

**AGENDA ITEM NO 4****REPORT NO 149/19****ANGUS COUNCIL****SPECIAL MEETING – 09 MAY 2019****PLANNING APPLICATION – LAND AT SHANK OF OMACHIE, WELLBANK****GRID REF: 347892 : 736899****SERVICE LEADER – PLANNING & COMMUNITIES****Abstract:**

This report deals with planning application No. 19/00095/PPPM for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the formation of an 18 hole championship golf course, golf academy, hotel, spa and lodges, golf clubhouse, 160 residential plots and associated accesses on Land at Shank of Omachie, Wellbank without complying with conditions 1, 4 and 6 subject to which planning permission 15/01045/PPPM was granted in order to enable the delivery of the hotel and spa or golf course in advance of any residential development and to reflect changes in developer contributions. The application is made by Forbes of Kingennie. This application is recommended for conditional approval.

**1. RECOMMENDATION**

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

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

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

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

**3. BACKGROUND**

3.1 At its meeting on 22 November 2010 Angus Council considered an application for planning permission in principle for a major golf resort and residential development on land at Shank of Omachie, Wellbank (Report No [836/10](#) refers). A plan showing the location of the site is provided at Appendix 1. The masterplan accompanying the application indicated that the development would comprise: -

- 18 hole championship standard golf course;
- Golf academy incorporating a driving range and 3 practice holes;
- New golf clubhouse;
- 2 new replacement holes for the existing 9 hole golf course;
- 150 bedroom five star hotel with spa, leisure and associated conference facilities;
- eighteen holiday lodges – 10 associated with the proposed hotel and 8 associated with the existing 9 hole golf course and fishing resort;
- 160 houses, comprising of 85 fairway homes and 75 market value properties, including 20 homes at low cost for first time buyers, and;
- new vehicular access routes to the hotel, golf course and residential properties.

3.2 In its consideration of the application Council accepted that the golf resort related elements of the proposal received support from relevant development plan policies. Council recognised that this element of the proposal would bring significant economic benefits to the area including the creation of additional direct tourism expenditure to the Angus economy of

£10million per annum (increasing to £16million after 3 years) on an ongoing basis throughout the operation of the resort and creation of significant employment opportunities (over 130 new full time posts). The development of the proposed 150 bed 5 star hotel would provide much needed high quality hotel accommodation which is vital to the future diversification of the Angus economy and the need for the hotel accommodation, to be provided as part of a golf resort with a championship standard golf course and associated facilities. However, it was also accepted that the overall application was significantly contrary to development plan policy given the number of houses required in order to cross subsidise the golf resort element of the proposal.

- 3.3 Council ultimately resolved to approve the application and grant planning permission in principle given it would bring significant economic benefits and employment opportunities to the area and would provide much needed high quality hotel accommodation which would be of benefit to the future diversification of the Angus economy. Planning permission in principle was subsequently granted subject to a number of conditions and a planning obligation.
- 3.4 During the intervening period a number of further permissions and consents have been granted but the development has not commenced.

#### **4. INTRODUCTION**

- 4.1 The current application for Planning Permission in Principle has been submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the applicant seeks permission to develop the land without complying with conditions subject to which a previous planning permission was granted, namely Conditions 1, 4 and 6 of planning permission in principle ref: 15/01045/PPPM to enable the delivery of the hotel and spa or golf course in advance of any residential development and to reflect changes in developer contributions. In this case the application proposes to vary the conditions attached to the previous permissions to allow further time for the submission of further applications and for the development to commence. The conditions relevant to the previous approval are stated in Appendix 2.
- 4.2 For this type of application the legislation (Section 42) indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)). The effect of granting permission for a Section 42 application is such that a new and separate permission exists, with any conditions attached as appropriate.
- 4.3 The application site, which extends to approximately 127.5 hectares, predominantly comprises agricultural land centred on Shank of Omachie, Wellbank. The application site is located to the immediate north and west of the village of Wellbank. The site is bounded to the north by agricultural land, to the west by the B978, to the south by Wellbank, agricultural land and the existing Forbes of Kingennie development and to the east by agricultural land and Cunmont quarry. A number of residential properties lie within the area of the application site or are contiguous with its boundary. The site broadly slopes from the north to the south, with the north most extent of development below the visible hill ridgeline.
- 4.4 The development can be divided into three main parts comprising the golf course and related leisure development, the hotel, spa and related tourism development, and the housing development. The submitted plans, whilst indicative, provide an understanding of the development proposed. The Hotel, Spa and Golf Club House are indicatively shown in a central position within the north of the site in the approximate area occupied by the existing buildings forming part of Shank of Omachie Farm. The golf offering on the site centres around 20 proposed holes - 18 of which would serve as the championship standard course for the new resort and 2 would offer replacement holes for the Forbes of Kingennie site. A golf academy which would house a driving range and teaching facility is indicatively shown to be located on the western edge of the site. Adjacent and to the west of the academy lies an open grass area identified for informal sport and leisure use.

- 4.5 The housing component of the development is proposed as cross funding to support the development of the wider golf course and hotel development. This is indicated to comprise the development of 75 mainstream housing plots (which would include affordable housing provision) immediately to the north of Wellbank at Mattocks Road, and 85 "Fairway houses" on large plots clustered around the periphery of the golf course within 6 identified zones. Significant areas of landscaping and open space are proposed around the development to the north of the site including an offset in the northeast corner between the nearest residential properties (within Zone 6) and the boundary with Cunmont Quarry to the east. The main access to the hotel and the housing to the north of the site is proposed via a new junction from Kellas Road (B978). A new access is also proposed off Drumsturdy Road (B961) to serve the proposed fairway housing located in the south eastern corner of the site. This access would also serve the proposed green keeping accommodation and an existing residential property "Blawearie".
- 4.6 The application has been advertised in the press and subject of statutory neighbour notification as required by legislation. The application has not been subject of variation.

## **5. RELEVANT PLANNING HISTORY**

- 5.1 Angus Council, at its meeting of 22 November 2010, resolved to grant planning permission for application 09/00695/OUT which provided for Formation of 18 Hole Championship Golf Course, Golf Academy, Hotel Spa and Lodges, Golf Clubhouse, 160 Residential Plots and Associated Access. The approval was issued following the conclusion of the Section 75 Planning Obligation (Agreement) on 9 February 2012 (Report No [836/10](#) refers).
- 5.2 On 8 January 2013 the Development Standards Committee agreed Report No [3/13](#). That report advised Committee that a Proposal of Application Notice had been received which sought to vary conditions attached to permission 09/00695/OUT. The purpose of the variation was to allow staged submission of detailed design information in respect of the overall scheme. The report also confirmed that subsequent applications for approval of matters specified in conditions would be presented to Committee for determination.
- 5.3 The Development Standards Committee, at its meeting on 23 April 2013, resolved to grant planning permission for application 13/00086/FULM which provided for Variation in Conditions 1, 2, 4, 5, 6, 9, 16, 18, 22 and 29 on Planning Permission 09/00695/OUT, to allow the staged submission of detailed design information (Report No [273/13](#) refers). The variation allowed for a greater flexibility in the conditions in order to facilitate a quicker initiation of, and phased approach to, the development.
- 5.4 The Development Standards Committee, at its meeting of 18 February 2014, resolved to grant Approval of Matters Specified in Conditions for application 13/00843/MSCM, which led to permission being granted for all matters specified in Conditions 1(a) and 1(b) of Planning Permission in Principle 09/00695/OUT (the relevant conditions for which were amended by planning permission: 13/00086/FULM) (Report No [98/14](#) refers). This approval in effect granted the detail for all of the overall development design and infrastructure elements (Condition 1a) and the siting and design detail for all of the leisure development elements (Condition 1b). Further, it also granted approval for the masterplanning - that is the number and general locations - for most of the residential development (Condition 1c).
- 5.5 On 26 April 2016 Angus Council granted planning permission in principle to vary the time limit conditions attached to the previous permissions to allow further time for the submission of further applications and for the development to commence (15/01045/PPPM) (Report [179/16](#) refers). Following that approval, an application to modify the planning obligation was submitted to update the requirements of the planning obligation to reflect the new permission granted by Angus Council (17/00251/MDPO).
- 5.6 The planning obligation relating to the site incorporates a number of requirements including provision for 30 affordable houses (up to 10 of which could be provided by developer contribution) (Clauses 1 to 4); a financial contribution towards primary and secondary education (Clause 5); provision of land to facilitate an expansion of primary school accommodation (Clause 6); provision of a hotel with a minimum of 150 bedrooms, spa, leisure and conference facilities and restaurant and graded as 5 star (clause 8); and requiring a Local Training and Staff Recruitment Strategy (Clause 9).

