

ANGUS COUNCIL

13 DECEMBER 2018

**PLANNING APPLICATION – FIELD 525M SOUTH EAST OF PITSKELLY FARM
PITSKELLY CARNOUSTIE**

GRID REF: 354782 : 734949

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 18/00778/PPPM for Residential Development (of around 260 dwellings) Incorporating Formation of Access, Roads, Landscaping, Associated Infrastructure and a Cemetery Extension on land southeast of Pitskelly Farm, Pitskelly, Carnoustie for Blackwood Developments Ltd. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons detailed 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 Planning permission in principle is sought for a residential development, including the formation of accesses, roads, landscaping, associated infrastructure and a cemetery extension. The supporting information advises that the residential development would comprise of approximately 260 dwellings. No detailed information is provided in respect of the proposed cemetery extension. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site measures around 16 hectares and is located adjacent to the northern boundary of Carnoustie and to the east of the Upper Victoria link road. The site comprises generally flat prime quality (Class 1) agricultural fields with small areas of mature landscaping throughout, most notably a tree belt which lines a small watercourse in the east of the site. The site boundaries are also largely edged by mature trees. A number of core paths line the north, east and part of the south edges of the site. The application site is bound to the north by agricultural land, Shanwell Cemetery and a small number of rural dwellings, to the south by established woodland and the raised beach landscape feature, to the west by the Upper Victoria link road and to the east by Carnoustie High School.

3.3 The indicative site plan illustrates residential development in the field between the Upper Victoria link road and the extent of Pitskelly Road which passes through the site. It is proposed that Pitskelly Road would be upgraded to serve the development. A cemetery extension (Policy C9 refers) is proposed to the east of this and to the west of the existing Shanwell Cemetery. Two further areas of residential development are proposed in the central body of the site, one either side of a large area of open space which is the site of a Scheduled Monument (Enclosure and settlement 605m ESE of Pitskelly ref: SM6608). Lastly, a smaller housing area is proposed to the east of the main body, beyond the watercourse which runs north to south dissecting the eastern extremities of the site. Landscape planting, green space

and footways are proposed throughout the site, where footways would connect to existing path networks in the area. Surface water drainage is proposed to be achieved by means of Sustainable Urban Drainage Systems (SUDS) and an attenuation basin is proposed in the south of the application site.

- 3.4 The application has not been subject of variation.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.
- 3.6 This application requires to be determined by Angus Council because it is a Major development, as defined in Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which is significantly contrary to the development plan.

4. RELEVANT PLANNING HISTORY

- 4.1 At its meeting on 11 December 2014 Angus Council considered the Proposed Angus Local Development Plan ([Report 501/14](#) refers). At that time Council approved a number of amendments to the Proposed Angus Local Development Plan. Those amendments included the allocation of land at Pitskelly Farm Carnoustie (land to the north of the current planning application site) for residential and employment related development. The residential land allocation was included in the Proposed Angus Local Development Plan as site C1 and the employment land allocation was included as site C7.
- 4.2 The Proposed Plan was subsequently submitted to Scottish Ministers as part of the formal adoption process. Scottish Ministers appointed two independent persons (referred to as Reporters) to undertake Examination of the Plan; a process that includes consideration of unresolved objections. A number of parties made objection to matters relating to housing land supply and the location and extent of land allocations identified in the Proposed Plan. Those included objections to the land allocations at Pitskelly (C1 and C7) and to the omission of other potential housing sites in the South Angus Housing Market Area.

In relation to general issues regarding housing land supply the Examination found: -

- *Given that, between 2003 and 2013, 40% of all house completions in Angus occurred on windfall sites and small sites, I find that the proposed plan fully satisfies the requirement of the strategic development plan of ensuring a generous supply of housing land.*
- *I am satisfied that the approach set out in this plan is robust, and its policies are broadly consistent with these principles. It clearly allocates sufficient housing land to meet the requirements of the strategic development plan, and there is a strong prospect of a significant additional contribution from sources other than the allocated sites.*
- *the proposed plan fully satisfies the requirement of the strategic development plan of ensuring a generous supply of housing land*

Specifically in relation to Carnoustie the Examination found: -

- *I accept that the allocation of land at Pitskelly for both employment and housing development is appropriate.*
- *I am satisfied that the scale of the land being released for housing development in South Angus, including Carnoustie, is sufficient to meet the requirements set out in the strategic development plan, and that the allocation of the site at Pitskelly is appropriate.*
- *I consider that Carnoustie's development boundary should be extended to include both employment site C7 and housing site C1 at Pitskelly, as well as the section of the Upper Victoria link road which adjoins these sites and connects them with opportunity site C4*

A report on the Examination was presented to Angus Council at its meeting on 4 August 2016 ([Report 277/16](#) refers). Council accepted the proposed modifications and agreed to notify Scottish Ministers of the intention to adopt the Proposed Plan as modified. The Plan was subsequently adopted in September 2016.

- 4.3 At a special meeting on 18 December 2014 Angus Council considered a number of planning applications in the South Angus Housing Market Area (HMA). That included an application for residential and employment land development on land at Pitskelly Farm Carnoustie (Appn [14/00573/PPPM](#) refers) corresponding with the areas identified as C1 and C7 referenced above ([Report 511/14](#) refers). Council resolved to approve that application and grant planning permission in principle for the development.
- 4.4 That resolution to grant permission was subject of Judicial Review by a competing land owner/developer. The matter was heard in the Court of Session in May 2016 and in October 2016 the Judicial Review was refused; the council's decision was effectively upheld. Planning permission in principle for development of the C1 and C7 sites referenced above was subsequently granted in December 2016. That permission remains extant until 18 December 2019.
- 4.5 In October 2015 a planning application for 300 residential properties on land west of Carlogie Road Carnoustie was submitted (Appn [15/00922/PPPM](#) refers). That application was subject of an appeal against deemed refusal to Scottish Ministers. That appeal was dismissed in February 2017. In refusing permission for the proposed development Scottish Ministers concluded that:
- *there is a range and choice of effective sites on offer throughout the South Angus HMA without the need to find additional land to supplement the housing land supply with additional unallocated sites. There is also a range and choice of sites within settlements, including Carnoustie.*
 - *there is a more than adequate supply of effective housing land allocated in the South Angus HMA to meet the TAYplan SDP housing requirement of 800 homes for the period 2012 to 2022. In addition, there is sufficient housing land to ensure the maintenance of a 5-year and 7-year effective housing land supply in the South Angus HMA.*
 - *there is no need to find additional housing land within or on the edge of any settlements.*
 - *The loss of prime agricultural land is contrary to TAYplan SDP policy 3 and Angus LDP policy PV20.*
 - *the appeal proposal would not make efficient use of existing capabilities of land (developing prime agricultural land). There is no justification.....to accept the loss of prime agricultural land in this case.*
 - *the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission in principle.*
- 4.6 A Proposal of Application Notice (PAN) (ref: [17/00242/PAN](#)) was submitted in April 2017 in respect of a residential development incorporating the formation of access roads, landscaping, associated infrastructure and a cemetery extension located on a 22.85ha site located southeast of Pitskelly Farm. The area considered by the PAN extends beyond but includes the current application site. A Briefing Note covering the submission was sent to Development Standards Committee Members and Members of the Carnoustie Ward at that time (20th of April 2017). Members noted the key issues identified in the Briefing Note.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- Design and Access Statement;
 - Pre-application Consultation Report;
 - Planning Statement;
 - Archaeological Geophysical Survey (including Appendices 1 and 2);
 - Flood Risk Assessment;
 - Flood Risk Assessment and Drainage Strategy;
 - Heritage Assessment;
 - Housing Land Supply Appraisal;
 - Landscape and Visual Appraisal;
 - Preliminary Ecological Appraisal;

- Transport Assessment (including Appendices);
- Network Capacity Assessment from Scottish Water; and
- Response to SEPA Objection (Parts 1 and 2).

