

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 31 OCTOBER 2017

PLANNING APPLICATION – FIELD OPPOSITE KELLAS WOOD, KELLAS

GRID REF: 345407 : 736192

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No 17/00387/FULL for the change of use from agricultural land to natural green burial ground and rich woodland habitat and the formation of a car park and engineering works on a field opposite Kellas Wood, Kellas for T Kettles & Son. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

3.1 Full planning permission is sought for the 'change of use from agricultural land to natural green burial ground and rich woodland habitat and formation of car park and engineering works'.

3.2 The application site measures approximately 0.51 hectares and is part of a larger agricultural field that measures approximately 6.6 hectares. The site is located at the corner of the junction where the U314 road splits north to Gagie Lodge and west to Murroes Primary School. The site is some 630m north of Kellas village and is bound by the U314 road at the south and east, Kellas Wood further east and agricultural field north and west. An existing field access is located at the south east corner of the site and provides access into the field. The boundary treatments consist of existing drystone dyke, trees and vegetation. The closest dwelling to the site is the Old School House which is located approximately 135m to the south of the site access. A location plan is provided at Appendix 1 below.

3.3 The application seeks to change the use of the land to create a natural burial ground with potential for a maximum 493 plots (within a defined 0.39ha area) and two landscaped amenity areas. Engineering works are proposed to form a 31 space car park with a turning circle. An earth bund is proposed along the west boundary with the remaining field. Two parking spaces would be available at the site entrance when the car park is closed.

3.4 The proposal has been varied with the removal of 15 lairs at the north east of the site and the establishment of a field drain exclusion zone 10m from the remaining lairs to the east site boundary. Site Layout Plan Drawing no. 320/2 Revision B amends and supersedes Site Layout Plan Drawing no. 320/2.

3.5 The application was advertised in the local press as required by legislation.

- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation of approval, where the proposal has attracted more than 5 objections and objection from the community council.

4. RELEVANT PLANNING HISTORY

A pre-application enquiry relation to the proposal was submitted in March 2017. The Officer's response to the enquiry indicated there may be scope for the proposal, subject to the provisions of the Development Plan and any other material considerations, and provided details of supporting information that would be required if the proposal were to be progressed to an application. Comments from the Roads Service and Environmental Health Service in relation to the proposal were also provided.

5. APPLICANT'S CASE

- 5.1 Supporting documentation has been submitted and consists of: -

- **Design Statement** – the statement indicates that the development seeks to retain natural grassland appearance progressing to woodland appearance, with minimal environmental impact. The statement also discusses the engineering work proposed, new native planting proposed, the environmental impact of the development and operational considerations such as site access arrangements and site maintenance. Consultations undertaken with statutory undertakers prior to the application are discussed and further information is provided on the operational model of the development including plot depths, burial density, the use of biodegradable coffins and the prohibiting headstones or mementos in favour of tree planting or small engraved boulders. The statement indicates that the north corner of the site includes an area for ashes. The burial rate for the 0.39HA site would not exceed 20 burials per year (in line with SEPA guidance) with burial lair depth at 1.3m. Burial density would be significantly below SEPA burial density allowances.
- **SEPA Guidance on Assessing the Impacts of Cemeteries on Groundwater Stage 1 Acceptance Criteria Checklist** - the SEPA checklist for impact on ground water has been completed and indicates that if the answer is no to the listed questions there is a presumption that the development should not impact on groundwater and no further assessment is required. The checklist answers no to each of the listed criteria.
- **Stage 1 Hydrology and Hydrogeology Assessment** – completed by TA Millard Scotland Ltd. Civil Engineers in April 2017. The assessment is a preliminary risk screening based upon a desk study, limited site information and a site walkover. The assessment states the overall risks to the water environment with the proposed development are assessed as low to very low. It indicates that *given the proposal is small scale with a low interment rate, it is unlikely any of the identified conditions at the site would give rise to significant pollutant linkages to any of the evaluated receptors*. The assessment indicates that groundwater was identified at depths of 2.3mbgl and 2.5mbgl (measured in April) and indicates that single layer burial plots will not lie within 1m of groundwater. The assessment indicates that the site is not at significant risk of flooding with low to negligible risk identified for rivers (negligible), coastal flooding (negligible), pluvial flooding (low) and groundwater flooding (negligible).
- **Scottish Water Asset Impact Team Correspondence** – dated 30 May 2017 confirms the plans provided by the applicant to Scottish Water are acceptable in relation to their existing assets at the site.
- **Supporting Statement on existing burial facilities and reasons for site selection** (13 June 2017) – indicates that the applicant's intention is to become a member of the Association of Natural Burial Grounds which includes a code of conduct to ensure professional and environmental standards. The statement indicates that there are 270 natural burial grounds in the UK, 19 of which are in Scotland. The closest similar operation to the proposed site is located close to Crieff and there are other examples the applicant has researched and visited near Edinburgh and Aberdeen. The sites have never experienced issues with fly tipping and Crieff and Aberdeen have space for 20 cars, with no dedicated parking for the site outside Edinburgh. The other sites operate with less car parking than is proposed at Kellas. The Kellas operation would be smaller than these sites due to limits on burial density (with only single lair depth density) and frequency in accordance with SEPA requirements. The applicant has indicated that they own c.320 acres of land and selected the proposed site because it is not close to neighbouring housing or the school; it is located off a well maintained road; is reasonably