## 6. APPLICANT'S CASE

- 6.1 The applicant has submitted a number of technical and supporting statements, in addition to application drawings. These documents include:
- Updated Economic and Employment Impact Statement
  - Planning Statement;
  - Protected Species Survey;
  - Transport Assessment; and
  - Statement on Progress of Development since 2016 permission;
- 6.2 The supporting information is available to view on the council's [Public Access](#) system and is summarised at Appendix 3 below.

## 7. CONSULTATIONS

- 7.1 **Angus Council - Flood Prevention** - notes that the applicant submitted a Drainage Impact Assessment (DIA) and hydrological reports previously. The applicant is required to review and update these documents prior to the commencement of development.
- 7.2 **Angus Council Environmental Health** - has no objection to the proposal subject to planning conditions to protect residential amenity for future occupants from noise and vibration from the nearby quarry operations. Further assessment in respect of air quality is also sought through a planning condition and in terms of public safety a condition is requested for fencing off part of the site closest to Cunmont Quarry. In terms of land contamination, available information including historic mapping and aerial photography has been reviewed and the site does not pose a significant risk of harm to the proposed use from land contamination.
- 7.3 **Angus Council - Education** - has advised that updated per dwelling contributions would be sought towards improving both primary (£6,802) and secondary (£6,041) school provision (excluding units designated as affordable housing).
- 7.4 **Angus Council - Economic Development** - has indicated support for the development noting that it would add to the high quality golf sector whilst growing the areas reputation as a leading tourism destination benefitting the local area and supporting the wider economy. The Carnoustie Country Business Plan seeks to improve product development and one of the challenges is lack of quality accommodation which the proposal would contribute to addressing. The addition of an 18 Hole Championship Golf Course, Golf Clubhouse, Golf Academy, Hotel Spa and Lodges would support and diversify the attractiveness of Angus as tourist destination. With the opening of the V&A Dundee in August 2018, an additional 300,000 visitors are expected to visit the region. The success of The Open Golf Championship to Carnoustie in July 2018 and the legacy of increased interest in this area will add to the demand. The proposal would also result in an increase in employment.
- 7.5 **Angus Council - Transport Section** - has no additional comments to make on the application because to proposed changes would not affect public transport beyond comment provided for the previous application.
- 7.6 **Angus Council – Parks and Burial Grounds** – has advised that open space and play park provision would be sought in accordance with Policy PV2 of the Angus Local Development Plan – which would equate to 0.97 hectares of usable open space and should include an equipped play park equivalent to a LEAP standard facility. Details for the specification of these requirements are listed as well as the requirement for the function, design and maintenance of these facilities.
- 7.7 **Aberdeenshire Council Archaeology Service** – has requested a planning condition that would require a programme of archaeological works prior to any development commencing.
- 7.8 **Scottish Natural Heritage** - provides no objection to the application. SNH has indicated that it agrees with the recommendations and conclusions of the protected species survey.

- 7.9 **Scottish Environment Protection Agency** – offered no objection to the proposal provided the same conditions sought for application 15/01045/FULM are a requirement of this permission. Conditions were attached to the earlier permission requiring an updated Flood Risk Assessment and a drainage masterplan as part of any subsequent detailed application.

SEPA has indicated that the flood risk assessment (FRA) for the site must be updated and used to inform detailed proposals for layout and design. SEPA has indicated that there must be no development near or on top of an enclosed culverted watercourse. In respect of drainage, SEPA has indicated that a drainage masterplan must be provided with full details of the proposed means or disposal of foul and surface water from the development along with measures to protect and maintain drainage for existing houses immediately adjacent to the development site. SEPA indicates that foul drainage should be directed to the Wellbank Pumping Station to the satisfaction of Scottish Water and suggests that there is extensive scope at the site to use SUDS and water harvesting for water features and storage ponds for irrigation.

- 7.10 **Community Council** - there was no response from this consultee at the time of report preparation.
- 7.11 **Angus Council Housing Service** - has acknowledged that a reduced requirement was agreed as part of the existing planning permission in principle related to the viability of the hotel and leisure elements. The agreed amount would result in 30 affordable units as part of the development. Housing has indicated that the affordable housing could be delivered in a number of different ways including social rented housing, affordable housing for sale, mid-market rent, serviced plots or un-serviced land.
- 7.12 **Angus Council - Roads** - has considered the drawings and supporting information, including the updated Transport Assessment (TA) dated February 2019. Roads has commented that all junctions within the Angus administrative area will continue to operate well within their capacities at the year of opening. The junction of Kellas Road with Drumgeith Road in the Dundee City administrative area continues to operate above capacity in the morning peak hour when considering existing base traffic flows but the addition of increased traffic growth from the proposed development but the TA indicates that this increase will remain minimal, being within general rates of daily traffic fluctuations. Roads has offered no objection to the proposal subject to the roads infrastructure conditions imposed on 15/01045/PPPM being carried forward.
- 7.13 **Scottish Water** – has offered no objection to the proposal. Scottish Water has indicated that there is sufficient capacity in the Clatto Water Treatment Works in terms of water supply but indicate that a Water Impact Assessment is likely to be required to understand what impact the proposed new development will have on existing water services. Should that impact assessment identify mitigation measures within the existing network, those must be funded and carried out by the developer. In terms of foul drainage, it has suggested that there is currently sufficient capacity in the Hatton Waste Water Treatment Works via the Wellbank Wastewater Pumping Station. Scottish Water indicates that infrastructure in this area was upgraded recently to accommodate future development within this area. Early engagement with Scottish Water is encouraged to understand the drainage strategy in detail and some local mitigation works may still be required to ensure there is no impact on existing services.

## 8. REPRESENTATIONS

- 8.1 Four letters of representation have been received. The letters will be circulated to Members and a copy will be available on the council's [Public Access](#) website.
- 8.2 The following matters have been raised in relation to the application and are discussed under Planning Considerations below: -
- Proposal is contrary to policies in the development plan;
  - Economic impacts are not as significant as they were originally projected to be;
  - No need for additional housing due to decline in population growth;
  - Lack of capacity in Mattock Primary School and Monifieth High;
  - Lack of capacity at Monifieth Medical Centre;
  - Flooding of roads in the surrounding area;
  - Lack of footpaths and safe cycle paths in the surrounding area;

- Impact on local roads network during construction and operation of the development;
- Issues with water pressure and sewage provision;
- Impacts and costs of the development on local infrastructure;
- Noise, light pollution, nuisance and removal of privacy during construction and operation of the development;
- Loss of farmland.

## 9. PLANNING CONSIDERATIONS

- 9.1 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.

- 9.2 In this case the development plan comprises:-

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

- 9.3 The following development plan policies are relevant to the determination of the application and are reproduced at Appendix 4:-

TAYplan: Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Angus Local Development Plan (ALDP): Policies DS1, DS2, DS3, DS4, DS5, TC1, TC2, TC3, TC8, TC16, TC17, TC19, PV1, PV2, PV3, PV4, PV5, PV6, PV7, PV8, PV11, PV12, PV13, PV14, PV15, PV18, PV19, PV20.

- 9.4 The application is made under Section 42 of the above Act as it constitutes an application to develop land without compliance with conditions previously attached to planning permission in principle application 15/01045/PPPM. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted, however, Government guidance does indicate that this does not preclude consideration of the overall effect of granting a new planning permission in some cases primarily where the previous permission has lapsed or is incapable of being implemented.
- 9.5 In this case an application has been made to undertake the development without complying with conditions, namely conditions 1, 4 and 6 to enable the delivery of the hotel and spa and/or golf course in advance of any residential development and to reflect changes in developer contributions. Granting approval of this application would effectively allow a renewal of the existing planning permission in principle and a further period for submission of applications for approval of the detail of the development and subsequent implementation of the permission.
- 9.6 In considering whether to grant permission to enable the delivery of the hotel and spa and/or golf course in advance of any residential development over a further three year period, it is relevant to have regard to the development plan and to any other material impacts that could arise by allowing a longer period for commencement of development.
- 9.7 The leisure and holiday accommodation golf resort elements of the proposal continue to attract general support from relevant development plan policy. Policy TC16 is supportive of proposals for new or improved tourism facilities and accommodation and there is a justifiable locational requirement for the development as an extension of the existing Forbes of Kingennie golf and leisure development. The proposal is unlikely to have any significant impact on the vibrancy, vitality or viability of any of the town centres. In addition, the Tourism Accommodation Audit May 2015 which was undertaken on behalf of the council states that the area would benefit from the creation of a high profile, quality destination/ signature hotel property that has a standalone reputation and awareness. The Audit makes specific reference to the proposal subject of the current application and suggests that it could assist in terms of delivering that outcome. The Business Case submitted with the original application indicated that the overall development was likely to generate significant revenue and create additional direct and indirect tourism expenditure to the Angus economy. In addition it is estimated that

the development will create over 130 new full time jobs. The updated economic and employment impact submitted with this application suggests that development will have an annual direct economic impact from trading of £13.9 million with a further indirect/ induced impact of £18.3 million in the local, regional and national economy. It remains evident that a development of this nature has potential to offer significant economic benefits to the area and granting permission for an extended period of time for the development to commence allows the opportunity for those benefits to be delivered.