5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – offers no objection to the proposal. However, it is indicated that the submitted Transport Assessment does not take account of the extant planning permission in principle that has been granted for the housing and employment land development to the north of the current application site. Accordingly, traffic that would be generated by that development has not been considered in conjunction with that generated by the current application. In addition, the Transport Assessment does not consider the potential impact of additional vehicle movements on Pitskelly Road or its junction with Barry Road. It is therefore not possible to determine the effects of the proposed development on this junction and consequently the need or scale of any mitigation measures required cannot be predicted with any degree of confidence. The Roads Service indicates that an updated Transport Assessment should be required to address these matters before any grant of planning permission. In its capacity as Flood Prevention Authority the Service has advised additional information is required to fully assess flood risk at the site and that the site layout should leave sufficient space to adequately accommodate a SUDS system. The SUDS system should meet the requirements of CIRIA C753 and Sewers for Scotland 4th Edition and details regarding a scheme of maintenance for the SUDS system should be submitted.
- 6.2 **Angus Council – Environmental Health** – offers no objection to the proposal in respect of amenity subject to conditions relating to construction noise and impacts from existing road traffic noise upon the proposed development. In respect of land contamination, the Service offers no objection subject to a condition requiring a ground gas risk assessment and any mitigation (where necessary) to be undertaken.
- 6.3 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required, where the type and size of the contribution is to be subject to further discussion.
- 6.4 **Angus Council – Education Service** – has advised a financial contribution towards improvements to primary school infrastructure would be required. At this time a contribution of £5,915 per dwelling (excluding affordable units) would be required to mitigate impacts.
- 6.5 **Angus Council – Parks & Burial Grounds** – has advised the indicative site layout appears to provide the minimum open space requirements for a development of around 260 units. The precise location, nature and maintenance of the open space would require further discussions, with consideration to Historic Environment Scotland's advice in relation to protecting the Scheduled Monument within the site. A formal equipped play park will not be required due to the development's proximity to the public play area in Pitskelly Park. This Service also notes archaeological and ground works should be undertaken at the proposed cemetery extension site in accordance with SEPA and the Aberdeenshire Council Archaeology Service requirements/guidance. It is indicated that Carnoustie currently has sufficient burial provision for the next 15 to 20 years.
- 6.6 **Angus Council – Transport Section** – offers no objection to the proposal but notes the nearest bus stops to the development are outwith the acceptable limit, located approximately 600m to 850m away on Barry Road where a frequent bus service operates to and from Arbroath and Dundee City Centre. Consideration should be given to the developer making a financial contribution to cover the costs of a new service linking the development with other parts of Carnoustie and to the provision of public transport infrastructure within the site.
- 6.7 **Scottish Environment Protection Agency (SEPA)** - objects to the proposal based on a lack of flood risk information for the wider site and also suggests additional information is required in respect of ground investigations at the site of the proposed cemetery extension. SEPA advises the information in relation to the cemetery extension could be regulated by planning condition.
- 6.8 **Scottish Water** – offers no objection to the proposal and has advised that there is currently sufficient capacity at the water and waste water treatment works serving the vicinity of the

proposed development site. Further investigations may be required once a formal application has been submitted to Scottish Water. A 200mm water main is located within the site boundary and the applicant must contact the Scottish Water Asset Impact Team directly. *It is noted that Scottish Water has advised the applicant directly that a drainage Impact Assessment and a Network Assessment would be required.*

- 6.9 **Community Council** – there was no response from this consultee at the time of report preparation.
- 6.10 **Aberdeenshire Council Archaeology Service** - offers no objection to the proposal subject to a condition requiring a programme of archaeological works to be carried out across the site.
- 6.11 **Historic Environment Scotland** – offers no objection to the proposal but notes further discussions would be required to ensure careful management of the Scheduled Monument within the site.

7. REPRESENTATIONS

Two letters of representation have been received. The letters of representation will be circulated to all Members of Angus Council and are available to view on the council's [Public Access](#) website. The main issues raised are summarised as follows: -

- There are commercial agreements in place to deliver the sites allocated as C1 and C7 in the Angus Local Development Plan;
- The C1 and C7 sites are subject of ongoing discussion with infrastructure providers and the planning authority; relevant studies have been or are being commissioned; and both sites should be considered effective;
- There is no housing land shortfall in the South Angus Housing Market Area and the Angus Housing Land Audit confirms that the C1 housing site is effective;
- The proposed development subject of this application is contrary to the council's vision, strategy and adopted planning policy for Carnoustie and Angus.

These matters are discussed below.

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](#) (ALDP) (Adopted 2016)

- 8.3 The following development plan policies are relevant to the determination of the application and are reproduced at Appendix 3 of this report: -

TAYplan (Approved 2017): Policies 1, 2, 4, 6, 8 and 9

Angus Local Development Plan (ALDP): Policies DS1, DS2, DS3, DS4, DS5, TC1, TC2, TC3, PV1, PV2, PV3, PV5, PV6, PV7, PV8, PV10, PV11, PV12, PV13, PV15, PV18, PV20 and C9.

- 8.4 The proposal comprises two distinct elements namely a large-scale residential development and a cemetery extension. Those two elements are addressed separately below.

Cemetery extension

- 8.5 Policy C9 of ALDP safeguards a 1.65ha area of ground to the west of Shanwell Cemetery for a cemetery extension. The proposal provides for that area of land to be used as a cemetery extension. The Policy requires the upgrading of the existing access from the Upper Victoria link road and an intrusive ground investigation to be undertaken at the site in line with SEPA guidance on groundwater impacts prior to applying for development. No detailed information has been provided in relation to the proposed cemetery extension but the application site includes the existing access from the Upper Victoria link road and conditions could require its

upgrade. Limited details regarding groundwater impacts for the proposed development have been submitted but SEPA has advised that ground investigation works for the cemetery development could be dealt with by planning condition requiring additional investigations/information should planning permission in principle be granted. The proposed cemetery extension is compatible with, or could be made compatible with development plan policy subject to planning conditions.

Residential development

- 8.6 In 2017 Scottish Ministers issued a decision in relation to a planning application for a large-scale residential development on land outwith but adjacent to the Carnoustie development boundary. That application gave rise to similar issues as the current proposal, particularly in relation to adequacy of housing land supply and the effectiveness of the allocated C1 housing site at Pitskelly. Given the similarity of the issues raised the assessment of the acceptability of the residential element of this proposal follows the format adopted by the Reporter appointed by Scottish Ministers.
- 8.7 The application site is not allocated in the development plan for housing. Instead, the adopted ALDP shows the site located outwith but adjacent to the settlement boundary of Carnoustie in open countryside. The ALDP strategy seeks to avoid development outwith settlement boundaries in order to protect the landscape setting of settlements and avoid the uncontrolled spread of development. The development plan policies for housing development in this area generally only allow for individual new houses on previously undeveloped land.
- 8.8 Development of the application site for housing would result in the loss of approximately 13 hectares of class 1 prime agricultural land. Policy 9 in TAYplan seeks to protect prime agricultural land where the advantages of development do not outweigh the loss of this land. Policy PV20 of the ALDP states that development proposals on prime agricultural land will only be supported where they support delivery of the development strategy and policies of that plan.
- 8.9 In these circumstances, a site on the edge of a settlement would only be suitable for housing if there was an effective housing land supply shortfall; where the loss of prime agricultural land was justified; and where it would be in the public interest to allow development to proceed.
- 8.10 TAYplan Policy 1 suggests that housing land should be allocated to sustain tier 3 principal settlements (including Carnoustie) and that land within settlements be given priority ahead of sites on the settlement edge. TAYplan Policy 4 requires local development plans to identify sufficient land to meet the housing land requirement (set at 77 homes per year for the South Angus Housing Market Area (HMA)) and ensure the maintenance of a minimum 5-year effective housing land supply. The South Angus HMA includes Carnoustie, Monifieth, Muirhead & Birkhill, Wellbank, Strathmartine, Newtyle and surrounding landward areas. ALDP policy DS1 (development boundaries and priorities) gives support for housing development on allocated sites and for those on the edge of principal settlements where there is a public interest and social, economic, environmental and operational considerations confirm there is a need for the proposed development that cannot be met within settlement boundaries. In addition, ALDP policy TC1 (housing land supply/release) allows sites to come forward for housing to maintain a 7 year effective housing land supply if any shortfall arises that is not met from existing sites.
- 8.11 In this case the applicant asserts that there is a shortfall of housing land due to 'increasing number of non-completions and ungenerosity of housing allocations and scheduled completions'. The applicant suggests 'that housing deficits are likely to occur year on year and subsequently continue to rise due to the continued non-completion of homes because of ineffective land and the failing of Angus Council to allocate effective sites to meet annual housing targets'. The applicant indicates that there is a land supply of 6.73 years but suggests amongst other things that the C1 ALDP site at Pitskelly is not effective and should therefore be discounted. If that site is discounted the applicant indicates that the housing land supply figure drops to 4.94 years.
- 8.12 Firstly, it is relevant to note that the ALDP was adopted in September 2016; it is current and up to date. The ALDP was subject of Examination by government appointed Reporters and, as indicated at paragraph 4.2 above, that Examination found amongst other things that: -