remote from water courses; is located on a site with no more than a gentle gradient; is situation close to a point in the public road where cars slow significantly for a bend; is within walking distance of public transport; and has a tranquil setting and unspoiled view.

- **Design Photomontage Boards** – the design boards show images that would inform the design aesthetic of the development with photographs of flora, fauna and built design features such as stone benches and bird boxes.
- **Supporting Statement – Shortfall/Oversupply of Burial provision** – dated 11 July 2017, this statement indicates that market research was undertaken including discussions with locally based undertakers who indicated that there is an increasing demand from the public for natural/green alternatives and that Crieff has the closest located natural burial site. Other site operators have indicated an increase in green burials year on year. The applicant has also indicated that biodiversity is important to them and during the last 17 years they have planted over 2000 metres of hedgerow.
- **Engineer Response to SEPA Comments** – dated 28 July 2017 and prepared by TA Millard Scotland Ltd. Civil Engineers, this correspondence responds to points raised in SEPA consultation responses of 02 June 2017 and 21 July 2017, relating to the water environment. It states that technical considerations have been made that burials and associated by-products will not be brought to surface by water action. The correspondence further states the development would increase the land's utilisation of surface water and be a net benefit on any ancillary issues relating to localised pluvial flooding in Kellas.
- **Engineer Report Regarding Field Drain** – dated on 09 August 2017 and prepared by TA Millard Scotland Ltd. Civil Engineers, this report advises in relation to investigation of a field drain discovered at the site. The report includes the findings of a CCTV survey undertaken in the field drain and states the survey followed the clay pipe to an obstruction at 6.3m, which is approximately 3m within the application site. The report states the findings of the survey show the pipe is not a functional field drain and states that, given Scottish Water excavated the east and south edge of the site in 2001, it is highly unlikely any connections exist elsewhere. Still photographs from the CCTV survey and additional photographs showing the site during a heavy rain event are provided in the report.
- **Trial Pit Statement and Photographs** – dated 21 September 2017. The statement advises in relation to two trial pit excavations at the site dug on 15 April 2017 and left open for 2 days to measure ground water level. The statement states ground water levels were measured on 17 April at 2.3mbgl and 2.5mbgl. It further states no ground water was encountered during the excavation of the trial pits. The statement further describes the methodology for the trial pits and provides photographs.
- **Tayside Biodiversity Partnership Letter** – dated 28 September 2017, this is a letter in support of the application. The letter states the proposal, if approved would be eligible to be part of the 2nd Edition Tayside Biodiversity Action Plan 2016-2026 (TBAP) as part of the Tayside Green Graveyard Initiative. The letter expresses support for the application in that it considers the project would contribute to strategic goals for habitats and wildlife and provide opportunities for volunteers to increase rural and science skills.
- **Response to Public Comment on Flooding** – dated 02 October 2017 and submitted by the applicant, this correspondence responds to third party comment and photographs with concerns regarding flooding at the site. The correspondence refers to comment regarding surface water flood risk from the TA Millard Scotland Ltd. Civil Engineers report dated 28 July 2017 which state the development would increase the land's utilisation of surface water. The correspondence states the development proposal will prevent surface water run-off from the site.
- **Information Regarding Further Trial Pit** – dated 04 October 2017, the correspondence states a hole was dug on 18 September 2017 against the dyke at the east boundary in an attempt to locate a connecting joint to the field drain pipe. The correspondence states a deeper hole was dug on 19 September 2017 and a parallel joint 1m from the dyke and 0.85m deep was found. It states a third CCTV survey was commissioned which identified water is flowing north to south in this pipe and showing up as flow in the field drain exiting the proposed site. The correspondence further states that water was shown in the hole as it was 1m distance from a road drainage ditch at a higher elevation with sitting water. It states water percolated in to the hole dug at the lower level and provides a photographs of the hole dug and its proximity and relationship to the road ditch and dyke.
- **Field Drainage - Further Evaluation** – dated 06 October 2017 and prepared by TA Millard Scotland Ltd. Civil Engineers, the report provides a short summary of the investigation in relation to the water environment, drainage and flood risk at the site. It indicates that water entering the Kellas woodland originates from the connecting pipe running parallel to the eastern field dyke and not from the proposed burial site. Further photographs showing CCTV stills and investigations into the depth of the pipe (0.85m