- 9.8 The conditions on the 2015 planning permission in principle require approval of all details related to the hotel and spa and golf course in advance of any development on site. The alterations proposed to the conditions would enable the hotel and spa or golf course aspects of the proposal to come forward separately in advance of any residential development on the site. Delivering the hotel and spa or golf course aspects of the overall development separately would not result in any conflicts with the policies of the local development plan because those aspects of the proposal are in accordance with the plan in their own right. Conditions would remain which would limit the release of new housing until specified aspects of the hotel and spa and golf course development are completed.
- 9.9 The compatibility of the residential element of the proposal with the Development Strategy and policy framework set out in the adopted ALDP is less clear cut. The original permission for the site and the subsequent permissions that relate to the housing development aspect of the proposal was determined to represent a significant departure from development plan policy. That was because the site was not allocated for large scale residential development, the development plan policies did not support that scale of residential development in a countryside location, and the release of 160 housing units affected housing land supply in the housing market area. However, notwithstanding that significant conflict with development plan policy, the residential element was approved as it was determined to be necessary to cross fund delivery of the golf resort and realise the significant economic benefits and employment opportunities that it would bring to the area.
- 9.10 The site was subsequently included in the Angus Housing Land Audit and it formed part of the established housing land supply as identified in the ALDP when it was adopted in 2016. The policies of the ALDP indicate amongst other things that sites “*identified for development*” will be safeguarded for the use set out in the Plan. Accordingly, while the site is not allocated for residential development, the policies of the ALDP effectively safeguard the land that comprised the residential element of the previously approved development from other uses. The site is not allocated for large scale housing development and residential development of the scale proposed is not fully consistent with development plan policy. However, the housing element is no longer significantly contrary to policy as the site now forms part of the established housing land supply. The ALDP effectively safeguards areas of land at this location for residential development as part of the wider development and the residential element of the proposal remains necessary to cross fund the golf resort. As identified above the golf resort has potential to deliver significant economic and employment benefits to the area and those benefits represent a significant material consideration in the determination of this application. The site forms part of the established housing land supply and would contribute to ensuring that adequate land is available to meet the requirements of TAYplan. Granting permission for an extended time period does not give rise to any issues in terms of housing land numbers. However, Members should be aware that if permission is granted the site would continue to form part of the established housing land supply and it would be taken into account in determining housing land requirements in the forthcoming review of the ALDP. If permission is not granted additional land, over and above that which would otherwise be required for new housing development may need to be found through the ALDP review process.
- 9.11 Large scale residential development at this location is only justified on the basis that it would assist in delivery of the leisure and tourism aspects of the proposal. Council has previously identified a phasing condition that requires delivery of specified elements of the leisure and tourism proposal in advance of the release of specified housing numbers. That condition is retained and further conditions require greater detail in terms of the phasing of the overall development and the specific elements within each zone or phase.
- 9.12 This is a sizeable development and it is accepted that progress has been delayed by factors including the prevailing economic climate. The development continues to offer potential for significant economic benefit to the area and the applicant has indicated that a legally binding

and unconditional contract in respect of the sale and purchase of the land is in place. The applicant seeks a further period of time to assemble a design team in order to be able to deliver a quality world class resort to purify the planning conditions attached to the permission. Allowing a further period of time for implementation of the permission does not give rise to any additional significant issues in terms of the overall principle. However, it is appropriate to have regard to other development plan matters and material considerations in order to ensure that all conditions attached to a new permission remain appropriate. In that respect, the applicant has submitted a number of revised and updated assessments in order to allow proper consideration of impacts.

- 9.13 The updated European Protected Species study does not identify any significant issues that would warrant a different approach towards this application. It is noted that SNH has offered no objection to the proposal. Conditions are proposed that require environmental and habitat management plans as well as a habitat enhancement plan. Granting permission for an extended time period for development to commence does not give rise to any significant additional natural heritage impacts.
  
- 9.14 The updated Transport Assessment has been reviewed by the council's Roads Service and no objection is offered. Conditions regarding access and transportation matters were attached to the previous permissions relating to this development and the Roads Service has recommended appropriate conditions in relation to this application. Granting permission for an extended time period for development to commence does not give rise to any significant additional transportation or road traffic safety issues.
  
- 9.15 In the period since the grant of the previous planning permission in principle the council has reviewed its approach to developer contributions in respect of impacts of development on the school estate and the Developer Contributions and Affordable Housing Supplementary Guidance (October 2018) now applies. That report identifies a consistent approach towards dealing with the impact of new housing development on schools that are at or close to capacity. It was recognised during consideration of the previous permissions relating to this site that there would be impacts on both primary and secondary schools by virtue of the scale of the development and the current roll of relevant schools. Developer contributions were accordingly sought and this matter was dealt with by means of a Planning Obligation under section 75 of the Act. Education has again indicated that the development will have an impact on both the primary and secondary school estate and that contributions in respect of both will be required in accordance with the methodologies set out in the Development Contributions and Affordable Housing Supplementary Guidance (2018). For the avoidance of doubt an education contribution will not be sought in respect of affordable housing units that are either provided on-site or as a commuted sum in lieu of on-site affordable housing provision. The applicant has been made aware of this requirement and it is proposed to deal with this matter by attaching a planning condition that requires the existing Planning Obligation to be modified to reflect the current requirements.
  
- 9.16 The policies of the ALDP require a 25% contribution towards affordable housing in the South Angus Housing Market Area. However, those policies also allow some flexibility having regard to matters including development viability. In that respect the previous permissions relating to this site and the associated Planning Obligation require the provision of 30 affordable housing units (20 on site and 10 units off-site or via commuted payments). The Housing Service has indicated that it considers that approach remains appropriate and has indicated that there are a variety of forms the affordable housing could take.
  
- 9.17 Development plan policies require consideration of drainage infrastructure and flood risk. Policy PV15 confirms that within areas served by public sewers developments must be connected to the public drainage system and private drainage solutions will not be permitted. Policy PV15 requires the use of Sustainable Urban Drainage Systems (SUDS) for surface water. The applicant has indicated that foul drainage would be directed to public infrastructure and surface water would be addressed through SUDS. Scottish Water has indicated that there is capacity in the water supply network and the foul drainage network and has indicated that works have recently been undertaken at Wellbank pumping station to increase capacity for development. Consultation was also undertaken with the Scottish Environment Protection Agency (SEPA) and the council's Roads (Flood Prevention) Service. Neither has raised objection to the proposal and they are satisfied that a Drainage Masterplan/ Assessment and a Flood Risk Assessment could be required and assessed as part of any Matters Specified application. This is addressed in the proposed planning conditions.

- 9.18 Policy PV2 of the local development plan requires appropriate provision in respect of open space. The Parks and Burials Grounds Service has indicated that open space and play park provision equating to 0.97 hectares of usable open space should be provided and should include an equipped play park equivalent to a LEAP standard facility. These requirements and the arrangements for ongoing maintenance are included in the proposed planning conditions.
- 9.19 The overall proposal gives rise to other impacts in relation to matters including residential amenity, landscape and visual impact, use of agricultural land, compatibility of land uses, impact on core paths and impact on archaeological interests. However, through the grant of previous permissions for this development it has been determined that those impacts are not unacceptable and can be suitably mitigated by appropriate planning conditions. The physical characteristics of the site and the wider environment have not changed materially in the intervening period. Further approval is required for matters related to the detailed layout of the site and design of buildings and conditions require submission of detailed assessments to support further applications for approval of those matters. That would allow detailed consideration of all amenity aspects at that time and would provide opportunity for interested parties to comment, and for appropriate mitigation to be provided. The proposal to bring forward the hotel and leisure aspects of the proposal early and to extend the time period for commencement of development does not materially alter that conclusion.
- 9.20 The existing planning obligation relating to the site incorporates a number of requirements including provision for 30 affordable houses (up to 10 of which could be provided by developer contribution) (Clauses 1 to 4); a financial contribution towards primary and secondary education (Clause 5); provision of land to facilitate an expansion of primary school accommodation (Clause 6); provide a hotel which shall have a minimum of 150 bedrooms, spa, leisure and conference facilities and restaurant and shall be graded as 5 star (clause 8); and requiring a Local Training and Staff Recruitment Strategy (Clause 9). The proposal seeks to update the planning obligation in order to ensure that the developer contribution requirements relating to the improvement of education facilities (clause 5) are up to date and in accordance with the Developer Contributions and Affordable Housing Supplementary Guidance (2018).
- 9.21 There are no significant issues in terms of other development plan policies.
- 9.22 The letters of representation submitted in respect of the application have been taken into account in preparing this report. The leisure and tourism aspects of the proposal are compatible with development plan policy. As indicated above the residential element of the proposal is not in full compliance with the terms of the development plan. However, for the reasons outlined above it is considered appropriate to grant permission for this development contrary to the provisions of the development plan. Any estimate of economic impact necessarily requires the use of assumptions and variation in those assumptions will affect the resultant estimates. Notwithstanding that, the overall development continues to offer potentially significant economic benefits and employment opportunities. The residential element of the proposal remains necessary to cross fund the golf resort and to realise the associated significant economic benefits and employment opportunities. In addition, the residential element contributes to the established housing land supply and is safeguarded for that purpose by the local development plan.
- 9.23 Issues with primary and secondary school education provision in the area can be addressed by the proposed planning condition that requires developer contributions to mitigate those impacts in accordance with the council's Developer Contributions and Affordable Housing Supplementary Guidance. The existing planning obligation contains provision for land to be made available within the site for an extension of the primary school should that land be required. The concerns relating to impact on healthcare infrastructure are noted but this is a long-established housing site and the council's Developer Contributions and Affordable Housing Supplementary Guidance does not require a contribution towards improvement of medical/health care infrastructure.
- 9.24 The Roads Service has offered no objection in relation to potential flooding of roads or other areas as a consequence of the development. However, proposed conditions require subsequent applications for approval of detailed matters to be accompanied by a flood risk assessment. The conditions also require details of proposed drainage arrangements for the site and that would allow management and mitigation of surface water flows. Scottish Water

