish Environment Protection Agency PP/00120/1/001)
- to provide a Site Waste Management Plan in appropriate development proposals.

This multi-faceted approach - requiring consideration of waste during both construction and operation and should result in sustainable on-site waste management within significant development sites.

PV19 MineralsSupport

Scottish Environment Protection Agency (PP/00120/1/013) - Support PV19 which states that minerals proposals will only be supported where impacts on air quality, water quality and groundwater resources are acceptable or could be satisfactorily mitigated and the requirement for details of restoration and aftercare plans for mineral proposals.

Objections

RSPB Scotland (PP/00094/1/006) - Suggest that the policy:

- outlines that any new proposals for mineral extraction will have to show little or no net negative impact on natural heritage, through minimising disturbance and maximising opportunities for mitigation and enhancement, rather than just an acceptable level of

impact; and

- confirms that new operations will not be granted where they are on or near protected areas or deep peat.

PV20 Soils and Geodiversity

Support

Scottish Environment Protection Agency (PP/00120/1/014) - Support the clear requirement that development proposals affecting deep peat and carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. We note that the supporting text at page 68 refers to Scottish Environment Protection Agency, Scottish Natural Heritage and Scottish Government guidance on this issue and we welcome this as this will ensure that appropriate surveys and mitigation measures are carried out in instances where avoidance of deep peat and carbon rich soils is not possible.

We have also offered comment in respect of carbon rich soils in our representation on Policy PV 9 Renewable Energy and Low Carbon Energy Developments Scottish Environment Protection Agency (PP/00120/1/005).

Objections

Scottish Natural Heritage (PP/00064/1/009) – would suggest inserting the following into the first bullet: "carbon rich soils, priority peatland and prime agricultural land..." To ensure impacts from mineral proposals on carbon rich soils and priority peatland resources are acceptable.

Scottish Natural Heritage (PP/00064/1/010) - would recommend inserting a link in the third paragraph to Scottish Natural Heritage's map (due to be finalised in summer) showing locations of carbon rich soils, deep peat and priority peatland in Angus
<http://www.snh.gov.uk/docs/A1495150.pdf>

RSPB Scotland (PP/00094/1/007) - To be in line with SPP development should be required to assess the carbon dioxide (CO₂) emissions where it is likely to affect peat and other carbon rich soils, and aim to minimise this release therefore the Council should require carbon impact assessments for all developments likely to have a significant impact on deep peat, priority peatland habitat or carbon rich soils. The requirement to assess and minimise CO₂ emissions where development affects peat relates to all development types, not just commercial peat extraction.

Omission

RSPB Scotland (PP/00094/1/008) – The plan needs to include a clear and robust policy framework in relation to unconventional gas extraction. A precautionary approach should be adopted by Angus Council in relation to extraction of shale gas, coal bed methane and underground coal gasification (all forms of unconventional gas extraction).

Evidence from, and outcome of, required risk assessment should lead to buffer zones being proposed protect all 'sensitive receptors' from unacceptable risks. 'Sensitive receptors' are not limited by definition to communities; the term also applies to sensitive areas for wildlife and to the water environment.

Modifications Sought by those Submitting Representations:PV17 Waste Management FacilitiesObjections

Scottish Environment Protection Agency (PP/00120/1/011) – The policy should be amended:

- to include in paragraph 4 'storage and distribution' uses as these areas are expressly identified as being suitable for such facilities within SPP
- make reference to Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2014, specifically, requiring that energy from waste facilities comply with the (energy efficiency and operational) requirements within this document.

PV19 MineralsObjections

RSPB Scotland (PP/00094/1/006) - The policy should be amended as follows:

- 'New proposals for mineral extraction will have to show little or no net negative impact on natural heritage, through minimising disturbance and maximising opportunities for mitigation and enhancement' (bullet point 1)
- 'New operations will not be granted where they are on or near protected areas or deep peat.' (new bullet point)

PV20 Soils And GeodiversityObjections

Scottish Natural Heritage (PP/00064/1/009) – Insert the following into the first bullet: "carbon rich soils, priority peatland and prime agricultural land..."

Scottish Natural Heritage (PP/00064/1/010) – In the 3rd paragraph a link should be inserted to Scottish Natural Heritage map at <http://www.snh.gov.uk/docs/A1495150.Pdf>

RSPB Scotland (PP/00094/1/007) - Add a sentence which reads: 'Require carbon impact assessments for all Developments likely to have a significant impact on deep peat, priority peatland habitat or carbon rich soil will be require to undertake a carbon impact assessments.'

Omission

RSPB Scotland (PP/00094/1/008) - Develop a clear and robust policy framework in relation to unconventional gas extraction. Establishing a precautionary approach in relation to extraction of shale gas, coal bed methane and underground coal gasification.

Proposals should be accompanied by a risk assessment should and buffer zones being proposed to protect all 'sensitive receptors' (for communities, wildlife and the water environment) from unacceptable risks.

Summary of Responses (including reasons) by Planning Authority:PV17 Waste Management FacilitiesObjections

Scottish Environment Protection Agency (PP/00120/1/011) – Policy PV17 sets out that the preferred location for new waste management facilities will be within or adjacent to existing waste management sites or on land identified for employment or industrial use. Policy TC14 Employment Allocations and Existing Employment Areas (CD/1-1 Page 32) is clear that acceptable uses on land identified for employment or industrial use includes Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution). The areas identified within Policy PV17 as being the preferred location for new waste management facilities therefore include those areas identified for storage and distribution uses. Such clarification was provided to SEPA following their representations, and they have confirmed that this explanation satisfies any modification sought to include “storage and distribution” areas specifically in the policy.

The comment made in relation to energy from waste facilities is accepted. The Council would have no objection to including a link to Scottish Environment Protection Agency’s Thermal Treatment of Waste Guidelines 2014 (S4/12-1) by amending the final sentence as follows:

“Energy from waste recovery facilities will also be assessed against Policy PV9 Renewable and Low Carbon Energy Development and Scottish Environment Protection Agency Guidance for Thermal Treatment of Waste
http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf”

Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

PV18 Waste Management in New Development

Supporting representation noted.

PV19 Minerals

Supporting representation noted.

Objections

RSPB Scotland (PP/00094/1/006) - The planning system balances the need to safeguard and extract minerals with other interests – including the natural heritage as required by the National Planning Framework (CD/2-1*) and Scottish Planning Policy 2014 (CD/2-2*). The aim of this policy is to minimise the impact of extraction on local communities, the environment and the built and natural heritage. It establishes the principle that the economic value of minerals and extraction is considered within this wider context, and other policies support this through promoting tailored responses to individual development proposals. For this reason, the Council does not agree to modify the plan in response to this representation.

PV20 Soils and Geodiversity

Supporting representation noted.

Objections

Scottish Natural Heritage (PP/00064/1/009) - The first section of this policy applies specifically to prime agricultural land in accordance with Scottish Planning Policy in order to protect this scarce resource, and to ensure where it is developed, the amount used is minimised. Deep peat and carbon rich soils are protected in their own right. For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Natural Heritage (PP/00064/1/010) - a link to 'Carbon rich soil, deep peat and priority peatland habitats' Map can be included in this policy, once it is finalised. As at October 2015 the given link does not connect to the map, which is still a consultation document (S4/12-2). When the LDP is finalised for Adoption in 2016, the link will be included in the online version of the LDP if available. The Council would have no objection to such an amendment which is considered to address the representation and be a non-notifiable modification to the Plan.

RSPB Scotland (PP/00094/1/007) - In response to Scottish Natural Heritage (PP/00064/1/010) a link to the 'Carbon rich soil, deep peat and priority peatland habitats' Map is to be incorporated into this policy on Adoption of the ALDP. No further representations were made by Scottish Natural Heritage or the Scottish Government with regard to this policy. Where peat or other carbon rich soils are present, applicants should assess likely effects of development on carbon dioxide emission in accordance with Scottish Planning Policy (CD/ 2-2* Page 47 Paragraph 205) and which will be monitored and enforced through the development management process. Renewable and low carbon energy proposal are specifically required to address potential impact on carbon rich soil, deep peat and priority peatland habitats because of their potential locational requirements (Policy PV9). See also Scottish Environment Protection Agency (PP/00120/1/014). For these reasons, the Council does not agree to modify the plan in response to this representation.

Omission

RSPB Scotland (PP/00094/1/008) – The British Geological Survey report 'The Carboniferous shales of the Midland Valley of Scotland: geology and resource estimation' (S4/12-3 Pages 1-3) and the Independent Expert Scientific Panel 'Report on Unconventional Oil and Gas' (S4/12-4 Page 21) both indicate the geology of Angus does not have potential as a shale gas/oil resource. Commercial interests for onshore unconventional oil and gas to date have concentrated on the Midland Valley, where coal and shale reserves are well documented. Whilst the SPP has been changed in relation to onshore unconventional oil and gas extraction, the moratorium against extraction remains in place in accordance with the letter from the Chief Planner to Heads of Planning (S4/12-5). The changes to Scottish Planning Policy, which address the concerns raised, are:

- Confirmation that the concept of buffer zones should be applied to all proposals for the first time;
- Putting in place an additional requirement for risk assessments to be prepared, using a source-pathway-receptor model, to ensure a transparent and evidence-based approach to assessing whether proposed buffer zones are acceptable;
- Making explicit that buffer zones will be assessed by the planning authority and

statutory consultees, with a strong expectation that planning permission should be refused if they are unacceptable;

- Ensuring that operators are upfront about their plans and that communities are consulted on all unconventional gas developments, including close involvement in the risk assessment process;
- Requiring a fresh planning application (and public consultation) if permission was not sought for hydraulic fracturing but developers subsequently intend to undertake this process.

Despite exploration licenses which include Angus, there is deemed to be on prospect of extraction in the life time of the ALDP, if ever. If required a Planning Advice Note will be produced if any commercial extraction is ever viable in the LPD area. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy PV17: 'Waste Management Facilities'

2. I am satisfied that this policy, when read in conjunction with Policy TC14 'Employment Allocations and Existing Employment Areas', is consistent with the requirements of Scottish Planning Policy that new waste management facilities will generally be accommodated on land designated for employment, industrial or storage and distribution uses. Accordingly I conclude that no modification is necessary in this respect.

3. However, in relation to potential proposals for the development of heat from waste facilities, I consider that it would be helpful for the policy to confirm that such proposals would be assessed not only against the terms of Policy PV9 'Renewable and Low Carbon Energy Development', but also the guidance published by the Scottish Environment Protection Agency on the thermal treatment of waste.

Policy PV19: 'Minerals'

4. I do not consider that it would be appropriate for this policy to require new proposals for mineral extraction to demonstrate that they would have "little or no net negative impact" on natural heritage. Scottish Planning Policy highlights the important contribution of minerals to the economy and confirms that planning policies should minimise the impact of their extraction on, among other things, natural heritage.

5. I find that the terms of Policy PV19 are consistent with this approach in requiring that proposals for new or extended mineral working will only be supported where their impact on the natural environment is acceptable, or where the impacts could be satisfactorily mitigated through planning conditions, a section 75 obligation or another legal agreement. Through policies PV20 and PV4 respectively, the plan also provides a greater degree of protection for areas of deep peat and areas which have been designated for their natural

heritage importance. I am satisfied that this approach is both appropriate and sufficient.

Policy PV20: 'Soils and Geodiversity'

6. This policy has separate provisions in relation to prime agricultural land and to deep peat and carbon rich soils. I consider that this is appropriate due to their contrasting characteristics and functions, and find that the amendment suggested by Scottish Natural Heritage would introduce an unhelpful degree of ambiguity.

7. I also find that it would not be appropriate for the policy to refer to proposed maps which have not been published, and note too that the suggested hyperlink is inactive.

8. However, to assist potential developers, I do consider that it would be appropriate to incorporate within the policy the requirement set out in Scottish Planning Policy that, where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions, as this may assist in weighing the benefits and disadvantages of the specific scheme.

Omissions

9. In view of the available evidence which indicates that there is no potential in Angus for the extraction of shale oil or gas, I consider that the inclusion within this local development plan of a policy in relation to such extraction would not be appropriate.

Reporter's Recommendations:

Modify the local development plan by:

1. At the end of the final sentence of Policy PV17 'Waste Management Facilities', adding "and the Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2014."
2. At the end of the third paragraph of Policy PV20 'Soils and Geodiversity', adding the following sentence: "Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions."

Issue 13	Protected and Valued Policy Omissions	
Development Plan Reference:	The Policy Framework Part 2 - Protected and Valued, Pages 43 - 70	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Objections</u></p> <p>BP North Sea Infrastructure (PP/00107/1/001) Shell UK Ltd (PP/00047/1/001)</p> <p><u>Comments</u></p> <p>Shell UK Ltd (PP/00047/1/003)</p>		
Provision of the Development Plan to which the Issue Relates:	The omission of a policy from the Policy Framework Part 2 - Protected and Valued.	
Planning Authority's Summary of the Representation(s):		
<p><u>Objections</u></p> <p>BP North Sea Infrastructure (PP/00107/1/001) - The proposed plan no longer includes a specific policy in relation to pipeline consultation zones. The existing Policy S5: Safeguarded Areas as contained in the current version of the Angus Local Plan Review is appropriately worded and gives clear guidance to potential developers within the pipeline consultation zones which cross the area. It is not clear whether it is intended to include this subject in the supplementary guidance but it is not considered appropriate to address this subject in supplementary guidance.</p> <p>Best practice recommended by the Health and Safety Executive indicates that councils should consult with pipeline operators on each planning application which is received within the pipeline corridors and it is suggested that the wording of the policy should be amended accordingly.</p> <p>Shell UK Ltd (PP/00047/1/001) - The Angus-wide Proposals Map does show the various Pipeline Consultation Zones and corresponding pipeline corridors running through the Angus LDP area but the written statement of the Proposed LDP does not include a corresponding policy to explain these Consultation Zones, and there is no actual policy reference in the Proposed LDP to control this matter. Request that this is resolved through the inclusion of the existing Angus Local Plan Policy S5: Safeguard Areas in the new LDP which would provide clarity and consistency between the Proposals Map and the corresponding policy text; ensure that the new LDP sets out an appropriate policy to safeguard these pipelines as a strategically important transportation facility and also inform and guide any proposed development near the existing pipelines which run through the LDP area.</p>		

Comments

Shell UK Ltd (PP/00047/1/003) - If settlement boundaries are to be reviewed and any new or expanded development allocations made, that full recognition must be given to the existence of any pipeline consultation zones and development allocations made in accordance with the relevant PADHI+ Guidelines.

Modifications Sought by those Submitting Representations:

BP North Sea Infrastructure (PP/00107/1/001) - Insert new policy in Part 2 - Protected and Valued:

“Safeguarded Areas policy

Planning permission for development within the consultation zones of the notifiable installations, pipelines and hazards will only be granted where the proposal accords with the strategies and policies of the Local Development Plan and there is no objection by the Health and Safety Executive, the facility’s operators and owners, the Civil Aviation Authority, or other statutory agency.”

Shell UK Ltd (PP/00047/1/001) - Suggest inclusion of the following policy:

‘In determining planning applications for development within the Pipeline Consultation Zones identified on the proposals and inset maps, the Council will seek the advice of the Health and Safety Executive and the facility’s operators and owners. The Council will also seek the advice of the HSE and the facility’s operators and owners on the suitability of any proposals for a new notifiable installation within the plan area or any proposal within the consultation zone of any other notifiable installation’.

Summary of Responses (including reasons) by Planning Authority:

Objections

BP North Sea Infrastructure (PP/00107/1/001); Shell UK Ltd (PP/00047/1/001) - As noted in the submitted objections, the Local Development Plan shows the pipeline corridors and consultation zones on both the Proposals Map and Town and Village maps. As stated in the HSE’s Land Use Planning Methodology, ‘The Health and Safety Executive (HSE) is a statutory consultee on certain developments in the vicinity of major hazard sites and major accident hazard pipelines’ (CD/S13-1 Paragraph 1). Angus Council refer all affected development proposal to the HSE and any other relevant agencies through the Development Management process as appropriate at the time an application is made. There is no requirement to restate these regulatory requirements within the Angus Local Development Plan.

The Council notes that since this submission was made the HSE’s Planning Advice Web App has been launched, allowing developers and local authorities to assess implications of high pressure pipelines on development proposals. (CD/S13-1 Paragraph 3). The location of pipelines and consultation zones are clearly identified and developers can determine themselves what the likely response of the HSE to their proposal. The more information that can be included the better the response will be and the developer can modify their proposal in light of the procedure, such that HSE would not advise against the proposal.

SPP does not require Local Development Plans to make provision for pipeline consultation zones, but does provide for decisions on proposals for development in the vicinity of major accident hazard sites to be the Health and Safety Executive's advice based on HSE Guidance (CD/2-2* Page 26, Paragraph 107).

The Local Development Planning page on the Scottish Government website states 'Increasingly we want development plans to be about place and people rather than policy compendia.' Angus Council considers the spatial identification of hazardous pipelines and their consultation zones complies with this approach whilst meeting the requirement paragraph 57 of Planning Circular 6/2013 (CD/2-8*) with regard to control of major accident hazards involving dangerous substances.

The ALDP approach is consistent with the provisions of Scottish Planning Policy and for this reason, the Council does not agree to modify the plan in response to these representations.

Comment

Shell UK Ltd (PP/00047/1/003) - The Council notes the comment regarding Development Boundary changes and confirms that pipeline consultation zones are a consideration in site allocation and Development Boundary extensions.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above matters raised in representations which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Policy omission

2. I accept the council's explanation of how it applies its development management procedures in relation to proposals within pipeline consultation zones. However these zones are the only elements shown on the proposals map to which no policy within the plan applies. Given the potential hazards which could be associated with developments within close proximity to pipelines, and the implications for those considering the submission of specific proposals, I do consider that it would be both appropriate and prudent to include a statement of the council's policy which it will apply to any proposals within a pipeline consultation zone, together with a brief explanation. It would also be helpful to include a reference to the Health and Safety Executive's web app which is intended to assist potential developers. I note that a similar policy is already contained within the existing local plan.

Reporter's Recommendations:

Modify the local development plan by:

1. Adding the following policy and supporting text at the end of 'The Policy Framework – Part 2: Protected and Valued':

“Pipeline Consultation Zones

There are a number of pipelines which pass through the plan area. There are potential hazards which may arise from developing in proximity to them. Within specified distances from these pipelines there is a statutory framework for ensuring that the Health and Safety Executive is consulted on the implications which arise from development proposals which are the subject of planning applications. These pipeline consultation zones are identified on the proposals map, and the following policy will be applied to submitted development proposals within them. The Health and Safety Executive has produced a ‘Planning Advice Web App’ to assist developers in preparing planning applications for development proposals.

Policy PV21 Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.”

2. In the key of the Angus Proposals Map, adding a reference to Policy PV21 against the pipeline consultation zones.

Issue 14	Arbroath	
<p>Development Plan Reference:</p>	<p>Arbroath Settlement Statement, Pages 75 – 86 Arbroath Development Strategy Page 75-76 Arbroath Table A1: Existing Sites A(a) Page 76 A1 Housing – Crudie Acres, East Muirlands Road, Page 77 A2 Housing – Crudie Farm, Arbirlot Road West, Page 78 A3 Opportunity Site – Wardmill/Dens Road, Page 78 A4 Opportunity Site – The Elms, Cairnie Road, Page 79 A6 Opportunity Site – Former Bleachworks, Elliot, Page 80 A7 Opportunity Site – Former Seaforth Hotel, Page 80 A8 Opportunity Site – Former Ladyloan Primary School, Page 80 A9 Opportunity Site – Helen Street Goods Yard, Page 81 A10 Working – Elliot Industrial Estate Extension, Page 81 A13 Community Facilities – Western Cemetery Extension, Page 82 Arbroath Omissions</p>	<p>Reporter: Claire Milne</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Arbroath Development Strategy</u></p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/014)</p> <p><u>Comment</u></p> <p>Angus Soft Fruits Ltd (PP/00134/1/001)</p> <p><u>Arbroath Table A1: Existing Sites</u></p> <p><u>Objections</u></p> <p>Woodland Trust Scotland (PP/00099/1/001)</p> <p><u>A1 Housing – Crudie Acres, East Muirlands Road</u></p> <p><u>Support</u></p>		

Guild Homes (Tayside) Ltd (PP/00142/3/001)
Scottish Environment Protection Agency (PP/00120/1/015)

Objections

Neil Burnett (PP/00075/1/001)
Mr & Mrs Turner (PP/00041/1/001)
Karen Willey (PP/00063/1/002)
Debbie Donald (PP/00070/1/001)
Mrs Anne Ellis (PP/00095/2/001)
Persimmon Homes East Scotland (PP/00126/1/001, PP/00126/1/002, PP/00126/3/006)

A2 Housing – Crudie Farm, Arbirlot Road West

Support

R H Brunton (PP/00030/1/001)
Scottish Environment Protection Agency (PP/00120/1/016)

Objections

Mr & Mrs Turner (PP/00041/1/002)
Karen Willey (PP/00063/1/003)
Christine Bird (PP/00055/1/001)
Debbie Donald (PP/00070/1/002)

A3 Opportunity Site – Wardmill/Dens Road

Objections

Scottish Environment Protection Agency (PP/00120/1/017)
Mr and Mrs William A T Stather (PP/00045/1/001)

A4 Opportunity Site – The Elms, Cairnie Road

Comment

Scottish Environment Protection Agency (PP/00120/1/018)

A6 Opportunity Site – Former Bleachworks, Elliot

Objections

Scottish Environment Protection Agency (PP/00120/1/019)

A7 Opportunity Site – Former Seaforth Hotel

Objections

CWP (PP/00038/1/001)

Comment

Scottish Environment Protection Agency (PP/00120/1/020)

A8 Opportunity Site – Former Ladyloan Primary School

Comment

Scottish Environment Protection Agency (PP/00120/1/021)

A9 Opportunity Site – Helen Street Goods Yard

Support

Network Rail (PP/00084/1/009)

Comment

Scottish Environment Protection Agency (PP/00120/1/022)

A10 Working - Elliot Industrial Estate Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/023)

A13 Community Facilities - Western Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/024)

Arbroath Omission

Objections

Presentation Products (PP/00138/1/001)

C Hay (PP/00137/1/001)

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/007)

Wm Morrison Supermarkets Plc (PP/00076/1/001)

Provision of the Development Plan to which the Issue Relates:

The Arbroath Settlement Statement

Planning Authority’s Summary of the Representation(s):

Arbroath Development Strategy

Objections

TACTRAN (PP/00073/1/014) - In support of Policy DS5 suggest that the reference to

"supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Arbroath.

Comment

Angus Soft Fruits Ltd (PP/00134/1/001) - No formal modifications are sought on the Proposed Plan but Angus Council's attention is drawn to the potential of land at Seaton Farm as a candidate location for future phased residential development in Arbroath to meet future housing requirements for the town as a Tier 2 settlement and consistent with the spatial strategy of the LDP. This may arise during the life of the current LDP should existing allocations experience delay or as part of the subsequent plan review. Such an allocation would align the release of value with facilitating a step change in investment in the business, providing the capital expenditure required to develop new product lines and capacity with the resultant increase in employment and gross value added to the Angus economy. This would reflect the principles of sustainable economic development, one of the core values of the planning system as promoted by the Scottish Planning Policy (paragraph 4)

Arbroath Table A1: Existing Sites

Objections

Woodland Trust Scotland (PP/00099/1/001) - The Trust is concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

A1 Housing – Crudie Acres, East Muirlands Road

Support

Guild Homes (Tayside) Ltd (PP/00142/3/001) - Guild Homes fully supports Policy A1 Housing Crudie Acres, East Muirlands Road, Arbroath as an appropriate location for residential development within the forthcoming LDP

Scottish Environment Protection Agency (PP/00120/1/015) - Support the requirement for a Flood Risk Assessment to assess the risk from the Hercules Den Burn prior to development. Consideration should be given to whether there are any culverted watercourses within the site. A Flood Risk Assessment will ensure that potential developers are informed that there are flood risk issues affecting the site at the earliest opportunity and that the developable area of the site may be constrained by flood risk. Proposals need to avoid possible conflict with River Basin Management Plan objectives.

Objections

Neil Burnett (PP/00075/1/001) - There is no justification for providing housing to the North West of East Muirlands Road (site A1) which would impinge on the rural setting of the countryside and it's natural habitat causing unnecessary danger to school children and affect the setting of the Western Cemetery with its listed Mortuary Chapel. There is

sufficient land supply in area A2 which has no access issues, no effect on the countryside and is a natural expansion of the town and its setting.

Mr & Mrs Turner (PP/00041/1/001) - Object to the proposed change from greenfield land at East Muirlands Road (Site A1) to a Housing Site on the grounds of:

- effect on view and property value;
- lack of capacity at Muirfield Primary School; and
- it is better to develop and improve existing brownfield sites.

Karen Willey (PP/00063/1/002) - Concern about the potential for traffic to increase significantly through the village of Arbirlot. Baseline traffic surveys should be undertaken, published and taken into account when the masterplan is developed for the housing areas. Suitable exits from the housing areas onto roads that can accommodate the traffic flows created by the housing etc. The traffic from each must be considered together to be realistic.

Debbie Donald (PP/00070/1/001) - Crudie Acres development presents a significant risk to:

- road safety in the village and for pedestrians, cyclists, horse riders, dog walkers and users of the Elliot Nature Trail which starts/ends by the church; and
- Arbirlot Conservation Village will become a rat run for commuters, particularly on the return home from Dundee with risk to health & safety and to the fabric, atmosphere, and preservation of the conservation village.

Anne Ellis (PP/00095/2/001) - Main concerns are - increased traffic on an already heavily used road with agricultural vehicles and heavy goods vehicles; safety for leisure activities of cycling, walking, equestrian activity and noise levels and vibrations.

Persimmon Homes East Scotland (PP/00126/1/001) - Consider this site can deliver significantly more units than the current 230 allocation. Given 30 units per hectare, which is usual across Persimmon's existing developments, and the relatively flat nature of the site, we believe it can accommodate 280 units.

Persimmon Homes East Scotland (PP/00126/1/002) - Believe that the splitting of the allocation between the two plan periods should be removed to allow more consistent delivery of housing. It is Persimmon Homes' intention to develop this site at the earliest opportunity thus contributing to the supply of housing in Angus.

Persimmon Homes East Scotland (PP/00126/3/006) support the allocation of A1: Crudie Acres, East Muirlands Road for residential development, but would request the capacity be increased, especially within the second period of the plan to allow the most efficient use of an allocated site. This should be reflected on the Arbroath Proposals Map. There should be a total allocation of 280 units, all within the first plan period of 2016 - 2021.

A2 Housing – Crudie Farm, Arbirlot Road West

Support R H Brunton (PP/00030/1/001) - As landowner of Crudie Farm, Arbirlot Road West, we are in favour of the field, A2, being included in the Local Plan for future housing development.

Scottish Environment Protection Agency (PP/00120/1/016) - Support the requirement for a Flood Risk Assessment to be undertaken prior to development of this site.

Objections

Mr & Mrs Turner (PP/00041/1/002) - Object to the proposed change from greenfield land at Arbirlot Road West (Site A2) to a Housing Site on the grounds of:

- effect on view and property value;
- lack of capacity at Muirfield Primary School; and
- it is better to develop and improve existing brownfield sites.

Karen Willey (PP/00063/1/003) – There is the potential for traffic to increase significantly through the village of Arbirlot. Baseline traffic surveys should be undertaken and published. These should then be taken into account when the masterplan is developed for the housing areas. Suitable exits from the housing areas onto roads that can accommodate the traffic flows created by the housing etc. The traffic from each must be considered together to be realistic.

Christine Bird (PP/00055/1/001) - Potential of development at Crudie Farm to increase traffic through Arbirlot village leading to road safety issues; also detracting from a conservation area and leisure route. Issues include:

- safety of residents and visitors walking and cycling; horse riders in village and local paths network;
- Driving test route - many learner drivers come through the village whilst learning to drive;
- Bus route, including school buses taking pupils to and from Arbirlot School; and
- risk to road users on the A92 as there is no slip road to this sharp right angled exit to Arbirlot.

Debbie Donald (PP/00070/1/002) - Crudie Farm development presents a significant risk to:

- road safety in the village and for pedestrians, cyclists, horse riders, dog walkers and users of the Elliot Nature Trail which starts/ends by the church; and
- Arbirlot Conservation Village will become a rat run for commuters particularly on the return home from Dundee with risk to health & safety and to the fabric, atmosphere, and preservation of the conservation village.

A3 Opportunity Site – Wardmill/Dens RoadObjections

Scottish Environment Protection Agency (PP/00120/1/017) - Several historic records of flooding and the Brothock Water Flood Protection Scheme (1985) offers a standard of protection no greater than 1:25 years. Proposal to enhance the scheme and an updated Flood Risk Assessment (FRA) is being produced. Additionally:

- need to ensure any new development will have a neutral impact on flood risk.
- FRA to inform the area and type of redevelopment, finished floor levels and ensure that the development has a neutral impact on flood risk.
- Vulnerability of use should be considered. Access and egress from the area will be an issue during a flood event. Furthermore, flood resilient and resistant materials should be used. Residential development is unlikely to be supported.
- Brothock Water is partly culverted through the site. There may be opportunities in this location to restore the water environment to its natural state by removing the culvert leading to restoration of the watercourse to a more natural form allowing habitat

creation; provision of flood plain storage and energy dissipation; the ability to identify any pollution issues quickly and easily; the potential to provide amenity areas and sustainable active travel routes alongside the open watercourse; and removal of the on-going maintenance costs and issues associated with blockages and siltation that can occur in closed culverts and helping move the water body towards good status.

- Development requirement for a feasibility study including a flood risk assessment prior to development to assess the potential for channel restoration.

Mr and Mrs William A T Stather (PP/00045/1/001) - consider Wardmill/Dens Road, Arbroath area identified is a very established Brownfield Site which has been utilised by a very considerable and diverse number of commercial uses over past decades and, in fact, over the Nineteenth, Twentieth and Twenty First Centuries. It would therefore be entirely appropriate that the Plan should allow for the consideration by the Planning Authority of proposals for as wide a range of commercial uses as may be suitable.

A4 Opportunity Site – The Elms, Cairnie Road

Comment

Scottish Environment Protection Agency (PP/00120/1/018) - commented on site A4 previously, identifying no apparent flood risk.

A6 Opportunity Site – Former Bleachworks, Elliot

Objections

Scottish Environment Protection Agency (PP/00120/1/019) - Recommend that this site is removed from the proposed plan. Review of the SEPA Flood Map (2014) shows that the majority of the allocation site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent, and may therefore be at medium to high risk of fluvial, coastal, and surface water flooding (or a combination of these sources which is not modelled as part of the Flood Map methodology). In addition there is a mill lade which flows through the site which has not been modelled as part of the Flood Map methodology.

Leisure, tourism, or Class 4 (Business) may be possible if there is no increase in flood risk elsewhere but SEPA are unlikely to support any residential development at this site due to the risk to the site. Hence, we suggest that either the site is removed entirely from the local plan or is amended to clearly state that residential development will not be permitted taking into account our comments above. To retain the site as an allocation implies that the principle of development at this location is acceptable in the current policy and legislative context, which is not the case.

Pressures are identified on the adjacent Elliot Water in the context of River Basin Management Planning - these are: buffer strips, SUDS, foul drainage, ecological pressures

A7 Opportunity Site – Former Seaforth Hotel

Objections

CWP (PP/00038/1/001) - Request uses identified be widened to include opportunities for additional, mixed use development. This would include the existing approved hotel,

leisure, tourism or recreation uses, but should also include potential for retail development; restaurant uses and residential development which would increase potential for the successful and viable redevelopment of this vacant, brownfield site. This in turn would help to strengthen and enhance Arbroath's visitor, retail, and service function, which would accord with the Council's vision and objective for the site (as stated in the current SPG) 'to secure development that complements the existing seafront uses and be an attraction in its own right that enhances the wider area'.

Comment

Scottish Environment Protection Agency (PP/00120/1/020) - a review of the floodmap indicates that site A7 is almost entirely within the 1:200 year surface water flood map and adjacent to the 1:200 year coastal flood map. Consideration should be given to these sources during detailed design of the site.

A8 Opportunity Site – Former Ladyloan Primary School

Comment

Scottish Environment Protection Agency (PP/00120/1/021) - a review of the floodmap indicates that site A8 is adjacent to the 1:200 year coastal flood map. Whilst we do not require a flood risk assessment as part of the developer requirements, consideration should be given to this source during detailed design of the site.

A9 Opportunity Site – Helen Street Goods Yard

Support

Network Rail (PP/00084/1/009) - The inclusion of this site within the Arbroath Settlement Statement has been sought and is thus fully supported by Network Rail. The notation allows an interim - medium term activity to establish on the site until it is needed for strategic rail freight purposes.

Comment

Scottish Environment Protection Agency (PP/00120/1/022) - There is a residual risk to site A9 from the railway acting as a flow path. Based on the low sensitivity of use for the site (i.e. car parking or freight) we do not require a Flood Risk Assessment.

A10 Working - Elliot Industrial Estate Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/023) – Previously commented on part development of the site (11/00428/FULM) and did not object. There is a history of flooding in this area and therefore require a modification to the developer requirements to include a Flood Risk Assessment which assesses the risk from the Elliot Water and the small watercourse along the northern perimeter prior to development to inform the scale, layout and form of development.

A13 Community Facilities - Western Cemetery ExtensionObjections

Scottish Environment Protection Agency (PP/00120/1/024) - The developer requirements set out in the policy should include a Flood Risk Assessment which assesses the risk from the Hercules Den Burn prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

The acceptability of a site for cemetery use can only be assessed following intrusive ground investigation. If no further information is provided prior to adoption, include development requirement for such intrusive ground investigation undertaken in line with Guidance on Assessing the Impacts of Cemeteries on Groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Arbroath OmissionObjections

Presentation Products (PP/00138/1/001) - This site on Dundee Road, Arbroath will become vacant within the next 24 months and it is highly likely that unless alternative uses are permitted the site will remain vacant.

The existing supply of employment land at Kirkton and Elliot industrial estates can more than meet immediate employment needs, with an additional site allocated in the Plan to ensure that a marketable supply is maintained throughout the plan period.

Opportunity should be taken to review employment land uses peripheral to the Elliot Industrial Estate. In particular there is the opportunity for regeneration of this site for one or more uses, including business, commercial, leisure and residential.

C Hay (PP/00137/1/001) – 10ha of land north of Tarry Road, Arbroath is considered to be a logical and sustainable site with the potential to accommodate significant housing development within a structured landscape context. There is no good reason not to allocate the site in the Local Development Plan for housing purposes.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/007) - consider that an amendment to the settlement boundary to include the Meadowbank Inn and Silverwells Garden Centre would reflect the contiguous nature of the built form along this part of the northern boundary of Arbroath having regard to the fact that new housing immediately to the south has now been largely completed. It is also considered logical to extend the boundary around the land in the ownership of the Garden Centre to the west of Montrose Road in the event of allocation residential development off Tarry Road.

Wm Morrison Supermarkets Plc (PP/00076/1/001) - Whilst currently edge of centre, the Morrisons store contributes to the function of the town centre by virtue of its proximity and opportunity for linked trips between Morrisons and the town centre. In granting planning permission for the extension it was established that the store - with extension - would not adversely impact upon the town centre. On this basis suggest the Morrisons should be integrated into the town centre and the town centre boundary amended accordingly.

Modifications Sought by those Submitting Representations:Arbroath Development Strategy

TACTRAN (PP/00073/1/014) - In support of Policy DS5 it is suggested that the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Arbroath.

Arbroath Table A1: Existing SitesObjections

Woodland Trust Scotland (PP/00099/1/001) - Site A(a) should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

A1 Housing – Crudie Acres, East Muirlands Road

Neil Burnett (PP/00075/1/001) and Mr & Mrs Turner (PP/00041/1/001) – delete site

Karen Willey (PP/00063/1/002) - Add text to Policy A1 as follows:

- require baseline traffic surveys should be undertaken and published and taken into account when the masterplan is developed for the housing areas;
- identify suitable exits from the housing areas onto roads that can accommodate the traffic flows created by the housing etc; and
- require traffic from sites A1 and A2 be considered together to be realistic.

Debbie Donald (PP/00070/1/001) - add bullet point: "traffic entry and exit must to be via the Westway only".

Anne Ellis (PP/00095/2/001) - Add bullet point: "design site access(es) to reduce the traffic flow entering Arbirlot Village from either the Western entry or the Eastern entry"

Persimmon Homes East Scotland (PP/00126/1/001, PP/00126/1/002, PP/00126/3/006) - The unit allocation identified for site A1 Crudie Acres, East Muirlands Road Arbroath should be increased from 230 units to 280 units (PP/00126/1/001), the full site allocation at A1 Crudie Acres, East Muirlands Road should be identified as being deliverable within the ALDP Phase 1 period 2016-2021 (PP/00126/1/002), and this should be reflected on the Arbroath Inset Map (PP/00126/3/006)

A2 Housing – Crudie Farm, Arbirlot Road West

Mr & Mrs Turner (PP/00041/1/002) - delete site

Karen Willey (PP/00063/1/003) - Add text to Policy A2 as follows:

- require baseline traffic surveys should be undertaken and published and taken into account when the masterplan is developed for the housing areas;
- identify suitable exits from the housing areas onto roads that can accommodate the traffic flows created by the housing etc; and

- require traffic from sites A1 and A2 be considered together to be realistic.

Christine Bird (PP/00055/1/001) - Measures to reduce the impact of traffic on Arbirlot village could include:

- a 40 mph speed limit from the A92 up to the current 30 mph zone at the village; and
- ensure the entry/exit to the new housing is strategically positioned so as to remove any perceived advantage of using Arbirlot village as a short cut.

Debbie Donald (PP/00070/1/002) - Add bullet point: “traffic entry and exit to the extended Hospitalfield development must to be via the Westway only.”

A3 Opportunity Site – Wardmill/Dens Road

Scottish Environment Protection Agency (PP/00120/1/017) - Requirement should be set out in the policy for a feasibility study including a Flood Risk Assessment to be undertaken prior to development to assess the potential for channel restoration.

Mr and Mrs William A T Stather (PP/00045/1/001) - amend second sentence as follows: “Residential or other suitable commercial uses may also be acceptable”.

A6 Opportunity Site – Former Bleachworks, Elliot

Scottish Environment Protection Agency (PP/00120/1/019) - Delete Site, or remove possible residential use.

A7 Opportunity Site – Former Seaforth Hotel

CWP (PP/00038/1/001) - Amend the policy to read as follows: “0.6 ha of land at the Former Seaforth Hotel provides an opportunity for a hotel; complementary leisure, tourism, restaurant or recreation uses; retail development; or residential use. Development proposals should be in accordance with an updated Development Brief to reflect policies in this Local Development Plan. Surface water management measures may be required. Proposals should provide supporting information including a Drainage Impact Assessment.”

A10 Working - Elliot Industrial Estate Extension

Scottish Environment Protection Agency (PP/00120/1/023) - The developer requirements set out in the policy should include a Flood Risk Assessment which assesses the risk from the Elliot Water and the small watercourse along the northern perimeter. This should be undertaken prior to development and the findings used to inform the scale, layout and form of development.

A13 Community Facilities - Western Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/024) –

- include a Flood Risk Assessment which assesses the risk from the Hercules Den Burn prior to development to inform the scale, layout and form of development; and
- require intrusive ground investigation is undertaken in line with guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before development of the

site. Highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Arbroath Omission

Objections

Presentation Products (PP/00138/1/001) – Include a new allocation: “Land at Dundee Road, Arbroath:

3.0ha of land at Dundee Road, Arbroath provides an opportunity for a number of uses including Class 1 (Shops), Class 3 (Food and Drink), Class 7 (Hotel), Class 8 (Residential Institutions), Class 9 (Houses), Class 10 (Day Nursery), Class 11 (Assembly and Leisure)*, where they are compatible with surrounding activities

Vehicular access will be from Dundee Road. A landscaping scheme incorporating new tree planting at this important entrance to Arbroath will be required as an integral part of the proposals for the site and should address both the frontage and the change in levels to the rear of the site.

*Town and Country Planning (Use Classes) (Scotland) Order 1997.”

C Hay (PP/00137/1/001) - Land north of Tarry Road, Arbroath (approximately 10ha) should be identified as an allocation for residential development.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/007) - Include land at Meadowbank Inn and Silverwells Nursery (approximately 2.4ha) within the Development Boundary of Arbroath.

Wm Morrison Supermarkets Plc (PP/00076/1/001) - The Morrisons store should be integrated into Arbroath town centre and the town centre boundary amended accordingly.

Summary of Responses (including reasons) by Planning Authority:

Arbroath Development Strategy

Objections

TACTRAN (PP/00073/1/014) - Policy DS2 Accessible Development (CD/1-1 Page 11) requires development proposals to demonstrate that they provide and /or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking (CD/1-1 Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation (CD/1-1 Page 47) specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Including the suggested additional bullet at the start of every town development strategy is not considered necessary or appropriate and would be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

Comment

Angus Soft Fruits Ltd (PP/00134/1/001) – The potential of Seaton Farm is noted.

Provision is made within the current PALDP should existing allocations experience delay in coming forward. The site will be appropriately considered in the context of the review of the Angus Local Development Plan and the need for any additional housing land allocations to be made at that time.

Arbroath Table A1: Existing Sites

Objections

Woodland Trust Scotland (PP/00099/1/001) - Site A(a) to which this submission refers, is under construction. The area of Ancient Woodland identified in this instance was subject of a felling licence (S4/14-1) and cleared prior to submission and approval (9 April 2012) of a planning application (11/00981/FULL) for 16 residential caravan stances (S4/14-2). No replanting has been required as the woodland had deteriorated to such an extent. Development on the site has started with formation of an access and a track (S4/14-3). For these reasons, the Council does not agree to modify the plan in response to this representation.

A1 Housing – Crudie Acres, East Muirlands Road

Supporting representations noted.

Objections

Neil Burnett (PP/00075/1/001); Mr & Mrs Turner (PP/00041/1) - The MIR identified this area as the preferred location for housing development as part of the development strategy for Arbroath. The focus of housing development over the last twenty years has been to the north and east of the town. Land accommodating almost five hundred houses were allocated in the Angus Local Plan Review 2009 (CD/5-1 Pages 112-113) on sites at Cliffburn and at Montrose Road – the Cliffburn site is now complete and that at Montrose Road, site A(a), well under way (S4/14-5 Arbroath). The need for housing over the plan period is quantified through the Housing Need and Demand Assessment (CD/3-3) and met through provision in TAYplan Strategic Development Plan (CD/3-1). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

The selection of sites A1 and A2 reflect the assessments undertaken during plan preparation following on from the Main Issues Report (CD/1-11):

- Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5) and the identification of site A1 as a well-defined and contained housing site capable of accommodating housing development, opportunity to enhance the Hercules Burn on the north of the site creating and enhancing the green and blue network.
- Muirfield Primary School has available pupil capacity and will be enhanced as part of the Arbroath Schools project. The new Timmergreens Primary School opens in spring 2016, prior to development commencing on this site, and pupils will return to their new school from their temporary accommodation at Muirfield. Muirfield Primary School itself is programmed for refurbishment thereafter.
- The site has no built or natural designations; natural flood management can slow flood waters reaching the Brothock; opportunity to enhance green and blue network and

promote active travel.

- There are no known service or access constraints and there is confirmed developer interest.

Individual views and property values cannot be protected from development, and site A2 will take longer to bring on-stream. The LDP aims to provide a range of development sites and whilst there are brownfield sites within the town, these are not sufficient to cope with the level of housing required. Brownfield sites can also come forward for development throughout the plan period in accordance with plan policy.

The setting of the Mortuary Chapel within the Western Cemetery will not be affected by proposed development and the planting and walls around the cemetery currently protect its atmosphere and peace from adjacent development and traffic. There is no reason to assume this will diminish. For these reasons, the Council does not agree to modify the plan in response to these representations.

Karen Willey (PP/00063/1/001); Debbie Donald (PP/00070/1/002); Anne Ellis (PP/00095/2/001) - Arbirlot is a small village, most of which is within a conservation area and these residents have concerns about increased traffic caused by development of site A1. The village is approximately 2km from the site, and although traffic can pass through the village and access the A92, it is a left only junction with no access southbound to Dundee. There may be some people who return home by the county roads, but the road through the village is natural deterrent with poor visibility and a series of tight bends. Whilst the residents do express valid concerns about potential impact on a variety of road users, it is anticipated that Westway and Arbirlot Road West will be the main access route south, whilst the roads to Forfar and Montrose are easily accessed from site A1 without affecting Arbirlot. No issues were identified for sites A1 and A2 during the Transport Appraisal process for the PALDP. (CD/1-4)

Following a meeting with residents, concerns about current and future traffic in the village were raised with Angus Council Roads. Subsequently a survey was carried out electronically using black box detection equipment which records traffic speeds and flow data. This operated continuously from 3 June 2015 till 10 June and found:

- The mean average traffic speed recorded was 21.4mph
- 85th percentile speed recorded (the speed at or below which 85 per cent of the vehicles travel) was 25.7mph.
- average daily (24hour) two way traffic flow was recorded as 617 vehicles
- maximum average hourly traffic flow was 58 vehicles

The low speeds recorded are not unexpected due to the 90 degree turns within the village which limits vehicle speeds and recorded flows are considered to be low and there have been no reported accidents in the three year period 1 April 2012 to 31 March 2015.

These results were considered by the Angus Area Traffic Co-ordination Group at their meeting on Tuesday 30 June 2015 which is attended by representatives from various council departments/divisions and Police Scotland who have an interest in road safety and traffic management. In light of the low traffic speeds, low traffic volumes and good accident record, it was agreed that no traffic intervention measures were required in the village. (S4/14-4)

This information can help inform assessment future development proposals and was

made available to residents in July 2015. No modification is proposed to the Plan. However if the Reporter is so minded the Council would be comfortable with additional text being added to the policy to cover the issues of concern raised by these representations.

Persimmon Homes East Scotland (PP/00126/1/001) and Persimmon Homes East Scotland (PP/00126/1/002) Persimmon Homes East Scotland has developed proposals for this site to a stage where a Proposal of Application Notice (15/00708/PAN) has been lodged (S4/14-5). Policy A1 indicates 230 houses, but the final number will depend on meeting the development criteria in Policy A1 and Development Management requirements. Although Persimmon Homes have the site option currently, there is no guarantee they will be the final developer and increased indicative numbers could lead to an unacceptable development density/layout for this greenfield site on the periphery of the built up area.

The phasing of development on the site in the 2015 housing land audit in accordance with the proposed LDP has been agreed by Persimmon Homes during consultation on the Draft Housing Land Audit, now finalised (CD/5-3). The need for housing over the plan period is quantified through the Housing Need and Demand Assessment (CD/3-3) and met in TAYplan Strategic Development Plan (CD/3-1). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply / Release allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plan's support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development. For these reasons, the Council does not agree to modify the plan in response to these representations.

A2 Housing – Crudie Farm, Arbirlot Road West

Supporting representations noted.

Objections

Mr & Mrs Turner (PP/00041/1/002) - Response as Mr & Mrs Turner (PP/00041/1/001) above.

Karen Willey (PP/00063/1/003); Christine Bird (PP/00055/1/001); Debbie Donald (PP/00070/1/002) - As noted in relation to site A1, there is no southbound access from the local access road (C59) and no junction alteration with the A92 proposed. The transport assessment and proposed development brief will identify appropriate access and egress to the site, as well as traffic management, public transport and non-vehicular links. Arbirlot Road West and the Westway will provide the primary access to site A2, as access

through the housing development and Primary School grounds on the southern boundary of the site is not feasible.

See also response above to Karen Willey (PP/00063/1/001); Anne Ellis (PP/00095/2/001) and Debbie Donald (PP/00070/1/002). For these reasons, no modification is proposed to the Plan. However if the Reporter is so minded the Council would be comfortable with additional text being added to the policy to cover the issues of concern raised by these representations.

A3 Opportunity Site – Wardmill/Dens Road

Objections

Scottish Environment Protection Agency (PP/00120/1/017) - The comments made in relation to de-culverting opportunities are accepted. Consequently, the Council would have no objection to specifying the inclusion of de-culverting opportunities as part of the Flood Risk Assessment in accordance with Policy PV13 Resilience and Adaptation (CD/1-1 Page 62). Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Mr and Mrs William A T Stather (PP/00045/1/001) – The request to include ‘other suitable commercial uses’ in A3 does not relate to a land use activity as defined by the Use Classes Order in line with the rest of this policy. Any proposed use should be compatible with surrounding uses, and many activities which may be described as ‘commercial’ would fall within Use Classes 4, 5 & 11, whilst others which may be described as commercial would not be appropriate – each application being assessed on its own merits. Housing opportunity is likely to be restricted by compatibility with existing uses and flood risk issues, see submission Scottish Environment Protection Agency (PP/00120/1/017). For these reasons, the Council does not agree to modify the plan in response to these representations

A4 Opportunity Site – The Elms, Cairnie Road

Comments noted

A6 Opportunity Site – Former Bleachworks, Elliot

Objections

Scottish Environment Protection Agency (PP/00120/1/019) - states that this site should be deleted, but within their submission they also note ‘the Proposed Plan identifies this site as an Opportunity Site with a range of uses including leisure, tourism or Class 4 (Business). We would be more supportive of this type of use provided there is no increase in flood risk elsewhere.’...we suggest that either this site is removed entirely from the local plan or clearly amended to state that residential development will not be permitted...’

A6 is a brownfield site within the Development Boundary of Arbroath, with built development on all sides with the Elliot Water on its eastern boundary. The site is largely within the Medium to High Risk category (annual probability of coastal or watercourse flooding >0.5% or 1:200 years) and this is recognised within the policy. Any development proposal would require to comply with this Policy, other LDP policies as appropriate and the flood risk framework. As a brownfield site within the Development Boundary, deletion

of this policy would mean development proposals may come forward without the benefit of a clear policy framework from the outset to guide appropriate development of this site. There is a derelict flood defence wall along the site adjacent to the Elliot Water, derelict buildings, hardcore and piles of rubble on the site – evidence of past activity and a current eyesore at the entry to the town. As a gateway to Arbroath some redevelopment of this site would be beneficial and while the flood risk is recognised, only a viable return on the site will lead to its improvement and reinstatement/upgrading of historic flood defences. The continued degradation of the site detracts from residential amenity and the Elliot walkway and with the condition of buildings and wall an increasing threat to anyone accessing the site.

It is recognised that residential development on the functional flood plan as defined in Scottish Planning Policy (CD/2-2 Pages 58-59 Paragraph 263), may increase the number of residents at risk of flooding, and that no recent Flood Risk Assessment exists to determine detailed site capacity and mitigation measures.

In light of the above, no modification is proposed to the Plan. However if the Reporter is so minded the local authority would be comfortable with the deletion of residential development as unacceptable intensification of use as it would not have material implications for this site.

A7 Opportunity Site – Former Seaforth Hotel

Objections

CWP (PP/00038/1/001) - There is a long planning history to this site, the main events being:

- planning applications 06/00356/FUL for Conversion of Seaforth House to form 5 Flats and Erection of a Residential Development Comprising of 46 Flats in March 2006, withdrawn July 2006 (S4/14-6).
- destruction of the former hotel by fire in August 2006
- Draft Supplementary Planning Guidance – Development Guidelines for the Seaforth Site approved by Angus Council 5 October 2006 (Report 1200/06 refers S4/14-7).
- Finalised Supplementary Planning Guidance – Development Guidelines for the Seaforth Site approved by Angus Council 14 December 2006 (Report 1487/06 refers S4/14-8).
- Planning application 06/01540/FUL for a 17 Bedroom Hotel and 44 Unit Flatted Development refused by Angus Council in March 2003 (Report 313/07 and minute refers S4/14-9).
- subsequent appeal was dismissed in November 2007 (Planning Appeal ref P/PPA/120/208), Committee Report 26/08 refers (S4/14-10).
- press announcement by Valmarshi Properties and Seaforth Investments of approach to Angus Council promoting site for flatted residential development or ‘site will remain in land bank for 15/20 year in hope of being granted residential planning consent’ (S4/14-11)
- Proposed LDP 2015 identifies site of the former Seaforth Hotel as an opportunity site (A7) in line with the strategy for Arbroath, extant Planning Guidance and other relevant policies of the LDP.
- Since 2007 5 amenity notices have been served on this site.

The development strategy for Arbroath aims to further develop tourism and recreation

facilities particularly along the seafront; redeveloping sites and properties in support of the West Links and Harbour; safeguarding and enhancing the seafront as part of the character and identity of Arbroath. The lack of hotel facilities within the town has been a matter of concern for Arbroath residents for some time and opportunity exists here for a hotel development with good transport links, proximity to existing leisure facilities and a stunning sea front location.

There are sites allocated for both greenfield and brownfield development which will accommodate housing demand over the plan period. This site is isolated from existing residential developments and surrounded by various leisure facilities which generate noise and activity at various times of the day and night. This site is not deemed appropriate for residential development and the Reporter in 2007 (S4/14-10) agreed with the Council's approach to this site.

There has been no substantive change in circumstance since the publication of the Supplementary Guidance for this site in 2006, and no proposals submitted by the site owners since 2006. It is appropriate to revise and update the Supplementary Guidance to help promote this site for appropriate use. Retail and residential are not supported – there are a number of retail centres in Arbroath and residential is not deemed compatible with this location nor surrounding uses. The identification of the site within the LDP may open up other opportunities including greening the site, community use or even compulsory purchase and enhancement of a small but high profile site within the town. For these reasons, the Council does not agree to modify the plan in response to this representation.

Comments noted

A8 Opportunity Site – Former Ladyloan Primary School

Comments noted.

A9 Opportunity Site – Helen Street Goods Yard

Supporting representations and comment noted.

A10 Working - Elliot Industrial Estate Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/023) – It should be recognised that the majority of this site has the benefit of outline planning consent and no objection has been previously raised to the allocation of this site or to the two previous planning applications. The Committee Report for the initial application (11/00428/FULM) (S4/14-12) notes that SEPA made no objection, and no comment was made to the renewal of this application in 2014 (14/00577/FULM). There is only peripheral flood risk on the western boundary adjacent to the Elliot Water and no indication of any flood risk associated with the watercourse identified by SEPA, but a Flood Risk Assessment is deemed necessary by SEPA. Consequently the Council would have no objection to including the requirement for a Flood Risk Assessment. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

A13 Community Facilities - Western Cemetery ExtensionObjections

Scottish Environment Protection Agency (PP/00120/1/024) - This site has been identified as a cemetery extension by the Council for some time, it is within Council ownership and structure planting around the site is well established. It is expected this site will be commissioned during the life of this plan subject to undertaking the necessary surveys, assessments and obtaining of planning permission in accordance with SEPA Guidance Note LUPS GU32 - Guidance on Assessing the Impacts of Cemeteries on Groundwater (S4/14-13). In these circumstances the comments made in relation to ground investigation works are accepted. Consequently the Council would have no objection to the inclusion of ground investigation works in the developer requirements set out in the Policy. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Arbroath OmissionObjections

Presentation Products (PP/00138/1/001) - This site extends to 3ha and is part of the Elliot Industrial Estate – the only part with a high profile location at the main entry to the town from the south. The site is an established employment site within a mixed use area and provides an opportunity for a Class 4, 5 or 6 uses looking for a higher quality site within Arbroath with access to the dual carriageway south.

The currently available employment land supply, Angus Council Employment Land Review 2015 (CD/5-9) identifies 2.45 ha (4 plots) of available land at Elliot Industrial Estate and a further 6.4ha (8 plots) at Kirkton industrial estate – approximately 9ha in total with an allocated extension to the Elliot Industrial Estate identified for future release. There is no current commitment by Angus Council to bring this site on stream.

This site comprises the largest allocated employment site in Arbroath, ideally located for access to the dualled A92 to Dundee and is safeguarded for Use Classes 4, 5 and 6. The allocation of this site accords with the TAYplan and SPP in that it is serviced; has potential for a mix of uses; accessible by walking, cycling and public transport, and is easily accessed by the existing road network and public transport. (CD/2-2 Page 24 Paragraph 101). No evidence of marketing or assessment of the local market is included. Scottish Enterprise (PP/00128/1/003) expresses concern about the 'incremental loss of some employment land' and would wish to see and also note – 'It is the particular type and location of land which may be more appropriate to retain in employment use (for example existing employment land within towns, adjacent to transportation networks, at strategically important locations such as the Ports, harbours and adjacent to/part of major employment facilities), rather than just the amount as land as a whole.' This site is deemed to be of a size, location and accessibility that merit its retention for Employment Use in accordance with Policy TC15 (CD/1-1 Page 35)

The allocation of this site for the stated uses also conflicts with promoting Town Centres as supported by Scottish Planning Policy (CD/2-2 Pages 18-21 Paragraphs 58-73) and Policy TC17 Network of Centres (Including Table 2) and Policy 19 Retail and Town Centre Uses (CD/1-1 Pages 38-41). These uses should be directed to town centres as defined in the Proposed LDP unless it is demonstrated that they cannot be accommodated within

the town centre. No such evidence has been submitted in support of this site.

This is an area of mixed uses, and the presence of employment uses therefore raises no amenity issues with surrounding activities which are retail, tourism and the Elliot Industrial Estate itself. For these reasons, the Council does not agree to modify the plan in response to this representation.

C Hay (PP/00137/1/001) – The proposed allocation would be in addition to the current significant greenfield land allocations in the Proposed LDP at:

- Site A1 – 9.4ha
- Site A2 – 5ha in the period 2021-2026 with a further 23ha available for development to be identified through future Local Development Plans.
- Site A(a) – 15ha with planning permission for 338 houses (235 to build, Draft Housing Land Audit 2015).

The Main Issues Report (CD/1-11) discussed strategic development opportunities for Arbroath and, for a variety of reasons, promotes development west of the town and this has now been refined through further work to the allocation of two significant development sites at East Muirlands Road and Arbirlot Road West. Additionally, development potential remains at Montrose Road, adjacent to this proposal. At this stage, therefore, and for the reasons laid out in the MIR which have not been challenged, there is no justification for allocation additional housing land in Arbroath, at this time.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan (CD/3-1) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply / Release (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

For these reasons, the Council does not agree to modify the plan in response to this representation.

Meadowbank Inn & Silverwells Garden Centre (PP/00114/1/007) - The Meadowbank Inn and Silverwells Garden Centre to the east of the Montrose Road (A92) is promoted for inclusion within the Development Boundary of Arbroath. The site comprises roadside development with a garden centre, green space (which was not the subject of planning application 06/01571/FUL (S4/14-14). for an extension, which was contained within the car park of the Meadowbank Inn) and the Meadowbank Inn. The Development Boundary currently follows Bearfauld Road as a defensible boundary. There are a number of properties north of this road – residential and commercial – and the current boundary prevents potential piecemeal development creeping north from the town, particularly once the Montrose Road site A(a) is fully developed.

Examples of Development Boundaries are enclosed in support of the representation, but can be rebutted by other examples of Development Boundaries – Friockheim, Trinity; Kirriemuir/Northmuir for example.

The existing uses are well established, and individual development proposals would be considered within the context of relevant PALDP policies for redevelopment/brownfield sites. The fact that this is ribbon development along one side of the A92 may set a precedent for other pockets of development.

The extension of Development Boundary to include Silverwells Garden Centre Nursery to the west of the Montrose Road A92 (1.9ha approximately) is proposed to promote a housing site, effectively an extension to the site promoted through Emac Planning on behalf of C Hay (PP/00137/001). Housing allocations have been made in each of the seven towns in Angus, in accordance with the locational strategy set out in the Plan. These allocations have been made to meet the housing land requirement set out in the TAYplan Strategic Development Plan for the period to 2026. Allocations have also been made in each of the four Rural Service Centres to help support and maintain services and facilities, and reduce the need to travel. No other allocations have been made in the rural area, but residential development will be supported by the Plan on appropriate sites within development boundaries and in countryside locations in accordance with Policy TC2 Residential Development. Allocation of the site is not required to meet the housing land requirement set by TAYplan, as such there is considered to be no justification to extend the settlement boundary in this location.

The PALDP specifies that the development boundaries shown on the Proposals Map have been brought forward from the Angus Local Plan Review (2009) (CD/5-1) and have not been the subject of a review apart from where significant greenfield allocations are proposed as extensions. A review of development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-15 Page 7 Ref 5). It would be inappropriate to amend the development boundary before such a comprehensive and consistent review. For these reasons, the Council does not agree to modify the plan in response to this representation.

Wm Morrison Supermarkets Plc (PP/00076/1/001) - The site of what is now Morrisons was granted consent in 1998 and has current consent for an extension and alterations to the car park (13/00824/FULL - S4/14-15). It was and is regarded as an edge of centre site, being physically and functionally separate from the main shopping area along the High Street. Burnside Drive forms a clear physical and psychological boundary to the town centre, although there are functional links between the Morrisons store and the town centre in terms of linked trips.

The inclusion of this site, on a former foundry, would extend the town centre north of Burnside Drive and with it the principles of preference to edge of centre sites for town centre uses. This would have major implications for the town and would require consultation with the community – including local High Street businesses. Arbroath is part of a programme of Charrettes being promoted by the Council across the Angus towns. The reports for the first in the series – Monifieth and Brechin – have recently been published and three are planned for 2015-16 in Arbroath, Forfar and Montrose. (Report No 243/15 refers S4/14-16)

The findings of these will help inform the development of town centre strategies where it will be appropriate to review the form and functions of these town centres. The Draft Action Programme (CD/1-3 Pages 11-13 Refs 27-32,) identifies a range of work areas including town centre boundary reviews to be undertaken by the Council as part of the wider town centre first and community planning agenda in conjunction with the Development Plan. The outcomes of these will inform future Local Development Plans.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Arbroath Development Strategy

2. The bullet points listed under the development strategy for Arbroath at pages 75 and 76 of the proposed plan, set out the council's expectations with regard to new development. The bullet points translate the development strategy for Angus at a settlement level in relation to Arbroath. They are not intended to cover every aspect and are to be read as a whole alongside the development strategy for Angus and the policies of the local development plan. A requirement to support the provision and enhancement of the network of paths and cycleways is already reflected in the policies of the plan within: Policy DS2 Accessible Development; Policy DS3 Design Quality and Placemaking; and Policy PV3 Access and Informal Recreation. Therefore, I agree with the council that inclusion of the suggested text is not necessary and is repetitious.

Arbroath Table A1: Existing Sites

3. The council confirms that the area of woodland at Seaton Estate and adjacent to site A(a) Montrose Road, was the subject of a felling licence approved in June 2000. The site has been clear felled as confirmed by the council document S414-3 and no replanting required. Given that the woodland no longer exists, it would not be appropriate or necessary to insist on a minimum 15 metre buffer of semi-natural vegetation to protect the woodland.

A1 Housing – Crudie Acres, East Muirlands Road

4. Issues relating to the scale of housing land release in the East Angus housing market area, which includes Arbroath, are considered under Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, Arbroath represents one of the principal Tier 2 settlements where the majority of new housing is to be located. The local development plan is required to allocate sufficient land for housing development in east Angus to enable the average annual build rate of 80 houses each year to be delivered over the next plan period. While the development of brownfield sites is a priority, the release of greenfield sites is also necessary in order to achieve this and to enable the housing needs and demands of this area to be met.

5. The new allocations at A1 Crudie Acres and A2 Crudie Farm are considered to be effective and contribute towards a range of sites and locational choice within Arbroath in addition to the existing greenfield site at A(a) Montrose Road. The general area represented by both Crudie Acres and Crudie Farm was put forward as a preferred option

in the Main Issues Report and considered generally accessible, well-served by public transport and close to primary and secondary schools and to other community facilities. It was also recognised that the development of this area presented an opportunity to strengthen the weak visual edge of the town.

6. The council sets out the background for assessing the suitability of this site for housing purposes which includes considerations of landscape capacity, school capacity, protected designations, flood risk, the green and blue network, active travel, available services and access constraints. No major capacity issues or constraints to development are identified. Therefore, I am satisfied that a thorough assessment has been carried out and the site is suitable for development and deliverable.

7. Local concerns are raised over the impact of the development on the setting of the adjacent cemetery and the A Listed Mortuary Chapel. I consider that the relative distance and intervening landscape and walling between the site and these features is sufficient, so as not to preclude in principle the development of housing at Crudie Acres. Any development brief would need to outline any specific requirements regarding the protection of the historic environment, areas of open space and the level of structural landscaping required.

8. The developer requirements associated with this allocation would address the main planning related concerns, as far as is appropriate for the local development plan. Other relevant plan policies that apply to the consideration of detailed proposals would address additional site-specific concerns such as the impact on natural habitats, existing footpaths and proximity to the sub-station. The impact of development on private property values is not a valid planning consideration and cannot form part of this examination.

9. Concerns are expressed over the levels of traffic that would emanate from the development of this site, in conjunction with the site A2 Crudie Farm, and the overall impact of this on road safety and on the character of the conservation village Arbirlot.

10. A Transport Appraisal looked at all the strategic transport issues in relation to the development proposals in Arbroath. Undertaken at a settlement level and giving consideration to all the development proposed for Arbroath, the appraisal identified no significant transport network issues in relation to the sites at Crudie Acres and Crudie Farm. Further information considered by the council and outlined within their response above, conclude that no traffic intervention measures are considered necessary within the village of Arbirlot.

11. The developer requirements in relation to this site indicate that a transport assessment is required and that a development brief should be prepared for the site. Residents would have an opportunity to comment and input into the preparation of the brief. The phasing of the development over the periods 2016/2021 and 2021/2026 would also assist any future monitoring and analysis of traffic impacts as part of the transport assessment. I am satisfied with the council's conclusions with regard to this matter and the potential to monitor the situation and therefore I do not accept the need for additional provisions within the developer requirements.

12. Persimmon Homes East Scotland requests that the site be increased from 230 to 280 units based on an average density of 30 units per hectare. This is all to be identified for the first phase (2016/2021) to allow for a more consistent delivery of housing and infrastructure. This position is supported by an initial analysis of the site context and

deliverability.

13. This site is referred to within the agreed 2015 Housing Land Audit, which confirms 230 units in total starting in 2016/2017, contributing 96 units by 2020/2021. The audit figure is consistent with the plan allocation of a total 100 units by 2021, representing around 20 units per annum. The total 280 units sought within the representation for the first phase would represent around 56 units per annum. This contrasts substantially with that indicated within the audit where a maximum 24 units per annum is provided for this site in any one year. It also contrasts with the notional programming of 30 units per annum for a site with an active developer indicated by Homes for Scotland in their advice to planning authorities. This advice is referred to in the audit.

14. No other individual site within the audit has annual programming figures above 50 units and the position reached by Persimmon Homes East Scotland is not substantiated within their submission or with regard to current market conditions. I note that a proposal of application notice was submitted in July 2015 for the total 9.4 hectare site but no further details are provided as to the timescales for submission of any planning application, conclusion of any planning obligation etc. It is my view at this time that the 2015 audit, which is informed by a survey undertaken in April 2015, provides the most up to date, agreed position with regard to the programming of this site.

15. With regard to overall capacity, this site may be capable of accommodating more units than the allocation identifies, but this will depend upon a range of factors including the type of new homes proposed, as well as other detailed considerations. Although not referred to as indicative, there is no suggestion within the plan that the figures must be adhered to rigorously. The position remains to be finalised once a precise form of development emerges which accords with all of the planning authority's expectations and plan requirements. The main outcome should be to produce a high standard of development rather than be constrained by exact numbers. However, it is not for the plan to predict or restrict the outcome of that design process and therefore any increase in capacity at this stage is not justified.

16. With regard to school infrastructure, the council confirms that a new Timmergreens Primary School was due to open in Spring 2016, resulting in spare capacity at Muirfield Primary School, which itself is scheduled for refurbishment. The Council has confirmed in response to a further information request, relating to Issue 3, that all sites allocated in the proposed plan are considered to be effective using the definitions given in Scottish Planning Policy and PAN 2/2010. I am satisfied therefore, that there are currently no school constraints affecting the delivery of this site as programmed within the plan.

17. The overall effectiveness of the land supply to 2026 is dealt with in Issue 3. The use of phasing is discussed in the Main Issues Report where, given the 10-year time horizon of the plan, the council considers it appropriate to phase the release of housing land over two five-year periods. This allows the plan to be aligned with the housing supply targets of the Local Housing Strategy thereby providing a strategic approach to housing delivery. Given that there are no major restrictions affecting education capacity or drainage infrastructure within Arbroath, the main reason for introducing phasing on this site appears to be to control the level at which housing comes forward so that other sites can also contribute and a range and choice is maintained in the local housing market.