- *the proposed plan fully satisfies the requirement of the strategic development plan of ensuring a generous supply of housing land*
 - *the scale of the land being released for housing development in South Angus, including Carnoustie, is sufficient to meet the requirements set out in the strategic development plan, and that the allocation of the site at Pitskelly is appropriate*
- 8.13 The suggestion that Angus Council has not allocated sufficient land through the ALDP to meet TAYplan requirements is not supported by the findings of the government appointed Reporters who undertook the Examination of the ALDP.
- 8.14 It is also relevant to have regard to Scottish Ministers conclusions on housing land supply relative to the planning appeal at Carlogie, Carnoustie in 2017. As indicated at paragraph 4.5 above, Scottish Ministers accepted, amongst other things, that: -
- *there is a more than adequate supply of effective housing land allocated in the South Angus HMA to meet the TAYplan SDP housing requirement of 800 homes for the period 2012 to 2022. In addition, there is sufficient housing land to ensure the maintenance of a 5-year and 7-year effective housing land supply in the South Angus HMA*
 - *there is no need to find additional housing land within or on the edge of any settlements*
- 8.15 It is clear that in 2017 Scottish Ministers were satisfied that Angus Council had a more than adequate supply of effective housing land allocated in the South Angus HMA to meet the TAYplan housing requirement and that there was sufficient land to ensure the maintenance of a 5-year and 7-year housing land supply in the South Angus HMA.
- 8.16 The applicant suggests that circumstances have changed in the period since that decision in 2017 such that there is now a shortfall in the effective housing land supply. In particular, the applicant makes reference to an increasing number of non-completions on housing sites and a likelihood of that trend continuing. Information on definitions in relation to 'effective' housing land is provided at Appendix 4.
- 8.17 However, before considering completion rates it is relevant to have regard to the requirements of TAYplan. In the period since the 2017 Ministerial decision, the average annual build rate required by TAYplan for the South Angus HMA has reduced from 80 units per year to 70 units per year. That reduced build rate target was informed by a Housing Need and Demand Assessment which has been determined to be robust and credible by the Scottish Government's Centre for Housing Market Analysis. In simple terms the number of housing sites required to ensure a 5-year housing land supply has reduced in the period since Scottish Ministers determined in 2017 that there was sufficient housing land to maintain a 7-year housing land supply. In addition, the TAYplan requirement to maintain a 7-year housing land supply has been removed and replaced with a requirement to maintain a 5-year supply, consistent with Scottish Planning Policy.
- 8.18 Angus Council undertakes an annual audit of housing land. That audit assesses the availability of effective land to meet the requirement for a continuous five-year supply, and provides a snapshot of the amount of land available for the construction of housing at any particular time. The [Angus Housing Land Audit 2018](#) is the result of a survey undertaken in April 2018, and covers a twelve month period. That audit was subject of consultation in June/July 2018 with a range of organisations, including Scottish Government; Homes for Scotland; Scottish Water; SEPA; developers/landowners and Registered Social Landlords.
- 8.19 Specific to the South Angus HMA, the Audit indicates that 118 new homes were constructed in 2016/17 with a further 138 constructed in the period 2017/18. Those figures should be considered against the TAYplan target average build rate of 70 homes per year. In addition, a further 82 houses have been constructed in the first 7-months of the 2018/19 period. These completion rates demonstrate that existing housing sites are delivering in excess of TAYplan requirements do not support the applicant's contention that existing housing sites are not providing the required completions.
- 8.20 The 2018 Audit indicates that the effective housing land supply is programmed to deliver some 488 homes over the 5-year period 2018 to 2023 to meet a TAYplan Housing Land

Requirement of 385 homes. That programming has been agreed with those consulted on the Audit, including Homes for Scotland. Existing completions between April 2016 and March 2018 and programmed completions between 2018 and 2023 are likely to deliver 744 homes against a TAYplan requirement of 539 homes. This indicates a surplus of 205 homes in the period 2016 to 2023. Over the 7 year period from 2018 to 2025 the Audit indicates programmed delivery of 628 homes to meet the TAYplan Housing Land Requirement of 539 homes. This indicates a surplus of 89 homes. This demonstrates that there is currently sufficient land to meet both the 5 and 7 year effective land supply requirement. This does not support the applicant's contention that there is a shortfall in effective housing land in the South Angus HMA.

- 8.21 The applicant suggests that the C1 housing allocation at Pitskelly is not an effective housing site on grounds relating to consenting, infrastructure and viability. However, little evidence is provided to support that position. Conversely, as recently as 2017 Scottish Ministers have accepted that the site is effective; those consulted on the 2018 Housing Land Audit, including Homes for Scotland, an organisation that represents the house building industry have accepted that the site is effective; representatives of both the land owner and a prospective developer of that site have indicated the site is effective and that development proposals are in the process of being formulated. It is indicated that there is active interest in the site by a major house-builder and there has been pre-application discussion in relation to detailed matters of layout, design and housing mix. The C1 site is allocated for housing development in the ALDP, it has a valid planning permission and there is no basis to consider that it is not effective and capable of being developed within the near future.
- 8.22 The 2018 Audit identifies a number of effective housing sites throughout the South Angus HMA in addition to the allocated C1 site at Pitskelly. In Carnoustie this includes sites at Middleton of Panbride, Bonella Street, Balmachie Road and the Former Maltings at Victoria Street. In Monifieth it includes sites at the former Ashludie Hospital, Milton Mill, Victoria Street West and the Former Seaview Primary School. In the rural area it includes sites at Piperdam and Newtyle. These provide a range and choice of sites that are capable of providing a mix of house types and sizes. In addition, there are a number of non-effective sites throughout the HMA that have potential to come forward for housing development to supplement the effective housing land supply. This includes sites in Carnoustie at Greenlaw Hill, Panmure Industrial Estate and Barry Road and in the wider HMA sites at Strathmartine Hospital and Shank of Omachie.
- 8.23 There is an adequate supply of effective housing land allocated in the South Angus HMA to meet the TAYplan housing requirement. In addition, there is sufficient housing land to ensure the maintenance of a 5-year effective housing land supply in the South Angus HMA. Therefore, there is no need to find additional housing land within or on the edge of any settlements. Consequently, the planning application gains no support from TAYplan policies 1 and 4 in relation to any requirement to find additional housing land. Furthermore, there is no requirement to trigger the release mechanism set out in ALDP policy TC1 to allow additional housing land to come forward as there is sufficient land to ensure the maintenance of a 5 and 7-year effective housing land supply in the HMA.
- 8.24 As there is no support for the release of additional housing land, the policies and development strategy provided by the development plan framework would not support the loss of prime agricultural land. The loss of prime agricultural land is contrary to TAYplan policy 9 and ALDP policy PV20.
- 8.25 There would be some public benefit arising from the development, including the delivery of land for the cemetery extension, some local access and recreational benefits, and safeguarding of important archaeological assets. It could also provide a mix of housing including affordable housing. As indicated above the need for the cemetery extension is not pressing; there is sufficient burial space for a 15-20 year period. Any benefits in terms of access and recreation would be fairly localised. It is not uncommon for areas of archaeological interest to be found on agricultural land. Protection of that interest is not dependent upon approval of a large-scale housing development. The need for housing land can be met from housing sites found with the existing settlement boundaries and those sites can provide affordable housing in accordance with council policy requirements. Approval of additional greenfield land for housing development could delay redevelopment of brownfield or opportunity sites within development boundaries for more appropriate uses. There is no shortfall in the effective housing land supply and the loss of prime agricultural land is not in the wider public interest. Whilst the proposal may deliver some benefits it would not be in the

