

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 13 FEBRUARY 2018

PLANNING APPLICATION - FIELD 97M NORTH EAST OF HATTON FARM HATTON CARNOUSTIE

GRID REF: 359050 : 737475

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No.17/00642/FULL for the erection of an additional digestate storage tank (in connection with planning permission ref. 15/01149/FULL) at Hatton Farm, Hatton, Carnoustie for Grissan Energy Services Limited. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons 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 The applicants seek full planning permission for the erection of an additional digestate storage tank in connection with the operation of an existing Anaerobic Digester Plant (ADP) at Hatton Farm, Hatton, Carnoustie. A location plan is provided at Appendix 1.

3.2 The site measures around 812sqm. The application is retrospective and the site area is limited to the area on which the tank stands. The tank is around 12.5 metres in height overall but sits 2 metres below ground level making the height from ground level 10.5 metres approximately. The site is located within the context of an existing ADP set within a countryside setting.

3.3 The closest neighbouring residential properties are understood to be in the land owners control and are Old Hatton Farmhouse (B Listed) to the west at a distance of 65 metres and Aerodrome Cottages to the south at a distance of around 20 metres. Other neighbouring properties are Shepherds House to the south west (150 metres), Grieve House to the west (100 metres), Hatton House to the south west (B Listed) (315 metres), Hatton Lodge to the south west (380 metres) and Chocolate box and Old Smiddy at East Scryne to the South West (750 metres) with 7-10 East Scryne Cottages beyond (800-860 metres). Inverpeffer Cottages lie around 730 metres to the east. Hatton Waste Water Treatment Works lies around 1km to the south east.

- 3.4 The site would be accessed through the existing ADP that already takes access from the U507 Road which is a short spur serving the properties around Hatton Farm that deviates east from the C61 Carnoustie- Easthaven – Fauldiehill Road. The C61 intersects with the Salmond's Muir interchange of the A92. The site access to the wider ADP runs to the north of Old Hatton Farmhouse.
- 3.5 The proposal has not been amended The application was advertised in the Courier as the proposal falls within a category of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 3.6 The application must be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to objection from the Community Council.

4. RELEVANT PLANNING HISTORY

- 4.1 The application relates to the expansion of the storage capacity of an Anaerobic Digester Plant that was granted planning permission subject to conditions under reference 15/01149/FULL on 27 May 2016. The Development Standards Committee resolved to approve the application at its meeting of 10 May 2016 (Report No 191/16).
- 4.2 Planning application (Appn: 16/000941/FUL refers) for extension to the approved anaerobic digester plant (retrospective) is subject of a separate report to this Committee. That application is recommended for conditional approval.
- 4.3 Hazardous Substances Consent application (Appn: 17/00506/HAZ refers) for the storage of biogas and LPG(Propane) is subject of a separate report to this Committee. That application is recommended for conditional approval.

5. APPLICANT'S CASE

- 5.1 The applicant's agent has submitted the following in support of the application:

A Noise Impact Assessment;
An Air Quality Assessment;
An Odour Assessment;
A Design Statement;
A specific response to the Community Council Objection including SEPA sign off on Control of Pollution requirements.