18. Should there be a shortfall in the five or seven-year effective housing land supply, then the early release of later phases is allowed for through Policy TC1. The priority given

to existing (allocated) sites is confirmed with regard to the recommended modification within Issue 3. Therefore, it is only at this point (if there was a shortfall in the five or seven-year effective land supply), that the second phase could be released earlier to make up any shortfall, if suitable and deliverable. Given the underlying housing strategy and the context provided by Policy TC1, the approach to phasing on this site is considered appropriate and no modification is necessary.

A2 Housing – Crudie Farm, Arbirlot Road West

19. Similar to A1 Crudie Acres, concerns are raised over the allocation of this greenfield site rather than the development of brownfield sites, the limited school capacities and impacts on private property values. The context provided by the strategic development plan is also relevant to the development of this site. The impact of development on private property values is not a valid planning consideration and cannot form part of this examination.

20. In response to site A1, the council sets out the background for assessing the suitability of both sites for housing purposes which includes considerations of landscape capacity, school capacity, protected designations, flood risk, the green and blue network, active travel, available services and access. No major constraints to development are identified. The underlying strategy for housing requires both sites to contribute to the land supply over the 10-year period of the plan. The council confirms the suitability and effectiveness of A2 Crudie Farm and I see no reason to disagree with this conclusion, which has been arrived at following a thorough site assessment process.

21. Similar concerns regarding potential traffic impacts are raised. At a strategic level, these matters have been considered within the Transport Appraisal. Following further monitoring of traffic flow and speeds, the conclusion reached by the council is that no traffic intervention measures are considered necessary within the village of Arbirlot. Given that this site is identified for the second phase 2021/2026, there will be an opportunity to monitor the situation, including any cumulative impacts, through the submission of a transport assessment and preparation of a development brief. I am satisfied with the council's conclusions with regard to this matter and do not accept the need for additional text within the developer requirements.

A3 Opportunity Site – Wardmill/Dens Road

22. Given the concerns regarding history of flooding and the presence of culverts on this site, I consider that an additional requirement should be added to confirm that a flood risk assessment should be undertaken which should consider the potential for channel restoration.

23. The introduction of an additional statement which supports other suitable commercial uses at this opportunity site would be inconsistent with other allocations within the plan where, in the main, the particular class of development from the Town and Country Planning (Use Classes) (Scotland) Order 1997 is specified. Such a reference would be too imprecise and may give rise to commercial uses, which could be inconsistent with the strategy and policies of the plan. This approach would not provide sufficient certainty within the plan and to future developers of the site. Therefore, I do not accept that a reference to other commercial uses should be included.

A6 Opportunity Site – Former Bleachworks, Elliot

24. An updated position was provided by the Scottish Environment Protection Agency on 14 March 2016, in the course of this examination. This outlined that following the submission of a flood risk assessment, there may now be scope for limited development, including residential, on higher ground in the south west of this site. Although further detailed work would be required to support any specific proposal, the initial mitigation proposed in the assessment would appear to be sufficient to address the matter of flood risk. Further information would be required to determine what culverts flow through the site and whether these pose any flood risk. Therefore, I consider that it would be appropriate to amend the plan to reflect the up-to-date position regarding flood risk on this site.

A7 Opportunity Site – Former Seaforth Hotel

25. The council highlights the importance of this site to the strategy of the plan, by virtue of its prominent position on the seafront, and that a development for tourism use would help to replenish the loss of hotel facilities within Arbroath. The representation seeks a wider range of uses, including retail, restaurant and residential within the allocation of this opportunity site.

26. The detailed planning history is noted, including the approval of development guidelines for the site in 2006 and the appeal dismissal in 2007 for the erection of a hotel and flatted development. The council does not consider that the leisure uses, which surround the site, would be compatible with residential uses. A similar view was reached in the cited appeal, where the proposal was predominantly residential in character. The lack of residential uses within the immediate area and the expanse of open space between the site and the built-up edge of Arbroath is relatively unchanged since this decision was taken.

27. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. Issue 3 concludes that sufficient residential sites are identified within the plan to meet the housing requirement. I have concluded that no further residential allocations are required within Arbroath and I have endorsed those allocated within the plan. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential alternative or additional housing sites.

28. With regard to retail strategy, the plan defines a network of centres, consistent with Scottish Planning Policy. Retail uses outwith Arbroath town centre are restricted to the commercial centre at Westway Retail Park and controlled by Policy TC19, which requires a sequential approach to site selection. The introduction of retail uses at this site would not be consistent with the network or this overall approach.

29. Although I accept that support for a mix of uses could make this site more attractive for investment, the characteristics of the site do not support a wide range of uses. The introduction of retail and residential uses in particular would not support the plan's strategy to develop further tourism and recreation facilities within this part of Arbroath. Therefore, I conclude that the plan should not be modified in this respect.

A10 Working – Elliot Industrial Estate Extension

30. In view of the evidence from the Scottish Environment Protection Agency on the history of flooding on this site, and the potential risk from the Elliot Water and the small watercourse along the northern perimeter of the site, I consider it would be appropriate to amend the plan to include a requirement for a developer to undertake a flood risk assessment to inform the scale, layout and form of the development.

A13 Community Facilities – Western Cemetery Extension

31. Given the possibility of flooding from the Hercules Den Burn, I consider that it would be appropriate to require a flood risk assessment to be undertaken prior to development. In addition, I agree that it is appropriate to require an intrusive ground investigation to be carried out to confirm the site's suitability for use as a cemetery extension.

Arbroath Omissions

32. The site occupied by Presentation Products, Dundee Road, lies within the Elliot Industrial Estate and has a prominent position on entry to the town. The site is adjacent to the designated commercial centre at Westway Retail Park.

33. The council considers the site is important to retain in employment use due to its size, location and accessibility. Scottish Enterprise also supports the protection of employment sites of this type and in strategic locations such as this. Scottish Enterprise's representation on Policy TC14 (dealt with at Issue 7), seeks greater safeguards against the loss of employment land for other uses. The representation is accepted and the recommended modification to Policy TC14 prevents the loss of employment uses unless a number of criteria are satisfied and evidence submitted regarding marketing, the inter-relationship with adjacent employment land and infrastructure, and the potential impacts of the use and occupation.

34. Although the council confirms that there is no commitment to bring forward the extension to Elliot Industrial Estate, their position with regard to employment land is more concerned with the loss of this particular site rather than any overall loss to the amount of land available. The site is in a serviced location and has good accessibility to the strategic road network. I agree that the site is important in terms of its opportunity to attract future business growth to the area and in contributing to the supply of sites, which should support a broad range of business activities. Over the 10-year period of the plan, the demand for business sites is likely to fluctuate, but the availability of readily serviceable land within accessible locations would support the economic aspirations of the plan.

35. The representation seeks the allocation of the whole site for a range of uses including Class 1 (shops) and Class 9 (houses) in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

36. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. I have not found any of the allocated housing sites in East Angus to be inappropriate for development or there to be a deficiency in the scale of the land being released for housing. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the

merits of potential alternative or additional housing sites, such as that occupied by Presentation Products.

37. There are very few residential properties near to the site, and retail warehousing, a caravan park and the industrial estate dominate the surroundings. With regard to retail strategy, the plan defines a network of centres, consistent with Scottish Planning Policy. Retail uses outwith Arbroath town centre are restricted to the commercial centre at Westway Retail Park and controlled by Policy TC19, which requires a sequential approach to site selection. The introduction of Class 1 retail at this site would not be consistent with the network or this overall approach.

38. The site is not currently vacant and it falls within an existing employment allocation where it would be highly suitable for similar employment uses. The locational importance of this site is recognised. The additional pressure to consider a range of potential uses, given the impending business closure, is also acknowledged. However, it would not be appropriate to pre-empt the consideration of any planning application for this site, which would be determined under the recommended modified Policy TC14. Therefore, I do not consider that it is necessary or appropriate to amend the plan.

39. Land north of Tarry Road is suggested as suitable for the identification of significant additional residential development. Issue 3 concludes that sufficient residential sites are identified within the plan to meet the housing requirement. I have concluded that no further residential allocations are required within Arbroath and I have endorsed those allocated within the plan. The new allocations at A1 Crudie Acres and A2 Crudie Farm are considered to be effective and provide for a range of sites and locational choice within Arbroath in addition to the existing greenfield site at A(a) Montrose Road which is under construction and located immediately east of Tarry Road. Therefore, I am satisfied that the allocation of land north of Tarry Road for additional housing development is not required and would not provide the same locational advantages as the new sites allocated to the west of the town.

40. The council considers any amendment to development boundaries around settlements to be a matter of priority in the review of the local development plan to ensure that they remain robust and reflect current circumstances. I note that this policy action is listed as number 5 within the Action Programme with a timescale of one to five years, although I have no remit to examine this document.

41. I also note the support within Policy DS1 for proposals within development boundaries where they are of an appropriate scale and nature, and accord with the relevant policies of the plan. Outwith development boundaries, where proposals are contiguous with the boundary, proposals are only acceptable where in the public interest and social, economic, environmental or operational considerations confirm there is a need that cannot be met with a development boundary. Priority is given to brownfield sites over greenfield sites where they re-use or make better use of vacant, derelict or under-used brownfield land or buildings. Policy TC2 also lends support to proposals in the countryside through the regeneration or redevelopment of brownfield sites. The recommended modification outlined at Issue 3 would also allow for the consideration of other proposals outwith a development boundary where they are needed to resolve a shortfall in the effective housing land supply.

42. The representation seeks the extension of the development boundary to include land at Meadowbank Inn and Silverwells Garden Centre, and land at Silverwells Nursery. The

latter is in the event that land north of Tarry Road is allocated within the plan. However, as I have considered that matter above and rejected it, I am satisfied that the inclusion of land at the nursery would not represent a logical extension to the development boundary of Arbroath.

43. It is clear from the representation that the aim is to enhance the development potential of these sites. The development of housing at A(a) Montrose Road has extended the urban form of Arbroath, with Bearfaulds Road forming the development boundary of the settlement to the north. Land occupied by the Meadowbank Inn, immediately north of Bearfaulds Road is contiguous with the development boundary. Along with the garden centre, the area represents a form of development typically found just beyond or at the edge of existing settlements where land is more readily available. Although examples are provided within the representation, which demonstrate both situations described above, each circumstance that comes forward will not be identical. I therefore consider that it is appropriate for this to be addressed through the comprehensive review of development boundaries, which the council proposes to undertake.

44. In accordance with Policy DS1 and Policy TC2, the identification of this area within the development boundary could allow for suitable residential infill, if consistent with the policies of the plan. The area is considerable at around 1.5 hectares in size. Situated beyond the roundabout, at the edge of the countryside, the development of housing in this location would appear incongruous. As concluded at Issue 3, no further housing allocations are required within the plan I have not found any of the allocated housing sites in East Angus to be inappropriate for development or there to be a deficiency in the scale of the land being released for housing. Therefore, I do not accept that the development boundary should be altered to include this area. The development aspirations would be more appropriately considered in the wider context provided by Policy DS1 and Policy TC2.

45. The Morrison's store is currently located immediately to the west of Burnside Drive in an edge of town centre location. Arbroath is identified within the network of centres as a larger town centre, the role of which is to provide for larger scale developments and main comparison shopping, along with local services and facilities. New development and investment, which strengthens and enhances the town centre is encouraged.

46. The boundary of Arbroath town centre is defined within the plan and extends up to Burnside Drive in the west. This road provides a strong physical barrier as well as a clear functional distinction between the town centre shops, services and car parks, and the residential and traditional industrial areas that lie west of Burnside Drive. Although the core retail area of West Port which lies west of Burnside Drive, is identified separately within the plan, I note that the town centre boundary has not been extended to include it.

47. As a focus for potential investment, the town centre boundary must reflect its current and future role, which will be considered through the development of a town centre strategy. In general terms, with the growth in internet shopping, the need for major new retail space is likely to diminish and town centres will require to adapt and provide for a greater range of uses. This is likely to have implications for the overall size and definition of town centre boundaries.

48. The provision of a robust and defensible town centre boundary is important to protect the network of centres identified within the plan. Consistent with Scottish Planning Policy

and Policy TC19, new retail and town centre uses are directed in the first instance to town centres as part of a sequential town centre first approach. This ensures that uses that generate significant footfall are developed in the most appropriate locations.

49. The inclusion of the Morrison's store within the town centre boundary would be at odds with this approach. Although there is already an opportunity for linked trips between the store and the town centre, it is unclear what would be gained by including it within the town centre boundary. It has the potential to draw attention and investment away from the core retail area of Arbroath and dilute the function of the town centre, which would not be consistent with Scottish Planning Policy and could undermine the development of a town centre strategy. For these reasons, the amendment to the town centre boundary is not supported, although I note from the action programme that the council intends to conduct a review of all town centre boundaries within the next five years.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 78, 'A3 Opportunity Site – Wardmill/Dens Road', under the fifth bullet point, adding the following words after "Flood Risk Assessment": "which considers the potential for channel restoration".
2. On page 80, 'A6 Opportunity Site – Former Bleachworks, Elliot', replacing the third sentence of the first paragraph with the following: "Given the level of fluvial and tidal flood risk a Flood Risk Assessment will be required, including investigation of any culverts flowing through the site, to establish the scope for development, including residential development."
3. On page 81, 'A10 Working – Elliot Industrial Estate Extension', adding a fourth bullet point as follows: "supporting information including a Flood Risk Assessment".
4. On page 82, 'A13 Community Facilities – Western Cemetery Extension', adding a second sentence as follows: "Before any development occurs at the site, a flood risk assessment should be carried out and ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."

Issue 15	Brechin	
<p>Development Plan Reference:</p>	<p>Brechin Settlement Statement, Pages 87 – 94 Brechin Development Strategy, Pages 87-88 B1 Housing – Dubton Farm, Page 88 B3 Opportunity Site – Scott Street Goods Yard, Page 89 B4 Opportunity Site – Former Gas Works, Witchden Road, Page 89 B5 Opportunity Site – Maisondieu Church, Witchden Road, Page 90 B6 Working – Brechin West, Page 91 B7 Brechin Cemetery Extension, Page 92 Brechin Omissions</p>	<p>Reporter: Claire Milne</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Brechin Development Strategy</u></p> <p><u>Support</u></p> <p>Dalhousie Estates (PP/00098/2/001)</p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/015)</p> <p><u>B1 Housing – Dubton Farm</u></p> <p><u>Support</u></p> <p>Dalhousie Estates (PP/00098/2/002)</p> <p><u>Objections</u></p> <p>Robin Woodger (PP/00006/1/001) Shell UK Ltd (PP/00047/1/002) BP North Sea Infrastructure (PP/00107/1/002) Scotia Homes (PP/00119/2/001) Scottish Environment Protection Agency (PP/00120/1/025)</p> <p><u>B3 Opportunity Site - Scott Street Goods Yard</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/026)</p> <p><u>B4 Opportunity Site - Former Gas Works, Witchden Road</u></p> <p><u>Objections</u></p>		

<p>Scottish Environment Protection Agency (PP/00120/1/027)</p> <p><u>B5 Opportunity Site - Maisondieu Church, Witchden Road</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/028)</p> <p><u>B6 Working – Brechin West</u></p> <p><u>Objections</u></p> <p>Dalhousie Estates (PP/00098/2/003) Woodland Trust Scotland (PP/00099/1/002) BP North Sea Infrastructure (PP/00107/1/003) Scottish Environment Protection Agency (PP/00120/1/029)</p> <p><u>B7 Brechin Cemetery Extension</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/030)</p> <p><u>Brechin Omissions</u></p> <p><u>Objections</u></p> <p>AMCA Architects (PP/00034/1/001, PP/00034/1/002) John Ritchie (PP/00090/1/001)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>Brechin Settlement Statement</p>
<p>Planning Authority’s Summary of the Representation(s):</p>	
<p><u>Brechin Development Strategy</u></p> <p><u>Support</u></p> <p>Dalhousie Estates (PP/00098/2/001) - Dalhousie Estates welcome the continued recognition of Brechin as a principal settlement within Angus and a spatial planning strategy for the town which encourages new homes and business commensurate with its role as a local centre of population and economic activity. As a land owner and business including operating the Brechin Castle Centre, Dalhousie Estates support the continued spatial strategy of creating a planning framework to encourage development which leads to local job creation, with an emphasis on tourism and recreation. The ‘town visioning work’ undertaken by community organisations over the past few years set a clear and widely supported investment strategy, with priorities including supporting the High Street, encouraging tourism initiatives and creating local job opportunities. Dalhousie Estates have contributed towards the visioning work and welcome the initiatives that have emerged. It is within this context that Dalhousie Estates support the continuation of the</p>	

Angus Local Plan Review strategy of 2009 which directs economic and housing development to the west of the town.

Objections

TACTRAN (PP/00073/1/015) - In support of Policy DS5 suggest that the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Brechin.

B1 Housing – Dubton Farm

Support

Dalhousie Estates (PP/00098/2/002) - Dalhousie Estates support inclusion of B1 Dubton Farm within the development boundary, as shown in the Proposed Plan. With the exception of part of allocation B1 sold to Scotia and subject of a planning consent, the land is owned by Dalhousie Estates and meets the tests of effectiveness as provided for in PAN 2/2010 by being available for development, subject of interest for development by a number of parties and physically unconstrained. The provisions contained within B1 are deliverable and reflect technical work commissioned by Dalhousie Estates in relation to site servicing, environmental impact and development layouts. Allocation B1 is being advanced in phases to accord with the approved development brief (as contained in Appendix 1). Scotia Homes are progressing implementation of the northern part of the site and Dalhousie Estates are in detailed discussions with a housebuilder on the remainder of the allocation.

Objections

Robin Woodger (PP/00006/1/001) - Propose that the Dubton Farm housing development be restricted to the phases 1 and 2, i.e. 250 houses, with the southern section being designated as open ground.

Shell UK Ltd (PP/00047/1/002) and BP North Sea Infrastructure (PP/00107/1/002) - Welcome and support the identification of the oil and gas pipeline consultation zones on the Brechin Inset map and the main proposals map but request that specific reference is made to the pipeline/ consultation zone in the text for B1 – Dubton Farm. This should advise that any development within areas of Proposal B1 that are covered by Health and Safety Executive pipeline consultation zones must take account of the HSE Planning Advice for Development near Hazardous Installations (PADHI) guidance. Although this would not place any constraint on the development of the site, it would provide clarity to potential developers on the requirement to comply with the HSE regulations.

Scotia Homes (PP/00119/2/001) - Scotia Homes Ltd is committed to the delivery of new housing at Dubton Farm in accordance with Policy B1 of the Proposed ALDP. However Scotia would be content to bring forward additional housing land at Dubton into the period 2016-2021, enabling the 5 year supply to be met without compromising the 7 year target.

Scottish Environment Protection Agency (PP/00120/1/025) - An FRA which assesses the risk from the Skinner's Burn and tributaries is required. The developer requirements should be amended to include a FRA which assesses the risk from the Skinner's Burn and its tributaries. This should be undertaken prior to any development occurring on the

site and that the findings are used to inform the scale, layout and form of development. This requirement accords with the principles of sustainable flood management the cornerstone of which is avoidance of flood risk in the first instance. It will also ensure that potential developers are informed at the earliest opportunity that there are flood risk issues affecting the site that may constrain the developable area. The requirement also supports the delivery of your authority's duty under the Water Environment and Water Services (Scotland) Act 2003 to promote sustainable flood management. Consideration should also be given to culverted watercourses. PAN 69 states that "buildings must not be constructed over an existing drain (including a field drain) that is to remain active."

B3 Opportunity Site - Scott Street Goods Yard

Support

Scottish Environment Protection Agency (PP/00120/1/026) - We support the development requirement for a Flood Risk Assessment to be undertaken prior to development occurring for this site.

B4 Opportunity Site - Former Gas Works, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/027) - Whilst the requirement for a flood risk assessment within the developer requirements is noted and supported, we require a modification to the proposed uses to exclude residential development. All sources of flooding should be considered and appropriate mitigation proposed in the layout and design of buildings. Any FRA for the site would be required to investigate the Dens Burn Culvert. We would not support buildings being proposed over a culvert (PAN 69).

It is unclear how this site could be developed for housing and operate as part of the Brechin Flood Prevention Scheme. The Authority should consider carefully if this site is suitable for development along with any space needed for the Flood Prevention Scheme. Any housing may be significantly constrained at this location. Pressures are identified on the adjacent Dens and Barries Burns in the context of River Basin Management Planning - these are: improve modified habitat and SUDS. We require a modification to the developer requirements in order to deliver these RBMP aspirations.

B5 Opportunity Site - Maisondieu Church, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/028) - There is a culvert adjacent to the site which will form part of the Brechin Flood Protection Scheme. We require that finished floor levels for this site should be considered in the context of available information to minimise any residual risk. The developer requirements should be modified to take this into account.

B6 Working – Brechin West

Objections

Dalhousie Estates (PP/00098/2/003) - As the principal landowner of B6 (Brechin West), Dalhousie Estates support inclusion of this area within the development boundary, as shown in the Proposed Plan (page 93). The provisions contained within allocation B6 (Working - Brechin West) are deliverable and reflect technical work commissioned by Dalhousie Estates in relation to site servicing, environmental impact and development layouts. Allocation B6 is also being advanced by Dalhousie Estates in consultation with Angus Council, with a Proposal of Application Notice submitted and planning application to be progressed following further consultation and preparation of a development brief currently underway. The provisions with the allocation, as detailed on page 91, are supported but request a modification to Bullet point 3 to ensure that that the allocation does not pre-empt the outcome of detailed site analysis and technical studies currently underway which will create a land use framework to support a high quality, integrated job creating led development for the site.

Woodland Trust Scotland (PP/00099/1/002) - The Trust is concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

Archial NORR (PP/00107/1/003) - support the identification of the pipeline consultation zone on the Brechin Inset map but request that specific reference is made to the pipeline in the supporting text for B6 - Brechin West employment site. Although this would not place any constraint on the development of the site, it would provide clarity to potential developers on the requirement to comply with the HSE regulations.

Scottish Environment Protection Agency (PP/00120/1/029) - This site is located in or adjacent to the functional flood plain or an area potentially at flood risk. We therefore require a modification to the developer requirements to include a FRA which assesses the risk from the small watercourses which flow through the site. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.

B7 Brechin Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/030) - Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of these allocations. Should investigations be carried out prior to adoption, in accordance with guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32), then we would be pleased to review our position. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the

investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Brechin Omissions

Objections

AMCA Architects (PP/00034/1/001) - There is an opportunity site at Trinity Road, Brechin capable of supporting 11 dwellings.

AMCA Architects (PP/00034/1/002) - A site at the junction of South Esk Street and Trinity Rd which was formerly the Den Nursery, was previously granted planning permission (06/01502/FUL) for the conversion/extension of 2 existing buildings and the erection of 1 new-build forming 4 housing units. Subsequently, the Angus Local Plan Review (2009) re-classified this site as open space. We suggest that the best method of protecting that landscaping is to allow division of the site between a larger number of owners through the conversion of the existing buildings and construction of a small number of new-build dwellings placed sensitively within the landscape. The topography of the site is such that any flooding would be well contained within the lower levels. With any housing located at higher levels. Such as to be immune from any effects.

John Ritchie (PP/00090/1/001) - Propose that a site at Unthank is allocated in the Plan as it accords with the requirements of planning policy at the national, regional and local levels. Very limited housing development has taken place in Brechin over recent years, and the addition of the proposed land would introduce choice and the guarantee of delivery of units over coming years. The inclusion of the proposed gallery would also be a welcome addition to the services and facilities of the town.

Modifications Sought by those Submitting Representations:

Brechin Development Strategy

TACTRAN (PP/00073/1/015) - The Development Strategy should make reference to "supporting the enhancement and extension of the network of paths and cycleways around the town".

B1 Housing – Dubton Farm

Robin Woodger (PP/00006/1/001) - Amend site boundary to exclude land to south.

Shell UK Ltd (PP/00047/1/002) and BP North Sea Infrastructure (PP/00107/1/002) - Refer to the presence of the pipeline in the supporting text for B1- Dubton Farm.

Shell UK Ltd (PP/00047/1/002) - After paragraph 2 insert new sentence: 'Development within areas of Proposal B1 that are covered by Health and Safety Executive pipeline consultation zones must take account of the HSE Planning Advice for Development near Hazardous Installations (PADHI) guidance.'

Scotia Homes (PP/00119/2/001) - It is suggested that 115 units (or thereabouts) could be brought forward from the 2021-2026 allocation at Dubton Farm to the period 2016-2021 if required to meet a shortfall in the HLS in this period in the North HMA.

Scottish Environment Protection Agency (PP/00120/1/025) - The developer requirements set out in the policy should include a FRA which assesses the risk from the Skinner's Burn and its tributaries. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development

B4 Opportunity Site - Former Gas Works, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/027) - The policy should be amended to exclude residential development.

B5 Opportunity Site - Maisondieu Church, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/028) - The developer requirements set out in the policy should set out that finished floor levels for the site should be considered in the context of available information to minimise any residual risk. Further discussion is needed with the Council to determine the potential for appropriate developer requirements in relation to the water environment.

B6 Working – Brechin West

Objections

Dalhousie Estates (PP/00098/2/003) - Amend Bullet point 3 to read "Provision of an internal link road between the business park extension and Brechin Business Park is to be explored as part of the preparation of the development brief and informed by the traffic impact assessment. This layout and traffic assessment will consider the arrangements for supporting tourist related development."

Woodland Trust Scotland (PP/00099/1/002) - B6 Brechin West should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

BP North Sea Infrastructure (PP/00107/1/003) - Add reference to the presence of the pipeline in the supporting text for B6 Working - Brechin West.

Scottish Environment Protection Agency (PP/00120/1/029) - The developer requirements set out in the policy should include a FRA which assesses the risk from the small watercourses which flow through the site. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

B7 Brechin Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/030) - The acceptability of a site for

cemetery use should be assessed following intrusive ground investigation. In the absence of such information. Should investigations be carried out prior to adoption. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Brechin Omissions

Objections

AMCA Architects (PP/00034/1/001) - Include site at Trinity Road, Brechin as an opportunity site capable of supporting 11 dwellings.

AMCA Architects (PP/00034/1/002) - Allocate site at South Esk Street/Trinity Road for housing.

John Ritchie (PP/00090/1/001) - Allocate 22 acres of land at Unthank for residential and community facilities.

Summary of Responses (including reasons) by Planning Authority:

Brechin Development Strategy

Supporting representation noted.

Objections

TACTRAN (PP/00073/1/015) – The Proposed Plan includes Policy DS2 Accessible Development (CD/1-1 Pages 11-12), which requires development proposals to demonstrate that they provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking, (CD/1-1 Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation, Page 47, PALDP specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Including the suggested additional bullet at the start of every settlement strategy is not considered necessary or appropriate and would be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

B1 Housing – Dubton Farm

Supporting representation noted.

Objections

Robin Woodger (PP/00006/1/001) - The land allocation B1 Housing - Dubton Farm is covered by a development brief (S4/15-1) which was approved by Angus Council in 2009 in consultation with the local community and statutory consultees including Scottish

Natural Heritage. The approved development brief recognises that existing open space and recreational facilities are generally located in the eastern part of the town and specifically requires that landscaping and open space be provided on this site. This includes the retention of the Glebe as open space. Any proposal which comes forward for development at Dubton Farm will be assessed against the approved brief and other relevant policies of the Proposed Plan including PV2 Open Space Protection and Provision within Settlements (CD/1-1, Page 46). This will ensure that sufficient quality open space is provided within the development. For these reasons, the Council does not agree to modify the plan in response to this representation.

Shell UK Ltd (PP/00047/1/002); BP North Sea Infrastructure (PP/00107/1/002) - As noted by the representation, the pipeline consultation zone is clearly identified on the Brechin Inset Map and is also shown on the main proposals map. This spatial representation is considered sufficient in highlighting the existence of the consultation zone and accordingly the Council will undertake the necessary assessment for any development proposals within the zone in accordance with relevant guidance and advice provided by the Health and Safety Executive at pre-application and planning application stage. It is relevant to note that a new Planning Advice Web App launched by the HSE on 24 August 2015 now replaces the former PADHI+ tool (S4/15 - 4). This clearly demonstrates how guidance can change over time and that specific reference to PADHI+ in the Policy wording would already be out of date. In exercising its duties as planning authority the Council is required to undertake a number of different regulatory processes and consultations in line with legislative requirements when dealing with development proposals as a matter of course. There is no need to highlight this particular regulatory process within the policy wording.

As noted by Shell UK Ltd (PP/00047/1/002) the land allocation B1 Housing - Dubton Farm is covered by a development brief which was approved by Angus Council in 2009 (S4/15-1) which requires structural landscaping approximately 30 metres in width and open space to be provided adjacent to the A90 which would cover the pipeline consultation zone and will ensure no housing development takes place within this part of the site. The existing spatial representation and detailed requirements of the development brief are considered to provide adequate guidance on the issues raised by these representations. For these reasons the Council does not agree to modify the plan in response to these representations.

Scotia Homes Ltd (PP/00119/2/001) - Scotia Homes Ltd's support and commitment to the delivery of new housing at Dubton Farm is noted. Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan 2012 (CD/3-1) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21). For these

reasons the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/025) - The Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable amendment to the Plan.

B3 Opportunity Site - Scott Street Goods Yard

Supporting representation noted.

B4 Opportunity Site - Former Gas Works, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/027) - In line with the principles set out in Scottish Planning Policy (2014), Paras 28 & 29 (CD/2-2*, Pages 9 & 10), the Proposed Plan advocates a presumption in favour of sustainable development and seeks to support and encourage the regeneration of brownfield sites. The development of this site for housing provides an opportunity to improve this long standing brownfield site to create a development which would positively contribute towards the townscape character of Brechin. The concerns raised in terms of the suitability of the site for residential development due to works associated with the Flood Prevention Scheme are noted however these are not of sufficient weight to warrant this site being unsuitable for housing in principle. It is noted that that no objection to the identification of the site for employment uses has been made. The Brechin Flood Prevention Scheme works on this site are nearing completion. It is considered that the nature and scale of these works do not prohibit some form of residential development over the remainder of the site. Policy B4 was subject to pre –consultation with the Councils Flood Team who raised no concerns in relation to the proposed land uses and the wording in relation to the Den Burn culvert. The requirement for a Flood Risk Assessment would also consider existing flows from the open channel section and culvert running through the site and this would be taken into account in the design of the site. It is considered therefore that the Policy adequately addresses the concerns raised. For these reasons the Council does not agree to modify the plan in response to this representation.

The Council's response to issues relating to the water environment is set out in the Schedule 4 for Issue 11 – Water Environment.

B5 Opportunity Site - Maisondieu Church, Witchden Road

Objections

Scottish Environment Protection Agency (PP/00120/1/028) – Maisondieu Church occupies an elevated position significantly higher than Witchden Road which contains the culvert .The building is also set well back within the site and therefore presents no risk of flooding. The church is Category B listed and the policy wording states that proposals should seek to retain the building and surrounding boundary walls and landscape features and be designed to respect its character and setting. The policy does not envisage and indeed would not support the demolition of the listed building or extensive ground works to lower the site to road level. On that basis it is not considered reasonable or appropriate to include a requirement for finished floor levels. For these reasons the Council does not

agree to modify the plan in response to this representation.

The Councils response to issues relating to the water environment is set out in the Schedule 4 for Issue 11 – Water Environment.

B6 Working – Brechin West

Objections

Dalhousie Estates (PP/00098/2/003) - In considering the principle of development on this site the Council is satisfied that traffic generated by the business park extension can be serviced from the existing access to the Brechin Business Park and that additional tourist related development can be serviced from the access to Brechin Castle Centre. Policy B6 lists a range of matters to be considered by the development brief but the use of the word “including” indicates that this is not necessarily exhaustive. The development brief will consider the different land uses and linkages to the surrounding area and specify infrastructure requirements or improvements where they are known. Whilst it would be helpful if the findings of various assessments including Transport and Drainage Impact Assessments could be taken into account in preparing the development brief, it is not uncommon for briefs to be prepared in advance of such assessments.

However, the Council consider it desirable to segregate industrial and tourist related traffic on internal roads to avoid potential conflict between these different types of traffic. It is appropriate that this is highlighted in the Policy wording. For these reasons the Council does not agree to modify the plan in response to this representation.

Woodland Trust Scotland (PP/00099/1/002) - Areas of ancient and long established woodland affecting the northern and western boundaries of this site were largely removed during the construction of the A90(T) in the 1990s. Notwithstanding, Policy B6 indicates that a development brief setting out detailed requirements will be prepared for the site including the retention of existing landscape features and the provision of structural landscaping to integrate development into the existing landscape. Detailed matters regarding the creation of appropriate buffer zones including the type of planting to protect and enhance the ancient woodland and other matters including the need for species surveys would be most appropriately covered in the development brief. In addition the Protected and Valued Policies (PV1 – PV7) (CD/1-1, Pages 44–51) seek to protect and enhance the natural environment including ancient and semi natural woodland. Given the policy coverage outlined above, the issues raised by the representations will be adequately considered by the development brief and through the consideration and determination of any future application for planning permission. For these reasons the Council does not agree to modify the plan in response to this representation.

BP North Sea Infrastructure (PP/00107/1/003) - As noted by the representation, the pipeline consultation zone is clearly identified on the Brechin Inset Map, (CD/1-1, Page 93) and is also shown on the main proposals map. This spatial representation is considered sufficient in highlighting the existence of the consultation zone and accordingly the Council will undertake the necessary for any development proposals within the zone in accordance with relevant guidance and advice provided by the Health and Safety Executive at pre -application and planning application stage. It is relevant to note that a new Planning Advice Web App launched by the HSE on 24 August 2015 now replaces the former PADHI + tool (S4/15-4). This clearly demonstrates how guidance can change over time and that specific reference to PADHI+ in the Policy wording would already be

out of date. In exercising its duties as planning authority the Council is required to undertake a number of different regulatory processes and consultations in line with legislative requirements when dealing with development proposals as a matter of course. There is no need to highlight this particular regulatory process within the policy wording. For these reasons the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/029) - The Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

B7 Brechin Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/030) - The comment made in relation to amending Policy B7 Brechin Cemetery Extension to include a requirement for a ground investigation survey is accepted. Consequently, the Council would have no objection to including the requirement for a ground investigation survey in the policy and would suggest that the policy is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Brechin Omissions

Objections

AMCA Architects (PP/00034/1/001, PP/00034/1/002) – Enshrined in the Angus Local Development Plan is a presumption in favour of sustainable development. This means that the Council will take a positive approach when considering development proposals and will work proactively with applicants to find solutions which mean that proposals that will, on balance, improve the economic, social and environmental conditions in the area can be supported (CD/1-1, Page 6).

Page 18 of the Proposed Angus Local Development Plan also specifies that in addition to allocated sites and existing sites with planning permission there may be other currently unidentified sites suitable for residential development. To provide additional flexibility in the Housing Land Supply, the Angus Local Development Plan supports appropriate “windfall” sites within development boundaries to come forward. As a result of this approach, Policy DS1 Development Boundaries and Priorities, (CD/1-1, Page 10) is clear that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies of the Angus Local Development Plan.

The non-allocation of sites does not therefore preclude the possibility of sites being suitable for residential development subject to it satisfying the appropriate policy provisions.

Representation PP/00034/1/001 seeks an allocation of 11 residential units on a linear site. The site comprises two elements - the western part of the site contains open space and

formal landscaping areas associated with the vacant property at No 26 Trinity Road which was previously used for plant sales/garden centre whilst the eastern part contains a grass paddock. The site is bounded by residential properties, open space and Brechin City Football ground. Policy TC2 Residential Development, (CD/1-1, Page 21) supports the principle of residential development within development boundaries where (amongst other things) the site is not allocated or protected for another use and is compatible with surrounding land uses. In this case the grass paddock which covers approximately 50% of the site has been defined on the Brechin Inset Map, (CD/1-1, Page 93) as protected open space. It is noted that no objections to the allocation of the paddock as protected open space have been made and no justification provided as to why housing should be permitted contrary to the provisions of Policy PV2 Open Space Protection and Provision within Settlements, (CD/1-1, Page 46). Proximity to Brechin City Football Ground also raises compatibility issues with this neighbouring land use in terms of potential noise and ability to provide an acceptable residential environment. The principle of housing on this site would thus appear to conflict with Policy TC2. For these reasons the Council does not agree to modify the plan in response to this representation.

Representation PP/00034/1/002 seeks the allocation of 5 houses on a site which is classed in the existing Angus Local Plan Review (2009) and the Proposed Plan as protected open space. The site forms the western portion of Brechin Den which contributes towards the character, amenity and setting of Brechin. Whilst it is acknowledged that planning permission for 4 residential units (comprising the conversion of vacant shop and store to 3 units and erection of 1 new house) was previously granted in 2006, the permission has now lapsed and the policy framework has since changed. The principle of housing on this site would conflict with Policy TC2 Residential Development, (CD/1-1, Page 21) which supports residential development where (amongst other things) the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. Whilst there may be scope for the conversion of existing buildings to housing without encroaching on the protected open space, detailed consideration of such matters would be most appropriately considered through an application for planning permission where development potential of the site and impacts can be properly assessed. For these reasons the Council does not agree to modify the plan in response to this representation.

John Ritchie (PP/00090/1/001) - Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4 for Issues 1 and 3.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan (2012), (CD/3-1) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply / Release, (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development, (CD/1-1, Page 21).

In the context of Brechin, a greenfield site is allocated within the existing settlement boundary at Dubton Farm. The site has an extant planning permission (S4/15-2 and

S4/15-3) and the representation by Scotia Homes (PP/00119/2/001) demonstrates that there is active interest by a housebuilder in developing the site. This allocation augments the existing supply of housing land in the North Angus Housing Market Area. It is not considered that further allocations are required to meet the housing land requirements or provide a generous supply of land for housing.

Whilst land at Unthank was put forward during the Angus Local Development Plan “Initial Awareness Raising Exercise” it was not included as a potential development area in the Angus Local Development Plan Main Issues Report (2012) (CD/1-11) as there was sufficient land available within the settlement boundary to meet the requirements of TAYplan. Consequently the site has not been subject to the necessary assessments and appraisals (including Strategic Environmental Assessment, Habitat Regulations Appraisal, Strategic Flood Risk Assessment and Transport Appraisal) or public consultation as part of the Plan process which have been undertaken for other sites in the Proposed Plan.

In terms of the proposed gallery/café/tourist office, whilst the Proposed Plan supports opportunities for tourist related facilities the preferred location for such development is within development boundaries in accordance with Policies DS1: Development Boundaries and Priorities, Page 10 PALDP and TC16: Tourism Development, (CD/1-1, Pages 36-37) no overriding justification is provided of why such a development could not be accommodated on sites within the development boundary. Furthermore such a proposal may also conflict with Policy TC19 Retail and Town Centre Uses, (CD/1-1, Page 41) which advocates a town centre first principle in accordance with Scottish Planning Policy (2014 (2014), Para 60 (CD/2-2*, Page 18). For these reasons the Council does not agree to modify the plan in response to this representation.

Reporter’s Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Brechin Development Strategy

2. The bullet points listed under the development strategy for Brechin at pages 87 and 88 of the proposed plan, set out the council’s expectations with regard to new development. The bullet points translate the development strategy for Angus at a settlement level in relation to Brechin. They are not intended to cover every aspect and are to be read as a whole alongside the development strategy for Angus and the policies of the local development plan. A requirement to support the provision and enhancement of the network of paths and cycleways is already reflected in the policies of the plan within: Policy DS2 Accessible Development; Policy DS3 Design Quality and Placemaking; and Policy PV3 Access and Informal Recreation. Therefore, I agree with the council that inclusion of the suggested text is not necessary and is repetitious.

B1 Housing – Dubton Farm

3. The area covered by allocation B1 is shown as cross-hatched on the proposals map

for Brechin. This annotation is not intended to imply that all of the land allocated will be developed outright. Policy PV2 ensures that larger housing proposals provide and/or enhance open space, with the overall provision assessed on a site-by-site basis. The council has approved a development brief for this site, which requires that housing be set back from the A935, with landscaping and open space to be provided between the housing and the road. The specific retention of the Glebe in the south as open space is also included within the brief. Although I have no remit to examine the development brief, any planning proposals for this site would require to be consistent with the brief and the relevant policies of the plan. Therefore, given the context provided by Policy PV2 and the approved development brief, I conclude that the exclusion of land to the south from the allocated area is neither appropriate nor necessary.

4. Issue 13 deals with the matter of pipeline consultation zones shown within the proposals maps and how these are used by the council. The recommended modification introduces a new policy, which confirms that decisions on whether to grant planning permission for development proposals within pipeline consultation zones will be taken in light of the views and advice of the Health and Safety Executive. In relation to site B1, the pipeline consultation zone, as it affects this site, is clearly shown on the Brechin proposals map. The recommended new policy will ensure that sufficient consideration is given to the advice and guidance produced by the Health and Safety Executive. Therefore, I do not consider that a specific reference to the presence of the pipeline and the need to take account of the Health and Safety Executive advice is necessary.

5. With regard to bringing forward additional housing land, this matter and the overall effectiveness of the land supply to 2026 is dealt with at Issue 3. Should there be a shortfall in the five or seven-year effective housing land supply, an early release of later phases would be allowed for through Policy TC1. The priority given to existing (allocated) sites is confirmed with regard to the recommended modification within Issue 3. Therefore, the ability to bring forward housing from the second phase (2021/2026) into the first phase (2016/2021) is already provided for and further changes are not required.

6. In view of the evidence from the Scottish Environment Protection Agency on the potential for flooding on this site, and the potential risk from the Skinner's Burn and its tributaries, I consider it would be appropriate to amend the plan to include a requirement to undertake a flood risk assessment to inform the scale, layout and form of development.

B4 Opportunity Site – Former Gas Works, Witchden Road

7. An updated position was provided by the Scottish Environment Protection Agency on 24 March 2016, in the course of this examination. This outlined that the information provided by the council indicates that the work carried out on the Dens Burn culvert in the area will not result in the preclusion of residential development in principle on this site. However, the flood risk from the Dens Burn running through the site has yet to be assessed and the findings of a flood risk assessment will determine whether the principle of housing is acceptable.

8. Although any housing development may be significantly constrained at this location, the Scottish Environment Protection Agency confirms that a modification to the developer requirements to exclude residential uses, as previously indicated, is now not required. I accept this position and agree that the plan should not be modified in this respect.

B5 Opportunity Site – Maisondieu Church, Witchden Road

9. Currently occupying this site is a B listed church and boundary wall, which sit at an elevated position above Witchden Road. The developer requirements seek to retain the listed building, surrounding wall and important landscape features. The council considers that as there is no support for the demolition of the building or extensive ground works to lower the site to road level, the need to specify finished floor levels to minimise any residual flood risk is not required. Although I understand the council's position, the redevelopment of the whole site and the alteration to existing ground levels cannot be completely discounted at this stage. Therefore, I consider it would be sensible to amend the developer requirements to require the specification of finished floor levels in the event that this site is redeveloped.

B6 Working – Brechin West

10. The expansion of employment development at Brechin West has been considered in the Transport Appraisal (CD/1-4), with the council's roads service advising that access to the extension area should be taken through the existing business park. In their response, the council considers it desirable to segregate industrial and tourist related traffic on internal roads, to avoid potential conflict. To achieve this, the council indicates that tourist related development would be serviced from the separate access to Brechin Castle Centre.

11. In the allocated area B6 shown on the proposals map, it is not entirely clear which part of the site is intended for industrial related uses and which for tourist related uses. The description of the allocation refers to employment development including tourist or roadside service related uses complementary to the existing gateway facility at Brechin Castle Centre and (my emphasis) an extension to Brechin Business Park for Class 4, 5 and 6 uses. The response from the council implies that the eastern part of B6 would be used for extending the business park and the western part for tourist related uses, and there should be no internal road linking the two.

12. The council highlights the risk of conflict (in terms of vehicle traffic) between two potentially incompatible uses. I accept that this is a possibility, which can be significantly reduced if access through the business park extension is restricted. Therefore, I do not accept the suggestion made in the representation that this matter should be left open and be explored as part of preparing the development brief and transport assessment. I consider the developer requirement to be appropriate given the particular circumstances.

13. The protection of the remaining areas of woodland affecting this site will be considered in the preparation of a development brief and the relevant policies of the plan, in particular Policy PV7, which seeks to identify, protect and enhance ancient semi-natural woodland. The recommended modification to Policy PV7 in Issue 8 gives greater weight to the protection of ancient semi-natural woodland, consistent with Scottish Planning Policy. For these reasons therefore, I do not accept that this site should not be allocated for development. Nor do I consider it appropriate to include within the allocation the requirement for a yet undefined, woodland buffer.

14. Issue 13 deals with the matter of pipeline consultation zones shown within the proposals maps and how these are used by the council. The recommended modification introduces a new policy, which confirms that decisions on whether to grant planning permission for development proposals within pipeline consultation zones will be taken in

light of the views and advice of the Health and Safety Executive. In relation to site B6, the pipeline consultation zone, as it affects this site, is clearly shown on the Brechin proposals map. The recommended new policy will ensure that sufficient consideration is given to the advice and guidance produced by the Health and Safety Executive. Therefore, I consider that a specific reference to the presence of the pipeline and the need to take account of the Health and Safety Executive advice is not necessary.

15. Given the possibility of flooding from the small watercourses which flow through this site, I consider it would be appropriate to amend the plan to include a requirement for a developer to undertake a flood risk assessment to inform the scale, layout and form of the development.

B7 Brechin Cemetery Extension

16. I agree that it is appropriate for intrusive ground investigations to be undertaken to confirm this site's suitability for use as a cemetery extension and for this requirement to be included within the plan.

Brechin Omissions

17. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. I have not found any of the allocated sites in North Angus to be inappropriate for development or there to be a deficiency in the scale of the land being released for housing.

18. The site at Trinity Road comprises of an existing vacant cottage, open ground surrounding the cottage containing garden features associated with its former plant sales/garden centre use, and an open paddock to the rear. This whole site lies within the development boundary for Brechin and the paddock area is shown within the plan as an area of protected open space covered by Policy PV2. This policy prevents the loss of open space for development, except in certain circumstances.

19. Policy DS1 supports development proposals within the development boundary of settlements where they are of an appropriate scale and nature, and accord with the relevant policies of the plan. Policy TC2 supports proposals for residential development where the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area.

20. The paddock area, represented by an open field, is clearly distinct from the cottage and hardstanding areas that feature on the remainder of the site. In visual terms, the paddock relates more to the larger areas of open space and the public park, which lie to the north east of Brechin, rather than to the built-up area of the town.

21. The remaining area of this site appears vacant and underused and I consider that some limited new housing development beyond the confines of the cottage may be appropriate. However, the area is in close proximity to the football ground and noise and disturbance may be an issue in terms of compatibility. Given that no further housing allocations are required and sufficient housing is identified for Brechin, I do not accept that this site should be allocated and any development aspirations would be more appropriately considered in the wider context provided by Policy DS1 and Policy TC2.

22. The site at South Esk Street/Trinity Road is occupied by a variety of buildings associated with the former Den Nursery. I note that planning permission (now lapsed) was granted for the conversion of the existing buildings to residential use and the erection of one additional house - a total of 4 units. The representation argues that the future maintenance of the existing landscaping, which is important to the character of the area, would be best managed through the division of the site to provide part conversion of the existing buildings and part new build housing.

23. With the exception of the existing buildings, this site is shown within the plan as an area of protected open space covered by Policy PV2. This policy prevents the loss of open space for development, except in certain circumstances. The mix of mature trees within the western part of the site provides an attractive landscape feature at the road junction. This feature extends along South Esk Street, opening up to provide pleasant views of sloping open ground before continuing into the more formal setting of Den Park. The whole site provides a valuable area of open space, important to the character of this part of Brechin. The introduction of new build housing, particularly on the sloping open ground in the east of the site, would have an adverse impact on these landscape features and the quality of this open space.

24. As the site lies within the development boundary, there may be scope to convert and extend the existing buildings to provide a viable project to help maintain the locally important landscape features. This would be subject to being compliant with the relevant policies and avoiding any adverse impacts on areas of open space. Any detailed proposals however would be more appropriately considered in the wider context provided by Policy DS1 and Policy TC2.

25. Issues relating to the scale of housing land release in the North Angus housing market area, which includes Brechin, are considered at Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, Brechin represents one of the Tier 3 principal settlements, which are the focus of some limited housing development, primarily to meet local needs, commensurate with their role as smaller centres of population and economic activity.

26. The local development plan is required to allocate sufficient land for housing development in north Angus to enable the average annual build rate of 80 houses to be delivered over the plan period. Along with sites in Montrose, the site at B1 Dubton Farm, Brechin is intended to deliver the majority of the housing requirement without the need for further greenfield allocations.

27. The representation challenges the delivery of the allocated site B1 Dubton Farm, referring to the lack of progress on the site and the low build rates in Brechin generally over the past 14 years. However, no specific reason for the low build rates is offered and the allocation of B1 Dubton Farm is not disputed in the representation. The site at Unthank is put forward as an addition to the land supply, to provide additional choice and to deliver a greater number of units overall.

28. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development within the principal settlements of north Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Brechin is appropriate, and I have not

found the allocated site B1 inappropriate for housing development. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential additional housing sites.

29. The Council has confirmed in response to a further information request that all sites allocated in the proposed plan are considered to be effective using the definitions given in Scottish Planning Policy and PAN 2/2010. Within the 2015 housing land audit, the programming for B1 Dubton Farm shows a total 126 units up to year 2021 continuing into the period beyond. I also note that full planning permission for 99 units for Scotia Homes was granted in September 2015. Based on this information, I agree that the site is effective and no further greenfield allocations are required within Brechin. In dealing with representations to B1 Dubton Farm, I have maintained the allocation at 125 units for the first phase 2016/2021. Should there be a shortfall in the five or seven-year effective housing land supply, then the early release of later phases, if considered suitable and deliverable, is allowed for through Policy TC1. Therefore, I do not accept the need for the identification of further greenfield land releases in Brechin, and do not support the additional allocation of land at Unthank.

30. Policy TC17 directs uses, which generate significant footfall, to the town centre, consistent with the sequential town centre first approach set out in Scottish Planning Policy. The development strategy set out within the plan looks to protect and enhance Brechin's visitor assets and further develop tourism and recreation facilities especially at Brechin West. The allocation of B6 Brechin West for employment development, including tourist and road service related uses, responds directly to this. The development of a town centre strategy for Brechin is also proposed in order to identify and address the challenges faced by the town centre and to provide a framework for coordinated action.

31. The development of a gallery, cafe and tourist office facilities in an out of centre location at Unthank would run counter to the town centre first approach advocated in Scottish Planning Policy. It would also not support the development strategy of the plan as outlined above. Therefore, I do not agree that these uses are suitable for a location outwith the development boundary at the north of the town.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 88, 'B1 Housing – Dubton Farm', adding a fourth paragraph as follows: "Development proposals should be supported with the submission of a Flood Risk Assessment".
2. On page 90, 'B5 Opportunity Site – Maisondieu Church, Witchden Road', adding a third paragraph as follows: "Finished floor levels for the site should be considered in the context of available information to minimise any residual flood risk".
3. On page 91, 'B6 Working – Brechin West', under the fifth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,".
4. On page 92, 'B7 Brechin Cemetery Extension', adding a new sentence as follows: "Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."

Issue 16A	Carnoustie and Barry Pitskelly and Carlogie	
Development Plan Reference:	Carnoustie and Barry Settlement Statement, Pages 95 – 104 C1 Housing – land at Pitskelly, Page 97 C6 Working – land at Carlogie, Page 99 C7 Working – land at Pitskelly, Page 100 C8 Transport – Upgrade A930 Carlogie Road, Page 101 Carnoustie Omissions - Carlogie	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Carnoustie Development Strategy</u></p> <p><u>Support</u></p> <p>Garry Cooper (PP/00012/1/001) Pamela Cooper (PP/00013/1/001) Glyn Roberts (PP/00069/1/001) Carnoustie Development Group (PP/00025/1/001)</p> <p><u>C1 Housing – Land at Pitskelly & C7 Working – Land at Pitskelly</u></p> <p><u>Support</u></p> <p>Fiona Jarrett (PP/00062/1/002) D J Laing (Homes) Ltd (PP/00080/2/001)</p> <p><u>C1 Housing – Land at Pitskelly</u></p> <p><u>Support</u></p> <p>Persimmon Homes East Scotland (PP/00126/2/001) William Jarrett (PP/00074/1/003) Scottish Environment Protection Agency (PP/00120/1/031)</p> <p><u>Objections</u></p> <p>A S Franklin & Margaret J Franklin (PP/00027/1/001) Angus Estates Ltd & Muir Homes (PP/00135/1/001)</p> <p><u>C7 Working – Land at Pitskelly</u></p> <p><u>Support</u></p> <p>Lisa Jarrett (PP/00061/1/001) William Jarrett (PP/00074/1/001) Scottish Environment Protection Agency (PP/00120/1/036)</p>		

Objections

A S Franklin & Margaret J Franklin (PP/00027/1/002)
 Angus Estates Ltd & Muir Homes (PP/00135/1/002)
 Colin Jackson (PP/00043/1/002)

C6 Working – Land at Carlogie

Support

Scottish Environment Protection Agency (PP/00120/1/035)

Objections

Lisa Jarrett (PP/00061/1/002)
 Fiona Jarrett (PP/00062/1/001)
 Woodland Trust Scotland (PP/00099/1/005)
 Scottish Natural Heritage (PP/00064/1/012)

C8 Transport – Upgrade A930 Carlogie Road

Objections

Lisa Jarrett (PP/00061/1/003)
 Fiona Jarrett (PP/00062/1/003)
 Scottish Natural Heritage (PP/00064/1/013)

Carnoustie Omission

K & D Henderson (PP/00112/1/001)
 Persimmon Homes East Scotland (PP/00126/3/007)
 Angus Estates Ltd & Muir Homes (PP/00135/1/003)

Comments

William Jarrett (PP/00074/1/002)
 Carnoustie Development Group (PP/00025/1/002)

Provision of the Development Plan to which the Issue Relates:

Carnoustie and Barry Settlement Statement – Pitkselly and Carlogie allocations and omissions

Planning Authority’s Summary of the Representation(s):

Carnoustie Development Strategy

Support

Garry Cooper (PP/00012/1/001); Pamela Cooper (PP/00013/1/001) and Glyn Roberts (PP/00069/1/001) support the development strategy for Carnoustie with Carnoustie Development Group (PP/00025/1/001) supporting development at the west end of the town given the transport constraints there have been lifted.

C1 Housing – Land at Pitskelly & C7 Working – Land at PitskellySupport

Persimmon Homes East Scotland (PP/000126/2/001) support the housing allocation at C1 Housing – Land at Pitskelly; Lisa Jarrett (PP/00061/1/001) supports the employment allocation C7 Working – Land at Pitskelly; William Jarrett (PP/00074/1/001, PP/00074/1/003), Fiona Jarrett (PP/00062/1/002) and D J Laing (Homes) Ltd (PP/00080/2/001) support both the housing allocation C1 Housing – Land at Pitskelly and the employment allocation C7 Working– Land at Pitskelly.

Scottish Environment Protection Agency (PP/00120/1/031, PP/00120/1/036) - support the developer requirement for a Flood Risk Assessment being set out in allocations C1 Housing – Land at Pitskelly (PP/00120/1/031) and C7 Working – Land at Pitskelly (PP/00120/1/036).

Objections

A S Franklin & Margaret J Franklin (PP/00027/1/001, PP/00027/1/002) - Object to C1 Housing - Land at Pitskelly and C7 Working - Land at Pitskelly for the following reasons:

- The Scottish Reporter concluded in 2007 that development of Pitskelly would set an unfortunate precedent encouraging further development in the open countryside which is not justified.
- Planning permission has been granted for a business park at Carlogie and the C7 Working allocation is far too large for foreseeable industrial / business needs.
- The C1 Housing allocation would create a settlement isolated from Carnoustie, separated from the town by the steep hill at the raised beach.
- The land cannot be easily screened and there is no definition beyond the field boundaries.
- There are significant drainage issues and surface water run-off could have a serious impact on the areas below the raised beach.
- A recent planning application was promoted by the developer who was the principal objector to the development of the Pitskelly site in 2007. Whilst the Carlogie development has not materialised, this does not alter the unsuitability of the Pitskelly site.
- The land is a large area of Class 1 prime agricultural land which should be protected if possible.

Angus Estates Ltd & Muir Homes (PP/00135/1/001, PP/00135/1/002) - Objects to the allocation of C1 Housing - Land at Pitskelly and C7 Working - Land at Pitskelly and considers that the Proposed Plan does not promote a sustainable or deliverable spatial strategy for housing and employment land in Carnoustie for the following reasons:

- The allocation of land at Pitskelly for a free standing large scale housing and employment development runs counter to the TAYplan (2012) locational strategy and accompanying Policy 4 which directs new growth to existing settlements.
- The allocation of land for residential and commercial development at Pitskelly runs counter to the conclusions reached in technical studies undertaken by Angus Council as part of the preparation of the Proposed Plan. Of note are assessment into landscape capacity, traffic impact and education provision.
- Removal of the Carlogie housing site and its replacement with land at Pitskelly at the 11th December 2014 committee meeting was not subject to technical scrutiny and runs counter to the conclusions reached by the Council in their site assessments

leading up to the publication of the Proposals Plan. It also runs counter to the conclusions reached at the previous Local plan inquiry.

- Notwithstanding the technical weaknesses of allocation C7 at Pitskelly, research establishes that the local commercial land and property market only requires one strategic site over the Plan period and as such, allocation C7 prejudices the delivery of the consented Carlogie business park.

Colin Jackson (PP/00043/1/002) - Objects to the allocation of C7 Working – Land at Pitskelly as it is contrary to Policy TC14 in that it is not on any bus route to service an industrial estate as proposed. This is a consideration for workers, staff and customers.

C6 Working – Land at Carlogie & C8 Transport – Upgrade A930 Carlogie Road

Support

Scottish Environment Protection Agency (PP/00120/1/035) - supports the developer requirement for a Flood Risk Assessment being set out in allocation C6 Working – Carlogie.

Objections

Lisa Jarrett (PP/00061/1/002, PP/00061/1/003) - Objects to C6 Working - Land at Carlogie (PP/00061/1/002) as this land should be retained as agricultural working land. This land has an abundance of wildlife and is one of the most popular, scenic places which the people of Carnoustie visit and enjoy. Also objects to C8 Transport - Upgrade A930 Carlogie Road (PP/00061/1/003) as there is no requirement to realign this road. Realigning this road will encourage speed limits to be broken.

Fiona Jarrett (PP/00062/1/001, PP/00062/1/003) - Objects to C6 Working – Land at Carlogie (PP/00062/1/001) and C8 Transport - Upgrade A930 Carlogie Road (PP/00062/1/003). The allocation at C6 is not considered to be sustainable, and there is no need for two business facilities in Carnoustie. The proposals will result in over development. There are plenty Brownfield sites in and around Carnoustie that should be developed first, without the need to develop yet more Greenbelt. Now that the Pitskelly planning application has been approved, this would mean that the Panbride area could and should, be removed from the Local Plan for future development. A previous Reporter stated that any future development would be to the west of Carlogie Road and North from the town centre of Carnoustie – not to the east of the town (Panbride Area). It was also stated that the Greenbelt Agricultural land at Panbride, would be 'specifically excluded' from future development and be retained as agricultural working farmland, as it is a conservation area. The current alignment of Carlogie Road encourages traffic to slow down before entering the town. The road does not need to be 'realigned' as this would cause permanent chaos for everyone, and encourage speeding traffic.

Woodland Trust Scotland (PP/00099/1/005) - The Trust is concerned about the potentially adverse impacts allocated site C6 will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

Scottish Natural Heritage (PP/00064/1/012) - Allocated site C6 has a belt of woodland

recorded in the Ancient Woodland Inventory to its northern boundary. Woodland and other green networks in this area are scarce and significantly fragmented. The second bullet of the policy should be strengthened to ensure proposals include retention and restoration of existing native woodland, new native planting to extend this planting and link green infrastructure within and around the site and create an appropriate urban edge.

Scottish Natural Heritage (PP/00064/1/013) - The area recorded in the Ancient Woodland Inventory should be avoided by C8: upgrade of the A930 Carlogie Road route line.

Carnoustie Omission

K & D Henderson (PP/00112/1/001) - Considers that the development boundary of Carnoustie should be extended to the north towards the A92 to allow for a long-term, strategic masterplan of this area to provide for housing and business uses. The proposed site has a capacity to provide a high quality, residential and commercial / business use development. It has good transport links to the existing road network and can be accessed by a variety of modes of transport including walking, cycling and public transport. These modes of transport all provide potential link to a range of facilities and services including health, education, recreation and employment opportunities within Carnoustie. Allocation of the site for housing would contribute to supporting and maintaining population, services and facilities within Carnoustie. In particular, it would provide variety and choice for home owners and would allow for the relocation of industrial processes from the centre of Carnoustie to a more modern and appropriate facilities with better access for HGVs and give the opportunity to remove or reduce the amount of HGV traffic within Carnoustie.

Persimmon Homes East Scotland (PP/00126/3/007) - The Carnoustie development boundary should also be amended to take account of the new allocation at C1: Land at Pitskelly, thereby including an extended C4: Greenlaw Hill site (see PP/00126/4/001 included in Schedule 16B).

Angus Estates Ltd & Muir Homes (PP/00135/1/003) - Through considered technical evaluation the site at Carlogie was considered to be a preferable location for new development and formed part of the draft Proposed Plan presented to Committee on the 11th December 2014 for approval under allocations C1 (housing) and C6 (Working) (Appendix 9). Development at Carlogie follows an established direction of growth for the town. It is of relevance that the development of land at Pitskelly was rejected at the public local inquiry into the Angus Local Plan Review of 2009, with the Reporter concluding in paragraphs 2.402 and 2.406 that land at Pitskelly was open countryside, development could not be adequately screened, in strong contrast to land at Carlogie (Appendix 10). The Council accepted these conclusions when adopting the Angus Local Plan Review 2009 and the allocation of the Carlogie business park (C6).

Removal of the Carlogie housing site and its replacement with land at Pitskelly at the 11th December 2014 committee meeting was not subject to technical scrutiny and runs counter to the conclusions reached by the Council in their site assessments leading up to the publication of the Proposed Plan. It also runs counter to the conclusions reached at the previous Local plan inquiry and renders the Committee decision unsafe.

Land at Carlogie adjoins the settlement boundary. The Council's technical assessments demonstrate that the landscape can accommodate development in this location and through the road network and surrounding residential uses, the area has the infrastructure

to enable development to be integrated into the town. Of note is the ability to facilitate pedestrian and cycle access to education facilities, town centre and railway station without the requirement for a dedicated, subsidised bus service.

The consented Carlogie business park with the proposed road improvements reflected in allocations C6 and C8 of the Proposed Plan further demonstrate the investment being made into the north and eastern part of the town.

Land at Carlogie as shown on Figure 1 can be delivered to meet the requirements of a development brief as detailed in page 128 of the draft Proposed Plan of December 2014 (Appendix 9). The framework plan accompanying this representation (Appendix 13) outlines how the main spatial planning issues of landscape integration, connections with the town boundary and wider place making objectives of street frontage design, greenspace, structure planting and SuDS can be delivered. This is consistent with the placemaking principles underpinning the Proposed Plan and detailed in policies DS2-5. Land at Carlogie subject of this representation and shown in Figure 1 is effective, meeting the tests of market interest, technically unconstrained, financially viable and laid out in section 2 of PAN 2/2010.

Comments

William Jarrett (PP/00074/1/002) - Support Angus Council's decision to allocate land at Pitskelly for residential development (C1) and employment use (C7). However, further residential development in the town will put further pressure on health care provision. There is no mention of another health centre in the town.

Furthermore, there would be no need for Angus Council to include future developments on greenfield sites within the Panbride area when there are plenty of brownfield sites such as the Panmure Industrial Estate and the Maltings area.

Carnoustie Development Group (PP/00025/1/002) - It should be borne in mind that if the proposed industrial/commercial park goes ahead at Pitskelly, the existing Panmure Industrial site becomes available as a brownfield site.

Modifications Sought by those Submitting Representations:

C1 Housing – Land at Pitskelly

A S Franklin & Margaret J Franklin (PP/00027/1/001); Angus Estates Ltd & Muir Homes (PP/00135/1/001) - Delete Site

C7 Working – Land at Pitskelly

A S Franklin & Margaret J Franklin (PP/00027/1/002); Angus Estates Ltd & Muir Homes (PP/00135/1/002); Colin Jackson (PP/00043/1/002) - Delete Site

C6 Working – Land at Carlogie

Lisa Jarrett (PP/00061/1/002); Fiona Jarrett (PP/00062/1/001) - Delete Site

Woodland Trust Scotland (PP/00099/1/005) - C6 Working – Land at Carlogie should not be taken forward unless concerns are addressed and ancient woodland is guaranteed

sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

Scottish Natural Heritage (PP/00064/1/012) - Carnoustie C6 Working – Land at Carlogie (page 99) 2nd bullet should be amended to read: "retention and restoration of existing native woodland, new native planting to extend this planting and link green infrastructure within and around the site and create an appropriate urban edge."

C8 Transport – Upgrade A930 Carlogie Road

Lisa Jarrett (PP/00061/1/003); Fiona Jarrett (PP/00062/1/003) – Delete safeguarding

Scottish Natural Heritage (PP/00064/1/013) - The area recorded in the Ancient Woodland Inventory should be avoided by the upgrade of the A930 Carlogie Road route line.

Carnoustie Omission

K & D Henderson (PP/00112/1/001) - The Carnoustie development boundary should be extended to the north west to include a 25ha site encompassing the Upper Victoria development area around Pitskelly Farm leading out to the junction with the A92. The site should be allocated for residential, commercial, mixed use and employment development.

Persimmon Homes East Scotland (PP/00126/3/007) - The development boundary should be extended to include the C1 Housing allocation at Pitskelly and the entirety of the C4 Opportunity site at Greenlaw Hill.

Angus Estates Ltd & Muir Homes (PP/00135/1/003) - Allocation C1 (West of Carlogie) should be reinstated in the plan for 300 residential units to reflect the draft Proposed Plan (December 2014) presented to Committee on the 11th December 2014.

Summary of Responses (including reasons) by Planning Authority:

Carnoustie Development Strategy

Supporting representations noted.

C1 Housing – Land at Pitskelly & C7 Working – Land at Pitskelly

Supporting representations noted.

Objections

A S Franklin & Margaret J Franklin (PP/00027/1/001, PP/00027/1/002); Angus Estates Ltd & Muir Homes (PP/00135/1/001, PP/00135/1/002); Colin Jackson (PP/00043/1/002) – The Reporter in 2006 concluded that development at Pitskelly would set an unfortunate precedent which was not justified at that time (CD/4-2, Volume 2, Page 120, Paragraph 2.406). Since the 2006 Inquiry Report and the adoption of the Angus Local Plan Review in 2009, there have been changes in the requirements to identify and allocate a generous supply of effective housing land and new housing land requirements set by the TAYplan Strategic Development Plan (2012). The Main Issues Report (2012) (CD/1-11, Page 69, Paragraph 17) was clear that “the options for new development within the built up area

would not meet the requirements for future homes or business premises in accordance with TAYplan (approved 2012). An expansion of the town beyond its current development boundaries is therefore required.” It is therefore considered that there is now justification in allocating greenfield land and land at Pitskelly was identified as the preferred option in the Main Issues Report (2012) (CD/1-11, Pages 69 – 71, Paragraphs 17 – 24)_and has subsequently been brought forward as housing and employment allocations in the Proposed Plan. Whilst the impact on the prime agricultural land resource is acknowledged, this is minimised by looking to maximise brownfield redevelopment and regeneration opportunities within the settlement boundaries across the County.

The Main Issues Report (2012) Preferred Option focused development on land close to the Upper Victoria link road to make the best use of existing road infrastructure. There were a number of reasons for identifying the site as the preferred option in the Main Issues Report (2012) (CD/1-11, Pages 69 – 71, Paragraphs 17 – 24), which have also led to the allocation of sites C1 Housing – Land at Pitskelly and C7 Working – Land at Pitskelly in the Proposed Plan. These include:

- The option covers a large, continuous area of ground which lends itself to realising the potential benefits of a masterplanning approach;
- A masterplanning approach could maximise the potential for creating extensive new paths and green spaces, which could be made accessible from existing neighbourhoods;
- The area excludes land that is known to have a high risk of flooding;
- The area includes ground that is not visible from the north which could be developed initially to allow new areas of landscaping to become established further to the north;
- Parts of the area are within walking distance of Carnoustie High School;
- There is significant developer interest in building new homes and business premises on land that is covered by this option; and
- A long term masterplanning approach would provide an opportunity to consider an appropriate phasing for new housing and employment related uses, to address any issues with the funding of new infrastructure and its effect on development viability.