wider public interest and there are no social, economic, environmental or operational considerations that confirm there is a need for the proposed development that cannot be met within a settlement boundary. The proposal is contrary to ALDP policy DS1.

- 8.26 The applicant advises in supporting information that it is proposed to connect the houses to the public sewer for foul drainage and to connect to the public water supply. These are appropriate solutions in this location, given the proximity to the development boundary and the availability of services in this regard. Scottish Water has offered no objection to the proposal but has advised the applicant that a Drainage Impact Assessment (DIA) and a Network Assessment would be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands from the proposed development.
- 8.27 SEPA has indicated that parts of the application site are within the 1 in 200 (0.5%) annual probability surface water flooding envelope and has objected to the proposal based on lack of information relating to flood risk. The Council's Road Service in its capacity as Flood Prevention Authority also notes additional information is required to fully assess the sites potential to flood. SEPA has advised that additional information is required in order to assess flood risk across the site. The site is reasonably large and is likely to be able to accommodate a sustainable urban drainage system. It is also possible that the flood risk can be adequately addressed through the provision of additional information. However, at this stage there is insufficient information to demonstrate that the proposal would not place buildings and people at unacceptable risk from flooding. In these circumstances the proposal is contrary to TAYplan policy 2 and policy PV12 of the ALDP.
- 8.28 The application site has similar characteristics in terms of accessibility as the allocated C1 housing site. It is not on an established bus route but similar to the planning permission for the allocated C1 site any permission granted could be subject to a condition requiring provision of a subsidised scheme for a time limited period. Other matters relating to access and accessibility could in general terms be addressed by planning conditions.
- 8.29 The applicant has submitted Transport Assessment in support of the application. That document indicates that the local road network and associated junctions have capacity to accommodate traffic from the development but it does not include assessment of traffic that would be generated from the development on the approved C1 and C7 allocated sites. Notwithstanding that omission, those junctions that have been assessed appear to have adequate capacity to accommodate traffic from the proposed development and from the approved development on the C1 and C7 sites. However, the Transport Assessment does not provide any assessment of increased traffic movement on Pitskelly Road or on its junction with Barry Road. Pitskelly Road would provide a direct route from the proposed housing development to the town and its services and it is likely that traffic movements on that road would increase substantially. While the Roads Service has offered no objection to the application, it is unclear whether any works would be required to mitigate the impact of increased traffic on Pitskelly Road or its junction with Barry Road, and it is uncertain whether any required mitigation could be delivered by the applicant.
- 8.30 The Council's Developer Contributions and Affordable Housing Supplementary Guidance indicates there are no secondary school capacity issues in Carnoustie, but there is an issue with primary school capacity in central Carnoustie. The site lies in the catchment area of Burnside PS which is currently operating above 80% capacity. That school roll is projected to fall but that projection does not take account of potential additional pupils from sites that do not form part of the current effective housing land supply. On this basis the Education Service has indicated that if permission is granted for this development a contribution should be sought from the developer towards addressing school capacity constraints. Based on current figures a contribution of £5,915 per dwelling (index linked) (excluding affordable units) would be required. It is understood that the closest primary schools at Burnside and Woodlands do not readily lend themselves to extension in a manner likely to be acceptable to the Education Service and therefore revision of catchment areas in the town might be necessary.
- 8.31 There are a small number of listed buildings located to the west and northwest of the site but the proposed development would not affect their setting. There are a number of archaeological sites within and around the application site. A scheduled monument is located within the site but supporting information indicates that the area it occupies would be utilised as undeveloped open space. Historic Environment Scotland (HES) and the council's Archaeological Service offers no objection to the proposal subject to appropriate planning

conditions. The proposal would be unlikely to give rise to unacceptable impacts on the built heritage subject to appropriate conditions.

- 8.32 The site is not designated for any natural heritage reason but it does include areas of woodland. The applicant has submitted a Preliminary Ecological Appraisal that concludes there is no evidence of protected species recorded within the site or within the wider study area. There is habitat in the area that could be suitable for a range of protected mammals and birds. Consequently, further surveys may be required in support of any further application for the detailed layout of the site. The indicative layout drawing suggests that the site could be developed in a manner that would allow for retention of woodland in the area. Trees could be protected by a tree preservation order and planning conditions. At this stage there is no reason to consider the proposal would give rise to unacceptable impacts on natural heritage interests.
- 8.33 The proposed development would result in fairly significant landscape change and it would be reasonably visible. However, it is close to land allocated for residential and employment related development and benefits from some landscape context by virtue of existing woodland areas. A suitably designed development would not give rise to unacceptable landscape or visual impacts but those impacts do not need to be experienced at this time. If development was approved it would be appropriate to secure retention of existing woodland areas through a tree preservation order.
- 8.34 This application is for planning permission in principle only and detailed matters regarding the layout of the site and the position and design of buildings, open spaces and roads etc. would require the submission of a further application for approval of those matters. However, this is a large site and at this stage, subject to resolution of flooding issues, there is no reason to consider that a high quality development could not be provided in a manner that would provide a good living environment while safeguarding the amenity of occupants of nearby property. Similarly, a well-designed proposal could avoid unacceptable impact on the amenity of the cemetery. The site could provide affordable housing and open space in accordance with relevant policy requirements. The proposal does not give rise to significant issues in terms of other development plan policy that could not be addressed by planning conditions.
- 8.35 The ALDP development strategy for Carnoustie seeks to support the redevelopment of vacant, underused and brownfield sites within the development boundary. It also provides for the phased release of greenfield land at Pitskelly for residential and employment related development. In this respect the C1 (housing) and C7 (working) land allocations at Pitskelly provided by the ALDP are linked. The C1 allocation requires proposals for housing development to be phased to ensure development of the adjacent employment land. The ALDP anticipates that the C1 housing development will help deliver the C7 employment land area. In turn the provision of the C7 employment land area could allow redevelopment of the existing Panmure Industrial Estate (ALDP C5) for uses that are more appropriate to its location adjacent to existing housing. The current proposal is unrelated to the employment land development at Pitskelly and is unlikely to help deliver that site; indeed development of this site might delay development of the allocated C1 housing site which could in turn delay delivery of the C7 employment land allocation. In addition, the release of further greenfield land is unlikely to support the redevelopment of vacant, underused and brownfield sites within development boundaries. The release of additional greenfield land at Pitskelly is not consistent with the development strategy provided by the ALDP.
- 8.36 The proposed cemetery extension is compatible with development plan policy. However, the large-scale residential development is not required to address a shortfall in housing land and the proposal would involve permanent loss of prime agricultural land. It has not been demonstrated that residential development on the site would not be at unacceptable risk from flooding and there are unresolved issues in terms of impact on Pitskelly Road and on primary school education capacity. The release of greenfield land outwith but adjacent to the development boundary is not consistent with the development strategy for the area and could undermine the development of allocated sites or brownfield land within settlements. The proposed large-scale housing development at this location represents a significant departure from the development plan.
- 8.37 As the proposal is contrary to the development plan it is relevant to have regard to material considerations and whether any justify a departure from the development plan.

