

## ANGUS COUNCIL

MINUTE of Special MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 8 December 2016 at 10.00 am.

**Present:** Depute Provost ALEX KING, Councillors BILL BOWLES, BRIAN BOYD, DAVID CHEAPE, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, IAIN GAUL, JEANETTE GAUL, MARTYN GEDDES, JIM HOUSTON, IAN MCLAREN, GLENNIS MIDDLETON, ROB MURRAY, BOB MYLES, PAUL VALENTINE and SHEENA WELSH.

DEPUTE PROVOST ALEX KING, in the Chair.

Prior to the commencement of business, the Depute Provost welcomed Councillors Cheape and Durno to their first meeting of Angus Council following their election to the Council.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Colin Brown, Mairi Evans, Sheila Hands, David Lumgair, David May, Ronnie Proctor MBE, Mark Salmond, Ewan Smith and Margaret Thomson.

### 2. DECLARATIONS OF INTEREST

Councillor Iain Gaul declared an interest in item 4, Report No 433/16, as he was a Director of the Carnoustie Golf Links Management Committee who had objected to the application. He indicated that, despite the objection being submitted prior to his appointment as Director, he would not participate in any discussion and voting and would leave the meeting during consideration of the item.

Councillor Boyd also declared an interest in item 4, Report No 433/16, as a former Director of the Carnoustie Golf Links Management Committee. He indicated that he was a Director at the time the objection had been submitted and therefore, he would not participate in any discussion and voting and would leave the meeting during consideration of the item.

### PART 1 – PRE-DETERMINATION HEARING

### 3. PRE-DETERMINATION HEARING PROCEDURE

There was submitted and noted a procedure note in respect of the Pre-Determination Hearing being held in terms of Part 3, Section 14 of the Planning etc (Scotland) Act 2006.

*Having declared an interest at Article 2 above, Councillors Iain Gaul and Boyd left the meeting during considering of the following item.*

### 4. PLANNING APPLICATION – LAND BETWEEN MEAN LOW WATER MARK AT CARNOUSTIE BEACH AND TEALING SUB STATION, TEALING

There was submitted Report No 433/16 by the Head of Planning and Place detailing application No 16/00520/EIAN for the formation of on shore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Off Shore Wind Farms, comprising 19km of underground electricity transmission cables, a new sub station/convertor station at Tealing and formation of associated vehicular access and temporary and permanent ancillary works at land between mean low water mark at Carnoustie Beach and Tealing Sub Station, Tealing. The application was recommended for conditional approval.

Mr Alan Hunter, Development Standards Manager, gave a detailed presentation to members on the application, following which he answered members' queries.

Thereafter, Mr Mackie, an objector and Mrs Burke, on behalf of Tealing Community Council, objectors, addressed the meeting and answered members' queries. Mr Scott, a representative of Seagreen, also addressed the meeting.

## **PART 2 – DETERMINATION**

### **5. PLANNING APPLICATION – LAND BETWEEN MEAN LOW WATER MARK AT CARNOUSTIE BEACH AND TEALING SUB-STATION, TEALING**

COUNCILLOR MURRAY, SECONDED BY COUNCILLOR DUFF, MOVED THAT APPLICATION NO 16/00520/EIAN BE APPROVED FOR THE REASONS AND SUBJECT TO THE CONDITIONS AS DETAILED IN SECTION 10 OF REPORT NO 433/16.

Councillor Fairweather, seconded by Councillor Fotheringham, moved as an amendment, that the application be refused as the proposal would not seek to protect or enhance areas of open space, nor protect or enhance the quality of the landscape in Angus and was therefore contrary to Policies PV2 and PV6 of the Angus Local Development Plan 2016.

On a vote being taken, the members voted:-

For the motion:-

Depute Provost Alex King, Councillors Cheape, Devine, Duff, Durno, Jeanette Gaul, Houston, Middleton, Murray, Valentine and Welsh (11).

For the amendment:-

Councillors Bowles, Fairweather, Fotheringham, Geddes, McLaren and Myles (6).

The motion was declared carried resulting in the application being approved for the reasons and subject to the conditions as detailed in Section 10 of the Report.

### **6. PLANNING APPLICATION – FIELD 250M SOUTH OF PITSKELLY FARM, PITSKELLY, CARNOUSTIE**

With reference to Article 12 of the minute of meeting of Angus Council of 26 March 2015, there was submitted Report No 434/16 by the Head of Planning and Place advising members on the outcome of the Judicial Review Hearing in respect of planning application No 14/00573/PPPM for planning permission in principle, for housing development, including landscaping and associated works and industrial estate comprising uses within Use Class 4 (Business), Use Class 5 (General Industry) and Use Class 6 (Storage and Distribution), including landscaping and associated works at Land at Pitskelly Farm, Carnoustie. The Report also provided information regarding a change in circumstances since December 2014 and sought approval of proposed revised conditions.

The Report advised that following the Judicial Review Hearing, the opinion of Lady Paton had been received by the Council on 13 October 2016 and had sustained the Council's pleas-in-law, repelled the petitioners' pleas-in-law and had refused the petition.

Since the determination of the application in December 2014, the Angus Local Development Plan had been published and adopted by Angus Council on 23 September. The adopted Plan had allocated the sites that were the subject of planning application No 14/00573/PPPM at Pitskelly for housing and employment (Sites C1 and C7 respectively). The changes in circumstances since December 2014 were not considered to make a material difference to the decision made on the application, however, it was considered that the changes in circumstance would reinforce the decision made in December 2014 as the sites were now allocated in the adopted Angus Local Development Plan. It was considered appropriate therefore to revisit the conditions approved on 12 February 2015 to ensure the changes in circumstance were reflected, most notably the publication of the draft Supplementary Guidance on Developer Contribution. The proposed revised conditions reflected issues identified during the consultation process associated with the planning application, taking into account the updated guidance in the Developer Contribution Supplementary Guidance and updated practice in relation to Section 75 Planning Obligations. The conditions, as detailed in Appendix 1 to the Report, were proposed.

The Council resolved:-

- (i) to note the outcome of the legal challenge;
- (ii) to note the change in circumstances since December 2014; and
- (iii) to approve the proposed revised conditions as detailed in Appendix 1 to the Report.