The TAYplan Strategic Development Plan (2012) sets out in Policy 3: Managing TAYplan’s Assets (CD/3-1, Page 13) that land should be identified through Local Development Plans to ensure responsible management of TAYplan’s assets by identifying and safeguarding at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements. Given the low level of employment land provision and therefore levels of take up in Carnoustie, it is difficult to establish the five year future supply required by TAYplan (2012). It should be noted, however, that the Council’s Economic Development Team consider that a new business park in Carnoustie is warranted (S4/16A-1), and that the TAYplan (2012) requirement is expressed as a minimum requirement.

Whilst it is not the intention of the Plan to make an overprovision in terms of employment land, it is considered appropriate given the site history and the developer and occupier interest expressed through pre-application discussions and the planning applications on both the Carlogie and Pitskelly employment allocations, that both continue to be allocated in the Plan. Whilst C6 Working – Land at Carlogie is considered to be an appropriate location for employment development, concerns over lack of delivery since the last plan have led to the allocation of additional employment land at Pitskelly to support the delivery of employment development in Carnoustie over the plan period. Allocation of both sites also provides choice and flexibility in the employment land offer in Carnoustie having considered the expressions of interest of occupiers provided by the prospective

developers of both sites. The Employment Land in Carnoustie Background Paper (October 2015), Angus Council (CD/1-9) sets out for information the chronology of employment land allocations and proposals in Carnoustie.

Whilst the Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) identifies that development in this area may be difficult to mitigate (CD/5-5, Paragraph 5.3.3), the Main Issues Report (2012) (CD/1-11, Page 70, Paragraph 21) sets out that certain areas could be developed initially that would not be visible from the North, allowing new areas of landscaping to become established further to the north. The Council's Proposed Angus Local Development Plan Environmental Report (2015) (CD/1-2, SEA Site Assessment for C1 Housing – Land at Pitskelly, Section 17) (SEA Site Assessment for C7 Working – Land at Pitskelly, Section 17) also acknowledges the potential negative impact on landscape, stating: "Although separated from the urban edge of Carnoustie, the site provides the opportunity for structural planting and landscaping which could establish a landscape framework and enhance biodiversity to mitigate potential landscape and visual impacts of development to the north of Carnoustie". In recognition of this, both Policy C1 Housing – Land at Pitskelly and C7 Working – Land at Pitskelly require proposals to include structure planting, landscaping and networks of green corridors within and around the site to create an appropriate urban edge and also requires a landscape assessment as supporting information.

The Main Issues Report (2012) (CD/1-11, Page 70, Paragraph 23) is clear that developer contributions are likely to be required in order to accommodate the educational requirements of new housing at Pitskelly within Burnside and Woodlands Primary School catchment areas. It sets out that one option that could be investigated would be the realignment of the existing school catchment areas outwith the development boundary, to enable existing capacity at Carlogie Primary School to be used. This will need to be further investigated as proposals on the site progress.

Representations express concerns in terms of drainage and flood risk. Both allocations set out that supporting information for proposals should include a Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan and Flood Risk Assessment. The detail of drainage issues and surface water run off will therefore be considered at the planning application stage. No representations have been received from Scottish Water on the allocations, whilst SEPA have supported the developer requirements set out within both allocations (S4/16A-2) (S4/16A-3).

The Council considered a planning application in principle (Ref: 14/00573/PPPM) for development of housing and employment related uses at the C1 and C7 allocations at a special meeting on the 18th December 2014. At that meeting, the Council were minded to grant the application, subject to the progression of a Section 75 agreement (S4/16A-4) (S4/16A-5). The application was subsequently the subject of a legal challenge, which is expected to be heard in February 2016.

For all of the above reasons, the Council does not agree to modify the plan in response to these representations.

C6 Working – Land at Carlogie & C8 Transport – Upgrade A930 Carlogie Road

Supporting representations noted.

Objections

Lisa Jarrett (PP/00061/1/002, PP/00061/1/003); Fiona Jarrett (PP/00062/1/001, PP/00062/1/003) – The allocation of the site at Carlogie for employment uses has been brought forward from the current Angus Local Plan Review (2009) (CD/4-1, Pages 135 – 136, Paragraphs 12 – 15 and Page 139). The Reporter at the 2006 Local Plan Inquiry (CD/4-2, Volume 2, Pages 116 – 120, Paragraphs 2.393 – 2.408) considered a number of sites, focusing on Pitskelly and Panbride (Carlogie) in terms of their size, site configurations, strategic location, road access, access to public transport, footways and cycles routes, visibility in the landscape, landscape features and scope for mitigation / screening and servicing. The Reporter concluded that on balance the Panbride site offered the best option for development of employment uses. The Reporter set out that concerns relating to the views of the site, whilst understandable, were not considered to outweigh the various benefits of development of the site in the manner proposed.

Since the Inquiry in 2006 and the adoption of the Angus Local Plan Review 2009 (CD/4-1, Pages 135 – 136, Paragraphs 12 – 15 and Page 139) which included the site as allocation C7 Working – Land at Carlogie, the site has been granted planning permission in August 2014 for employment development and associated realignment of the A930 on appeal (Ref: 14/00043/PPPM).

The acceptability of the site for employment use has therefore been established in the existing Development Plan, confirmed by the granting of planning permission. There has been no change in relation to the considerations set out by the Reporter in 2006. Whilst there have been concerns over the deliverability of the site, the Reporter set out in his appeal decision (S4/16A-6, Page 3, Paragraph 9) that the last five years have seen particularly unusual economic conditions, during which many sites that one would expect to have seen developed in normal circumstances have stalled and concludes that: “In summary, I do not believe that the absence of development over the past five years constitutes sufficient evidence to demonstrate that development is not viable now that the general economic situation has improved and the development partner has changed”. The Council’s Economic Development Team set out in their response to the planning application (S4/16A-7) that the lack of significant employment sites on the market and the availability of vacant workshops or larger units was an impediment to the overall economic well being of the town. A number of factors gave the Economic Development team some confidence that there would be demand for employment sites in Carnoustie and that the development of a new business park was warranted.

An additional employment land allocation has been identified in the Proposed Plan at C7 Working – Land at Pitskelly. The TAYplan Strategic Development Plan (2012) sets out in Policy 3: Managing TAYplan’s Assets (CD/3-1, Page 13) that land should be identified through Local Development Plans to ensure responsible management of TAYplan’s assets by identifying and safeguarding at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements. Given the low level of employment land provision and therefore levels of take up in Carnoustie, it is difficult to establish the five year future supply required by TAYplan (2012). It should be noted, however, that the Council’s Economic Development Team consider that a new business park is warranted (S4/16A-7), and that the TAYplan (2012) requirement is expressed as a minimum requirement.

Whilst it is not the intention of the Plan to make an overprovision in terms of employment land, it is considered appropriate given the site history and the developer and occupier

interest expressed through the planning applications on both the Carlogie and Pitskelly employment allocations, that both continue to be allocated in the Plan. The allocation of two employment sites within the plan will support delivery of employment land in Carnoustie over the plan period and will provide choice and flexibility having considered the expressions of interest of occupiers provided by the prospective developers of both sites. The Employment Land in Carnoustie Background Paper (October 2015), Angus Council (CD/1-9) sets out for information the chronology of employment land allocations and proposals in Carnoustie.

The safeguarding of land for the upgrade of the A930 Carlogie Road has been brought forward from the current adopted Angus Local Plan Review (2009) (CD/4-1, Page 59, Paragraph 2.106 and Page 139), and remains an aspiration of the Council. The upgrading of the road is considered desirable with or without the allocation of C6 Working – Land at Carlogie. The upgrade of the road has planning permission alongside the employment land at Carlogie Road (Ref: 14/00043/PPPM). For these reasons, the Council does not agree to modify the plan in response to these representations.

Woodland Trust Scotland (PP/00099/1/005); Scottish Natural Heritage (PP/00064/1/012) and Scottish Natural Heritage (PP/00064/1/013) – C6 Working – Land at Carlogie sets out in bullet 2 that proposals should include structural planting, landscaping or networks of green corridors within and around the site to create an appropriate urban edge. In addition, Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51) sets out that “development and planting proposals should ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species.” It is considered that this policy coverage negates the need to amend the second bullet as suggested (PP/00064/1/012). For these reasons, the Council does not agree to modify the plan in response to these representations.

Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51) seeks to protect and enhance ancient and semi natural woodland and will apply when bringing forward proposals for C6 Working – Land at Carlogie (PP/00099/1/005) and C8 Transport – Upgrade A930 Carlogie Road (PP/00064/1/013). It is considered that the issues raised by these representations will be considered as part of development proposals on these two sites given the policy coverage outlined. For these reasons the Council does not agree to modify the plan in response to these representations.

Carnoustie Omission

K & D Henderson (PP/00112/1/001) and Persimmon Homes East Scotland (PP/00126/3/007) – The Proposed Plan is clear on page 9 (CD/1-1, Page 9) that new land allocations made in the ALDP have been accommodated within development boundaries where possible. Where this has not been possible, and where it is appropriate, development boundaries have been extended to include greenfield allocations. The development boundaries shown on the Proposal Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This is reflected in the Angus Local Development Plan Draft Action Programme (2015) (CD/1-15, Page 7, Ref 5).

Where greenfield allocations abut or are contiguous with a development boundary, the

development boundary has been amended to include the allocation. This ensures that no additional land apart from the allocation itself has been included within the development boundary as a consequence of the change. Where a greenfield allocation is not contiguous with the development boundary, as is the case at Pitskelly, it was not considered appropriate to include it within the development boundary, in light of the potential implications that this would have for any land included in the development boundary as a result. Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) sets out a presumption that “Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.”

The comprehensive review of development boundaries is considered to be the appropriate mechanism to consider the inclusion of such land within development boundaries. For these reasons, the Council does not agree to modify the plan in response to these representations.

Angus Estates Ltd & Muir Homes (PP/00135/1/003) – The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan (2012) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

In the context of Carnoustie, a greenfield site has been allocated at Pitskelly. This allocation augments the existing supply of housing land in the South Angus Housing Market Area. It is not considered that further allocations are required to meet the housing land requirements or provide a generous supply of land for housing. The Housing Background Paper (October 2015), Angus Council (CD/1-8) sets out the Housing Strategy and Housing Land Supply position across Angus and the South Angus Housing Market Area.

Whilst Carlogie was presented in the Main Issues Report (2012) (CD/1-11, Pages 71 and 72, Paragraphs 25 – 28) as a reasonable option, Angus Council have supported housing development at the preferred option expressed in the Main Issues Report (2012) (CD/1-11, Pages 69 – 71, Paragraphs 17 – 24) and allocated land at Pitskelly. The appellants appeal statement submitted for the application for employment land at Carlogie (S4/16A-8, Paragraph 4.3), and a letter from the applicant submitted to the Planning Authority during the determination process of this planning application (Ref: 14/00043/PPPM) (S4/16A-9, Page 2), clearly state that the appeal site requires no cross funding i.e. enabling development from housing development in the general vicinity. In contrast, promoters of the Pitskelly site have been clear that the site would require a significant level of cross funding from housing development in the vicinity (S4/16A-10, Page 2) (S4/16A-11, Page 11). In order to support the Council’s preferred location, it is therefore considered appropriate to follow the preferred masterplanning approach set out in the Main Issues Report (2012) (CD/1-11, Pages 69 – 71, Paragraphs 17 – 24) and allocated

land for both employment land and housing at Pitskelly.

For all of the above reasons, the Council does not agree to modify the plan in response to these representations.

Comments.

William Jarrett (PP/00074/1/002) – The comments made in relation to the capacity of healthcare facilities in the town are noted. Whilst the provision of such services is not within the remit of the Council, the Council will continue to work with NHS Tayside, primary care providers and developers to ensure that, where possible, capacity issues are addressed.

The comment regarding brownfield sites within Carnoustie is acknowledged. The Plan seeks to prioritise the development of brownfield sites and identifies an opportunity site at Panmure Industrial Estate (CD/1-1, Pages 98 and 99). The Plan must allocate housing land that is considered to be effective (or capable of becoming effective), and it therefore may not be possible to allocate brownfield sites, especially where they are in current use. Brownfield sites within development boundaries could come forward for housing development under Policy TC2 Residential Development (CD/1-1, Page 21), where appropriate.

Carnoustie Development Group (PP/00025/1/002) – This comment is acknowledged. The possibility of the Panmure Industrial Estate (CD/1-1, Pages 98 and 99) coming forward for redevelopment is already recognised by the Plan identifying it as an opportunity site.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

C1 Housing – Land at Pitskelly;

C7 Working – Land at Pitskelly;

C6 Working – Land at Carlogie;

C8 Transport – Upgrade A930 Carlogie Road; and

Carnoustie Omission

2. In Circular 6/2013, the Scottish Ministers confirmed the limited scope of an examination of a local development plan. Reporters conducting the examination are primarily to examine the appropriateness and sufficiency of the content of the proposed plan, and only if it is insufficient or inappropriate should they consider other sites or approaches.

3. In this proposed plan, adjoining areas of land at Pitskelly which are currently detached from Carnoustie's existing settlement boundary have been allocated for residential and employment development respectively. Both are immediately to the east of the Upper

Victoria link road, which has recently been completed to provide a high quality road access into the western end of the town from the 4-way grade separated junction on the A92. Each site extends to around ten hectares and would represent a very significant introduction of urban development into a prominent location within the open rural landscape which extends northwards from the current built-up edge of Carnoustie. This edge mainly follows the top of the raised beach which encloses the town, although the allocated but undeveloped employment land at Carlogie, which is retained from the current local plan, is similarly detached from the town on agricultural land above the raised beach.

4. As Carnoustie is identified in the strategic development plan as one of the principal settlements in the TAYplan area, Policy 3 of that plan requires this local development plan to identify and safeguard at least five years' supply of employment land within the settlement to support both the growth of the economy and a diverse range of industrial requirements. In Carnoustie, that need for employment land has been increased by the closure of traditional businesses and the re-development of traditional industrial areas within the town for housing. This process is on-going.

5. I find that it is also consistent with Policy 1 of the strategic development plan that the allocation of housing land to meet the requirements specified for the South Angus housing market area in Policy 5, is focused at least partly on Carnoustie, as it is identified by TAYplan as a principal settlement.

6. It is also clear from the submitted documentation that in preparing this proposed local development plan, the council has made an extensive assessment of the options available which might deliver both the housing land and the employment land, whether separately or jointly, in a manner which will be effective in securing the needed house completions and the business and job opportunities to sustain the local economy, while also minimising environmental damage. It is clear that although the re-development of brownfield sites is encouraged within Carnoustie, suitable sites to meet the needs for additional housing and employment land are not available within its current settlement boundaries. It is also apparent that different locations have different advantages and disadvantages, and in these circumstances any option selected will reflect an element of compromise.

7. In the case of the land at Pitskelly, the distance from the town centre and rail station is greater, it is not on a bus route at present, and the intrusion into open countryside cannot be wholly mitigated by screen planting or bunding. On the other hand, it enjoys excellent road access and the completion of the Upper Victoria link road makes this a logical direction for the growth of the town in terms of ease of access to the A92 at the nearby grade separated junction. The co-location of new housing with the employment land should also facilitate the implementation of both elements through cross-funding and a master-planning approach. I have noted the conclusions of the inquiry into the previous local plan, but in the current circumstances including the requirements of the approved strategic development plan, I accept that the allocation of land at Pitskelly for both employment and housing development is appropriate.

8. With regard to the detailed concerns raised about the Pitskelly sites, I am satisfied that the proposed allocations ensure that the potential for flooding had been addressed, firstly by avoiding the land most liable to flooding, and by requiring both a flood risk assessment and a sustainable drainage and surface water management plan to be prepared and submitted. While the potential impact in this open agricultural landscape is recognised,

this should be mitigated by the requirement that detailed development proposals are to include the provision of structure planting, landscaping and networks of green corridors with and around the site to create an appropriate urban edge.

9. However the council has referred to the scope for joint delivery of both the employment and the housing land as being important in its decision to allocate both of the sites at Pitskelly, and has been confirmed as the intention of the developer. In these circumstances I therefore consider that it is important to the successful delivery of both elements that this should be incorporated explicitly in the plan's provisions by ensuring that development of the land for housing on site C1 is phased in conjunction with the development of the employment land on site C7.

10. The availability of the allocated land for employment purposes at Carlogie has been carried forward from the existing local plan but the site has not been developed as yet. Its development is dependent on the construction of a re-aligned section of the A930 road through the site and connecting to the current edge of the town. The owner had previously indicated that the re-aligned road would be delivered as part of the development of the employment land, and I note that the proposal in this plan simply states that the land will be safeguarded for the re-alignment. The council has confirmed that the road project is an aspiration rather than a commitment, and that is reflected in its omission from the draft action programme.

11. However I also note that planning permission has now been granted on appeal for the development of the currently allocated site at Carlogie for employment purposes in conjunction with the re-alignment of the A930 through the site. Whether the road improvement can be funded by the developer, or must now await funding from the council at an unspecified future date, is not clear at present.

12. In these circumstances, I consider that the approach set out in the proposed plan of allocating land for employment purposes both at Pitskelly and at Carlogie is appropriate in the context of the strategic development plan's requirement for Carnoustie, as it has not been demonstrated that restricting the allocation of employment land only to the Carlogie site would be sufficient. The allocation of the two areas is also more likely to meet the other requirement of Policy 3 of the strategic development plan, which is that the allocated land should be able to meet a diverse range of industrial requirements.

13. With regard to the omission of the suggested site for housing development at Carlogie, Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in South Angus, including Carnoustie, is sufficient to meet the requirements set out in the strategic development plan, and that the allocation of the site at Pitskelly is appropriate.

14. The potential site at Carlogie is one of three alternatives to the Pitskelly site which were assessed by the council. The other two at Westhaven and Clayholes are referred to in Issue 16B, and would also involve very large housing developments in prominent locations outwith the existing settlement boundary. While there can be no absolute certainty about the scale and rate of delivery on each of the allocated sites, the plan, as recommended to be modified, provides a mechanism through Policy TC1 to enable planning permission to be granted for other sites in the event that the five or seven years' effective housing land supply is not maintained in future.

15. However I find that there is one aspect of the allocations of employment land at both Carlogie and Pitskelly which is not consistent with Policy 3. Both sites are identified as being beyond Carnoustie's development boundary, whereas the policy states that the identified land should be within the settlement. I have noted that throughout Angus, where representations have sought an amendment to a settlement's development boundary, the council has argued that this is a matter to be left to the next review of the plan, by which time a comprehensive review of all settlement boundaries will have been undertaken. However, in the specific case of Carnoustie, I do not consider that it is consistent with the strategic development plan for the significant land allocations to serve the identified employment and housing needs of the town to remain detached from it, even for an interim period.

16. Accordingly I consider that Carnoustie's development boundary should be extended to include both employment site C7 and housing site C1 at Pitskelly, as well as the section of the Upper Victoria link road which adjoins these sites and connects them with opportunity site C4, as recommended to be extended in Issue 16B. This would not preclude a further adjustment to the development boundary in the next local development plan in the light of the conclusions of the comprehensive review which the council intends to carry out and, potentially, the need to identify further land for development or amenity purposes.

17. I also consider that the same approach is equally justified in the Carlogie area, to incorporate within Carnoustie's development boundary both employment site C6, which is allocated for employment land, and the proposed re-aligned Carlogie Road (C8) which is to be provided in conjunction with it. Again this would not preclude a further adjustment to the development boundary in the next local development plan in the light of the conclusions of the comprehensive review which the council intends to carry out and, potentially, the need to identify further land for development or amenity purposes.

18. In relation to the specific concerns raised about the potential effect of the development of the allocated employment site C6 at Carlogie on the tree belt that has been identified as ancient woodland, I consider that the protection provided by Policy PV7 for ancient woodland is sufficient in conjunction with the additional requirements relating to both protection of existing trees and woodland and new planting, which are specific to this proposal.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 97, in the second paragraph under 'C1 Housing – Land at Pitskelly', inserting a new second bullet point to read: "A phasing programme to ensure that the development of the employment land at site C7 is delivered in conjunction with the housing development on this site."
2. On the map after page 102 (Carnoustie and Barry (Inset Map 3)), extending Carnoustie's development boundary to include both employment site C7 and housing site C1 at Pitskelly, together with the section of the Upper Victoria link road which adjoins these sites and connects them with opportunity site C4, as recommended to be extended in Issue 16B.

3. On the map after page 102 (Carnoustie and Barry (Inset Map 3)), extending Carnoustie's development boundary to include employment site C6 at Carlogie, and the proposed re-aligned Carlogie Road (C8) which is to be provided in conjunction with it.

<p>Issue 16B</p>	<p>Carnoustie and Barry General and Omissions</p>	
<p>Development Plan Reference:</p>	<p>Carnoustie and Barry Settlement Statement, Pages 95 – 104 C2 Opportunity Site – Woodside/Pitskelly, Page 97 C3 Opportunity Site – Barry Road, Page 98 C5 Opportunity Site – Panmure Industrial Estate, Page 98 C9 Shanwell Cemetery Extension, Page 101 C10 Sports Ground, Shanwell Road, Page 101 Carnoustie Proposals Map, Pages 103 – 104 Carnoustie Omissions</p>	<p>Reporter: David Russell</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Carnoustie Development Strategy</u></p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/016)</p> <p><u>C2 Opportunity Site – Woodside/Pitskelly</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/032) Woodland Trust Scotland (PP/00099/1/003)</p> <p><u>C3 Opportunity Site – Barry Road</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/033) Woodland Trust Scotland (PP/00099/1/004)</p> <p><u>C5 Opportunity Site – Panmure Industrial Estate</u></p> <p><u>Objections</u></p> <p>Colin Jackson (PP/00043/1/001) Scottish Environment Protection Agency (PP/00120/1/034)</p> <p><u>Town Centres and Retailing</u></p> <p><u>Objections</u></p> <p>Carnoustie Development Group (PP/00025/1/004)</p>		

C9 Shanwell Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/037)

C10 Sports Ground, Shanwell Road

Comments

Scottish Environment Protection Agency (PP/00120/1/038)
Pam Mulgrew (PP/00023/1/001)

Carnoustie Proposals Map

Objections

Carnoustie Development Group (PP/00025/1/003)
Angus Estates Ltd (PP/00148/1/001)
D J Laing (Homes) Ltd (PP/00080/1/001)

Carnoustie Omissions

Stewart Milne Homes (PP/00101/3/005)
Stewart Milne Homes North Ltd (PP/00105/1/001)
Persimmon Homes East Scotland (PP/00126/4/001)
Ogilvie Homes Ltd (PP/00129/1/001)

Provision of the Development Plan to which the Issue Relates:

Policies in the Carnoustie and Barry Settlement Statement, excluding Pitskelly and Carlogie allocations and omissions.

Planning Authority's Summary of the Representation(s):

Carnoustie Development Strategy

Objections

TACTRAN (PP/00073/1/016) - In support of Policy DS5, the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Carnoustie and Barry.

C2 Opportunity Site – Woodside/Pitskelly

Objections

Scottish Environment Protection Agency (PP/00120/1/032) - Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on allocation C2 Woodside/Pitskelly. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Due to the identified surface water flooding issues, we require a modification to the developer requirements to include a DIA

to assess surface water drainage in the context of the pluvial flood risk identified above.

Woodland Trust Scotland (PP/00099/1/003) - The Trust is concerned about the potentially adverse impacts allocated sites C2 will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

C3 Opportunity Site – Barry Road

Objections

Scottish Environment Protection Agency (PP/00120/1/033) - Supports the development requirement for a Flood Risk Assessment to be undertaken prior to development occurring on allocation C3 Barry Road. Clarification is sought as to why this site does not include a Drainage Impact Assessment as part of the developer requirements in the context of Policy PV 15 Drainage Infrastructure.

Woodland Trust Scotland (PP/00099/1/004) - The Trust is concerned about the potentially adverse impacts allocated sites C3 will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

C5 Opportunity Site – Panmure Industrial Estate

Objections

Colin Jackson (PP/00043/1/001) - Objects to the identification of an opportunity site at C5 - Panmure Industrial Estate. Panda Lane provides premises for a number of companies and these companies and the associated jobs would be lost if they were asked to vacate the premises.

Scottish Environment Protection Agency (PP/00120/1/034) - Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on allocation C5 - Panmure Industrial Estate. As residential development is proposed for this site there is a potential increase in sensitivity of use. We therefore require a modification to the developer requirements to include a FRA which will enable flood risk associated with this site to be better understood and to inform the development type and design. Clarification is sought as to why this site does not include a Drainage Impact Assessment as part of the developer requirements in the context of Policy PV15 Drainage Infrastructure.

Town Centres and Retailing

Objections

Carnoustie Development Group (PP/00025/1/004) - The charrette/town centre plan has been completed and delivered to council officers (on 31st March 2015), it should be included in this current plan, (i.e. 2016 through 2021) not future LDP's. A delay of more than 5 years before inserting the strategies from the charrette into an LDP is totally

unreasonable and unacceptable to the townspeople (and probably the Scottish Government who funded the exercise). The entire charrette report should be attached as an appendix and referred to as the proposed town centre plan. Otherwise the exercise will have been a waste of money by the Council and the Scottish Government, a waste of energy by the 500 people who took part, and confirm the cynical suspicion that despite all these consultations, nothing ever changes.

C9 Shanwell Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/037) - Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on allocation C9 Shanwell Cemetery Extension. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer. This is particularly important due to the sensitivity of use and pollution issues should a flow path exist within the site. There is a small drain to the east of the allocation however there is no evidence to suggest it flows within or immediately adjacent to the site.

Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of this allocation. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

C10 Sports Ground, Shanwell Road

Comments

Scottish Environment Protection Agency (PP/00120/1/038) - Seek clarification of the future possible provision of changing facilities in respect of foul and surface water drainage; and in respect of water abstraction for irrigation requirements.

Pam Mulgrew (PP/00023/1/001) - Hopes that the allocation C10 Sports Ground - Shanwell Road includes a new 25m pool as the swimming club currently has to use private facilities which are prohibitively expensive and unsuitable.

Carnoustie Proposals Map

Objections

Carnoustie Development Group (PP/00025/1/003) - The town centre boundary should be modified to run from Station Road to Ferrier Street, thus including additional banks, churches, and a number of retail outlets.

Angus Estates Ltd (PP/00148/1/001) - The northern boundary of the Carnoustie development boundary (as shown in red on Figure 1 of the full submission) should be amended to form a linear edge to the settlement. This is considered to be consistent with

the treatment of the development boundary throughout the rest of the town, as shown on the settlement plan on page 103 of the Proposed Plan.

This minor adjustment would constitute a non-notifiable change as provided for in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and would ensure the northern boundary of the town and countryside is legible and defensible. This is consistent with the principles underpinning the identification of development boundaries in part 3 creating High Quality Places, Development Principles (page 9) and accompanying Policy DS1.

D J Laing (Homes) Ltd (PP/00080/1/001) - The development boundary should be amended to include part of the Barry Manse grounds/paddock as this would provide a small scale infill site opportunity where future development would be in keeping with the general character and historic development pattern of the village.

Carnoustie Omissions

Stewart Milne Homes (PP/00101/3/005) - Objects to the non-inclusion of land at Westhaven, Carnoustie as an allocation for residential development with ancillary uses. Further housing allocations require to be identified in order to maintain a generous 7 year supply of effective housing land. The Development Framework submitted concludes that the eastern edge of Carnoustie, around Westhaven, offers a logical direction for strategic growth. The 40.7ha site is deliverable, free of constraints, well served by public transport, and the majority of the site is within walking distance of Carlogie Primary School.

Development of the site would encourage more sustainable modes of transport for daily travel patterns. The site could be developed without any adverse impact on the historic environment of the nearby Panbride conservation area. The site was a reasonable alternative in the Main Issues Report and it is submitted that the assertions made by the Council in its previous consideration of the site as set out in the MIR (in relation to the development of green networks and the undeveloped coast) are inaccurate and that when appropriately considered more accurately would result in a sustainable pattern of development, which respects the historical growth of Carnoustie.

Stewart Milne Homes North Ltd (PP/00105/1/001) - Objects to Table C2: New Allocations and to the housing policy section as it does not include an allocation for housing at Clayholes. 30ha of land should be allocated for residential development of up to 400 dwellings. The land at Clayholes has significant capacity to accommodate development. The site was rejected in the Main Issues Report due to poor accessibility to the trunk road network. This is considered to be a flawed judgement as accessibility to the site is good and not dependent on the Balmachie link road to the A92.

The allocated site C1 Housing - Land at Pitskelly has no certainty of delivery and is currently subject to judicial review. The proposed site at Clayholes:

- sites well in the landscape;
- offers outstanding accessibility in relation to existing school provision; and
- offers opportunity for proper integration with the existing grain and form of Carnoustie.

These issues are expanded in the Development Framework and Accessibility appraisal that support the representation.

Persimmon Homes East Scotland (PP/00126/4/001) - Support the continued allocation of C4: Greenlaw Hill, but contend that the site should be extended to include land to the East. The site should be allocated for approximately 90 residential units. A separate representation seeks the amendment of the the Carnoustie development boundary to take account of the new allocation at C1: Land at Pitskelly, thereby including the extended C4: Greenlaw Hill site (see representation PP/00126/3/007 in Schedule 4 Issue 16A).

Ogilvie Homes Ltd (PP/00129/1/001) - Would like to see the former Taymouth Engineering Works, 2 Anderson Street, Carnoustie included in the Plan as a residential development opportunity for around 80 housing units. The site is considered to be effective and deliverable. A Proposal of Application Notice has been submitted and a planning application will be submitted in due course. Whilst the proposal may find support as a windfall site under the current Angus Local Plan Review and the Proposed Local Development Plan, a residential allocation would be welcomed.

Modifications Sought by those Submitting Representations:

Carnoustie Development Strategy

TACTRAN (PP/00073/1/016) - The Development Strategy should make reference to "supporting the enhancement and extension of the network of paths and cycleways around the town".

C2 Opportunity Site – Woodside/Pitskelly

Scottish Environment Protection Agency (PP/00120/1/032) - The policy should be amended so that the developer requirements include a DIA to assess surface water drainage in the context of the pluvial flood risk identified. We would request a meeting with the Council to discuss this site.

Woodland Trust Scotland (PP/00099/1/003) - C2 Woodside/Pitskelly should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

C3 Opportunity Site – Barry Road

Scottish Environment Protection Agency (PP/00120/1/033) - The developer requirements set out in the policy should include a Drainage Impact Assessment.

Woodland Trust Scotland (PP/00099/1/004) - C3 Barry Road should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

C5 Opportunity Site – Panmure Industrial Estate

Colin Jackson (PP/00043/1/001) - Delete Site

Scottish Environment Protection Agency (PP/00120/1/034) - The policy should be

amended so that developer requirements include a FRA which will enable flood risk associated with this site to be better understood and to inform the development type and design. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

Town Centres and Retailing

Carnoustie Development Group (PP/00025/1/004) - The entire Carnoustie Town Centre charrette report should be attached as an appendix and referred to as the proposed town centre plan.

C9 Shanwell Cemetery Extension

Scottish Environment Protection Agency (PP/00120/1/037) - Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer. The acceptability of a site for cemetery use should be assessed following intrusive ground investigation.

Carnoustie Proposals Map

Carnoustie Development Group (PP/00025/1/003) - Amend the town centre boundary.

Angus Estates Ltd (PP/00148/1/001) - The northern boundary of the Carnoustie development boundary should be amended to form a linear edge to the settlement.

DJ Laing (Homes) Ltd (PP/00080/1/001) - The development boundary on the south side of Dundee Road, Barry should be amended to include a small site (0.42 Ha) for housing development.

Carnoustie Omissions

Stewart Milne Homes (PP/00101/3/005) - Land at Westhaven, Carnoustie should be allocated for residential development with ancillary uses.

Stewart Milne Homes North Ltd (PP/00105/1/001) - 35ha of land at Clayholes should be allocated for residential development of up to 400 dwellings.

The policy should read:

"C2 Housing - Land at Clayholes

35ha of land at Clayholes is allocated for residential development of up to 400 dwellings. A first phase of around 300 dwellings will be permitted in the period to 2021, with the remaining phase of around 100 dwellings permitted in the period to 2026. Proposals should include:

- A high quality of design and site layout which delivers an alternative new urban / rural boundary.
- Provision of structure planting, landscaping and networks of green corridors within and around the site to create an appropriate urban edge.
- Provision of vehicular, cycle and pedestrian access arrangements to the satisfaction of the Council as Roads Authority.
- Supporting information including a Drainage Impact Assessment, Sustainable

Drainage and Surface Water Management Plan, Flood Risk Assessment, Landscape Assessment, Transport Assessment and Archaeological evaluation and implementation as necessary."

Policies C2 - C10 should be renumbered as C3 - C11 as a consequence. Table C2 should be amended to insert an additional line to reflect the total numbers and phasing set out in the suggested policy. The totals in Table C2 should also be amended as a result.

Persimmon Homes East Scotland (PP/00126/4/001) - C4: Greenlaw Hill should be extended and allocated for residential development of around 90 units to come forward within the first phase of the plan (2016 - 2021). All reference to an opportunity site should be deleted (PP/00126/4/001).

Ogilvie Homes Ltd (PP/00129/1/001) - Allocate the former Taymouth Engineering Works, 2 Anderson Street, Carnoustie as a residential development opportunity.

Summary of Responses (including reasons) by Planning Authority:

Carnoustie Development Strategy

Objections

TACTRAN (PP/00073/1/016) – Policy DS2 Accessible Development (CD/1-1, Pages 11 and 12) requires development proposals to demonstrate that they provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking (CD/1-1, Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation (CD/1-1, Page 47) specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Repeating the suggested additional bullet at the start of every settlement strategy is not considered necessary or appropriate. Including the bullet in every settlement statement would be considered to be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

C2 Opportunity Site – Woodside/Pitskelly

Objections

Scottish Environment Protection Agency (PP/00120/1/032) – Appropriate consultation will be undertaken with relevant agencies, including Scottish Environment Protection Agency, the Council's Environment Health Service and Roads Service as local flood authority as part of any future planning application. The Council would have no objection to including the requirement for a Drainage Impact Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Woodland Trust Scotland (PP/00099/1/003) – C2 Opportunity Site – Woodside/Pitskelly requires a landscaping scheme for the site and sets out that this should include integration of new tree planting to complement the valuable tree belt on the raised beach adjacent to the site. In addition, Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51) seeks to protect and enhance ancient and semi natural woodland. It is considered that

the issues raised by the representation will be considered as part of development proposals on these two sites given the policy coverage outlined. For these reasons the Council does not agree to modify the plan in response to this representation.

C3 Opportunity Site – Barry Road

Objections

Scottish Environment Protection Agency (PP/00120/1/033) – Support for the developer requirements set out in the policy including a Flood Risk Assessment is noted. The Council would have no objection to including the requirement for a Drainage Impact Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Woodland Trust Scotland (PP/00099/1/004) – C3 Opportunity Site – Barry Road sets out a requirement for a landscaping scheme to be an integral part of proposals including new tree planting to complement the valuable tree belt to the north and west of the site. In addition, Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51) seeks to protect and enhance ancient and semi natural woodland. It is considered that the issues raised by the representation will be considered as part of development proposals on these two sites given the policy coverage outlined. For these reasons the Council does not agree to modify the plan in response to this representation.

C5 Opportunity Site – Panmure Industrial Estate

Objections

Colin Jackson (PP/00043/1/001) – The Council is aware of long standing aspirations for the redevelopment of the Panmure Industrial Estate area as well as a desire to utilise brownfield sites within Carnoustie and remove non-conforming business and industrial uses from central areas. The Employment Land in Carnoustie Background Paper (October 2015), Angus Council (CD/1-9) sets out for information the chronology of employment land allocations and proposals in Carnoustie. C5 recognises that 3.7ha of land at Panmure Industrial Estate is covered by Policy TC14 Employment Allocations and Existing Employment Areas (CD/1-1, Page 34). Any proposals for redevelopment of the area would have to be considered in the context of that policy and the tests set out for other uses in such areas.

C5 also requires a comprehensive development scheme to come forward. The site has been identified as an Opportunity Site, the definition of which states that sites "may or may not become available for redevelopment for appropriate uses". It would be inappropriate given known aspirations for redevelopment of the area not to flag its potential for redevelopment in the Plan whilst ensuring that appropriate policy tests in relation to existing employment uses are satisfied. For these reasons the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/034) – The Council would have no objection to including the requirement for a Flood Risk Assessment and Drainage Impact Assessment and would suggest that the policy wording is amended to include this requirement. Such amendments are considered to address the representation and be non-notifiable modifications to the Plan.

Town Centres and RetailingObjections

Carnoustie Development Group (PP/00025/1/004) – The Carnoustie Charrette took place in March 2015 just after the Proposed Angus Local Development Plan period of representation had begun and some two and a half months after the Proposed Angus Local Development Plan was agreed at full Council on the 11th December 2014 (S4/16B-1). The findings of the Charrette were not presented and discussed by Angus Council until a meeting on the 18th June 2015 (S4/16B-2) (S4/16B-3) (S4/16B-4). There was therefore no possibility of incorporating the findings of the Charrette into the Proposed Plan.

In any case, it would be considered inappropriate to attach the entire Charrette report as an appendix to the Plan. The Charrette report is a report of consultation undertaken and does not constitute a confirmed set of proposals or Town Centre Strategy. The findings of the Charrette will be taken into account in producing the Town Centre Strategy for Carnoustie and will be taken into account in reviewing the Town Centre and Core Retail Area Boundaries as set out in the Angus Local Development Plan Draft Action Programme (2015) (CD/1-15, Page 12, Ref 28 and 30). In any case, many of the proposals set out within the Charrette report can be progressed in the broad policy framework provided by the Proposed Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

C9 Shanwell Cemetery ExtensionObjections

Scottish Environment Protection Agency (PP/00120/1/037) – The comment made in relation to amending C9 Shanwell Cemetery Extension to include a requirement for a ground investigation survey is accepted. Consequently, the Council would have no objection to including the requirement for a ground investigation survey in the policy and would suggest that the policy is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

C10 Sports Ground, Shanwell RoadComments

Scottish Environment Protection Agency (PP/00120/1/038); Pam Mulgrew (PP/00023/1/001) – A recent planning application (Ref: 15/00117/FULM) for the creation of two full sized football pitches with associated drainage, including car parking, landscaping, boundary fencing and future provision of changing room containers was approved subject to conditions on the 5th June 2015 (S4/16B-5). Details of the application and the nature of the future provision of changing facilities as a “phase 2” has been passed to Scottish Environment Protection Agency for information. The planning permission does not include provision for a swimming pool.

Carnoustie Proposals MapObjections

Carnoustie Development Group (PP/00025/1/003) – The Town Centre boundaries set out in the Plan have been brought forward from the adopted Angus Local Plan Review (2009). The Angus Local Development Plan Draft Action Programme (2015) makes clear that a review of town centre boundaries will be undertaken in years 1-5 of the Plan (CD/1-15, Page 12, Ref 28). The Draft Action Programme also sets out that review of the Retail Core Areas will be undertaken (CD/1-15, Page 12, Ref 30) and Town Centre Strategies will be prepared (CD/1-15, Page 12, Ref 29). It would be premature to amend the Town Centre boundary based on this representation and the outputs of the recent Charrette before such comprehensive and consistent reviews of all town centre boundaries are undertaken. For these reasons the Council does not agree to modify the plan in response to this representation.

Angus Estates Ltd (PP/00148/1/001); DJ Laing (Homes) Ltd (PP/00080/1/001) – The change to the development boundary suggested by Angus Estates (PP/00148/1/001) is not considered to constitute a non-notifiable modification to the Plan. The Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from the adopted Angus Local Plan Review (2009) and have not been the subject of a review apart from where significant greenfield allocations are proposed as extensions. A review of development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9) (CD/1-15, Page 7, Ref 5). It would be inappropriate to amend the development boundary before such a comprehensive and consistent review. For these reasons, the Council does not agree to modify the plan in response to this representation.

The small scale site proposed for inclusion in the development boundary by DJ Laing (PP/00080/1/001) is not needed to meet TAYplan Strategic Development Plan (2012) housing numbers nor would it contribute to the regeneration of smaller brownfield sites within the development boundary. There is no need or justification for amending the development boundary to include this site at this time, before the comprehensive and consistent review set out above is undertaken. For these reasons the Council does not agree to modify the plan in response to this representation.

Carnoustie Omissions

Stewart Milne Homes (PP/00101/3/005) – Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

The Council has allocated sites to meet the housing land requirements as set out in Policy 5 of TAYplan Strategic Development Plan (2012) (CD/3-1, Page 17) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the

Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

In the context of Carnoustie, a greenfield site has been allocated at C1 Housing – Land at Pitskelly (CD/1-1, Page 97). This allocation augments the existing supply of housing land in the South Angus Housing Market Area. It is not considered that further allocations are required to meet the housing land requirements or provide a generous supply of land for housing.

Land at Westhaven was included in the Main Issues Report (2012) as part of Alternative Option 2 (CD/1-11, Pages 72 and 73, Paragraphs 30 – 34). The conclusions set out in the Main Issues Report (2012) are considered to remain valid. This includes: that there would be limited potential for developing green networks and open spaces that would be easily accessible for the majority of Carnoustie residents; future homes would be less convenient for travelling to/from Carnoustie High School and the health centre, especially by active modes of transport; and access to the A92 would be less convenient without completing the C8 Transport – Upgrade of the A930 Carlogie Road (CD/1-1, Page 101).

The Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5, Paragraph 5.3.1) for Carnoustie was published alongside the Proposed Plan in February 2015. This states that:

“The clear eastern urban edge helpfully preserves the setting of Panbride Conservation Area which, although less than 200m from Carnoustie, maintains a distinctive setting atop a shallow ridge of higher ground overlooking the North Sea, set within an arable landscape clearly separate from Carnoustie. This simple relationship of Panbride with topography, the North Sea and the edge of Carnoustie is visually coherent. An urban extension would risk weakening this setting and risk the sprawling of development in this direction, which would compromise the well-defined edge and the opening of the landscape towards the sea. (See photo 5.14)

The coast is an important recreational resource with the Angus Coastal Path adjacent to the C61 (Easthaven Road). Whilst, the railway exists parallel with the coast, it is nevertheless considered that built development eastwards would create an urban character to the coast and would lead to a move towards it being considered developed coast. This part of the coast is of high landscape value and is visually sensitive.

Given the above, it is considered that there is no landscape capacity for urban extension to the east of Carnoustie.”

For the reasons set out above, the Council does not agree to modify the plan in response to this representation.

Stewart Milne Homes North Ltd (PP/00105/1/001) – The site was submitted as part of the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 5S), but was within an area which was considered unlikely to be suitable for land allocations in the LDP period in the Main Issues Report (2012). The Main Issues Report (2012) (CD/1-11, Page 69, Paragraph 16) set out that the area adjoining the public highway at Lower Balmachie and Clayholes would be unsuitable because of difficulties in achieving vehicular access to the A92 in both directions. The site therefore did not form part of any of the reasonable alternatives set out in the document.

Whilst parts of the representation relating to landscape impact are supported by the Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5, Paragraph 5.3.2), and the sites physical proximity to the centre of Carnoustie, the railway station and schools with capacity is acknowledged, the main road access into/out of the site to/from the A92 would be a left in/left out only junction at Balmachie. Whilst the Accessibility Appraisal submitted with the representation sets out that the grade separated junctions at Upper Victoria and Muirdrum could be accessed through routes through the town, it is still considered that the site has difficulty in accessing the A92 in both directions, especially when considered against the reasonable alternatives set out in the Main Issues Report (2012) (CD/1-11, Pages 71 – 73, Paragraphs 25 – 34). The conclusions set out in the Main Issues Report (2012) and the rationale behind the reasonable alternatives presented in that document are still considered to be appropriate and for these reasons the Council does not agree to modify the plan in response to this representation.

Persimmon Homes East Scotland (PP/00126/4/001) – Extending the boundary of site C4 Opportunity Site – Greenlaw Hill eastwards would mean breaching the current development boundary for Carnoustie. The Proposed Plan is clear on page 9 (CD/1-1, Page 9) that new land allocations made in the ALDP have been accommodated within development boundaries where possible. Where this has not been possible, and where it is appropriate, development boundaries have been extended to include greenfield allocations. The development boundaries shown on the Proposal Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This is reflected in the Angus Local Development Plan Draft Action Programme (2015) (CD/1-15, Page 7, Ref5).

The reasoning for not including the larger site as part of an extension to the development boundary to incorporate the housing and employment allocations at Pitskelly is set out in Schedule 4 Issue 16A in response to K & D Henderson (PP/00112/1/001) and Persimmon Homes East Scotland (PP/00126/3/007). It is not considered that the representation presents social, economic, environmental or operational considerations that confirm a need for the proposal that cannot be met within a development boundary. For these reasons, the Council does not agree to modify the plan in response to these representations.

Ogilvie Homes Ltd (PP/00129/1/001) – The site was not submitted as part of the Council's Initial Awareness Raising Stage and Consultation Exercise (2010), nor were submissions made to the Main Issues Report (2012) proposing the site as a reasonable alternative to those set out (CD/1-11, Pages 71 – 73, Paragraphs 25 – 34).

The site in question has been historically associated with Class 5 (General Industrial) use. Two businesses operated from the site until relatively recently. The majority of the site was a cement casting facility and the lesser part of the site was a foundry. A Proposal of Application Notice was submitted to the Council in March 2015 (Ref: 15/00259/PAN) and was accepted by the Council in April 2015 (S4/16B-6). Furthermore, a subsequent planning application for 82 dwellings (Ref: 15/00558/FULM) was then submitted and validated on the 22nd June 2015. This planning application was then considered by the Council at its Development Standards Committee on the 15th September 2015 and was approved subject to conditions (S4/16B-7).

As the site had not been submitted to the plan making process through subsequent consultations, it has not been considered in preparing the Proposed Plan. In any case it would not have been considered appropriate to allocate the site for development if it was in active use. Given the lack of previous representation on the site and the current planning application status, the Council does not agree to modify the plan in response to these representations. Now that planning permission has been granted subject to conditions, the site will be included in the Council's Housing Land Audit and its effectiveness will be considered to determine its contribution to the effective housing land supply. The site will be considered in the future review of the Plan, to ensure that the brownfield site is identified appropriately in future.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Carnoustie Development Strategy

2. Given the policy support within the plan for enhancing and extending the network of paths and cycleways in Angus, I consider that it is not necessary to insert a similarly supportive statement in each of the settlement strategies.

C2 Opportunity Site – Woodside/Pitskelly

3. As there are potential concerns regarding flooding within this site, I consider that it would be appropriate to include a requirement for a drainage impact assessment to be submitted in conjunction with any planning application to develop the land within it.

4. I am satisfied that the plan provides appropriate protection for areas of ancient woodland through Policy PV7. For this site, I consider that this protection is also enhanced by the requirement that proposals to develop the land should be accompanied by new tree planting to complement the tree belt adjacent to the site. Accordingly, I do not consider that it is necessary to amend its provisions.

C3 Opportunity Site – Barry Road

5. Given that there are potential concerns regarding flooding within this site, I agree that it would be appropriate to include a requirement for a drainage impact assessment to be submitted in conjunction with any planning application to develop the land within it.

6. I consider that the plan provides appropriate protection for areas of ancient woodland through Policy PV7. For this site, I consider that this protection is also enhanced by the requirement that proposals to develop the land should be accompanied by new tree planting to complement the existing wooded area to the north of the site. Accordingly, I do not consider that it is necessary to amend its provisions.

C5 Opportunity Site – Panmure Industrial Estate

7. Given the allocation of additional land for business and industrial uses on greenfield land to the north of Carnoustie, I am satisfied that Panmure industrial estate is appropriately allocated as an opportunity site in view of the potential scope for businesses to re-locate in future to a less constrained location. The terms of Policy TC14 provide appropriate safeguards for existing employment uses which may limit the scope for re-development of the site, but the allocation recognises the potential of the site to accommodate additional housing in close proximity to the facilities and amenities of the town.

Town Centres and Retailing

8. I consider that it would not be appropriate to attach the report of the Carnoustie Charrette as an appendix to the local development plan, even if elements of the proposed plan had been based upon it. Many studies, assessments and consultation exercises inform the preparation of a local development plan, and can be useful supporting documents. However, the plan itself should be concise and focus on the strategy, policies and proposals for the area, and the use of such appendices is therefore inappropriate.

C9 Shanwell Cemetery Extension

9. I agree that it is important to establish the suitability of the site for use as an extension to Shanwell cemetery due to the potential impact on groundwater. Accordingly, I consider that it would be appropriate to insert a requirement for an intrusive ground investigation to be undertaken in line with the Scottish Environment Protection Agency's guidance on assessing the impacts of cemeteries on groundwater, prior to a planning application for development.

Carnoustie Proposals Map

10. The boundaries of Carnoustie's town centre are shown on the 'Central Area Inset Map' prior to Page 105 of the proposed plan. They show that the town centre already extends from Station Road in the east to Ferrier Street in the west, and it clearly contains the key concentration of shops and services which serve the town. However town centres do require to adapt to changing commercial circumstances and shopping habits, and I note from the action programme that the council does intend to carry out a review in the first five years of the plan period. I am therefore satisfied that amending the town centre boundary would not be justified at this stage.

11. The suggested boundary change at the north-east edge of Carnoustie would represent a logical rationalisation. As it represents a minor adjustment, awaiting the full review of all settlement boundaries would not be justified. The policies of the plan provide an appropriate framework for considering any applications for development which may be submitted in future.

12. The recent housing development in the eastern part of the grounds of the former manse at Barry has introduced new built development on the south side of Main Street which is now included within the settlement boundary. The land on either side is outwith the boundary, and I do not consider that the land to the west which is now proposed for inclusion represents either a gap or infill site, which could have justified its inclusion within the boundary now, in advance of the council's intended review of settlement boundaries.

Nor have I found a shortfall in the allocation of land for housing development in the South Angus housing market area which might also have justified the allocation of this site and its inclusion within the settlement boundary.

Carnoustie Omissions

13. I have found at Issue 3 that this local development plan provides sufficient housing land to meet the requirements of the strategic development plan, including within the South Angus housing market area. In examining individual sites which have been proposed in this plan for new housing development, I have not found any compelling evidence to contradict the council's assessment that each is either effective or capable of becoming effective to deliver the house completions required, or that their allocation for housing development would be inappropriate.

14. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential alternative or additional housing sites, such as those proposed for Carnoustie at Westhaven and at Clayholes, both of which are for very large housing developments in prominent locations. While there can be no absolute certainty about the scale and rate of delivery on each of the allocated sites, the plan, as recommended to be modified, provides a mechanism through Policy TC1 to enable planning permission to be granted for other sites in the event that the five or seven years' effective housing land supply is not maintained in future.

15. However, I am satisfied that the settlement boundary and limited extent of the opportunity site at Greenlaw Hill are no longer appropriate since the completion of the Upper Victoria link road, and should be extended eastwards as far as that road. This will enable full consideration to be given to the potential of this site, which now occupies a prominent position on a key entrance to the town. Although a detailed assessment of the site has been submitted, I do not have evidence of the results of public engagement about the site.

16. Therefore I consider that it would be inappropriate to make a firm allocation for housing development at this stage, as that engagement might identify constraints to development or other forms of development that would be preferable. In these circumstances, I consider that its identification as an enlarged opportunity site within an adjusted settlement boundary would be appropriate, as that recognises that there may be potential constraints which require to be overcome before planning permission can be granted.

17. With the allocation at Pitskelly and the modification recommended at Issue 16A to incorporate that development within the settlement boundary, this extension to the settlement boundary would represent a further logical rounding off at this time.

18. I note that, since the publication of the proposed plan, planning permission has been granted by the council for a housing development on the former engineering works site at Anderson Street, and I observed from my site inspection that construction has commenced. However the site had not been put forward for consideration as a potential housing site during the preparation stages of the plan, and had not been assessed for that purpose or been subject to the consultation procedures associated with the plan.

19. In these circumstances I consider that the omission of this site from the housing allocations made in the plan was appropriate, and that Policy TC2 provides an appropriate basis to provide support for such proposals for residential development within settlement boundaries which may emerge during the plan period. Having been granted planning permission as a windfall site, and with construction under way, it can now be added to the annual housing land audit as a further effective site which will contribute to meeting the housing requirements for the South Angus housing market area.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 97, under 'C2 Opportunity Site – Woodside/Pitskelly', adding a final paragraph reading: "Information submitted in conjunction with any planning application to develop the land should include a drainage impact assessment."
2. On page 98, under 'C3 Opportunity Site – Barry Road', adding to the final sentence: "... and a drainage impact assessment."
3. On page 101, under C9 'Shanwell Cemetery Extension', adding a second paragraph reading: "Prior to applying for any development, an intrusive ground investigation should be undertaken in line with the Scottish Environment Protection Agency's guidance on assessing the impacts of cemeteries on groundwater."
4. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the settlement boundary at the north-eastern edge of the town, as shown on the plan submitted with the representation made by Angus Estates Ltd.
5. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the settlement boundary north-eastwards at Greenlaw Hill to align with the Upper Victoria Link Road and the minor road leading south-west from it towards to the north-western edge of Site C4.
6. On page 98, amending the description of Opportunity Site C4 'Greenlaw Hill' by replacing '1.7 ha of land' with "3.2 hectares of land".
7. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the extent of Opportunity Site C4 to include the whole of the Greenlaw Hill site shown in the plan accompanying the representation PP/00126/4/001, and extending the settlement boundary eastwards to incorporate the extended site and align with the Upper Victoria link road.

Issue 17A	Turbeg & Westfield, Forfar	
Development Plan Reference:	Forfar Settlement Statement, Pages 105 – 116 F3 Housing – Turfbeg, Page 108 F4 Housing – Westfield, Page 109 Forfar Omissions – Westfield and Turfbeg	Reporter: Claire Milne
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>F3 Housing – Turfbeg</u></p> <p><u>Support</u></p> <p>Elite Homes (PP/00143/2/001)</p> <p><u>Objections</u></p> <p>Andrew & Linda Lennon (PP/00016/1/003) Homes for Scotland (PP/00065/1/013) George Morrison (PP/00044/1/002) George Morrison (PP/00113/1/001) Scotia Homes (PP/00119/1/011) Hermiston Securities (PP/00078/2/002) Scottish Environment Protection Agency (PP/00120/1/042)</p> <p><u>F4 Housing – Westfield</u></p> <p><u>Support</u></p> <p>Andrew & Linda Lennon (PP/00016/1/002)</p> <p><u>Objections</u></p> <p>Elite Homes (PP/00143/2/003) Don & Low Limited (PP/00046/1/002) Grant Reid (PP/00058/1/001) P A Taylor (PP/00071/1/001) W R Tocher (PP/00092/1/001) George Morrison (PP/00044/1/001) George Morrison (PP/00113/1/002) Matthew Grant (PP/00141/1/001) Scotia Homes (PP/00119/1/012) Hermiston Securities (PP/00078/2/001) TACTRAN (PP/00073/1/020) Scottish Environment Protection Agency (PP/00120/1/043)</p> <p><u>Comments</u></p> <p>Scottish Water (PP/00127/1/003)</p>		

<u>Turbeg & Westfield Omissions</u>	
<u>Objections</u>	
BJD Lyburn (PP/00096/1/001) Elite Homes (PP/00143/2/002)	
Provision of the Development Plan to which the Issue Relates:	Forfar Settlement Statement - Turfbeg and Westfield allocations and omissions.
Planning Authority's Summary of the Representation(s):	
<u>F3 Housing – Turfbeg</u>	
<u>Support</u>	
Elite Homes (PP/00143/2/001) - Confirm formal support for site F3 Housing - Turfbeg.	
<u>Objections</u>	
<p>Andrew & Linda Lennon (PP/00016/1/003) - Consider that development at Turfbeg would have a significant impact on the existing residents of both Taylor Street and the Lochbank estate and would have a high visual impact with a detrimental impact on the general visual and aesthetic aspect of Forfar. Also consider that development at Turfbeg would further impact on the traffic situation around North Loch Road and Turfbeg Road, whilst the schools in Forfar are already over-subscribed and some have already had to extend their facilities to cope with existing demand for nursery and primary school placements. Furthermore, Forfar has limited sports and leisure facilities and, outwith this, has little to offer adolescents and young people to promote their engagement in positive leisure and recreational activities. 300 houses at Turfbeg cannot offer the scope for such enhanced aspects of a residential development which are necessary for high quality and healthy living. There is also no longer a quality hotel or large function venue with accommodation in the town for residents.</p> <p>Homes for Scotland (PP/00065/1/013); George Morrison (PP/00044/1/002); George Morrison (PP/00113/1/001); Scotia Homes (PP/00119/1/011); Hermiston Securities (PP/00078/2/002) - Consider that the programming should be amended at Turfbeg to allow both Turfbeg and Westfield to be delivered throughout the plan period. Phasing for Turfbeg should be amended to allow for 150 dwellings (2016 – 2021) and 150 dwellings (2021 – 2026).</p> <p>Scottish Environment Protection Agency (PP/00120/1/042) - Consider that Site F3 should be amended to include a requirement for a Flood Risk Assessment.</p>	
<u>F4 Housing – Westfield</u>	
<u>Support</u>	
Andrew & Linda Lennon (PP/00016/1/002) – Although general concerns have been raised regarding further housing development in the Forfar area, consider that land at Westfield should be the preferred site for any new housing development.	

Objections

Elite Homes (PP/00143/2/003) - Object to the inclusion of F4 Housing. Consider that the site is unsuitable for housing development given the significant impact which development in this area would have on the setting of Forfar. Also consider that there are unresolved issues relating to access and possible contamination. Elite Homes therefore consider that land at Turfbeg should be allocated in preference to Westfield.

Don & Low Limited (PP/00046/1/002) - Have raised concerns about the potential traffic impact of the new residential allocation at site F4. In addition, the potential impacts on residential amenity at Westfield from Don & Low's existing and future operations also need to be sufficiently mitigated.

Grant Reid (PP/00058/1/001) - Object to the allocation of site F4. Concerns raised in relation to extra traffic movements at Lochland's Junction, Glamis Junction, Dundee Road and whether consideration has been given on making another junction between Lochland's & the Glamis junction on the A90. Additional concerns raised regarding the sewage capacity for extra housing and where the new primary schools will be built. The site at Turfbeg should be extended to accommodate additional housing as this would ensure new houses are closer to the Community Campus which would mean less people travelling across town to schools etc. In addition, consider that the Council should consider spreading the housing across the outer part of the town instead of favouring the bigger developers.

P A Taylor (PP/00071/1/001) - Concerns raised include:

- if housing were to be built on both the allocated site and the safeguarded land this would extend the site so far west that it would seem to be a separate village out with the town and would bring little or nothing to the town itself.
- without a separate stand-alone school, the numbers of potential pupils would have a negative effect on the already overcrowded schools in the area and no developer contribution would alleviate the situation.
- access from the by-pass, particularly from the Lochlands junction, would see an unacceptable high volume of traffic on the Dundee Road. Consider that it would be desirable for this traffic to be directed to the Glamis junction.
- part of the proposed site is contaminated; therefore, building on this site would be unacceptable.

Finally, it is noted that a future Local Development Plan may include an area of land for further business/employment use. It is hoped that any developer would employ local companies and labour, rather than workers from outside the Angus area.

W R Tocher (PP/00092/1/001) - Considers that Westfield Loan would require major changes to accept any increase in traffic movements, whilst the recent increase in development at Glamis Road, especially at peak times, has caused problems at Westport and further into town. In terms of traffic around town, consider that recent development such as Asda on the edge of town has been counter-productive in directing traffic away from the town as employees need to travel back and forward into and through the town centre. Car parks at the new site are full and it is obvious public transport is not used effectively. Finally, considers that development will have a negative impact on the environment, particularly as food supply is going to be a major problem in future. Therefore, the use of fertile land should not be used when other less desirable land is available and can be developed.

George Morrison (PP/00044/1/001); George Morrison (PP/00113/1/002); Matthew Grant (PP/00141/1/001); Scotia Homes (PP/00119/1/012) - Consider that the programming should be amended at Westfield to allow both Turfbeg and Westfield to be delivered throughout the plan period. Phasing for Westfield should be amended to allow for 100 dwellings (2016 – 2021) and 200 dwellings (2021 – 2026). This would ensure choice and flexibility in the housing land supply

Hermiston Securities (PP/00078/2/001) - Object to the proposed phasing at site F4 and consider that the phasing should be amended to allow for 150 dwellings (2016-2021) and 150 dwellings (2021-2026). The amendment loads 300 houses at Turfbeg into the first phase of the Plan and does not allow any contribution from Westfield until after 2021. This is clearly bad planning and removes range and choice in the new build housing market and would also limit the rate at which affordable housing could have otherwise been delivered across both sites.

TACTRAN (PP/00073/1/020) - Consider that in the Forfar Settlement Statement protection for the provision of Park & Ride, as proposed in Policy TC11, should be made on site F4.

In addition, consider that under the bullet point referring to the potential for a new distributor road linking Dundee Road and Westfield Loan taking account of any potential impact on the A90 junctions, that Tactran should be added together with Angus Council and Transport Scotland, considering the strategic nature of development and would also reflect linkages to the Regional Transport Strategy and Park & Ride.

Scottish Environment Protection Agency (PP/00120/1/043) - Consider that site F4 should be amended to include a requirement for a Flood Risk Assessment on the allocated site and the safeguarded area. In addition, comments have been provided in relation to ensuring appropriate consultation is undertaken in terms of compatibility of uses with the existing uses at Orchardbank Industrial Estate and that the impact of the several watercourses on the site are assessed alongside possible opportunities for their enhancement.

Comments

Scottish Water (PP/00127/1/003) - Comment that investigations show a 300mm water main directly transects the site. Recommend that early contact is made with approved Scottish Water asset plan providers.

Turfbeg & Westfield Omissions

Objections

BJD Lyburn (PP/00096/1/001) - Objects to the omission of land at Halkerton as a safeguard site. Considers that the Halkerton site is not visible from the A90 with an established natural green buffer, there are no traffic noise issues, no heritage sites unlike the F4 land which contains an ancient monument that has not been catered for in the planning vision statement, there are no flooding issues, the site is well situated to access local facilities with the ability to walk into the centre of Forfar and the site has minimal landscaping requirements with a small development already to the elevated southern edge of the site. The representee does not understand why land is safeguarded running close to the A90 when there is supposed to be a green buffer zone to minimise visual

impact.

Elite Homes (PP/00143/2/002) - Consider that land at Turfbeg West should be allocated for residential development in the period 2021 to 2026. Failing an allocation in that period, it is considered that the land should be safeguarded for future residential development.

Modifications Sought by those Submitting Representations:

F3 Housing – Turfbeg

Andrew & Linda Lennon (PP/00016/1/003) – Delete site.

Homes for Scotland (PP/00065/1/013); George Morrison (PP/00044/1/002); George Morrison (PP/00113/1/001) - Amend programming to allow the two sites at Turfbeg and Westfield, Forfar, to be delivered in the first and second phases of the plan period.

Scotia Homes (PP/00119/1/011); Hermiston Securities (PP/00078/2/002) – Amend Policy Wording as follows:

- Page 105 - delete second bullet point and reinstate the officers recommended words "releasing green field land at Turfbeg and Westfield for phased release of residential development throughout the plan period."
- Page 107 - Replace Table F3: New Allocations with that recommended by officers:

Name	Capacity	First Phase	Second Phase
F3 Turfbeg	300	150	150
F4 Westfield	300	100	200
- Page 108 - second paragraph. Delete second sentence and replace with that presented by officers. "The ALDP now allocates the site for around 300 units, with a phased release of development of 150 units (2016 - 2021) and a further 150 units (2021 - 2026)."
- Page 108 - F3: Turfbeg Reinstate second sentence to the first paragraph as presented by officers. "A first phase of around 150 dwellings will be permitted in the period to 2021 and the remaining phase of 150 dwellings permitted in the period to 2026."
- Page 108 - second last paragraph. Delete second sentence and replace with the following: "Around 100 units are phased in the first five years of the plan period (2016 - 2021) to allow the site to be started. This will help ensure choice and flexibility in the housing supply. In the second phase of the plan (2021 - 2026) a further 200 units can be brought forward."
- Page 109 - First sentence, delete "in the second phase of the plan (2021 - 2026)" and replace with "A first phase of around 100 dwellings will be permitted in the period to 2021, with the remaining phase of 200 dwellings permitted in the period to 2026."

Scottish Environment Protection Agency (PP/00120/1/042) - Policy F3 should be amended so that the developer requirements include a Flood Risk Assessment.

F4 Housing – Westfield

Elite Homes (PP/00143/2/003) – Delete site

Don & Low Limited (PP/00046/1/002); Grant Reid (PP/00058/1/001); P A Taylor (PP/00071/1/001); W R Tocher (PP/00092/1/001) – No specific changes identified

although concerns have been raised in relation to:

- Access and extra traffic movements (PP/00058/1/001) (PP/00046/1/002) (PP/00071/1/001) (PP/00092/1/001)
- sewage capacity (PP/00058/1/001)
- schools capacity and location (PP/00058/1/001) (PP/00071/1/001)
- the potential impact of residential development on the existing and future operations of the industrial estate (PP/00046/1/002)
- extending the town west (PP/00071/1/001)
- Contamination (PP/00071/1/001)

George Morrison (PP/00044/1/001); George Morrison (PP/00113/1/002); Matthew Grant (PP/00141/1/001) - The programming of the two sites at Turfbeg and Westfield, should be amended in order for both sites to deliver houses in the first and second period of the Plan.

Scotia Homes (PP/00119/1/012); Hermiston Securities (PP/00078/2/001) – Amend Policy Wording as follows:

- Page 105 - delete second bullet point and reinstate the officers recommended words "releasing green field land at Turfbeg and Westfield for phased release of residential development throughout the plan period."
- Page 107 - Replace Table F3: New Allocations with that recommended by officers

Name	Capacity	First Phase	Second Phase
F3 Turfbeg	300	150	150
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- Page 108 - F3: Turfbeg Reinstate second sentence to the first paragraph as presented by officers. "A first phase of around 150 dwellings will be permitted in the period to 2021 and the remaining phase of 150 dwellings permitted in the period to 2026."
- Page 108 - second last paragraph. Delete second sentence and replace with the following: "Around 100 units are phased in the first five years of the plan period (2016 - 2021) to allow the site to be started. This will help ensure choice and flexibility in the housing supply. In the second phase of the plan (2021 - 2026) a further 200 units can be brought forward."
- Page 109 - First sentence, delete "in the second phase of the plan (2021 - 2026)" and replace with "A first phase of around 100 dwellings will be permitted in the period to 2021, with the remaining phase of 200 dwellings permitted in the period to 2026."

TACTRAN (PP/00073/1/020) – In the Forfar Settlement Statement protection for the provision of Park & Ride, as proposed in Policy TC11, should be made on site F4 Housing - Westfield. Under F4 and the bullet point referring to the potential for a new distributor road linking Dundee Road and Westfield Loan taking account of any potential impact on the A90 junctions, Tactran should be added together with Angus Council and Transport Scotland considering the strategic nature of development and reflecting linkages to the RTS and Park & Ride.

Scottish Environment Protection Agency (PP/00120/1/043) – Policy F4 should be amended to include a Flood Risk Assessment (FRA) as a site specific developer requirement. This should be undertaken prior to any development occurring on the site

and that the findings are used to inform the scale, layout and form of development.

Turbeg & Westfield Omissions

Objections

BJD Lyburn (PP/00096/1/001) – Consider that land at Halkerton should be allocated as a safeguarded site.

Elite Homes (PP/00143/2/002) - Consider that land should be allocated at Turfbeg West, Kirriemuir Road, Forfar for residential development in the period 2021 to 2026. Failing an allocation in that period, the land should be safeguarded for residential development.

Summary of Responses (including reasons) by Planning Authority:

F3 Housing – Turfbeg

Supporting representation noted.

Objections

Andrew & Linda Lennon (PP/00016/1/003) – Land at Turfbeg was identified in the Main Issues Report as the Preferred Option for new land allocations in Forfar (CD/1-11, Pages 79-80). The Main Issues Report set out the reasons why development north of Turfbeg was suitable for new development.

Firstly, land was safeguarded for future housing development by the Angus Local Plan Review (CD/4-1, Page 145). The site at Turfbeg was considered appropriate for new housing in landscape and visual terms following the Local Plan Inquiry in 2006, therefore it was anticipated that the potential impacts of new development to the north of the existing skyline and residential properties could be appropriately mitigated. The second bullet point of Policy F3 clearly specifies that a development requirement is to ensure structural planting and landscaping within and around the site to enhance biodiversity and to create an appropriate town edge, particularly along the western and northern boundaries of the site is provided.

The Main Issues Report (CD/1-11) also set out that the site at Turfbeg could be integrated with existing paths and could enable the extension of a green network, extending from Forfar Loch and around the northwest of the town to Forfar Academy. Access to the local and trunk road networks would be convenient, although it was acknowledged that any greenfield land release in Forfar would be distant from town centre services and facilities.