- 8.38 Issues regarding housing land supply have been discussed above and as indicated there is no shortfall in effective housing land supply. The applicant suggests that it is appropriate to consider Carnoustie in isolation from the remainder of the South Angus HMA and that low completion rates in the period before approval of TAYplan in 2016 should be taken into account. There is no policy basis for either approach. In any case Carnoustie has a generous supply of effective housing land that provides a range and choice of sites. A number of new homes have been completed in the town in recent years. The TAYplan housing supply targets and housing land requirements have been informed by a housing need and demand assessment. That assessment has been found to be robust and credible.
- 8.39 The applicant suggests that the C1 housing site allocated in the ALDP is not an effective site and is unlikely to deliver homes in accordance with the programming set out in the Angus Housing Land Audit 2018. However, that site benefits from an extant planning permission in principle and representatives of the land owner and a prospective developer for the allocated C1 and C7 ALDP sites have submitted letters that indicate those sites are effective and that development proposals are being progressed. It is indicated that the assessments required to submit applications for approval of those matters specified in the planning permission in principle are underway or in the process of being commissioned. The Angus Housing Land Audit 2018 identifies that the C1 housing site is effective, and Homes for Scotland has accepted that the site is effective and that the notional programming provided by the Audit is reasonable. There is no evidence to suggest that development of the allocated sites is unduly constrained by infrastructure or that development is not viable.
- 8.40 The applicant suggests that the current application site could meet any shortfall in housing supply that might arise as a consequence of delayed delivery from the C1 allocation, however it must be recognised that the application site has its own challenges to overcome before it could deliver completed homes. Any decision to approve the application at this time would require to be notified to Scottish Ministers given the objection from SEPA. Various detailed technical assessments would be required to support an application for approval of matters specified in conditions attached to any planning permission in principle that was granted. Modification or upgrading of Pitskelly Road and/or its junction with Barry Road might be required and if that was the case it is unclear whether the applicant has the necessary control to undertake required works. There is no certainty that the application site could deliver new homes in advance of any that are to be delivered on the C1 allocation. There is no evidence to suggest that development of the current application site linked to or necessary to support delivery of the C1 and C7 ALDP allocated sites.
- 8.41 The applicant suggests that the council is failing to meet its affordable housing targets in the South Angus HMA. In that respect TAYplan indicates that an approximate ratio of 25% affordable to 75% market homes should be sought. The ALDP seeks to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units. TAYplan indicates that 539 residential units are required in the period 2016 to 2023. TAYplan and ALDP policy would expect 135 of those units to be affordable. Available information indicates 86 affordable housing completions in the period 2016 – 2018. Effective affordable housing land supply programming taken from the Angus Strategic Housing Investment Plan 2018 – 2023 provides for a further 123 units, resulting in a surplus of 74 units during this period.
- 8.42 In relation to [Scottish Planning Policy](#), the development plan is up-to-date and a 5-year effective housing land supply is being maintained in the South Angus HMA. Therefore, and in accordance with Scottish Ministers decision in relation to the planning appeal at Carlogie, although the presumption in favour of sustainable development applies to the appeal proposal, it is not a “significant material consideration”. The proposal would provide economic benefit (particularly through construction); support good design and placemaking; support the delivery of accessible homes; provide opportunities to access the wider environment (through linkages); improve health and well-being with integrated open space; have no unacceptable impact on the historic environment; reduce waste; and avoid over-development. However, similar benefits could be delivered from allocated housing sites and other potential windfall sites located within development boundaries. The proposal would not make efficient use of existing capabilities of land (developing prime agricultural land). There is no justification to accept the loss of prime agricultural land in this case. In addition, it has not been demonstrated that the proposed homes and their occupants would not be at unacceptable risk from flooding or that impacts on infrastructure could be adequately mitigated. In these circumstances the proposal would not contribute to sustainable development. The primacy of the development plan is fundamental and there is no justification to diminish its provisions.

- 8.43 The applicant has indicated that the proposal represents an opportunity to help deliver the extension to Shanwell Cemetery. However, the need for the cemetery extension is not directly related to the proposal for large-scale housing development. As indicated above there is currently around 15 – 20 years burial space available in Carnoustie. Any benefit associated with the proposed cemetery extension does not justify a proposal for around 260 houses as a significant departure from the development plan.
- 8.44 Account has been had for all material matters raised in support of the application in the preparation of this report. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

Conclusion

- 8.45 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to develop 16 hectares of land in a countryside location adjacent to the Carnoustie development boundary for large-scale housing development and a cemetery extension.
- 8.46 The proposed cemetery extension is located on a site allocated within the Angus Local Development Plan for expansion of Shanwell Cemetery (Policy C9). That element of the proposal is consistent with or could be made consistent with relevant policy subject to appropriate planning conditions.
- 8.47 The site of the proposed residential development is outwith the defined development boundary for Carnoustie; it is not allocated or identified for development; and it comprises prime quality agricultural land. Planning policy, as set out by the Reporter appointed to consider the Carlogie appeal, indicates that in these circumstances a site on the edge of a settlement would only be suitable for housing if there was an effective housing land supply shortfall; where the loss of prime agricultural land was justified; and where it would be in the public interest to allow development to proceed.
- 8.48 It has been demonstrated above that there is no shortfall in the effective housing land supply. It has been demonstrated that the release of prime agricultural land is not required to delivery policies, proposals or the strategy of the development plan and is therefore not justified. It has also been demonstrated that the proposed development would not be in the public interest to allow the development to proceed where the development can be accommodated within a development boundary.
- 8.49 In addition, the application is subject of objection from SEPA as the applicant has failed to demonstrate that proposed buildings and their occupants would not be at unacceptable risk from flooding.
- 8.50 The proposed residential development does not support delivery of the development strategy for Carnoustie and is significantly contrary to development plan policy. Material considerations raised in support and in objection to the application have been considered and taken into account in the preparation of this report. The material matters raised in letters of objection support the conclusion that the proposal is contrary to development plan and that its approval could jeopardise the development strategy for Carnoustie. The material matters raised in support of the proposal do not justify approval of large-scale residential development contrary to the provisions of the development plan.
- 8.51 There are a number of matters in relation to this application that remain unresolved but those have not been addressed at this time as the principle of the residential development is contrary to policy and there are no material considerations that justify approval. Those matters may be capable of resolution and in very general terms this might be an acceptable location for residential development in the future. However, the local development plan is under review and future decisions regarding the scale and location of land release for residential development within the South Angus HMA should be determined through the plan-making process.
- 8.52 This application is contrary to development plan policy. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.