- 5.2 The supporting information indicates that the additional storage tank will increase the digestate storage capacity of the ADP site and retention time of feedstocks as commissioning of the approved site nears completion. It is indicated that the fourth digester tank will be identical in appearance, height, and diameter to the existing consented tanks (clad in green with a grey roof) within the Tank Farm bund. The information clarifies that the tank farm bund is a secondary containment system designed to CIRIA C736 standards which will protect the surrounding environment in the event of a spillage. It is further indicated that it is important that an AD plant has the capacity to store at least six months' worth of digestate to allow application to field at the correct time in the growing cycle. As with livestock slurries, application of digestate onto fields when there is no crop demand can cause nutrient leaching and runoff into ground water. Generally speaking, from October to January digestate should not be spread on the fields, but the AD plant needs to be continually fed throughout this period. The 4th tank will allow for this storage capacity prior to going off-site for spreading or to farm stores. As the digestate is spread on local farms it is important to keep any potential odour nuisance to a minimum. Keeping this potential odour nuisance to a minimum is another function of tank 4 following installation as it will increase the Hydraulic Retention Time (HRT) of the feedstock. The addition of the 4th tank will allow the HRT to increase from 28 to 50 days or more ensuring optimum yields of gas and lower levels of odour from spreading digestate are achieved.
- 5.3 The supporting information indicates that the proposal can be operated without adverse environmental impact subject to appropriate mitigation and that it is compatible with relevant development plan policy. The documents can be viewed on the Council's [Public Access](#) system.

6. CONSULTATIONS

- 6.1 **Community Council** - The Community Council objects to the proposal on the basis of the scale and nature of the development, the nature of feedstock, gas produced and the potential for pollution to occur. Issues have also been raised regarding the conduct of the developer
- 6.2 **Angus Council - Roads** – No objection.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Scottish Environment Protection Agency** – No objection
- 6.5 **Angus Council Environmental Health** - No objection subject to conditions.
- 6.6 **Angus Council - Flood Prevention** - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

One letter of representation was received. The representation raises concern regarding the retrospective nature of the application. Whilst the concern expressed is noted the planning system makes provision for the retrospective application for planning permission to regularise breaches of planning control which in this case has occurred as the result of a misunderstanding regarding what was approved as a non-material variation to planning permission ref: 15/01149/FULL.

The letters of representation will be circulated to Members of the Development Standards Committee and a copy is available to view on the Council's [Public Access](#) system.

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 (Approved 2017)
 - Angus Local Development Plan (Adopted 2016)
- 8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the basis for the consideration of the proposal. The relevant policies are reproduced at Appendix 2.
- 8.4 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.
- 8.5 The Scottish Government has published online renewables planning advice that deals specifically with Anaerobic Digestion. The documents primary focus is on farm digesters and sewage sludge AD plants but also discusses larger scale municipal, commercial and industrial waste AD plants. It indicates that key consultees should be involved in the planning process to minimise impacts and help ensure that constraints are overcome where possible. It further indicates that typical planning considerations in determining planning applications for such plant will include locational considerations and refers to guidance on standard design features and approaches to mitigate a range of potential impacts such as traffic, emissions, dust and odours, noise and visual intrusion.
- 8.6 Angus Council has published a Renewable Energy Implementation Guide that also refers to Anaerobic Digestion. It indicates that the primary planning considerations for this form of development will relate to siting and location; fuel source and the implications of importing material to the proposed site; Landscape and visual impact; and Proposed management and

mitigation measures. It also indicates that proposals may require to meet with regulations relating to emissions (air quality etc.), odour and noise.