from the level of the field) are provided in the report. The report states both trial pits excavated for the Stage 1 Assessment showed ground water would be greater than 1m below the base of the graves and reiterates SEPA's maintenance of their position of negligible/low risk to groundwater and no objection to the proposed development. Whilst the report states it considers the existence of pipes in the burial area is doubtful, a remedial strategy is provided that includes the removal of 15 lairs at the east of the site to create an active field drain exclusion zone of 10m; the phasing of interments from west to east with excavation to a sufficient depth to intercept and break up field drains that could channel surface water off site; and the permanent severing, removal or diversion of connections within the burial area to remaining perimeter pipes, so that pipes will be situated greater than 10m from proposed burials. The report concludes further investigation and remedial works could readily be incorporated into site development ground works.

- **The Good Funeral Guide Letter** – dated 11 October 2017 and submitted in support of the application, this letter advises the organisation is a non-profit social enterprise company and welcome attempts to improve options and choices available to bereaved people. The letter provides general supporting information in relation to natural burial grounds and requests the application is looked upon favourably.
- **Scottish Wildlife Trust Letter** – dated 30 September 2017 offers support for the proposal indicating that the creation of a woodland burial area would be beneficial to wildlife of the area and increase biodiversity.
- **The Natural Death Centre Charity** – dated 30 August 2017 offers support for the proposal and indicates that there are no similar natural/green burial grounds to the proposal in the Angus/Dundee/Fife area and highlights differences of the proposed development with the Birkhill Cemetery near Dundee. The correspondence notes that the proposal has been subject of objection and indicates that, in their experience, they have not encountered negative environmental or health risk consequences and suggest that the additional tree planting would reduce and attenuate run off and flood risk. The correspondence concludes that, in comparison to other ANGB members, the applicant's site would be one of the smallest in the UK and restricted to a small number of burials per year under SEPA guidelines.

5.2 The supporting information is available to view on the Council's [Public Access](#) system.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – Has considered the proposed parking and access arrangements and is satisfied that the proposed development could be accommodated within the public road network without adverse impacts on road traffic and pedestrian safety subject to planning conditions requiring a suitably constructed verge crossing, new signage on the public road to warn road users of an upcoming junction, the provision of a turning head at the west end of the site and relocating the parking area and access track so that vehicles are not parked within the visibility splay. In respect of flooding, no objection is offered noting the proposed burial area is not in an area of known flooding.
- 6.2 **Scottish Water** – Offers no objection to the proposal.
- 6.3 **Community Council** – Object to the proposal and consider further investigation is required in respect of impact on field drains, traffic safety and management issues and the potential for increased fly tipping at the site. The Community Council has requested confirmation as to how the site will be accessible from public transport links safely.
- 6.4 **Angus Council Environmental Health** – Offers no objection to the proposal having regard to private water supplies, compatibility of land uses and contaminated land.
- 6.5 **SEPA** – Has considered supporting information submitted by the applicant and by third parties and attended a site meeting with the applicant and third parties. SEPA has indicated that given the small size of the application, the low burial rate, the hydrogeological conditions of the superficial deposits and the absence of nearby groundwater receptors, the impact of the proposed green burial area on groundwater is low or negligible. SEPA has also indicated that the updating of its guidance which was issued during the assessment of the application does not change its consideration or advice on the application. SEPA states that the proposed car parking surface is permeable and little if any runoff from the car park is anticipated. SEPA has considered the information submitted regarding the presence of field drainage in and adjacent to the site as well as the camera survey work undertaken to investigate this and maintains its position of no objection.

