

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 05 JANUARY 2017

**PROPOSAL OF APPLICATION NOTICE
FIELD 500M SOUTH WEST OF REDCASTLE FARM, NEWBARN, INVERKEILOR**

GRID REF: 368439 : 749904

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. 16/00890/PAN) has been submitted in respect of the Erection of Polytunnels at Field 500M South West of Redcastle Farm, Newbarn, Inverkeilor. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

It is recommended that Committee notes the key issues identified at this stage and advises of any other issues it considers should be addressed by any planning application that is subsequently submitted.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
CORPORATE PLAN**

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 At its meeting on 19 June 2014, Council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (Report 275/14 refers). A key element of that guidance requires officers to present a report to Committee when a Proposal of Application Notice (PAN) is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and allow Members opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref. 16/00890/PAN) has been received. It states an intention to submit an application for planning permission for the erection of polytunnels at a field 500M south west of Redcastle Farm, Newbarn, Inverkeilor. The indicated potential development site measures 23.47 ha (approx.) and currently consists of an agricultural field. A plan showing the outline of the site on which the development is proposed has been submitted. No further details relating to the proposed application have been provided at this stage.

3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with the local community and the applicant has indicated that a copy of the PAN has been served on the Royal Burgh of Arbroath and District Community Council. It is indicated that there is an intention to hold a public meeting at Colliston Village Hall at a date to be confirmed.

3.4 The results of the community consultation would be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as required in regulations should a major planning application be forthcoming.

- 3.5 Members are also advised that in addition to the community consultation identified by the applicant the Planning Service has recommended to the applicant's agent that the pre-application consultation (PAC) proposed within the PAN should be extended to include an event in Inverkeilor; that being the closest settlement to the site. It has also been suggested that specific invitations to the consultation event should be sent to parties that neighbour the site. At this time confirmation was also given that a planning application could not be submitted prior to 30 January 2017 (the date 12 weeks from the submission of the PAN).

4. BACKGROUND

- 4.1 The site that is subject of the PAN lies around 1.5 km east of Inverkeilor Village. It lies to the east of the C45 Newton-Lunan-Montrose Road and is bound to the north by a row of 6 former farm cottages (Birch, Rowan, Elm, Oak, Laurel, and Ash Cottages) that stand beyond a track leading to the former Redcastle Farm complex and farm house. The site sits on a raised beach around 15 metres above Lunan Bay. The west, south and east of the site are bound by agricultural land. Agricultural land also lies to the east but it sits at the foot of the 15m cliff to the east of the site.
- 4.2 The site has been historically associated with agricultural use and is Class 3.2 (non- prime) land capable of producing a moderate range of crops. It lies within Coastal Protection Unit 4 (Rickle Craig to Ethie Haven) in terms of the Angus Shoreline Management Plan and its southern extent is within 1km of the Whiting Ness to Ethie Haven Site of Special Scientific Interest (SSSI). There is a SEPA surface water flooding extent to the north of the site on the boundary between the site and the cottages to the north.
- 4.3 Since the submission of the PAN, 10 separate local planning applications have been submitted for the erection of polytunnels and associated works at Redcastle Farm. The applications (ref: 16/00913/FULL, 16/00914/FULL, 16/00915/FULL, 16/00918/FULL, 16/00919/FULL, 16/00920/FULL, 16/00921/FULL, 16/00922/FULL, 16/00923/FULL and 16/00924/FULL) relate to the proposed erection of 10 separate phases of polytunnel development, each roughly measuring 1.98-1.99 Ha. The combined area of the phased development covers an area broadly equivalent to the site that is subject to the PAN. As PAN and PAC activity is not a requirement for planning applications categorised as local developments, these applications have not been subject to any pre-application community consultation. However, each application has been subject to statutory public and consultation, including advertisement as appropriate. The submission of the 10 applications mentioned above would not preclude the applicant from pursuing a separate major planning application for similar polytunnel development should they wish to do so.