- 8.7 At the time of the consideration of the planning application for the ADP as originally configured, it was established that proposal did not constitute a Schedule 1 development in terms of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. However, the proposed development fell within Schedule 2 of the Regulations and was screened to determine the potential requirement for Environmental Impact Assessment (EIA). The proposed development comprises of the addition of an additional digestate storage tank that is designed to improve process efficiency and to reduce odour impacts from stored digestate. The development sits within the previously approved operational area of the plant and is not considered to have significant environmental effects in its own right or cumulatively in combination with the development approved and otherwise proposed on the site by virtue of its nature, scale and location. Therefore EIA is not required.
- 8.8 The application site is located in the countryside and as such Policy DS1 is relevant. That policy indicates proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Development Plan. The policy further states that proposals that re-use or make better use of vacant, derelict or underused brownfield land will be supported when they accord with other relevant LDP policies.
- 8.9 Policy TC15 relates to employment related development. The policy states a number of criteria that new employment related development in rural areas should meet. In this case the proposal is directly associated with an existing established facility. The application seeks to regularise the addition of a single digestate storage tank and the locational requirements are dictated by the location of the existing employment use. The landscape impact of the additional development is not unacceptable given the scale and nature of the primary site and its relationship to existing built development. The development is likely to enhance the efficiency of the existing business and in this respect will make a positive contribution to the rural economy. The scale and impact of the development is discussed below but in general terms the principle of the proposal is acceptable taking account of the established nature of the wider facility and the relatively minor impact of the addition of a single tank within an established operational area.
- 8.10 Policy PV9 relates to renewable and low carbon energy developments and policy states a basic presumption in favour of renewable energy developments subject to a number of locational considerations. The policy requires consideration of the siting and appearance of apparatus to minimise the impact on amenity while respecting operational efficiency; landscape and visual impacts; cultural heritage impacts including listed buildings, scheduled monuments, designed landscapes and archaeology; any associated works including transmissions lines, road and traffic access/safety. Policy DS4 relates to amenity and seeks to control development that will result in an adverse impact on the surrounding area, the environment or amenity taking account of sensory impacts such as noise and odour impacts.
- 8.11 The application site is directly related to the existing ADP at Hatton Farm where there is already a grouping of large buildings and an established ADP of a reasonable scale. There are residential properties close to the site however these are in the control of the applicant. The main sources of amenity concern arising from the development of an AD plant are; visual impact, noise impact, air quality and odour impact. The proposal relates to the extension of an existing plant where such impacts are already controlled through planning conditions. In terms of visual impact the properties that would be most affected by the proposal are in the control of the land owner. None of these properties directly overlook the site and are already closely related to the existing ADP as well as an existing agri-industrial type complex. Aerodrome Cottages would be the most closely related properties however the development would not alter the relationship between existing properties and the ADP to a significant degree and additional visual impacts would be negligible.
- 8.12 In respect of odour and air quality impacts, the applicants supporting information identifies the residential properties around the site as being of high sensitivity but concludes that impacts will be negligible in respect of odour impact and not significant in respect of air quality impacts. This is with the exception of properties at Hatton where impacts would be moderate to slight in relation to odour. These properties are however controlled by the land owner. The Council's

Environmental Health Service has been consulted on the application. In respect of operational noise, air quality and odour impacts and no objection has been raised. A number of conditions that would control these characteristics to appropriate levels are proposed. These conditions are listed at Section 10 below. Subject to controls on the type of feed material to be used in the process and how the process is managed, the odour impact associated with the proposed development should not be significant. The development is therefore considered to offer no tension with the provisions of Policies PV9 and DS4.