6.6 **Angus Council Parks and Burial Grounds** - Offers no objection to the proposal and has indicated that the facility would augment existing provision and provide choice for those seeking this type of interment. The Service advises that there is no evidence of a shortfall or oversupply of burial provision in the area and that Pitkerro Grove Cemetery (Drumsturdy Road) operated by Dundee City Council lies only 2.5 miles from the development site. It indicates that natural, green and woodland burials are similar in nature, as they provide burials along the principle of minimizing the environmental impact. The nearest woodland burial ground is in Birkhill Cemetery operated by Dundee City Council (although that burial ground allows embalment).

7. REPRESENTATIONS

7.1 One hundred and forty one (141) letters of representation have been received. Of these 39 letters are in objection from 9 households and 102 are in support from 89 households. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.

7.2 The main points of objection are as follows:-

- **Potential contamination of the water environment (groundwater/surface water/field drainage);**
- **Insufficient evidence of environmental impact;**
- **An increase in flooding;**
- **Impact on road traffic and pedestrian safety;**
- **Increase in fly-tipping and littering;**
- **Operations / management issues;**
- **Pollution as a result of ashes scattered at the site;**
- **Contrary to policies of the Angus Local development Plan.**

The main points of support are as follows:-

- **Provides an alternative option to traditional cemetery burials;**
- **The service is not available elsewhere in Angus;**
- **Minimal impact on landscape;**
- **Contribution to biodiversity;**

These matters will be addressed under Planning Considerations below.

7.3 Other matters have been raised and are addressed at this stage: -

- **Trees at Kellas Wood are to be felled** - Kellas Wood is not part of the application site but the landscape impact of the development is discussed below. The proposal would result in the creation of a woodland area.
- **The application site was only recently purchased by the applicant** – the applicant has completed the requisite Land Ownership Certificate and the ownership history of the site is not material to the determination of the current proposal.
- **Insufficient information has been provided in relation to the consideration of alternative sites** - The applicant has provided information explaining their reason for site selection which is available on [Public Access](#).

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- TAYplan (2) (Approved 2017)
- Angus Local Development Plan (ALDP) (Adopted 2016)

- 8.3 The proposal is not of strategic significance and therefore the policies of TAYplan are not referenced. The local development plan policies relevant to consideration of this application are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 The application site is not located within a development boundary as defined by the ALDP and is not allocated or otherwise identified for development by that Plan. Policy DS1 of the ALDP states that 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. The policy promotes the redevelopment of brownfield land in preference to greenfield sites and indicates that 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.
- 8.5 Policy TC9 of the ALDP safeguards land for cemetery use. The land subject of this application is not a site safeguarded for that purpose. The policy deals with sites that Angus Council is likely to develop but it does not preclude development of other sites. It does not provide further guidance on assessing the suitability of burial ground proposals but it does make reference to the Scottish Environment Protection Agency (SEPA) guidance note on assessing the impacts of cemeteries on groundwater. The proposal does not conflict with this policy but issues regarding the water environment are discussed below.
- 8.6 Policy PV20 indicates amongst other things that proposals on prime agricultural land will only be supported where they are small scale and directly related to a rural business. It further indicates that design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable. In this case the proposal involves prime agricultural land (Class 3.1). The proposal would result in approximately 0.51ha of a larger farm holding being used as a burial ground and ultimately as a woodland. The land-take is fairly small and it would represent a diversification project for the applicants who farm surrounding land. The proposal does not give rise to significant issues in terms of this policy.
- 8.7 Policy DS2 deals with accessible development. Amongst other things it requires proposals to demonstrate, according to scale, type and location that they are or can be made accessible to existing public transport networks, allow easy access for people with restricted mobility, and are located where there is adequate local road network capacity. In this case the site is not located on a public transport route. It is around 550m north of Kellas and 1100m east of Murroes Primary School, both locations that are on bus routes. There are no footways between either of those locations and the application site. The site is not particularly well located for public transport but that is not uncommon for burial grounds in rural areas. Given the nature of the use it is unlikely to generate significant visitor numbers on a day-to-day basis and therefore the relatively poor public transport and pedestrian accessibility is not a significant policy issue. The proposal includes provision for 31 car parking spaces. It is indicated that access to the car park would be restricted to periods when funerals are being undertaken. Two car parking spaces would be available at the entrance to the site for visitors at times when funerals are not taking place. The nature of the proposal is such that significant traffic generation is likely to be intermittent with the applicant indicating that there would be approximately 20 burials per year. Third parties have raised concerns regarding possible road safety implications associated with the development. The Roads Service has reviewed the proposal and indicated that sightlines in excess of 2.4x60m exist but recommends the parking and access to it is relocated so that parked vehicles do not interrupt the sightline. The Roads Service has no objection subject to planning conditions covering the location of the parking area, improved signage, a suitable verge crossing at the access and provision of a turning head. The applicant has indicated that an area at the east site boundary would not be developed for lairs and could provide an area for contingency parking in the event of more than 30 vehicles attending the site. Having regard to the third party comments, it is considered appropriate to attach a planning condition requiring the submission of additional traffic management information to ensure that mitigation is fully considered to allow for this contingency. The proposal does not give rise to significant issues in terms of this policy.
- 8.8 Policy PV6 deals with development in the landscape and indicates 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. It indicates that proposals will be considered in the context of the Tayside Landscape Character Assessment (TLCA). The application site is located within the Dipslope Farmland landscape character type as defined by the TLCA. It is an area where