Furthermore, there are no statutory archaeological or natural heritage designations that may prevent development at Turfbeg to prevent development, although the Main Issues Report reiterated the importance of avoiding impacts on the landscape and biodiversity value of Forfar Loch and (ultimately) the water quality of the Dean Water, which is part of the River Tay Special Area of Conservation. In relation to infrastructure, development proposals would need to be supported by a Drainage Impact Assessment and a Transport Assessment and these requirements are set out in Policy F3.

Finally, the fourth bullet point of Policy F3 Housing – Turfbeg sets out that appropriate developer contributions towards education, future primary school provision to be identified

within the burgh may be required. This requirement would be in accordance with Policy DS5 Developer Contributions (CD/1-1, Page 15).

For these reasons, the Council does not agree to modify the plan in response to this representation.

Homes for Scotland (PP/00065/1/013); George Morrison (PP/00044/1/002); George Morrison (PP/00113/1/001); Scotia Homes (PP/00119/1/011); Hermiston Securities (PP/00078/2/002) - In accordance with the TAYplan SDP (CD/3-1) and following the success of the development strategy in the Angus Local Plan Review (2009) (CD/4-1), the Angus Local Development Plan (CD1-1) continues to focus new development in the towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. This means that these towns will continue to be the preferred location for the majority of new housing and employment-related development, together with the majority of associated new infrastructure.

In accordance with Policy 1 Location Priorities in the TAYplan Strategic Development (CD/3-1, Page 9), most new development will be directed to the larger towns of Arbroath, Forfar and Montrose.

In line with the Development Strategy the ALDP has given priority to the reuse, redevelopment and regeneration of brownfield sites. Where necessary to assist in meeting the housing land requirements and provide an element of choice across each HMA, greenfield sites have been allocated. In the context of Forfar, greenfield sites have been allocated at Turfbeg (F3) and Westfield (F4). These land allocations augment the existing supply of housing land in the West Angus Housing Market Area. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3. In relation to detailed comments regarding the phasing of sites F3 and F4, the Council considers that the phasing as currently shown in the Proposed Plan is realistic and deliverable. Turning firstly to site F3, this site is in the control of a single developer that is active in the Forfar area. The allocation of 300 houses in the first period of the Angus Local Development (i.e. 2016-2021) provides continuity of supply of housing land in Forfar and also for the developer.

Since publication of the Proposed Angus Local Development Plan in February 2015, Angus Council has also granted planning permission for 300 houses at Turfbeg, subject to the conclusion of a Section 75 Agreement (planning application 13/01001/PPPM refers) (S4/17A-1). The resolution to grant planning permission provides evidence that the site at Turfbeg can be delivered in the immediate future with no infrastructure impediments. The site also has good access to the local and trunk road network and is in close proximity to the new Forfar Community Campus. The Forfar Community Campus project is now under construction and will provide new community and recreational facilities, including secondary school accommodation, community education and recreation facilities. Turning to site F4, whilst the Council considers that this site is effective in terms of the criteria established in Planning Advice Note 2/2010 (CD/2-3*), there are a number of short-term impediments that need to be resolved before development can commence. This includes an impact assessment of potential development on the A90 junctions

(including Lochlands) and agreement on any resulting mitigation measures. In addition, other assessments are required to consider potential impacts on landscape and contamination. The allocation of 300 houses in the second period of the Angus Local Development (i.e. 2021-2026) provides continuity of supply of housing land in the second phase of the plan for Forfar on a site which has multiple developer interests that are currently not active in the West Angus Housing Market Area. For these reasons, the Council does not agree to modify the plan in response to these representations. Scottish Environment Protection Agency (PP/00120/1/042) - The comment made in relation to amending Policy F3 to include a developer requirement for a Flood Risk Assessment is accepted. Consequently, the Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

F4 Housing – Westfield

Supporting representation noted.

Objections

Elite Homes (PP/00143/2/003); Don & Low Limited (PP/00046/1/002); Grant Reid (PP/00058/1/001); P A Taylor (PP/00071/1/001); W R Tocher (PP/00092/1/001) - Land at Westfield was identified in the Main Issues Report as Alternative Option 1 for new land allocations in Forfar (CD/1-11, Page 80-81, Paragraph 28-32). The Main Issues Report noted that the site could provide new homes and other complementary uses (e.g. leisure or small-scale employment-related development) phased across successive local development plan periods.

The first bullet point in the Forfar development strategy highlights that the Angus Local Development Plan will support the redevelopment of vacant, underused and brownfield sites within the Development Boundary. In addition to this, bullet point two specifies that in order to meet the housing land requirements, greenfield sites have been allocated at Turfbeg (F3) and Westfield (F4). The land allocations at Turfbeg and Westfield augment the existing supply of housing land in the West Angus Housing Market Area and add a further element of choice in the West Angus Housing Market Area. The site has multiple active developer interests and is considered capable of delivering the proposed development strategy for Forfar. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply across the Housing Market Area will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

In relation to specific comments regarding landscape setting, the land allocation and future safeguard site is well defined by the road network (A929 Glamis Road, A90(T) main Aberdeen/Dundee road and A932 Dundee Road) and the existing edge of the town (Westfield Loan). It is classified as prime quality agricultural land, with some woodland strips breaking up the open nature of the site. The land slopes from the Halkerton/Lochlands area down to Orchardbank, with parcels of ground that relate well to the existing built-up area. It is acknowledged that potential landscape impacts vary across this large area, with views from the A932 (Dundee Road) being open and expansive, both

across some of the land and to the Angus Hills. Policy F4 specifies that development should commence at the north of the site. Whilst this development approach relates to access it will also allow for the consolidation of the existing urban area.

The first three bullet points in Policy F4 are also specifically looking for the design and site layout to take account of the existing landscape character and character of neighbouring uses, protecting and managing the scheduled ancient monuments whilst including a landscape framework that preserves existing woodland and hedges whilst providing structural planting and landscape to enhance biodiversity and to create an appropriate town edge. Additional planting will also provide an appropriate landscape buffer between the proposed residential development and existing uses, including industrial uses at Orchardbank.

In terms of access, traffic modelling was undertaken for the Transport Appraisal (CD/1-4, Pages 26-28) to assess the potential traffic impacts from residential land allocations at Turfbeg and Westfield. Although this modelling showed that the majority of traffic from the allocations identified at Turfbeg and Westfield seeking access to the Trunk Road Network would do so at the grade separated A90/A94/A926 junctions there remains potential for additional traffic at the A90 Lochlands junction. As a result of this, Transport Scotland indicated that an allocation at Westfield should specify that development is expected to start at the north and that no access to Westfield Loan or Dundee Road will be allowed, until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland. This wording is therefore incorporated in to the Policy F4 wording. As a result of this, no key agencies or the Scottish Government have sought a change to the proposed policy wording of Policy F4.

In relation to contamination, the Council's Environmental Health Service indicated during preparation of the Proposed Plan that an area of land at Westfield is known to be on the Council's 'Potentially Contaminated Land' database (S4/17A-2). Whilst Policy DS4 Amenity (CD/1-1, Page 14) provides an opportunity for the Council to request additional information as part of a planning application to ensure there will be no negative impact on existing and proposed residential amenity, the policy wording of F4 explicitly requires the submission of a Contaminated Land Investigation Report as part of any future development proposals. In addition, appropriate consultation will be undertaken with relevant agencies, including Scottish Environment Protection Agency and the Council's Environment Health Division as part of any future planning applications.

Finally, the fourth bullet point of Policy sets out that appropriate developer contributions towards education provision may be required. The site allocations identify contributions where they are currently, but additional contributions may be required with the scale and nature of these contributions negotiated and agreed as part of the planning application process and in accordance with Policy DS5 Developer Contributions (CD/1-1, Page 15). For these reasons the Council does not agree to modify the plan in response to these representations.

George Morrison (PP/00044/1/001); George Morrison (PP/00113/1/002); Matthew Grant (PP/00141/1/001); Scotia Homes (PP/00119/1/012); Hermiston Securities (PP/00078/2/001) – In accordance with the TAYplan SDP (CD/3-1) and following the success of the development strategy in the Angus Local Plan Review (2009) (CD/4-1), the Angus Local Development Plan (ALDP) continues to focus new development in the towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. This means

that these towns will continue to be the preferred location for the majority of new housing and employment-related development, together with the majority of associated new infrastructure.

In accordance with Policy 1 Location Priorities in the TAYplan Strategic Development (CD/3-1, Page 9), most new development will be directed to the larger towns of Arbroath, Forfar and Montrose.

In line with the Development Strategy the ALDP has given priority to the reuse, redevelopment and regeneration of brownfield sites. Where necessary to assist in meeting the housing land requirements and provide an element of choice across each HMA, greenfield sites have been allocated. In the context of Forfar, greenfield sites have been allocated at Turfbeg (F3) and Westfield (F4). These land allocations augment the existing supply of housing land in the West Angus Housing Market Area. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

In relation to detailed comments regarding the phasing of sites F3 and F4, the Council considers that the phasing as currently shown in the Proposed Plan is realistic and deliverable. Turning firstly to site F3, this site is in the control of a single developer that is active in the Forfar area. The allocation of 300 houses in the first period of the Angus Local Development (i.e. 2016-2021) provides continuity of supply of housing land in Forfar and also for the developer.

Since publication of the Proposed Angus Local Development Plan in February 2015, Angus Council has granted planning permission for 300 houses at Turfbeg, subject to conclusion of a Section 75 Agreement (planning application 13/01001/PPPM refers) (S4/17A-1). The resolution to grant planning permission provides evidence that the site at Turfbeg can be delivered in the immediate future with no good access to the local and trunk road network and is in close proximity to the new Forfar Community Campus. The Forfar Community Campus project is now under construction and will provide new community and recreational facilities, including secondary school accommodation, community education and recreation facilities.

Turning to site F4, whilst the Council considers that this site is effective in terms of the criteria established in Planning Advice Note 2/2010 (CD/2-3*), there are a number of short-term impediments that need to be resolved before development commences. This includes an impact assessment of potential development on the A90 junctions (including Lochlands) and agreement on any resulting mitigation measures. In addition, other assessments are required to consider potential impacts on landscape and contamination. The allocation of 300 houses in the second period of the Angus Local Development (i.e. 2021-2026) provides continuity of supply of housing land in the second phase of the plan for Forfar on a site which has multiple developer interests that are currently not active in the West Angus Housing Market Area. For these reasons, the Council does not agree to modify the plan in response to these representations.

TACTRAN (PP/00073/1/020) – Although Policy TC11 Park & Ride Facilities (CD/1-1, Page 31) does not include a specific site location in Forfar, the first bullet point criterion

within the policy establishes that proposals for park & ride schemes should be located for convenient access to the local/strategic road network. This could include land at Westfield, as requested by TACTRAN, as this has good, convenient access to the A90(T). The Transport Appraisal (CD/1-4, Page 23) refers to meetings with TACTRAN in respect of major planning applications in Monifieth (Representation on such matters are set out in the Schedule 4 for Issue 19) and notes that no modelling has yet been undertaken to identify the size or optimum location for park & ride facilities in Angus. Without additional modelling to identify the size or optimum location for park & ride facilities in the context of Forfar, the Council does not consider the identification of a specific location to be appropriate at this time.

Policy F4 and Policy TC11 would not preclude the provision of park & ride facilities at Westfield subject to meeting the specific requirements set out to ensure any adverse impacts do not negatively affect the amenity of neighbouring land uses, such as floodlighting and noise. For these reasons, the Council does not agree to modify the plan in response to this part of the representation.

The comment made in relation to amending Policy F4 to include reference to TACTRAN alongside Angus Council and Transport Scotland under the fifth bullet point of the policy which refers to the potential for a new distributor road linking Dundee Road and Westfield Loan taking account of any potential impact on the A90 junctions is accepted. Consequently, the Council would have no objection to including TACTRAN under this bullet point and would suggest that the policy wording is amended to include this. Such an amendment is considered to address this element of the representation and be a non-notifiable modification to the Plan.

Scottish Environment Protection Agency (PP/00120/1/043) – The comment made in relation to amending Policy F4 to include a developer requirement for a Flood Risk Assessment is accepted. Consequently, the Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Comments

Scottish Water (PP/00127/1/003) – Comments are noted in relation to making contact with Scottish Water regarding potential issues regarding water mains infrastructure. Appropriate consultation will be undertaken with relevant agencies, including Scottish Water and the Council's Environment Health Division as part of any future planning applications.

Turfbeg & Westfield Omissions

Objections

BJD Lyburn (PP/00096/1/001) – Land at Westfield was identified in the Main Issues Report as Alternative Option 1 for new land allocations in Forfar (CD/1-11, Page 80-81, Paragraph 28-32). The Main Issues Report noted that the site could provide new homes and other complementary uses (e.g. leisure or small-scale employment-related development) phased across successive local development plan periods. In relation to the area safeguarded for future development in the period beyond 2026, subject to confirmation by a future Local Development Plan, the landscape context and

setting of this land is well defined by the road network (A929 Glamis Road, A90(T) main Aberdeen/Dundee road and A932 Dundee Road) and the existing edge of the town (Westfield Loan). Whilst it is classified as prime quality agricultural land, the Council's Landscape Capacity Assessment for Forfar (CD/5-5, Paragraph 6.3.1) states that there is high capacity for urban expansion on the lower ground as existing trees and hedges can assist the landscape to absorb development.

In terms of land at Halkerton, this site is more remote and distant from the F4 allocation. The site is also highly visible and open in nature with limited tree and hedge cover. The Council's Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) for Forfar (CD/5-5, Paragraph 6.3.1) reaffirms this assessment and states that the view from the bend at Duff's Corner on the A932 near Halkerton across Strathmore has been used in national calendars. Therefore, the steeper and higher ground above 90m AOD also has greater landscape value. For these reasons, the Council does not agree to modify the plan in response to this representation.

Elite Homes (PP/00143/2/002) – In accordance with the TAYplan SDP (CD/3-1) and following the success of the development strategy in the Angus Local Plan Review (2009) (CD/4-1), the Angus Local Development Plan (ALDP) continues to focus new development in the towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. This means that these towns will continue to be the preferred location for the majority of new housing and employment-related development, together with the majority of associated new infrastructure.

In accordance with Policy 1 Location Priorities in the TAYplan Strategic Development, (CD/3-1, Page 9) most new development will be directed to the larger towns of Arbroath, Forfar and Montrose.

In line with the Development Strategy the ALDP has given priority to the reuse, redevelopment and regeneration of brownfield sites. Where necessary to assist in meeting the housing land requirements and provide an element of choice across each HMA, greenfield sites have been allocated. In the context of Forfar, greenfield sites have been allocated at Turfbeg (F3) and Westfield (F4). These land allocations augment the existing supply of housing land in the West Angus Housing Market Area. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3

The site referred to in this representation was identified as a Preferred Option in the Main Issues Report (CD/1-11, Page 79-80, Paragraphs 20-27). It should be noted however that development in the western portion of the option area was only considered at that time suitable for the development of commercial development, including the possibility of an "agri-park" facility. Following consultation on the Main Issues Report, it was clear that there was little appetite from the local agricultural industry to find a site for the potential co-location of the various agricultural specialist businesses.

With regards to residential development the proposed site has limited landscape context. This view. The Council's Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) for Forfar (CD/5-5, Paragraph 6.3.2) states that there is no

capacity for an urban extension west of Turfbeg. It is not considered that mitigation would be capable of over-coming the capacity considerations, as the landscape is open, with no trees or hedges with the simple topography providing most of the landscape structure. The eroded landscape character has therefore substantially reduced capacity to absorb urban development west of Turfbeg.

The Council does not consider that a change to the Forfar development strategy to allocate or safeguard additional land west of Turfbeg to be justified. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

F3 Housing – Turfbeg, Forfar

2. Issues relating to the scale of housing land release in the West Angus housing market area, which includes Forfar, are considered under Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, Forfar represents one of the principal Tier 2 settlements where the majority of new housing is to be located. The local development plan is required to allocate sufficient land for housing development in west Angus to enable the average annual build rate of 90 houses each year to be delivered over the next plan period. While the development of brownfield sites is a priority, the release of greenfield sites is also necessary in order to achieve this and to enable the housing needs and demands of the area to be met.

3. The area north of Turfbeg, which includes the allocation site F3, was identified in the Main Issues Report as a preferred option for housing development. Site F3 is also safeguarded for future housing development within the adopted local plan review. In allocating the site within the proposed local development plan, the site was subject to a range of strategic assessments including environment, transport and landscape.

4. The developer requirements associated with the allocation would address the main planning related concerns as far as is appropriate for the local development plan. These include a suitable design and layout, which integrates with surrounding landscape features and neighbouring uses and buildings, and would consider the range and type of housing proposed. Although Kirriemuir Road to the north and existing housing to the south visually contain the site, it maintains an open aspect to the west. Recent development at Turfbeg Farm has left a prominent built edge, highly visible on the ridge. Development of site F3 would clearly breach the ridgeline.

5. The allocation of Turfbeg requires the provision of structural planting and landscaping to enhance biodiversity and create an appropriate town edge. The council's landscape study recommends limiting built development up to Kirriemuir Road and incorporating new blocks of woodland on the western edge to soften and frame the development. I agree

that these measures would ensure that the site integrates with the surrounding countryside and limit the visual appearance of the development and the wider views of Forfar from the north and west.

6. The council's Transport Appraisal (CD/1-4) highlights that the development of sites F3 Turfbeg and F4 Westfield have potential impacts on the trunk road network. The plan indicates that the development at Westfield is to be held back until a full assessment of the impact on the A90 road junctions is completed and any resulting mitigation agreed. No such constraint is identified at Turfbeg, although the submission of a transport assessment is required which will assess the impact on the local transport network. Developer contributions are also required towards future primary school provision - such a requirement does not prevent support for the principle of development at this time. Overall therefore, I am satisfied that the local concerns regarding visual and landscape impacts, traffic impacts and school capacity are adequately dealt with and responded to, in the developer requirements for this site.

7. I note that planning permission in principle was granted for the site, subject to a Section 75 agreement, in September 2015. The approval for approximately 300 houses, associated roads, landscaping and community facilities includes conditions, which cover the issues highlighted above along with the requirement for a masterplan to be submitted.

8. In responding to the concerns of the Scottish Environment Protection Agency that there may be flooding issues on the site, I consider it would be appropriate to amend the plan to include a requirement to undertake a flood risk assessment to inform the scale, layout and form of development.

9. The council acknowledges in the Main Issues Report that any greenfield land releases in Forfar would be distant from town centre services and facilities. The site at Turfbeg is however, considered to have significant merit. It is close to local schools, can integrate with existing paths and can enable the extension of a green network, extending from Forfar Loch and around the northwest of the town to Forfar Academy. At the time of my site visit, the new community campus, which will provide secondary school accommodation, community education and recreation facilities to the north of Forfar, was under construction. These facilities will all be within easy reach for future residents of the site and lend support to its allocation for housing development.

10. The overall effectiveness of the land supply to 2026 is dealt with at Issue 3. The use of phasing is discussed in the Main Issues Report where, given the 10-year time horizon of the plan, the council considers it appropriate to phase the release of housing land over two five-year periods. This allows the plan to be aligned with the housing supply targets of the Local Housing Strategy thereby providing a strategic approach to housing delivery.

11. The progress with planning permission on this site and with the community campus is a positive indication that its development for housing could proceed in the near future. As the site is in control of a single developer active in the area, the council's main reason for not introducing phasing on this site during the plan period is to ensure continuity of housing supply in Forfar and for the developer.

12. Within the agreed 2015 Housing Land Audit, 175 units are indicated for this site, starting in 2017/18 and programmed to 2021, with the remaining 125 units continuing beyond 2022. The audit anticipates around 44 units per annum up to 2021 for this site. The plan allocation of a total 300 units by 2021, which would require around 75 units per

annum to be completed assuming a start in 2017/2018, is not consistent with the agreed programming in the audit. For a site with an active developer, Homes for Scotland's advice to planning authorities is that the notional programming should be 30 units per annum. This advice is referred to in the audit. Therefore, it is my view at this time that the 2015 audit, which is informed by a survey undertaken in April 2015 and reflects the aforementioned advice, provides the most up to date, agreed position with regard to the programming of the site.

13. In other parts of the plan, where there are no major infrastructure restrictions, sites are phased in order to control the level at which housing comes forward. This is so that other sites can also contribute and a range and choice is maintained in the local housing market. Although I note the comments about continuity for the developer, in order to ensure consistency within the plan and to maximise range, choice and flexibility in the West Angus housing market area, I consider this site should also be phased. Phasing would also respond to some of the local concerns over the pace of new housing development in this location and impact on local market conditions. Consistent with Policy TC1, it is only if there was a shortfall in the five or seven-year effective housing land supply that the early release of later phases would be permitted. Given my conclusions set out above, I consider that the phasing of the site should reflect the more realistic programming set out in the 2015 audit, namely, 175 units for the first phase 2016/2021 and 125 units for the second phase 2021/2026.

F4 Housing – Westfield, Forfar

14. The area of Westfield, which includes the allocated site F4, was identified in the Main Issues Report as an alternative option for housing development. As a greenfield land release in Forfar, it was recognised that the area was distant from town centre services and facilities. A range of issues are highlighted in the development of this large area to the southwest of Forfar including the need for a long-term view and masterplanned approach which considers the combined impact of residential, industrial and agricultural traffic on nearby road junctions.

15. The allocated housing site F4 represents a significant proportion of the whole area considered as Westfield in the Main Issues Report, with the remaining area safeguarded for the period beyond 2026 and subject to a future plan review. I note that any future development may also include the provision of a new primary school and business/employment development.

16. The concerns raised in the representations relating to the allocation of site F4 encompass a wide range of issues including access and traffic, impacts on road junctions, contaminated land, archaeological impact, impacts on residential amenity, sewage capacity, primary school impacts and loss of prime agricultural land. These concerns also affect the wider safeguarded area.

17. As a proposed allocation within the plan, the site was subject to a range of strategic assessments including environment, transport and landscape. The council's landscape capacity study concludes that the area of Westfield, north towards Glamis Road, is of low visual sensitivity whereas sensitivity increases on higher ground above 90 AOD (above ordnance datum) and has greater landscape value. I agree with this overall assessment and that the development of the allocated area, which avoids the higher ground, would relate well to the existing urban area. I also note the comments within the landscape capacity study that it would be undesirable for built development to encroach close to the

A90. However, I am satisfied that this matter could be considered in the review of the plan and therefore safeguarding this area within the plan at this time is not inappropriate.

18. The developer requirements associated with the allocation would address the main planning related concerns as far as is appropriate for the local development plan. These include a design and site layout, which takes account of the existing landscape character, pattern of development and character of neighbouring uses - this would include the existing industrial operations at Don and Low's immediately to the north of Glamis Road. A suitable landscape framework and opportunities to improve footpath and habitat linkages would be required. So would the protection of scheduled ancient monuments within the site and appropriate archaeological investigation, also required by Policy PV8. A contaminated land investigation report should be submitted and appropriate developer contributions sought for school infrastructure.

19. The primary concern of the council in the development of Westfield relates to its potential impact on the A90 road junctions. The allocation of site F4 has therefore been held back until the second phase of the plan, in order that a full assessment of the potential impact on the road junctions can be completed and any resulting mitigation agreed. The submission of a transport assessment and masterplan for the site will ensure that these matters are given adequate assessment and scrutiny.

20. Overall, I do not consider the matters raised in the representations to be insurmountable, but they should be subject to further investigation and assessment as set out in the developer requirements. On this basis, I accept the principle of the development of housing on the allocated site F4.

21. The overall effectiveness of the land supply to 2026 is dealt with at Issue 3. The use of phasing is discussed in the Main Issues Report where, given the 10-year time horizon of the plan, the council considers it appropriate to phase the release of housing land over two five-year periods. This allows the plan to be aligned with the housing supply targets of the Local Housing Strategy thereby providing a strategic approach to housing delivery.

22. The Council has confirmed in response to a further information request that all sites allocated in the proposed plan are considered to be effective using the definitions given in Scottish Planning Policy and PAN 2/2010. Land is allocated within Forfar to provide a range of sites and locational choice over the plan period. Within the first phase, land at F2 Gowanbank is allocated for 60 houses and I have concluded that land at F3 Turfbeg be allocated for 175 houses. Should there be a shortfall in the five or seven-year effective housing land supply, then the early release of later phases of allocated sites, if considered suitable and deliverable is allowed for through Policy TC1.

23. The large area of land release at Westfield warrants a masterplanned approach. As the site appears constrained in the short term and subject to further detailed assessment, the later phasing is a sensible approach. I note the submission of the developer's masterplanning framework dated August 2013, which pre-dates the survey date of the 2015 housing land audit. Within the audit, the site is programmed from 2021 onwards, which is consistent with the plan.

24. The representation by TACTRAN relating to Policy TC11 is dealt with in Issue 6. Within Issue 6, the reporter's conclusion is that the policy is considered broadly consistent with TACTRAN's stated objectives in relation to the provision of park and ride facilities close to the A90 and A92. Therefore, I do not accept the suggestion that a specific

reference to the provision of a park and ride within suitable sites such as Westfield is necessary.

25. With regard to the potential for a new distributor road linking Dundee Road and Westfield Loan, I agree that due to its generally strategic nature, TACTRAN would likely be involved. Therefore, I accept the need to add a reference to TACTRAN under the fifth bullet point.

26. In responding to the concerns of the Scottish Environment Protection Agency that there may be flooding issues on the site, I consider it would be appropriate to amend the plan to include a requirement to undertake a flood risk assessment to inform the scale, layout and form of development.

Turfbeg and Westfield, Forfar Omissions

27. As highlighted above, the landscape capacity study concludes that visual sensitivity increases on the higher ground above 90 AOD and has greater landscape value. The higher ground includes the area of land promoted as Halkerton and I consider that development here would be more visible and obtrusive than the safeguarded area. Therefore, I do accept that the land at Halkerton should be identified as a replacement or as an addition to the safeguarded area F4.

28. The area north of Turfbeg, which includes the land promoted by Elite Homes west of site F3, was identified in the Main Issues Report as a preferred option for housing development. The council indicates that the area to the west was only considered suitable for commercial development, in particular an 'agri-park' facility, but received little support and is no longer being pursued for this location.

29. The preferred area identified in the Main Issues Report is only indicative and makes reference to business, commercial and leisure uses as well as residential. Land in the west is referred to specifically, in the context of housing development being limited near the A90 road due to the intensive livestock unit at Garth Farm. Commercial and/or landscaping is considered the most appropriate uses for this area.

30. The council's landscape capacity study highlights the prominent ridge extending from the edge of the recent housing development at Turfbeg to the remaining agricultural land to the north of Forfar Loch. This land is considered important to the setting of the Country Park. I agree with the conclusions of the study that the whole area to the west of Turfbeg is visually sensitive due its open character, simple topography and loss of landscape structure. Although the site promoted by Elite Homes would offer similar locational advantages to F3 Turfbeg, it has little capacity to absorb development without having an adverse impact upon the wider setting of Forfar.

31. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. I have not found any of the allocated sites in West Angus to be inappropriate for development or there to be a deficiency in the scale of the land being released for housing. Therefore, I do not accept the need for the identification of further greenfield land releases within Forfar, and do not support the addition of land west of Turfbeg.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 107, Table F3: New Allocations, amending the phasing for F3 Turfbeg to 175 for the first phase and 125 for the second phase.
2. On page 108, replacing the second sentence with the following: "The ALDP now allocates the site for around 300 units with a phased release throughout the plan period."
3. On page 108, 'F3 Housing – Turfbeg', replacing the first sentence with the following: "17.6 Ha of land north of Turfbeg is allocated for residential development of around 300 dwellings. A first phase of around 175 dwellings will be permitted in the period to 2021, with the remaining phase of around 125 dwellings permitted in the period to 2026."
4. On page 108, 'F3 Housing – Turfbeg', under the sixth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,."
5. On page 109, 'F4 Housing – Westfield', under the fifth bullet point, adding the following words after "Angus Council": ", TACTRAN".
6. On page 109, 'F4 Housing – Westfield', under the eighth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,".

<p>Issue 17B</p>	<p>Forfar - General & Omissions</p>	
<p>Development Plan Reference:</p>	<p>Forfar Settlement Statement, Pages 105 – 116 Forfar Development Strategy, Pages 105 – 106 F1 Protection of Groundwater Resources, Page 106 F2 Housing – Gowanbank, Page 107 F5 Opportunity Site – South Street, Page 110 F6 Opportunity Site – Former Chapelpark School, Page 110 F7 Opportunity Site – Former Music Centre, Prior Road, Page 110 F8 Opportunity Site – Forfar Swimming Pool, Page 111 F9 Working – Orchardbank, Page 111 F11 Newmonthill Cemetery Extension, Page 113 Forfar Inset Map, Pages 115 – 116 Forfar Omissions</p>	<p>Reporter: Claire Milne</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Forfar General</u></p> <p><u>Objections</u></p> <p>Wester Restenneth Company Ltd (PP/00036/1/001) TACTRAN (PP/00073/1/017)</p> <p><u>F1 Protection of Groundwater Resources</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/003)</p> <p><u>F2 Housing – Gowanbank</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/041)</p> <p><u>F5 Opportunity Site – South Street</u></p> <p><u>Comments</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/044)</p> <p><u>F6 Opportunity Site – Former Chapelpark School</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/045)</p>		

F7 Opportunity Site – Former Music Centre, Prior Road

Support

Scottish Environment Protection Agency (PP/00120/1/046)

F8 Opportunity Site – Forfar Swimming Pool

Support

Scottish Environment Protection Agency (PP/00120/1/047)

F9 Working – Orchardbank

Objections

TACTRAN (PP/00073/1/021)

Comments

Don & Low Limited (PP/00046/1/001)

F11 Newmonthill Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/048)

Forfar Inset Map

Objections

ASDA Stores (Limited) (PP/00017/1/001)

Forfar Omissions

Objections

Vista Properties (PP/00022/1/001)

G K Robertson (PP/00097/1/002)

Certas Energy (PP/00001/1/002)

Provision of the Development Plan to which the Issue Relates:

Forfar Settlement Strategy excluding Turfbeg and Westfield allocations and omissions.

Planning Authority’s Summary of the Representation(s):

Forfar General

Objections

Wester Restenneth Company Ltd (PP/00036/1/001) - Consider that Prior Road 1 site for 5 houses is reinstated back under the section heading: 'SITES PREVIOUSLY IDENTIFIED BY THE ANGUS LOCAL PLAN REVIEW' for Forfar on page 107 of the Proposed Angus Local Development Plan. The site is considered to be truly effective (as per the criteria in PAN 2/2010) and capable of development and release within the first five years of the proposed local plan).

TACTRAN (PP/00073/1/017) - Suggest that in support of Policy DS5 that the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Forfar.

F1 Protection of Groundwater Resources

Support

Scottish Environment Protection Agency (PP/00120/1/003) - Support Policy F1 which seeks to ensure protection of the water resource used by Strathmore Mineral Water Company.

F2 Housing – Gowanbank

Objections

Scottish Environment Protection Agency (PP/00120/1/041) - Comment that the 1 in 200 year flood map indicates that there may be flooding issues on the site and that early discussions should take place with the flood prevention officer. In addition, comment that there may be impact from potential residual emissions as a result of the adjacent landfill and composting facilities, such as noise and odour. Also query whether a drainage impact assessment should be requested as part of the development requirements.

F5 Opportunity Site – South Street

Comments

Scottish Environment Protection Agency (PP/00120/1/044) - Comment that the 1 in 200 year flood map indicates that there may be flooding issues on the site and that early discussions should take place with the flood prevention officer.

F6 Opportunity Site – Former Chapelpark School

Support

Scottish Environment Protection Agency (PP/00120/1/045) - Support the requirement for a Drainage Impact Assessment to be undertaken as part of the development of site F6.

F7 Opportunity Site – Former Music Centre, Prior Road

Support

Scottish Environment Protection Agency (PP/00120/1/046) - Support the requirement for a Drainage Impact Assessment to be undertaken as part of the development of site F7.

F8 Opportunity Site – Forfar Swimming PoolSupport

Scottish Environment Protection Agency (PP/00120/1/047) - Support the requirement for a Drainage Impact Assessment to be undertaken as part of the development of site F8.

F9 Working – OrchardbankObjections

TACTRAN (PP/00073/1/021) - Consider that in the Forfar Settlement Statement protection for the provision of Park & Ride, as proposed in Policy TC11, should be made on site F9 Working - Orchardbank.

Comments

Don & Low Limited (PP/00046/1/001) - Acknowledge that the allocation of site F9 for mixed use development comprising of Class 4 (Business), Class 5 (General Industry), Class 6 (Storage and Distribution) and roadside facilities could be complimentary to current operations of Don & Low. As such, no issues with this allocation in principle. Nevertheless, endorse the requests within the Plan that these developments are fully assessed in terms of their traffic impacts on the local road network and in particular consider that the proposed roadside facilities should be supported by a Transport Assessment to ensure appropriate mitigation is included with the proposals and will be delivered or funded by that developer.

F11 Newmonthill Cemetery ExtensionObjections

Scottish Environment Protection Agency (PP/00120/1/048) - Comment that the 1 in 200 year flood map indicates that there may be flooding issues on the site and that early discussions should take place with the flood prevention officer. Also consider that Site F11 should be amended to include a requirement for a ground investigation survey to be undertaken prior to development given cemeteries can have a detrimental impact on groundwater.

Forfar Inset MapObjections

ASDA Stores (Limited) (PP/00017/1/001) - Consider that as the Asda store is now an integral part of the function of the Town Centre contributing to its vitality and viability through providing a range of choice and services to residents, it should be included within the Forfar Town Centre boundary.

Forfar OmissionsObjections

Vista Properties (PP/00022/1/001) - Seek an amendment to the Forfar settlement

boundary allowing a small residential allocation for 3-4 houses to the south west of Forfar providing an extension to the ongoing housing scheme at Slatefield Phase 2. The proposed development will join seamlessly with this ongoing development and provide sustainable natural growth, maximising the site potential and the use of existing infrastructure without overdevelopment.

G K Robertson (PP/00097/1/002) - The allocation of land at South Suttieside Farm forms a natural extension to the settlement boundary and will ensure that an effective housing land supply in Forfar can be maintained. A number of housebuilders have shown an interest in developing this site. The site also has capacity to accommodate a new primary school to address the current capacity issues and is also of a scale to accommodate any required ancillary commercial, community or retail use.

Certas Energy (PP/00001/1/002) - Consider that the Proposed Plan should allocate brownfield sites within the town prior to the expansion of the town beyond its current development boundary. The site of the former Oil Depot at Fyfe Street, Forfar is considered to be suitable for redevelopment. The site is effective, has excellent transport links and the redevelopment of the site could regenerate the surrounding community and attract new families to the area, as well as providing greater choice and opportunity for existing residents.

Modifications Sought by those Submitting Representations:

Forfar General

Wester Restenneth Company Ltd (PP/00036/1/001) - Reinstate Prior Road 1 site for 5 houses into the new Proposed Angus Local Development Plan.

TACTRAN (PP/00073/1/017) - The Development Strategy should make reference to "supporting the enhancement and extension of the network of paths and cycleways around the town.

F2 Housing – Gowanbank

Scottish Environment Protection Agency (PP/00120/1/041) - A flood risk assessment and drainage impact assessment should be requested as part of the development requirements.

F9 Working – Orchardbank

TACTRAN (PP/00073/1/021) - In the Forfar Settlement Statement protection for the provision of Park & Ride, as proposed in Policy TC11, should be made on site F9 Working - Orchardbank.

F11 Newmonthill Cemetery Extension

Scottish Environment Protection Agency (PP/00120/1/048) - Site F11 should be amended to include a requirement for a ground investigation survey to be undertaken prior to development given cemeteries can have a detrimental impact on groundwater.

Forfar Inset Map

ASDA Stores (Limited) (PP/00017/1/001) - The Asda store in Forfar should be included within the Town Centre boundary.

Forfar Omissions

Vista Properties (PP/00022/1/001) - Review the Forfar Settlement Boundary to the South-East of Forfar allowing the inclusion of Land South East of Slatefield Rise for Residential Development and Associated Protected Community Space and Structural Planting.

G K Robertson (PP/00097/1/002) - Request that land at South Suttieside Farm is allocated for residential development.

Certas Energy (PP/00001/1/002) - Allocate land for residential development at the former Oil Depot, Fyfe Street, Forfar.

Summary of Responses (including reasons) by Planning Authority:Forfar GeneralObjections

Wester Restenneth Company Ltd (PP/00036/1/001) - During consultation on the 2013 Angus Housing Land Audit (CD/5-1), Homes for Scotland raised concerns about the effectiveness of a number of sites within the draft audit. Consequently, the Council agreed to review a number of the sites where concerns were raised. The market conditions at the time made the task of determining the effectiveness of sites more difficult against the criteria from the Scottish Government's Planning Advice Note (PAN) 2/2010 (CD/2-3*, Page 17, Paragraph 55). Given this situation, the Council revised the assessment of sites where i) there was no developer associated with a site; ii) planning permission was within one year of expiring and no renewal had been sought, or where planning permission was granted over two years ago and no effort had been made to obtain a building warrant; iii) the site characteristics indicated the likelihood of high development costs. On the basis of the supplementary considerations applied following consultation on the draft 2013 housing land audit, the Council changed the status of some sites from effective to constrained in the finalised audit. This included the site referred to in this representation at Prior Road, Forfar.

Since the change in status of this site from effective to constrained in the 2013 Angus Housing Land Audit, the Council note that a planning application has recently been submitted for this site (Planning Application 15/00402/FULL refers). The Angus Local Development Plan identifies sites to meet the full housing land requirement established by TAYplan Strategic Development Plan (CD/3-1) for the West Angus Housing Market Area. This constitutes new allocated sites, effective sites with planning permission or under construction. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Given the site at Prior Road remains constrained, with little evidence shown (for a number of years) that development is likely to commence or progress on this site, until the recent submission of a planning application, the Council does not agree to modify the plan in response to this representation.

TACTRAN (PP/00073/1/017) - Whilst noting the request by TACTRAN to include a reference to supporting the enhancement and extension of the network of paths and cycleways around Forfar, the Council consider that bullet point nine in the Forfar Development Strategy sufficiently covers the point raised. This bullet point specifies that in Forfar “protecting and enhancing open spaces and play provision whilst improving the connectivity and functionality of green networks, integrating new provision as part of land allocations and new development especially at Turfbeg and Westfield” will be key priorities for the Angus Local Development Plan.

In addition, Policy DS2 Accessible Development (CD/1-1, Pages 11-12) requires development proposals to demonstrate that they provide and /or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking (CD/1-1, Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation (CD/1-1, Page 47) specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Repeating the suggested additional bullet at the start of every settlement strategy is not considered necessary or appropriate and would be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

F1 Protection of Groundwater Resources

Supporting representation noted.

F2 Housing – Gowanbank

Objections

Scottish Environment Protection Agency (PP/00120/1/041) - Angus Council has resolved to grant planning permission for residential development (63 units) at this site subject to the conclusion of a Section 75 Agreement (Planning Application 14/00313/PPPM refers) (S4/17B-1 & S4/17B-2). No objections were received to the planning application from Scottish Environment Protection Agency or any other statutory consultees.

In terms of any future planning applications at this site, Policy DS4 Amenity (CD/1-1, Page 14), Policy TC2 Residential Development (CD/1-1, Page 21) and Policy PV12 Managing Flood Risk (CD/1-1, Pages 60-61) provide opportunity for the Council to request additional information as part of a planning application to ensure there will be no negative impact on existing and proposed residential amenity or from the impacts of potential flooding. In addition, appropriate consultation will be undertaken with relevant agencies, including Scottish Environment Protection Agency, the Council’s Environment Health Service and Roads Service as local flood authority as part of any future planning applications. The comments in relation to flood risk and residual emissions are therefore only noted.

The comments made in relation to the inclusion of a flood risk assessment and drainage impact assessment in the developer requirements are also noted. Whilst this was not requested by Scottish Environment Protection Agency as part of planning application 14/00303/PPPM, the Council would have no objection to including the requirement for a flood risk assessment and Drainage Impact Assessment and would suggest that the policy wording is amended to include these requirements. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

F5 Opportunity Site – South Street

Comments

Scottish Environment Protection Agency (PP/00120/1/044) - Policy PV12 Managing Flood Risk (CD/1-1, Pages 60-61) provides opportunity for the Council to request additional information as part of a planning application to ensure there will be no potential flooding issues as a result of proposed development. In addition, appropriate consultation will be undertaken with relevant agencies, including Scottish Environment Protection Agency and the Council's Environment Health Roads Service as local flood authority as part of any future planning applications. The comments in relation to flood risk are therefore noted.

F6 Opportunity Site – Former Chapelark School, F7 Opportunity Site – Former Music Centre, Prior Road and F8 Opportunity Site – Forfar Swimming Pool

Supporting representations noted.

F9 Working – Orchardbank

Objections

TACTRAN (PP/00073/1/021) - Although Policy TC11 Park & Ride Facilities (CD/1-1, Page 31) does not include a specific site location in Forfar, the first bullet point criterion within the policy establishes that proposals for park & ride schemes should be located for convenient access to the local/strategic road network. This could include land at Orchardbank, as requested by TACTRAN, as this has good, convenient access to the A90(T). The Transport Appraisal (CD/1-4, Page 23) refers to meetings with TACTRAN in respect of major planning applications in Monifieth (Representation on such matters are set out in the Schedule 4 for Issue 19)) and notes that no modelling has yet been undertaken to identify the size or optimum location for park & ride facilities in Angus. Without additional modelling to identify the size or optimum location for park & ride facilities in the context of Forfar, the Council does not consider the identification of a specific location to be appropriate at this time.

Policy F9 and Policy TC11 would not preclude the provision of park & ride facilities at Orchardbank subject to meeting the specific requirements set out to ensure any adverse impacts do not negatively affect the amenity of neighbouring land uses, such as floodlighting and noise. For these reasons, the Council does not agree to modify the plan in response to this representation.

Comments

Don & Low Limited (PP/00046/1/001) - The Council considers that Policy F9 and Policy TC10 Roadside Facilities (CD/1-1, Page 30) are sufficiently clear and alongside Policy

DS2 Accessible Development (CD/1-1, Pages 11-12) provides the appropriate context to request a Transport Assessment and require that appropriate planning obligations are provided where development proposals involve significant travel generation. In addition, whilst Appendix 2 of the Angus Local Development Plan (CD/1-1, Page 275) provides development thresholds on when a Transport Assessment will be required, the footnote is clear that Angus Council may also in appropriate circumstances request a Transport Assessment for development which does not exceed these thresholds.

F11 Newmonthill Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/048) - The comment made in relation to amending Policy F11 to include a requirement for a ground investigation survey is accepted. Consequently, the Council would have no objection to including the requirement for a ground investigation survey and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Forfar Inset Map

Objections

ASDA Stores (Limited) (PP/00017/1/001) - The town centres in Angus cover the central areas, which provide a broad range of facilities and services whilst fulfilling a function as a focus for both the community and public transport. The Angus Local Development Plan acknowledges the opening of Asda on a site adjacent to Forfar town centre which has provided improved linkages to the town centre from the south. Whilst also attracting visitors to Forfar, the Council considers the Asda store to be an edge of centre development with a distinctive character in comparison to the existing town centre.

The Angus Local Development Plan (CD/1-1, Page 112) and associated Action Programme (CD/1-15, Page 12, Action 28 – Town Centre Boundary Reviews) indicates that the Council will support the preparation of a Town Centre Strategy for Forfar developed in partnership with the local community through the Community Planning Process. The Town Centre Strategy will look to identify and address the challenges faced by Forfar town centre and will provide a framework for co-ordinated action, including: developing a long term vision, identifying the potential for change, promoting opportunities for new development, diversification of uses, management tools and delivery mechanisms (including funding availability), accessibility, marketing and promotion. Any modification to the existing town centre boundary would pre-empt the actions and conclusion which may arise from a future Town Centre Strategy. Future Local Development Plans will reflect relevant outcomes from the strategy in policies and proposals specific to Forfar town centre. For these reasons, the Council does not agree to modify the plan in response to this representation.

Forfar Omissions

Objections

Vista Properties (PP/00022/1/001); G K Robertson (PP/00097/1/002) - In accordance with the TAYplan SDP (CD/3-1) and following the success of the development strategy in the

Angus Local Plan Review (2009) (CD/4-1), the Angus Local Development Plan (ALDP) continues to focus new development in the towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. This means that these towns will continue to be the preferred location for the majority of new housing and employment-related development, together with the majority of associated new infrastructure.

In accordance with Policy 1 Location Priorities in the TAYplan Strategic Development (CD/3-1, Page 9), most new development will be directed to the larger towns of Arbroath, Forfar and Montrose.

In line with the Development Strategy the ALDP has given priority to the reuse, redevelopment and regeneration of brownfield sites. Where necessary to assist in meeting the housing land requirements and provide an element of choice across each HMA, greenfield sites have been allocated. In the context of Forfar, greenfield sites have been allocated at F3 Housing - Turfbeg (CD/1-1, Page 108) and F4 Housing - Westfield (CD/1-1, Page 109). These land allocations augment the existing supply of housing land in the West Angus Housing Market Area. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3. No key agencies or the Scottish Government have sought a change to the proposed development strategy.

In relation to the specific representation by Suller & Clark on behalf of Vista Properties (PP/00022/1/001), the site was not identified as either a Preferred or Alternative Option in the Main Issues Report (CD/1-11). The proposal for the allocation of 3-4 houses is not considered to be of an appropriate scale to implement the development strategy and is below 5 units which has historically been applied as a threshold for housing land allocations in Angus. With regards to an amendment to the development boundary, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to these representations.

In relation to the specific representation by Graham + Sibbald on behalf of G K Robertson (PP/00097/1/002), the site was identified as Alternative Option 2 in the Main Issues Report (CD/1-11, Page 81-82, Paragraph 33-37). This noted that development at Suttieside could provide new homes and business premises and in-addition could also allow for an extension of the existing Forfar Mart site, to accommodate an "agripark" facility. However, the Main Issues Report considered that this area of Forfar is principally open agricultural land and as a result, new development is likely to have adverse visual impacts from the north unless it is supported by substantial areas of new landscaping. Successive local plans (and public inquiries) have failed to support the development of land at this location as either a direction of growth or as a specific site. Although it was also considered that the option area may be capable of accommodating a new "agripark" facility, it was the least desirable option in terms of accessibility from the trunk road

network. Major investment in road infrastructure between the option area and the A90(T) would likely be required, which was considered to be unlikely to happen given the economic climate at the time. It was clear therefore that there were a number of uncertainties over the viability of this option than the other preferred options proposed in the Main Issues Report. For these reasons, the Council does not agree to modify the plan in response to these representations.

Certas Energy (PP/00001/1/002) - Enshrined in the Angus Local Development Plans is a presumption in favour of sustainable development. This means that the Council will take a positive approach when considering development proposals and will work proactively with applicants to find solutions which mean that proposals that will, on balance, improve the economic, social and environmental conditions in the area can be supported (CD/1-1, Page 6).

Page 18 of the Proposed Angus Local Development Plan also specifies that in addition to allocated sites and existing sites with planning permission there may be other currently unidentified sites suitable for residential development. To provide additional flexibility in the Housing Land Supply, the Angus Local Development Plan supports appropriate "windfall" sites within development boundaries to come forward. As a result of this approach, Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) is clear that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies of the Angus Local Development Plan.

The non-allocation of this site in Forfar does not therefore preclude the possibility of it being suitable for residential development in the future. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Forfar General

2. Despite being included as an allocation within the adopted local plan review, the council has chosen to exclude the site Prior Road 1 from the proposed plan based on its changed status from 'effective' to 'constrained' in the 2013 housing land audit. I note that the site remains constrained in the 2015 audit on the grounds of marketability. Although the audit provides a useful background to the circumstances of the site, it represents a snapshot in time, and there now appears to be an active interest in the site with the recent submission of a planning application.

3. In accordance with Policy DS1 and TC2, appropriate infill development is supported providing the site is not allocated or protected for another use and the proposal is

consistent with the character and pattern of development in the surrounding area. This site is included within the development boundary for Forfar and not covered by the adjacent protected open space designation.

4. As concluded at Issue 3, no further housing allocations are required within the plan and sufficient allocations are identified for Forfar. Therefore, I do not accept that the site should be allocated for housing. Given the small scale of the development proposed for the site, it would be more appropriately considered in the context provided by Policy DS1 and Policy TC2.

5. The bullet points listed under the development strategy for Forfar at page 105 of the proposed plan, set out the council's expectations with regard to new development. The bullet points translate the development strategy for Angus at a settlement level in relation to Forfar. They are not intended to cover every aspect and are to be read as a whole alongside the development strategy for Angus and the policies of the local development plan. A requirement to support the provision and enhancement of the network of paths and cycleways is already reflected in the policies of the plan within: Policy DS2 Accessible Development; Policy DS3 Design Quality and Placemaking; and Policy PV3 Access and Informal Recreation. Therefore, I agree with the council that inclusion of the text suggested by TACTRAN is not necessary and is repetitious.

F2 Housing – Gowanbank

6. Given the possibility of flooding on this site, I consider that it would be appropriate to require a flood risk assessment to be undertaken prior to development. In addition, I agree that it is appropriate to require a drainage impact assessment to be provided. Furthermore, the presence of the existing landfill to the east of this site, may give rise to residual odour and noise emissions which could cause a loss of amenity and nuisance to users of adjacent land. These matters should be given full consideration in the development of this site and should be added to the developer requirements.

F9 Working – Orchardbank

7. The representation by TACTRAN relating to Policy TC11 is dealt with in Issue 6. Within Issue 6, the reporter's conclusion is that the policy is considered broadly consistent with TACTRAN's stated objectives in relation to the provision of park and ride facilities close to the A90 and A92. Therefore, I do not accept the suggestion that a specific reference to the provision of a park and ride within suitable sites such as Orchardbank is necessary.

F11 Newmonthill Cemetery Extension

8. Given the possibility of flooding on the site, I consider that it would be appropriate to require a flood risk assessment to be undertaken prior to development. In addition, I agree that it is appropriate to require an intrusive ground investigation to be carried out to confirm the site's suitability for use as a cemetery extension.

Forfar Inset Map

9. Forfar is identified within the network of centres as a larger town centre, the role of which is to provide for larger scale developments and main comparison shopping, along with local services and facilities. New development and investment, which strengthens

and enhances the town centre, is encouraged.

10. The boundary of Forfar town centre extends in three directions along West High Street, East High Street and Castle Street. The core retail area is focused around the town hall where these three routes meet. Older buildings and small shop units providing a range of local and tourist related services dominate the town centre, giving it a distinctly traditional character.

11. An ASDA store is located between West High Street and St James Road in an elevated position above the town centre. The store is connected to the town centre by a carefully designed footpath, which allows for the steep gradient. This footpath link undoubtedly encourages dual trips to the store and to the town centre. However, due to its elevated location and overall scale, the store appears separate to and has a more modern format and character in comparison with the traditional town centre.

12. As a focus for potential investment, the town centre boundary must reflect its current and future role, which will be considered through the development of a town centre strategy. In general terms, with the growth in internet shopping, the need for major new retail space is likely to diminish and town centres will require to adapt and provide for a greater range of uses. This is likely to have implications for the overall size and definition of town centre boundaries.

13. The provision of a robust and defensible town centre boundary is important to protect the network of centres identified within the plan. Consistent with Scottish Planning Policy and Policy TC19, new retail and town centre uses are directed in the first instance to town centres as part of a sequential town centre first approach. This ensures that uses that generate significant footfall are developed in the most appropriate locations.

14. The inclusion of the ASDA store within the town centre boundary would be at odds with this approach. Although there is already an opportunity for linked trips between the store and the town centre, it is unclear what would be gained by including the site within the town centre boundary. It has the potential to draw attention and investment away from the core retail area of Forfar and dilute the function of the town centre, which would not be consistent with Scottish Planning Policy and could undermine the development of a town centre strategy. For these reasons, the amendment to the town centre boundary is not supported, although I note from the action programme that the council intends to conduct a review of all town centre boundaries within the next five years.

Forfar Omissions

15. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development within the principal settlements of west Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Forfar is appropriate, and I have not found that the allocated sites would be inappropriate for housing. In these circumstances, I do not consider that there is sufficient justification for the allocation of further greenfield sites for housing development.

16. The land rising up above the A932 road to the south of Forfar at the very edge of the settlement has been a focus for recent low-density housing development. The

development boundary in this area terminates at a particular height contour on the slope. The land southeast of Slatefield Rise sits above an existing development site, Slatefield Rise Phase 2, which is still to be completed. The development proposed in the representation is relatively small (3-4 units) and includes a wider area of community parkland to be situated around the houses that would fall outside the suggested development boundary. In accordance with Policy DS1 and Policy TC2, the identification of this land within the development boundary could allow for suitable residential infill, if consistent with the policies of the plan. Policy DS1 also accepts proposals that are outwith but contiguous with a development boundary where they are in the public interest and the need for the development cannot be met elsewhere.

17. I do not consider that the land proposed for inclusion represents either a gap or infill site, which could have justified its inclusion within the development boundary now, in advance of the council's intended review of settlement boundaries. Furthermore, I have not found a shortfall in the allocation of land for housing development in the West Angus housing market area, which might also have justified the allocation of this site and its inclusion within the settlement boundary. Given the scale of development proposed, which appears to be below the council's threshold for allocation within the plan, it would be more appropriately considered in the wider context provided by Policy DS1 and Policy TC2.

18. The land at Suttieside to the northeast of Forfar would represent a substantial land release for housing development. The land was identified in the Main Issues Report as an alternative option for housing, business and new 'agri-park' development but when compared with sites F3 Turfbeg and F4 Westfield it was considered to lack suitable accessibility to the trunk road network. The area also requires substantial landscaping in order to reduce its visual impact from the north.

19. Issues relating to the scale of housing land release in the West Angus housing market area, which includes Forfar, are considered under Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, Forfar represents one of the principal Tier 2 settlements where the majority of new housing is to be located. The local development plan is required to allocate sufficient land for housing development in west Angus to enable the average annual build rate of 90 houses each year to be delivered over the next plan period.

20. As concluded at Issue 3, no further housing allocations are required within the plan and I consider that sufficient allocations are identified for Forfar. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential alternative or additional housing sites. Therefore, I do not accept there is a need to identify alternative greenfield land releases within Forfar, and do not support the allocation of land at Suttieside.

21. The site of the former Oil Depot at Fyfe Street is included within the development boundary for Forfar and not protected by any specific designation within the plan. In accordance with Policy DS1 and Policy TC2, appropriate infill development is supported providing the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area.

22. As concluded above and at Issue 3, no further housing allocations are required within the plan and sufficient allocations are identified for Forfar. Therefore, I do not accept that this site should be allocated for housing. However, I agree with the council that the non-

allocation of this site does not preclude the possibility of it being considered suitable for residential development in the future in the context provided by Policy DS1 and Policy TC2.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 107, 'F2 Housing – Gowanbank', adding a new sentence immediately after the fifth paragraph as follows: "A flood risk assessment and drainage impact assessment is also required."
2. On page 107, 'F2 Housing – Gowanbank', replacing the fourth paragraph with the following: "Development will require to take account of the amenity of existing properties around the perimeter of the site, any loss of amenity or nuisance to future occupiers in terms of noise or odour associated with the operational landfill site to the east and respect the cordon sanitaire."
3. On page 113, 'F11 Newmonthill Cemetery Extension', adding a final sentence as follows: "Before any development occurs at the site, a flood risk assessment should be carried out and ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."

Issue 18	Kirriemuir	
Development Plan Reference:	Kirriemuir Settlement Statement, Pages 117 – 124 K1 Housing – South of Beechwood Place, Page 119 K2 Opportunity Site – Gairie Works, Page 119 K4 Kirriemuir Cemetery Extension, Page 121 Kirriemuir Inset Map, Page 123 Kirriemuir Omissions	Reporter: Claire Milne
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>K1 Housing – South of Beechwood Place</u></p> <p><u>Objections</u></p> <p>James Mitchell (PP/00085/1/001) Henry Young (Cairn Timber) Ltd (PP/00123/1/001) Mr & Mrs Cumming (PP/00144/2/001) A Bruce (PP/00146/1/001) Richard Lawson (PP/00145/1/001) Delson Contracts (PP/00110/1/011) Scottish Environment Protection Agency (PP/00120/1/051)</p> <p><u>K2 Opportunity Site – Gairie Works</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/052)</p> <p><u>Objections</u></p> <p>Jean Grant (PP/00011/1/001)</p> <p><u>K4 Kirriemuir Cemetery Extension</u></p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/053) Woodland Trust Scotland (PP/00099/1/006)</p> <p><u>Kirriemuir Inset Map</u></p> <p><u>Objections</u></p> <p>Dave Clark (PP/00019/1/001) Elite Homes (PP/00143/1/001)</p>		

<u>Kirriemuir Omissions</u>	
<u>Objections</u>	
Kinnordy Farms Partnership (PP/00106/1/001) Henry Young (Cairn Timber) Ltd (PP/00123/1/002) Mr & Mrs Cumming (PP/00144/1/001) Richard Lawson (PP/00145/2/001) Delson Contracts (PP/00110/1/013) A Bruce (PP/00146/2/001) J & J Learmonth (PP/00040/1/001, PP/00040/1/002)	
Provision of the Development Plan to which the Issue Relates:	Kirriemuir Settlement Statement
Planning Authority's Summary of the Representation(s):	
<u>K1 Housing – South of Beechwood Place</u>	
<u>Objections</u>	
James Mitchell (PP/00085/1/001) - Objects to the allocation of site K1 in the Proposed Plan. The site is on agricultural land, a large area of the site is prone to flooding and development would reduce the value of houses to the north of Beechwood Place.	
Henry Young (Cairn Timber) Ltd (PP/00123/1/001) - Object to the allocation of site K1 in the Proposed Plan. Consider that the site does not adhere to the Kirriemuir Settlement Strategy, which prefers to allocate brownfield and infill sites within Kirriemuir. Also consider that as the site is greenfield to the south of the settlement and does not have an established boundary that this risks the possibility of development sprawl away from the settlement.	
Mr & Mrs Cumming (PP/00144/2/001); A Bruce (PP/00146/1/001); Richard Lawson (PP/00145/1/001) - Consider that the release of greenfield land on a very prominent site, which a Reporter has already confirmed will have a detrimental effect on the setting of Kirriemuir, is contrary to the Council's preferred Development Strategy for Kirriemuir. No justification for the inclusion of this site at Beechwood Place has been provided. There are other sites located within the town boundary, including land south of Ardmore, Brechin Road (PP/00144/2/001), land at Tillyloss/Newton Park (PP/00146/1/001) and land at North Mains (PP/00145/1/001) which are better placed to meet the additional residential land allocation requirements.	
Delson Contracts (PP/00110/1/011) - Whilst supporting the principle of the allocation of site Site K1: South of Beechwood Place together with the identified site capacity of 100 houses and the programming of 50 houses in the first period of the ALDP, consider that the remaining 50 houses should be brought forward into the second phase of the Plan period that is, 2016-2021. This would ensure the continuation of development on an allocated site and avoid a stop/start approach to construction on site pending the preparation of a new LDP.	
Scottish Environment Protection Agency (PP/00120/1/051) - Consider that the developer	

requirements at Site K1 should be amended to include a Flood Risk Assessment as the site is located in or adjacent to the functional flood plain or an area potentially at flood risk.

K2 Opportunity Site – Gairie Works

Support

Scottish Environment Protection Agency (PP/00120/1/052) - Support the requirement for a Flood Risk Assessment to be undertaken as part of the development of site K2.

Objections

Jean Grant (PP/00011/1/001) - Consider that the site boundary for Site K2 should be amended as it includes an area of garden ground within the title deeds of the representee.

K4 Kirriemuir Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/053) - Consider that the developer requirements of Site K4 should be amended to include a requirement for a ground investigation survey to be undertaken prior to development given cemeteries can have a detrimental impact on groundwater.

Woodland Trust Scotland (PP/00099/1/006) - Concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland, including land at Kirriemuir Cemetery. Consider that development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

Kirriemuir Settlement Map

Objections

Dave Clark (PP/00019/1/001) - Object to the inclusion of Land South of 69 Brechin Road, within the Kirriemuir Settlement boundary as any development within this area will have a detrimental impact on the setting of Kirriemuir.

Elite Homes (PP/00143/1/001) - Consider that the defined development boundary for Kirriemuir requires to be amended to include the Pathhead site within the settlement. The Proposed Plan neither includes Pathhead within the settlement boundary, nor does it allocate it for retail use.

Kirriemuir Omissions

Objections

Kinnordy Farms Partnership (PP/00106/1/001) - Object to the settlement strategy for Kirriemuir and the failure to allocate land at West Hill Road for housing. It is considered that the sequential approach to prioritise land within settlements ahead of land on the edge of existing as set out by TAYplan was utilised in the preparation of the Angus Main

Issues Report. The Main Issues Report identified West Hill Road as part of the preferred option, with sites outwith the settlement boundary forming the alternative option. Furthermore, the Main Issues Report stated that the alternative option should only be supported if the preferred option was found to be unviable. The site at West Hill Road, which is within the settlement boundary, should be allocated for 20-30 dwellings. The site is deliverable and is consistent with the TAYplan strategy.

Henry Young (Cairn Timber) Ltd (PP/00123/1/002) - Consider that the majority of the sites identified for development in Kirriemuir have been allocated for a decade and have yet to be built out. It is therefore pertinent to allocate additional sites to ensure that effective housing land supply is maintained in the area. Therefore request that Land at Cortachy Road is allocated for residential development to ensure that the housing need in the local area is met. The site is considered to be capable of meeting the short/medium term housing land shortfall in Kirriemuir, is located within a sustainable location with good access to the town, surrounding paths and networks and will provide a high quality development that can integrate with the urban edge of Kirriemuir to the south as well as respecting the woodland backdrop to the north. Furthermore, the redundant buildings on the site offer the opportunity for brownfield redevelopment and the principle of development on the site has already been established.

Mr & Mrs Cumming (PP/00144/1/001) - Seek an allocation for residential development of around 15 houses on land South of Ardmore, Brechin Road, Kirriemuir. The proposed site is considered to be consistent with the development strategy for Kirriemuir which seeks to consolidate the existing town by identifying development sites within the existing settlement boundary ahead of greenfield releases.

The site south of Ardmore is located within the existing settlement boundary, is very well located with easy and convenient access to the town centre, services and facilities, is located within a residential area and includes an attractive mature landscape setting. Furthermore, it is considered that the site is unseen from public views and residential development will not have a detrimental impact on the setting of Kirriemuir and will provide a high-quality residential amenity, continuing the established development pattern within the area.

Richard Lawson (PP/00145/2/001) - Object to the omission of land at North Mains, Kirriemuir for residential development and request that the Proposed Plan is modified to include a housing land allocation at North Mains with an initial allocation of 50 units before 2016 with any further development released post 2026 and to be confirmed by a future Local Development Plan.

It is considered that the proposed site at North Main provides a logical and natural extension to Kirriemuir which is not especially visible from the surrounding area and will not have any significant detrimental impact on the wider setting of Kirriemuir. The site is also considered to be well placed in terms of accessibility and is within an easy walking distance of the main town facilities including the high school and primary school, local shop and the bus stops. Furthermore the respondee indicates that development at North Mains would provide a natural rounding off within an area where development has previously been approved.

Delson Contracts (PP/00110/1/013) - Confirm that the existing employment allocation has been implemented and consider that further employment land is required to meet demand, augment supply and provide for much needed local employment growth on a

site that site forms a natural extension to the existing Logie Business Park with well-defined topographic features and compatible with the residential allocation to the west. Furthermore it is considered that the site's allocation would accord with the Kirriemuir development strategy by facilitating and planning for the "continuing provision of marketable employment land" in the town in the right location, as part of a mixed use development proposal.

A Bruce (PP/00146/2/001) - Object to the failure to identify land at Tillyloss/Newton Park, for residential development of around 50 houses and an area of Community Space which would make a unique and positive contribution to the housing choice within the town. Consider that the site fully adheres to the Development Strategy for Kirriemuir as it is located within the settlement boundary, is close to all local facilities including the town centre and the primary school and will continue the development pattern of the town. The site was also identified as part of the preferred option for land allocation in the MIR. No reason or justification has been provided to alter this preferred option.

Furthermore, the representation notes that the site was considered at the time of the previous Angus Local Plan Review at which time the Reporter confirmed that the site, could accommodate some development without any detrimental impact on Kirriemuir Hill. In this respect it is considered that around 50 units could be accommodated on the site without detriment to the setting of Kirriemuir. Further housing on the site will make a unique and positive contribution to the housing choice within the town.

J & J Learmonth (PP/00040/1/001) - Consider that the proposed sites at Phase 3 Sunnyside could be allocated in addition to land South of Beechwood Place thereby ensuring diversity of housing options throughout the period of the ALDP up to 2026.

J & J Learmonth (PP/00040/1/002) - Consider that the proposed site at Little Herdhill/Martin Park could be allocated in addition to land South of Beechwood Place thereby ensuring diversity of housing options throughout the period of the ALDP up to 2026.

Modifications Sought by those Submitting Representations:

K1 Housing – South of Beechwood Place

Objections

James Mitchell (PP/00085/1/001); Henry Young (Cairn Timber) Ltd (PP/00123/1/001); Mr & Mrs Cumming (PP/00144/2/001); A Bruce (PP/00146/1/001); Richard Lawson (PP/00145/1/001) – Delete site.

Delson Contracts (PP/00110/1/011) - Amend Policy Wording and associated text as follows:

1. Table K2: New Allocations: Insert '50' under the ALDP Second Phase of the table.
2. Delete the footnote under Table K2 which states "50 units are released in the first phase of this plan period; the release of the remaining capacity of the site (50 dwellings) will be confirmed by a future Local Development Plan".
3. Amend 1st paragraph of Policy K1 Housing : South of Beechwood Place to read: "6 Ha of land South of Beechwood Place is allocated for residential development of around 100 dwellings. Around 50 dwellings will be released in the period to 2021 and 50 dwellings in the period 2021-2026.

Scottish Environment Protection Agency (PP/00120/1/051) – The developer requirements of Site K1 should be amended to include a Flood Risk Assessment as the site is located in or adjacent to the functional flood plain or an area potentially at flood risk.

K2 Opportunity Site – Gairie Works

Objections

Jean Grant (PP/00011/1/001) - No specific change identified, although consider that the site boundary for Site K2 should be amended.

K4 Kirriemuir Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/053) – The developer requirements of site K4 should be amended to include a requirement for a ground investigation survey to be undertaken prior to development.

Woodland Trust Scotland (PP/00099/1/006) - Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

Kirriemuir Settlement Map

Objections

Dave Clark (PP/00019/1/001) - No specific change identified, but seeks the exclusion of land South of 69 Brechin Road, from within the Kirriemuir Settlement boundary.

Elite Homes (PP/00143/1/001) - The development boundary of Kirriemuir should be amended to include the Pathhead site within the settlement. The land should also be identified as a site suitable for retail use, consistent with the justification given by the Council in granting the permissions to Elite Homes and in line with the comments on page 121 of the Plan itself.

Kirriemuir Omissions

Objections

Kinnordy Farms Partnership (PP/00106/1/001) – Allocate the site to the south of West Hill Road for 20-30 dwellings.

Henry Young (Cairn Timber) Ltd (PP/00123/1/002) – Allocate land at Cortachy Road for residential development.

Mr & Mrs Cumming (PP/00144/1/001) - Allocate land South of Ardmore, Brechin Road for residential development of around 15 houses.

Richard Lawson (PP/00145/2/001) - Include a housing land allocation at North Mains with an initial allocation of 50 units before 2016 with any further development released post

2026 and to be confirmed by a future Local Development Plan.

Delson Contracts (PP/00110/1/013) - Land to the south of Logie Business Park, which extends to 7.15 hectares, should be allocated for employment land in the ALDP, in the period 2021-2026, and the settlement boundary of Kirriemuir extended to include this land.

A Bruce (PP/00146/2/001) - Allocate land at Tillyloss/Newton Park for residential development of around 50 houses and an area of protected community space.

J & J Learmonth (PP/00040/1/001) - Consider that the sites at Phase 3 Sunnyside and Little Herdhill/Martin Park could be allocated in addition to land South of Beechwood Place thereby ensuring diversity of housing options throughout the period of the ALDP up to 2026..

J & J Learmonth (PP/00040/1/002) - Consider that the sites at Phase 3 Sunnyside and Little Herdhill/Martin Park could be allocated in addition to land South of Beechwood Place thereby ensuring diversity of housing options throughout the period of the ALDP up to 2026.