has offered no objection to the proposal. It has indicated that foul drainage infrastructure was upgraded recently to accommodate future development within this area. While there is capacity in the water supply network to accommodate the development, Scottish Water has indicated that a Water Impact Assessment is likely to be required to understand what impact the proposed new development would have on existing water services. This may identify mitigation measures that would require to be funded and carried out by the developer.

- 9.25 The Transport Assessment indicates that the development would incorporate footpath and cycle connections to Wellbank village. It also indicates that the impact of the development traffic on the local road network is negligible. Traffic impacts associated with the construction and operation of the development have been considered by the Roads Service and it has offered no objection to the proposal subject to a number of planning conditions which are detailed below. They include a requirement for a Travel Plan to reduce reliance on the private car. The proposed planning conditions seek to mitigate impacts of the proposal on existing infrastructure where necessary and in accordance with the council's approved supplementary guidance.
- 9.26 This is an application for planning permission in principle. The proposed conditions require submission of further applications for approval of the detailed elements of the development including matters of overall layout and design of buildings. Conditions would require those applications to be accompanied by detailed technical assessments and that would allow full consideration of impacts on occupants of nearby property and provision of mitigation as might be determined necessary.
- 9.27 Council has previously determined that the loss of prime quality agricultural land is justified by the significant economic and employment benefits that would be delivered by the proposal. The variation of the planning conditions and effective renewal of the planning permission does not alter the impact on agricultural land and does not affect the economic and employment benefits that the proposal would deliver.
- 9.28 Council has previously granted planning permission in principle for this development recognising that while it was a significant departure from the development plan, it merited support given the potential economic benefits it could deliver. In the intervening period the council has adopted the ALDP. The golf resort and associated tourism/ leisure elements of the proposal attract broad support from development plan policy. They also have potential to provide significant economic and employment benefits for the area. The housing element of the proposal is identified in the ALDP as contributing to the established housing land supply. The policies of the plan now safeguard the land that comprised the residential element of the previously approved development from other uses. While the housing element is not fully compliant with development plan policy it is effectively safeguarded for residential use and remains essential to cross fund the golf resort elements of the proposal and to allow the entire development to be brought forward. The planning application seeks permission to allow the hotel and spa or golf course aspects of the development to be brought forward separately and prior to the housing aspects; to allow a longer time period for the submission of further applications for approval of requisite matters; and a longer period for commencement of development. This is effectively a renewal of the existing permission.
- 9.29 It is understood that the applicant has sought to promote the development and obtain investment over the period since the grant of the original permission. The applicant has indicated that there is now a legally binding and unconditional contract with an investor in respect of the sale and purchase of the land comprising The Angus. The developer requires more time to assemble a design team in order to be able to deliver a quality resort and to purify the planning conditions attached to the permission. The agreement with an investor demonstrates a commitment to delivering the development and it is apparent that this has potential to be significant in a regional context. However, it is recognised that the recent economic climate has not been conducive to the delivery of a project of this nature and that this has affected the applicants originally intended timescales for delivery of the development. In these circumstances it is considered appropriate to allow a further period for approval of subsequent detailed applications and for commencement of development. Granting this permission would allow a further period of three years for the submission of applications for approval of relevant details and a subsequent period of two years for commencement of development. The conditions below reflect those previously considered necessary by Council but they have been reviewed and updated as appropriate to reflect the current situation and to allow the applicant the flexibility in delivering different aspects of the hotel and leisure

development in advance of any residential development. There are no material considerations that justify refusal of planning permission.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

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

### **EQUALITIES IMPLICATIONS**

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

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The development is contrary to the Development Plan but it would bring significant economic benefits and employment opportunities to the area and would provide high quality hotel accommodation which would be of benefit to the future diversification of the Angus economy. The residential development is necessary to cross fund the leisure and tourism aspects of the proposal that deliver those significant benefits. Potential impacts associated with the development can be mitigated and there are no material planning considerations that justify refusal of the application.

### **Conditions:**

1. No work shall begin on any distinct zone or phase within a zone of the development until the written approval of the authority has been given for the Overall Development (A) and the zone or phase within a zone (B, C or D) and the development shall be carried out in accordance with that approval:
  - A: Overall Development
  - (a)i a masterplan which shall illustrate the distribution of uses and general layout of the whole site, including the location of mainstream and fairway housing plots and strategic landscaping. The total number of dwellings shall not exceed 160; the final number will be dependent on the consideration of relevant matters specified in conditions forming part of this permission. The Masterplan Phasing Drawing No 1994\_300 is not approved but the distribution of uses shall be in general accordance with that plan;
  - (a)ii the means of access. The precise position of the main access on the B978 Wellbank – Draffin Road as shown on the plans is not approved. The proposed means of access from Drumsturdy Road shall include provision for vehicular access to the existing residential property "Blawearie";
  - (a)iii a drainage masterplan providing full details of the proposed means of disposal of foul and surface water from the development along with measures to protect and maintain drainage for existing houses immediately adjacent to the development site. Foul drainage for the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant and surface water shall be managed by sustainable drainage systems. Thereafter the development shall be carried out in accordance with the approved details and no building shall be occupied until such time as it is

- connected to the public sewerage system and the approved surface water drainage system is operational;
- (a)iv a phasing plan for the whole site which shall include details of the timing of provision of all access and infrastructure improvements;
  - (a)v a travel plan which shall set out proposals for reducing dependency on the private car; measures to be implemented; the system of management, monitoring, review and reporting; and
  - (a)vi precise details of the location of bus lay-bys and bus shelters on the east and west sides of the B978.
- B. Leisure Development Zone (including 18 hole championship standard golf course, golf academy and driving range and 3 practice holes, new golf clubhouse, 2 new replacement holes for the existing 9 hole course)
- (b)i details of the siting, design, height, external appearance and materials of all buildings or structures on the site;
  - (b)ii road layout design and specification including provision of parking, street lighting and disposal of surface water;
  - (b)iii details of all hard and soft landscaping works, planting and screening associated with the development of the site;
  - (b)iv for the golf course, a full topographical survey of the site as existing and as proposed, including all engineering works, site levelling and any other works for the formation of the course including the location of tees, fairways and greens;
  - (b)v for the remainder of the leisure development zone, a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
  - (b)vi details of any screen walls/fencing to be provided including ball strike safety fencing;
  - (b)vii full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any culverts and that access for maintenance can be achieved;
  - (b)viii full details of any new crossings to watercourses within the site;
  - (b)ix details of any external lighting installation;
  - (b)x measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (b)xi details of the phasing for the delivery of the different aspects of that zone; and
  - (b)xii details of the location and configuration of all sustainable urban drainage systems to be provided and the arrangements for the maintenance thereof.
  - (b)xiii a scheme for the management and maintenance of all open spaces, outdoor communal areas and unadopted infrastructure, including details for the implementation of the phasing of management and maintenance arrangements. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon commencement of the development.
- C Hotel and Spa zone (including 150 bedroom five star hotel with spa, leisure and associated conference facilities, eighteen holiday lodges – 10 associated with the proposed hotel and 8 associated with the existing 9 hole golf course and fishing resort)
- (c)i details of the siting, design, height, external appearance and materials of all buildings or structures on the site;
  - (c)ii road layout design and specification including provision of parking, street lighting and disposal of surface water;
  - (c)iii details of the hotel to confirm that the design and layout of the building and facilities which are to be provided within the building will support the potential to achieve a 5 star rating;
  - (c)iv details of all hard and soft landscaping works, planting and screening associated with the development of the site;
  - (c)v a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
  - (c)vi details of any screen walls/fencing to be provided;
  - (c)vii full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any culverts and that access for maintenance can be achieved;

- (c)viii full details of any new crossings to watercourses within the site;
- (c)ix measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (c)x details of the phasing for the delivery of the different aspects of that zone; and
- (c)xi details of the location and configuration of all sustainable urban drainage systems to be provided and the arrangements for the maintenance thereof.
- (c)xii a scheme for the management and maintenance of all open spaces, outdoor communal areas and unadopted infrastructure, including details for the implementation of the phasing of management and maintenance arrangements. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon commencement of the development.