- 8.53 If Council is minded to approve the application, it would be necessary to notify that intention to Scottish Ministers given the objection from Scottish Environment Protection Agency.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

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 refused for the following reasons:

1. *Reason: The application is contrary to Policies 1 and 4 of TAYplan as it involves large-scale residential development on a site outwith a principal settlement in circumstances where there is alternative land available within principal settlements across the South Angus Housing Market Area capable of providing a 5-year effective housing land supply and where the development would result in release of housing land in excess of the housing land requirements established by TAYplan.*
2. *Reason: The application is contrary to Polices DS1, TC1 and TC2 of the Angus Local Development Plan as it involves large-scale residential development on a site outwith but contiguous with the development boundary for Carnoustie in circumstances where the development is not required to address a shortfall in the 5 or 7-year effective housing land supply; would not support delivery of the development strategy; is not in conformity with other policies of the Plan; and where there are no social, economic, environmental or operational considerations which confirm there is a need for the proposed development that cannot be met within a development boundary.*
3. *Reason: The application is contrary to Policy 9 of TAYplan and Policy PV20 of the Angus Local Development Plan as it would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy and the advantages of development do not outweigh the loss of productive land.*
4. *Reason: The application is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan as it has not been demonstrated that flood risk at the site can be managed adequately and that houses and their occupants would not be at unacceptable risk from flooding.*

KATE COWEY
SERVICE LEADER - PLANNING & COMMUNITIES

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 December 2018

APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES
APPENDIX 4: EFFECTIVE HOUSING LAND – DEFINITIONS

Appendix 1: Location Plan

Appendix 2 – Summary of Applicants Supporting Information

Design and Access Statement – this document provides a summary of the site's context, characteristics, history and other relevant features which have informed the basis of the proposal's design. The design vision for the development intends to create a high quality neighbourhood while protecting important existing features and enhancing the sense of structure and character across the site. The document includes a brief summary of other supporting information submitted alongside the application and notes national and local policies, as well as best practice guidance, have been considered in forming the design approach. It is suggested the detailed design will range from 1 and 2 bed cottages, flats and terraces to 4 and 5 bed family homes up to 3 storeys in height. The document concludes the detailed application will ensure the vision for the area is maintained and delivered over the lifespan of the development.

Pre-application Consultation Report – describes the consultation process undertaken by the applicant prior to submitting the above application. This included a public event held at the Carnoustie Golf Hotel and Spa on 11 July 2017. The event was attended by 98 members of the public and a total of 41 feedback forms were received. The main concern shared in the feedback relates to the impact the increase in local population (as a result of the development) could have on the Health Centre and local schools. Concerns in relation to open space, core paths, heritage features and vehicular access were also raised. As a result of the feedback the north-western portion of the development site was removed; the Scheduled Monument within site was kept clear of physical development; the cemetery extension was moved from the east to the west of existing cemetery; a stronger and wider landscape buffer was included between the cemetery and proposed housing; and access to the new cemetery area will be from an improved access from the Upper Victoria link road.

Planning Statement – this provides the applicant's assessment of the proposal against identified national and local policies and other material considerations. It notes the applicant considers the ALDP to be out of date in housing terms as the applicant's Housing Land Supply Appraisal (see below) suggests a deficiency in effective housing land in the South Angus HMA. The statement considers the proposed development to be a natural extension of the Carnoustie settlement and to be consistent with adjacent housing and recent allocations. The statement notes the application site is effective, has no obvious constraints and the proposed development could effectively take place within 1-2 years of consent being granted. The statement concludes the proposal aims to meet national, strategic and local planning policy objectives, guidance and best practice and therefore the development should be unduly restricted. The development is justifiable in terms of policy, market demand, feasibility and sustainability criteria.

Housing Land Supply Appraisal – the applicant has undertaken an assessment of the Housing Land Supply in the South Angus HMA. Firstly, the appraisal suggests there was a shortfall in completions between 2012 and 2016, with only a total of 113 units which is significantly short of South Angus' requirements, therefore creating a backlog. It suggests there have been no compensatory adjustments made in future provisions to address this backlog within the South Angus HMA. The appraisal acknowledges the South Angus HMA completion rates in 2016-17 provided a greater number of housing completions than in previous years but notes this does not plug the identified shortfall. The appraisal notes the adopted ALDP shows an adequate land supply in terms of allocations but states this does not ensure that completions are guaranteed or that targets will be met. The document then states that the current Pitskelly Farm (C1) allocation, which contributes to the current supply figures, is not effective, indicated by on-going re-programming and slippage. The appraisal expects only 45 units to be delivered from C1 during the local plan period instead of the projected 150 units. Furthermore, it is noted the C1 site has not progressed in planning terms since its allocation and no further consents have been granted by Angus Council. Therefore the appraisal considers C1 to be ineffective on consenting, infrastructure and viability. Consequently when subtracting the housing numbers for the C1 site from the projected completions, the effective land supply for the South Angus HMA falls below 5 years. The document references policies within SPP and TAYplan which require land to be released to meet the housing supply target where there is a shortfall in effective housing land then take effect. The appraisal concludes that Angus Council is falling short of its affordable and market housing targets within the Angus South HMA, and there are clear social, economic, environmental or operational considerations that confirm there is a need for the proposed development. The reasons stated are: firstly that the proposal facilitates public investment into a required cemetery extension using private land; secondly, it facilitates development infrastructure and servicing of an allocated site which remains non-effective to the north; and finally, it helps to re-balance a dysfunctional HMA in South Angus by enabling delivery in Carnoustie and serving the Greater Dundee HMA. The appraisal notes the supporting documents demonstrate the proposal can be achieved on the site with no adverse impacts and that the benefits of development clearly outweigh any demonstrable harm or impact upon the environment, which are noted as 'limited'.

Archaeological Geophysical Survey – this was undertaken by AOC Archaeology Group and includes an overview of the background, aims and methodology of the survey. The report notes the archaeological geophysical gradiometer survey positively identified a number of features of definitive archaeological nature at the site. Datasets and historical aerial photographs identified anomalies that are of a possible prehistoric and medieval age. However, years of agricultural activity at the site has affected the preservation of these remains and several of the anomalies are fractured and weak. The report notes the geophysical gradiometer survey did not extend to the area of the site which is home to the Scheduled Monument due to a presence of potato crop. However the report notes the survey findings informed the layout of the current proposal, providing an additional offset between the SAM and any future development.

Flood Risk Assessment – this was conducted by Kaya Consulting Limited. The assessment identifies 3 unnamed watercourses across the site, all of which flow in a southerly direction and due to their small size are represented as surface water on SEPA flood maps. Investigations show that only a small area to the west of the site would be predicted to flood during a 200 year flood extent. The assessment advises the development should be located outwith the 200 year floodplain, with a buffer of 5-10m between the edge of the floodplain and the development. Finished Floor Levels should be set at least 600mm above the top of the banks of the existing watercourses using good practice design. Ground levels should be finished in a way not to allow ponding of surface water within the site where it could increase the risk of flooding of properties. There is a risk of blockage of the culvert on Burn W at the north-western edge of the site where water overtopping the road could flow back into the site. Therefore it is recommended that an overland flow pathway is maintained in this area, so any overflow can re-enter the site without flooding properties. The assessment concludes the site is not considered to be at significant risk from surface water runoff generated outside of the site or adjacent drainage infrastructure. Site investigations are recommended to further assess the risk of flooding from groundwater and as there is limited information on the culverts downstream of the site at this stage, additional work (e.g., as part of drainage design) may result in recommendations to improve the culverts and reduce the risks of blockage.

Flood Risks Assessment and Drainage Strategy – this was carried out by Bayne Stevenson Associates Ltd and provides a drainage strategy for the proposed development. The report references the above flood risk assessment by KAYA Consulting Ltd and describes both the treatment and attenuation strategies to be adopted for the proposal's surface water drainage. The drainage strategy for the new neighbourhood is to be developed in accordance with latest guidance on SUDS taking cognisance of the site location and its defining features. Attenuation basins will be integrated within the site. Foul drainage for the development will be designed in accordance with Sewers for Scotland 3 with connection to be made to the existing Scottish Water network. The applicant notes any further assessments required by Scottish Water will be undertaken at the appropriate time and any upgrading works will be agreed with Scottish Water.