Summary of Responses (including reasons) by Planning Authority:

K1 Housing – South of Beechwood Place

Objections

Henry Young (Cairn Timber) Ltd (PP/00123/1/001); James Mitchell (PP/00085/1/001); Mr & Mrs Cumming (PP/00144/2/001); Richard Lawson (PP/00145/1/001); A Bruce (PP/00146/1/001) - The Angus Local Development Plan indicates that the towns of Brechin, Carnoustie and Kirriemuir will (in addition to the larger towns of Arbroath, Forfar and Montrose) be a focus for new homes and businesses during the ALDP period commensurate with their role as smaller centres of population and economic activity (CD/1-1, Page 8).

With reference to the specific development strategy for Kirriemuir, whilst the first bullet point in the Kirriemuir development strategy highlights that the Angus Local Development Plan will support the redevelopment of vacant, underused and brownfield sites within the Development Boundary, the proposed development strategy for the Plan is clear that where necessary to assist in meeting the housing land requirements and provide an element of choice across each Housing Market Area, greenfield sites have been allocated. Bullet points two and three in the Kirriemuir development strategy clearly specify that the Angus Local Development Plan will identify sites in Kirriemuir that are effective or capable of becoming effective within the plan period to accommodate a mix of new housing development to meet local needs. Therefore, in order to achieve this, greenfield land is released South of Beechwood Place for residential development. This land allocation augments the existing supply of housing land in the West Angus Housing Market Area. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule

4's for Issues 1 and 3. No key agencies or the Scottish Government have sought a change to the proposed development strategy.

Land South of Beechwood Place was identified in the Main Issues Report as Alternative Option 1 (CD/1-11, Page 90, Paragraph 29-32). Whilst the Main Issues Report noted that the land was prime quality agricultural land, it also noted that the site could feasibly accommodate new homes and complementary uses. Since publication of the Main Issues Report, the Council now considers that the site South of Beechwood Place is effective with an active developer interest, therefore the site is considered capable of delivering the proposed development strategy for Kirriemuir by providing for additional choice in the West Angus Housing Market Area. The site South of Beechwood Place is accessible by a variety of modes of transport including walking, cycling and public transport that can connect the site to a range of services and facilities both within and outwith the town. In addition, the site also presents good connectivity to the A90(T). Furthermore, following the recent development of the adjacent business park, the site is also close to potential employment opportunities. Whilst the site is visible from certain viewpoints, the development of this site provides additional opportunities to enhance and strengthen the existing open urban edge of Kirriemuir through additional planting and structural landscaping which will in part also enhance biodiversity.

With regards to specific comments by James Mitchell (PP/00085/1/001) in relation flooding, Scottish Environment Protection Agency have no objection to the site but have requested a Flood Risk Assessment should be required with any future development (see response to PP/00120/1/051 for further details). For these reasons the Council does not agree to modify the plan in response to these representations.

Delson Contracts (PP/00110/1/011) – The Angus Local Development Plan indicates that the towns of Brechin, Carnoustie and Kirriemuir will (in addition to the larger towns of Arbroath, Forfar and Montrose) be a focus for new homes and businesses during the ALDP period commensurate with their role as smaller centres of population and economic activity (CD/1-1, Page 8). Where appropriate sites are phased for release over two phases of the ALDP period: 2016-21 and 2021-26. In some instances it is anticipated that development of larger sites may extend beyond 2026. This site is identified as having capacity for around 100 dwellings with 50 houses released in the period to 2026 with the remaining release of the site to be confirmed by a future Local Development Plan. This approach is consistent with TAYplan and ensures that residential development is largely concentrated in Forfar which is the principal settlement. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Policy TC1 Housing Land Supply/Release (CD/1-1, Page 19) is clear that where necessary to maintain a 7 year effective housing land supply additional housing land will be allowed to come forward from either the early release of sites/houses planned for later phases of the plan; and/or sites currently constrained/non-effective sites identified in the Angus Housing Land Audit. This approach would therefore provide scope for potential earlier releases of land at this site where the annual Housing Land Audit identified a shortfall in the 7 year effective supply. Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3. For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/051) - The comment made in relation to amending Policy K1 to include a developer requirement for a Flood Risk Assessment is accepted. Consequently, the Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

K2 Opportunity Site – Gairie Works

Supporting representation noted.

Objections

Jean Grant (PP/00011/1/001) - The comment made in relation to amending the site boundary of Policy K2 to exclude garden ground owned by the representee is accepted. This was an editing error in drafting the Proposed Plan. Consequently, the Council would have no objection to amending the site boundary to exclude the garden ground referred to in this representation. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

K4 Kirriemuir Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/053) - The comment made in relation to amending Policy K4 to include a requirement for a ground investigation survey is accepted. Consequently, the Council would have no objection to including the requirement for a ground investigation survey and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Woodland Trust Scotland (PP/00099/1/006) - Policy K4 does not specifically specify the requirement for a buffer zone between the site and close proximity of ancient woodland. Detailed matters regarding the creation of appropriate buffer zones including the type of planting to protect and enhance the ancient woodland is covered by other policies in the plan which seek to protect and enhance the natural environment, in-particular Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51). Given the nature of the proposed use of the site as a cemetery, there are unlikely to be any adverse impacts on adjacent ancient woodland. Furthermore, there may be opportunity to strengthen tree planting along the northern boundary of the site which will enhance biodiversity and landscape value for the existing ancient woodland within the current cemetery site. For these reasons, the Council does not agree to modify the plan in response to this representation.

Kirriemuir Settlement Map

Objections

Dave Clark (PP/00019/1/001) - The Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current

circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-3, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. The representation made in relation to the inclusion of Land South of 69 Brechin Road is accepted. This was an editing error in drafting the Proposed Plan. The site is excluded from the development boundary in the Adopted Angus Local Plan Review and it should remain so in the Proposed Plan. Consequently, the Council would have no objection to amending the Kirriemuir development boundary at this location. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Elite Homes (PP/00143/1/001) - The Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan.

Whilst planning permission has been granted for retail use on land at Pathhead (planning permission 11/00150/PPPM refers) (S4/18-1), this has yet to implemented. The Proposed Plan makes specific reference to the existing permission and indicates support for proposals that are in accordance with the original permission. The supporting text on page 121 (CD/1-1, Page 121) is also clear that where proposals seek to renew this retail permission they will be required to submit updated impact studies, including retail, town centre and transport assessments in accordance with Policy TC19 Retail and Town Centres (CD/1-1, Page 41). Out of town centre retail development have not historically been allocated in previous development plans. The Council would not consider it appropriate to include the site within the development boundary at this time.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Kirriemuir Omissions

Objections

Kinnordy Farms Partnership (PP/00106/1/001); Henry Young (Cairn Timber) Ltd (PP/00123/1/002); Mr & Mrs Cumming (PP/00144/1/001); Richard Lawson (PP/00145/2/001); A Bruce (PP/00146/2/001); J & J Learmonth (PP/00040/1/001, PP/00040/1/002) - In accordance with the TAYplan SDP (CD/3-1) and following the success of the development strategy in the Angus Local Plan Review (2009) (CD/4-1), the Angus Local Development Plan (ALDP) continues to focus new development in the towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. The towns of Brechin, Carnoustie and Kirriemuir will be a focus for new homes and businesses commensurate with their role as smaller centres of population and economic activity (CD/1-1, Page 8). This means that these towns will continue to be the preferred location for the majority of new housing and employment-related development, together with the majority of associated new infrastructure.

In line with the Development Strategy the ALDP has given priority to the reuse, redevelopment and regeneration of brownfield sites. Where necessary to assist in

meeting the housing land requirements and provide an element of choice across each HMA, greenfield sites have been allocated. In the context of Kirriemuir, a greenfield site on Land South of Beechwood Place has been allocated. This land allocation is commensurate to the size of Kirriemuir and is an appropriate scale of development to augment the existing supply of housing land in the West Angus Housing Market Area, where the concentration of development is proposed in the principle settlement of Forfar. To ensure that Angus Council maintains a 7 year effective land supply, the continued effectiveness of and progress in the delivery of the housing land supply will continue to be monitored through the annual Angus Housing Land Audit (HLA). Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3. No key agencies or the Scottish Government have sought a change to the proposed development strategy.

Whilst a number of representations have been submitted by Kinnordy Farms Partnership (PP/00106/1/001); Mr & Mrs Cumming (PP/00144/1/001) and A Bruce (PP/00146/2/001) seeking the allocation of sites that lie within the development boundary and which in the case of Kinnordy Farms Partnership (PP/00106/1/001) and A Bruce (PP/00146/2/001) were sites identified as Preferred Options in the Main Issues Report (CD/1-11, Pages 88-89), the non-allocation of these sites does not preclude the possibility of these sites being developed for residential use in the future. Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) is clear that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies of the ALDP.

In relation to the specific representation by Henry Young (Cairn Timber) Ltd (PP/00123/1/002) the site was identified as Alternative Option 2 in the Main Issues Report (CD/1-11, Page 91, Paragraph 33-35). The Main Issues Report noted that although this area of ground is relatively self-contained in landscape and visual terms, although the land is classified as prime quality agricultural land. In addition, this area is relatively remote from town centre facilities and services; although it is quite close to Northmuir Primary School. This option was therefore not favoured.

In relation to the specific representations by Richard Lawson (PP/00145/2/001); J & J Learmonth (PP/00040/1/001, PP/00040/1/002) these sites were identified as Alternative Option 3 in the Main Issues Report (CD/1-11, Page 92, Paragraph 36-40). This noted that development at these locations could consolidate the existing built-up area to the east or west of Kirriemuir. However, the Main Issues Report considered that with the exception of land to the southwest of the town, the Angus Landscape Capacity Study (2003) (CD/5-8) indicated that new development at these locations would generally be unsuitable in terms of the existing settlement pattern, or would dilute strong edges to the urban area. In addition, the Main Issues Report noted that these locations include areas of prime quality agricultural land and are relatively remote from town centre shops and services. The 2003 Landscape Study was revised by the Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5)

With regards to an amendment to the development boundary, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the

development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan.

The Council does not consider that a change to the Kirriemuir development strategy to allocate land identified in the representations above, as either a replacement to Site K1 or in addition to K1 to be justified. For these reasons, the Council does not agree to modify the plan in response to these representations.

Delson Contracts (PP/00110/1/013) - Policy 3 of the TAYplan Strategic Development Plan (CD/3-1, Page 13) highlights that Local Development Plans need to safeguard employment land within principle settlements to support the growth of the economy. In order to support economic growth, the Angus Local Development Plan provides a range of sites capable of meeting the needs of businesses throughout the plan period and beyond. In accordance with TAYplan Policy 3, employment land provision is made in Kirriemuir by identifying sites at East Muirhead of Logie and North Mains of Logie.

The site at East Muirhead of Logie was previously allocated for employment land in the adopted Angus Local Plan Review (2009). Delson Contracts has recently opened up development at this site. Angus Council's 2015 Employment Land Review (CD/5-9) showed that from the original 4 hectare land allocation, 2.45ha of land remains available.

The Council does not therefore propose to modify the plan as written to include additional employment land or an extension to the existing supply of land. A future Local Development Plan will assess employment land requirements, in accordance with TAYplan.

Reporter's Conclusions:

Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

K1 Housing – South of Beechwood Place

2. Issues relating to the scale of housing land release in the West Angus housing market area, which includes Kirriemuir, are considered at Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, Kirriemuir represents one of the principal Tier 3 settlements, which are the focus of more limited opportunity for housing development, primarily to meet local needs, commensurate with their role as smaller centres of population and economic activity. The local development plan is required to allocate sufficient land for housing development in west Angus to enable the average annual build rate of 90 houses each year to be delivered over the next plan period.

3. The area south of Beechwood Place was identified in the Main Issues Report as an alternative option for housing development - the preferred option being the retention of

existing allocations and small-scale infill. Development in this location was considered relatively close to existing schools, within walking distance of a new supermarket proposed at Pathhead and able to provide good access to the road network and surrounding countryside.

4. The plan supports the development of vacant, underused and brownfield sites within the development boundary of Kirriemuir. The council acknowledges however, that in order to ensure that the housing needs and demands of the area are met the plan should identify sites that are effective or capable of becoming effective within the plan period. Therefore, the release of the greenfield site K1 is considered necessary to ensure that the housing requirements are met and to provide choice across the housing market area. I agree with this general approach, and I find the allocation of further greenfield land along with support for the development of vacant, underused and brownfield sites, consistent with the development strategy of the plan.

5. In allocating this site within the plan, it was subject to a range of strategic assessments including environment, transport and landscape. No major capacity issues or constraints to development have been identified. The council's landscape capacity study regards the area between the A928 road and the designed landscape to the south of the site as having medium landscape capacity with visual sensitivity decreasing where woodland provides screening and containment.

6. Since the reporter assessed the site in 2006, I consider the surrounding context to have altered somewhat. The recent business development on the adjacent flat ground at Logie Business Park has extended built development beyond the distinctive slope on which the development of this part of the town has historically taken place. This has changed the relationship of the settlement with the landscape at this point. Once the business development is complete, it will also provide a degree of visual containment to the site. Therefore, with regard to landscape and visual impact I am satisfied that the site is suitable for development.

7. The developer requirements associated with this allocation would address the main planning related concerns, as far as is appropriate for the local development plan. Structural planting and landscaping is required to create an appropriate town edge and provide suitable buffers to the adjacent employment land and existing residential area. The impact of development on private property values is not a valid planning consideration and cannot form part of this examination.

8. Local concerns are raised with regard to surface water flooding on this site. The Scottish Environment Protection Agency has also raised the possibility of flooding from the small watercourse, which flows along the eastern site boundary. Given this, I consider it would be appropriate to amend the plan to include a requirement for a developer to undertake a flood risk assessment to inform the scale, layout and form of the development.

9. The overall effectiveness of the land supply to 2026 is dealt with at Issue 3. The use of phasing is discussed in the Main Issues Report where, given the 10-year time horizon of the plan, the council considers it appropriate to phase the release of housing land over two five-year periods. This allows the plan to be aligned with the housing supply targets of the Local Housing Strategy thereby providing a strategic approach to housing delivery.

10. Where there are no major infrastructure restrictions, sites within the plan have been

phased in order to control the level at which housing comes forward. This is so that other sites can also contribute and a range and choice is maintained in the local housing market. Within Table K2 on page 118 of the plan, this site is identified with a capacity of 100 houses, with 50 units allocated to the first phase only. However, under the actual allocation K1 on page 119, the plan indicates that around 50 houses will be released in the period to 2026. Within the plan there appears to be some discrepancy over when the first 50 units can come forward.

11. The council refers to Policy TC1, which would allow for an early release of later phases if there was a shortfall in the five or seven-year effective housing land supply. However as this site is not allocated to the second phase, it is unlikely to be able to contribute to any shortfall. The council's view is that the decision over the second 50 units should be delayed to a future local development plan to ensure that residential development is largely concentrated in Forfar as the principal settlement. As the scale of new housing allocations over the plan period within Forfar significantly exceed those within Kirriemuir, I do not accept that allocating the remaining 50 houses at this site within the second phase would affect the role of Forfar as a principal Tier 2 settlement. I also note the comments made in the representation about continuity for the developer of the site. As an effective site, the identification of new housing within both phases of the plan would give proper effect to the allocation of 100 houses on the site. It would also allow for the second phase to come forward under Policy TC1, if suitable and deliverable, and if required to contribute to any overall housing shortfall.

K2 Opportunity Site – Gairie Works

12. The inclusion of an area of garden ground at the property 7 Kirkwynd within the boundaries of the allocated site K2 appears to have been due to a drafting error. I accept the explanation given by the council that this area was not intended to be included in the allocation. Therefore, I consider that the allocation of site K2 should be amended to exclude this area of garden ground.

K4 Kirriemuir Cemetery Extension

13. I agree that it is appropriate for intrusive ground investigations to be undertaken to confirm this site's suitability for use as a cemetery extension and for this requirement to be included within the plan.

14. The protection of the woodland adjacent to this site would be covered by the relevant policies of the plan, in particular Policy PV7, which seeks to identify, protect and enhance ancient semi-natural woodland. The recommended modification to Policy PV7 in Issue 8 gives greater weight to the protection of ancient semi-natural woodland, consistent with Scottish Planning Policy. A cemetery use is likely to have a very low impact on the adjacent woodland and the need for any buffer zones would be considered under the above policy context. Therefore, I do not accept that the site should not be taken forward for development, nor do I consider it appropriate to include within the plan a specific requirement for a woodland buffer.

Kirriemuir Inset Map

15. The area of land south of 69 Brechin Road falls away from the garden ground of the property and clearly relates more to the surrounding countryside than to the urban form of the settlement. The council indicates that it did not intend to include this land within the

development boundary for Kirriemuir. I accept the explanation that it appears to have been included due to a drafting error. Therefore, I consider that the development boundary should be amended to exclude this area of land.

16. Land at Pathhead was granted planning permission in 2013 for a supermarket, parking, landscaping and improved road layout. The site is located at the periphery of Kirriemuir, accessible from the A926 road. The representation seeks to identify the site within the plan for retail use and include it within an amended development boundary. The representation also compares the site with the opportunity site K2 Gairie Works where Class 1 retail is specified.

17. Although the plan refers to the planning permission in principle at Pathhead and the support for proposals in accordance with the permission, I find it unusual that the site is not included as a specific allocation within the plan. The support for a supermarket use on the site has been established with the grant of planning permission and I note the reasons for approval given within the committee report which include: to reduce leakage of retail expenditure and subsequent carbon dioxide emissions; the creation of additional employment; the availability of retail capacity; and economic benefits.

18. I do not agree that out of town centre retail developments, as a principle, should not be allocated within development plans where appropriate. For uses generating significant footfall, Scottish Planning Policy expects development plans to plan for such uses, adopting a sequential approach whilst applying flexibility and realism. The council has not chosen to allocate site K2 Gairie Works solely for retail purposes and it remains an opportunity site suitable for a range of uses. With the exception of this brownfield site, there remain few opportunities within the development boundary to locate new retail development and particularly at the scale required for a new supermarket. Land at Pathhead is close to an area of employment at East Muirhead of Logie and future housing at K1 South of Beechwood Place. By virtue of the grant of planning permission for a supermarket at the site, the council has signalled that it is sequentially suitable for such a use.

19. Overall, therefore, I support the identification of the land at Pathhead for a new supermarket. As a greenfield site and to ensure consistency with the rest of the plan, I consider that it should be allocated rather than identified as an opportunity site. However, given its out of town centre location, I consider it appropriate to control the introduction of open Class 1 retail use on the site and therefore restrict the allocation to that outlined in the permission granted, namely, suitable for the erection of a supermarket, associated parking, landscaping and improved road layout.

20. In order to maintain consistency with other greenfield allocations within the plan, I consider that the development boundary of Kirriemuir should be altered to include the area granted planning permission in principle at Pathhead.

21. Consistent with Scottish Planning Policy, an allocation within the plan would negate the need to apply the sequential approach or assess the retail/town centre impact of the proposal if a similar proposal to that approved were to come forward. However, should matters of detail such as the total gross floorspace, net retail sales area or the range of goods to be sold alter significantly from that approved, then these matters may need to be reassessed. Should this arise, Policy TC19 would allow for further assessment of these matters and therefore I see no need to include a specific requirement to cover this within the plan.

Kirriemuir Omissions

22. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development within the principal settlements of west Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Kirriemuir is appropriate, and I have not found that the allocated site K1 would be inappropriate for housing. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential alternative or additional housing sites. Therefore, I do not accept the need for the identification of further greenfield land releases within Kirriemuir and do not support the allocation of land at Cortachy Road, North Mains, Phase 3 Sunnyside or Littleherd/Martin Park.

23. In the case of the land promoted at West Hill Road, Tillyloss/Newton Park and south of Ardmore, these areas fall within the development boundary of Kirriemuir. In accordance with Policy DS1 and Policy TC2, appropriate infill development is supported providing the site is not allocated or protected for another use, the proposal is consistent with the character and pattern of development in the surrounding area and it accords with other relevant policies of the plan. None of the sites is covered by any specific designation within the plan although the upper slope of Tillyloss/Newton Park is adjacent to Kirriemuir Hill, an area of open space protection and a distinctive landscape feature.

24. Given that no further housing allocations are required and sufficient allocations are identified for Kirriemuir, I do not accept that the sites at West Hill Road, Tillyloss/Newton Park or south of Ardmore should be allocated for housing. However, I agree with the council that non-allocation within the plan does not preclude the possibility that these sites could be considered suitable for residential development in the future in the context provided by Policy DS1 and Policy TC2.

25. With regard to East Muirhead of Logie (Logie Business Park), the council's employment land review, which considered the position at June 2015 showed that of the total 4 hectares of employment land at the site there were 2.45 hectares immediately available. This site has been brought forward from the adopted local plan review and at the time of my site inspection the business park was under construction but not complete.

26. TAYplan Policy 3 requires the maintenance of at least five years supply of employment land within the principal settlements and the strategic development areas within Angus play a significant role. As a Tier 3 settlement, Kirriemuir is only to accommodate a smaller share of the region's additional development and the development strategy supports the redevelopment of vacant, underused and brownfield sites. Within the plan period, there is already scope for employment development to take place on the remaining land at East Muirhead of Logie and at North Mains, Kirriemuir with further opportunities at K2 Gairie Works and K3 Cortachy Road.

27. Land to the south of East Muirhead of Logie comprises around 7.15 hectares, which would represent a substantial greenfield land release and addition to the employment land supply within Kirriemuir and within west Angus. The Main Issues Report indicates that the employment land allocation at East Muirhead of Logie is sufficient to meet the land-use requirements of local businesses. Overall, I agree with the council that additional employment land is not required within Kirriemuir and therefore I do not find sufficient

justification to amend the boundary to include the area to the south of East Muirhead of Logie.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 119, 'K1 Housing – South of Beechwood Place', in the fifth bullet adding the following text after "Transport Assessment": "Flood Risk Assessment,".
2. On page 118, Table K2, altering the table to show 50 units in the second phase 2021-2026 and removing the text at the asterisk below the table.
3. On page 119, 'K1 Housing – South of Beechwood Place', within the first paragraph deleting the second and third sentences and replacing with the following: "A first phase of around 50 dwellings will be permitted in the period to 2021, with the remaining phase of around 50 dwellings permitted in the period to 2026."
4. On page 121, under the heading 'Town Centres and Retailing', replacing the last two paragraphs with the following:

"K4 Retail – Land at Pathhead

3.2 hectares of land at Pathhead is allocated for a supermarket, associated parking, landscaping and improved road layout in accordance within the planning permission (planning application reference 11/00150/PPPM). Proposals will be supported that are in accordance with this permission."
5. On the proposals map after page 122 (Kirriemuir Inset Map 5), amending the development boundary for Kirriemuir to include the land at Pathhead approved by planning permission reference 11/00150/PPPM and annotating the map to show the allocation with the reference 'K4'.
6. On the proposals map after page 122 (Kirriemuir Inset Map 5), excluding the garden ground of 7 Kirkwynd from 'K2 Opportunity Site – Gairie Works'.
7. On page 121, 'K4 Kirriemuir Cemetery Extension', amending to read "K5 Kirriemuir Cemetery Extension" and updating the Kirriemuir Inset Map 5 accordingly.
8. On page 121, 'K4 Kirriemuir Cemetery Extension', adding a final sentence as follows: "Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."
9. On the proposals map after page 122 (Kirriemuir Inset Map 5), excluding the land to the rear of 69 Brechin Road from the development boundary for Kirriemuir.

Issue 19	Monifieth	
Development Plan Reference:	Monifieth Settlement Statement, Pages 125 – 132 Mf1 Housing – Ashludie Hospital, Page 127 Mf2 Housing – Victoria Street West, Page 128 Mf3 Opportunity Site – Former Monifieth Health Centre – Victoria Street, Page 128 Monifieth Omissions	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Monifieth Development Strategy</u></p> <p><u>Support</u></p> <p>Taylor Wimpey (PP/00024/1/002)</p> <p><u>Objections</u></p> <p>TACTRAN (PP/00073/1/018)</p> <p><u>Mf1 Housing – Ashludie Hospital</u></p> <p><u>Support</u></p> <p>Dundee City Council (PP/00072/1/002)</p> <p><u>Comments</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/063)</p> <p><u>Mf2 Housing – Victoria Street West</u></p> <p><u>Support</u></p> <p>Taylor Wimpey (PP/00024/1/001) Scottish Environment Protection Agency (PP/00120/1/064)</p> <p><u>Objections</u></p> <p>Dundee City Council (PP/00072/1/003) Paul & Linda Arnot (PP/00028/1/001)</p> <p><u>Mf3 Opportunity Site – Former Monifieth Health Centre – Victoria Street</u></p> <p><u>Comments</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/065)</p>		

<u>Monifieth Omissions</u>	
<u>Objections</u>	
Barratt North Scotland (PP/00079/1/001)	
Provision of the Development Plan to which the Issue Relates:	Monifieth Settlement Statement
Planning Authority's Summary of the Representation(s):	
<u>Monifieth Development Strategy</u>	
<u>Support</u>	
Taylor Wimpey (PP/00024/1/002) – Taylor Wimpey support the Monifieth Development Strategy which includes the identification of land to the west of Victoria Street (site Mf 2) for residential purposes with a notional capacity of 350 units. This is consistent with the decision taken by Angus Council on the 18 th December 2014 to approve application reference 13/01184/PPPM subject to notification to Scottish Ministers and the conclusion of a Section 75 Legal Agreement to cover education and community contributions.	
<u>Objections</u>	
TACTRAN (PP/00073/1/018) – In support of Policy DS5 it is suggested that the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Monifieth.	
<u>Mf1 Housing – Ashludie Hospital</u>	
<u>Support</u>	
Dundee City Council (PP/00072/1/002) – The housing land site allocated as Mf1 – Ashludie Hospital is within the settlement boundary of Monifieth and includes the redevelopment of brownfield land and existing buildings. This allocation does not raise any significant issues of concern and is supported.	
<u>Comments</u>	
Scottish Environment Protection Agency (PP/00120/1/063) – Commented on site Mf1 (15/00099/FULM) at the development management stage. The Drainage Layout drawings showed that any small drains encountered are to be incorporated into the design of the site and no dwellings will be built over or immediately adjacent to these drains.	
<u>Mf2 Housing – Victoria Street West</u>	
<u>Support</u>	
Taylor Wimpey (PP/00024/1/001) – Taylor Wimpey support the identification of land to the west of Victoria Street (site Mf2) for residential purposes with a notional capacity of 350	

units. This is consistent with the decision taken by Angus Council on the 18th December 2014 to approve application reference 13/01184/PPPM subject to notification to Scottish Ministers and the conclusion of a Section 75 Legal Agreement to cover education and community contributions.

Scottish Environment Protection Agency (PP/00120/1/064) – Support the development requirement for a Flood Risk Assessment to be undertaken prior to development occurring on site Mf2. This will ensure that potential developers are informed that there are flood risk issues affecting the site at the earliest opportunity and that the developable area of the site may be constrained by flood risk.

Objections

Dundee City Council (PP/00072/1/003) – The proposed allocation for housing at site Mf2, Victoria Street West with an indicative capacity of 350 houses, would have a detrimental impact on the housing strategy of the Dundee Local Development Plan 2014.

Policy 5 of TAYplan (2012) highlights the need to ensure that Dundee, as a principal settlement, remains a key focus for housing growth. It sets out a presumption against housing land release in areas surrounding Dundee where this would prejudice the delivery of Strategic Development Areas or regeneration within the core areas.

The strategy in the Dundee Local Development Plan 2014 gives priority to the use of brownfield land within the existing urban area and focuses the limited greenfield land release to the Strategic Development Area identified at the Western Gateway.

The Mf2 site is located to the east of Dundee and an allocation of this scale would provide a greenfield housing option as an alternative to locations within Dundee. As such it would undermine the strategy of the Dundee Local Development Plan 2014 by attracting interest away from the Western Gateway and opening up major greenfield options to the east of the City.

It is also considered that the scale of development proposed would increase traffic levels and have a detrimental impact on the Arbroath Road at Claypotts junction.

Paul and Linda Arnot (PP/00028/1/001) – Object against the proposed housing development adjacent to our property – Field 200m Victoria St, West Monifieth. This proposed development will:

- cause loss of privacy
- cause increased noise disturbance
- cause loss of light
- cause destruction of several very mature trees
- cause an adverse impact on the value of our property
- cause an adverse impact upon local services such as the GP Service.

The proposal is contrary to the development plan for Monifieth. There is land suitable for development within the grounds of Ashludie Hospital which would not impact on our property.

Mf3 Opportunity Site – Former Monifieth Health Centre – Victoria Street

Comments

Scottish Environment Protection Agency (PP/00120/1/065) – Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.

Monifieth Omissions

Barratt North Scotland (PP/00079/1/001) – The site north of Ashludie Hospital was identified by the Council as the preferred option for growth in the Angus Council Main Issue Report which was published in November 2012. The Proposed LDP reverses the previous preferred strategy for Monifieth and identifies land to the west of Victoria Street as the preferred option. No justification or explanation of this change in strategy was set out in the committee papers for the Draft ALDP Proposed Plan nor in the Proposed LDP.

Allocating land north of Ashludie Hospital in this LDP for immediate development and/or future development in subsequent LDP periods will help inform assessments of infrastructure capacity and ensure early programming for adequate provision from the outset. It is also requested that infrastructure capacity assessments are undertaken in early course to ensure that robust justification for developer contributions to mitigate individual and cumulative impacts on infrastructure, sought through Policy DS5 (Developer Contributions) are undertaken. It will also provide the high level assurance required to undertake long term masterplanning for the sustainable growth of Monifieth.

Modifications Sought by those Submitting Representations:

Monifieth Development Strategy

TACTRAN (PP/00073/1/018) – The Development Strategy should make reference to "supporting the enhancement and extension of the network of paths and cycleways around the town".

Mf2 Housing – Victoria Street West

Dundee City Council (PP/00072/1/003) and Paul and Linda Arnot (PP/00028/1/001) – Delete Site Mf2.

Monifieth Omissions

Barratt North Scotland (PP/00079/1/001) – It is requested that the land to the north of Ashludie Hospital, Monifieth is identified for a phased development in the forthcoming Angus Local Development Plan (LDP) over the LDP period and beyond.

Summary of Responses (including reasons) by Planning Authority:

Monifieth Development Strategy

Supporting representation noted.

Objections

TACTRAN (PP/00073/1/018) – Policy DS2 Accessible Development (CD/1-1, Pages 11 and 12) requires development proposals to demonstrate that they provide and /or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking (CD/1-1, Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation (CD/1-1, Page 47) specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Repeating the suggested additional bullet at the start of every settlement strategy is not considered necessary or appropriate. Including the bullet in every settlement statement would be considered to be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

Mf1 Housing – Ashludie Hospital

Supporting representation and comments noted.

Mf2 Housing – Victoria Street West

Supporting representations noted.

Objections

Dundee City Council (PP/00072/1/003) – Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues1 and 3.

The Council's Housing Background Paper (CD/1-8) also sets out the approach to housing allocations in the South Angus Housing Market Area (SAHMA). The approach is considered to be consistent with Policy 5 of TAYplan Strategic Development Plan (TAYplan) (2012) (CD/3-1, Page 17). Whilst it is acknowledged that there is a presumption against housing land release in areas surrounding Dundee where this would prejudice the delivery of Strategic Development Areas or regeneration within the core area, the Proposed Angus Local Development Plan still has to allocate a generous supply of housing land in the SAHMA to meet the TAYplan (2012) housing land requirement and to maintain a 7 year effective supply of housing land as set out in Policy 5 (CD/3-1, Page 17). Although the SAHMA forms part of the Greater Dundee Housing Market Area, TAYplan (2012) is clear in setting South Angus its own housing land requirement as set out in Policy 5 (CD/3-1, Page 17). The Council's Housing Background Paper (CD/1-8) identifies that there is clear evidence of a shortfall in effective housing land within the SAHMA having regard to the average annual housing market build rates established by Policy 5 of TAYplan (2012) (CD/3-1, Page 17). There are no sites within principal settlements in the SAHMA that can adequately address that shortfall. In these circumstances, a site on the edge of Monifieth, which is part of a Tier 1 settlement, is compatible with the sequential approach to site selection required by Policy 1 of TAYplan (2012) (CD/3-1, Page 9). As additional land is required to address a shortfall in the effective housing land supply required by Policy 5 of TAYplan (2012) (CD/3-1, Page 17), it is considered that an appropriately phased development would not prejudice delivery of a

Strategic Development Area. It is considered entirely appropriate to allocate a greenfield site on the edge of the Dundee Core Area (a Tier 1 principle settlement) to meet the housing land requirement where there are no available or effective brownfield sites.

It is not considered that the allocation will impact on or divert interest away from the Dundee Western Gateway which is identified as a Strategic Development Area within Policy 4 of TAYplan (2012) (CD/3-1, Page 15). A planning application (Ref: 14/00205/FULM) has already been approved (S4/19-1), a planning application (Ref: 15/00121/FULM) has been recommended for approval subject to conditions and a Section 75 Legal Agreement which has yet to be signed (S4/19-2) (S4/19-3) and the final planning application within the Dundee Western Gateway (Ref: 15/00410/FULM) has been submitted to Dundee City Council but is still pending consideration. Development is progressing with the local press reporting significant interest in the product and location (S4/19-4). In any case, the recent planning application on site Mf2 (Ref: 13/01184/PPPM) was notified to Scottish Ministers as it was the subject of an objection from a neighbouring authority (Dundee City Council) and Angus Council was notified that it was not the intention of Scottish Ministers to intervene in the application either by issuing a direction restricting the granting of planning permission or by calling in the application for their own determination (S4/19-5).

A transport appraisal (CD/1-4, Pages 19 – 24) was undertaken for the Proposed Local Development Plan and Transport Scotland agreed that there was no need for further investigation of cumulative effects from proposed developments in Monifieth and Carnoustie on the trunk road network. Transport Scotland were also consulted on the recent planning application (Ref: 13/01184/PPPM) and responded that the Director did not propose to advise against the granting of permission having considered the potential impacts at the junction of the A92 with the trunk road at the Scott Fyffe roundabout (S4/19-6). The report of handling for the planning application sets out that the Council's Roads Service indicated that whilst the development would result in additional traffic at the A92 Claypotts junction, the supporting information indicates that such increase would be below 5% upon completion of the development. Traffic volume increase below 5% is generally not regarded as significant and on this basis further analysis of the junction at Claypotts was not considered necessary or appropriate and the cross boundary impacts of the development on traffic levels are therefore considered to be acceptable (S4/19-7, Pages 2 and 3, Paragraph 6.2 and Page 6, Paragraph 8.10). For these reasons, the Council does not agree to modify the Plan in response to this representation.

Paul & Linda Arnot (PP/00028/1/001) – The grounds of objection raised by this representation are considered to be addressed by coverage in:

- Policy Mf2 which sets out that proposals should include “structural planting, landscaping or networks of green corridors...taking account of and retaining wherever possible existing mature trees and vegetation to create an appropriate urban edge and a functioning interface with existing surroundings”;
- Policy Mf2 which sets out that developer requirements should include a noise impact assessment and a tree survey;
- Policy DS4 Amenity (CD/1-1, Page 14) which considers the impacts of development on noise, light and residential amenity;
- Policy PV7 Woodland, Trees and Hedges (CD/1-1, Page 51) which considers the impacts on trees that contribute to nature conservation, heritage, amenity, townscape or landscape value;
- Policy DS5 Developer Contributions (CD/1-1, Page 15) which sets out that

contributions may be sought for community facilities where proposals result in a need for new, extended or improved public services, community facilities and infrastructure.

The impact on property values is not a planning consideration. In any case, such detailed design issues were considered during the assessment of the planning application (Ref: 13/01184/PPPM) which Angus Council approved on the 17th September 2015 (S4/19-8).

It is acknowledged that brownfield land is available at Ashludie Hospital and the Proposed Plan includes an allocation on that site (Mf1). The capacity of that site would not, however satisfy the housing land requirement for South Angus and additional housing sites are therefore required. The Main Issues Report (2012) (CD/1-11, Pages 9 and 10, Paragraphs 3.12 – 3.16) was clear that this would include greenfield extensions in the SAHMA as there was insufficient brownfield land. For the above reasons, the Council does not agree to modify the Plan in response to this representation.

Mf3 Opportunity Site – Former Monifieth Health Centre – Victoria Street

Comments noted.

Monifieth Omissions

Objections

Barratt North Scotland (PP/00079/1/001) – It is acknowledged that the site north of Ashludie Hospital was presented as the preferred option for a greenfield extension to Monifieth in the Main Issues Report (2012) (CD/1-11, Pages 97 – 99, Paragraphs 21 – 26). Following the Main Issues Report (2012) consultation, the Council considered the consultation responses, the housing land requirement and the technical studies prepared to support the Proposed Plan, including the Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) . Responses from SNH on the Main Issues Report (2012) (S4/19-9) were clear that the preferred option set out (i.e. north of Ashludie Hospital) should be limited to the redevelopment of Ashludie Hospital to mitigate potentially significant landscape and visual impacts. They suggested in their consultation response that development on that site would be in conflict with the ridgeline which significantly contributes to the settlement setting of Monifieth. Conversely, SNH responded on land west of Victoria Street and commented that development of the western part of the site is possible and that there is an opportunity to improve the prominent intrusive settlement edge and impacts of the adjacent A92 corridor.

The Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5, Paragraph 8.3.1 and Paragraph 8.4) sets out that the highest capacity to accommodate development in landscape terms is to the north west of Monifieth where landscape and visual impact arising from settlement expansion would be very low. This part of the land west of Victoria Street is well screened with no views from the A92 and associated cycle/footpath. Although further to the east towards Victoria Street views of the site are more open, development would offer the opportunity to improve the currently prominent settlement edge and mitigate impacts of the adjacent A92 corridor. This supports the SNH conclusions on the Proposed Mf2 allocation (S4/19-9).

New development on the land north and east of Ashludie Hospital would compromise the landscape setting of the town and its landscape features. Ideally in landscape terms development east of Victoria Street should not be considered until capacity of land to the

west is taken up (CD/5-5, Paragraph 8.3.2 and Paragraph 8.4). This technical assessment was also an important consideration in the Council determining the planning applications (Ref: 13/01184/PPPM and 14/00233/PPPM) in December 2014.

The longer term growth strategy for Monifieth will be determined by the ALDP review bearing in mind housing land requirements at that time and the progress on delivery of current sites. Allocating or identifying additional greenfield land at this time is not considered to be appropriate given the location on the edge of the Dundee Core and the existing brownfield site which must be a priority for development / regeneration. It would not be considered appropriate to identify a further site of around 82 Ha in total as outlined in the submission (a 24 ha site that was the subject of planning application Ref: 14/00233/PPPM and a further area of over 60 ha) which could accommodate somewhere in the region of 1000 to 1800 dwellings, as this scale of development would be significantly in excess of the housing land requirement for the SAHMA, and could more than treble the level of allocations made in the Proposed Plan for the SAHMA. For the above reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Monifieth Development Strategy

2. Given the policy support within the plan for enhancing and extending the network of paths and cycleways in Angus, I consider that it is not necessary to insert a similarly supportive statement in each of the settlement strategies.

Mf2 Housing – Victoria Street West

3. This plan is required to be consistent with the requirements of the TAYplan strategic development plan. It is therefore required to allocate sufficient land for housing development in the South Angus housing market area to enable an annual build rate of 80 houses each year to be delivered over the next plan period. While the development of brownfield sites is a priority, the release of greenfield sites is also necessary in order to achieve this and to enable the housing needs and demands of this area to be met.

4. Although outwith Dundee's city boundaries, Monifieth is identified by the strategic development plan as part of the Dundee Core Area which, along with the Perth Core Area, is confirmed as having the potential to accommodate most of the region's development over the plan period. As one of the main settlements within the South Angus housing market area, I have already found at Issue 1 above, that the approach adopted by Angus Council of focusing new housing growth on its main existing settlements is appropriate.

5. In these circumstances, I do not consider that the concerns expressed by the city council regarding the principle of allocating this greenfield site in Monifieth are justified. There have been no objections from transport authorities regarding the traffic implications of a housing development here. I am also satisfied that the policies of the plan provide an appropriate framework for addressing the detailed implications of specific development proposals, including the potential impacts on local residents. Nothing has been drawn to my attention which would indicate that this site would not be an appropriate greenfield release for housing development.

Monifieth Omissions

6. I am satisfied that the council’s allocation of land at Victoria Street West and its omission of land north of the Ashludie hospital site for new housing development have been properly based on an assessment of the landscape capacity of each site. In addition, the scale of the potential greenfield release sought on the latter site would be considerably greater than what is required in order to meet the strategic development plan’s annual house building rate for the South Angus housing market area.

7. As stated above, nothing has been drawn to my attention which would indicate that the Victoria Street West site would not be an appropriate greenfield release for housing development. In these circumstances, I do not consider that the allocation for housing development during this plan period of the land north of Ashludie hospital would be justified. The position can be reviewed when the next local development plan is prepared, in the light of progress achieved, any changes in the continuing needs and demand for additional housing at that time, and the up-dated context which will be set by the next TAYplan strategic development plan.

Reporter’s Recommendations:

No modifications.

Issue 20	Montrose Including Ferryden and Hillside	
<p>Development Plan Reference:</p>	<p>Montrose Including Ferryden and Hillside Settlement Statement, Pages 133 – 144 Montrose including Ferryden and Hillside Development Strategy, Pages 133-134 M1 Housing – Brechin Road, Page135 M2 Housing – Rosemount Road, Hillside, Page 136 M3 Mixed Use – Sunnyside Hospital, Hillside, Page 137 M6 Working – Montrose Port, Page138 M7 Working – Montrose Airfield, Page 139 M8 Working – North of Forties Road, Page 140 M10 Sleepyhillock Cemetery Extension, Page 141 Montrose Inset Map, Pages143 - 144 Montrose Omissions</p>	<p>Reporter: Claire Milne</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>Montrose including Ferryden and Hillside Development Strategy</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/013) TACTRAN (PP/00073/1/019)</p> <p><u>M1 Housing – Brechin Road</u></p> <p><u>Support</u></p> <p>Messrs Baillie & Alexander Middleton (PP/00124/1/001)</p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/057)</p> <p><u>M2 Housing – Rosemount Road, Hillside</u></p> <p><u>Objections</u></p> <p>Woodland Trust Scotland (PP/00099/1/007)</p> <p><u>M3 Mixed Use – Sunnyside Hospital, Hillside</u></p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/014) Coral MacMillan (PP/00083/1/001) Mr & Mrs Smith (PP/00060/1/001) Craig Sweetmore & Jennifer Jamieson (PP/00057/1/001)</p>		

NHS Tayside (PP/00082/1/001, PP/00093/1/001)

Comments

Scottish Environment Protection Agency (PP/00120/1/058)

M6 Working – Montrose Port

Support

Scottish Environment Protection Agency (PP/00120/1/059)
 Scottish Enterprise (PP/00128/1/005)

M7 Working – Montrose Airfield

Support

John Lawrie Group (PP/00122/1/001)

Objections

Scottish Natural Heritage (PP/00064/1/015)

Comments

Scottish Environment Protection Agency (PP/00120/1/060)

M8 Working – North of Forties Road

Objection

Scottish Natural Heritage (PP/00064/1/016)
 Woodland Trust Scotland (PP/00099/1/008)
 Scottish Environment Protection Agency (PP/00120/1/061)

M10 Sleepyhillock Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/062)

Montrose Inset Map

Objection

R Fleming & Co (PP/00115/2/001)

Montrose Omissions

Objections

R Fleming & Co (PP/00115/1/011)

<p>Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/002) Scottish Enterprise (PP/00128/1/004)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>Montrose including Ferryden and Hillside Settlement Statement</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>Montrose including Ferryden and Hillside Development Strategy</u></p> <p><u>Objections</u></p> <p>Scottish Government (PP/00054/1/013) - The LDP should reflect that sites within the Montrose area, which have an impact on the A90/A937 junction at Laurencekirk, will be constrained until a scheme of grade separation is in place at the junction. For consistency, the text of the Action Programme should also reflect the above.</p> <p>Whilst the text included within the sections relating to Montrose allocations outlines the need for Transport Assessment and the potential impact at the A90/A937 junction, it does not address the issue of the potential constraint or the timescales for implementation of a preferred solution, when one is identified. It is considered important that the LDP is clear on the potential implications of this.</p> <p>TACTRAN (PP/00073/1/019) - In support of Policy DS5 it is suggested that the reference to "supporting the enhancement and extension of the network of paths and cycleways around the town" outlined in the Development Strategy for Kirriemuir should also be included in the Development Strategy for Montrose.</p> <p><u>M1 Housing – Brechin Road</u></p> <p><u>Support</u></p> <p>Messrs Baillie & Alexander Middleton (PP/00124/1/001) - Support the continued allocation of this site for housing. The early phases of the wider Brechin Road allocation have been developed and there is significant developer interest in the M1 Brechin Road site. It is an effective housing site that is commercially viable and can be delivered in the plan period.</p> <p><u>Objections</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/057) - It is understood that phase 1 is under construction but it is unclear if further flood risk information is required for phase 2. A review of the previous FRA to include new legislation and all sources of flooding may be required at a planning application stage for further stages of development here and any areas identified at risk of flooding and we therefore require a modification to the developer requirements to include a FRA which assesses the risk from all sources. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. We require a modification to the Developer Requirements to include the assessment of options for morphological improvement including consideration of any culverted watercourses related to the site.</p>	

M2 Housing – Rosemount Road, HillsideObjections

Woodland Trust Scotland (PP/00099/1/007) - The Trust is concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

M3 Mixed Use – Sunnyside Hospital, HillsideObjections

Scottish Natural Heritage (PP/00064/1/014) - There are extensive mature trees and woodland within this site and we recommend the following wording in the 3rd para is inserted: "The brief should include the retention and protection of the existing tree and woodland framework on the site."

Coral MacMillan (PP/00083/1/001) - objects to this proposal and the change of classification for the woodland to the rear of my property currently registered as "Open Space Protection". The change of use would totally change the characteristic of the area, turning it into a dense residential area.

Mr & Mrs Smith (PP/00060/1/001) - Object to removal of designation of open space protection to mixed use site. The reclassification to "Mixed Use Site" does not specifically allow for protection of existing open space to the rear of our property which contains natural wildlife species. Also object due to potential increase in traffic using Houghton Drive which would be contrary to access restrictions contained in legal documentation and inability of Rosemount Primary School to accommodate additional children.

Craig Sweetmore & Jennifer Jamieson (PP/00057/1/001) – Object to the proposed development to the woodland area as various protected wildlife and their habitat would be affected and feel it would have a detrimental effect on the ability to sell property in the area. Also have concerns about the road access to this development as it will increase the road traffic and would increase the likelihood of an accident on Houghton Drive.

NHS Tayside (PP/00082/1/001) - Amend LDP to identify Sunnyside Hospital for mixed use with significant housing component, to recognise abnormal development costs associated with redevelopment of the site and requirement for greenfield development to provide cross funding. To recognise potential of Sunnyside to provide a unique new community, to refer to the 2015 Sunnyside Development Framework rather than the 2002 Development Brief and to recognise the existing lawful use of the site in relation to impact on the A90/A937 junction at Laurencekirk.

NHS Tayside (PP/00093/1/001) - NHS Tayside endorses the representations provided by its agents Jones Lang LaSalle recommending changes and additions to the Local Development Plan which have been sent under separate cover. (See Representations PP/00082/1/001; PP/00082/1/002; PP/00082/1/003; PP/00082/1/004; PP/00082/1/005)

Comments

Scottish Environment Protection Agency (PP/00120/1/058) - Flooding occurred to a property in Hillside from surface water runoff in 2005 and consequently surface water runoff from the nearby hills may be an issue. This may require mitigation measures during the design/planning application stages. The Council may wish to give consideration to the requirement for a FRA or DIA as appropriate to consider the issue of surface water runoff.

M6 Working – Montrose PortSupport

Scottish Environment Protection Agency (PP/00120/1/059) - We note and support the requirement for a flood risk assessment (FRA) as a developer requirement. We require this FRA to assess the risk from coastal flooding. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. The Proposed Plan allocates this area as suitable for port related uses hence we do not require the allocation to be removed. This site would likely be unsuitable for more sensitive uses due to the coastal and surface water runoff risk.

Scottish Enterprise (PP/00128/1/005) - Welcomes the identification of and safeguarding of the Port for port-related activity, and especially that associated with off-shore renewables.

M7 Working – Montrose AirfieldSupport

John Lawrie Group (PP/00122/1/001) - Supportive of Angus Council's proposal to allocate the land for employment development and are committed to ensuring that employment and investment opportunities in Montrose are delivered through this site. However, we are currently prevented from doing so due to the delays caused by Transport Scotland. We are hopeful that this issue can be resolved in order that the planning application can be progressed and development delivered on site.

Objections

Scottish Natural Heritage (PP/00064/1/015) - Development of the site will significantly erode into this coastal zone as well as generating landscape and visual impacts which will be difficult to mitigate. We would be pleased to advise on the development brief, and request the following amendment as underlined: 2nd para 1st bullet: amend to "Appropriate native planting along site perimeters, and retention of a coastal buffer zone in the eastern part of the site."

Comments

Scottish Environment Protection Agency (PP/00120/1/060) - We note that an Environmental Impact Assessment is a developer requirement for this site and that coastal flooding is one of the issues to be addressed. We would highlight that contours and spot heights at this site indicate it lies 8mAOD. Considering recent storm events, the council may wish to consider the issue of erosion during high storm surges and with regard to the Angus Shoreline Management Plan. The Council may wish to consider if

they need specialist advice regarding erosion risks at this location to define if it is vulnerable to erosion and if development is appropriate.

M8 Working – North of Forties Road

Objection

Scottish Natural Heritage (PP/00064/1/016) - This abuts an area of woodland recorded in the Ancient Woodland Inventory as of Long-Established Plantation Origin. We welcome the proposed structural landscaping but recommend the following in order to protect and augment this existing wood: First bullet "structural native woodland planting along the northern and eastern boundaries of the site."

Woodland Trust Scotland (PP/00099/1/008) - The Trust is concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.

Scottish Environment Protection Agency (PP/00120/1/061) - This site is located in or adjacent to the functional flood plain or an area potentially at flood risk. We therefore require a modification to the developer requirements to include a FRA which assesses the risk from the small watercourse which is shown on the boundary of the site. There may be a flow path along the northern boundary which should be investigated. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. The issue of surface water flooding should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.

M10 Sleepyhillock Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/062) - Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.

Cemeteries can have a detrimental impact on groundwater. Their acceptability, including the potential location and scale of development at a site, can be assessed only following intrusive ground investigation. In the absence of such information, we reserve our position on the acceptability of this allocation. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site. It should be highlighted that the findings of the investigation may indicate that the site is not suitable for a cemetery due to an unavoidable impact on groundwater.

Montrose OmissionsObjections

R Fleming & Co (PP/00115/1/011) - R Fleming and Co consider that their 2.1Ha site at Marykirk Road, Hillside should be allocated for 50 houses in the ALDP and included in the settlement boundary. The site has good road links for car and cycle and has a frequent bus service to Montrose where all additional town facilities are located. The site was assessed previously by the Council and considered to accord with the locational strategy for growth, with the main reason provided for not allocating the site relating to their assessment that it is not needed to fulfill the HLR. Having regard to concern over the deliverability of allocated sites and the existing deficit in the housing land supply we consider that this site should be allocated in the ALDP to augment the HLS and ensure a range and choice of deliverable sites in the North Angus HMA.

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/002) - Existing housing land allocations in Montrose are not being delivered as quickly as anticipated. Sites which have been constrained for a long period should be removed from the Plan and new greenfield sites identified to meet the housing land supply requirements identified in the TAYplan. This would accord with SPP which emphasises the importance of the delivery of allocated sites. An additional greenfield site should be identified within the Montrose area to make up for the delay in delivering these brownfield sites which Angus Council acknowledge have not been delivered as quickly as anticipated. An additional greenfield site in Montrose would not undermine the delivery of the brownfield sites as the Housing Land Audit identifies that the proposed build rate in the North Angus Area is relatively low and can sustain additional development. This would supplement the brownfield allocations and ensure an adequate supply of housing land is maintained at all times and would ensure an effective housing land supply is provided in the area, should there be any further delays in the delivery of the existing sites. SPP introduces a new flexibility which enables the Plan to allocate more housing than required to ensure the housing land supply is maintained.

Land adjacent to the settlement boundary at Usan Road would be a logical location for new housing. It is immediately adjacent to the existing settlement and can therefore make efficient use of existing services and local transport links as well as maintaining the viability of local facilities in the area such as the primary school which is under capacity. Development at this location would also support the employment at Montrose Port which is identified as a Strategic Development Area. New housing in this location would create a sustainable settlement by locating housing and employment uses close together which is supported by SPP as well as delivering drainage to mitigate any risk of flooding.

Scottish Enterprise (PP/00128/1/004) – The importance of GSK as the major employer within the area and its significant contribution to economic activity within Angus is recognised. Scottish Enterprise would welcome a specific policy which seeks to protect this valuable asset, and which supports the retention of and expansion of GSK operations to enable it to continue its contribution to economic development and employment generation within Angus.

Montrose MapObjection

R Fleming & Co (PP/00115/2/001) - Consider that R Fleming & Co's area of land ownership has inadvertently not been included within the mixed use zoning on the proposals map and should be re-allocated as a non-notifiable modification.

Modifications Sought by those Submitting Representations:Montrose including Ferryden and Hillside Development Strategy

Scottish Government (PP/00054/1/013) - The LDP and Action Programme should reflect that sites within the Montrose area, which have an impact on the A90/A937 junction at Laurencekirk, will be constrained until a scheme of grade separation is in place at the junction..

TACTRAN (PP/00073/1/019) - The Development Strategy should make reference to "supporting the enhancement and extension of the network of paths and cycleways around the town".

M1 Housing – Brechin Road

Scottish Environment Protection Agency (PP/00120/1/057) - The policy should be amended so that the developer requirements include a FRA which assesses the risk from all sources. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. The developer requirements should also include the assessment of options for morphological improvement including consideration of any culverted watercourses related to the site.

M2 Housing – Rosemount Road, Hillside

Woodland Trust Scotland (PP/00099/1/007) - M3 Rosemount Road Hillside should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

M3 Mixed Use – Sunnyside Hospital, Hillside

Scottish Natural Heritage (PP/00064/1/014) - The following wording should be inserted into the 3rd para: "The brief should include the retention and protection of the existing tree and woodland framework on the site."

Coral MacMillan (PP/00083/1/001); Mr & Mrs Smith (PP/00060/1/001); Craig Sweetmore & Jennifer Jamieson (PP/00057/1/001) - Amend wording to ensure existing woodland and open spaces are protected.

NHS Tayside (PP/00082/1/001); NHS Tayside (PP/00093/1/001) - The following recommendations are made to inform changes/additions to the PLDP:

- The Sunnyside Development Framework should be referred to in place of the now very outdated 2002 Development Brief;

- To identify the site as a mixed use development opportunity with a significant housing component with all housing provision in excess of 265 units to be treated as wind fall - not to be left to be allocated within a future LDP;
- The Sunnyside site has an existing lawful use that requires to be taken into account, specifically with regard to net increases to traffic movements associated with the development of the site and any requirement for mitigation at the Lawrence Kirk Junction.
- The above development management policies contained within the PLDP should be amended as advised;
- That the LDP specifically recognises the abnormal development costs that would be associated with the redevelopment of the site, also specifically recognising that the greenfield development will require to provide appropriate cross funding to tackle the abnormal development costs;
- The evidence base for the affordable housing requirement for the NAHMA should be made clear and the affordable housing requirement should be amended should the evidence base not support 25% across the board.
- Amend wording of Policy M3 Mixed Use - Sunnyside Hospital and include additional associated text within the Plan.

M7 Working – Montrose Airfield

Scottish Natural Heritage (PP/00064/1/015) - 2nd para 1st bullet should be amended to "Appropriate native planting along site perimeters, and retention of a coastal buffer zone in the eastern part of the site."

M8 Working – North of Forties Road

Scottish Natural Heritage (PP/00064/1/016) - First bullet should be amended to read: "structural native woodland planting along the northern and eastern boundaries of the site."

Woodland Trust Scotland (PP/00099/1/008) - M8 Land North of Forties Road should not be taken forward unless concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development. Suitable survey work should be carried out for any potential species present on site to determine the impact any development may have on their populations.

Scottish Environment Protection Agency (PP/00120/1/061) - The policy should be amended so that the developer requirements include a FRA which assesses the risk from the small watercourse which is shown on the boundary of the site. There may be a flow path along the northern boundary which should be investigated. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development.

M10 Sleepyhilllock Cemetery Extension

Scottish Environment Protection Agency (PP/00120/1/062) - The acceptability of a site for cemetery use should be assessed following intrusive ground investigation. If no further information is provided prior to adoption a development requirement should be attached to the site requiring intrusive ground investigation is undertaken in line with our guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32) before any development occurs at the site.

Montrose Omissions

R Fleming & Co (PP/00115/1/011) - Allocate additional site for 50 houses at Marykirk Road, Hillside.

Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/002) - Allocate site at Usan Road for residential development and amend settlement boundary of Ferryden.

Scottish Enterprise (PP/00128/1/004) - SE requests that Angus Council gives consideration to the introduction of a policy to support the retention of and continued expansion of GSK as a major employer within Angus.

Montrose Map

R Fleming & Co (PP/00115/2/001) - Re-allocate site as part of Policy M3 Mixed Use – Sunnyside Hospital as a non-notifiable modification to the ALDP.

Summary of Responses (including reasons) by Planning Authority:Montrose including Ferryden and Hillside Development StrategyObjections

Scottish Government (PP/00054/1/013) - Since publication of the Proposed Plan in February 2015 the NESTRANS "Access to Laurencekirk" Report (June 2015) (S4/20 -1) has identified a grade-separated junction as the preferred option to address capacity issues at the A90/A937 south junction. The costs, potential funding sources and timescale for delivery of such a scheme are the subject of further work and have not been confirmed.

In effect the Scottish Government representation seeks to highlight that development in Montrose will be constrained until a grade separation scheme is in place. It is recognised that proposals in the Montrose area that are likely to generate significant new traffic will be required to provide a Transport Assessment to ascertain whether there is an impact on the A90/A937 junction, and the scale of that impact. The Proposed Local Development Plan currently includes text which recognises potential impacts on the A90/A937 junction and requires a Transport Assessment to be undertaken for the sites allocated within the plan at Montrose. The text is intended to be flexible and allow for a range of mitigation measures to be brought forward, either through condition or developer contribution. In addition, Policy DS2 Accessible Development, (CD/1-1, Page 11) indicates that proposals involving significant travel generation as set out in Appendix 2 – Transport Assessment, (CD/1-1, Page 275) will require to submit a Travel Plan and/or Transport Assessment. The policy in conjunction with Policy DS5 Developer Contributions (CD/1-1, Page 15) also makes provision for appropriate planning obligations including developer contributions towards transport infrastructure.

Notwithstanding these current policy provisions, Angus Council considers that it would be worthwhile highlighting this requirement in the introduction to the Montrose Settlement Statement so that it would apply to all development proposals likely to generate significant new traffic in Montrose and not just those on allocated sites. Without assessing every potential development proposal and its impact, the Council would be unwilling to state that all development in the area will be constrained, especially given the uncertainty about the

potential development proposals impact on the junction and the uncertainty surrounding the timing of the delivery of the identified preferred solution. It is relevant to note that no objection or concern was raised by Transport Scotland in relation to impacts on the A90/A937 junction when they were consulted on a recent planning application for a Hotel (Ref 14/00850/FULL) (S4/20 - 2)) or proposal for a new Pharmaceutical, Manufacturing and Process Facility in Montrose (Ref 14/00697/EIAM (S4/20 - 3)). As set out in the Angus Local Development Plan Transport Appraisal CD/1-4), Angus Council consider that there may be potential for other infrastructure solutions within the local area to reduce and/or mitigate impacts on the strategic road network. Depending on the scale and nature of the impact it is considered that other infrastructure options may merit further investigation by Angus Council and developers.

The need to acknowledge the infrastructure issue for the Montrose area as a whole, and not just for allocated sites is accepted. Consequently, the Council would have no objection to the following addition to the introduction to the Settlement Statement:

“The NESTRANS “Access to Laurencekirk” Report (2015) has identified a need for a grade-separated junction as the preferred option to address capacity issues at the A90/A937 south junction however the costs, potential funding sources and timescale for delivery of the scheme has not been confirmed.

Development proposals in Montrose that are likely to generate significant new traffic will require to submit a Transport Assessment to establish impact on the local and strategic road network including the A90/A937 junction at Laurencekirk. Where impacts are identified, conditions controlling development or requirements for appropriate mitigation including Developer Contributions in accordance with Policy DS5 may be applicable.”

Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

TACTRAN (PP/00073/1/019) - Policy DS2 Accessible Development (CD/1-1, Page 11) requires development proposals to demonstrate that they provide and /or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks. Policy DS3 Design Quality and Placemaking,(CD/1-1, Page 13) sets out that development should connect pedestrians, cyclists and vehicles with the surrounding area and Policy PV3 Access and Informal Recreation (CD/1-1, Page 47) specifically requires new development to incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside. Including the suggested additional bullet at the start of every settlement strategy is not considered necessary or appropriate and would be unnecessary repetition. For these reasons, the Council does not agree to modify the plan in response to this representation.

M1 Housing – Brechin Road

Supporting representation noted.

Objections

Scottish Environment Protection Agency (PP/00120/1/057) - The comments made in relation to flood risk are accepted. Consequently the Council would have no objection to including a Flood Risk Assessment in the developer requirements and would suggest that

the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable amendment to the Plan.

M2 Housing – Rosemount Road, Hillside

Objections

Woodland Trust Scotland (PP/00099/1/007) - Policy M2 states that existing perimeter landscaping will require to be retained and enhanced. In addition, the Protected and Valued Policies (CD/1-1, Pages 44-51) seek to protect and enhance the natural environment of Angus including ancient and semi natural woodland and protected species. It is considered that the issues raised by the representation are adequately addressed by this policy framework and will be considered in the determination of any future planning application for this site. For these reasons the Council does not agree to modify the plan in response to this representation.

M3 Mixed Use – Sunnyside Hospital, Hillside

Objections

Scottish Natural Heritage (PP/00064/1/014); Coral MacMillan (PP/00083/1/001); Mr & Mrs Smith (PP/00060/1/001); Craig Sweetmore & Jennifer Jamieson (PP/00057/1/001) - Sunnyside Hospital Estate contains a number of vacant listed buildings set within an attractive designed landscape of woodland and open space. The regeneration and reuse of the Sunnyside Hospital Estate remains a priority of the Council and forms an important element of the Montrose Development Strategy.

The allocation of the site for mixed use including housing recognises that the site has potential to accommodate a range of different uses. Whilst the whole site is covered by the “mixed use” allocation, this does not mean that all areas within the site boundary are to be developed. The existing development brief for the site approved in 2002 (S4/20 – 4) was prepared by Angus Council in conjunction with NHS Tayside and in consultation with the local community and a range of stakeholders including Scottish Natural Heritage. The approved development brief recognises the biodiversity, amenity and recreational value of existing woodland and open spaces within the site and states that important woodland and open space areas should be retained. It also requires a bat survey to be undertaken prior to development.

The brief also sets out specific access requirements including a Transport Assessment which will identify and address any traffic impact on the local and strategic road network. Consultation with Angus Councils Education Service at the time of plan preparation highlighted no capacity issues in relation to Rosemount Primary School. Notwithstanding, the Protected and Valued Policies (CD/1-1, Pages 44-51) seek to protect and enhance the natural environment including ancient and semi natural woodland and protected species and Policy DS5 Developer Contributions (CD/1-1, Page 15) seeks to secure developer contributions towards new, extended or improved public services, community facilities and infrastructure including Education.

The wording of M3 states that the development brief will be updated to reflect the policies of the LDP. Detailed matters in relation to species and habitat surveys, landscape and open space retention/provision, access and education provision would be appropriately set out in the development brief. Given the policy framework outlined above, the issues

raised by the representations will be adequately considered by the development brief and through the consideration and determination of any future application for planning permission.

Whilst the comment by Mr & Mrs Smith (PP/00060/1/001) regarding the legal restriction on vehicular access from Houghton Drive are noted they do not impact on the suitability of M3 to be allocated for mixed use and would need to be addressed through other legal channels rather than the Proposed Plan. For these reasons the Council does not agree to modify the plan in response to these representations.

NHS Tayside (PP/00082/1/001); NHS Tayside (PP/00093/1/001) - The Sunnyside Hospital Development Brief (S4/20 - 4) was approved by Angus Council in October 2002 following a period of consultation in line with Angus Council procedures. Policy M3 indicates that the brief will be updated to reflect policies of the new Local Development Plan which will be subject to the Councils consultation procedures associated with development briefs and development frameworks. This would allow for consultation with landowners, community councils, members of the public, other Council services, relevant agencies as well as elected members before being presented to an appropriate Committee for approval. The Sunnyside Development Framework 2015 prepared by Jones Lang LaSalle on behalf of NHS Tayside has not been subject to these procedures or endorsed by Angus Council. It would not be appropriate to refer to the framework instead of the existing Council approved development brief.

Given the scale and nature of Sunnyside Hospital Estate it is considered that the site provides opportunity for a mix of land uses including housing. The policy wording allows for 265 houses to be release in the plan period which is a significant number of units and there is no need to modify the wording to highlight this.

Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1- 8). Representations on such matters are set out in the Schedule 4's for Issues1 and 3.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan (2012) (CD/3-1, Page 17) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply / Release, (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

For these reasons the Council does not agree to modify the plan in response to these representations. The Councils response to other matters covered by this representation are set out in the Schedule 4's for Issues 2, 3 and 8.

Comments

Scottish Environment Protection Agency (PP/00120/1/058) – The comments are noted. The site is covered by the Sunnyside Hospital development brief which was approved by

Angus Council in 2002. (S4/20-4) and was prepared in consultation with a range of stakeholders including SEPA. The brief sets out specific requirements in relation to drainage and waste management including the requirement for a surface water management plan to be submitted with any planning application. All relevant policies will be applied at the planning application stage including those set out in Part 2 of the Proposed Plan relating to the water environment. Policy M3 states that the existing development brief will be updated to reflect the policies of the LDP. Detailed matters relating to surface water runoff and mitigation will be covered in the development brief. SEPA will be consulted on the development brief in line with Council procedures and the Council would welcome any input from SEPA when this is being prepared.

M6 Working – Montrose Port

Supporting representations noted.

M7 Working – Montrose Airfield

Supporting representation noted.

Objections

Scottish Natural Heritage (PP/00064/1/015) - The policy wording requires proposals to submit an Environmental Statement to assess development impacts on landscape and visual capacity and identify appropriate mitigation. It further states that a development brief will be prepared which will cover matters including structural landscaping to integrate the site with the landscape. Detailed matters regarding the retention of appropriate buffer zones and the type of planting to mitigate landscape and visual impacts would be most appropriately covered in the development brief. SNH will be consulted on the development brief in line with Council procedures and the Council welcomes the offer from SNH to advise on the development brief. All relevant policies will be applied at the planning application stage including those set out in Part 2 of the Proposed Plan which seek to protect and enhance landscape character. Given the policy framework outlined above, the issues raised by the representations will be adequately considered by the development brief and through the consideration and determination of any future application for planning permission. For these reasons the Council does not agree to modify the plan in response to this representation.

Comments

Scottish Environment Protection Agency (PP/00120/1/060) – Comments noted. As a statutory consultee SEPA will be consulted on any planning application that is submitted and have an opportunity to view and comment on detailed matters as part of that process.

M8 Working – North of Forties Road

Objection

Scottish Natural Heritage (PP/00064/1/016); Woodland Trust Scotland (PP/00099/1/008) - As there is already woodland down the eastern side of the site there is no need to specify structural landscaping down this boundary as a specific requirement. As set out in Policy M8 a development brief will be prepared for the site. Detailed matters regarding the creation of appropriate buffer zones including the type of planting to protect and enhance

the ancient woodland and other matters including the need for species surveys would be most appropriately covered in the development brief. All relevant policies will be applied at the planning application stage including those set out in Part 2 of the Plan (CD/1-1, Pages 44-51) relating to the natural environment, ancient and semi natural woodland and protected species. It is considered the issues raised by the representations will be adequately addressed by the policy framework set out in the plan. For these reasons the Council does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (PP/00120/1/061) - The Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to be a non-notifiable amendment to the Plan.

M10 Sleepyhillock Cemetery Extension

Objections

Scottish Environment Protection Agency (PP/00120/1/062) -The comment made in relation to amending Policy M10 Sleepyhillock Cemetery Extension to include a requirement for a ground investigation survey is accepted. Consequently, the Council would have no objection to including the requirement for a ground investigation survey in the policy and would suggest that the policy is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Montrose Omissions

Objections

R Fleming & Co (PP/00115/1/011); Bon Accord Land Ltd & Stewart Milne Homes (PP/00121/1/002) - These representations seek additional greenfield housing land allocations on sites adjacent to the settlement boundary at Ferryden and Hillside.

Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1- 8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan (2012) (CD/3-1, Page 17) for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release, (CD/1-1, Page 19) allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1, Page 21).

In the context of Montrose, sites within the settlement boundary including greenfield sites at Brechin Road and Rosemount Road have been allocated. The site at Brechin Road has an extant planning permission (Planning Application Ref 14/00136/FULM) , initial

phases of development are nearing completion and the representation by Messrs Baillie & Alexander Middleton (PP/00124/1/001) indicates there is active interest by a housebuilder in developing the site. These allocations augment the existing supply of housing land in the North Angus Housing Market Area. It is not considered that further allocations are required to meet the housing land requirements or provide a generous supply of land for housing.

Whilst both sites were put forward during the Angus Local Development Plan “Initial Awareness Raising Exercise” they were not included as a potential development area in the Angus Local Development Plan Main Issues Report (2012) (CD/1-11, Pages 101-108) as there was sufficient land available within the settlement boundary to meet the requirements of TAYplan. Consequently the sites have not been subject to the necessary assessments and appraisals (including Strategic Environmental Assessment, Habitat Regulations Appraisal, Strategic Flood Risk Assessment and Transport Appraisal) or public consultation as part of the Plan process which have been undertaken for other sites in the Proposed Plan. For these reasons the Council does not agree to modify the plan in response to these representations.

Scottish Enterprise (PP/00128/1/004) - Policies TC14 Employment Allocations and Existing Employment Areas, and TC15 Employment Development, Pages (CD/1-1, Pages 34 - 35) seek to protect existing employment areas, support further economic development and provide a flexible approach to accommodating business needs on appropriate sites across Angus. The inclusion of Policy M6 Working - Montrose Port (CD/1-1, Page 138) complies with TAYplan Strategic Development Plan (2012) Policy 4 (CD/3-1, Page 15) which identifies Montrose Port as a Strategic Development Area for port related uses. Whilst the Council recognise the importance and contribution of GSK to the economy of Angus, it is considered that Policies TC14 and TC15 provide sufficient protection to existing employment areas such as the GSK facility and opportunity to expand. It is considered that there is no requirement to include a specific policy relating to the GSK facility. For these reasons the Council does not agree to modify the plan in response to this representation.

Montrose Map

Objection

R Fleming & Co (PP/00115/2/001) - The Development Brief for Sunnyside Hospital approved by Angus Council in 2002 (S4/20-4) was prepared in consultation with Angus NHS Tayside Trust. The site area covered by the Brief was understood to be land owned by NHS Tayside and was based on information provided by Angus NHS Tayside Trust at that time. This area is reflected on the Montrose Inset map within the Angus Local Plan Review (2009) (CD/4-1). More recently, consultants working on behalf of NHS Tayside have confirmed that their land ownership excludes the woodland and “paddock” area owned by Mr Fleming. Notwithstanding these different ownerships, the hatched area covered by M3 on the Montrose Inset map (CD/1-1, Page 142) is a graphical omission and should have included the land to the north to ensure consistency with the approved Development Brief.

The comments made in relation to the site boundary are accepted. Consequently the Council would have no objection to an amendment to the Montrose Inset map. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Reporter's Conclusions:Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Montrose including Ferryden and Hillside Development Strategy

2. In the course of the examination, the council informed me that a funding package to support delivery of a new grade separated junction at A90/A937 at Laurencekirk had been announced by Scottish Government in January 2016. In responding to this matter, the council was asked to suggest appropriate wording relating to this issue to be inserted within the plan. The council responded with the following:

3. "The NESTRANS 'Access to Laurencekirk' Report (2015) has identified a need for a grade-separated junction as the preferred option to address capacity issues at the A90/A937 south junction. A funding package was announced in January 2016 to support delivery of a new grade separated junction however, the total costs, potential additional funding sources and timescale for delivery of the scheme have not been confirmed. Development proposals in Montrose that are likely to generate significant new traffic will require to submit a Transport Assessment to establish impact on the local and strategic road network including the A90/A937 junction at Laurencekirk. Where impacts are identified, conditions controlling development or requirement for appropriate mitigation including Developer Contributions in accordance with Policy DS5 may be applicable."

4. In response to the above, Transport Scotland, on behalf of Scottish Government, provided an updated position. They confirmed that with the announcement, although work on the design and construction of the junction will be brought forward, there are no definite timescales for its delivery. Until the upgrade is complete, any development which will potentially add traffic to the junction, will require to be discussed with Transport Scotland. Proportionate contributions from new development which impact on the junction are still required and new development may be constrained until the new junction is in place.

5. Developers and landowners, who have made representations in relation to Issue 20, were asked to comment on the above responses. John Lawrie Group was the only party to provide comments, however these were mainly expressed in the context of their site M7 - Montrose Airfield. The comments from John Lawrie Group indicate that the wording suggested by the council should be amended as follows: "Unless it can be shown that undue harm will result, a phased approach shall be agreed for this development".

6. I note the general concerns of John Lawrie Group regarding restricting the development of the site M7 – Montrose Airfield until a junction is in place. However, these concerns are not unique to this site; they apply to all significant traffic generating development within Montrose. The council's suggested wording does not require mitigation and developer contributions in all instances. Impacts on the junction will be informed by a transport assessment. Policy DS5 allows for the impact of developer

contributions on the economic viability of individual proposals to be considered and the recommended modification set out in Issue 2 would ensure that supplementary guidance on developer contributions is consistent with the policy set out in Circular 3/2012. I consider that this provides sufficient safeguards to ensure that development viability and consistency with national policy is adequately considered in negotiating developer contributions.

7. The suggested wording also proposes conditions to control development, which could include matters such as the phasing of development. The use of such conditions is suggested as an alternative to mitigation or contributions, not in addition to, and I consider that this goes some way to meeting the concerns expressed by John Lawrie Group. Therefore, I do not accept the revised wording provided by John Lawrie Group, which relates specifically to M7 – Montrose Airfield, and to which they have made no objection resulting in an unresolved representation.

8. Transport Scotland on behalf of Scottish Government accept the suggested wording provide by the council. I agree that inserting this statement upfront within the Settlement Statement would ensure that it applies to all development proposals likely to generate significant new traffic and not just allocated sites. This conclusion negates the need for similar statements relating to the A90/A937 junction to remain against each of the developer requirements for sites M1, M2, M3, M7 and M8. Therefore, these statements should be removed to avoid repetition.

9. The bullet points listed under the development strategy for Montrose including Ferryden and Hillside at page 134 of the plan, set out the council's expectations with regard to new development. The bullet points translate the development strategy for Angus at a settlement level in relation to Montrose, Ferryden and Hillside. They are not intended to cover every aspect and are to be read as a whole alongside the development strategy for Angus and the policies of the local development plan. A requirement to support the provision and enhancement of the network of paths and cycleways is already reflected in the policies of the plan within: Policy DS2 Accessible Development; Policy DS3 Design Quality and Placemaking; and Policy PV3 Access and Informal Recreation. Therefore, I agree with the council that inclusion of the text suggested by TACTRAN is not necessary and is repetitious.

M1 Housing – Brechin Road

10. In view of the evidence from the Scottish Environment Protection Agency on the history of flooding in the area, and the potential risk from the Tayock Burn which runs through the site, I consider it would be appropriate to amend the plan to include a requirement for a developer to undertake a flood risk assessment to inform the scale, layout and form of the development.

11. In addition, as suggested by the Scottish Environment Protection Agency, I also consider it is appropriate to require an assessment of options for morphological improvement including consideration of any culverted watercourses related to this site.

M2 Housing – Rosemount Road, Hillside

12. The developer requirements for this site include the retention and enhancement of existing perimeter landscaping. This would include the existing woodland around the edge of the site. Policy PV7, which seeks to identify, protect and enhance ancient semi-

natural woodland, would also protect remaining areas of woodland within and adjacent to the site. The recommended modification to Policy PV7 at Issue 8 gives greater weight to the protection of ancient semi-natural woodland, consistent with Scottish Planning Policy. For these reasons therefore, I do not accept that this site should not be allocated for development. Nor do I consider it appropriate to include within the plan the requirement for a yet undefined, woodland buffer.

M3 Mixed Use - Sunnyside Hospital, Hillside

13. Although I have no remit to examine the approved development brief for this site, I note that it provides a map of all policy woodland and formal open space to be retained on the site. This is reinforced by the requirement for a survey of all trees within the site and the need for long-term maintenance, considered important to sustaining the character of the Sunnyside Hospital Estate.

14. Within the plan, proposals should be in accordance with the approved development brief, which will be updated as appropriate to reflect the policies of the local development plan. Policy PV7 ensures that development proposals protect and retain woodland, trees and hedges, and the recommended modification to Policy PV7 in Issue 8 gives greater emphasis to the implementation of an approved woodland management plan. Given the context provided by the brief and Policy PV7, I do not consider it necessary to include a specific requirement within the plan that the brief should include the retention and protection of the existing tree and woodland framework on this site.

15. Concerns are raised over the reclassification of this site for mixed use. The adopted local plan review designates certain areas and buildings within the Sunnyside Hospital Estate as an opportunity site with many of the undeveloped areas identified with open space protection. This status of land within the site is also reflected in the approved development brief.

16. The annotation on the proposals map for Montrose including Ferryden and Hillside shows the whole site covered by a mixed-use designation. M3 specifically allocates the site for mixed-use development including residential, business, hotel and hostels, residential institution, assembly and leisure and community uses. A total of 265 dwellings are identified for the whole plan period.

17. Local concerns are expressed that the areas previously protected as open space are now to be developed, affecting protected wildlife and their habitats. The council insists that not all the areas within the site boundary are to be developed and relies on the content of the approved development brief as justification for this. The brief identifies important woodland and areas of open space to be retained and recognises the biodiversity, amenity and recreational value that these features provide.

18. Although I have no remit to examine the approved development brief, I note that it sets out the characteristics and important open space features on the site. The plan also provides a number of policies that seek to protect such features. Policy PV2 provides a degree of protection to existing open space areas including smaller spaces not identified on the proposal map. Policy PV5 provides support for the protection and enhancement of protected species including their habitats, roost or nesting places. Policy PV7 protects existing woodland, trees and hedges that contribute to nature conservation, heritage or local amenity. Therefore, I consider that the policies of the plan, and the context provided by the brief, provide adequate protection for the open space areas within the site.

19. Local concerns are raised over resulting traffic and road access to the site including a specific restriction in terms of access via Houghton Drive. Any development proposals for the site will require a transport assessment to be submitted that will establish the impact on the local road network and suitable road access. These detailed matters, which are yet to be determined, do not affect the principle of a mixed-use allocation for this site which I consider appropriate.

20. With regard to impacts on local schools, the council has confirmed that school capacity exists and developer contributions would be sought for infrastructure, including education, should this be required.

21. The owner of the site, NHS Tayside has submitted a development framework to inform the redevelopment of the site. The framework is argued to be more up to date and therefore more relevant than the 2002 approved brief. I have no remit to comment on the merits or otherwise of the approved development brief or the development framework. I find that the reference in the plan that proposals should be in accordance with the approved development brief, updated as appropriate, provides sufficient clarity for developers of this site.

22. The matter of abnormal costs is dealt with in Issue 2 and specifically referred to in the preamble to Policy DS5. The plan recognises that abnormal costs could be a factor in assessing the economic viability of individual proposals and any developer contributions. Therefore, I do not consider it necessary to include a specific reference to abnormal development costs in relation to this site. Factors that may affect the redevelopment of the site and the overall density are matters of detail for specific proposals. In the same context, I do not agree that the plan should recognise that this site might yield more than 265 residential units in order to address abnormal development costs. Although the site may be capable of accommodating more units than the allocation identifies, this will depend upon a range of factors including the type of new homes proposed, as well as other detailed considerations. Even though the figures are not referred to as indicative, there is no suggestion within the plan that they must be adhered to rigorously. The position remains to be finalised once a precise form of development emerges which accords with all of the planning authority's expectations and plan requirements. The main outcome should be to produce a high standard of development rather than be constrained by exact numbers. However, it is not for the plan to predict or restrict the outcome of that design process and therefore any increase in capacity at this stage is not justified.

23. With regard to net increases in traffic movements associated with the development and impacts on the A90/A937 junction at Laurencekirk, it is my understanding that the guidance produced by Transport Scotland governing transport assessments, allows for vehicle trips associated with the former use of the site to be considered in the overall assessment. Therefore, I do not consider it necessary to include a specific requirement within the plan to cover this matter.

M7 Working – Montrose Airfield

24. The bullet points listed under M7 Working – Montrose Airfield are not intended to cover every aspect and are to be read as a whole alongside the policies of the plan. The plan requires an environmental statement for this site, which will cover matters such as ecology, landscape and visual capacity, and any necessary mitigation required. This will be supported by a development brief, which will consider the structural landscaping required to integrate the site with its surroundings. Among other issues, the preparation

of the brief will consider the more detailed matters such as the need for an appropriate buffer zone and appropriate types of planting. The application of relevant policies set out within Part 2 of the plan will also ensure that these matters are fully considered. Therefore, I do not consider it necessary to include a specific requirement within the plan to cover these matters.

M8 Working – North of Forties Road

25. The bullet points listed under M8 Working – North of Forties Road are not intended to cover every aspect and are to be read as a whole alongside the policies of the plan. Policy PV7 seeks to identify, protect and enhance ancient semi-natural woodland and the recommended modification at Issue 8 gives greater weight to the protection of ancient semi-natural woodland, consistent with Scottish Planning Policy.

26. The first bullet point in relation to this allocation refers to the need for structural landscaping along the northern boundary of the site. Although the preparation of the development brief will outline any buffer zones and suitable woodland enhancement, the existence of an area of ancient woodland adjacent to the eastern edge of the site is not fully acknowledged within the plan. Therefore, the request by Scottish Natural Heritage to include a reference to structural native woodland planting along the northern and eastern boundaries of the site is accepted.

27. Given the possibility of flooding on this site from the small watercourse along the boundary of the site, I also consider that it would be appropriate to require a flood risk assessment to be undertaken prior to development to inform the scale, layout and form of development.

M10 Sleepyhillock Cemetery Extension

28. I agree that it is appropriate for intrusive ground investigations to be undertaken to confirm this site's suitability for use as a cemetery extension and for this requirement to be included within the plan.

Montrose Omissions

29. Issues relating to the scale of housing land release in the North Angus housing market area, which includes Montrose, Ferryden and Hillside, are considered at Issue 3 and within the council's housing background paper. Consistent with the TAYplan strategic development plan, the area of Montrose, Ferryden and Hillside represents one of the Tier 2 settlements where the majority of new housing is to be located. The local development plan is required to allocate sufficient land for housing development in north Angus to enable the average annual build rate of 80 houses to be delivered over the plan period. Along with sites in Brechin, the allocated sites in Montrose, Ferryden and Hillside are intended to deliver the majority of the housing requirement without the need for further greenfield allocations. Issue 3 concludes that sufficient residential sites are identified within the plan to meet the housing requirement.

30. The Council has confirmed in response to a further information request that all sites allocated in the proposed plan are considered to be effective using the definitions given in Scottish Planning Policy and PAN 2/2010. This includes the new allocations at M1 Brechin Road, M2 Rosemount Road and M3 Sunnyside Hospital, which will contribute towards a range of sites and locational choice within the settlement. Within the agreed

2015 housing land audit (CD/5-3), the programming for these sites indicates that they will make a significant contribution to the five-year effective housing land supply. Should a shortfall in the five or seven-year effective housing land supply arise in the future, the plan, as recommended to be modified, provides a mechanism through Policy TC1 to enable planning permission to be granted for other sites.

31. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. I have not found any of the allocated sites in north Angus to be inappropriate for development or there to be a deficiency in the scale of the land being released for housing. In these circumstances, where the proposed housing land supply is both appropriate and sufficient, it is not necessary to examine the merits of potential alternative or additional housing sites. Therefore, I do not accept the need for the identification of further greenfield land releases within Montrose, Ferryden and Hillside, and do not support the allocation of land at Marykirk Road, Hillside or Usan Road, Ferryden.

32. The site occupied by Glaxo Smith Kline is within the development boundary of the settlement and recognised as an existing employment area. Policy TC14 and Policy TC15 provide a degree of protection for employment uses on the site as well as supporting suitable expansion opportunities. Therefore, I agree with the council that there is no need to include a specific policy within the plan to protect the facility or to enable it to expand.

Montrose Map

33. The exclusion of the area comprising woodland and a paddock to the north of Sunnyside Hospital from the boundaries of the allocated site M3, appears to have been due to a drafting error. I accept the explanation given by the council that this site was originally intended to be included in the allocation. Therefore, I consider that the allocation of site M3 should be amended to include this area of ground.

Reporter's Recommendations:

Modify the local development plan by:

1. Within the introduction to the Settlement Statement for Montrose including Ferryden and Hillside on page 133 of the plan, inserting the following after the seventh paragraph: "The NESTRANS 'Access to Laurencekirk' Report (2015) has identified a need for a grade-separated junction as the preferred option to address capacity issues at the A90/A937 south junction. A funding package was announced in January 2016 to support delivery of a new grade separated junction, however the total costs, potential additional funding sources and timescale for delivery of the scheme have not been confirmed. Development proposals in Montrose that are likely to generate significant new traffic will require to submit a transport assessment to establish impact on the local and strategic road network including the A90/A937 junction at Laurencekirk. Where impacts are identified, conditions controlling development or requirement for appropriate mitigation including Developer Contributions in accordance with Policy DS5 may be applicable."

2. On pages 135, 136, 137, 139 and 140, replacing the two sentences dealing with the A90/A937 junction, within the developer requirements for sites M1, M2, M3, M7 and M8, with a sentence that reads: "Proposals should be supported by a Transport Assessment".

3. On page 135, 'M1 Housing – Brechin Road', adding a fifth paragraph as follows:
"Proposals should be supported with the submission of a Flood Risk Assessment which assesses the risk from all sources. The assessment of options for morphological improvement including consideration of any culverted watercourses related to the site will also be required."
4. On page 140, 'M8 Working – North of Forties Road', amending the first bullet as follows: "structural landscaping and native woodland planting along the northern and eastern boundaries of the site to safeguard...."
5. On page 140, 'M8 Working – North of Forties Road', adding a final bullet as follows: "supporting information including a Flood Risk Assessment".
6. On page 141, 'M10 Sleepyhillock Cemetery Extension', adding a final sentence as follows: "Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."
7. On the proposals map after page 142 (Montrose including Ferryden and Hillside Inset Map 7), amending to include within the hatched area for M3 Mixed Use – Sunnyside Hospital, Hillside, the land referred to in the representation by R Fleming & Co (PP/00115/2/001).

Issue 21	North Angus HMA	
Development Plan Reference:	Edzell Settlement Statement , Pages 145 - 148 E1 Housing – East of Duriehill Road, Page 146 E2 Opportunity Site – Former Mart, Lethnot Road, Page147 Edzell Omissions Villages, Pages 161-260 Barnhead Omission, Page 172 Rossie Mills Settlement Boundary Omission Rossie Braes Settlement Boundary Omission	Reporter: Claire Milne
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>E1 Housing – East of Duriehill Road</u></p> <p><u>Objections</u></p> <p>Charles Simpson (PP/00002/1/001) Mr & Mrs Leslie (PP/00077/1/001) DLB Scotland Ltd (PP/00104/1/001) Norma Wond (PP/00008/1/001) Alan Budge (PP/00068/1/002) Adam C Lindsay (PP/00053/1/001) Karen Morrison (PP/00066/1/002) Dalhousie Estates (PP/00098/1/001) Scottish Environment Protection Agency (PP/00120/1/039)</p> <p><u>Comments</u></p> <p>Inveresk Community Council (PP/00086/1/001)</p> <p><u>E2 Opportunity Site – Former Mart Lethnot Road</u></p> <p><u>Objections</u></p> <p>Alistair J Lee (PP/00029/1/001) Scottish Environment Protection Agency (PP/00120/1/040)</p> <p><u>Comments</u></p> <p>Charles Simpson (PP/00002/1/002) Inveresk Community Council (PP/00086/1/002) John Wibberley (PP/00014/1/001)</p> <p><u>Edzell Omissions</u></p> <p><u>Objections</u></p> <p>Alan Budge (PP/00068/1/001) DLB Scotland Ltd (PP/00104/1/002)</p>		

<p>Charles Simpson (PP/00002/1/003)</p> <p><u>Barnhead Omissions</u></p> <p><u>Objections</u></p> <p>J C Fleming & Partners (PP/00020/1/002)</p> <p><u>Rossie Mills Settlement Boundary Omission</u></p> <p><u>Objections</u></p> <p>D Ogilvie (PP/00102/1/012)</p> <p><u>Rossie Braes Settlement Boundary Omission</u></p> <p><u>Objections</u></p> <p>Mrs A Ogilvie (PP/00108/1/012)</p>	
<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>The North Angus Housing Market Area: Rural Service Centre and Villages</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>E1 Housing – East of Duriehill Road</u></p> <p><u>Objections</u></p> <p>Charles Simpson (PP/00002/1/001) - Cannot support development in this area for reasons including restricted access due to on street parking, implications for pedestrian safety and odour from nearby sewage works.</p> <p>Mr & Mrs Leslie (PP/00077/1/001) - Object to allocation as the proposed access along Duriehill Road is not wide enough to cope with the additional traffic due to existing on street parking which reduces the road to single file and makes turning into Lindsay Place difficult for emergency vehicles attending the sheltered housing and residents in Duriehill Road. A new access taken off Lindsay Place this would mean the removal of the existing skip site and garages and alterations to the playing fields. The entrance into Inglis court sheltered housing is narrow and difficult to enter and exit and would not be safe for pedestrians or road users. Edzell needs a mixture of smaller affordable houses for first time buyers and the younger generation. The new school does not have the capacity to accommodate many more children.</p> <p>DLB Scotland Ltd (PP/00104/1/001) - DLB Scotland Ltd promotes the allocation of land at east mains Farm and objects to the allocation of the proposed housing Site E1 - East of Duriehill Road which should be deleted. DLB Scotland Ltd.'s representation is supported by six documents as follows:</p> <ul style="list-style-type: none"> - Objection Statement, prepared by Maria Francké Planning - Site Appraisal & Indicative Spatial Masterplan Report, prepared by Brindley 	

Associates Ltd

- Landscape & Visual Impact Assessment, prepared by Brindley Associates Ltd
- Transport Statement, prepared by Stuart Burke Associates
- E1 Site Appraisal, prepared by Brindley Associates Ltd
- Transport, Access and Connectivity Statement, prepared by Stuart Burke Associates

Norma Wond (PP/00008/1/001) - This proposal will drastically affect the outlook from my property. The access road along Duriehill Road is congested at present and construction traffic in the early stages will cause problems and potentially traffic from another 50 homes will make it much worse. The school in Edzell is barely big enough for the existing population. 50 extra homes will possibly provide another 100 pupils which will affect the education of the present school roll. I question whether the present sewage system could handle this new development.

Alan Budge (PP/00068/1/002) - The proposed site to the East of Duriehill does not have good links to the High Street due to the nature of the road, housing style, existing on street parking thus presently causing traffic issues. An extra 50 houses accessed via Dureihill the road would be gridlock and there is no obvious practical alternative. Emergency services already have issues with access down Duriehill and into Lindsay Place. The walkways are also sub standard and would not facilitate modern requirements. Traffic with people working in Aberdeen from this site would have to travel through Duriehill onto Inveriscady Street then up the High Street over the roundabout past the Health centre and the School. Straun Quarry is not mentioned in the plan although it is relatively close to the proposed site. Straun has a 30 year licence and will be quarried North towards the village, therefore being even closer to the village and the proposed development. At a public meeting, members of the community made it very clear that nobody thought the proposed site was a good idea. I find it strange that the proposed site is proposed despite it being quoted that an Odour Impact Assessment will be required. Surely this should have been done prior to any proposal as it could make the site null and void.

Adam C Lindsay (PP/00053/1/001) - I object to Angus Council's proposal to build around 50 houses on 6.2 ha of land east of Duriehill Road, Edzell. I feel that using Duriehill Road as access is totally unacceptable. At present, parked cars take up most of one side of the road. On several occasions recently, emergency vehicles have been called to homes in the street and as there is no room to park the said vehicles have had to double park thus blocking the street, sometimes for long periods of time. When this happens, no other vehicles can leave or enter the top end of Duriehill Road, Lindsay Place, Inglis Court and North Esk View. I recommend that alternative access is found if this site is to be used for building.

Karen Morrison (PP/00066/1/002) - Duriehill Road is already congested with very limited parking facilities resulting in residential parking that takes up one lane at present. The introduction of this road as the main access to the proposed development will only exacerbate this situation resulting in disruption to the residents and possible difficulty for emergency vehicles. Perhaps an alternative access route to the South of the existing houses could be examined.

Dalhousie Estates (PP/00098/1/001) – As owner of the site, Dalhousie Estates support the principle behind allocation E1. The land meets the tests of effectiveness provided in PAN 2/2010, is within walking distance of the village centre, health facilities, primary school and open space/play areas. A sensitively designed housing layout which promotes

footpath and cycle linkages onto Duriehill Road and Lindsay Place offers the potential to facilitate high levels of non-vehicular usage. The allocation is supported by the Council's landscape capacity assessment commissioned to inform the preparation of the Proposed Plan.

Following an assessment of the site and its potential to advance the 'placemaking' principles promoted by policy DS3, Dalhousie Estates submit a number of modifications are made to allocation E1 and the settlement plan. The proposed modifications respond to the following planning issues:

1. Recognition that land east of Duriehill Road has the capacity to accommodate a greater number of houses than the 50 dwellings stated. At 6.2 hectares (gross), the sites net capacity is estimated at 4 hectares (net) which, at a density of 20 dwellings per hectare, equates to 80 dwellings.
2. The 6th bullet point in allocation E1 requires a "Design and layout which does not prejudice future expansion and connection to adjacent areas of land".
3. The concerns raised by local residents on increasing vehicular traffic on Duriehill Road and Lindsay Place.
4. The ability to provide an alternative vehicular access to site E1 off Inveriscandye Road, as shown on Figure 1, which removes additional traffic on Duriehill Road and Lindsay Place and puts in place physical infrastructure to meet future housing demands for the village.
5. Undertaking structural landscaping along the eastern boundary of the road leading to the sewage treatment works responds to the conclusions reached in the Council landscape capacity study in section 10.3.5 (Appendix 1).

Scottish Environment Protection Agency (PP/00120/1/039) - This site is located in or adjacent to the functional flood plain or an area potentially at flood risk. We therefore require a modification to the developer requirements to include a FRA which assesses the risk from the North Esk. This should be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. However, we note from the SEA that the site is considered to be at low risk of flooding due to its height above the River. We would welcome clarification on this issue.

Comments

Inveresk Community Council (PP/00086/1/001) - While there was clear opposition to this site at the ICC meeting, the overall balance of opinion is that this site would be the most appropriate location for additional housing in Edzell. However vehicular access to the site due to the presence of on street parking is not properly addressed. Residents have queried how Duriehill Road, Durie Place, Inveriscandye Road and Ramsay Street, could be improved to facilitate access for approximately 100 vehicles, how would emergency vehicles would access the site and how road safety for children and other pedestrians be assured if 50 houses were to be built. This is all dependent on the exact siting of the proposed development which could entail an access road to the south of the arch causing traffic problems and further reducing the attractiveness of the approach to the village. There is no mention of the sand and gravel quarry at Struan, approximately 1km south of the proposed site which will be in production for the next 30+ years and will be excavating to the north of their present base site which could create future noise issues for the proposed housing development.

E2 Opportunity Site – Former Mart Lethnot RoadObjections

Alistair J Lee (PP/00029/1/001) - Object to inclusion of Old Mart site for development as it would cause risk of flooding in north of village and the requirement for a Flood Risk Assessment will not address potential impact on 3rd parties outwith the development site. Rather than being viewed as brownfield opportunity site it should be protected and valued. This is backed up by reference in the Plan to its "semi natural appearance". The Edzell Landscape Capacity Study which informed the Proposed LDP considers there to be no capacity for urban extension north of Lethnot Road therefore why is it an opportunity site. Disconcerting that the Proposed LDP has a "presumption in favour of sustainable development" while presenting the Old Mart as an "Opportunity Site". The application of these two principles in parallel with regard to the Old Mart site does not engender any feeling of confidence that absolute rigour will be exercised throughout the Planning process in assessing any proposals that may be forthcoming.

Scottish Environment Protection Agency (PP/00120/1/040) - The Wishop Burn appears to be culverted through the site. There may be opportunities in these locations to restore the water environment to its natural state by removing the culvert. We therefore require that the developer requirements are modified to require a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for channel restoration.

We would highlight that there has been flooding downstream along the Whishop Burn including adjacent to Castle Gardens, Dunlappie Road, Church Street, and Lethnot Road in 1985, 2009, and 2012. We support the developer requirement for a flood risk assessment. This should assess the risk from the Wishop Burn which appears to be culverted through the site.

Comments

Charles Simpson (PP/00002/1/002) - Development in this area needs careful assessment of ongoing problem regarding flooding in the Castle Gardens and Dunlappie Road.

Inveresk Community Council (PP/00086/1/002) - Whilst residents agree that residential development north of Lethnot Road would not be appropriate there is some concern that any form of small scale rural employment facility on this site would set a precedent for future residential development and they would like reassurance that this will not occur. Apart from a previous application for a Visitor Centre on the site we are unaware of any further interest in small scale rural employment use for the site though the site would lend itself to small artisan-style businesses which could benefit from a footpath link to the Muir and would provide local employment and attract tourists.

John Wibberley (PP/00014/1/001) - Any development of the former Mart will impinge upon my view of the hills to the North from my property. Furthermore such development may increase traffic in front of property with additional noise. These factors will reduce values of properties in Castle Gardens.

Edzell OmissionsObjections

Alan Budge (PP/00068/1/001) - The East Mains Farm was proposed earlier in the process but was rejected. That site in my opinion is best placed for any new housing, contrary to previous statements the site is integrated to the village because as mentioned new housing is presently being built on the grounds of the old farm buildings thus dispelling the defence that it wasn't integrated. Access to new housing there would be easy directly from the B966 and the site is also much closer to the major amenities, namely School, Edzell Muir (play park), health centre, church, bus route, pharmacy and hotel. This site also links directly to a major footpath unlike the proposed site. As the village appears to have the majority of people working in Aberdeen, that means people would exit the site and head North away from the village, thus having little effect on the High Street.

DLB Scotland Ltd (PP/00104/1/002) - DLB Scotland Ltd proposes the allocation of land in the north east of Edzell for housing development and requests that the boundary of the village is amended to include the site and that an allocation is made for 15.03 hectares of land at East Mains for residential development of around 230 dwellings. DLB Scotland Ltd.'s representation is supported by six documents as follows:

- Objection Statement, prepared by Maria Francké Planning
- Site Appraisal & Indicative Spatial Masterplan Report, prepared by Brindley Associates Ltd
- Landscape & Visual Impact Assessment, prepared by Brindley Associates Ltd
- Transport Statement, prepared by Stuart Burke Associates
- E1 Site Appraisal, prepared by Brindley Associates Ltd
- Transport, Access and Connectivity Statement, prepared by Stuart Burke Associates

Charles Simpson (PP/00002/1/003) - Previous Local Plans have strongly made the point that ribbon development in Edzell was not to be allowed. Perhaps it is now time to reconsider that statement and some thought given to development of the ground behind the School towards the wood with access being provided onto the main road beyond the School.

Barnhead OmissionsObjections

J C Fleming & Partners (PP/00020/1/002) - Object that the development boundary of Barnhead Village is to remain unchanged and propose that it is extended to include part/all of 1 of 3 contiguous areas shown on attached plan. Barnhead represents a desirable location close to Montrose, amending the settlement boundary would not have a major impact on the village, the landscape is sufficient to accommodate some development in this location and would help meet local housing demand and increase range and choice of locally available housing.

Rossie Mills Settlement Boundary OmissionObjections

D Ogilvie (PP/00102/1/012) – The Plan should identify a settlement boundary around Rossie Mills allowing 0.9ha of land for 4 to 6 detached houses. A more flexible approach

should be taken to allowing new housing in settlements without defined LDP boundaries. We supported the MIR preferred option to review the boundaries of smaller settlements.

It is considered that the LDP is flawed in not comprehensively assessing settlements boundaries and would have allowed certainty on the scale of development acceptable in existing settlements having regard to encouraging appropriate small scale development in appropriate locations, whilst also protecting the wider countryside and landscape from inappropriate development.

Rossie Braes Settlement Boundary Omission

Objections

Mrs A Ogilvie (PP/00108/1/012) – The plan should identify a settlement boundary around Rossie Braes allowing 0.2ha of land for 2 detached houses to the west of Saty Dyke to be developed for modest infill residential development. A more flexible approach should be taken to allowing new housing in settlements without defined LDP boundaries. We supported the MIR preferred option to review the boundaries of smaller settlements.

It is considered that the LDP is flawed in not comprehensively assessing settlements boundaries and including well related sites and development in such boundaries, encouraging small scale development in appropriate locations whilst protecting the wider countryside and landscape from inappropriate development.

Modifications Sought by those Submitting Representations:

E1 Housing – East of Duriehill Road

Objections

Charles Simpson (PP/00002/1/001); Mr & Mrs Leslie (PP/00077/1/001); DLB Scotland Ltd (PP/00104/1/001); Norma Wond (PP/00008/1/001); Alan Budge (PP/00068/1/002) - Delete site.

Adam C Lindsay (PP/00053/1/001) and Karen Morrison (PP/00066/1/002) - Alternative access for this site should be considered.

Dalhousie Estates (PP/00098/1/001) - Dalhousie Estates submit that the following modifications are made to allocation E1 statement on page 146 and the corresponding settlement plan on page 148, as shown on Figure 1:

1. Insert the following text in the first line to read as follows; "6.2 Ha of land east of Duriehill Road/Lindsay Place is allocated for residential development of around 50 dwellings within the first phase of the Plan (2021)"
2. Delete the third bullet point and replace with "Vehicular access from Inveriscandye Road to be implemented prior to the commencement of residential development"
3. Delete the fourth bullet point
4. Introduce a new bullet point to "provide for structural landscaping along the eastern boundary of the road leading to the sewage treatment works."

Scottish Environment Protection Agency (PP/00120/1/039) - The policy should be amended so that developer requirements include a FRA which assesses the risk from the North Esk. This should be undertaken prior to any development occurring on the site and

that the findings are used to inform the scale, layout and form of development. However, we note from the SEA that the site is considered to be at low risk of flooding due to its height above the River. We would welcome clarification on this issue.

E2 Opportunity Site – Former Mart Lethnot Road

Objections

Alistair J Lee (PP/00029/1/001) - Delete Site

Scottish Environment Protection Agency (PP/00120/1/040) - The policy should be amended so the developer requirements include a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for channel restoration.

Edzell Omissions

Objections

Alan Budge (PP/00068/1/001) - Allocate site at East Mains Farm.

DLB Scotland Ltd (PP/00104/1/002) - Suggested wording to be included in the ALDP would be as follows:

“Land allocated to the north east of the town at East Mains will add to the range and choice of housing throughout the plan period and beyond. This site capitalises on its proximity to Edzell Primary School and Edzell Health Centre and has good linkages to local shops and services.”

“Table E2: New Allocations

Name/reference	Capacity	ALDP Phase1 (2016 - 2021)	ALDP Phase 2 (2021 - 2026)
E1 East Mains	130	50	80
Total	130	50	80 “

“NEW ALLOCATIONS

E1 Housing - East Mains

15.03 Ha of land at East Mains is allocated for residential development of around 130 dwellings. A first phase of around 50 dwellings will be permitted in the period to 2021 with a second phase of around 80 dwellings permitted in the period to 2026.

Additional land for 100 dwellings is safeguarded for further residential development in the period beyond 2026. The scale of further land release in the period beyond 2026 will be determined by a future Local Development Plan.

Development proposals should be in accordance with the development brief which will be prepared for the site and should include:

- a landscaped edge to the town along the northern boundary of the Site, incorporating structure planting and amenity open space;
- enhancement of the southern boundary of the Site to contribute to natural flood management;

-opportunities to provide formal linkages with the existing core path network within the site to connect with existing pedestrian facilities, particularly to the south and towards High Street;
 -supporting information including a Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan, Flood Risk Assessment and Transport Assessment.”

Charles Simpson (PP/00002/1/003) – Consider site north of primary school.

Barnhead Omissions

Objections

J C Fleming & Partners (PP/00020/1/002) - Extend Barnhead Development Boundary

Rossie Mills Settlement Bounday

Objections

D Ogilvie (PP/00102/1/012) - A new settlement boundary should be provided for Rossie Mills, including Mr Ogilvie’s land

Rossie Braes Settlement Bounday

Objections

Mrs A Ogilvie (PP/00108/1/012) - A new settlement boundary should be provided for West Ferryden, including Mrs Ogilvie’s land.

Summary of Responses (including reasons) by Planning Authority:

E1 Housing – East of Duriehill Road

Objections

Charles Simpson (PP/00002/1/001); Mr & Mrs Leslie (PP/00077/1/001); DLB Scotland Ltd (PP/00104/1/001); Adam C Lindsay (PP/00053/1/001); Norma Wond (PP/00008/1/001), Alan Budge (PP/00068/1/002); Karen Morrison (PP/00066/1/002) - The concerns raised in terms of potential impact on landscape character (PP/00104/1/001), drainage capacity, traffic congestion, connectivity with services and facilities (PP/00104/1/001); (PP/00068/1/002), school capacity (PP/00077/1/001) and proximity to Struan Quarry (PP/00068/1/002) and the sewage works (PP/00002/1/001 and PP/00104/1/001) have been considered in principle in the assessment of the site. None of these present any issues that would prevent development of the site for housing in principle. Many of the concerns raised have been considered and assessed through the Proposed ALDP Environmental Report (CD/1-2) and appropriate mitigation in relation to odour and drainage is provided in Policy E1 and other policies of the Proposed Plan, including DS4 Amenity and PV15 Drainage Infrastructure, (CD/1-1, Pages14 and 63). Whilst the scale of development proposed is likely to require developer contribution towards an extension to the primary school, this does not prevent the suitability of this particular site for housing. Furthermore, Policy DS5 Developer Contributions, (CD/1-1, Page 15) which makes provision for developer contribution towards education will apply at the planning

application stage. For these reasons the Council does not agree to modify the plan in response to these representations.

Whilst the concerns in relation to access, traffic congestion, on street parking and pedestrian safety are noted (PP/00002/1/001; PP/00077/1/001; PP/00104/1/001; PP/00053/1/001; PP/00008/1/001 and PP/00068/1/002), the Councils' Roads Service is satisfied that the traffic generated by the development could be served by existing access routes namely Lindsay Place, Duriehill Road and Durie Place. Whilst E1 specifically refers to access from Duriehill Road and Lindsay Place, Durie Place also provides additional access opportunities. Whilst any new development will generate traffic and movement, given the rural characteristics of Edzell and the scale of development proposed over the 10 year plan period, it is considered that the development will not give rise to significant transport impacts. The existence of on street parking is not uncommon in residential areas including those with off street parking provision and does not justify the deletion of this site. As set out in E1, a development brief will be prepared for the site which will consider the detailed layout and linkages into the surrounding area. There will be opportunity to comment on any site brief that is prepared and to make representation to any future planning application. For these reasons the Council does not agree to modify the plan in response to these representations.

In terms of affordable housing (PP/00077/1/001), the Council will require 25% of the total number of units to be affordable housing as set out in Policy TC3 Affordable Housing (CD/1-1, Page 23).

Whilst the loss of views (PP/00008/1/001) is not a material planning consideration, Policy DS4 Amenity,(CD/1-1, Page 14) which seeks to safeguard the residential amenity of existing houses will be used to assess the impact of proposals in relation to overlooking and loss of privacy, outlook, sunlight when a planning application is submitted for this site. For these reasons the Council does not agree to modify the plan in response to these representations.

Dalhousie Estates (PP/00098/1/001) - The proposed modification to provide for 50 houses in the initial plan period to 2021 would not be consistent with the development strategy for the rural area which seeks to allow for up to 50 houses in each Rural Service Centre over the life of the Plan to 2026. Background work undertaken to inform and support the Angus Local Development Plan Main Issues Report Topic Paper 1: Spatial Strategy (CD/1-12) indicates development of up to 50 houses over a ten year period was as an appropriate level to sustain the four Rural Service Centres, whilst maintaining their individual character, and not overwhelming existing services and populations. These allocations are in addition to larger scale housing land allocations provided in the towns as principle settlements and allows appropriate development to occur at a level and pace in keeping with their rural location.

The reasons for not amending E1 to provide alternative access arrangements is not considered necessary as set out above in response to Charles Simpson (PP/00002/1/001); Mr & Mrs Leslie (PP/00077/1/001); DLB Scotland Ltd (PP/00104/1/001); Adam C Lindsay (PP/00053/1/001); Norma Wond (PP/00008/1/001), Alan Budge (PP/00068/1/002) and Karen Morrison (PP/00066/1/002).

Modifying E1 to state that access should be taken from Inveriscandye Road would involve land outwith the site and the proposed development boundary for Edzell and is not regarded as appropriate or necessary. Whilst Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) sets out circumstances for allowing development outwith but

contiguous with development boundaries, as set out above, the Councils' Roads Service is satisfied that the traffic generated by the development could be served by existing access routes. Therefore it is not considered that the representation presents social, economic, environmental or operational considerations that confirm a need for the proposal that cannot be met within a development boundary.

Policy E1 indicates that a development brief setting out detailed requirements will be prepared for the site including structural landscaping to protect the setting of the River, provide a buffer to the waste water treatment facility, integrate development into the wider landscape and extend green network provision. It is considered that the matter raised in the representation is adequately covered by the policy wording. Detailed requirements in relation to boundary treatment including landscaping along the eastern boundary of the road to the sewage works would be most appropriately covered in the development brief. For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/039) – Clarification was provided to SEPA following their representation on this site. This clarification set out that the site is significantly above the river channel. SEPA have since confirmed that the Flood Risk Assessment requested by their representation is not now considered to be necessary given the elevational separation between the river and the site. The representation is therefore considered to be addressed.

Comments

Inveresk Community Council (PP/00086/1/001) - Whilst having concerns about scale, need for affordable housing, proposed access and proximity to Struan Quarry, no request for the allocation to be removed from the Proposed Plan has been made.

Whilst concerns about the scale of development proposed are noted, background work undertaken to inform and support the Angus Local Development Plan Main Issues Report Topic Paper 1: Spatial Strategy (CD/1-12) indicates development of up to 50 houses over a ten year period was as an appropriate level to sustain the four Rural Service Centres, whilst maintaining their individual character, and not overwhelming existing services and populations. These allocations are in addition to larger scale housing land allocations provided in the towns as principle settlements and allows appropriate development to occur at a level and pace in keeping with their rural location.

In terms of proposed access, the Councils' Roads Service is satisfied that the traffic generated by the development could be served by existing access routes namely Lindsay Place, Duriehill Road and Durie Place. Whilst E1 specifically refers to access from Duriehill Road and Lindsay Place, Durie Place also provides additional access opportunities. Whilst any new development will generate traffic and movement, given the rural characteristics of Edzell and the scale of development proposed over the 10 year plan period it is considered that the development will not give rise to significant transport impacts. The existence of on street parking is not uncommon in residential areas including those with off street parking provision and does not justify the deletion of this site. As set out in E1, a development brief will be prepared for the site which will consider the detailed layout and linkages into the surrounding area. There will be opportunity to comment on any site brief that is prepared and to make representation to any future planning application.

In terms of affordable housing, the Council will require 25% of the total number of units to be affordable housing as set out in Policy TC3 Affordable Housing (CD/1-1, Page 23).

Whilst it is acknowledged that planning permission for the establishment of a sand and gravel quarry and associated processes on land at Struan has been approved by Angus Council, the site is located approximately 1.05 km (0.65 miles) south east of Edzell (S4/21-1) and will be accessed via a separate access road through Edzell Woods approximately 1.6 km (0.99 miles) from the eastern edge of Edzell(S4/21-2). Consultation with the Councils Environmental Health Service during the preparation of the MIR confirmed that the distance between the proposed quarry and the preferred option east of Duriehill Road raised no issues in relation to noise and dust from the proposed quarry. For these reasons, the Council does not agree to modify the Plan in response to this representation.

E2 Opportunity Site – Former Mart Lethnot Road

Objections

Alistair J Lee (PP/00029/1/001) - The potential impact on flooding has been considered in principle in the assessment of the site though the Proposed ALDP Environmental Report (CD/1-2) and is not considered to prevent development in principle on this site.

Appropriate mitigation is provided in Policy E2 through the requirement for a Flood Risk Assessment and Policy PV12: Managing Flood Risk (CD/1-1, Page 60) which states a general presumption against development proposals which would materially increase the probability of flooding to existing development. It is considered that this policy framework provides sufficient safeguards to ensure that any potential flooding issues are appropriately addressed.

Successive local plans have sought to support rural employment use on this site given its previous employment related use and edge of village location. This was also in response to community concerns that its condition detracted from the appearance of the village.

The Development Strategy of the Proposed Plan (CD/1-1, Page 7) seeks to "maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities" and "provide opportunities for appropriate diversification of the rural economy". In seeking to support the rural economy and employment opportunities in Edzell, it is considered that the former mart site continues to provide an appropriate location for small scale employment related use consistent with the Proposed Plan Development Strategy. The identification of the site as an "Opportunity Site" recognises that the site may be suitable for a range of uses rather than a single use as defined in Appendix 1 – Glossary (CD/1-1, Page 270). The wording of E2 clearly sets out development principles and requirements which together with the application of other plan policies provide an appropriate policy framework for assessing proposals at the planning application stage.

It is relevant to note that planning permission was granted for a Visitor Centre on this site in 2010 (S4/21-3). Whilst Angus Council's decision to refuse an earlier application for a Visitor Centre with Garden Shop, Stores and Managers House (S4/21-4) was appealed to the Scottish Ministers and subsequently dismissed, the appeal decision notice issued by the DPEA (S4/21-5) indicated there would be merit in allowing development of an appropriate scale.

The strategy for rural Angus (CD/1-1, Pages 8 & 9) seeks to allocate land for up to 50 houses in each of the four Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. The purpose of the Angus Settlements Landscape Capacity Study (2015) (CD/5-5) was to assess the landscape capacity of these settlements for urban expansion and to inform the selection of these land allocations. The findings of the Edzell Chapter (section

10.3.3) that there is “no capacity for urban extension north of Lethnot Road” should therefore be considered in that context and does not rule out any form of development. The findings of the study are adequately reflected in the text preceding Policy E2 which clearly states that “residential development north of Lethnot Road will not be appropriate” and the wording of E2 which states “Residential, chalets or development of a similar nature will not be acceptable”. For these reasons the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/040) - Clarification was provided to SEPA following their representation on this site. This clarification set out that there is no culvert through the site to remove as suggested and any flood risk assessment for the site would consider restoring existing water channels to manage flood risk, in accordance with Policy PV13 Resilience and Adaptation (CD/1-1, Page 62). SEPA have since confirmed that in the light of the additional information indicating there is no culvert through the site, the modification sought by the representation is not required. The representation is therefore considered to be addressed.

Comments

Charles Simpson (PP/00002/1/002) – As set out in the above response to Alistair J Lee (PP/00029/1/001), it is considered that the policy framework provides sufficient safeguards to ensure that any potential flooding issues are appropriately addressed.

Inveresk Community Council (PP/00086/1/002) - Whilst concern that any form of small scale rural employment facility on this site would set a precedent for future residential development are noted, Policy E2 clearly states that “Residential, chalets or development of a similar nature will not be acceptable”.

John Wibberley (PP/00014/1/001) - Whilst the impact of development on property value and views are not material planning considerations, Policy DS4 Amenity (CD/1-1, Page 14) which seeks to safeguard the residential amenity of existing houses will be used to assess the impact of proposals when a planning application is submitted for this site.

Edzell Omissions

Charles Simpson (PP/00002/1/003), Alan Budge (PP/00068/1/001); DLB Scotland Ltd (PP/00104/1/002) - Whilst land in the north east area was put forward during the Angus Local Development Plan “Initial Awareness Raising Exercise”, the site was largely discounted for landscape and visual impact reasons and was not included as a potential development area in the Angus Local Development Plan Main Issues Report (2012) (CD/1-11) as more appropriate options were considered to exist in the south east and west of Edzell. The Landscape Capacity Study for Edzell (2003) (CD/5-8) which considers the landscape and visual aspects of settlement expansion was one strand of information used to inform the MIR Options for Edzell. The study considers the historical pattern and form of development in Edzell and notes “Edzell sits on the almost flat upper kame terrace immediately to the west of the ancient fording point on a dramatic bend of the River North Esk. A strong characteristic is that development is restricted to the upper terrace abutting the escarpment to the north-west of the village” This represents a distinctive and key aspect of Edzell’s character and was important in considering options for village expansion to be included in the MIR.

With the exception of a small area adjacent to the B966, the proposed site is located on the “lower kame terrace” below the scarp slope. The southern portion of the site sits below

the village which is located above on the “upper kame”. This change in level is marked by a steep escarpment. It was considered that urban expansion onto surrounding agricultural land to the north and south of East Mains Farm on the lower ground would not be consistent with the development pattern of Edzell and would create an elongated settlement pattern with a detrimental impact on the setting of the Muir. The dramatic change in levels in the southern part of the proposed site would restrict physical integration with the village, whilst expansion to the north would offer poor connectivity with amenities in the High Street. Given the potential landscape and visual impacts of development and its lack of integration with the settlement this location was not included as a potential option for housing expansion in the Main Issues Report.

In responding to the Main Issues Report, Scottish Natural Heritage welcomed and supported the cognisance that was given to the landscape and visual aspects of housing expansion and were content with the principle of locating development to the south east (Preferred Option) or to the west (Alternative Option) of Edzell on the basis that both areas were above the scarp slope (S4/21-6 The Angus Settlements Landscape Capacity Study (2015) (CD/5-5) was undertaken to inform the Proposed Plan). Whilst this reviews and substantially updates the 2003 Study, the findings in respect of Edzell remain consistent in considering land on the upper kame to the east or west as having the greatest landscape capacity for extension. In terms of other locations, Para 10.4 states “development in other direction only be considered after the above have been either implemented or discounted for non-landscape reasons”.

Whilst it is noted that redevelopment of the former East Mains farm buildings for housing is underway and is located on the “lower kame terrace”, it lies within the development boundary and is a brownfield site. In considering the planning application Reference: 07/0141/3/FUL (S4/21-7) the replacement of redundant farm buildings with a courtyard style of housing was considered appropriate to its location on the edge of Edzell and would contribute towards regeneration and renewal. Once complete it will be viewed as a stand-alone farm steading development rather than an extension to the urban area. Whilst the development will have direct access to the main road it was only intended to serve this development and is not considered to be a precedent for significant urban expansion onto surrounding agricultural land to the south and north.

The proposed site was not considered as a preferred or alternative option in the Main Issues Report and has not been subject to the necessary assessments and appraisals (including Strategic Environmental Assessment, Habitat Regulations Appraisal, Strategic Flood Risk Assessment and Transport Appraisal) or public consultation as part of the Plan process which have been undertaken for other sites in the Proposed Plan. For these reasons the Council does not agree to modify the plan in response to these representations.

The representation by DLB Scotland Ltd (PP/00104/1/002) seeks the allocation of 15.03 hectares of land in the north east of Edzell for residential development of around 230 dwellings. The Proposed Plan’s development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (Proposed Angus Local Development Plan, Pages 8-9). Background work

undertaken to inform and support the Angus Local Development Plan Main Issues Report Topic Paper 1: Spatial Strategy (CD/1-12) indicates development of up to 50 houses over a ten year period was as an appropriate level to sustain the four Rural Service Centres, whilst maintaining their individual character, and not overwhelming existing services and populations. These allocations are in addition to larger scale housing land allocations that have been made in the principle settlements and allows appropriate development to occur at a level and pace in keeping with their rural location. Whilst not considered as a preferred or alternative option in the Main Issues Report, the scale of development proposed by this representation exceeds what is considered to be appropriate in terms of meeting the development strategy for rural Angus. For these reasons the Council does not agree to modify the plan in response to these representations.

Barnhead Omissions

Objections

J C Fleming & Partners (PP/00020/1/002) - The Proposed Plan's development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (CD/1-1, Pages 8-9). It would not be appropriate to allocate land at Barnhead for residential development as this would fundamentally alter the Plan's development strategy for the rural area.

In terms of an extension to the Barnhead development boundary, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. As set out on Page 9 of the Proposed Plan (CD/1-1), a review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This review is also referred to in Action Ref 5 of the Draft Action Programme (CD/1-15, Page 7, Ref 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Rossie Mills Omissions

Objections

D Ogilvie (PP/00102/1/012) - The Proposed Plan indicates that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions to existing settlements. As set out on Page 9 of the Proposed Plan (CD/1-1), a review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This review is also referred to in Action Ref 5 of the Draft Action Programme (CD/1-15, Page 7) and will take place in years 1-5 of the Angus Local Development Plan. It would not be appropriate to include a new settlement boundary at Rossie Mills until the

boundary review exercise has been completed. For these reasons, the Council does not agree to modify the plan in response to this representation.

Rossie Braes Omissions

Objections

Mrs A Ogilvie (PP/00108/1/012) - The Proposed Plan indicates that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions to existing settlements. As set out on Page 9 of the Proposed Plan (CD/1-1), a review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This review is also referred to in Action Ref 5 of the Draft Action Programme (CD/1-15, Page 7) and will take place in years 1-5 of the Angus Local Development Plan. It would not be appropriate to include a new settlement boundary at Rossie Braes until the boundary review exercise has been completed. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

E1 Housing – East of Duriehill Road, Edzell

2. Within Issue 3, it is concluded that sufficient land has been allocated within the core area and other principal settlements to enable the required scale of new housing to be delivered. In addition to the Tier 1 to 3 principal settlements defined in the strategic development plan, four villages including Edzell have been identified in the plan as 'rural service centres'. They have been identified as such because of their relative size, as well as the availability of services and facilities. The allocation of up to 50 housing in each of these villages is additional and intended to meet local housing needs, help maintain local population levels and support essential community services and facilities. I consider this approach to be appropriate.

3. The northern extent of the site allocated at East of Duriehill Road was identified in the Main Issues Report (CD/1-11) as a preferred option for housing development. In allocating the site within the proposed plan, the site was subject to a range of strategic assessments including environment, transport, landscape and flood risk.

4. The developer requirements associated with this allocation, to be included within a development brief, would address the main planning related concerns as far as is appropriate for the local development plan. These include the provision of structural landscaping, a buffer zone in relation to the wastewater treatment works and an odour impact assessment. The appropriate size of 'cordon sanitaire' is a matter for a detailed proposal and does not prevent the principle of development being considered for this

location.

5. Other relevant plan policies that apply to the consideration of detailed proposals would address additional concerns such as the immediate outlook from residential properties, the types of housing proposed and the provision of affordable housing. The council confirms that the scale of development is likely to require a developer contribution towards an extension to the primary school, consistent with Policy DS5. Such a requirement does not prevent the overall principle of development.

6. I note the concern that the development of this site will considerably change the pattern of development in Edzell, extending the settlement in an easterly direction, at odds with the natural north-south urban alignment and built form. The settlement has, in my view, already extended eastwards, with the housing development at Duriehill Road, Durie Place and Lindsay Place. By avoiding ribbon development, the site presents an opportunity to maintain the compact nature of the village and reintroduce a more formal grid layout, which is a distinctive feature.

7. Further concerns are expressed with regard to this site's landscape impact and suitability as a location for sustainable development. I consider this site well located relative to accessing areas of open space, expanding green network linkages and connecting with the established residential area. It is within acceptable travel distances to schools and services within the village and there is the potential to link into a variety of existing pedestrian routes and improve the path connections as referred to in the developer requirements.

8. With regard to landscape, the council's landscape capacity study (CD/5-5) identifies this site within the upper kame terrace, which is considered important to the setting of Edzell, and upon which the main village is situated. The eastern escarpment of the upper terrace is in line with the edge of the wastewater treatment works and in visual terms, provides a suitable stop line for future development. Although the site is open to views from the northeast and southeast, the study considers the area visually contained between Edzell Woods and the woodland along the River North Esk and the area exhibits high capacity for urban extension. I accept the conclusions of the landscape study in relation to this site and consider it suitable for housing development.

9. I do not agree that a new bullet point is needed requiring structural landscaping along the eastern boundary of the road leading to the wastewater treatment works. This is not a requirement arising from the conclusions of the landscape study – the study suggests that the escarpment, which would demarcate the new eastern edge of Edzell, should be landscaped to strengthen, frame and consolidate the urban edge. The detail of this would be contained within the development brief for this site.

10. The majority of the representations highlight that access to this site is restricted due to existing on-street parking. Concerns are raised over the impact of increased traffic and construction vehicles on road users and pedestrian safety, access for emergency vehicles and on existing residents' parking.

11. The developer requirements indicate that access to the site should come from Lindsay Place and Duriehill Road. Lindsay Place, accessed via Duriehill Road, leads to existing housing, a sheltered housing scheme, and an area of open space and an area for recycling - part of this road is currently un-adopted. The route along Duriehill Road passes existing housing on both sides of the road before reaching the edge of the site

and a play park. It then continues as a track along the edge of the site to the wastewater treatment works. Both main access routes to the site are along residential roads with limited in-curtilage parking. The majority of parking in this area takes place on-street and within separate off-street parking areas. From the junction with Lindsay Place towards Inveriscandye Road, Duriehill Road is only wide enough for vehicles to park on one side to enable vehicles to pass. Footpaths are present either side of the road.

12. In responding to local concerns, Dalhousie Estates suggest that an alternative access off Inveriscandye Road should replace access to the site via Lindsay Place and Duriehill Road, and this would provide the physical infrastructure to allow future housing demand for the village to be met.

13. The council's roads service is satisfied that the traffic generated by the development can be served from Lindsay Place and Duriehill Road, and has confirmed in response to a further information request that an alternative access via Inveriscandye Road is not required. The preparation of a development brief and the allocation of the site over the 10-year plan period will allow sufficient time to consider impacts on the local road network and consult local people. However, I also consider that a transport assessment is required in order to consider in detail the direction of vehicle movements to and from the site and any necessary mitigation, beyond that specified in bullet point four of the developer requirements. Therefore, with regard to traffic and access, I am satisfied that the principle of the allocation is appropriate and I do not accept that the references to access from Lindsay Place and Duriehill Road should be replaced by a reference to Inveriscandye Road.

14. I note the request by Dalhousie Estates that the 50 dwellings allocated to this site should be identified for the first phase of the plan only and at a density of 20 units per hectare, the site has a greater capacity than 50. I also note that the representation suggests an option, that would extend the settlement boundary to include an additional eight hectares of land to the south of the site and would include a new access from Inveriscandye Road.

15. The site may be capable of accommodating more units than the allocation identifies, but this will depend upon a range of factors including the type of new homes proposed, as well as other detailed considerations. In particular, the proximity of the wastewater treatment works and maintaining access to the works may restrict development close to the river and affect the overall developable area. Although not referred to as indicative, there is no suggestion within the plan that the figures allocated to each site must be adhered to rigorously. The position remains to be finalised once a precise form of development emerges which accords with all of the planning authority's expectations and plan requirements. The main outcome should be to produce a high standard of development rather than be constrained by exact numbers. However, it is not for the plan to predict or restrict the outcome of that design process.

16. To allocate the development to the first phase of the plan only, and to extend the settlement boundary in the way suggested in the representation, would allow for further housing development to come forward within Edzell over the plan period. Issue 3 concludes that sufficient residential sites are identified within the plan to meet the housing requirement. Should there be a shortfall in the five or seven-year effective housing land supply, then the early release of later phases of allocated sites, if considered suitable and deliverable is allowed for through Policy TC1.

17. The housing allocations within the rural service centres are in addition to that required as part of the strategic housing land requirement. There is no requirement for the identification of further housing land within Edzell and any substantial increases above 50 units would be contrary to the plan's strategy for the rural service centres. Therefore, I do not agree that the housing should be allocated to the first phase only or that the settlement boundary should be altered as suggested.

18. The council highlights that the approved quarry is located approximately 1.05 kilometres southeast of Edzell and its impact on this site has been assessed by the council's environmental health service in terms of noise and dust. I am satisfied that the matter has been adequately considered and does not prevent the allocation of this site for housing development.

19. The representation by the Scottish Environment Protection Agency appears to have been resolved as the height difference between the river and the site means that a flood risk assessment is not considered necessary. Therefore, I have not addressed this matter any further.

E2 Opportunity Site – Former Mart Lethnot Road, Edzell

20. Details of the risk and evidence of flooding on this site and in the surrounding area from the Whishop Burn is highlighted in the representation by Alistair J Lee. The Scottish Environment Protection Agency has not raised any objection to the proposal and their representation seems to have been resolved as there appears to be no culvert through the site and a flood risk assessment and drainage impact assessment is already included within the developer requirements.

21. To support any development proposal, a flood risk assessment and drainage impact assessment will be required, which the council and the Scottish Environment Protection Agency will assess independently. Policy PV12 ensures that development is not supported where it is likely to increase the probability of flooding elsewhere. The policy framework of the plan and the respective agencies responsibilities for assessing flood risk should ensure that the matters of concern raised in the representation are given adequate scrutiny. Furthermore, the site's designation in the plan as an opportunity site does not commit the council to granting planning permission in the event that constraints to its development, such as flood risk, are confirmed.

22. The representation also highlights the semi-natural appearance of this former mart site and the historic use, which should be protected and valued as an asset to the village. I note the grant of planning permission for a visitor centre on the site in 2010, now lapsed, and the earlier appeal dismissal. I agree with the council that the assessment undertaken as part of the plan's landscape capacity study focussed on urban expansion rather than small scale or infill development. References within the study to the mart site and its high landscape character sensitivity and landscape value are made in this context and these references support the argument against any major housing development in this area. The range of uses considered suitable for the site and identified within the plan, are restricted in their nature to those appropriate to its location and setting. Therefore, I am satisfied that this site can remain within the plan as an opportunity site for the specified uses.

Edzell Omissions

23. With regard to the omission of the suggested site at East Mains for housing development, Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in the principal settlements of north Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Edzell is appropriate, and I have not found that the allocated site E1 would be inappropriate for housing development.

24. Within the plan's Site Assessment (CD/1-10B), the East Mains site was not included as an option in the Main Issues Report because of its impact on landscape character and poor integration with the existing settlement. As described within the council's landscape capacity study, this area is located on the lower kame terrace, which sits below the escarpment and below the level of the village, and is bounded by tree cover at its southern edge. I note the detailed submission made by DLB Scotland Ltd, however I agree with the council that the landscape factors described above limit the potential of the site to integrate both physically and visually with the existing village. In all of these circumstances, I do not consider that its allocation as an alternative housing development would be justified.

Barnhead Omissions

25. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in north Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

26. Barnhead is one of the small rural settlements in north Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Given the very small size of Barnhead, any one of the suggested boundary changes would represent a substantial expansion of the village onto prominent open agricultural land and not a minor rounding-off of the boundary. As all existing housing within the village has a road frontage, new housing would represent backland development, altering the linear form of the settlement and inconsistent with its overall character. In all of these circumstances, I do not consider that the alterations to the boundary and the allocation of Barnhead for housing development would be justified.

Rossie Mills Settlement Boundary Omission

27. The representation provides examples of villages of a similar size to Rossie Mills, which are identified within the plan with development boundaries. The examples demonstrate the variety of settlements within rural Angus in terms of character and location. Many are remote from more major settlements whereas others are in locations that are more accessible. Although appropriate infill or redevelopment proposals are generally supported, Part 3 of the plan's strategy indicates that in all cases, boundaries are drawn to protect landscape setting and to prevent uncontrolled spread of development.

28. Rossie Mills is a group of houses within the countryside located along the A934 road immediately south of the Montrose Basin, approximately 1 kilometre southwest of Montrose and Ferryden. The identification of Rossie Mills within the plan with a development boundary, would lend support to future infill development. The representation suggests a development boundary, which would include approximately 0.9 hectares of undeveloped land suitable for four to six new detached houses.

29. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in north Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate. Therefore, altering the status of Rossie Mills, to become an area suitable for infill housing development would not be justified.

30. The need to identify additional settlements with boundaries should form part of a comprehensive review, which the council proposes to undertake. This will ensure that the priority in terms of new housing development is focused primarily on the principal settlements, consistent with the development strategy of the plan. This will also ensure that the role of smaller settlements and any need for further boundaries is fully justified.

Rossie Braes Settlement Boundary Omission

31. The representation provides examples of villages of a similar size to Rossie Braes, which are identified within the plan with development boundaries. The examples demonstrate the variety of settlements within rural Angus in terms of character and location. Many are remote from more major settlements whereas others are in locations that are more accessible. Although appropriate infill or redevelopment proposals are generally supported, Part 3 of the plan's strategy indicates that in all cases, boundaries are drawn to protect landscape setting and to prevent uncontrolled spread of development

32. Rossie Braes is a group of houses within the countryside located along the A92 road immediately south of the Montrose Basin, approximately 1 kilometre southwest of Montrose and Ferryden. The identification of Rossie Braes within the plan with a development boundary, would lend support to future infill development. The representation suggests a development boundary, which would include approximately 0.42 hectares of undeveloped land suitable for two new detached houses.

33. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in north Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate. Therefore, altering the status of Rossie Braes, to become an area suitable for infill housing development would not be justified.

34. The need to identify additional settlements with boundaries should form part of a comprehensive review, which the council proposes to undertake. This will ensure that the priority in terms of new housing development is focused primarily on the principal settlements, consistent with the development strategy of the plan. This will also ensure

that the role of smaller settlements and any need for further boundaries is fully justified.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 146, 'E1 Housing – East of Duriehill Road', inserting an eighth bullet point as follows: "submission of a Transport Assessment which confirms how access is best to be achieved and any associated mitigation".

Issue 22	East Angus HMA	
Development Plan Reference:	Friockheim Settlement Statement, Pages 149 – 151 Friockheim Omissions Fk1 Housing – South of Gardyne Street, Page 149 Villages, Pages 162-260 Arbirlot Conservation Area, Page 164 LG1 Letham Grange, Page 221 Leysmill Development Boundary Omission, Page 224 Wv1 Woodville Development Approach, Page 259	Reporter: Claire Milne
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Friockheim Omissions</u></p> <p><u>Objections</u></p> <p>F M Batchelor (PP/00117/1/002, PP/00117/1/010) Guild Homes (Tayside) Ltd (PP/00142/1/001)</p> <p><u>Fk1 Housing – South of Gardyne Street</u></p> <p><u>Objections</u></p> <p>Woodland Trust Scotland (PP/00099/1/009)</p> <p><u>Comments</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/049)</p> <p><u>Arbirlot - Conservation Area</u></p> <p><u>Comments</u></p> <p>Karen Willey (PP/00063/1/001)</p> <p><u>LG1 Letham Grange</u></p> <p><u>Objections</u></p> <p>Letham Grange Home Owners Association (PP/00032/1/001) Gertrude Smith (PP/00049/1/001) Mark Hopkins (PP/00033/1/001)</p> <p><u>Leysmill - Development Boundary</u></p> <p><u>Objections</u></p> <p>John D Crawford on behalf of Christopher Pyke (PP/00125/1/001)</p>		

<u>Wv1 Woodville Development Approach</u>	
<u>Objections</u>	
Kris Ferrier (PP/00067/1/001)	
Provision of the Development Plan to which the Issue Relates:	The East Angus Housing Market Area: Rural Service Centre and Villages
Planning Authority's Summary of the Representation(s):	
<u>Friockheim Omissions</u>	
<u>Objections</u>	
<p>F M Batchelor (PP/00117/1/002) - whilst the LDP strategy seeks to 'maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities; and provide opportunities for appropriate diversification of the rural economy.' The Proposed LDP fails to facilitate even a modest scale of growth in a number of locations where such development would support local services and community life, therefore land to the East of Friockheim should also be allocated in the LDP for residential development and community uses, with housing phased over two periods, that is, 50 units in the period 2016-2021 and 130 units in the period 2021-2026, to augment the Housing Land Supply.</p> <p>F M Batchelor (PP/00117/1/010) - object to the omission in the proposed LDP of an additional allocation (approximately 10 ha) for residential and mixed use development to the east of Friockheim on the grounds of:</p> <ul style="list-style-type: none"> - housing demand and supply in Friockheim; - deliverability of allocated housing land south of Gardyne Street; - housing land supply in the East Angus Housing Market area; and - suitability of the site for development. <p>Guild Homes (Tayside) Ltd (PP/00142/1/001) - object to omission of safeguarded land East of Fk1 Housing - South of Gardyne Street, Friockheim for residential development post 2026, the scale to be determined by a future Local Development Plan. This site provides a natural, logical, sustainable extension to the allocated site and potential to create a carefully considered development in the longer term.</p>	
<u>Fk1 Housing – South of Gardyne Street</u>	
<u>Objections</u>	
<p>Woodland Trust Scotland (PP/00099/1/009) - is concerned about the potentially adverse impacts allocated sites will have on areas of ancient and long-established woodland. Development proposals should not be taken forward where proximity to ancient woodland could be detrimental and recommend a buffer of at least 15m of semi-natural vegetation; however larger buffers may be required depending on the size/scale of the development.</p> <p>The Trust considers this site should not be taken forward unless Friock Wood (as identified on the Ancient Woodlands Inventory) is surveyed and guaranteed sufficient</p>	

protection from adjacent development

Comments

Scottish Environment Protection Agency (PP/00120/1/049) - has previously commented on this site. Recommend development management process address surface water issues in building design.