**D Residential Development Plots;**

- (d)i details of the layout including the location and number of residential units, and the siting, design, height, external appearance and materials of all buildings or structures on the site;
- (d)ii road layout design and specification including provision of parking, street lighting and disposal of surface water;
- (d)iii details of the location and nature of public open space to be provided at a minimum of 2.43 hectares per 1000 head of population and to include play equipment, and arrangements for the provision and maintenance of the open space in perpetuity;
- (d)iv details of all hard and soft landscaping works, planting and screening associated with the development of the site;
- (d)v a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
- (d)vi details of any screen walls/fencing to be provided;
- (d)vii measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (d)viii full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any culverts and that access for maintenance can be achieved;
- (d)ix full details of any new crossings to watercourses within the site;
- (d)x details of the location and configuration of all sustainable urban drainage systems to be provided and the arrangements for the maintenance thereof;
- (d)xi details of the phasing for the delivery of the different aspects of that zone; and
- (d)xii a scheme for the management and maintenance of all open spaces, outdoor communal areas and unadopted infrastructure, including details for the implementation of the phasing of management and maintenance arrangements. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon commencement of the development.

*Reason: To ensure that the matters referred to are given full consideration.*

2. That any application for approval of details in condition 1 above shall, unless otherwise approved in writing by the planning authority because it is not required to assess the acceptability for that zone or phase of zone, be accompanied by the following:-

- i. A noise impact assessment in accordance with a method statement approved in writing by the Planning Authority;
- ii. A blast vibration assessment in accordance with a method statement approved in writing by the Planning Authority;
- iii. An air quality assessment in accordance with a method statement approved in writing by the Planning Authority;
- iv. A safety assessment to address the risk from miss hit golf shots in accordance with a method statement approved in writing by the Planning Authority;
- v. An assessment of light spill, intrusion and source intensity/glare in accordance with a method statement approved in writing by the Planning Authority;
- vi. A design statement in accordance with Planning Advice Note 68 and which takes account of Scottish Government Planning Policy Statement Designing Streets;
- vii. A Drainage Impact Assessment and Flood Risk Assessment;
- viii. A Development Brief for each zone or phase of zone which shall include details of the height and appearance of all new structures; the use of appropriate external materials

including walls, fences and other boundary enclosures; the surfacing of all new roads, parking areas, cycleways and footpaths; the lighting of all streets and footpaths; and the maintenance of all open space and treed areas not included in private house plots.

- ix. Information in support of the masterplan required by condition 1(a)(i), which sets out details of how public rights of access in accordance with the Land Reform (Scotland) Act 2003 will be met. The information shall:-
  - Provide full details of the retention of core paths within the site;
  - Provide details of measures to ensure appropriate safety fencing and warning signage is erected between the site and the adjacent quarry;
  - Integrate provision for public access across all sectors of the public who are participating in open air recreation – those at the resort, the visiting public and local residents;
  - Show any routes proposed for public access and provide details of how these routes will be constructed and implemented;
- x. An environmental management plan. The plan shall relate to both the construction and operational phases of the development and shall provide for the enhancement of the biodiversity of all habitats within the development and shall include full details of:-
  - Routing of the course including reference to tracks, paths and any other ancillary requirements;
  - Specification of grass types, vegetation, seed mixes to be used and identification of planting areas;
  - Compliance with best practice in relation to soil and turf stripping and storage including details of proposed storage areas;
  - Identification of areas and methods of mitigation of habitat loss;
  - A phasing plan which specifies timing and duration of construction aspects for the golf course
  - Management of areas of fairway, greens, tees, transition rough and rough;
  - Water irrigation and abstraction rates.
- xi. A habitat management and enhancement plan incorporating mitigation and compensatory measures for birds, bats, otters, invertebrates and plants. For bats the plan shall include the installation of 12 bat boxes at the locations identified in the submitted bat survey report.
- xii. A detailed construction method statement which takes account of the environmental management plan and the habitat management and enhancement plan. The construction method statement shall include:
  - Details of buffer zones and public access arrangements during construction;
  - Details of storage areas to be utilised during the construction period which shall not be on the site access road or any other access roads serving the development;
  - Details of the installation of an effective wheel washing facility, which shall be retained in working order throughout the construction period and used so that no vehicle shall leave the site carrying earth and mud on its wheels in such a quantity that causes a hazard on the surrounding local road network;
  - Details of dust suppression measures to be employed during the construction period;
  - Proposed hours of working;
  - Details of any proposed construction access routes; and
  - Details of procedures for stopping work if bats are found during any of the proposed tree felling works.

The provisions of the approved method statement, which shall be reviewed prior to the commencement of each zone or phase of a zone of development and amended as required with the written approval of the Planning Authority and following appropriate consultation.
- xiii. An archaeological evaluation of the site in accordance with a written scheme of investigation which has been approved in writing by the Planning Authority.

Any mitigation measures identified in the above documents as approved by the planning authority shall be incorporated into the phasing plan/s for the development required by condition 1 of this permission and shall be provided in accordance with the timescales approved therein.

*Reason: In order to ensure the provision of adequate information for the planning authority to consider the matters detailed in condition 1 and to ensure implementation of necessary mitigation.*

3. Any phasing plan under condition 1((a)iv) above must be in full compliance with the obligations and rights detailed below:-

Obligations	Rights (these rights will only be granted to allow construction on the houses to commence after the planning authority certifies that the corresponding phased obligation has been fully complied with)
Legally binding contract for the erection of the proposed five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant (for the avoidance of doubt the building warrant shall be for the entire building) and certificated completion of the foundations of the aforementioned hotel all to the written satisfaction of the planning authority. There shall also be legally binding contracts for the construction of the 18 hole championship golf course in accordance with a valid planning permission and for construction of the golf academy in accordance with a valid planning permission and building warrant.	Construct 35 private houses
Certificated structural and practical completion, of the completed and operationally ready five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant and certificated completion of the golf course and golf academy to an operationally ready condition.	Construct a further 25 private houses
That there shall be in place a legally binding contract for the operation of the proposed five-star, 150 bedroom hotel and the aforementioned hotel shall be fully operational, there shall also be legally binding contracts for the operation of the golf course and golf academy and both shall be fully operational.	Construct all remaining private houses.

*Reason: In order to ensure the implementation and completion of the golf course resort components of the proposal, as these are the elements of the proposed development which the Planning Authority considers will bring economic benefits to the area.*

4. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 27(4)(a)-(f) of the Town and Country Planning (Scotland) Act 1997 in relation to the development, until an application under s.75A(2)(a) of the said Act to modify the Agreement made under s.75(1)(a) of the said Act among Angus Council; Alistair Graham Milne Forbes, Mrs Cynthia Bartow or Forbes; Michael Bartow Forbes and Gail Forbes (as the Partners of and Trustees for the Firm of Forbes of Kingennie); Michael Bartow Forbes and Gail Forbes and M B Forbes Limited (as the Partners of and Trustees for the Firm of M B Forbes & Company); Shank of Omachie Limited; Barclays Bank Plc and Michael Bartow Forbes, Gail Forbes and M B Forbes Limited (as Partners and Trustees for the Firm of M B Forbes & Company) relating to the land in respect of the Planning Permission 09/00695/OUT dated 4th and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 30th, both dates January 2012, has been approved and registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority (and as modified by application 17/00251/MDPO made under s.75A(2)(a) of the said Act to modify the Agreement dated 18 April 2017). The said modification will provide that:
- The modified obligation applies to the planning permission in principle hereby granted (registered with the Authority on 18 February 2019) and any subsequent planning permission in principle, planning permission or consent for development of the same character or description of development on the same site or part thereof; and
  - Clause FIFTH is amended to require a financial contribution to be paid towards primary and secondary school infrastructure in respect of every house that is not designated as

an affordable housing unit amounting to the sum of £6,802 per unit for primary education and £6,041 per unit in respect of secondary education.