- 8.13 In terms of cultural heritage designations, Policy PV8 presumes against development proposals that would adversely affect the setting of listed buildings and scheduled and unscheduled archaeology. There are three listed buildings located within 500 m of the site. Hatton House and its associated Doocot are located to the south west and are well contained within a mature landscape setting. The addition of a fourth tank on the established site would not result in any more than a marginal effect on the setting of these buildings beyond the effects already experienced from the ADP and the existing farm complex which lies between the site and the assets. Old Hatton Farmhouse is located in close proximity to the site and is the farmhouse associated with Hatton Farm where ADP that is subject of the extension application is located. The category B listed dwelling sits within the context of an industrial scale farm complex adjacent to the ADP at present. The addition of a fourth tank on the site would have negligible effect on the setting of the building. The proposal does not conflict with the requirements of Policy PV8 in respect of impacts on built heritage assets.
- 8.14 In respect of landscape and visual impacts, the proposal relates to the addition of a single storage tank in the context of an established ADP site. The additional landscape impact over and above that of the previously approved development is considered to be negligible. The extension of the ADP will not result in any significant adverse landscape and visual impacts. The application site is not closely related to any sites designated for landscape value and that there would not be unacceptable impacts on any designated site.
- 8.15 Policies DS4 and PV9 requires traffic impact (both operational and construction related) to be taken into account. The matter of traffic impact has been raised in letters of objection. The application primarily relates to the erection of a storage tank designed to increase site efficiency and no significant additional traffic impacts are anticipated. The Roads Service has been consulted on the proposal and has offered no objections.
- 8.16 Policy PV12 relates to flood risk whilst Policy PV15 relates to drainage infrastructure. Water quality is the subject of Policy PV14. The issue of impact on the local water environment has been raised in the objection from the Community Council. Both SEPA and Roads (Flooding) have been consulted on the proposal. Neither consultee offers objection to the proposal. The tank would sit within a tank farm bund which is a secondary containment system designed to CIRIA C736 standards which will protect the surrounding environment in the event of a spillage. A specific incident relating to the pollution of a local water course has been raised in objection. It is however established that the incident was related to agricultural activity and was unrelated to the operation of the plant. Supporting information clarifies that the ADP site has been designed to ensure that no liquids other than surface water; following attenuation via a hydrocarbon interceptor and a series of French drains, leaves site via discharge to the burn. The site also benefits from a daily check routine on the surface water drains and includes a further pollution prevention mechanism in the form of a shut off valve for the surface water drainage to ensure that in the event of surface water contamination on site it can be contained by the site and not release to the water environment. In the absence of objection or concern from either SEPA or the flood prevention authority in relation to the potential for unacceptable drainage impacts, flood risks or potential harm to the local water environment to arise as a result of development, it is concluded that the proposal would not lead to any tension with the stated aims of policies PV12, PV14 and PV15.
- 8.17 It is established that the proposal complies with relevant policies of the Local Development Plan and is therefore compatible with Policy DS1. As well as development plan considerations, other material considerations need to be taken into account. In this respect a letter of objection has been received as well as an objection from the Community Council. However the points raised are addressed in this report and where appropriate can be addressed by the proposed planning conditions. There are no other material considerations that would lead to the conclusion that the proposal does not accord with development plan or that it should be refused contrary to

development plan policy.

- 8.18 In conclusion the addition of a new storage tank that would contain digestate as part of the existing ADP process at Hatton would not result in an unacceptable additional impact and would not unduly compromise local amenity or environmental quality. The proposal complies with development plan policy and there are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, 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 decision 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 conditionally approved for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

The proposal to expand the storage capacity of the established Anaerobic Digester facility at Hatton through the addition of an additional digestate tank does not give rise to any significant or adverse impacts beyond those already considered to be acceptable at the time of the establishment of the existing plant. There are no impacts arising that could not be mitigated to an appropriate level by the use of appropriate conditions and the proposal does not give rise to conflict with the relevant policies of the development plan. There are no material considerations that justify refusal.

Conditions:

1. In respect of noise, the development shall be undertaken and operated in accordance with the following requirements:
 - a) Noise from the development shall not exceed the noise limits shown in table A below at any noise sensitive premises.

Table A

Day	Time	Average Period (t)	Noise limit	Notes
Monday-Sunday inclusive	0700-2300	1 hour	50 dBA Leq t	1,2,4
Monday-Sunday inclusive	2300-0700	5mins	45 dBA Leq t	1,2,4
Monday-Sunday inclusive	2300-0700	N/A	45 dBA Lmax fast response	3,4
Monday-Sunday inclusive	0700-2300	N/A	NR Curve 30	4,5
Monday-Sunday inclusive	2300-0700	N/A	NR Curve 20	3,4

Notes

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.

2. As measured and rated in accordance with BS4142:2014 - Method for rating and assessing Industrial and commercial sound.

3. The assessment location shall be within any bedroom with a window open 50mm for natural ventilation

4. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using an appropriate methodology.

5. The assessment location shall be within any habitable room with a window open 50mm for natural ventilation.

- b) Audible reversing alarms shall not be used on site.
- c) All process plant and equipment shall be commissioned, operated and maintained in accordance with the manufacturer's recommendations.
- d) The hours of operation for the delivery and handling of feed material and the removal of liquid and solid digestate shall be between 0700hrs and 1900hrs.