Arbirlot Conservation Area Boundary

Comments

Karen Willey (PP/00063/1/001) - supports the current Development Boundary and would support the extension of the Conservation Area boundary as suggested by the Reporter at the previous Inquiry to ensure that the village is fully protected on all sides.

LG1 Letham Grange

Objections

Letham Grange Home Owners Association (PP/00032/1/001) - Broadly supports proposed development strategy for Letham Grange and policy LG1 but the policy has been somewhat diluted from Angus Local Plan Review 2009 by the omission of "strictly" before "limited housing development" and the removal of reference to "a clear case" needing to be demonstrated that further housing development is necessary to cross-subsidise tourism and recreation facilities as recommended by the Reporter at the (ALPR) Public Local Enquiry (Core Doc Ref:xx pages 148-154)

Gertrude Smith (PP/00049/1/001) - Considers housing development should be 'strictly' limited on the grounds that:

- cross-subsidising house building/recreational facilities has not been successful, money found its way out of Letham Grange.
- reducing the golfing facilities could be detrimental for recreation and tourism - when the ice rink equipment was sold, Letham Grange lost many visitors.
- infrastructure can accommodate hotel guests and visitors, but not another housing development.
- words like 'compatible' are open to a wide range of interpretations.

Mark Hopkins (PP/00033/1/001) - Considers housing development outwith the existing residential areas be should STRICTLY limited as in the 2009 adopted plan and criteria in both the 2009 Angus Local Plan Review and 2015 proposed ALDP be combined to ensure Letham Grange continues to provide semi-rural living conditions and recreational activities without overdevelopment, keeping traffic and road noise to a minimum.

Leysmill Development Boundary

Objections

Christopher Pyke (PP/00125/1/001) - Considers that the Development Boundary as contained in the FALP 2009 does not reflect the long established physical boundaries of the settlement and this small extension to the boundary will round off the Village, creating much needed additional housing.

Policy Wv1 Woodville Development ApproachObjections

Kris Ferrier (PP/00067/1/001) - Woodville is the only village with the policy approach that new housing will only be supported where it provided essential worker housing for established businesses. As there has been very limited development over the last 30 years this approach could be relaxed to be in line with other rural areas.

Modifications Sought by those Submitting Representations:Friockheim Omissions

F M Batchelor (PP/00117/1/002, PP/00117/1/010) - land to the East of Friockheim should also be allocated in the ALDP for residential development and community uses, with housing phased over two periods, that is, 50 units in the period 2016-2021 and 130 units in the period 2021-2026, to augment the HLS.

Guild Homes (Tayside) Ltd (PP/00142/1/001) - land at east of Fk1 Land South of Gardyne Street, Friockheim should be safeguarded for further residential development in the period post 2026 , the scale of which will be determined by a future Local Development Plan.

Fk1 Housing – South of Gardyne StreetObjections

Woodland Trust Scotland (PP/00099/1/009) - Development of this site should not go ahead unless the Friock Wood, as identified in the Scottish Ancient Woodland Inventory is surveyed and guaranteed sufficient protection from adjacent development and a minimum 15 meter buffer is imposed.

Policy LG1 Letham Grange

Letham Grange Home Owners Association (PP/00032/1/001) - Amend second paragraph of Policy LG1 : Letham Grange to read: "Strictly limited housing development outwith the existing residential areas will only be considered where a clear case has been demonstrated that it is necessary to cross-subsidise development of tourism and recreation facilities within the complex."

Gertrude Smith (PP/00049/1/001) - Delete second paragraph.

Mark Hopkins (PP/00033/1/001) - The following statement should begin the section LG1: "Letham Grange LG1

Proposals for strictly limited further housing development outwith the existing residential areas and proposals which enhance or expand the tourism and recreation potential of the Letham Grange complex will only be acceptable where a clear case has been demonstrated that:

- they are compatible with the existing land uses/activities and are not detrimental to the area's unique environment;
- it is required to cross-subsidise the development of tourism facilities within the complex;
- it is compatible with the protection of the amenity of existing residential areas;

- it supports the restoration of Listed Buildings and their setting;
- any reduction of the existing golf course provision is demonstrated to be necessary and that the remaining provision is viable;
- links are made to the existing path/cycle network.”

This change should then lead into the existing proposal statement beginning "Development proposals must be accompanied by supporting information..." closing with the final statement concerning Tree and Bat Survey requirements.

Policy Wv1: Woodville Development Approach

Objections

Kris Ferrier (PP/00067/1/001) - Delete Policy Wv1 and apply Policy SC6.

Leysmill Development Boundary

Objections

Christopher Pyke (PP/00125/1/001) - Amend the settlement boundary to the North East of Leysmill to include an established garden ground associated with Bellevue and that this land be allocated for housing.

Summary of Responses (including reasons) by Planning Authority:

Friockheim Omissions

Objections

F M Batchelor (PP/00117/1/002, PP/00117/1/010); Guild Homes (Tayside) Ltd (PP/00142/1/001) wish to see further housing land identified in Friockheim, in addition to the 7.2ha allocated in the proposed LDP. Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in Schedule 4 references [1 and 3].

Housing allocations have been made in each of the seven towns in Angus, in accordance with the locational strategy set out in the Plan. These allocations have been made to meet the housing land requirement set out in the TAYplan Strategic Development Plan for the period to 2026 (CD/3-1). Allocations have also been made in each of the four Rural Service Centres to help support and maintain services and facilities, and reduce the need to travel. No other allocations have been made in the rural area, but residential development will be supported by the Plan on appropriate sites within development boundaries and in countryside locations in accordance with Policy TC2 Residential Development (CD/1-1 Page 21).

Friockheim, as a Key Service Centre, is identified in the LPD strategy as having a 'significant number and range of services and already have relatively large resident population' and provision is made for up to 50 over the life of the plan to support and maintain services over the life of the plan. (CD/1-1 Pages 8-9). 50 houses was calculated in the Angus LDP MIR Topic Paper 1: Spatial Strategy (CD/1-12 Appendix 2) to be an appropriate level to sustain these villages and services, whilst maintaining their individual

character, and not overwhelming existing services and populations. These allocations are in addition to the Housing Land Requirement which is met in the towns, and allows appropriate development to occur at a level and pace in keeping with the rural location. Additional housing in Friockheim would not therefore 'augment the housing land supply' (F M Batchelor (PP/00117/1/002, F M Batchelor (PP/00117/1/010)) in the current ALDP

Site FK1 was subject to consideration at the Inquiry into Objections to the Finalised Angus Local Plan Review, January – April 2006 (CD/4-2 Pages 108-112) and subsequently allocated as Fk2 in the Finalised Angus Local Plan Review (2009) (CD/4-1 Page 222). The MIR (CD/1-11) highlighted the existing ALPR (2009) allocation was likely to provide for development until at least 2019 and consideration was given to opportunities for further development, with the preferred option being adjacent to the current application site. The continuing depression within the housing market has resulted in development being slower to progress than initially anticipated. In preparing the Proposed LDP it emerged that site Fk1, which at 7.2ha is a large development area for 40 house allocation even when allowance is made for open space and proposed community facilities, need not be restricted to 40 units for reasons of capacity at the WWTP.

The developer has maintained an active interest in this site over a number of years:

- Development Brief approved – Infrastructure Services and Development Management Committees 592/09 (S4/22-1)
- 10/01058/PAN - Erection of Residential Development and Health Centre (S4/22-2)
- 11/00002/PPPM - Erection of Residential Development & Health Centre and Formation of Open Space, Servicing and Public Car Park with Detailed Layout of Site Access approved (S4/22-3)
- 14/00825/MSCM - Matters Specified in Conditions for Erection of 80 Dwellinghouses & Garages (11/00002/PPPM) (S4/22-4)

This culminated in the reserve matter application, showing the site to be capable of accommodating 80 houses in acceptable layout, density and design being approved by the Development Standards Committee of 10 March 2015 (S4/22-4). This allocation therefore meets the Key Service Centre approach in the rural strategy and makes best use of this greenfield site.

The Council has allocated sites to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. The sites allocated are considered to be effective and the continued effectiveness of and progress in the delivery of the housing land supply will be monitored through the annual Angus Housing Land Audit process. Where necessary to maintain a 7 year effective housing land supply Policy TC1 Housing Land Supply/Release allows additional housing land to come forward from early release of sites/houses planned for later stages of the Plan and/or currently constrained or non-effective sites identified in the Angus Housing Land Audit. Additional flexibility is provided through the Plans support for residential development of appropriate windfall and smaller sites coming forward in accordance with Policy TC2 Residential Development (CD/1-1 Page 21).

There is therefore no housing land supply issue to consider, as any further allocation would not contribute to the Housing Land Supply at this stage. The allocation of a further 10ha of land to the east of the village, in addition to the current 80 houses and 7.2ha South of Gardyne Street is considered excessive, and a possible risk to the viability of the approved development by undermining market confidence. The majority of development land in the East HMA is and should be focussed on Arbroath. Issues relating to the

development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Whilst both submitted sites have development potential in the medium to long term, the MIR preferred option east of Fk1 is considered to remain a logical location for future development within the village given the existing established site boundaries, for continuity with the current village expansion and in accordance with the findings of the Angus Settlements Landscape Capacity Study 2015 (initial settlements published December 2014) (CD/5-5).

The objections/comments to Fk1 by Emac Planning for FM Batchelor (PP/00117/1/010) are not accepted – references to the developer of Fk1 and their intentions are speculative; relate to an approved planning application (see above) or are not supported by expert submission (e.g. flooding). For these reasons, the Council does not agree to modify the plan in response to these representations.

Fk1 Housing – South of Gardyne Street

Objections

Woodland Trust Scotland (PP/00099/1/009) This allocation has detailed planning consent (Ref No 14/00825/MSCM (S4/22-5), in accordance with the Development Brief for the site as approved at the Infrastructure Services and Development Management Committees in September 2009 (S4/22-1). Scottish Natural Heritage was consulted during the preparation of the Development Brief and modifications made to enhance green links through the site to Friock Wood. No buffer was proposed.

Friock Wood has been cleared and replanted, primarily with commercial conifers. The wood is subject to a management agreement and there is public access to Friock Wood. It is not viable to impose a 15m buffer at this stage, and there is no statutory requirement to do so. Furthermore, in the specific instance of Friock Wood, whilst there has been woodland on the site for a considerable time, aerial photographic records indicate has been felled and replanted twice in the 20th century. Friock Wood was subject to a Woodland Management Scheme in conjunction with the Forestry Commission (S4/22/6).

The LDP and development management process recognise the value of all established woodland, and whilst Friock Wood may not have the biodiversity value of true ancient woodland, it does provide an important local resource for people and wildlife, which is why Scottish Natural Heritage were consulted and its contribution to the green network enhanced by links through the site to both new open space within the site and to the existing green and blue network. For these reasons, the Council does not agree to modify the plan in response to these representations.

Comments noted.

Arbirlot Conservation Area

Comments

Karen Willey (PP/00063/1/001) - The Conservation Area Boundary Review is underway,

with priority to date being given to those larger settlements under development pressure to date. The programme for Conservation Area Boundary Review was published in Committee Report 580/10 Consultation on Proposed Forfar Conservation Area Boundary Amendment (S4/22/7) and despite slippage, the Conservation Area boundary will be reviewed in due course, with public consultation. The updated schedule is over the plan period 2016-26 for the remaining Conservation Areas and is included in the Draft Action Programme (CD/1-15 Page 14, Ref 39)

Policy LG1 Letham Grange

Objections

Letham Grange Home Owners Association (PP/00032/1/001); Gertrude Smith (PP/00049/1/001); Mark Hopkins (PP/00033/1/001) - Ownership of the Letham Grange golf and leisure facilities/former hotel has been subject to years of legal challenge and there remains uncertainty over their future maintenance, renovation and development/redevelopment.

Contained within the former policies of Letham Grange, this development was the result of a carefully devised leisure and recreation strategy, but the leisure facilities were not integrated as intended and remain a separate entity from the housing development. The Council, and residents, recognise the need to improve or enhance the vacant and/or listed properties at Letham Grange and to provide for the long term viability of these and the golf courses. The policies for LG1 were amalgamated in the PALDP, and whilst reference to 'strictly, was deleted from the policy, it was tempered by the replacement of 'acceptable' with 'considered', removing an assumption of consent. All proposals require to comply with policy LG1 which lists a range of criteria and supporting information to demonstrate that proposals are appropriate to the purpose and character of Letham Grange. For these reasons, the Council does not agree to modify the plan in response to these representations.

Leysmill Development Boundary

Objections

Christopher Pyke (PP/00125/1/001) This area of ground, extending development along a lane on the edge of the village does not in effect 'round off' the village, nor reflect 'the long established village boundary' but a garden extension. Its inclusion, however, could be accommodated without unacceptable visual impact but as a proposed single house plot within garden ground, it would not be allocated within the LDP. Were the plot within the Development Boundary, it would be assessed within the context of other policies of the LDP and Planning Advice Note 14 Small Housing Sites (S4/22/8) which includes development within garden ground. For these reasons, the Council does not agree to modify the plan in response to these representations.

Policy Wv1 Woodville Development Approach

Objections

Kris Ferrier (PP/00067/1/001) The fact that there has been limited housing development in Woodville demonstrates that the current policy, that the specific development approach for this area to limit housing to that for essential worker or directly associated with

agriculture or horticulture, is succeeding. The Inquiry Report into Unresolved Objections to the Finalised Angus Local Plan Review (CD/4-2 pages 254-255) accepts the special circumstances relating to the dispersed development pattern in the area which justified the policy approach to Woodville. It is worth noting that since 1995, records show 17 work related/conversion/brownfield applications have been approved and 6 new house plots – 4 of these when there was no specific Woodville Policy, and 6 applications refused.

The policy approach therefore has not prevented development, but has limited further 'urban sprawl and the increasing urbanisation of the area' as intended by the council (CD/1-1 Page 259). For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's Conclusions:

Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Friockheim Omissions

2. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in the principal settlements of east Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Friockheim is appropriate, and do not find the allocated site Fk1 would be inappropriate for housing development. In these circumstances, I do not consider that there is sufficient justification for the allocation of an alternative or further site for housing development. I reach the same conclusion with regard to safeguarding land to the east of site Fk1.

3. Within the plan's Site Assessment (CD/1-10A), the land east of Friockheim was included as an alternative option in the Main Issues Report but not preferred to the allocated site Fk1 - considered a more central location and providing the best opportunity to consolidate some of the village facilities and business activities. Within the council's landscape capacity study, land to the east of Friockheim is also regarded highly visible from eastern approaches to the village.

4. I have considered the detailed submission made by F M Batchelor, however I agree with the council that the allocated site Fk1 provides a suitable location to introduce a more compact form to the village that would support the provision of new centrally located community facilities. I note that there are retail facilities present at the western end of Gardyne Street, adjacent to the site Fk1 and that the grant of planning permission in principle for the site includes a new health centre. Land to the east of Friockheim, although adjacent to the primary school and recreation ground, would be more peripheral to the village and would not assist the creation of a coherent village centre which is distinctly lacking. The more recent housing development to the east of the village has also disrupted the traditional grid pattern of streets limiting the opportunity for new

development to integrate effectively with this historic context. Therefore, I endorse the allocation of site Fk1 and do not agree that it should be replaced or supplemented by the allocation of land to the east of Friockheim.

FK1 Housing – Gardyne Street, Friockheim

5. The council confirms that Friock Wood to the south of the site has been cleared and replanted more than once, most recently primarily with commercial conifers. I note that the woodland was also subject to a woodland grant scheme. Allocated site Fk1 received detailed planning permission for housing development in March 2015. The approved conditions require a woodland buffer to be provided outwith the western boundary of the site in the interests of the residential amenity of future occupiers in this part of the development.

6. The plan continues to refer to a buffer zone around the site and the approved development brief refers to a landscape buffer on the western edge to provide screening to the coachworks and provide a visual link with Friock Wood. The view by Scottish Natural Heritage in commenting on the draft brief reinforces the need for the creation of a wooded strip along the western boundary to help link Friock Wood to other wooded areas within and to the north of the village. It is clearly the intention within the plan that a buffer zone be incorporated in any proposals, although the foregoing summary indicates that it is to be focused on the western edge of the site only.

7. Policy PV7 seeks to identify, protect and enhance ancient semi-natural woodland. The recommended modification to Policy PV7 in Issue 8 gives greater weight to the protection of ancient semi-natural woodland, consistent with Scottish Planning Policy. The extent of remaining ancient woodland within Friock Wood is unclear. However, I consider there to be adequate protection in the plan afforded to it and to the requirement for any additional buffers if necessary. Therefore, I do not accept that this site should not be taken forward for development.

LG1 Letham Grange

8. Within the adopted local plan, there are three separate policies dealing with housing, tourism and recreation development, and development within the immediate vicinity of the B Listed Letham Grange Hotel. The proposed plan consolidates these into one policy relating to Letham Grange. In doing so, concerns are raised that the approach to housing development on the site has been diluted from that in the local plan review. References are made to previous housing development, which has not delivered tourism improvements, and that the infrastructure cannot accommodate more housing.

9. Cross-subsidy from limited housing development continues to be seen as a mechanism to fund improved facilities at Letham Grange and I support this general approach. The council considers that the replacement of the word 'acceptable' with 'considered', removes an assumption of permission being granted. I agree that this provides a less positive statement, requiring the matter to be assessed and evaluated before a decision is made.

I do not consider that the removal of the words 'strictly' in relation to limited housing development, which is dependent on a 'clear case having been demonstrated', weakens the requirement for cross-subsidy. In fact, the introduction of the word 'necessary' provides no doubt that any housing must be essential to cross-subsidise the tourism and

recreation facilities within the complex. Therefore, I do not support the amendments suggested in the representations.

Leysmill – Development Boundary

10. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in east Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

11. Leysmill is one of the small rural settlements in east Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. As established garden ground adjoining the property Bellevue, this small site enjoys a degree of screening. However, as a site located at the northern edge of the village, accessed along a private driveway, its development would not represent a rounding-off of the boundary but a garden extension. In all of these circumstances, I do not consider that the alteration to the development boundary would be justified.

Wv1: Woodville Development Approach

12. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in east Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

13. Woodville is the only small rural settlement in the plan area where new proposals for housing development are restricted to those associated with agriculture and horticulture or essential workers in connection with an established business. The council argues that without the restriction, further urban sprawl and increased urbanisation would result. The council refers to a number of approvals and refusals in the area indicating the pressure for new housing development, which justifies the continued restricted approach. The representation argues that there has not been any significant new housing development in Woodville, with the exception of Woodville feus area, and the area remains very much rural.

14. Woodville is characterised by groups of buildings including individual houses, smallholdings, commercial and industrial premises, a hotel and a caravan site, dispersed over a wide area of countryside. The whole area sits immediately west of Forfar Road, intersected by more minor roads and located only a short distance from the northwest of Arbroath. The settlement contains a number of prominent concentrated groups of buildings and new houses for example along East Muirlands Road and in the area to the north at Woodville feus. It is my conclusion, that the gradual development of new housing by expanding and creating new building groups or single houses would result in a more urbanised and built form to the settlement, which would threaten its dispersed character and the rural character of the countryside. Given the proximity of Woodville to the edge of Arbroath, where settlement expansion is proposed, this also has the potential to blur the distinction between the urban area and the countryside. Therefore, I do not agree that

there should be any relaxation in the plan's approach to new development in Woodville.

Reporter's Recommendations:

No modifications.

<p>Issue 23</p>	<p>West Angus HMA</p>	
<p>Development Plan Reference:</p>	<p>Letham Settlement Strategy, Pages 152 – 156 L2 Housing – Jubilee Park, Page 154 L3 Housing – Land Between Blairs Road & Dundee Street, Page 155 Letham Omissions Bowriefauld Development Boundary Map, Page 175 Bridgend of Lintrathen Development Boundary Map, Page 179 G1 Opportunity Site – Dundee Road East, Page 202 Kirkton of Menmuir Development Boundary Map, Page 219</p>	<p>Reporter: Claire Milne</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>L2 Housing – Jubilee Park</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/054)</p> <p><u>Comments</u></p> <p>Ruth Elder (PP/00088/1/001)</p> <p><u>L3 Housing – Land Between Blairs Road & Dundee Street</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/055)</p> <p><u>Objections</u></p> <p>David Dunsmuir (PP/00100/1/002) Mr & Mrs J V Neill (PP/00003/1/001) Gerald Johnson (PP/00007/1/001)</p> <p><u>Comments</u></p> <p>Findlay Russell (PP/00037/1/001)</p> <p><u>L4 Working – Land at Dundee Street</u></p> <p><u>Support</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/056)</p>		

Comments

David Dunsmuir (PP/00100/1/003)

Letham Omissions

Objections

Ms H Lindsay (PP/00059/1/001)

Bowriefauld

Objections

Iain MacDonald (PP/00130/1/001)

Bridgend Of Lintrathen

Objections

C S Fleming & Son (PP/00109/2/001, PP/00109/3/001)

Glamis

Objections

Strathmore Estates (PP/00133/1/001)
 Scottish Environment Protection Agency (PP/00120/1/050)

Kirkton of Menmuir

Objections

Irene Taylor (PP/00056/1/001)

**Provision of the
 Development Plan
 to which the Issue
 Relates:**

The West Angus Housing Market Area: Rural Service Centre and Villages

Planning Authority's Summary of the Representation(s):

L2 Housing – Jubilee Park

Support

Scottish Environment Protection Agency (PP/00120/1/054) - Support the requirement for a Flood Risk Assessment to be undertaken prior to development and as the site is located adjacent to a regulated site (chicken processors) which has the potential for residual emissions, in-particular odour and waste, support the requirement for an odour impact assessment.

Comments

Ruth Elder (PP/00088/1/001) - Consider that if the proposed development goes ahead then it would be beneficial if the site could be joined with Woodside Road. This would help reduce the risk of pedestrian accidents with lorries that park on the designated pathway.

L3 Housing – Land Between Blairs Road & Dundee StreetSupport

Scottish Environment Protection Agency (PP/00120/1/055) - Support the requirement for a Flood Risk Assessment to be undertaken prior to development and as the site is located adjacent to a regulated site (chicken processors) which has the potential for residual emissions, in-particular odour and waste, support the requirement for an odour impact assessment.

Objections

David Dunsmuir (PP/00100/1/002) - Considers that there are other more suitable development sites within the village which would remove the need for development on the proposed greenfield site. As part of any development proposals developers could be asked to contribute to the upgrade of unadopted roads within the village. The representation also indicates that the primary school is running at full capacity and may not cope with any new housing and that neither Dundee Street nor Blairs Road is on the bus route to Forfar or Friockheim. In addition, it is considered that a Flood Risk Assessment is undertaken as early as possible

If it is considered necessary to develop a greenfield site, outwith the current boundary, then the field to the northwest of West Hemming Street would provide a much better site with better road access as well as being on the arterial bus route. It would also be far enough away from any industrial site development and its associated vehicles.

Mr & Mrs J V Neill (PP/00003/1/001) - Considers that it would be more sensible to utilise the existing undeveloped land within Letham before the loss of agricultural land. In addition, concerns have been expressed regarding the removal of trees and bushes which has had a negative impact on local wildlife, the Letham footpath network and the overall environment of the village.

Gerald Johnson (PP/00007/1/001) - Considers that there are other more suitable development sites within the village which would remove the need for development on the proposed greenfield site.

Comments

Findlay Russell (PP/00037/1/001) - Supports Policy L3 and considers the site is suitable in terms of access and landscaping, with opportunities to enhance biodiversity. Notwithstanding this, reservations have been raised about the need for all the listed technical assessments, in particular, the Odour Impact Assessment. It is considered that this is inappropriate for this housing development.

L4 Working – Land at Dundee StreetSupport

Scottish Environment Protection Agency (PP/00120/1/056) - Support the requirement for a Flood Risk Assessment to be undertaken prior to development and as the site is located adjacent to a regulated site (chicken processors) which has the potential for residual emissions, in-particular odour and waste, support the requirement for an odour impact assessment.

Comments

David Dunsmuir (PP/00100/1/003) - Has raised concerned with the siting of an industrial development and a housing development next to each other, especially as the road entrance to both is off Dundee Road which is busy with tractors and lorries continually visiting the existing businesses on the industrial site. Any growth in the uptake of industrial units can only be to the detriment of the quality of life for those housed at the site at L3.

Letham OmissionsObjections

Ms H Lindsay (PP/00059/1/001) - Considers that the western end of Letham Village Boundary should be extended to the junction between West Hemming Street and Blair's Road to include a site for between 8-10 houses.

The site:

- is accessible to the adopted road network and can be accessed by a variety of modes of transport, providing a potential to link to a range of facilities and services;
- has a strong landscaped boundary and provides a further opportunity to enhance the existing village setting of Letham with opportunities to enhance biodiversity;
- is free from technical constraints;
- is compliant with the TAYplan strategy, offers the opportunity for effective land supply which would contribute to the housing land requirements for West Angus and meets the tests of effectiveness as set out in PAN 2/2010.

BowriefauldObjections

Iain MacDonald (PP/00130/1/001) - Considers that it is disappointing that land at Bowriefauld Garden Centre has not been incorporated into the settlement by amending the Development Boundary around Bowriefauld. Having reviewed Scottish Planning Policy and previous planning policy it is considered that the land at Bowriefauld Garden Centre is brownfield and infill and could therefore perform a useful function within the Development Boundary by accommodating a some small scale well designed residential development.

Bridgend of LintrathenObjections

C S Fleming & Son (PP/00109/2/001) - Consider that the site at Bridgend of Lintrathen provides scope to enhance the housing land strategy of the ALDP. The site satisfies the various tests of effectiveness set out within PAN 2/2010, offers an opportunity to complete and enhance the landscape setting of the village through the incorporation of a significant area of landscape and will help to reverse the tendency of the rural population towards a more elderly bias. The development of this site will also serve to safeguard the future of the school (school role at Isla Primary School is 34 pupils).

C S Fleming & Son (PP/00109/3/001) - Consider that the site adjacent to Isla Primary School provides scope to enhance the housing land strategy of the ALDP. The site satisfies the various tests of effectiveness set out within PAN 2/2010, comprises an infill development opportunity and will help to reverse the tendency of the rural population towards a more elderly bias. The development of this site will also serve to safeguard the future of the school (school role at Isla Primary School is 34 pupils).

GlamisObjections

Strathmore Estates (PP/00133/1/001) - Support the development strategy for Glamis and the principle of allocation G1 as an opportunity site and wish to see it come forward for mixed use development to support the growth of the village through a high quality, sensitively designed but deliverable mixed use development.

Preliminary work on the development of the site concludes that the land is effective and as a site located within the heart of the village, has the potential to deliver a mixed use development that is accessible by foot to the local community and, through careful layout and design, can integrate with existing uses and support opportunities for local commerce, retail and housing.

Scottish Environment Protection Agency (PP/00120/1/050) - Consider that Policy G1 should be amended to include a Flood Risk Assessment (FRA) which assesses the risk from the Glamis Burn which flows close to the site boundary.

Kirkton Of MenmuirObjections

Irene Taylor (PP/00056/1/001) - Considers that the original boundary of Kirkton of Menmuir along the stream is reinstated thus bringing it back in line with Council policy. As a result of the previous Development Plan, the original east boundary of Kirkton of Menmuir, along the stream was moved to the fence along the new cemetery. The reasoning for moving this boundary has remained unclear. The Proposed Development Plan continues to show the boundary along the fence. That the original boundary of Kirkton of Menmuir along the stream is reinstated thus bringing it back in line with Council policy.

Modifications Sought by those Submitting Representations:L3 Housing – Land Between Blairs Road & Dundee Street

David Dunsmuir (PP/00100/1/002) - There are other more suitable development sites within the village rather than this proposed greenfield site. If it is considered necessary to develop a greenfield site, outwith the current boundary, then the field to the northwest of West Hemming Street would provide a much better site.

Mr & Mrs J V Neill (PP/00003/1/001) – It would be more sensible to utilise the existing undeveloped land within Letham before the loss of agricultural land.

Gerald Johnson (PP/00007/1/001) - No specific change identified, although considers that There are other more suitable development sites within the village rather than this proposed greenfield site.

Letham Omissions

Ms H Lindsay (PP/00059/1/001) - The western end of Letham Village Boundary should be extended to the junction between West Hemming Street and Blair's Road to include a site for between 8-10 houses.

Bowriefauld

Iain MacDonald (PP/00130/1/001) - Amend the proposed Development Boundary for Bowriefauld to incorporate the land at Bowriefauld Garden Centre.

Bridgend of Lintrathen

C S Fleming & Son (PP/00109/2/001) - Include the site at Bridgend of Lintrathen as it provides scope to enhance the housing land strategy of the ALDP.

C S Fleming & Son (PP/00109/3/001) - Include the site adjacent to Isla Primary School as it provides scope to enhance the housing land strategy of the ALDP.

Glamis

Strathmore Estates (PP/00133/1/001) - Wish to see site G1 come forward for mixed use development to support the growth of the village through a high quality, sensitively designed but deliverable mixed use development.

Scottish Environment Protection Agency (PP/00120/1/050) - Policy G1 should be amended to include a Flood Risk Assessment (FRA) which assesses the risk from the Glamis Burn which flows close to the site boundary.

Kirkton of Menmuir

Irene Taylor (PP/00056/1/001) - As a result of the previous Development Plan, the original east boundary of Kirkton of Menmuir, along the stream was moved to the fence along the new cemetery. The original boundary of Kirkton of Menmuir along the stream should be reinstated thus bringing it back in line with Council policy.

Summary of Responses (including reasons) by Planning Authority:L2 Housing – Jubilee Park

Supporting representations noted.

Comments

Ruth Elder (PP/00088/1/001) – Policy L2 indicates that the opportunity to provide vehicular access for residents on Woodside Road through the allocated site should be investigated.

The development brief for the site (approved February 2012) (S4/23-1, Paragraph 4.11) clarifies this opportunity further and notes that an alternative vehicular access through the site would avoid residents on Woodside Road passing the chicken factory to Dundee Street. Although the chicken factory has recently ceased trading, the land associated with the factory is identified in the Proposed Plan as an existing employment site, with the possibility that a new employment use could be located on this site in the future. The development brief further clarifies that in order to avoid a through route between site L2 and Dundee Street, the unmade section of Woodside Road should be closed to through vehicular traffic. Provision should however be made for pedestrian and cycle linkages from Woodside Road to Letham Primary School and Braehead Road.

L3 Housing – Land Between Blairs Road & Dundee Street

Supporting representations noted.

Objections

David Dunsmuir (PP/00100/1/002); Mr & Mrs J V Neill (PP/00003/1/001); Gerald Johnson (PP/00007/1/001) - The Main Issues Report (CD/1-11, Pages 116-117) specified that within Letham there is a network of adopted and unadopted roads. The number of unadopted roads (CD/1-1, Appendix 5, Pages 283-286) is a significant and often a limiting factor for new development in Letham. The physical constraints of road width, varied ownerships and interests and the cost of works to bring unadopted roads up to the required standard can all adversely affect development viability. As a result, planning policy over the years has sought to direct development to sites which can be served by the adopted road network. In the interests of road and pedestrian safety, and in the current economic climate, the Main Issues Report considered that there was no justification for a change of approach in considering future development options. However, the Main Issues Report was clear to emphasise that this approach means that in the future, land on the edge of the village, much of which is prime quality agricultural land, will be more suitable for new development than some potential sites within the built-up area which require substantial investment in road infrastructure.

Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) is clear however that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies of the ALDP. In the context of Letham and the potential impact on unadopted roads, this would include Policy DS2 Accessible Development (CD/1-1, Pages 11-12); Policy DS5 Developer Contributions (CD/1-1, Page 15) and Policy L1 Unadopted Roads Policy (CD/1-1, Pages 152-153) and

associated Appendix 5 (CD/1-1, Pages 283-286).

In relation to detailed comments by David Dunsmuir (PP/00100/1/002) the school roll at September 2014 showed there was adequate capacity for the proposed developments in Letham. The roll at Letham Primary School was 143 pupils from an available capacity of 222 pupils.

With regards to bus routes, whilst the majority of bus routes access the village via West Hemming Street, appropriate footpath connections are available to link the site with the central part of the village. Policy L3 also makes specific reference to the opportunity for active travel through improved linkages with the footpath network, including core paths.

Comments in relation to a Flood Risk Assessment are noted as this is a requirement for sites L3 and L4.

David Dunsmuir (PP/00100/1/002) has also indicated that the field northwest of West Hemming Street would be better as it has good road access and is well served by public transport. It should be noted that this site was identified as an Alternative Option for land allocation in the Main Issues Report (CD/1-11) Page 118). Whilst it was acknowledged that this site could accommodate a number of new homes, given the residential nature of the surrounding area and as the site is predominantly backland in nature (i.e. a generally 'landlocked' site behind existing residential buildings, with no street frontage.) that complementary employment uses would not be suitable. This view was also supported by Scottish Natural Heritage in response to the Main Issues Report (CD/1-7, Pages 457-458). Whilst the Council's Landscape Capacity Assessment for Letham (CD/5-5, Paragraphs 12.3.2 & 12.4) states that there is medium capacity for urban development south of the small burn below the ribbon development on the north side of West Hemming Street with the north-south field boundaries west of Dreamfield House as obvious stop lines, the greatest capacity for urban extension is to the south-west, on the lower ground where development would extend the village in a way which would be consistent with the historic relationship of the village to the wider landscape.

In relation to detailed comments by Mr & Mrs J V Neill (PP/00003/1/001) regarding the loss of trees and bushes, this is not considered to be a material planning consideration, however Policies L3 and L4 require the provision of structural landscaping to ensure the sites provide an appropriate village edge, enhance biodiversity and the green network around Letham. For these reasons, the Council does not agree to modify the plan in response to these representations.

Comments

Findlay Russell (PP/00037/1/001) – In relation to residential development, Policy TC2 Residential Development (CD/1-1, Page 21) and Policy DS4 Amenity (CD/1-1, Page 14) provide opportunity for the Council to request additional information as part of a planning application to ensure there will be no negative impact on existing and proposed residential amenity. In addition, appropriate consultation will be undertaken with relevant agencies, including Scottish Environment Protection Agency and the Council's Environment Health Division as part of any future planning applications.

With particular reference to L3, this policy requires the submission of an Odour Impact Assessment. This policy requirement was included following comments received by Scottish Environment Protection Agency (916/017) to the Main Issues Report (see CD/1-7

Pages 454-455) and the potential impact of odour from the adjacent chicken factory. In terms of the representation from Ross Henderson Associates for Findlay Russell (PP/00037/1/001) it is considered that the requirement to submit this technical assessment as part of any future planning application is warranted and justified.

In addition to the requirement to submit an Odour Impact Assessment or other necessary reports as required, Policies L3 and L4 require the provision of structural landscaping to ensure the sites provide an appropriate village, are well integrated with each other and enhance biodiversity.

L4 Working – Land at Dundee Street

Supporting representation noted,

Comments

David Dunsmuir (PP/00100/1/003) – With particular reference to comments in relation to vehicular access it should be noted that access to the site is to be taken from Blairs Road, thus reducing the potential mix of residential and industrial vehicles.

Policy L4 also requires the submission of an Odour Impact Assessment depending on the types of business/employment uses proposed. Again, this policy requirement was included following comments received by Scottish Environment Protection Agency (916/017) to the Main Issues Report (CD/1-7, Pages 454-455) and the potential impact of odour from the adjacent chicken factory.

It is worth noting that the chicken factory has recently ceased trading, however, the land associated with the factory is identified in the Proposed Plan as an existing employment site, with the possibility that a new employment use could be located on this site in the future.

In addition to the requirement to submit an Odour Impact Assessment or other necessary reports as required, Policies L3 and L4 require the provision of structural landscaping to ensure the sites provide an appropriate village, are well integrated with each other and enhance biodiversity.

Letham Omissions

Objections

Ms H Lindsay (PP/00059/1/001) - The Proposed Plan's development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (CD/1-1, Pages 8-9).

The site between West Hemming Street and Blair's Road whilst not considered as a preferred or alternative option in the Main Issues Report is not considered to be of an

appropriate scale to implement the development strategy for the rural area. In terms of an extension or amendment to the Letham development boundary, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to these representations.

Bowriefauld

Objections

Iain MacDonald (PP/00130/1/001) - The Proposed Plan's development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (CD/1-1, Pages 8-9). It would not be appropriate to allocate land at Bowriefauld for residential development as this would fundamentally alter the Plan's development strategy for the rural area, whilst no key agencies or the Scottish Government have sought a change to the development strategy.

In terms of an extension or amendment to the development boundary at Bowriefauld, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Bridgend Of Lintrathen

Objections

C S Fleming & Son (PP/00109/2/001, PP/00109/3/001) - The Proposed Plan's development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (CD/1-1, Pages 8-9). It would not be appropriate to allocate land at Bridgend of Lintrathen for residential development as this

would fundamentally alter the Plan's development strategy for the rural area, whilst no key agencies or the Scottish Government have sought a change to the development strategy.

In terms of an extension or amendment to the development boundary at Bridgend of Lintrathen, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to these representations.

Glamis

Objections

Strathmore Estates (PP/00133/1/001) – Policy G1 sets out that the site provides an opportunity for local business or tourist related development in support of the existing role and function of the village as a focus for tourism. The policy also enables scope for any development to incorporate a limited number of houses which would be ancillary to the employment/tourism uses. Whilst it is acknowledged that no specific level of residential development has been identified, the future scale of development will be dependent on ensuring that a high level of design is incorporated to respect the outstanding conservation area status of the village in line with Policy DS3 Design Quality and Placemaking (CD/1-1, Page 13) and Policy PV8 Built and Cultural Heritage (CD/1-1, Page 52). For these reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/050) - The comment made in relation to amending Policy G1 to include a developer requirement for a Flood Risk Assessment to assess the risk from Glamis Burn is accepted. Consequently, the Council would have no objection to including the requirement for a Flood Risk Assessment and would suggest that the policy wording is amended to include this requirement. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Kirkton of Menmuir

Objections

Irene Taylor (PP/00056/1/001) - The Proposed Plan's development strategy for the rural area specifies that development will be focused on supporting the Rural Service Centres of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan allocates small-scale development sites for housing in these locations to help to support and maintain services and facilities, and reduce the need to travel. To support and maintain population levels the Angus Local Development Plan makes provision for development of up to 50 houses in each Rural Service Centre over the life of the plan (CD/1-1, Pages 8-9).

In terms of an extension or amendment to the development boundary at Kirkton of

Menmuir, the Proposed Plan specifies that the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9). This review is also referred to in the Draft Action Programme (CD/1-15, Page 7, Action 5) and will take place in years 1-5 of the Angus Local Development Plan. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's Conclusions:

Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Letham: L3 Housing – Land between Blairs Road and Dundee Street

2. Within Issue 3, it is concluded that sufficient land has been allocated within the core area and other principal settlements to enable the required scale of new housing to be delivered. In addition to the Tier 1 to 3 principal settlements defined in the strategic development plan, four villages including Letham have been identified in the plan as 'rural service centres'. They have been identified as such because of their relative size, as well as the availability of services and facilities. The allocation of up to 50 housing in each of these villages is additional to the land requirement and intended to meet local housing needs, help maintain local population levels and support essential community services and facilities. I consider this approach to be appropriate.

3. This site is identified within the Main Issues Report as a preferred option for housing development. In allocating the site within the proposed plan, it was subject to a range of strategic assessments including environment, transport, landscape and flood risk.

4. There are local concerns that sites within Letham should be developed before greenfield sites at the edge are allocated for housing development. The council highlights that the presence of unadopted roads within the village limits locations to direct new development without requiring substantial investment in road infrastructure. Although Policy DS1 provides general support for the development of infill sites within the village, the development strategy for Letham recognises that greenfield land releases are also required if accessible and viable sites are to be identified. This appears to me to be a more pragmatic approach, which provides a degree of certainty within the plan around future housing development. However, it does not exclude the possibility of smaller sites within the village coming forward under Policy DS1 where it complies with the council's unadopted roads policy in Appendix 5 of the plan.

5. Further concerns are expressed with regard to this site's landscape impact and as a suitable location for housing. I consider the site well located relative to accessing the countryside and the nearby community of Bowriefauld, expanding green network linkages and connecting with the public transport and walking routes to the primary school and the

services within the village.

6. With regard to landscape, the council's landscape capacity study highlights that the more recent development at Anvil Bank has left a hard urban edge and limited landscaping in this part of the village. Capacity for urban extension is considered to be high adjacent to this residential area. I consider that the development of this site would represent a rounding-off the village and by incorporating significant structural landscaping would improve the visual aspect of this western edge of the village.

7. The developer requirements associated with this allocation, to be included within a development brief, would address the main planning related concerns as far as is appropriate for the local development plan. These include: the provision of a design and layout which integrates within the existing landscape character, pattern of development and neighbouring uses and buildings; the provision of structural planting and landscaping to create an appropriate village edge and to enhance biodiversity; and the provision of a flood risk assessment. With regard to school infrastructure, the council has confirmed that there is sufficient capacity at the primary school to accommodate the proposed developments within Letham. Overall, therefore, I find this site to be suitable as an allocation for housing development.

Letham Omissions

8. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in west Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found any of the allocated sites are inappropriate. Therefore, the identification of further housing land is not required.

9. The area of land at the corner between West Hemming Street and Blairs Road is lined on both sides by a mix of mature trees and hedges. These features provide a strong visual edge when approaching from the west and contribute to the character of this part of the village. Development in this location would not represent a rounding-off of the boundary and would risk losing these landscape features, which would expose the site to views from the open countryside to the north, south and west. In all these circumstances, I do not consider that there is sufficient justification to amend the development boundary or to allocate this site for housing development.

Bowriefauld

10. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in west Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found any of the allocated sites are inappropriate. Therefore, the identification of further housing land is not required.

11. Bowriefauld is one of the small rural settlements in west Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. To include within the boundary the whole area indicated within

the representation, would extend the linear form of Bowriefauld and would not represent a rounding-off of the settlement. Consequently, I do not consider that this alteration to the development boundary would be justified. If the site is considered to be brownfield and I come to no firm conclusion on that matter through this examination, Policy TC2 lends support to housing proposals where the regeneration or redevelopment of brownfield sites would deliver significant visual or environmental improvement. I consider it more appropriate therefore that this proposal be considered in the wider context provided by Policy DS1 and Policy TC2.

Bridgend of Lintrathen

12. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in west Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found any of the allocated sites are inappropriate. Therefore, the identification of further housing land is not required.

13. Bridgend of Lintrathen is one of the small rural settlements in west Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Given the very small size of the settlement, the development for new housing to the south would represent a significant expansion of the settlement onto greenfield land beyond its development boundaries. Development in this location on rising ground would also be highly visible and would not represent a rounding-off of the settlement. In all of these circumstances, I do not consider that its allocation for housing development or an amendment to the development boundary would be justified.

14. The site adjacent to Isla Primary School lies remote from any defined settlement within the Plan and falls within the countryside. At the time of my site inspection, I noted that the most of the site was in use as a play area and as an overflow car park for the Peel Farm Shop and Café, which operates next to the site. Given these circumstances, I do not consider that the allocation of this small rural site for housing development would be justified. However, I note the recommended modification to Policy TC2, which would allow for infill between buildings other than houses. Details of what buildings would be suitable would be contained within proposed supplementary guidance and therefore this site would be more appropriately dealt with in the context provided by Policy TC2.

Glamis

15. Glamis is one of the small rural settlements in west Angus identified for modest new housing development where ancillary to the provision of local business or tourism uses. The allocated housing site at G(a) Dundee Road is identified for 16 units, although the plan indicates that a further planning permission to increase the housing numbers was granted subject to the conclusion of a legal agreement. I note that the 2015 housing land audit identifies a total capacity of 33 units for the site, programmed from 2015 to 2018 and the site is currently under construction.

16. An opportunity site in the core of the village is identified as G1 Dundee Road East for local business or tourist related development. Although the plan allows scope on the site for a limited number of houses as part of the overall scheme, the representation seeks a mixed-use development incorporating residential, commercial and retail uses.

17. Part of this site G1 has been developed as an architect's studio. The remaining land at the centre of the village is in use as a public car park and open ground. The whole site is included within the outstanding conservation area, which extends across the older section of the village to the east of Dundee Road. The site is in a sensitive location, located at the rear of a row of 18th century cottages and with a part road frontage to Dundee Road, one of the main entrances to the village. Given this setting, the developer requirements require that new development adopts a high quality design and materials, suitable landscaping, footpath and green network linkages, and respects the amenity of surrounding properties.

18. The representation argues that the demand for employment and tourist related development on the site is unlikely to be realised during the plan period and the greatest demand is for rural housing of all tenures. The submitted layout shows a potential land use mix with areas zoned as commercial/retail, employment, residential and a car park. These zoned areas are shown over individually drawn building 'plots' (29 in total), that are referred to at various points as houses. Although I accept that the submission is only indicative, I find it difficult to appreciate what uses are envisaged for the site other than residential and car parking and what actual function any other uses might have.

19. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in west Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate. It also seems likely that the allocated site G(a) Dundee Road will deliver more units than originally envisaged in the plan.

20. As there is no requirement for further housing, I do not accept that the plan should be altered to remove the reference to a limited number of houses on this site. The council, through the development strategy for Glamis is committed to supporting the valuable tourism role of the village, with new housing at this site remaining ancillary to the main business and/or tourism uses. Given this context, I do not accept that this site should be identified for mixed-use development.

21. The Scottish Environment Protection Agency has also raised the possibility of flooding from the Glamis Burn, which flows close to the site boundary. Given this, I consider it would be appropriate to amend the plan to include a requirement for a developer to undertake a flood risk assessment to inform the scale, layout and form of the development.

Kirkton of Menmuir

22. Kirkton of Menmuir is one of the small rural settlements in west Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. I note that the boundary of Kirkton of Menmuir is unaltered from that shown in the adopted local plan review. The boundary continues to exclude a partly wooded area adjacent to the burn and follows a fence line and hedge, which appears to delineate garden ground and the edge of an area reserved as a cemetery extension. No further housing is required within west Angus and I am satisfied that the development boundary is appropriate for this very small rural settlement.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 202, 'G1 Opportunity Site – Dundee Road East, Glamis' adding the following before "Drainage Impact Assessment": "Flood Risk Assessment and".

Issue 24	South Angus HMA	
<p>Development Plan Reference:</p>	<p>Newtyle Settlement Statement, Pages 157 – 160 N1 Housing – Land north of Coupar Angus Road, Page 158 N2 Housing – Land north of Eassie Road, Page 159 Newtyle Omissions Ballumbie Settlement Statement, Pages 170 – 171 Birkhill/Muirhead Omissions Bridgefoot and Strathmartine Omissions Inveraldie Omission Kellas Omission Liff Omissions Lundie Omissions Newbigging (by Monifieth) Omissions Strathmartine Hospital, Pages 248 – 249 Wellbank Omission Westhall Terrace Omission</p>	<p>Reporter: David Russell</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p><u>N1 Housing – Land north of Coupar Angus Road</u></p> <p><u>Objections</u></p> <p>Kinburnie Estate (PP/00081/7/001) A & J Stephen & Avant Homes (PP/00139/1/004)</p> <p><u>Comment</u></p> <p>Scottish Environment Protection Agency (PP/00120/1/066)</p> <p><u>N2 Housing – Land north of Eassie Road</u></p> <p><u>Objections</u></p> <p>Kinburnie Estate (PP/00081/2/001) A & J Stephen & Avant Homes (PP/00139/1/005)</p> <p><u>Newtyle Omissions</u></p> <p><u>Objections</u></p> <p>Kinburnie Estate (PP/00081/1/001, PP/00081/4/001, PP/00081/6/001)</p> <p><u>Ballumbie</u></p> <p><u>Objections</u></p> <p>F M Batchelor (PP/00117/2/011)</p>		

Stewart Milne Homes (PP/00140/2/001, PP/00140/3/001, PP/00140/2/002, PP/00140/3/002)

Birkhill/Muirhead Omissions

Objections

Muir Homes (PP/00048/1/001)
A & J Stephen & Avant Homes (PP/00139/1/001)

Bridgefoot and Strathmartine Omission

Objection

Robert Wallace (PP/00111/1/003)

Inveraldie Omission

Objection

Inveraldie Properties (PP/00136/1/011)

Kellas Omission

Objection

Guild Homes (Tayside) (PP/00142/2/001)

Liff Omissions

Objections

Stewart Milne Homes (PP/00101/1/007, PP/00101/2/007)

Lundie Omissions

Objections

Kinburnie Estate (PP/00081/3/001, PP/00081/5/001)

Newbigging (by Monifieth) Omissions

Objections

R Watson (PP/00118/1/011)
Firm of WH Johnston (PP/00131/1/003, PP/00131/1/004, PP/00131/1/005)

Strathmartine Hospital

Objections

Heathfield Ltd (PP/00050/1/006)

Dundee City Council (PP/00072/1/004)
 Scottish Environment Protection Agency (PP/00120/1/067)

Wellbank Omission

Objection

I & H Brown (PP/00132/1/002)

Westhall Terrace Omission

Objection

Mr & Mrs Cook (PP/00018/1/001)

**Provision of the
 Development Plan
 to which the Issue
 Relates:**

The South Angus Housing Market Area: Rural Service Centre and Villages

Planning Authority's Summary of the Representation(s):

N1 Housing – Land north of Coupar Angus Road

Objections

Kinpurnie Estate (PP/00081/7/001) – Kinpurnie Estate support the allocation of land north of Coupar Angus Road (Policy N1) for housing development, but object to the Council's failure to extend the village development boundary further and allocate the site in its entirety.

A & J Stephen & Avant Homes (PP/00139/1/004) – New housing should be directed to locations within the Core Area with an acknowledged demand for housing. By directing growth to the more tertiary settlements and indeed rural settlements such as Newtyle, in preference to the Dundee Core Tier 1 Settlement of Birkhill, the Proposed Plan fails both in terms of Policy and delivery. The Proposed Plan should be amended to delete the housing allocations at Newtyle.

Comment

Scottish Environment Protection Agency (PP/00120/1/066) – Whilst we do not require a modification to the developer requirements for this site, review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.

N2 Housing – Land north of Eassie Road

Objections

Kinpurnie Estate (PP/00081/2/001) – The allocation of this site in the ALDP would lead to irreversible and considerable damage to the local landscape character when viewed from both within the village and from the north and east. Furthermore, potential pedestrian

access to the site appears extremely limited and may compromise the integrity of an important tree barrier and/or conflict with the movement of vehicles within the local car park that serves Core Path route 234.

A & J Stephen & Avant Homes (PP/00139/1/005) – New housing should be directed to locations within the Dundee Core Area with an acknowledged demand for housing. By directing growth to the more tertiary settlements and indeed rural settlements such as Newtyle, in preference to the Dundee Core Tier 1 Settlement of Birkhill, the Proposed Plan fails both in terms of Policy and delivery. The Proposed Plan should be amended to delete the housing allocations at Newtyle.

Newtyle Omissions

Objections

Kinburnie Estate (PP/00081/1/001) – Land at Bannatyne Field, Newtyle should be allocated for residential development of around 10 units. The allocation of this site in the ALDP would help the Council meet its housing land requirements on a well-located, accessible site without compromising the character, amenity and landscape value of the surrounding area. The site is effective and there are no known constraints to its development.

Kinburnie Estate (PP/00081/4/001) – Land at Belmont, by Newtyle should be allocated as a holiday village comprising of up to 75 permanent chalets, up to 125 caravan and camping pitches and associated development. Allocation of this site in the ALDP would support Angus Council's strategy to increase the variety and quality of tourism/leisure related accommodation on a well-located, accessible site without compromising the character, amenity and landscape value of the surrounding area.

This site benefits from planning permission in principle (Ref: 10/00997/PPPM) for 125 No. Touring Caravans/Camping Pitches and 75 No. Holiday Chalets and associated outdoor leisure facilities. The application was considered by the Angus Council Development Standards Committee on the 26th April 2011.

Kinburnie Estate (PP/00081/6/001) – Land at Kirkton Road, Kirkton of Newtyle should be allocated as a housing site for circa 5 units. Allocation of this brownfield site in the ALDP would help the Council meet its housing land requirements on a well-located, accessible site without compromising the character, amenity and landscape value of the surrounding area. The site is effective and there are no known constraints to its development.

Ballumbie

Objections

F M Batchelor (PP/00117/2/011) – Land north of Ballumbie should be allocated for residential development. This site is considered to be deliverable, free from infrastructure constraint and in a location which is well connected with the existing settlement at Ballumbie, which in turn abuts the Dundee Core Area. Moderate growth over the medium to long term on this opportunity site, guided through a masterplanning process can offer choice and flexibility in local housing provision in this part of the Housing Market Area.

Stewart Milne Homes (PP/00140/2/001) and Emac Planning on behalf of Stewart Milne Homes (PP/00140/3/001) – The PALDP development strategy informs (Page 9) that additional housing sites are not allocated for residential development outwith the seven towns and rural service centres. However, below rural service centre level appropriate infill or redevelopment proposals will be supported in those settlements and villages with development boundaries. The subsequent third paragraph (Page 9) somewhat contradictorily sets out why the PALDP will not support further residential development at Ballumbie as further development would, in the Council's opinion, support an unsustainable pattern of development.

However, Ballumbie directly abuts the edge of Dundee City and has very good and local access to shops, primary schooling and health care facilities. Indeed, Ballumbie is served by a regular bus service to local centres of employment and services within Broughty Ferry and Dundee. Rather than being an unsustainable location for development, appropriate small-scale development within an existing settlement boundary should be encouraged and indeed the PALDP goes on to state just that at Policy DS1. It would seem perverse to restrict the opportunity for appropriate scale of infill development within the settlement boundary of Ballumbie and this reference (Page 9) should be deleted and Policy DS1 used as intended.

Stewart Milne Homes (PP/00140/2/002) – Village H is the former compound site for the wider development, a brownfield site of approximately 2 hectares and lies directly adjacent to one of the development parcels to the east of Ballumbie House. It is considered appropriate for redevelopment for approximately 6-10 houses.

Whilst an area of the Village H site lies within an area of flood risk, technical assessment has indicated that a development of approximately 6-10 houses would be acceptable on a restricted footprint. With regard to servicing, water, drainage and power supply all are available and there are not considered to be any other constraints that would prevent timeous development.

We would suggest that Angus Council have inadvertently excluded the site from the PALDP. Therefore, the site should be allocated for housing as a minor change to the PALDP.

Stewart Milne Homes (PP/00140/3/002) – Village V extends to approximately 0.5 hectares and is considered appropriate for redevelopment for approximately 5-10 houses.

Stewart Milne Homes also own a further 4.3 hectares of land directly to the west i.e. within Dundee City and extending across to Ballumbie Road. This land is currently being promoted for housing development within the emerging Dundee City Local Plan and the combination of both sites can provide for additional connectivity in terms of footpath/cycle links thereby improving local links to open space and other local amenities. With regard to servicing, water, drainage and power supply all are available and there are not considered to be any other constraints that would prevent timeous development.

Birkhill/Muirhead Omissions

Objections

Muir Homes (PP/00048/1/001) – Birkhill/Muirhead is contained within the Dundee Core Area as defined by the approved Strategic Development Plan. It is a Tier 1 settlement

which has been assessed by TAYplan as having the potential to accommodate development over the plan period.

A detailed landscape and visual assessment of Birkhill/Muirhead has been undertaken of 9 potential sites and concluded that land under the control of Muir Homes at East Adamson represents the best opportunity to allocate an effective, well connected housing site (plus farm shop) that can be absorbed successfully in the landscape as shown in the Indicative Development Framework. The proposal also includes the provision of a new link road connecting the A923 and the B954 which will have wider local and strategic benefits including improved road safety.

A & J Stephen & Avant Homes (PP/00139/1/001) – Angus Council have misinterpreted TAYplan policy in their assessment of the merits of Birkhill as a location for development and no evidence has been provided to demonstrate that the release of land in the Birkhill area would have a prejudicial effect on the Western Gateway. In the absence of this information, we must question the rationale for not considering the potential contribution this area could make to meeting housing need and demand in South Angus and the overall TAYplan area, and maximising range and choice in the housing land supply in compliance with TAYplan Policy 1: Locational Priorities and Policy 5: Housing. Angus Council require to prepare a full Main Issues Report and re-consult prior to submitting the ALDP for examination.

Bridgefoot and Strathmartine Omission

Objection

Robert Wallace (PP/00111/1/003) – It is considered that the site at Bridgefoot offers scope to enhance the housing land strategy of the ALDP within the South Angus HMA by providing an opportunity to achieve early delivery of housing within an area of the HMA with a proven track record in terms of marketability. The site is under single ownership, forms a logical boundary to the village, is capable of being developed, is located outwith the flood zone of the Dighty Water, there are no constraints to development in terms of infrastructural requirements or funding through public agencies, the sites are not subject to contamination, and the site is considered to be highly marketable given its location.

Inveraldie Omission

Objection

Inveraldie Properties (PP/00136/1/011) – The moderate expansion of Inveraldie in the first period of the ALDP would deliver social, economic and environmental benefits by sustaining service provision in the village. The provision of new mixed-use development in this location is appropriate as the village is accessible, has a close association with the core settlement of Dundee and the site is capable of delivering effective housing land.

A potential new relief road around Dundee is being considered and the junction with the A90 would be located in the proximity of Inveraldie and this is relevant to the medium and long-term potential of this site.

Kellas OmissionObjection

Guild Homes (Tayside) (PP/00142/2/001) – As an active house builder within Angus, Guild Homes are seeking the allocation of land west of Kellas for a residential development of around 10 houses. The land is under the control of Guild Homes and they are confident that the proposed small house site would prove popular.

There are no impediments to development, in fact the site is considered highly sustainable as much of the infrastructure is currently in place to serve the proposed development. As such the site is considered fully effective.

Liff OmissionsObjections

Stewart Milne Homes (PP/00101/1/007) – An area of land on the northern edge of Liff extending to some 27 hectares represents a sustainable location for future housing development and accompanying community facilities, close to established residential areas and facilities and capable of being well integrated with existing and potential future public transport provision.

The development of this site could assist in meeting the growth requirements for Liff throughout the ALDP period and beyond, creating certainty for Angus Council and local communities while avoiding the need for further site selection processes during future ALDP's.

Stewart Milne Homes (PP/00101/2/007) – An area of land on the north eastern edge of Liff extending to some 8 hectares represents a sustainable location for future housing development and accompanying community facilities, close to established residential areas and facilities and capable of being well integrated with existing and potential future public transport provision.

The development of this site could assist in meeting the growth requirements for Liff throughout the ALDP period and beyond, creating certainty for Angus Council and local communities while avoiding the need for further site selection processes during future ALDP's.

Lundie OmissionsObjections

Kinburnie Estate (PP/00081/3/001) – Kinburnie Estate respectfully request that the land at Ledyatt Wood, by Lundie is allocated for tourism/leisure related development. Allocation of the site within the ALDP would help to promote a development opportunity that would positively benefit the tourism economy in Angus and Tayside as a whole.

Some of the key features of the proposals are that the site will expand existing facilities; has minimal landscape and visual impact; is accessible and has positive environmental assets.

Kinburnie Estate (PP/00081/5/001) – Kinburnie Estate respectfully request that the land at Lundie is allocated for residential development (circa 5 units). It is considered that the site forms a logical extension to the settlement; has minimal landscape or visual impact; is accessible; is free from infrastructure constraints and is effective.

Newbigging (by Monifieth) Omissions

Objections

R Watson (PP/00118/1/011) – This allocation would deliver social, economic and environmental benefits by sustaining service provision in the village. It is considered that this site is deliverable, free from infrastructure constraint and in a location which is well connected both physically and visually with the existing settlement. Moderate growth, guided through a masterplanning process can support local service provision and community facilities as well as offering choice and flexibility in local housing provision. The masterplan proposals offer the opportunity to secure an exemplar, zero carbon sustainable new neighbourhood and it is considered that this commitment should also be supported and this site identified as preferred for future growth.

Firm of WH Johnston (PP/00131/1/003, PP/00131/1/004, PP/00131/1/005) – Objects to the non-allocation of land for housing around the settlement of Newbigging.

Area 1 (PP/00131/1/003) is located to the north-west, as a logical extension to the built up area, west of Templehall Place with access able to be obtained from Templehall Place with no ownership constraints. The land, which extend to approximately 1.8 hectares/4.4 acres is presently in agricultural use and is flat. It forms part of a large field west of the settlement accessible by the main farm further to the north-west.

Area 2 (PP/00131/1/004) is located to the south-west, again considered to be a logical westward extension to the built up area, to the rear of existing houses fronting Pitairlie Road. The land, which extends to approximately 1.3 hectares/3.2 acres, is presently in agricultural use forming part of a large field west of the settlement accessible by the main farm further to the north-west. It is also relatively flat, although it slopes slightly down to the south east corner.

The area in between Area 1 and Area 2 is identified as a small area of land extending to approximately 0.6 hectares/1.5 acres adjacent to the Primary School to be utilised as an extended play area facility or to provide space to enable expansion of the School building itself without compromising the external play space required. It is also presently farmland and flat, forming part of the larger field.

Area 3 (PP/00131/1/005) is presently formed by 2 distinct areas. The area to the front is occupied by Pitairlie Garage and the land to the rear is farmland, owned by the Firm of WH Johnston. The total area extends to approximately 2.15 hectares/5.3 acres.

The 2 parties are jointly promoting the land as one parcel for the purpose of this ALPD exercise to demonstrate the benefits to be accrued by allocating a larger area to accommodate the level of modest housing that this area can provide as a long-term sustainable plan for the village.

The benefits of Area 3 are that they are in locations that are relatively unobtrusive from the southern approach to the village, although they are visible from the north as the B961

is at a higher level to the north than the settlement. It is considered that a development can be created within this area that would not significantly impact on the visual amenity or character of the settlement.

On all sites, a high quality residential development, taking cognisance of the traditional rural buildings at either end of the settlement can be achieved. This would meet Scottish Planning Policy (2014) objectives on place-making and the design-focused agenda of the 6 qualities of a successful place. It would also meet the ALDP's own policies with emphasis on high quality places being created in line with a set of Development Principles and Design-focused policy criteria.

Strathmartine Hospital

Objections

Heathfield Ltd (PP/00050/1/006) – The St1 SEA Implications and the SEA report should recognise that there is a more positive benefit to redevelopment of the site. The grading/scoring of "0/+ Cultural Heritage"; "0/+ Population"; and "+ Landscape" does not recognise the sensitivity of the Listed Buildings, the scale of the site or the poor state of repair and condition of the buildings. Support for the comprehensive redevelopment of the site as an identified development opportunity is supported. However, the comprehensive redevelopment of the site would have more significant positive benefits than those noted (and should therefore be scored higher on this basis as + or ++). Redevelopment would lead to significant physical, social and environmental improvements. The landscape would be transformed and a heritage asset that has been derelict for over a decade would be saved. The site is recognised as being a sustainable location accessible by public transport. The policy should also include reference to support a level of new development...."that is required to be financially viable to ensure the site is dealt with in a sensitive and comprehensive manner".

Dundee City Council (PP/00072/1/004) – The City Council supports the retention and reuse of the listed building at the Strathmartine Hospital Estate. Any significant housing allocation at this location would undermine the strategy of the Dundee LDP 2014 by attracting interest away from the Western Gateway and opening up major housing options to the north of the City. It is also considered that any significant housing development on the proposed allocated site would contribute to a cumulative effect on traffic levels and congestion within Dundee, especially on the A90/Kingsway junctions.

Scottish Environment Protection Agency (PP/00120/1/067) – This site is located in or adjacent to the functional flood plain or an area potentially at flood risk. We therefore require a modification to the developer requirements to include a FRA which assesses the risk from the Dighty Water and the small watercourse which may be culverted under the site.

Additionally, review of the surface water 1 in 200 year flood map indicates that there may be flooding issues on the site. It is recommended that this be investigated further and that contact is made with the Council's flood prevention officer.

We require a modification to the Developer Requirements to include the assessment of options for morphological improvement including consideration of any culverted watercourses related to the site.

Wellbank OmissionObjection

I & H Brown (PP/00132/1/002) – There is a significant shortfall in the PALDP's Housing Supply Target within South Angus, which is contrary to SPP's stipulation that a 'generous' supply of land for housing should be provided. Accordingly, I & H Brown wish to promote the proposed site at Wellbank as it is ideally located to contribute to the housing land requirement. This would bolster the housing land supply in the area and would integrate the existing development boundary at Wellbank with The Angus Site. The site is also unconstrained in terms of environmental and landscape designations and planning consents.

Westhall Terrace OmissionObjection

Mr & Mrs Cook (PP/00018/1/001) – The settlement boundary for Westhall Terrace should be amended to include a gap site between 'The Cottage' and 'East March Cottage'.

Such a proposal would be in accordance with the development strategy of the ALDP of supporting sustainable development and by taking a positive approach when considering development proposals. The development of two houses within this gap site would not raise any strategic planning issues and would allow for a limited development opportunity which would support the population and services of the local community as set out in the ALDP. The proposed small extension to the village boundary of Westhall Terrace would also be in accordance with Scottish Planning Policy as it would promote a pattern of development that is appropriate to the character of the particular rural area; and encourage rural development that supports prosperous and sustainable communities (Paragraph 75).

Modifications Sought by those Submitting Representations:N1 Housing – Land north of Coupar Angus Road

Kinpurnie Estate (PP/00081/7/001) – The western boundary of the site on land north of Coupar Angus Road should be extended to increase its size from 1 hectare to approximately 3 hectares and the site should be allocated for residential development (circa +20 units) and associated works.

A & J Stephen & Avant Homes (PP/00139/1/004) – Delete the allocations at Newtyle and allocate land south of Birkhill.

N2 Housing – Land north of Eassie Road

Kinpurnie Estate (PP/00081/2/001) – Delete site and consider alternative, more suitable sites within the Newtyle area.

A & J Stephen & Avant Homes (PP/00139/1/005) – Delete the allocations at Newtyle and allocate land south of Birkhill.

Newtyle Omissions

Kinpurnie Estate (PP/00081/1/001) – Land at Bannatyne Field, Newtyle should be allocated for residential development of around 10 units.

Kinpurnie Estate (PP/00081/4/001) – Land at Belmont, by Newtyle should be allocated as a holiday village comprising of up to 75 permanent chalets, up to 125 caravan and camping pitches and associated development.

Kinpurnie Estate (PP/00081/6/001) – Land at Kirkton Road, Kirkton of Newtyle should be allocated as a housing site for circa 5 units.

Ballumbie

F M Batchelor (PP/00117/2/011) – Land to the north of Ballumbie should be allocated in the ALDP for 100 houses in the period 2021-2026 with further potential development thereafter, as part of a phased mixed use development.

Stewart Milne Homes (PP/00140/2/001, PP/00140/3/001) – The following changes are made to the Plan:

- The Development Strategy for Ballumbie (page 170) should be amended to delete any reference that additional residential land at Ballumbie will not be supported as Policy DS1 is the appropriate policy test for assessing applications for planning permission within settlement boundaries.
- Amendments as appropriate to the supporting text to reflect the change to the Ballumbie Development Strategy.
- If the site is considered too small for allocation, recognition in the ALDP that Policy DS1 and the suggested changes to the Ballumbie Development Strategy provide an appropriate context for the consideration of appropriate infill development, subject to other policies of the ALDP.

Stewart Milne Homes (PP/00140/2/002) – Village H should be identified within the ALDP as a proposed housing allocation for 10 houses for release in the first 5 year period.

Stewart Milne Homes (PP/00140/3/002) – Village V should be identified within the ALDP as a proposed housing allocation for up to 10 houses for release in the first 5 year period.

Birkhill/Muirhead Omissions

Muir Homes (PP/00048/1/001) – Land at East Adamson, Muirhead should be allocated for housing and a farm shop.

A & J Stephen & Avant Homes (PP/00139/1/001) – The Birkhill and Muirhead Boundary map (on Page 173 of the plan) should be amended and land south of Birkhill should be allocated for approximately 400 houses.