*Reason: To ensure the obligation applies to the extant permission and to ensure that the proposed development does not put undue pressure on the existing education facilities and as required by the Angus Council Developer Contributions and Affordable Housing Supplementary Guidance (2018).*

5. That no other works in connection with the development hereby approved shall take place until:-
  - i. visibility splays have been provided at the junction of the main access with the B978 Wellbank–Draffin Road, giving a minimum sight distance of 215 metres in each direction at a point 4.5 metres from the adjacent channel line of the B978 Wellbank–Draffin Road. Within the visibility splays nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.
  - ii. a footway has been provided on the east side of the B978 Wellbank – Draffin Road between the main site access and Mattocks Road in accordance with the standards of Angus Council.
  - iii. a footway has been provided on the south side of Mattocks Road between Applehill Drive and a point on the south side of Mattocks Road opposite the existing access to Shank of Omachie Farm in accordance with the standards of Angus Council.
  - iv. a bond has been concluded and lodged with the Planning Authority which shall be of sufficient value to ensure that: -
    - a) the strategic landscaping works required under condition 1 ((a)i) can be completed in full. The value of the bond shall be determined following approval of the strategic landscaping works under the terms of that condition;
    - b) to ensure that any land on which works have been undertaken to construct the championship golf course can be restored in accordance with a scheme to be agreed by the Planning Authority in the event that the golf course is not completed in accordance with the approved details of phasing. The value of the bond shall be determined following approval of the matters specified in condition 1 ((b)iv).
  - v. the approved bus lay-bys and bus shelters on the B978 have been provided in accordance with the details approved under Condition 1 (A) (vi).

*Reason: In the interests of road safety and to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit; in order to ensure appropriate pedestrian connections with Wellbank Village; to ensure the completion of the approved landscaping scheme in the interests of the visual amenity of the area and to ensure that in the event that the championship golf course is not completed, the site can be restored to an appropriate condition; and, in order to ensure provision for public transport infrastructure to support the accessibility of the development*

6. Before the new access onto the B961 Drumsturdy Road is formed, visibility splays of 215 metres shall be provided in each direction at a point 2.4 metres from the adjacent channel of the B961 Drumsturdy Road in accordance with details that have been approved in writing by the Planning Authority. Within the visibility splays nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.

*Reason: In the interests of road safety and to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.*

7. That the lodges hereby approved shall be occupied on a holiday letting or fractional ownership basis only and none of these units of accommodation shall be occupied by any group or individual for more than a total of 12 weeks in any one calendar year. The lodges shall not be occupied as permanent residential accommodation.

*Reason: In order to ensure that the lodges are occupied as holiday accommodation only.*

8. That the hours of operation of the golf driving range shall be restricted to 0800-2100 hours Monday to Sunday inclusive.

*Reason: In order to minimise the impact of the development on the amenity of occupants of nearby housing.*

9. That noise from any ventilation, extraction or refrigeration plant associated with the hotel, spa, golf clubhouse and golf academy shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 20 between 0700 and 2200 and NR curve 30 at all other times.

*Reason: To limit disturbance from noise at nearby noise sensitive properties.*

10. That all amplified music or vocals associated with the hotel, spa, golf clubhouse and golf academy shall be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premise with the receiver room windows partially open for ventilation.

*Reason: To limit disturbance from noise at nearby noise sensitive properties.*

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

**REPORT AUTHOR: KATE COWEY**

**EMAIL DETAILS:** [planning@angus.gov.uk](mailto:planning@angus.gov.uk)

**DATE: 1 MAY 2019**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: PLANNING CONDITIONS FOR PERMISSION 15/01045/PPPM

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

## Appendix 1



**Team Niblick Ltd**  
GOLF COURSE DESIGN & CONSTRUCTION

**FAIRHURST**

the **paul hogarth** company

H	29.06.03	REVISED FOR OUTLINE PLANNING	NC	NC
		SUBSTITUTED DRAWING		
A	04.05.03	FIRST ISSUE	NC	NC

Rev. Date Descr.

Drawn: \_\_\_\_\_

Checked: \_\_\_\_\_

Issued for:

# NOT FOR CONSTRUCTION

Project/Client: \_\_\_\_\_

Project No: 3051

SHANK OF OMACHIE

MASTERPLAN FOR...

Draw No: SK\_001

FORBES OF KINCENNIE

Rev. B

Drawing: \_\_\_\_\_

Scale: 1:10 000 @A3

LOCATION PLAN

Drawn By: \_\_\_\_\_ Date: 01.06.03

NC

Checked By: \_\_\_\_\_ Date: 01.06.03

NC

archio

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**ANGUS COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION IN PRINCIPLE APPROVAL  
REFERENCE : 15/01045/PPPM**

To: **AGM Forbes  
c/o Andrew McCafferty Associates  
Burn House  
Collessie  
Fife  
KY15 7RQ**

With reference to your application dated **30 December 2015** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

**Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the Formation of 18 Hole Championship Golf Course, Golf Academy, Hotel Spa and Lodges, Golf Clubhouse, 160 Residential Plots and Associated Accesses at Land at Shanks of Omachie, Wellbank Without Complying with Conditions Subject to Which Planning Permissions 09/00695/OUT and 13/00086/FULM Were Granted Condition - 1 Timescales and Other Limitations Imposed by Section 59(2) of that Act at Land At Shank Of Omachie Wellbank for AGM Forbes**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Committee Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as approved on the Public Access portal.

**The permission is subject to the following conditions, namely:-**

1. No work shall begin on any distinct phase or zone of development until the written approval of the authority has been given and the development shall be carried out in accordance with that approval:
  - (a) Overall Development
    - (a) i. the means of access. The proposed means of access from Drumsturdy Road shall include provision for vehicular access to the existing residential property "Blawearie";
    - (a) ii. a masterplan to include all elements of the development for the whole site, including strategic landscaping, and provide for the total number and location of mainstream and fairway housing plots. The site masterplan SK005 Rev C is not approved. The masterplan amendment – drawing AL0001 Rev C – is approved for the golf course layout only. The total number of dwellings shall not exceed 160; the final number will be dependent on the consideration of relevant matters specified in conditions forming part of this planning permission;
    - (a) iii. a drainage masterplan providing full details of the proposed means of disposal of foul and surface water from the development along with measures to protect and maintain drainage for existing houses immediately adjacent to the development site. Foul drainage should be directed to the Wellbank Pumping Station to the satisfaction of Scottish Water;
    - (a) iv. a phasing plan for the whole site: the submitted phasing plan SK 007 A is not approved; and
    - (a) v. a travel plan which shall set out proposals for reducing dependency on the private car, measures to be implemented; the system of management, monitoring, review and reporting.

(b)Leisure Development Zone

- (b) i. road layout design and specification including provision of parking, street lighting and disposal of surface water;
- (b) ii. details of the siting, design, height and external materials of all buildings or structures on the site;
- (b) iii. details of the hotel to confirm that the design and layout of the building and facilities which are to be provided within the building will support the potential to achieve a 5 star rating;
- (b) iv. details of all hard and soft landscaping works, planting and screening associated with the development of the site;
- (b) v. for the golf course, a full topographical survey of the site as existing and as proposed, including all engineering works, site levelling and any other works for the formation of the course;
- (b) vi. for the remainder of the leisure development zone, a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
- (b) vii. details of any screen walls/fencing to be provided;
- (b) viii. full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any existing or proposed culverts and that access for maintenance can be achieved;
- (b) ix. full details of any new crossings to watercourses within the site;
- (b) x. details of any external lighting installation proposed to illuminate any part of the golf courses and any other golf related development, including the driving range; and
- (b) xi. measures to maximize environmental sustainability through design, orientation and planting or any other means.

(c)Residential Development Plots

- (c) i. road layout design and specification including provision of parking, street lighting and disposal of surface water;
- (c) ii. details of the siting, design, height and external materials of all buildings or structures on the site (which shall be located only within the zones identified on the Residential Masterplan Phasing drawing 1994\_300 but shall exclude any areas to the east of Zone 3 where the assessments required under Condition 2 of this permission demonstrate that an acceptable amenity or safety standard cannot be achieved);
- (c) iii. the means of access and all other matters relating to road layout design and specification including provision of parking, street lighting and disposal of surface water;
- (c) iv. details of all hard and soft landscaping works, planting and screening associated with the development of the site;
- (c) v. a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
- (c) vi. details of any screen walls/fencing to be provided;
- (c) vii. measures to maximize environmental sustainability through design, orientation and planting or any other means;
- (c) viii. full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any existing or proposed culverts and that access for maintenance can be achieved; and
- (c) ix. full details of any new crossings to watercourses within the site.