Reason: In order to ensure that noise from the development can be controlled to an acceptable level in the interests of the amenity of occupants of noise sensitive property located close to the development site.

- 2. In respect of odour control, the development hereby approved shall be operated in line with the following requirements:
 - a) that the site shall be operated in accordance with the odour management plan and an emissions management plan approved under the terms of planning permission 15/01149/FULL unless and until revised plans covering the whole site have been submitted to and approved in writing by the Planning Authority. Such plans shall be submitted within 1-month of the date of this planning permission. Thereafter the site shall be operated in accordance with the revised odour management plan and an emissions management plan as approved by the Planning Authority subject to the provisions of (b) below.
 - b) the odour management and emission management plans shall be maintained and implemented for the duration of the development unless notification is received from the Planning Authority that plant operation is giving rise to pollution out-with the site. On receipt of such notification, the operator shall, within 1-month or such other agreed timescale, submit an appropriately revised management plan for the written approval of the Planning Authority. The revised management plan, as approved by the Planning

Authority, will take effect and be implemented from the date it is approved and shall supplant any previously approved management plan and shall remain in force unless similarly supplanted in accordance with the foregoing requirements.

- c) the feed material for the digester tanks shall be restricted to maize, grass silage, whole crop rye, draff, pot syrup and liquid feeds which arise from on-site activity; and no shredding or washing of feedstock shall be carried out on site.

Notes:

"Pollution" means emissions as a result of human activity which may:

- 1) be harmful to human health or the quality of the environment
- 2) cause offence to any of man's senses
- 3) result in damage to material property, or
- 4) Impair or interfere with amenities or other legitimate uses of the environment.

Reason: In order to ensure that odour and emissions from the proposed development are adequately controlled in the interests of the amenities of nearby sensitive properties and to ensure that the development is operated on the basis that it has been assessed and considered acceptable.

3. The combustion plant associated with the development shall be as detailed in Tables 5 and 6 of the REC Air Quality impact assessment report ref AQ102442-1r3 dated July 2017 submitted in support of the application. The emissions to atmosphere from all the combustion plant shall be controlled such that together with the background concentrations the air quality objectives shown in Table B below are not exceeded at any residential property.

Table B

POLLUTANT	Concentration	Measured as
Nitrogen Dioxide	200ug/m ³	1 hour mean
	40ug/m ³	Annual Mean