woodland cover is typically limited comprising small copses, surviving hedge row trees, and shelterbelts and policies of estates and designed landscapes. The TLCA advocates new planting to restore field boundary trees and to establish woodland belts. It also seeks to encourage new woodland where this would help enhance relatively low quality agricultural landscape. Policy PV7 deals with woodland, trees and hedges. In relation to planting, it indicates that proposals will be considered in the context of the Angus Woodland and Forestry Framework and that they should enhance biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species. Policy DS3 deals with design quality and placemaking and indicates development proposals should deliver a high design standard and draw upon those aspects of landscape that contribute positively to the character and sense of place of the area in which they are to be located.

- 8.9 The proposal seeks to enhance the appearance of the site in the landscape with a wild grassland or meadow appearance that would progress to natural woodland over time as trees are planted at individual plots. It is indicated that there would be no buildings, headstones or mementos that would clearly indicate the use of the site as a cemetery and the grass would be cut infrequently to maintain a natural appearance. The proposed car park would be partially screened by the south boundary wall. The new west boundary of the site would be formed by an earth bund with wild grass banking resulting in little visual and environmental impact to the landscape. Through time the site would develop the appearance of a small woodland which is not an uncharacteristic or inappropriate feature in the local landscape. Similarly, small burial grounds with associated landscaping are not uncharacteristic in rural Angus and often add to the attractiveness of an area. The proposal does not give rise to significant issues in terms of landscape impacts.
- 8.10 Policy PV12 deals with managing flood risk. It indicates that to reduce potential from flooding there will be a general presumption against built development proposals on functional floodplain; which involve land raising resulting in loss of the functional flood plain; or which would materially increase probability of flooding to existing or planned development. Policy PV14 deals with water quality and indicates development proposals which do not maintain or enhance the water environment will not be supported. Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land. The policy indicates that proposals will be assessed in the context of relevant guidance on controlling the impact of development and associated works. As indicated above Policy TC9 makes reference to the Scottish Environment Protection Agency (SEPA) guidance note on assessing the impacts of cemeteries on groundwater.
- 8.11 The development has potential to impact on the water environment. In that respect the applicant has provided information in relation to hydrology and hydrogeology and a Stage 1 groundwater assessment in terms of SEPA guidance relevant to cemeteries. Third parties have raised concern regarding the accuracy and adequacy of the information submitted by the applicant, and have expressed concern regarding potential impact of the development on the water environment. The presence of a field drain at the site was also identified in objector comment. The application is supported by information from an Engineering Consultant which considers impacts on groundwater, surface water and field drainage. This information suggests that the proposed development would not result in adverse impacts on any of these features and the applicant has also undertaken additional exploratory works in response to the representations received. The objection letters (including correspondence from Morgan Associates Civil and Structural Engineers) have been shared with SEPA along with the information provided by the applicant. SEPA has also attended a site meeting to discuss impacts on the water environment with the applicant and third parties. SEPA has considered the information submitted by the applicant and third parties and has offered no objection to the proposal, indicating that *given the small size of the application, the low burial rate, the hydrogeological conditions of the superficial deposits and the absence of nearby groundwater receptors the impact of the proposed green burial application on groundwater is low or negligible*. SEPA has also considered the information submitted regarding the presence of field drainage in and adjacent to the site as well as the camera survey work undertaken to investigate this and maintains its position of no objection.
- 8.12 Notwithstanding SEPA's position on the application, the applicant has proposed additional remedial steps should other field drainage be discovered within the burial area to ensure that no pathway could exist for field drainage to leave the site. Angus Council Roads (Flooding) Service has also reviewed the submitted information. It indicates that the proposed burial area