2. That any application for approval of details in condition 1 above shall, unless otherwise agreed in writing by the planning authority, be accompanied by the following:-

- i. A noise impact assessment in accordance with a method statement approved in writing by the Planning Authority;
- ii. A blast vibration assessment in accordance with a method statement approved in writing by the Planning Authority;
- iii. An air quality assessment in accordance with a method statement approved in writing by the Planning Authority;
- iv. A safety assessment to address the risk from miss hit golf shots in accordance with a method statement approved in writing by the Planning Authority;
- v. An assessment of light spill, intrusion and source intensity/glare in accordance with a method statement approved in writing by the Planning Authority;
- vi. A design statement in accordance with Planning Advice Note 68 and which takes account of Scottish Government Planning Policy Statements Designing Places and Designing Streets; and
- vii. A Drainage Impact Assessment and Flood Risk Assessment to update the assessments undertaken in 2009; which should consider current legislation, policy, guidance and methodologies.

3. Prior to the commencement of any works in connection with the area covered by the particular brief (apart from the golf course) two development briefs, as detailed below shall be prepared for the further approval of the Planning Authority. The briefs shall specify:

- i. The height and appearance of all new structures;
- ii. The use of appropriate external materials including walls, fences and other boundary enclosures;
- iii. The surfacing of all new roads, parking areas, cycleways and footpaths;
- iv. The lighting of all streets and footpaths; and
- v. The maintenance of all open space and treed areas not included in private house plots.

The briefs shall be prepared for the following areas within the site:

- i. The areas proposed for private housing for sale; and
- ii. All other buildings within the site.

Once approved the development in respective areas shall be carried out in accordance with the approved briefs.

4. That prior to the start of any work on site an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phasing plan to be submitted as part of condition 1 ((a) iv) above. For clarification, the phasing plan will require to include conditions attaching to each phase as follows:-

Phase	Obligations	Rights (these rights will only be granted to allow construction on the houses to commence after the planning authority certifies that the corresponding phased obligation has been fully complied with)
Phase 1	Legally binding contract for the erection of the proposed five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant (for the avoidance of doubt the building warrant shall be for the entire building) and	Construct 35 private houses

	certificated completion of the foundations of the aforementioned hotel all to the written satisfaction of the planning authority. There shall also be legally binding contracts for the construction of the 18 hole championship golf course in accordance with a valid planning permission and for construction of the golf academy in accordance with a valid planning permission and building warrant.	
Phase 2	Certificated structural and practical completion, of the completed and operationally ready five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant and certificated completion of the golf course and golf academy to an operationally ready condition.	Construct a further 25 private houses
Phase 3	That there shall be in place a legally binding contract for the operation of the proposed five-star, 150 bedroom hotel and the aforementioned hotel shall be fully operational, there shall also be legally binding contracts for the operation of the golf course and golf academy and both shall be fully operational.	Construct all remaining private houses.

5. That no works in connection with the development hereby approved shall take place until such time as bonds have been concluded and lodged with the Planning Authority which shall be of sufficient value to ensure that:
  - i. The landscaping works required under conditions 1 ((b) iv) and 18 can be completed in full. The value of the bond shall be determined following approval of the landscaping works under the terms of that condition; and
  - ii. To ensure that any land on which works have been undertaken to construct the championship golf course can be restored in accordance with a scheme to be agreed by the Planning Authority. The value of the bond shall be determined following approval of the matters specified in condition 1 ((b) iv).
6. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until an application under s.75(2)(a) of the said Act to modify the Agreement made under s.75(1)(a) of the said Act among Angus Council; Alistair Graham Milne Forbes, Mrs Cynthia Bartow or Forbes; Michael Bartow Forbes and Gail Forbes (as the Partners of and Trustees for the Firm of Forbes of Kingennie); Michael Bartow Forbes and Gail Forbes and M B Forbes Limited (as the Partners of and Trustees for the Firm of M B Forbes & Company); Shank of Omachie Limited; Barclays Bank Plc and Michael Bartow Forbes, Gail Forbes and M B Forbes Limited (as Partners and Trustees for the Firm of M B Forbes & Company) relating to the land in respect of the Planning Permission 09/00695/OUT dated 4<sup>th</sup> and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 30<sup>th</sup>, both dates January 2012, has been approved and registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said modification will provide that:

- a) The modified obligation applies to the planning application permission hereby granted (registered with the Authority on 30 December 2015);
  - b) Clause FIFTH is amended to require a financial contribution to be paid towards primary and secondary school infrastructure in respect of every house that is not designated as an affordable housing unit amounting to the sum of £5,750 per unit for primary education and £5,100 per unit in respect of secondary education; and
  - c) Clause SEVENTH is deleted.
7. That foul drainage for the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water on each phase or zone of development prior to any works taking place in connection with that part of the development hereby approved. Thereafter the development shall be carried out in accordance with the approved details and no building shall be occupied until such time as it is connected to the public sewerage system.
  8. That no works in connection with the development hereby approved shall take place until details of the location and configuration of all sustainable urban drainage systems to be provided on site and the arrangements for the maintenance thereof, shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and Scottish Water.
  9. That no works in connection with the housing development hereby approved shall take place until details of the location and nature of public open space to be provided within this part of the development, at a minimum of 2.43 hectares per 100 head of population and to include play equipment, and arrangements for the provision and maintenance in perpetuity thereof, have been submitted to and approved in writing by the Planning Authority. Once agreed the scheme shall be carried out in complete accordance with the approved details.
  10. That prior to any works on the golf course commencing, an environmental management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall relate to both the construction and operational phases of the development and shall provide for the enhancement of the biodiversity of all habitats within the development and shall include full details of:-
    - i. Routing of the course including reference to tracks, paths and any other ancillary requirements;
    - ii. Specification of grass types, vegetation, seed mixes to be used and identification of planting areas;
    - iii. Compliance with best practice in relation to soil and turf stripping and storage including details of proposed storage areas;
    - iv. Identification of areas and methods of mitigation of habitat loss;
    - v. A phasing plan which specifies timing and duration of construction aspects for the golf course
    - vi. Management of areas of fairway, greens, tees, transition rough and rough;
    - vii. Water irrigation and abstraction rates;
  11. That prior to any works commencing on site a habitat management and enhancement plan incorporating mitigation and compensatory measures for birds, bats, otters, invertebrates and plants shall be submitted to and approved in writing by the Planning Authority. For bats the plan shall include the installation of 12 bat boxes at the locations identified in the submitted bat survey report.
  12. That the lodges hereby approved shall be occupied on a holiday letting or fractional ownership basis only and none of these units of accommodation shall be occupied by any group or individual for more than a total of 12 weeks in any one calendar year.
  13. That the hours of operation of the golf driving range shall be restricted to 0800-2100 hours Monday to Sunday inclusive.

14. That noise from any ventilation, extraction or refrigeration plant associated with the hotel, spa, golf clubhouse and golf academy shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 20 between 0700 and 2200 and NR curve 30 at all other times.
15. That all amplified music or vocals associated with the hotel, spa, golf clubhouse and golf academy shall be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premise with the receiver room windows partially open for ventilation.
16. That as part of the masterplan required by condition 1(a) ii) a plan shall be submitted to and approved in writing by the Planning Authority which sets out details of how public rights of access in accordance with the Land Reform (Scotland) Act 2003 will be met. The plan shall:-
  - i. Provide full details of the retention of core paths within the site;
  - ii. Integrate provision for public access across all sectors of the public who are participating in open air recreation – those at the resort, the visiting public and local residents;
  - iii. Show any routes proposed for public access and provide details of how these routes will be constructed and implemented;
  - iv. Provide details of maintenance proposals for any non-adoptable paths and access routes across the site.
17. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.
18. That the schemes of hard and soft landscaping which shall be submitted as required by condition 1 which shall include:
  - i. Existing and proposed finished ground levels relative to a fixed datum point;
  - ii. Existing landscape and vegetation to be retained;
  - iii. Existing and proposed services including cable routes and substations;
  - iv. The location of new trees, shrubs, hedges, grassed areas, and water features;
  - v. A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - vi. The location, design and materials of all hard landscaping including walls, fences, gates; any other means of enclosure, street furniture and play equipment;
  - vii. An indication of existing trees, shrubs and hedges to be removed;
  - viii. A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping which within a period of 5 years from the completion of the respective phase of development in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. No felling of trees shall take place during the bird breeding season (April – August).

19. That prior to commencement of use of any of the Phase 1 development bus lay-bys and bus shelters shall be provided at locations to be agreed in writing with the Planning Authority on the east and west sides of the B978. No works in connection with the development hereby approved shall take place until full details of the bus shelters and lay-bys has been submitted to and approved in writing by the Planning Authority.