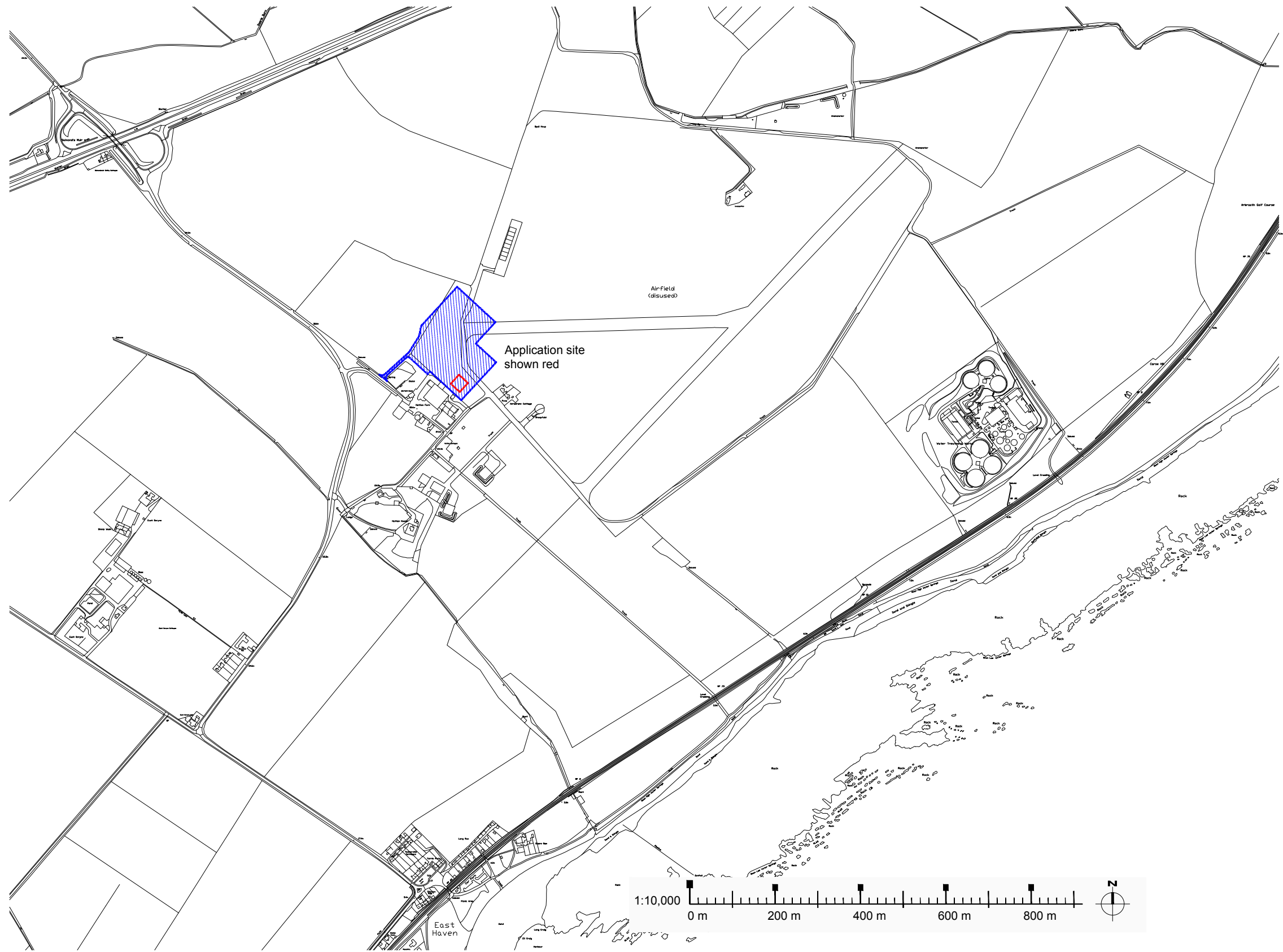
Reason: In order that air quality impacts arising from the development are controlled to an acceptable standard in the interests of the amenity of nearby residential properties.

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.

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DATE: 5 February 2018

APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES



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DRAWING TITLE
Location Plan

SCALE 1/10,000 @ A3 DATE July 2017
DRAWN BY LF

STATUS
3889/LP/20 DWG NO

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Appendix 2: Development Plan Policies

Angus Local Development Plan 2016

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 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 TC15: Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, 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.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
 - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
 - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

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 PV8: Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

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.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice

Note.

Policy PV9: Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development* will be supported in principle where they meet the following criteria:

- the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- there will be no unacceptable impact on existing or proposed aviation, defence, seismological or telecommunications facilities;
- there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:
 - landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;
 - sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;
 - any populations of protected species; and
 - the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

Where appropriate mitigation measures must be supported by commitment to a bond commensurate with site restoration requirements.

Consideration may be given to additional factors such as contribution to targets for energy generation and emissions, and/or local socio-economic economic impact.

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. It will also provide further detail on the factors which should be taken into account in considering and advising on proposals for all types of renewable energy development.

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.

*infrastructure, activity and materials required for generation, storage or transmission of energy where it is within the remit of the council as local planning authority (or other duty). Includes new sites, extensions and/or repowering of established sites for onshore wind.

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 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>)