is not a known area of flooding and offers no objection to the proposal. The Environmental Health Service has indicated that it is not aware of any private water supplies in the area. Information provided in support of the application indicates that the closest dwelling has a mains water supply and that there are no potable or other ground water abstractions close to the site. On this basis the Environmental Health Service offers no objection. Scottish Water has indicated no objection. Impacts on ground water would be regulated by SEPA and therefore are controlled by another regulatory regime. SEPA has indicated that it has no objection to the application and that is sufficient to allow determination of the application. The concerns raised by third parties are noted but the responses from those bodies with responsibility for the water environment indicate that the proposal should not give rise to unacceptable impacts.

- 8.13 Policy DS4 deals with amenity. It states that 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. In this case the closest existing or consented residential properties lie to the north (approximately 200m) and south (approximately 135m) of the application site. At the separation distances involved direct impacts on the amenity of occupants of those houses would not be significant. Third parties have raised concern regarding the impact of additional traffic and activity on the amenity of the area. The proposal is likely to generate additional traffic and activity but that is likely to be concentrated around funerals. Occasional visitors outwith those periods are unlikely to be at a level that would create any significant impact. Funerals are likely to be reasonably intermittent and for comparatively short duration. Associated impacts would be similar to those that occur at other burial sites throughout Angus, many of which are closer to neighbouring properties. The site is accessed from the public road and infrequent and short-term increase of traffic on the local road network is unlikely to give rise to significant amenity issues. The Roads Service has indicated that the local road network has capacity to accommodate the development and has indicated that the proposed provision is adequate. Concerns relating to littering and fly-tipping are matters that fall to be considered under other regulatory regimes. However, it is not anticipated use of the site as a natural burial ground as opposed to a field would lead to any increase in these matters. A condition is proposed that would require the provision of a litter bin and a scheme for its regular emptying. The proposal does not give rise to significant issues in terms of the remaining considerations of Policy DS4.
- 8.14 The proposal does not give rise to any significant issues in terms of relevant development plan policy. A natural burial ground is unlikely to be a particularly intensive use and small landscaped cemeteries are not an uncommon, unattractive or in appropriate use in rural Angus. The scale and nature of the proposal is acceptable and the application complies with development plan policy.
- 8.15 In relation to material considerations regard must be had to those letters of representation that raise relevant planning matters. Those letters that offer support are noted and the proposal would augment existing burial provision in the area and provide choice. However, there is no evidence of a pressing need for additional cemetery provision. The comments raised in relation to landscape and biodiversity are noted and, as indicated above, the proposal is not considered to give rise to any unacceptable impacts in that regard.
- 8.16 The letters of objection raise concern regarding impacts on the water environment and that issue is addressed above. SEPA is the body with regulatory responsibility for ground water and it has indicated no objection to the proposal. The concerns regarding general accessibility, parking, and road safety are also addressed above. The Roads Service has offered no objection to the application in relation to those matters and the use is not one that is likely to result in frequent visits by high numbers of people. Traffic and general activity associated with the use is unlikely to give rise to unacceptable impacts on the amenity of those that live in the area. There are examples of burial grounds in similar rural locations in Angus that operate without significant adverse impacts and the information submitted by the Natural Death Centre Charity indicates that they have not encountered negative environmental or health risk consequences as a result of this form of development. Operational and management issues associated with the burial ground are controlled through the Burial and Cremation (Scotland) Act 2016. As noted above the site is in excess of 100m from any neighbouring dwelling and the scattering of ashes is unlikely to give rise to significant impacts given that separation distance. Experience at existing cemeteries does not support the contention that a burial ground would result in additional fly-tipping and littering.