5. DISCUSSION

- 5.1 In this case the land subject of the Proposal of Application Notice (PAN) is not allocated in the adopted Angus Local Development Plan for any specific use and it is cultivated agricultural land. This land is not prime quality however and Policy PV20 is therefore not relevant. As the site lies outwith a development boundary, Policy DS1 is relevant. The policy offers general support for proposals that are appropriate in scale and nature to their surroundings when they accord with other relevant policies in the LDP. The policy states:

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

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.

Proposals for sites outwith but contiguous with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or*

operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

**Sharing an edge or boundary, neighbouring or adjacent*

- 5.2 Around 50% of the site is located within the seaward extent of Coastal Protection Unit 4 and is therefore located on the undeveloped coast. As such Policy PV16 is relevant. The policy only offers support for proposals on the undeveloped coast where such proposals are justifiable in terms of locational requirements and, where proposals do not conflict with designated or proposed marine heritage sites and do not conflict with existing coastal protection works. The policy states:

Policy PV16 Coastal Planning

The Coast is subject to natural and human pressures ranging from climate change to caravan parks. The environmental, economic and defensive role of the coast will be protected by Angus Council and development proposals will be assessed within the context of the Shoreline Management Plan (SMP) and relevant landscape capacity studies.

Development requiring new sea defences will not be supported and proposals should be directed to the developed coast or be associated with existing development.

Within the undeveloped coast proposals will only be supported where there is:

- a justifiable locational requirement for the development;*
- no conflict with designated or proposed marine heritage sites; and*
- no conflict with existing coastal protection works.*

Areas liable to ground instability and at risk from current or future inundation as identified in the second SMP for Angus will be considered for managed realignment.

Angus Council will work with adjacent terrestrial and marine authorities as appropriate to promote co-ordinated coastal planning on and offshore and will consider development proposals within this context.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

- 5.3 As the site is located in open countryside, any significant development has the potential to result in a landscape impact. As such, Policy PV6 is relevant. The policy seeks to protect and enhance the landscape quality of Angus. The policy states:

Policy PV6 Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. 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.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan 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.

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.

- 5.4 Policy DS4 deals with amenity considerations and amongst other things seeks to safeguard the amenity of occupants of nearby properties and indicates that those that have adverse impacts may be supported where appropriate mitigation and/or compensatory measures are secured. The policy states: -

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

- 5.5 The site has known surface water extents located at its north boundary and as such Policies PV12 and PV15 are relevant. Policy PV12 states a basic presumption against building on functional floodplain, loss of flood storage and proposals that would materially increase flood risk. Amongst other things it indicates that proposals may be required to provide a flood risk assessment and indicates that, where appropriate, proposals will be considered in the context

of the Shoreline Management Plan and within the context of SEPA flood maps to assess and mitigate surface water flood potential. Policy PV15 deals with drainage infrastructure and amongst other things requires the use of Sustainable Urban Drainage Systems to accommodate surface water drainage and indicates that drainage impact assessment will be required for new development where appropriate. The policies state:

Policy PV12 Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- *on the functional floodplain;*
- *which involve land raising resulting in the loss of the functional flood plain; or*
- *which would materially increase the probability of flooding to existing or planned development.*

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- *that flood risk can be adequately managed both within and outwith the site;*
- *that a freeboard allowance of at least 500-600mm in all circumstances can be provided;*
- *access and egress to the site can be provided that is free of flood risk; and*
- *where appropriate that water-resistant materials and construction will be utilised.*

Where appropriate development proposals will be:

- *assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and*
- *considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.*

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.*

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. 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.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

**Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)*

- 5.6 In these circumstances it is considered that the key determining issues in relation to a subsequent planning application for the development proposed are likely to be: -
- Justification and rationale for site selection;
 - Coastal protection impacts;
 - Landscape impact;
 - Amenity Impacts;
 - The identification and mitigation of flood risk from known surface water extents and the establishment of satisfactory drainage arrangements;
 - Economic considerations.
- 5.7 Whilst other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional matters that it would wish to see addressed.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

7. OTHER IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORT AUTHOR: VIVIEN SMITH
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 14 DECEMBER 2016

Appendix 1 : Location Plan