Bridgefoot and Strathmartine Omission

Robert Wallace (PP/00111/1/003) – Land at Bridgefoot should be allocated to provide for choice and flexibility without undermining the Dundee Western Gateway proposals.

Inveraldie Omission

Inveraldie Properties (PP/00136/1/011) – Land to the north and west of Inveraldie should be allocated for around 70-100 houses in the first period of the ALDP, that is 2016-2021 together with rural employment land, community/village hub and new open space provision. Further phases of residential development, approximately 250 houses should be allocated over the longer-term period of the ALDP, that is up to 2026 with further potential development thereafter.

Kellas Omission

Guild Homes (Tayside) (PP/00142/2/001) – Land west of Kellas should be allocated for residential development of around 10 houses.

Liff Omissions

Stewart Milne Homes (PP/00101/1/007) – Land north of Woodside Road, Liff should be allocated for residential development with associated community facilities.

Stewart Milne Homes (PP/00101/2/007) – Land south of Woodside Road, Liff should be allocated for residential development with associated community facilities.

Lundie Omissions

Kinburnie Estate (PP/00081/3/001) – Land at Ledyatt Wood, by Lundie should be allocated for tourism/leisure related development.

Kinburnie Estate (PP/00081/5/001) – Land at Lundie should be allocated for residential development (circa 5 units).

Newbigging (by Monifieth) Omissions

R Watson (PP/00118/1/011) – Land east of Newbigging should be allocated for 116 houses over the ALDP period, that is 51 dwellings in the period 2016-2021 and 65 dwellings in the period 2021-2026 together with new open space provision.

Firm of WH Johnston (PP/00131/1/003) – Area 1, which extends to approximately 1.8 hectares/4.4 acres and which is located to the north-west of Newbigging, should be allocated for housing.

Firm of WH Johnston (PP/00131/1/004) – Area 2, which extends to approximately 1.3 hectares/3.2 acres and which is located to the south-west of Newbigging, should be allocated for housing.

The area in between Area 1 and Area 2 is identified as a small area of land extending to approximately 0.6 hectares/1.5 acres adjacent to the Primary School to be utilised as an extended play area facility or to provide space to enable expansion of the School building itself without compromising the external play space required.

Firm of WH Johnston (PP/00131/1/005) – Area 3, which extends to approximately 2.15 hectares/5.3 acres, should be allocated to accommodate the level of modest housing that this area can provide as a long term sustainable plan for the village.

Strathmartine Hospital

Heathfield Ltd (PP/00050/1/006) – The policy should include reference to support a level of new development..."that is required to be financially viable to ensure the site is dealt with in a sensitive and comprehensive manner".

Dundee City Council (PP/00072/1/004) – The lack of an indicative housing capacity for the site raises concerns regarding the potential for a significant number houses to be developed in close proximity to the City boundary.

Scottish Environment Protection Agency (PP/00120/1/067) – The policy should be amended so the developer requirements include a Flood Risk Assessment which assesses the risk from the Dighty Water and the small watercourse which may be culverted under the site. The developer requirements should also include the assessment of options for morphological improvement including consideration of any culverted watercourses related to the site.

Wellbank Omission

I & H Brown (PP/00132/1/002) – The site at Wellbank should be allocated for housing.

Westhall Terrace Omission

Mr & Mrs Cook (PP/00018/1/001) – The settlement boundary for Westhall Terrace should be amended to include a gap site between 'The Cottage' and 'East March Cottage'.

Summary of Responses (including reasons) by Planning Authority:N1 Housing – Land north of Coupar Angus RoadObjections

Kinpurnie Estate (PP/00081/7/001); A & J Stephen & Avant Homes (PP/00139/1/004) – Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper [CD/1-8]. Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Housing allocations have been made in each of the four Rural Service Centres, which includes Newtyle, to help support and maintain services and facilities and reduce the need to travel. It is important to consider that Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) states that 'all proposals will be expected to support delivery of the Development Strategy' which for Rural Angus states that 'To support and maintain population levels the ALDP makes provision for development of up to 50 houses in each Rural Service Centre' (CD/1-1, Pages 8 and 9) (CD/1-11, Topic Paper No 1 Spatial Strategy, Appendix 2: Housing for Local Needs in Rural Service Centres (2012), Pages 25 – 34, Paragraphs 1 – 5.5).

1 hectare of land to the north of Coupar Angus Road, Newtyle has been allocated for residential development of around 20 dwellings. The site capitalises on a landscape framework which can successfully accommodate new development and benefits from good accessibility by a range of transport modes and is located within close proximity to

the primary school and/or services and facilities.

However, in addition to the above, 2 hectares of land to the north of Eassie Road, Newtyle has also been allocated for residential development of around 30 dwellings. This allocation will provide for a range and choice of housing sites within Newtyle and will complement recently completed residential developments at Bulb Park and Kinpurnie Gardens. Structural landscaping, new boundary planting and the preservation of existing landscape features such as the mature tree lined avenue adjacent to Eassie Road, will create new defined and permanent boundaries which will be consistent with the existing landscape patterns (CD/5-5, Paragraph 13.3.2). The site benefits from good accessibility by a range of transport modes and is located within close proximity to the primary school and/or services and facilities.

Therefore, as around 20 dwellings have been allocated on land to the north of Coupar Angus Road and around 30 dwellings on land to the north of Eassie Road, the provision for the development of up to 50 houses in Newtyle has been met in accordance with the development strategy. Therefore, there is no requirement to allocate further land for residential development on land to the north of Coupar Angus Road. For the above reasons, the Council does not agree to modify the plan in response to these representations.

Comment

Scottish Environment Protection Agency (PP/00120/1/066) – During the determination process of any potential future planning application, appropriate consultation will be undertaken with relevant agencies including Scottish Environment Protection Agency, the Council's Flood Prevention Officer and the Council's Roads Department. Such consultation will ensure that the Council are promoting sustainable flood management in accordance with Scottish Planning Policy (2014) (CD/2-2*, Page 57, Paragraphs 255 and 256) and the Water Environment and Water Services (Scotland) Act 2003 (CD/2-5*) as local flood prevention authority.

N2 Housing – Land north of Eassie Road

Objections

Kinpurnie Estate (PP/00081/2/001); A & J Stephen & Avant Homes (PP/00139/1/005) – Issues relating to the development strategy and housing land supply / release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Housing allocations have been made in each of the four Rural Service Centres, which includes Newtyle, to help support and maintain services and facilities and reduce the need to travel. It is important to consider that Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) states that 'all proposals will be expected to support delivery of the Development Strategy' which for Rural Angus states that 'To support and maintain population levels the ALDP makes provision for development of up to 50 houses in each Rural Service Centre' (CD/1-1, Pages 8 and 9) (CD/1-11, Topic Paper No 1 Spatial Strategy, Appendix 2: Housing for Local Needs in Rural Service Centres (2012), Pages 25 – 34, Paragraphs 1 – 5.5).

Forming part of the provision for the development of up to 50 houses in Newtyle, 2 hectares of land to the north of Eassie Road has been allocated for around 30 dwellings. This allocation will provide for a range and choice of housing sites and will complement recently completed residential developments at Bulb Park and Kinpurnie Gardens. Structural landscaping, new boundary planting and the preservation of existing landscape features such as the mature tree lined avenue adjacent to Eassie Road, will create new defined and permanent boundaries which will be consistent with the existing landscape patterns (CD/5-5, Paragraph 13.3.2). The site benefits from good accessibility by a range of transport modes and is located within close proximity to the primary school and/or services and facilities.

However, in addition to the above, 1 hectare of land to the north of Coupar Angus Road, Newtyle has also been allocated for residential development of around 20 dwellings. The site capitalises on a landscape framework which can successfully accommodate new development and benefits from good accessibility by a range of transport modes and is located within close proximity to the primary school and/or services and facilities. This allocation will provide for a range and choice of housing sites within Newtyle.

Therefore, as around 30 dwellings have been allocated on land to the north of Eassie Road and around 20 dwellings have been allocated on land to the north of Coupar Angus Road, the provision for the development of up to 50 houses in Newtyle has been met in accordance with the development strategy.

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Newtyle Omissions

Objections

Kinpurnie Estate (PP/00081/1/001) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Housing allocations have been made in each of the four Rural Service Centres, which includes Newtyle, to help support and maintain services and facilities and reduce the need to travel. It is important to consider that Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) states that 'all proposals will be expected to support delivery of the Development Strategy' which for Rural Angus states that 'To support and maintain population levels the ALDP makes provision for development of up to 50 houses in each Rural Service Centre' (CD/1-1, Pages 8 and 9) (CD/1-11, Topic Paper No 1 Spatial Strategy, Appendix 2: Housing for Local Needs in Rural Service Centres (2012), Pages 25 – 34, Paragraphs 1 – 5.5).

Forming part of the provision for the development of up to 50 houses in Newtyle, 2 hectares of land to the north of Eassie Road has been allocated for around 30 dwellings and 1 hectare of land to the north of Coupar Angus Road has been allocated for around 20 dwellings.

Land at Bannatyne Field, Newtyle, was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 42S). This site

was not considered as a preferred or alternative option in the Main Issues Report (2012) (CD/1-11, Pages 119 – 122, Paragraphs 1 – 15) as it was considered that development within this site would be difficult to access.

In terms of an extension or amendment to the Newtyle development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Kinpurnie Estate (PP/00081/4/001) – Representations on such matters relating to the development strategy and tourism related facilities and tourist accommodation development are set out in the Schedule 4 for Issue 7.

Land at Belmont, Newtyle previously benefitted from planning permission in principle (Ref: 10/00997/PPPM) which was approved on the 27th April 2011 but which expired on the 27th April 2014. Planning permission in principle had been granted for a holiday village comprising of up to 75 permanent chalets, up to 125 caravan and camping pitches with associated office/reception, leisure facilities, open space, landscaping, servicing and access arrangements (S4/24-1).

During the determination process of any potential future planning application for tourism related facilities and tourist accommodation development on land at Belmont, Newtyle, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating land at Belmont, Newtyle for such uses, the Council will continue to assess such proposals in accordance with the relevant criteria within Policy TC16 Tourism Development (CD/1-1, Pages 36 and 37) as well as other relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Kinpurnie Estate (PP/00081/6/001) – Issues relating to the development strategy and

housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8).

Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Housing allocations have been made in each of the four Rural Service Centres, which includes Newtyle, to help support and maintain services and facilities and reduce the need to travel. It is important to consider that Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) states that 'all proposals will be expected to support delivery of the Development Strategy' which for Rural Angus states that 'To support and maintain population levels the ALDP makes provision for development of up to 50 houses in each Rural Service Centre' (CD/1-1, Pages 8 and 9) (CD/1-11, Topic Paper No 1 Spatial Strategy, Appendix 2: Housing for Local Needs in Rural Service Centres (2012), Pages 25 – 34, Paragraphs 1 – 5.5).

Forming part of the provision for the development of up to 50 houses in Newtyle, 2 hectares of land to the north of Eassie Road has been allocated for around 30 dwellings and 1 hectare of land to the north of Coupar Angus Road has been allocated for around 20 dwellings.

Land at Kirkton Road, Kirkton of Newtyle was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 45S). This site was not considered as a preferred or alternative option in the Main Issues Report (2012) (CD/1-11, Pages 119 – 122, Paragraphs 1 – 15) as it was situated outwith the development boundary for Newtyle.

In terms of an extension or amendment to the Newtyle development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land at Kirkton Road, Kirkton of Newtyle, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating this land for residential development, the Council will continue to assess such proposals for the redevelopment of a brownfield site in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which

indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Ballumbie

Objections

F M Batchelor (PP/00117/2/011) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land north of Ballumbie was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 20S). This site was not considered as a preferred or alternative option in the Main Issues Report (2012) as it was situated outwith the development boundary for Ballumbie, was not related to the principal settlements of Angus and was not situated within the Dundee Core Area.

In terms of an extension or amendment to the Ballumbie development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land north of Ballumbie, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating this land for residential development, the Council will continue to assess such proposals for residential development on sites outwith a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Stewart Milne Homes (PP/00140/2/001, PP/00140/2/002, PP/00140/3/001, PP/00140/3/002) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Village H, Ballumbie was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 18S).

Village V, Ballumbie was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 19S).

Both of the above sites were not considered as a preferred or alternative option in the Main Issues Report (2012) as they are both situated within the development boundary for Ballumbie where a substantial number of houses have already been built. Although Ballumbie is larger than many settlements, this standalone development includes no community infrastructure (e.g. shops, primary school, health care facilities) which ensures that residents are required to travel for virtually all of their needs. Further residential development at Ballumbie would promote an unsustainable pattern of development. Therefore, in accordance with the settlement statement for Ballumbie (CD/1-1, Page 170), additional residential development will not be supported.

During the determination process of any potential future planning application for residential development on Village H or Village V, Ballumbie, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating these areas of land for residential development, the Council will continue to assess such proposals for residential development on sites within a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Birkhill/Muirhead Omissions

Objections

Muir Homes (PP/00048/1/001); A & J Stephen & Avant Homes (PP/00139/1/001) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land at East Adamson, Muirhead was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 23S).

Land south of Birkhill was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 21S).

These sites were not considered as a preferred or alternative option in the Main Issues Report (2012) as new housing developments in and around Dundee would not accord with the TAYplan strategy of prioritising development within principal settlements and not to prejudice delivery of the Western Gateway Strategic Development Area in Dundee. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundaries for Birkhill/Muirhead or in other locations outside the principal settlements but within the Dundee Core Area (CD/1-1, Page 8).

In terms of an extension or amendment to the Birkhill and Muirhead development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land east of Adamson or land south of Birkhill, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating these areas of land for residential development, the Council will continue to assess such proposals for residential development on sites outwith a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Bridgefoot and Strathmartine, Inveraldie, Kellas and Liff Omissions

Objections

Robert Wallace (PP/00111/1/003), Inveraldie Properties (PP/00136/1/011), Guild Homes

(Tayside) (PP/00142/2/001), Stewart Milne Homes (PP/00101/1/007, PP/00101/2/007) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land south of Rosemill Road, Bridgefoot and Strathmartine, land north and west of Inveraldie, land west of Kellas and land north and south of Woodside Road, Liff were submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 26S, Site 30S, Site 31S, Site 63S and Site 35S). These sites were not considered as a preferred or alternative option in the Main Issues Report (2012) as Bridgefoot and Strathmartine, Inveraldie, Kellas and Liff are unrelated to the principal settlements of Angus. In pursuing a development strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the ALDP does not allocate sites for residential development outwith the seven towns and four Rural Service Centres. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundaries for Bridgefoot and Strathmartine, Inveraldie, Kellas and Liff or in other locations outside the principal settlements and Rural Service Centres (CD/1-1, Page 9).

In terms of an extension or amendment to the Bridgefoot and Strathmartine, Inveraldie, Kellas and Liff development boundaries, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development and other uses on land south of Rosemill Road, Bridgefoot and Strathmartine, land north and west of Inveraldie, land west of Kellas and land north or south of Woodside Road, Liff the applicant will be required to submit relevant supporting information to support any such proposals. As opposed to allocating these areas of land for residential development, the Council will continue to assess such proposals for residential development etc on sites outwith a development boundary in accordance with the relevant policies such as DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Lundie Omissions

Objections

Kinpurnie Estate (PP/00081/3/001) – Representations on matters relating to the development strategy and tourism related facilities and tourist accommodation development are set out in the Schedule 4 for Issue 7.

During the determination process of any potential future planning application for tourism related facilities and tourist accommodation development on land at Ledyatt Wood, Lundie the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating land at Ledyatt Wood, Lundie for such uses, the Council will continue to assess such proposals in accordance with the relevant criteria within Policy TC16 Tourism Development (CD/1-1, Pages 36 and 37) as well as other relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Kinpurnie Estate (PP/00081/5/001) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land at Lundie is unrelated to the principal settlements of Angus. In pursuing a development strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the ALDP does not allocate sites for residential development outwith the seven towns and four Rural Service Centres. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundary for Lundie or in other locations outside the principal settlements and Rural Service Centres (CD/1-1, Page 9).

In terms of an extension or amendment to the Lundie development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is

highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land at Lundie, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating this land for residential development, the Council will continue to assess such proposals for residential development on sites outwith a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Newbigging (by Monifieth) Omissions

Objections

R Watson (PP/00118/1/011), Firm of WH Johnston (PP/00131/1/003, PP/00131/1/004, PP/00131/1/005) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land east of Newbigging was submitted to the Council during the Initial Awareness Raising Stage and Consultation Exercise (2010) (CD/1-10, Site 40S).

Land north-west, south-west, east and north-east of Newbigging was not considered as a preferred or alternative option in the Main Issues Report (2012) as Newbigging is unrelated to the principal settlements of Angus. In pursuing a development strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the ALDP does not allocate sites for residential development outwith the seven towns and four Rural Service Centres. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundary for Newbigging or in other locations outside the principal settlements and Rural Service Centres (CD/1-1, Pages 8 and 9).

In terms of an extension or amendment to the Newbigging development boundary, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in

accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land north-west, south-west, east and north-east of Newbigging or on land occupied by Pitairlie Garage which is situated within the development boundary for Newbigging, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating this land for residential development, the Council will continue to assess such proposals for residential development on sites outwith a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21).

It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Strathmartine Hospital

Objections

Heathfield Ltd (PP/00050/1/006) – Issues relating to the Strategic Environmental Assessment (SEA) of the ALDP (including the assessment of the potential environmental impacts of policies and proposals) are set out in the Council's Environmental Report (CD/1-8). Representations on such matters are set out in the schedule included in Appendix 6 of the submission draft Proposed ALDP Environmental Report (October 2015) (CD/1-14).

There is currently a planning application (Ref: 13/00268/EIAM) pending consideration on St1: Opportunity Site – Strathmartine Hospital Estate (St1) which is seeking permission for the redevelopment of the former hospital site to include new build and conversion to residential and community use and crèche, associated access, landscape and infrastructure works. In accordance with Scottish Planning Series, Planning Circular 3/2009 – The Town and Country Planning (Notification of Application) (Scotland) Direction 2009 (CD/2-12*), on the 26th February 2015 the Council notified the above application to Scottish Ministers as a neighbouring authority, Dundee City Council, objected to the development which the Council are minded to approve. Having considered the proposal, Scottish Ministers decided, in terms of Section 46 of The Town and Country Planning (Scotland) Act 1997 (CD/2-7*, Page 28), to require the application to be referred to them

for determination. On the 17th September 2015, the Scottish Ministers gave notice to the Council that they are minded to grant planning permission in principle subject to conditions and the satisfactory conclusion of a planning obligation or suitable alternative binding agreement (S4/24-3) It is important to acknowledge that the Council recommended approval at its Special Meeting of the Full Council on the 18th December 2014 (S4/24-2, Section 9, Pages 341 and 342).

During the determination process of any potential future planning application for new development within St1, the applicant will be required to submit relevant supporting information to support any such proposal i.e. a Development Viability Statement. It is the responsibility of the applicant to demonstrate that the level of new development proposed through a planning applicant is required to ensure that the development is financially viable. It is also important to acknowledge that Policy DS5 Developer Contributions (CD/1-1, Page 15) states that 'The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals' and that 'Supplementary Guidance will set out how the Developer Contributions policy will be implemented'.

In addition to the above, the Council will continue to assess such proposals for the redevelopment of a brownfield site in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10), Policy TC2 Residential Development (CD/1-1, Page 21 and St1. It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Dundee City Council (PP/00072/1/004) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

It is important to acknowledge that St1: Opportunity Site – Strathmartine Hospital Estate has been continued from the Angus Local Plan Review (2009) (CD/4-1, Pages 283 – 284). The ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions (CD/1-1, Page 9).

In addition to the above, St1 lies to the north west of Dundee and outwith the Dundee Core Area established by TAYplan Strategic Development Plan (TAYplan SDP) (2012) (CD/3-1, Pages 8 and 9). TAYplan SDP (2012) requires new housing developments in and around Dundee not to prejudice the Western Gateway development within Dundee City. In order to avoid conflicts with TAYplan SDP (2012) and the Dundee Local Development Plan (2014) which focuses new development primarily on brownfield sites and on a limited number of greenfield sites within the city (S4/24-4, Page 25), the remainder of land in Angus which is part of the Dundee Core Area will not be considered

for significant new development or greenfield release during the ALDP period. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundaries for Birkhill/Muirhead or in other locations outside the principal settlements but within the Dundee Core Area (CD/1-1, Page 8). Therefore, as St1 is situated outwith the Dundee Core Area and does not constitute the allocation of greenfield land but instead constitutes an opportunity for reuse and redevelopment of the surplus buildings and grounds, the Council consider that this opportunity site is in accordance within TAYplan SDP (2012) and with the development strategy of the ALDP (CD/1-1, Page 9). Furthermore, the Council considers that this opportunity site does not prejudice the housing strategy of the Dundee Local Development Plan (2014) (S4/24-4, Page 25).

During the determination process of any potential future planning application for new development within St1, the applicant will be required to submit relevant supporting information to support any such proposal i.e. a Transport Assessment. It is the responsibility of the applicant to demonstrate that the level of new development proposed through a planning application will not cause any detrimental impacts upon the regional or local transport networks. Furthermore, it is also the responsibility of the applicant to demonstrate how well the level of new development will integrate with the regional and local transport networks and if any improvements are required, what those particular improvements may be. It is also important to acknowledge that any new development within St1 will be required to satisfy the relevant criteria within Policy DS2 Accessible Development (CD/1-1, Pages 11 and 12) and Policy DS5 Developer Contributions (CD/1-1, Page 15).

In addition to the above, the Council will continue to assess such proposals for the redevelopment of a brownfield site in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10), Policy TC2 Residential Development (CD/1-1, Page 21) and St1. It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (PP/00120/1/067) – The comments made in relation to the requirement for a flood risk assessment are accepted. Consequently the Council would have no objection to a flood risk assessment being included within the developer requirements. Such an amendment is considered to be a non-notifiable modification to the Plan.

It is considered that the provisions of Policy PV13 Resilience and Adaptation (CD/1-1, Page 62) and Policy PV14 Water Quality (CD/1-1, Page 63) will require the assessment of morphological improvement including consideration of any culverted watercourses related to the site, and there is therefore no need to include this as a developer requirement. Apart from the non-notifiable modification outlined above, the Council does not agree to further modify the plan in response to this representation.

Wellbank and Westhall Terrace OmissionsObjections

I & H Brown (PP/00132/1/002); Mr & Mrs Cook (PP/00018/1/001) – Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council's Housing Background Paper (CD/1-8). Representations on such matters are set out in the Schedule 4's for Issues 1 and 3.

Land east of Wellbank and west of Westhall Terrace are unrelated to the principal settlements of Angus. In pursuing a development strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the ALDP does not allocate sites for residential development outwith the seven towns and four Rural Service Centres. Therefore, the ALDP does not seek to allocate greenfield land outwith the development boundary for Wellbank and Westhall Terrace or in other locations outside the principal settlements and Rural Service Centres (CD/1-1, Page 9).

In terms of an extension or amendment to the Wellbank and Westhall Terrace development boundaries, the ALDP specifies that the development boundaries illustrated on the Proposals Maps have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. An action programme, required by Section 21 of the Planning etc (Scotland) Act 2006 (CD/2-6*, Page 25), has been prepared in support of the ALDP. The action programme, in accordance with legal requirements, highlights the key actions required to implement the strategy, policies and proposals of the ALDP; identifies who (organisation or person and partners) is to carry out each action; and indicates the broad timescale to implement each action. It is important to recognise that the review of development boundaries is highlighted as a key action for Policy DS1 Development Boundaries and Priorities (CD/1-15, Page 7, Ref 5). A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances (CD/1-1, Page 9).

During the determination process of any potential future planning application for residential development on land east of Wellbank or west of Westhall Terrace, the applicant will be required to submit relevant supporting information to support any such proposal. As opposed to allocating these areas of land for residential development, the Council will continue to assess such proposals for residential development on sites outwith a development boundary in accordance with the relevant policies such as Policy DS1 Development Boundaries and Priorities (CD/1-1, Page 10) and Policy TC2 Residential Development (CD/1-1, Page 21). It is important to recognise that the ALDP should be read in its entirety, as there may be policies in the Strategy, Policy Framework and Settlement Strategies that are relevant to any particular proposal. Proposals will be expected to comply with all relevant policies within the ALDP, and therefore limited cross reference has been included within policies to other relevant considerations. A matrix is included in the Implementation and Monitoring section which indicates policies that may be of relevance to particular proposals (CD/1-1, Pages 261 – 264).

For the above reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's Conclusions:Preliminary matter

1. My examination of the plan is limited by regulations to address only the unresolved issues which have been raised in representations. The council has listed above certain matters raised in representations which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

NewtyleAllocated Site N1 Housing – Land north of Coupar Angus Road; and
Allocated Site N2 Housing – Land north of Eassie Road

2. I am satisfied that the allocation of land for housing development in Newtyle and the other three rural service centres is consistent with the TAYplan strategic development plan. Sufficient land has been allocated within the core area and other principal settlements to enable the required scale of new housing to be delivered. The allocations made within the rural service centres are additional, and are intended to support their role. I consider that this approach is appropriate.

3. In Newtyle, the allocation of land on two different sites is likely to help provide a wider range and choice of new housing, and in these circumstances the limited scale of release of the land north of Coupar Angus Road is justified. I am also satisfied that the question of potential flood risk has been appropriately addressed by the stated requirements for the provision there both of sustainable urban drainage systems (SUDS) to be incorporated in the development and for a drainage impact assessment to be submitted.

4. I also consider that the provision of appropriate pedestrian access has been addressed in the plan for the site north of Eassie Road. It requires the tree lined avenue adjoining the road carriageway to be preserved, and the details of the pedestrian access to be approved. I have been given no reason to conclude that this cannot be achieved.

OmissionsBannatyne Field, Newtyle; and
Land at Kirkton Road, Kirkton of Newtyle

5. With regard to the omission of the suggested sites for housing development at Newtyle, Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in the principal settlements of south Angus is sufficient to meet the requirements set out in the strategic development plan. I also consider that the scale of the additional allocation in Newtyle is appropriate, and I have not found that either of the allocated sites would be inappropriate for housing development.

6. In these circumstances I do not consider that there is sufficient justification for the allocation of further sites for housing development. In addition, while the development of the Bannatyne Field site would not represent an obtrusive extension of the village into

open countryside, it has not yet been demonstrated that its road access constraints could be satisfactorily resolved.

7. In relation to the site at Kirkton Road, it is detached from the rest of the village, and although it would be a brownfield re-development of existing dilapidated farm steading buildings, it is also constrained by sub-standard road access. I am therefore satisfied that its omission from the proposed plan is justified. However I note that Policy TC2 provides a supportive framework for the consideration of planning applications for such housing development proposals.

Land at Belmont, by Newtyle

8. Development of holiday villages can make a significant contribution to the local economy. While consent was previously granted for such a development at Belmont, the planning permission was not implemented and has expired. However Policy TC2 provides an appropriate and supportive policy framework for considering proposals for tourism development, and the previous decision of the council to grant planning permission here would be an important material consideration in assessing any future application. I therefore conclude that the policies of the plan provide an appropriate and sufficient basis in support of tourist related developments, and I conclude that the allocation of land at Belmont for a holiday village would not be appropriate.

Ballumbie

9. The suggested allocation of land north of Ballumbie for housing development would represent a major extension of its built up area into prominent open countryside. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate. In these circumstances I conclude that the allocation of this site would not be justified.

10. With regard to the other two sites, known as Village H and Village B, both lie within the development boundary for Ballumbie shown on page 171 of the proposed plan. I consider that it would be premature for either of these sites to be formally allocated for housing development at this stage. In the case of the site known as Village H, I consider that detailed assessment of nature conservation as well as flooding issues could preclude or severely curtail the scope for housing development; and the potential development of the site known as Village B may require to await the release of adjoining land which lies within the boundary of Dundee City.

11. I find that there is ambiguity within the proposed plan regarding the potential for housing developments to be supported within the development boundaries of Ballumbie. For every settlement, Policy TC2 provides explicit support for new residential development within development boundaries on sites which are not allocated or protected for other uses, and where the proposal would be consistent with the character and pattern of development in the surrounding area.

12. However Ballumbie's development strategy set out on page 170 states simply that additional residential development at Ballumbie will not be supported, and explains that

this is based on the development strategy for Angus set out in the introduction to the plan. On page 9 of the plan, in relation to rural Angus, specific reference is made to Ballumbie, Letham Grange and Piperdam as locations where a large number of houses have been built in support of golf courses or other leisure developments. It states that there are no community facilities, so that residents have to travel for virtually all their needs, and that further residential development at Ballumbie would promote an unsustainable pattern of development and is therefore not supported.

13. On the other hand, part of Ballumbie lies within Dundee, and the development boundary of Ballumbie within Angus directly adjoins the built-up area of the city so that residents here have ready access to the wide range of facilities within the city. In this respect I consider that small infill housing developments within the existing development boundaries of Ballumbie are likely to be more sustainable than those within most of the other small settlements in Angus, especially if more direct access to the city's bus services can be secured.

14. In these circumstances, and given the clear provisions of Policy TC2, I consider that it would be appropriate to clarify that the development strategy for Ballumbie is that additional residential development outwith its development boundaries will not be supported.

Birkhill and Muirhead

15. The question of whether, in principle, land for housing development should be allocated at Birkhill and Muirhead has been addressed at Issue 1. The two representations seek the allocation of very large areas of greenfield land to the south and west of the settlement for housing development.

16. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate. In these circumstances I conclude that the allocation of neither of these sites would be justified.

Bridgefoot and Strathmartine

17. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

18. Bridgefoot and Strathmartine is one of the small rural settlements in South Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. As the suggested site would represent a prominent westward extension onto greenfield land, I do not consider that its allocation for housing development would be appropriate.

Inveraldie

19. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

20. Inveraldie is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Here the suggested site would represent a very large expansion of Inveraldie onto open agricultural land to the west and north of village, and adjacent to the A90 trunk road. In all of these circumstances, I do not consider that its allocation for housing development would be justified. It would also be inappropriate to anticipate the outcome of any future plans for a new relief road around Dundee.

Kellas

21. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

22. Kellas is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Although this is a small site and enjoys a degree of screening, its development would still represent a greenfield extension beyond the western edge of Kellas's development boundary, rather than a minor rounding-off of the boundary. In all of these circumstances, I do not consider that its allocation for housing development would be justified.

Liff

23. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

24. Liff, although larger than many of the others, is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Both of the sites suggested here for housing development would involve large scale expansions of the village onto prominent open agricultural land outwith Liff's development boundary. In all of these circumstances, I do not consider that the allocation of either of these sites for housing development would be justified.

Land at Ledyatt Wood, by Lundie

25. Tourism and leisure related developments can make a significant contribution to the local economy. In this plan Policy TC2 provides an appropriate and supportive policy framework for considering proposals for such developments. In this representation, only an indicative proposal has been suggested, and it acknowledges that extensive studies would be required to support any planning application for such a proposal.

26. Development plans also require to be the subject of an assessment of their potential environmental effects, and as this site covers a very large area of countryside there is significant scope for such effects to arise. In the absence of the appropriate studies having been undertaken in advance, I conclude that it would be inappropriate to allocate this site for tourism and recreational development. However I am satisfied that the policies of the plan provide an appropriate and sufficient basis in support of tourist related developments, and for the consideration of their environmental effects.

Lundie

27. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

28. Lundie is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Given the very small size of Lundie, the development for new housing of this site beyond its north-western edge would represent a significant expansion of the settlement onto greenfield land beyond its development boundaries. In all of these circumstances, I do not consider that its allocation for housing development would be justified.

Newbigging (by Monifieth)

29. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

30. Newbigging (by Monifieth) is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. In the submitted representations four areas of land have been proposed for housing development, and only a small proportion of one of these lies within Newbigging's development boundary. That is the land on the north-east edge of the village which incorporates the site of an existing garage business which lies within the development boundary, but includes a substantial area of additional agricultural land outwith the development boundary. I do not consider that the inclusion of the garage site justifies the allocation of this wider area beyond the existing development boundary.

31. In relation to the other suggested sites, each would represent a significant expansion of this small village onto greenfield land beyond its development boundaries, and none would be a minor infilling of the existing boundary. In all of these circumstances, I do not consider that the allocation of any of these sites for housing development would be justified.

Strathmartine Hospital

32. I consider that the allocation of an 'opportunity site' (St1) at Strathmartine Hospital is an appropriate response to the situation which has arisen, as nearly the whole hospital estate has been declared surplus to the requirements of the National Health Service. It is an extensive brownfield site lying close to the edge of Dundee city and accessible by public transport, and its re-development could bring significant economic, social and environmental benefits.

33. The allocation of the hospital estate as an opportunity site has been carried forward from the current local plan, and I do not consider that there has been any significant change in circumstances since then which would justify its deletion now, including the priority which the city council attaches to the implementation of greenfield housing developments within the city boundaries. Indeed, the decision of the Scottish Ministers to issue a notice of their intention to grant planning permission in respect of a planning application for the re-development of the Strathmartine Hospital site for residential and community uses supports its allocation as an opportunity site in the proposed plan.

34. Concerns regarding the detailed findings of the strategic environmental assessment contained within the environmental report are not a matter for this examination. While any re-development of the site will generate additional traffic movements on the local road network, there is no evidence that the degree of any additional congestion which may arise, particularly taking account of its previous use as a hospital, would be so great as to outweigh the benefits which would be generated. However I do consider that the potential issue regarding flooding should be reflected in the plan by adding a requirement that the developer should undertake a flood risk assessment.

Wellbank

35. Scottish Ministers' policy on the conduct of examinations confirms that reporters should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

36. Wellbank is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. The development for new housing of this site which wraps around its south-eastern edge would represent a significant expansion of the settlement onto greenfield land beyond its development boundaries. In all of these circumstances, I do not consider that its allocation for housing development would be justified.

Westhall Terrace

37. Scottish Ministers' policy on the conduct of examinations confirms that reporters

should only consider alternative sites where the provisions of the proposed plan are clearly inappropriate or insufficient. In this plan, I am satisfied that the scale of the land being released for housing development in south Angus in its principal settlements is sufficient to meet the requirements set out in the strategic development plan, and I have not found that any of the allocated sites are inappropriate.

38. Westhall Terrace is one of the small rural settlements in south Angus where new proposals for housing development may be supported by Policy TC2 only if the site is within the development boundary. Given the very small size of Westhall Terrace, the development for new housing of this linear site, although incorporating two existing buildings, would represent a significant westward linear expansion of the settlement onto greenfield land beyond its development boundaries. In all of these circumstances, I do not consider that its allocation for housing development would be justified.

Reporter's Recommendations:

Modify the local development plan by:

1. On page 170, amending the second bullet point under 'Development Strategy' to read: "Additional residential development outwith the development boundaries of Ballumbie will not be supported."
2. On page 248, under 'St1: Opportunity Site – Strathmartine Hospital Estate', inserting a new second bullet point to read: "a flood risk assessment;"

Issue 25	Plan Issues	
Development Plan Reference:	Settlement Statements, Village Directory and Development Boundary Maps, page 161 Appendix 1, pages 267 – 273 Appendix 2, page 275 Appendix 3, pages 277 - 280 Appendix 4, page 281 Proposals Map	Reporter: David Russell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Settlement Statements, Village Directory and Development Boundary Maps (page 161)</u></p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/011)</p> <p><u>Appendix 1 – Glossary</u></p> <p><u>Objections</u></p> <p>Network Rail (PP/00084/1/008) The Theatres Trust (PP/00031/1/002)</p> <p><u>Appendix 2 – Developments Requiring a Transport Assessment</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/010)</p> <p><u>Appendix 3 – Housing Land Supply</u></p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/005, PP/00101/2/005, PP/00101/3/003)</p> <p><u>Appendix 4 – Designated Sites</u></p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/017)</p> <p><u>Proposals Map</u></p> <p><u>Objections</u></p> <p>Scottish Natural Heritage (PP/00064/1/018)</p>		

<p>Provision of the Development Plan to which the Issue Relates:</p>	<p>General Plan Issues including Appendices and Proposals Map</p>
<p>Planning Authority's Summary of the Representation(s):</p>	
<p><u>Settlement Statements, Village Directory and Development Boundary Maps</u></p> <p><u>Objection</u></p> <p>Scottish Natural Heritage (PP/00064/1/011) - The LDP's draft Habitats Regulations Appraisal (HRA) record identified the individual settlements where developments will need further consideration due to their proximity to the River South Esk and River Tay SAC (draft HRA record, page 15). It would be helpful for developers to be aware of these through the LDP.</p> <p><u>Appendix 1 – Glossary</u></p> <p><u>Objections</u></p> <p>Network Rail (PP/00084/1/008) - Suggests that a definition of Strategic Transport Network is included in the Glossary.</p> <p>The Theatres Trust (PP/00031/1/002) - For clarity, suggests a clear description for 'community facilities' is needed in the Glossary and in the relevant accompanying text to the policy so that guidelines are clear and consistent.</p> <p><u>Appendix 2 – Developments Requiring a Transport Assessment</u></p> <p><u>Support</u></p> <p>Network Rail (PP/00084/1/010) - Supports the statement in Appendix 2; 'Please note that the above list is not exhaustive. Angus Council may also in appropriate circumstances request a Transport Assessment for development which does not exceed the above thresholds' as this relates to changes sought to Policy DS2 Accessible Development.</p> <p><u>Appendix 3 – Housing Land Supply</u></p> <p><u>Objections</u></p> <p>Stewart Milne Homes (PP/00101/1/005, PP/00101/2/005, PP/00101/3/003) - Objects to the housing land supply set out in Appendix 3 on the grounds of effectiveness, generosity and programming as the Proposed Angus Local Development Plan will fail to maintain an effective supply of housing land.</p> <p><u>Appendix 4 – Designated Sites</u></p> <p><u>Objection</u></p> <p>Scottish Natural Heritage (PP/00064/1/017) – In Appendix 4 amend all entries to "Firth of Tay (and Eden Estuary)" to "Firth of Tay and Eden Estuary". Amend "Montrose Basin/Duns's Dish" to "Montrose Basin SPA". Amend typing error to "Monifieth Bay SSSI".</p>	

Proposals MapObjection

Scottish Natural Heritage (PP/00064/1/018) - On the Proposals map, the legend "NNRS and SSSIs" should be amended to delete NNRs as there are no National Nature Reserves in Angus LDP area. Montrose Basin Local Nature Reserve should be identified on this map. The colour for SSSIs should be changed to a more noticeable shade as it is difficult to locate these sites. Some sites seem to be omitted or are overlaid with different legend. For example the Whiting Ness - Ethie Haven SSSI on the coast north of Arbroath is not shown. Likewise the Firth of Tay and Eden Estuary SAC is omitted. We recommend the maps are re-checked using our SNHi information service:

<http://www.Snh.Gov.Uk/publications-data-and-research/snhi-information-service/>

Modifications Sought by those Submitting Representations:Settlement Statements, Village Directory and Development Boundary Maps

Scottish Natural Heritage (PP/00064/1/011) - An asterisk and note should be added to the following settlements: Bogindollo, Bridge of Dun, Bridgend of Lintrathen, Cortachy, Douglstown, Eassie Muir, Farnell, Finavon, Inverarity, Kirkton of Kinnettles, Prosen Village, Ruthven and Tannadice. The note should set out that the draft Habitats Regulations Appraisal (HRA) record identified that development within these settlements will need further consideration due to their proximity to the River South Esk and River Tay SAC.

Appendix 1 – Glossary

Network Rail (PP/00084/1/008) - Add the following definition to the Glossary: "Strategic Transport Network: Includes trunk roads and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions."

The Theatres Trust (PP/00031/1/002) - Include the following definition in the Glossary: "Community facilities: Provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community."

Appendix 3 – Housing Land Supply

Barton Wilmore on behalf of Stewart Milne Homes (PP/00101/1/005, PP/00101/2/005, PP/00101/3/003) - Appendix 3 should be updated to:

- reduce the effective supply taking into account the programming for Site Wb(b);
- increase the TAYplan 7 year requirement to incorporate a generosity margin of 10% - 20%;
- reduce the projected output of sites during the period 2016 - 2021 to 24dpa per developer per site;
- include land south of Woodside Road, Liff for residential development and accompanying community facilities (PP/00101/2/005);
- include land north of Woodside Road, Liff for residential development and accompanying community facilities (PP/00101/1/005); and
- include land at Westhaven Carnoustie for phased residential development (PP/00101/3/003).

Appendix 4 – Designated Sites

Scottish Natural Heritage (PP/00064/1/017) – In Appendix 4 amend all entries to "Firth of Tay (and Eden Estuary)" to "Firth of Tay and Eden Estuary". Amend "Montrose Basin/Duns's Dish" to "Montrose Basin SPA". Amend typing error to "Monifieth Bay SSSI".

Proposals Map

Scottish Natural Heritage (PP/00064/1/018) - On the Proposals map, the legend "NNRS and SSSIs" should be amended to delete NNRS. Montrose Basin Local Nature Reserve should be identified. The colour for SSSIs should be changed to a more noticeable shade. The information on the maps should be re-checked using our SNHi information service: <http://www.Snh.Gov.Uk/publications-data-and-research/snhi-information-service/>

Summary of Responses (including reasons) by Planning Authority:Settlement Statements, Village Directory and Development Boundary Maps

Scottish Natural Heritage (PP/00064/1/011) - The comments made in relation to identifying the villages where further consideration of development in terms of the proximity to the River South Esk and River Tay SAC are accepted. Consequently the Council would have no objection to identifying the settlements with an asterisk and inserting a footnote which states: "The draft Habitat Regulations Appraisal (HRA) record identified that development within these settlements will need further consideration due to their proximity to the River South Esk and River Tay SAC". Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Appendix 1 – Glossary

Network Rail (PP/00084/1/008) - The comments made in relation to inserting a definition of the Strategic Transport Network are accepted. Consequently the Council would have no objection to amending the Glossary by including the suggested definition. Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

The Theatres Trust (PP/00031/1/002) - The term community facilities covers a wide range of locally orientated services and amenities where members of the community can meet and interact. The definition of community facilities provided in the Glossary (CD/1-1, Page 268) seeks to give an indication of the types of uses to assist understanding of this term and the facilities listed are not intended to be all encompassing. Notwithstanding it is accepted that an expansion of the definition by including the suggested wording would further assist understanding. Consequently the Council would have no objection to incorporating the suggested definition within the existing definition given in the Glossary (CD/1-1, Page 268). The Council would therefore suggest that the definition for Community Facilities should read: "Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community." Such an amendment is considered to address the representation and be a non-notifiable modification to the Plan.

Appendix 2 – Developments Requiring a Transport Assessment

Network Rail (PP/00084/1/010) – Support for statement noted.

Appendix 3 – Housing Land Supply

Stewart Milne Homes (PP/00101/1/005, PP/00101/2/005, PP/00101/3/003) - Appendix 3 (CD/1-1, Pages 277 – 280) brings together the housing land supply set out in the Proposed Plan and includes existing sites with planning permission or under construction and those new sites allocated in the Proposed Plan. Issues relating to the development strategy and housing land supply/release (including the location, number of housing allocations and phasing) are set out in the Council’s Housing Background Paper (Core Doc Ref: CD/1-8). Representations on such matters are set out in the Schedule 4’s for Issues 1 and 3. It would not be appropriate to make changes to Appendix 3 as set out, as these issues will be considered against the relevant parts of the plan and any modifications reflected in Appendix 3. For this reason, the Council does not agree to modify the plan in response to these representations.

Appendix 4 – Designated Sites

Scottish Natural Heritage (PP/00064/1/017) - The Council would have no objection to the suggested amendments to Appendix 4 (CD/1-1, page 281). Such amendments are considered to address the representation and be non-notifiable modifications to the Plan.

Proposals Map

Scottish Natural Heritage (PP/00064/1/018) - The Council would have no objection to the suggested amendments to the Proposals Map. Such amendments are considered to address the representation and be non-notifiable modifications to the Plan.

Reporter’s Conclusions:

Preliminary matter

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

Settlement Statements, Village Directory and Development Boundary Maps

2. I find that it would be both appropriate, and helpful for potential developers, for a note to be added to the village directory to confirm that for development proposals within the following settlements: Bogindollo; Bridge of Dun; Bridgend of Lintrathen; Cortachy; Douglstown; Eassie Muir; Farnell; Finavon; Inverarity; Kirkton of Kinnettles; Prosen Village; Ruthven; and Tannadice, further consideration will need to be given to any likely significant effects on the River South Esk and River Tay Special Area of Conservation, as has been identified in the habitats regulations appraisal of this plan.

Appendix 1 – Glossary

3. I agree that the inclusion within the glossary of a definition of the term ‘strategic transport network’ would be helpful and appropriate, as would the suggested broader definition of ‘community facilities’.

Appendix 3 – Housing Land Supply

4. The unresolved issues relating to the adequacy of the housing land supply are dealt with at Issue 3, while those concerning the inclusion, omission or programming of specific sites are dealt with at Issues 14 to 24. Any recommended modifications arising from the consideration of those issues will require to be reflected in consequential amendments to this appendix which tabulates all of the sites proposed for housing development in this local development plan, together with the existing housing sites which have been granted planning permission or have been carried forward from the current local plan. Otherwise, no modification to this appendix is justified.

Appendix 4 – Designated Sites

5. The need to rectify typing errors or to reflect the correct titles of designated sites are matters for the council to deal with separately, as they do not relate to unresolved issues which require to be addressed through this examination.

Proposals Map

6. The correction of errors on the proposals map and improvements to its presentation are also matters for the council to deal with separately, as they do not relate to unresolved issues which require to be addressed through this examination.

Reporter’s Recommendations:

Modify the local development Sites plan by:

1. In the village directory on page 161, inserting an asterisk beside the names of the following villages: Bogindollo; Bridge of Dun; Bridgend of Lintrathen; Cortachy; Douglastown; Eassie Muir; Farnell; Finavon; Inverarity; Kirkton of Kinnettles; Prosen Village; Ruthven; and Tannadice; and inserting the following footnote below the list of villages: “ * Within these villages, further consideration will need to be given to any likely significant effects on the River South Esk and River Tay Special Area of Conservation which could be caused by any development proposals.”

2. In ‘Appendix 1 – Glossary’, inserting as a definition of ‘Strategic Transport Network’: “Includes trunk roads and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.”; and altering the definition of ‘Community Facilities’ to read: “Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.”

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1 Strategy Part 1 and Strategy Part 2	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. On Figure 1 on page 7 of the local development plan, identifying Birkhill and Muirhead, as well as Monifieth, as among the Tier 1 settlements which form part of the Dundee core area. 2. In the second sentence of the fourth paragraph on page 8, replacing the phrase 'significant new development or greenfield release' with "significant greenfield release". 	5
2 Strategy Part 3 – Creating High Quality Places	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In the second section of Policy DS2 'Accessible Development', inserting: "by road, rail, bus, foot and/or cycle" after the phrase "Where proposals involve significant travel generation ...". 2. Replacing the final paragraph of Policy DS3 with: "Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance." 3. In the final section of Policy DS5, replacing the first sentence with: "Supplementary guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, 	25

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	<p>exemptions and viability considerations.”</p> <p>4. In the fourth section of Policy DS5, after ‘green infrastructure’ inserting “..., including infrastructure relating to the water environment and flood management.”</p>	
3 Housing Land Supply & Release	<p>Modify the local development plan by:</p> <p>1. In the first paragraph of Policy TC1, inserting a new third sentence to read: “However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.”</p> <p>2. Replacing the final paragraph of Policy TC1 with: “Where the annual housing land audit identifies a shortfall in either the five years’ or the seven years’ effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other sites may be supported where they are consistent with the policies in this plan.”</p>	39
4 Residential Development & Omissions	<p>Modify the local development plan by:</p> <p>1. In Policy TC2 ‘Residential Development’, in the final bullet point under the heading ‘In countryside locations’ which supports the development of single new houses, replacing the third point with: “In Rural Settlement Units (RSUs)**, fill a gap site between the curtilages of two houses, or between the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility”; and amend the glossary definition of ‘gap site’ to match.</p>	58

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	<p>2. Adding the following second footnote to Policy TC2: “ ** Rural Settlement Units are defined in the glossary and their role is further explained on Page 9.”</p> <p>3. In Policy TC2 ‘Residential Development’, adding a fifth bullet point under the heading ‘In countryside locations’ to read: “In Category 2 Rural Settlement Units (RSUs), as shown on the proposals map, gap sites (as defined in the glossary) may be developed for up to two houses.”</p> <p>4. In Policy TC2 ‘Residential Development’, replacing the final sentence under the heading ‘In countryside locations’ with: “Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary guidance, and will address:</p> <ul style="list-style-type: none"> • The types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units. • The restoration or replacement of traditional buildings. • The development of new large country houses. 	
5 Services	<p>Modify the local development plan by:</p> <p>1. At the end of Policy TC8 Community Facilities and Services, inserting a new paragraph stating: “New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.”</p>	69

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	<p>2. In the Glossary, replacing the definition of 'Community facilities' with: "Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community."</p> <p>3. Adding at the end of Policy TC9 'Safeguard of land for cemetery use': "Development of the safeguarded land at Aberlemno, Kirkton of Auchterhouse, Liff and Panbride should be subject to a developer requirement for a prior intrusive ground investigation to be carried out in accordance with the Scottish Environment Protection Agency's guidance note LUPS GU32, while a flood risk assessment will be also be required for the land at Liff."</p>	
6 Connectivity	<p>Modify the local development plan by:</p> <p>1. In the second paragraph of Policy TC11, after the phrase 'Proposals for park and ride facilities' adding "... may incorporate lorry parking and...".</p> <p>2. At the end of the second paragraph of Policy TC12 'Freight Facilities', adding: "There is a requirement for the developer to undertake a flood risk assessment of Montrose railway sidings prior to the consideration of the development of that land."</p> <p>3. Replacing the wording of Policy TC13 'Digital Connectivity and Telecommunications Infrastructure' with: "Proposals for telecommunications development will be permitted provided that the following criteria are met: a) The siting and appearance of the proposed apparatus and associated</p>	75

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	<p>structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;</p> <p>b) If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;</p> <p>c) If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the planning authority.</p> <p>d) If the proposed location is within a sensitive area or on a sensitive site or building, such as areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or listed buildings, it should be demonstrated that the development would not have any unacceptable effects.</p> <p>When considering applications for telecommunications development, the planning authority will also have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.”</p>	
7 Employment & Tourism	<p>Modify the local development plan by:</p> <p>1. Replacing the wording of Policy TC14 'Employment Allocations and Existing Employment Areas' with:</p> <p>“Within employment land allocations and existing employment areas, planning permission will be granted for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. In these locations, other uses may be supported if it is demonstrated that:</p> <p>1. The proposal is complementary or ancillary to an existing or proposed</p>	80

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	<p>employment use; or</p> <p>2. The loss of the site would not undermine the provision of employment land in Angus, or land which may be important to retain due to its individual characteristics, regardless of the amount of employment land available; and</p> <p>3. The proposal would not undermine the operation of existing or proposed employment uses on the whole allocation or existing employment area; and,</p> <p>4. There is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and</p> <p>5. If relevant, the proposal is in accordance with Policy TC19 Retail and Town Centre Uses.</p> <p>To meet the requirements of points 1, 2 and 3, evidence shall be submitted with the planning application to identify the length of time the site has been marketed for employment use; the forms of marketing undertaken; the inter-relationship of the site with adjacent employment land, and with strategic and local transportation infrastructure; and potential impacts of the future use and occupation of adjacent employment land.”</p> <p>2. In Policy TC15 Employment Development, adding at the end of the first sentence:</p> <p>“....., subject to the application of the sequential approach required by Policy TC19 ‘Retail and Town Centre Uses’ for office developments of over 1,000 square metres gross floorspace.”</p>	
8 The Natural Environment	<p>Modify the local development plan by:</p> <p>1. In the first sentence of Policy PV2, amending the phrase “...to protect and enhance existing areas of open space” to read: “...to protect and enhance</p>	90

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	<p>existing outdoor sports facilities and areas of open space</p> <p>2. In the second bullet point of Policy PV2 'Open Space Protection and Provision within Settlements', inserting "... and strategy" after 'open space audit'.</p> <p>3. In the third bullet point of Policy PV2 'Open Space Protection and Provision within Settlements', inserting "..., its contribution to a green network," after 'biodiversity value'.</p> <p>4. In the plan's Glossary, inserting the following definition of 'Outdoor sports facilities': "Uses where sportsotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2 hectares used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green."</p> <p>5. In Policy PV4 'Sites Designated for Natural Heritage and Biodiversity Value', deleting the section entitled 'Locally Important Sites'.</p> <p>6. In Policy PV6 'Development in the Landscape':</p> <ul style="list-style-type: none"> • In the second paragraph, deleting the phrase "SNH's wild land maps", and 	

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	<p>adding the following sentence: "Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land."</p> <ul style="list-style-type: none"> • In the final paragraph, adding: "..., and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape." <p>7. In Policy PV7 'Woodland, Trees and Hedges':</p> <ul style="list-style-type: none"> • Replacing the first sentence with: "Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value." • In the final bullet point, inserting "implementation of an approved woodland management plan," between 'identify and agree appropriate mitigation,...' and 're-instatement or alternative planting.'" <p>8. On the proposals map, including the areas of 'wild land' which lie within the plan area, as identified in the maps of 'wild land' published by Scottish Natural Heritage in 2014 and shown on the map submitted by the council for this examination in response to a further information request.</p>	
9 The Built Environment	<p>Modify the local development plan by:</p> <p>1. In Policy PV8 'Built and Cultural Heritage', in the section dealing with national sites, adding an additional paragraph as follows: "Proposals for enabling development which is necessary to secure the preservation of a listed building</p>	107

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	<p>may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.”</p> <p>2. Amending the second bullet point of Policy PV8 to read: “Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental, and/or economic benefits;”.</p>	
10 Heat & Energy Networks	<p>Modify the local development plan by:</p> <p>1. On page 55 under the heading of ‘Wind Energy’, deleting the whole of the text on that page except for the first three sentences in the first paragraph, and inserting a new second paragraph to read: “The latest version of Scottish Planning Policy which was published in June 2014 sets out a new approach for planning authorities to follow in guiding the development of new onshore wind farms in Scotland. Each planning authority is required to prepare, as part of the development plan, a spatial framework for onshore wind farms. Angus Council will prepare its spatial framework as supplementary guidance which, when adopted, will form part of the statutory development plan for Angus. Until it is adopted, the council will apply the principles and considerations set out in Scottish Planning Policy to any individual proposal for the development of a new wind farm.”</p> <p>2. On page 56, deleting the whole of Figure 2.</p> <p>3. On page 57, deleting the first two paragraphs and the whole of ‘Table 3: Spatial Framework’.</p>	110

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	<p>4. In Policy PV9 'Renewable energy and low carbon energy development', inserting a new fourth paragraph as follows: "Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. Prior to the adoption of that supplementary guidance, the council will apply the principles and considerations set out in Scottish Planning Policy in assessing the acceptability of any planning applications for onshore wind farms."</p> <p>5. In Policy PV10 'Heat Mapping and Decarbonised Heat', amending the first sentence to read: "Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres."</p> <p>6. In the first paragraph on page 58, replacing '50%' with "55%".</p> <p>7. In Policy PV11 'Energy Efficiency - Low and Zero Carbon Buildings', replacing the first sentence with: "All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018."</p>	
11 The Water Environment	<p>Modify the local development plan by:</p> <p>1. In the second bullet point of the third paragraph of Policy PV12: 'Managing Flood Risk', adding after 'assessed within the context of the Shoreline Management Plan', ", Strategic Flood Risk Assessments and Flood Management Plan".</p>	126

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	<p>2. In Policy PV14: 'Water Quality', inserting a new first bullet point stating "the national marine plan;".</p> <p>3. In the third paragraph of Policy PV15: 'Drainage Infrastructure', adding the following sentence: "A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project."</p>	
12 Resources	<p>Modify the local development plan by:</p> <p>1. At the end of the final sentence of Policy PV17 'Waste Management Facilities', adding "and the Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2014."</p> <p>2. At the end of the third paragraph of Policy PV20 'Soils and Geodiversity', adding the following sentence: "Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions."</p>	134
13 Protected & Valued Policy Omissions	<p>Modify the local development plan by:</p> <p>1. Adding the following policy and supporting text at the end of 'The Policy Framework – Part 2: Protected and Valued':</p> <p><u>"Pipeline Consultation Zones</u></p> <p>There are a number of pipelines which pass through the plan area. There are potential hazards which may arise from developing in proximity to them. Within specified distances from these pipelines there is a statutory framework for</p>	142

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	<p>ensuring that the Health and Safety Executive is consulted on the implications which arise from development proposals which are the subject of planning applications. These pipeline consultation zones are identified on the proposals map, and the following policy will be applied to submitted development proposals within them. The Health and Safety Executive has produced a 'Planning Advice Web App' to assist developers in preparing planning applications for development proposals.</p> <p><u>Policy PV21 Pipeline Consultation Zones</u></p> <p>Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.”</p> <p>2. In the key of the Angus Proposals Map, adding a reference to Policy PV21 against the pipeline consultation zones.</p>	
14 Arbroath	<p>Modify the local development plan by:</p> <p>1. On page 78, 'A3 Opportunity Site – Wardmill/Dens Road', under the fifth bullet point, adding the following words after "Flood Risk Assessment": "which considers the potential for channel restoration".</p> <p>2. On page 80, 'A6 Opportunity Site – Former Bleachworks, Elliot', replacing the third sentence of the first paragraph with the following: "Given the level of fluvial and tidal flood risk a Flood Risk Assessment will be required, including investigation of any culverts flowing through the site, to establish the scope for development, including residential development."</p>	146

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	<p>3. On page 81, 'A10 Working – Elliot Industrial Estate Extension', adding a fourth bullet point as follows: "supporting information including a Flood Risk Assessment".</p> <p>4. On page 82, 'A13 Community Facilities – Western Cemetery Extension', adding a second sentence as follows: "Before any development occurs at the site, a flood risk assessment should be carried out and ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."</p>	
15 Brechin	<p>Modify the local development plan by:</p> <p>1. On page 88, 'B1 Housing – Dubton Farm', adding a fourth paragraph as follows: "Development proposals should be supported with the submission of a Flood Risk Assessment".</p> <p>2. On page 90, 'B5 Opportunity Site – Maisondieu Church, Witchden Road', adding a third paragraph as follows: "Finished floor levels for the site should be considered in the context of available information to minimise any residual flood risk".</p> <p>3. On page 91, 'B6 Working – Brechin West', under the fifth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,".</p> <p>4. On page 92, 'B7 Brechin Cemetery Extension', adding a new sentence as follows: "Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."</p>	176

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16A Carnoustie & Barry, Pitskelly & Carlogie	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. On page 97, in the second paragraph under 'C1 Housing – Land at Pitskelly', inserting a new second bullet point to read: "A phasing programme to ensure that the development of the employment land at site C7 is delivered in conjunction with the housing development on this site." 2. On the map after page 102 (Carnoustie and Barry (Inset Map 3)), extending Carnoustie's development boundary to include both employment site C7 and housing site C1 at Pitskelly, together with the section of the Upper Victoria link road which adjoins these sites and connects them with opportunity site C4, as recommended to be extended in Issue 16B. 3. On the map after page 102 (Carnoustie and Barry (Inset Map 3)), extending Carnoustie's development boundary to include employment site C6 at Carlogie, and the proposed re-aligned Carlogie Road (C8) which is to be provided in conjunction with it. 	195
16B Carnoustie & Barry – General & Omissions	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. On page 97, under 'C2 Opportunity Site – Woodside/Pitskelly', adding a final paragraph reading: "Information submitted in conjunction with any planning application to develop the land should include a drainage impact assessment." 2. On page 98, under 'C3 Opportunity Site – Barry Road', adding to the final sentence: "... and a drainage impact assessment." 	212

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	<p>3. On page 101, under C9 'Shanwell Cemetery Extension', adding a second paragraph reading: "Prior to applying for any development, an intrusive ground investigation should be undertaken in line with the Scottish Environment Protection Agency's guidance on assessing the impacts of cemeteries on groundwater."</p> <p>4. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the settlement boundary at the north-eastern edge of the town, as shown on the plan submitted with the representation made by Angus Estates Ltd.</p> <p>5. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the settlement boundary north-eastwards at Greenlaw Hill to align with the Upper Victoria Link Road and the minor road leading south-west from it towards to the north-western edge of Site C4.</p> <p>6. On page 98, amending the description of Opportunity Site C4 'Greenlaw Hill' by replacing '1.7 ha of land' with "3.2 hectares of land".</p> <p>7. On the 'Carnoustie and Barry (Inset Map 3)', which follows page 102, amending the extent of Opportunity Site C4 to include the whole of the Greenlaw Hill site shown in the plan accompanying the representation PP/00126/4/001, and extending the settlement boundary eastwards to incorporate the extended site and align with the Upper Victoria link road.</p>	
17A Turfbeg & Westfield, Forfar	<p>Modify the local development plan by:</p> <p>1. On page 107, Table F3: New Allocations, amending the phasing for F3 Turfbeg to 175 for the first phase and 125 for the second phase.</p>	229

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	<p>2. On page 108, replacing the second sentence with the following: "The ALDP now allocates the site for around 300 units with a phased release throughout the plan period."</p> <p>3. On page 108, 'F3 Housing – Turfbeg', replacing the first sentence with the following: "17.6 Ha of land north of Turfbeg is allocated for residential development of around 300 dwellings. A first phase of around 175 dwellings will be permitted in the period to 2021, with the remaining phase of around 125 dwellings permitted in the period to 2026."</p> <p>4. On page 108, 'F3 Housing – Turfbeg', under the sixth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,."</p> <p>5. On page 109, 'F4 Housing – Westfield', under the fifth bullet point, adding the following words after "Angus Council": ", TACTRAN".</p> <p>6. On page 109, 'F4 Housing – Westfield', under the eighth bullet point, adding the following words before "Drainage Impact Assessment": "Flood Risk Assessment,."</p>	
17B Forfar – General & Omissions	<p>Modify the local development plan by:</p> <p>1. On page 107, 'F2 Housing – Gowanbank', adding a new sentence immediately after the fifth paragraph as follows: "A flood risk assessment and drainage impact assessment is also required."</p> <p>2. On page 107, 'F2 Housing – Gowanbank', replacing the fourth paragraph with the following: "Development will require to take account of the amenity of existing properties around the perimeter of the site, any loss of amenity or nuisance to</p>	248

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	<p>future occupiers in terms of noise or odour associated with the operational landfill site to the east and respect the cordon sanitaire.”</p> <p>3. On page 113, 'F11 Newmonthill Cemetery Extension', adding a final sentence as follows: "Before any development occurs at the site, a flood risk assessment should be carried out and ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."</p>	
18 Kirriemuir	<p>Modify the local development plan by:</p> <p>1. On page 119, 'K1 Housing – South of Beechwood Place', in the fifth bullet adding the following text after "Transport Assessment": "Flood Risk Assessment,".</p> <p>2. On page 118, Table K2, altering the table to show 50 units in the second phase 2021-2026 and removing the text at the asterisk below the table.</p> <p>3. On page 119, 'K1 Housing – South of Beechwood Place', within the first paragraph deleting the second and third sentences and replacing with the following: "A first phase of around 50 dwellings will be permitted in the period to 2021, with the remaining phase of around 50 dwellings permitted in the period to 2026."</p> <p>4. On page 121, under the heading 'Town Centres and Retailing', replacing the last two paragraphs with the following:</p> <p>"K4 Retail – Land at Pathhead</p> <p>3.2 hectares of land at Pathhead is allocated for a supermarket, associated</p>	263

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	<p>parking, landscaping and improved road layout in accordance within the planning permission (planning application reference 11/00150/PPPM). Proposals will be supported that are in accordance with this permission.”</p> <p>5. On the proposals map after page 122 (Kirriemuir Inset Map 5), amending the development boundary for Kirriemuir to include the land at Pathhead approved by planning permission reference 11/00150/PPPM and annotating the map to show the allocation with the reference 'K4'.</p> <p>6. On the proposals map after page 122 (Kirriemuir Inset Map 5), excluding the garden ground of 7 Kirkwynd from 'K2 Opportunity Site – Gairie Works'.</p> <p>7. On page 121, 'K4 Kirriemuir Cemetery Extension', amending to read "K5 Kirriemuir Cemetery Extension" and updating the Kirriemuir Inset Map 5 accordingly.</p> <p>8. On page 121, 'K4 Kirriemuir Cemetery Extension', adding a final sentence as follows: "Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA's guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32)."</p> <p>9. On the proposals map after page 122 (Kirriemuir Inset Map 5), excluding the land to the rear of 69 Brechin Road from the development boundary for Kirriemuir.</p>	
19 Monifieth	No modifications.	280
20 Montrose including Ferryden & Hillside	<p>Modify the local development plan by:</p> <p>1. Within the introduction to the Settlement Statement for Montrose including Ferryden and Hillside on page 133 of the plan, inserting the following after the</p>	289

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	<p>seventh paragraph:</p> <p>“The NESTRANS ‘Access to Laurencekirk’ Report (2015) has identified a need for a grade-separated junction as the preferred option to address capacity issues at the A90/A937 south junction. A funding package was announced in January 2016 to support delivery of a new grade separated junction, however the total costs, potential additional funding sources and timescale for delivery of the scheme have not been confirmed.</p> <p>Development proposals in Montrose that are likely to generate significant new traffic will require to submit a transport assessment to establish impact on the local and strategic road network including the A90/A937 junction at Laurencekirk. Where impacts are identified, conditions controlling development or requirement for appropriate mitigation including Developer Contributions in accordance with Policy DS5 may be applicable.”</p> <p>2. On pages 135, 136, 137, 139 and 140, replacing the two sentences dealing with the A90/A937 junction, within the developer requirements for sites M1, M2, M3, M7 and M8, with a sentence that reads: “Proposals should be supported by a Transport Assessment”.</p> <p>3. On page 135, ‘M1 Housing – Brechin Road’, adding a fifth paragraph as follows: “Proposals should be supported with the submission of a Flood Risk Assessment which assesses the risk from all sources. The assessment of options for morphological improvement including consideration of any culverted watercourses related to the site will also be required.”</p> <p>4. On page 140, ‘M8 Working – North of Forties Road’, amending the first bullet as follows: “structural landscaping and native woodland planting along the</p>	

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	<p>northern and eastern boundaries of the site to safeguard....”</p> <p>5. On page 140, 'M8 Working – North of Forties Road', adding a final bullet as follows: “supporting information including a Flood Risk Assessment”.</p> <p>6. On page 141, 'M10 Sleepyhillock Cemetery Extension', adding a final sentence as follows: “Before any development occurs at the site, ground investigation works should be undertaken in line with SEPA’s guidance on assessing the impacts of cemeteries on groundwater (LUPS GU32).”</p> <p>7. On the proposals map after page 142 (Montrose including Ferryden and Hillside Inset Map 7), amending to include within the hatched area for M3 Mixed Use – Sunnyside Hospital, Hillside, the land referred to in the representation by R Fleming & Co (PP/00115/2/001).</p>	
21 North Angus HMA	<p>Modify the local development plan by:</p> <p>1. On page 146, 'E1 Housing – East of Duriehill Road', inserting an eighth bullet point as follows: “submission of a Transport Assessment which confirms how access is best to be achieved and any associated mitigation”.</p>	312
22 East Angus HMA	No modifications.	334
23 West Angus HMA	<p>Modify the local development plan by:</p> <p>1. On page 202, 'G1 Opportunity Site – Dundee Road East, Glamis' adding the following before “Drainage Impact Assessment”: “Flood Risk Assessment and”.</p>	346
24 South Angus HMA	<p>Modify the local development plan by:</p> <p>1. On page 170, amending the second bullet point under 'Development Strategy' to read: “Additional residential development outwith the development boundaries</p>	362

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	<p>of Ballumbie will not be supported.”</p> <p>2. On page 248, under ‘St1: Opportunity Site – Strathmartine Hospital Estate’, inserting a new second bullet point to read: “a flood risk assessment;”.</p>	
25 Plan Issues	<p>Modify the local development plan by:</p> <p>1. In the village directory on page 161, inserting an asterisk beside the names of the following villages: Bogindollo; Bridge of Dun; Bridgend of Lintrathen; Cortachy; Douglstown; Eassie Muir; Farnell; Finavon; Inverarity; Kirkton of Kinnettles; Prosen Village; Ruthven; and Tannadice; and inserting the following footnote below the list of villages: “ * Within these villages, further consideration will need to be given to any likely significant effects on the River South Esk and River Tay Special Area of Conservation which could be caused by any development proposals.”</p> <p>2. In ‘Appendix 1 – Glossary’, inserting as a definition of ‘Strategic Transport Network’: “Includes trunk roads and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.”; and altering the definition of ‘Community Facilities’ to read: "Facilities such as schools, healthcare, libraries, museums, halls and leisure that are important assets that play a key role in terms of sustainability and the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community."</p>	396