Heritage Assessment – this is a desk based assessment carried out by AOC Archaeology Group which considers potential direct and indirect impacts as a result of the proposed development upon any remains or artefacts within the site and upon the setting of designated heritage assets within 500m of the site boundary. The document considers Scheduled Monument (SM) ref: SM6608 which is located within the site and confirms no intrusive works are proposed in this area. It is noted the laying of surplus soil over the SM could improve the long-term protection of the monument, subject to advice from HES regarding suitable methodology and the types of machinery to be used. The document concludes that the magnitude of any direct impacts heritage features will be dependent on the finalised design of the development. Any high magnitude direct impacts from the proposed development (e.g. the destruction or removal of archaeological deposits) could be mitigated either through amendments to foundations or the development layout to avoid archaeological remains. The SM within the site is buried and consequently no impacts upon its settings are predicted. Lastly, an enhancement measure by way of installing public information boards adjacent to the SM is considered, with the aim of this would be to improve the public's understanding of the areas archaeological heritage.

Landscape and Visual Appraisal – was undertaken by VLM Landscape Design and considers the landscape and visual impacts of the development. The appraisal notes the site is well defined on all sides, visually contained by the rising landform to the north and belts of mature trees and woodland on most sides creating a distinct compartment in the landscape. The site therefore offers a distinct sense of place, identity and maturity and has a close physical, direct and visual relationship with the emerging and existing urban edge of Carnoustie. This appraisal concludes that the landscape at Pitskelly easily has the capacity to 'absorb' a mixed density housing development, in the short term. Where impacts may be generated, these can be appropriately addressed through the proposed

mitigation strategy based on current best practice guidelines in the design. The finalised design can be detailed to ensure that the proposal will be seen to fully integrate into the setting and 'round off' the settlement edge without any long term, adverse impacts upon the landscape resource, character, quality nor visual amenity.

Preliminary Ecological Report – has been undertaken by Tetrix Ecology and presents the findings of an Extended Phase 1 Habitat Survey. The assessment concludes that the potential for protected species on the site is minimal as the majority of the site is currently highly managed agricultural land which provides limited habitat resource. The report notes that although no evidence of protected species was recorded within the site, suitable habitat was observed within the wider study area. However any further ecological studies that may be required, specifically in relation to bats, badgers and breeding birds, can be undertaken during the detailed design stages.

Transport Statement – has been carried out by Modus Transport Solutions and assesses the expected transport impacts of the proposal. A Travel Plan Framework was prepared which outlines a number of measures to support sustainable travel and a Traffic Impact Assessment was undertaken for seven junctions on both the local and strategic road network. The transport statement concludes that the proposed development will not have a detrimental impact upon the operational capacity or road safety of the surrounding Local or Strategic Road network.

Network Capacity Assessment from Scottish Water – the applicant submitted a copy of correspondence between themselves and Scottish Water. As a result of a capacity review Scottish Water confirms there is currently sufficient capacity in the Clatto Water Treatment Works and in the Hatton PFI Waste Water Treatment works to service the proposed development. However Scottish Water has advised a wastewater Drainage Impact Assessment (DIA) is required for a development of this size and a Network Assessment will be required to establish sufficient infrastructure required capacity to accommodate the demands from the development.

Response to SEPA Objection – the applicant has submitted a response to concerns raised within an initial objection from SEPA (dated 25th of October) to the proposed development. SEPA objected to the proposal on the basis of flooding risk and requested clarifications on a number of points. In response, the applicant notes a high Manning's n value was used as the basis of the assessment to take account of heavily vegetated burns and to provide consistent and more conservative results. In relation to modelled tabular output the applicant notes, for each watercourse the mass balance error generated was less than 2%. The grid size used to run the models was 1m, which is the size of LiDAR DTM available for the site. In relation to the surface water flow path through the site and intrusive groundwater investigation across the site, the applicant is of the opinion that as the application is for planning permission in principle these matters can be dealt with at the detailed design/further application stages of the project. The applicant concludes the development will be designed to meet any SEPA requirements and constraints imposed from the investigations.

Appendix 3 – Development Plan Policies

TAYplan

Policy 1: Location Priorities

A. Principal Settlement Hierarchy

Strategies, plans, programmes and development proposals shall focus the majority of development in the region's principal settlements as shown on Map 1 (opposite):

Tier 1 principal settlements which have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy;

- Within Dundee Core Area in the principal settlements of Dundee City; including Dundee Western Gateway, and Invergowrie, Monifieth, Tayport/Newport/ Wormit, Birkhill/Muirhead; and,
- Within Perth Core Area in the principal settlements of Perth City, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport.

Tier 2 principal settlements which have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development; and,

Tier 3 principal settlements which have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the additional development.

B. Sequential Approach

Strategies, plans and programmes shall prioritise land release for all principal settlements using the sequential approach in this Policy; shall prioritise within each category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings); and shall ensure that such land is effective or expected to become effective in the plan period, and that a range of sites is made available, as follows: 1. Land within principal settlements; then, 2. Land on the edge of principal settlements; then, 3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.

C. Outside of Principal Settlements

Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that it can be accommodated and supported by the settlement, and in the countryside; that the development genuinely contributes to the outcomes of this Plan; and, it meets specific local needs or does not undermine regeneration of the cities or respective settlement. Proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.

D. Green belts

Local Development Plans shall continue the implementation of green belt boundaries at both St Andrews and Perth to preserve their settings, views and special character including their historic cores; protect and provide access to open space; assist in safeguarding the countryside from encroachment; to manage long term planned growth including infrastructure on Map 10 and Strategic Development Areas in Policy 3; and define the types and scales of development that are appropriate within the green belt based on Scottish Planning Policy

Policy 2: Shaping Better Quality Places

To deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be:

A. Place-led to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets*, natural processes, the multiple roles of infrastructure and networks, and local design context.

B. Active and healthy by design by ensuring that:

- i. the principles of lifetime communities (p. 17) are designed-in;
- ii. new development is integrated with existing community infrastructure and provides new community infrastructure/facilities where appropriate;

- iii. collaborative working with other delivery bodies concentrates and co-locates new buildings, facilities and infrastructure; and,
- iv. transport and land use are integrated to:
 - a. reduce the need to travel and improve accessibility by foot, cycle and public transport and related facilities;
 - b. make the best use of existing infrastructure to achieve an active travel environment combining different land uses with green space; and,
 - c. support land use and transport integration by transport assessments/ appraisals and travel plans where appropriate, including necessary on and off-site infrastructure.

C. Resilient and future-ready by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;
- ii. assessing the probability of risk from all sources of flooding;
- iii. the implementation of mitigation and management measures, where appropriate, to reduce flood risk; such as those envisaged by Scottish Planning Policy, Flood Risk Management Strategies and Local Flood Risk Management Plans when published;
- iv. managing and enhancing the water systems within a development site to reduce surface water runoff including through use of sustainable drainage systems and storage;
- v. protecting and utilising the natural water and carbon storage capacity of soils, such as peat lands, and woodland/other vegetation;
- vi. Identifying, retaining and enhancing existing green networks and providing additional networks of green infrastructure (including planting in advance of development), whilst making the best use of their multiple roles; and,
- vii. design-in and utilise natural and manmade ventilation and shading, green spaces/networks, and green roofs and walls.

D. Efficient resource consumption by ensuring that:

- i. waste management solutions are incorporated into development;
- ii. high resource efficiency is incorporated within development through:
 - a. the orientation and design of buildings and the choice of materials to support passive standards; and,
 - b. the use of or designing in the capability for low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption; and,
 - c. the connection to heat networks or designing-in of heat network capability.

**Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic battlefields, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).*

Policy 4: Homes

Local Development Plans shall:

A. plan for the average annual housing supply targets* and housing land requirements illustrated in Map 4 to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is of 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement.

B. identify land which is effective or expected to become effective to meet the housing land requirement in Map 4 for each housing market area up to year 10 from the predicted date of adoption. In so doing they will ensure a minimum of 5 years effective land supply at all times.

C. ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. For the whole of the TAYplan area this will be an approximate ratio of 25% affordable to 75% market homes but may vary between housing market areas and Local Authorities.

D. have the flexibility, in serious cases of appropriately evidenced environmental or infrastructure capacity constraints that cannot be practically and cost-effectively overcome, and where no suitable alternative sites exist that are compliant with the spatial strategy of this plan, to provide for up to 10% (15% for Highland Perthshire) of the housing land requirement for one market area to be shared between one or more neighbouring housing market areas within the same authority, whilst taking account of meeting needs in that housing market area.

E. for Dundee City only, have the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4.

F. ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.

Footnote

**Average build rates are illustrated annually to assist the understanding of what the scale of housing is for communities. These are only averages and the period in which these build rates should be achieved is over the first 12 years of the Plan, not annually. It is anticipated that within the first 12 year period build rates will be lower than the average in the early period and greater in the later period. These figures include Strategic Development Areas and affordable housing. They have been informed by the TAYplan-wide Joint Housing Need and Demand Assessment (2013) and work set out in Topic Paper 2: Growth (2015).*

Policy 6: Developer Contributions

To ensure suitable infrastructure is in place to facilitate new development, local development plans should set out a policy framework for seeking developer contributions to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This framework should specify the items for which, and the circumstances where, contributions will be sought. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), green infrastructure, mitigating flood risk, surface water drainage and other community facilities. Timeously produced supplementary guidance should set out detailed matters such as the level of contributions and methodologies for their calculation. All policies should be in accordance with the Scottish Government *Circular 3/2012: Planning Obligations and Good Neighbour Agreements*.

Policy 8: Green Networks

A. Strategies, Policies, Plans and Programmes shall protect and enhance green and blue networks by ensuring that:

- i. development does not lead to the fragmentation of existing green networks;
- ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
- iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

B. Local Development Plans should identify existing key networks of green infrastructure and opportunities to enhance them to maximise the benefits they provide. Improvements should include:

- i. better recreational access opportunities and active travel routes;
- ii. improvements to habitat networks and green spaces;
- iii. more widespread use of green infrastructure for water management; and,
- iv. an overall enhancement to quality of the place.

C. In identifying opportunities to enhance green networks, Local Development Plans should focus on the following key elements of the TAYplan Green Network:

i. Strategic Development Area Green Networks

Strategic Development Areas (Policy 3) shall provide new, networked green spaces. These should be integrated with green networks in adjacent urban areas and the countryside*.

ii. Dundee and Perth Core Areas

Opportunities to use green infrastructure enhancements to improve health and access should be identified in the Core Areas including opportunities shown on Map 8.

iii. Strategic Active Travel Links

Local Development Plans and other plans and programmes should identify opportunities to improve active travel links in line with priorities identified on Map 8, and connecting with existing routes including the National Cycle Network.

*Forfar Agricultural Service Centre is not a site specific strategic development area and so has been excluded. For other Strategic Development Areas e.g. Montrose Port and Orchardbank networks have been implemented.

Policy 9: Managing Tayplans Assets

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

A. Finite Resources using the location priorities set out in Policy 1 of this Plan to:

- i. identify and protect known deposits of solid, liquid and gas minerals of economic importance;
- ii. maintain a minimum of 10 years supply of construction aggregates at all times in all market areas;
- iii. identify and protect deposits of nationally important minerals identified on the British Geological Survey's Critical List; and,
- iv. protect prime agricultural land or land of lesser quality that is locally important, new and existing forestry areas, and carbon rich soils where the advantages of development do not outweigh the loss of this land.

B. Protecting Natura 2000 sites ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site(s) (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation must be identified, where necessary, to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.

C. Safeguarding the integrity of natural and historic assets

- i. understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets. Local Development Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection, and the reasons for local designations should be clearly explained and their function and continuing relevance considered, when preparing plans.
- ii. Protecting and improving the water environment (including groundwater) in accordance with the legal requirements in the *Water Framework Directive 2000/60/ EC* and the *Water Environment and Water Services (Scotland) Act 2003* which require greater integration between planning and water management through River Basin Management Plans.

D. Safeguarding the qualities of unspoiled coast identifying and safeguarding parts of the unspoiled coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development. Local Development Plans should also set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate. Local Development Plans should have regard to the National Marine Plan, and Regional Marine Plans, where appropriate.

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 DS5: Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- Education;
- Community Facilities;
- Waste Management Infrastructure; and
- Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the

levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

Policy TC1: Housing Land Supply / Release

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over two phases of the plan: 2016-21 and 2021-26. However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.

The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

To support delivery of a generous supply of effective housing sites and introduce additional flexibility Angus Council will support proposed residential development on appropriate sites as set out in Policy TC2 Residential Development Principles.

To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses. The continued effectiveness of sites will be monitored through the annual Housing Land Audit process.

Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or noneffective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other housing sites may be supported where they are consistent with the policies of the plan.

Policy TC2: Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination
- or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites

- (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

Policy TC3: Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- local housing needs (set out in the current Housing Needs and Demand Assessment);
- physical characteristics of the site;
- development viability; and
- availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

Policy PV1: Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV2: Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or

- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV3: Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV5: Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

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 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 PV10 Heat Mapping and Decarbonised Heat

Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres. Development proposals will be encouraged to investigate the feasibility of district heating or combined heat and power installations.

Opportunities for Angus Council, developers and existing businesses to install facilities or identify routes for pipework within development for future integration into heat networks should be identified in appropriate development proposals.

Policy PV11 Energy Efficiency - Low and Zero Carbon Buildings

All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018.

This requirement does not apply to extensions, changes or use or conversion of buildings; stand-alone ancillary buildings under 50 sqm; buildings with a planned life of less than two years or which will not be heated or cooled for purposes other than frost protection.

Development proposals should be accompanied by a statement of the level of sustainability achieved to demonstrate compliance with the above standards.

Development proposals should also consider energy efficiency measures where possible including:

- siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light;
- the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- the re-use and/or local sourcing of building materials.

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 PV13 Resilience and Adaptation

Development should not require an increase in the provision and / or maintenance of flood defences. To increase resilience to the effects of climate change such as flood and drought, extreme weather events and rising sea levels Angus Council may require development proposals to incorporate adaptation measures including:

- use of flood resistant materials and construction techniques;
- removal of culverts and other engineering works where opportunity arises and avoidance of development over or requiring new culverts or other unnecessary engineering works unless there is no practical alternative;
- minimising the area of impermeable surfaces by using permeable surfaces where possible for car parking and hard landscaping and where appropriate, green roofs and green infrastructure; and
- natural flood management measures which reduce water flow and enhance biodiversity and the quality of the water environment. Such schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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.

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.

C9 Shanwell Cemetery Extension

1.65 ha of land adjoining the existing Shanwell Cemetery is reserved as an extension. Upgrading of the access road from the Upper Victoria Link Road along the line of the existing track will be required.

Prior to applying for any development, an intrusive ground investigation should be undertaken in line with the Scottish Environment Protection Agency's guidance on assessing the impacts of cemeteries on groundwater.

Appendix 4: Effective housing land – definitions

Both the development plan framework and SPP make reference to an 'effective' supply of housing land. Planning Advice Note (PAN) 2/2010 indicates that for a site to be considered as effective, it must be demonstrated that within the 5-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;

physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;

contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;

deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;

marketability: the site, or a relevant part of it, can be developed in the period under consideration;

infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and

land use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

In addition to the criteria from the Scottish Government's PAN 2/2010, and in agreement with Homes for Scotland, sites in the Housing Land Audit have been classed as constrained where they meet two or more of the following criteria:

1. there is no developer associated with a site;
2. planning permission is within one year of expiring and no renewal has been sought, or where planning permission was granted over two years ago and no effort has been made to obtain a building warrant;
3. the site characteristics indicate the likelihood of high development costs.