Compliance with development plan policy is discussed above but the application is considered to be compatible with relevant policies.

- 8.17 In conclusion, the proposal would provide a burial facility that would augment existing provision in the area and provide additional choice. Available information suggests that environmental impacts associated with the proposal are not significant and can be appropriately mitigated. Landscaped burial grounds are not uncommon in rural Angus and the scale and nature of the proposal is considered acceptable in relation to relevant development plan policy. The letters submitted in support and opposition to the proposal by third parties are noted and discussed above and the material planning issues raised have been taken into account in preparation of this report. However, the proposal is considered to comply with the relevant policies of the development plan, subject to stated conditions, and there are no material considerations that would justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reason and subject to the undernoted conditions:

Reason(s) for Approval:

The proposal complies with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

Conditions:

1. That prior to the commencement of development the following shall be submitted to and approved in writing by the Planning Authority: -
 - a) precise details of the verge crossing at the site entrance which shall be designed in accordance with the National Roads Development Guide (SCOTS) and shall include details of a scheme of drainage to prevent water from the site discharging to the public road. Thereafter the verge crossing at the site access shall be formed and constructed in accordance with the approved details prior to the commencement of use of the burial ground;
 - b) a revised site layout plan that includes provision for a turning head at the west-most end of the proposed parking area so that vehicles may enter and leave the site in a forwards gear and the relocation of the parking area outside of the 2.4x60m visibility splay. Thereafter the car parking spaces, vehicle turning circle and turning head shall be formed and constructed in accordance with the approved details prior to the commencement of use of the burial ground;
 - c) a Traffic Management Plan to provide contingency in the event that more than 30 vehicles would attend the site;
 - d) Precise details of the proposed Remedial Strategy for Field Drainage which shall

include details of the excavation depth to investigate the potential for unknown field drainage. Thereafter, the proposed development shall be undertaken in accordance with the approved Remedial Strategy for Field Drainage.

- e) a scheme for the disposal and collection of waste at the site. Thereafter the approved scheme shall be implemented on the date of opening of the burial ground and undertaken as long as the burial ground is in operation;
- f) precise details of all hard and soft landscaping to be provided on the site (other than memorial trees). This should include details of all hard surface finishes and the standing stone feature, as well as details of the age, species and density of planting stock, including hedges and measures for the protection of planting from grazing animals. Thereafter all landscaping shall be provided in accordance with the approved details prior to the commencement of use of the burial ground. Any plants or trees which, within a period of 5 years from the commencement of use of the burial ground die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the provision of an acceptable verge crossing and access in a timely manner; to ensure the provision of necessary parking and turning facilities in the interests of road safety; to ensure any pathways for field drainage to leave the site will be prevented from doing so in order to protect the water environment; to ensure provision of a scheme of waste disposal and collection in the interests of the amenity of the area; and to ensure the provision of appropriate landscaping in the interest of amenity and biodiversity.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 a material extent in preparing the above report.

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DATE: 24 OCTOBER 2017

Appendix 1 : Location Plan
Appendix 2 : Relevant Development Plan Policies



Murroes Primary School

Land owned by applicant

Kellas Wood

Site

Land owned by applicant

Valgreen

Track

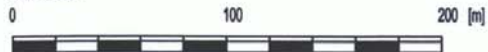
Old Schoolhouse

West Mains of Gagie

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Scale 1:2500



Revision	Description	Date
Benchmark Land Surveys		

21 Pitempton Road
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Project
Natural Burial Ground by Kellas - DD5 3PD

Title
Location Plan

Drawn by MN	Checked MN	File A3
Drawing Number 320/1	Revision	Scale 1:2500
		Date 1/5/17

Appendix 2 : Relevant Development Plan Policies

Angus Local Development Plan

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

Policy DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- 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; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and

buildings and retains and sensitively integrates important townscape and landscape features.

- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

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.

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.

Policy TC9 Safeguard of land for Cemetery Use

Land is reserved for cemetery purposes at Aberlemno, Dunnichen Cemetery, Kirkton of Auchterhouse, Liff and Panbride. With the exception of Dunnichen, the areas are detailed on the relevant village boundary maps.

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, while a flood risk assessment will also be required for the land at Liff.

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.

Policy PV7 : Woodland, Trees and Hedges

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. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- 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;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

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 PV14 Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV18 Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.