20. That, the access position on the B978 Wellbank – Draffin Road as shown on the plans is not approved and the precise location shall be approved as part of condition 1 above.
21. That, prior to the commencement of any other works hereby approved, visibility splays shall be provided at the junction of the proposed main access with the B978 Wellbank – draffin Road, giving a minimum sight distance of 215 metres in each direction at a point 4.5 metres from the adjacent channel line of the B978 Wellbank –Draffin Road.
22. That before the new access onto the B961 Drumsturdy Road is brought in to use, visibility splays of 215 metres in each direction at a point 2.4 metres from the adjacent channel of the B961 Drumsturdy Road shall be provided in accordance with details that have been approved in writing by the Planning Authority.
23. That, prior to the commencement of any other works hereby approved, visibility splays shall be provided at the junction of the Omachie Farm access with Mattocks Road, giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the adjacent channel line of Mattocks Road.
24. That, prior to the commencement of house building adjacent to Mattocks Road, visibility splays shall be provided at the junction of the proposed accesses with the Mattocks Road, giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the adjacent channel line of Mattocks Road.
25. That, within the visibility splays detailed in Conditions 21 - 24 above, nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.
26. That, prior to the commencement of use of any of the Phase 1 development the junction of the existing access to Omachie Farm with Mattocks Road shall be improved/upgraded in accordance with the standards of Angus Council.
27. That, prior to the commencement of use of any of the Phase 1 development, accessed from the B978 Wellbank – Draffin Road, a footway shall be provided on the east side of the B978 Wellbank – Draffin Road between the site access and the south-west corner of the site ex adverso the B978 in accordance with the standards of Angus Council.
28. That, prior to the occupation of the first dwelling house adjacent to Mattocks Road, a footway shall be provided on the north side of Mattocks Road along the entire site frontage in accordance with the standards of Angus Council.
29. That prior to any works commencing on site for each phase or zone of development, a detailed construction method statement which takes account of the environmental management plan (condition 10) and the habitat management and enhancement plan (condition 11) shall be submitted to and approved in writing by the Planning Authority. The construction method statement shall, unless otherwise agreed in writing by the planning authority, include:
  - i. Details of buffer zones and public access arrangements during construction;
  - ii. Details of storage areas to be utilized during the construction period which shall not be on the site access road or any other access roads serving the development;
  - iii. Details of the installation of an effective wheel washing facility, which shall be retained in working order throughout the construction period and used so that no vehicle shall leave the site carrying earth and mud on its wheels in such a quantity that causes a hazard on the surrounding local road network;
  - iv. Details of dust suppression measures to be employed during the construction period;
  - v. Proposed hours of working;
  - vi. Details of any proposed construction access routes; and

- vii. Details of procedures for stopping work if bats are found during any of the proposed tree felling works.

Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provisions of the approved method statement, which shall be reviewed prior to the commencement of each phase of development and amended as required with the written approval of the Planning Authority and following appropriate consultation.

**The foregoing conditions are imposed by the Council for the following reasons:-**

1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. In order to ensure the provision of adequate information for the planning authority to consider the matters detailed in condition 1 above in the interests of safeguarding the amenity of nearby properties which may be affected by vibration, noise, light or ball strike, to ensure the operation of the adjacent quarry is not adversely affected, to ensure that the design and layout of the development can be adequately assessed and to establish that satisfactory drainage arrangements can be provided.
3. In order to give further consideration to those details which have still to be submitted.
4. In order to ensure the implementation and completion of the golf course resort components of the proposal, as these are the elements of the proposed development which the Planning Authority considers will bring economic benefits to the area.
5. To ensure the completion of the agreed landscaping scheme in the interests of the visual amenity of the area and to ensure that in the event that the championship golf course is not completed, the site can be restored to an appropriate condition.
6. To ensure the obligation applies to the extant permission (a); to ensure that the proposed development does not put undue pressure on the existing education facilities (b); and because this contribution is no longer considered necessary (c).
7. In the interests of public health and to prevent pollution.
8. To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.
9. To ensure that public open space is provided and maintained to an acceptable standard throughout the development.
10. In order to protect and enhance the biodiversity of the site.
11. In the interests of protecting the biodiversity of the site and to enhance habitats.
12. In order that the buildings are occupied as holiday accommodation only.
13. In the interests of the amenity of the area.
14. To prevent disturbance from noise.
15. To prevent disturbance from noise.
16. In order to promote compliance with Part I of the Land Reform (Scotland) Act 2003 and to secure and enhance existing public access.
17. To safeguard and record the archaeological potential of the area.
18. To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that tree felling works do not adversely affect protected species.
19. In order to ensure provision of suitable and safe infrastructure for public transport.
20. In the interests of road safety.
21. In the interests of road safety.
22. In the interests of road safety.
23. In the interests of road safety.
24. In the interests of road safety.
25. In the interests of road safety.
26. In the interests of road safety.
27. In the interests of pedestrian safety.
28. In the interests of pedestrian safety.
29. To ensure that all construction activity is undertaken so as to protect the biodiversity of the site and the amenity of neighbouring properties.

**The reason(s) for the foregoing decision by the Council are as follows:-**

1. The development is significantly contrary to the Development Plan; however, it would bring significant economic benefits and employment opportunities to the area and would provide much needed high quality hotel accommodation which would be of benefit to the future diversification of the Angus economy. Potential impacts associated with the development can be appropriately addressed and there are no material planning considerations that justify refusal of the application.

Dated this 28 April 2016

A handwritten signature in black ink, appearing to read 'Kate Cowey'.

Kate Cowey  
Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG

## **NOTES**

A Section 75 Legal Agreement is relevant to this permission. The terms or a summary of the terms to which this Agreement relates can be inspected at Angus Council, County Buildings, Market Street, Forfar, DD8 3LG.

### **List of Approved Drawings:**

Site Plan (drawing number: SK\_001 Revision B – received 8 December 2015)

Residential Phasing Masterplan (drawing number: 1994\_300 – received 24 November 2015) (for the housing zones only)

The decision was based on the following amendment(s):-

### **Amendments:**

The application has not been subject of variation.

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.**

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATI**

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### **Appendix 3 – Summary of Applicant Supporting Information**

The Updated Economic and Employment Impact Statement (2019) indicates that the development will result in a larger and more economically sustainable business across a number of sectors that will undoubtedly generate positive economic impacts and increased employment at a time of Brexit uncertainty and contraction in the wider economy. The development will impact positively on construction, hospitality, leisure, activities and a range of support industries in the region. It indicates that the development has been hampered by an economic environment (2009-2019) of unprecedented downturn, marginal recovery and further contractions since the EU membership referendum and the subsequent decision to leave the EU. The development will have an annual direct economic impact from trading of £13.9 million with a further indirect / induced impact of £18.3 million in the local, regional and national economy. The full development will generate a minimum of 132 core full time equivalent employment positions on site and a further 160 full time equivalent indirect and additional employment positions. The construction and development phase (which is scheduled over three years) would create a further 132 full time equivalent positions and 285 indirect and additional employment positions. The statement indicates that it is vital that planning consent is extended and the agreed investment that has been identified is allowed to come to the region and enabled through a supportive planning framework.

The Planning Statement indicates that a legally binding and unconditional contract for the purchase of the site was concluded in August 2018 but the purchaser does not have sufficient time left to assemble a design team, prepare and submit all of the required detailed information including detailed design of the proposed housing and obtain approval before 26 April 2019 when the extant planning permission in principle ref. 15/01045/PPPM is due to expire. It indicates that the application seeks to change the wording of condition 1, 4 and 6 to require the developer to proceed with development of the hotel and spa and/or golf course first and in advance of any residential development on the site. The statement suggests that there have not been any material changes in planning policy since permission 15/01045/PPPM was granted on 26 April 2016 and indicates that a draft version of the Angus Local Development Plan (adopted September 2016) existed at that time.

The Update Protected Species Survey (February 2019) seeks to confirm the position for such species having regard to the any changes in the period since the last studies were undertaken. The phase 1 survey undertaken in 2009 was used as the base for the updated appraisal, with further ground assessment being undertaken in December 2015 and January 2019. This report concludes habitat within the development in highly impoverished for bats due to intensive agriculture and the absence of significant boundaries with trees and hedges along which to commute or forage. Any adverse impact on local pipistrelle populations will be negligible, short term and will not have any likely adverse effect on the sustainability of the local populations. In the medium to long term the delivery of a golf course and its associated new woodland and scrub landscaping will enhance the foraging and commuting resource. It indicates that otter continue to use the Kingennie fishing pools and watercourses to the south of the development but suggests that development will not directly impact on the feeding resource or commuting corridors and providing water quality is maintained in the Buddon Burn, there will be no adverse effects on otters. There was no evidence of badgers or red squirrels at the site.

The Transport Assessment indicates that the site is easily accessible by foot and cycle from the village of Wellbank and an internal network of footways and cycleway facilities linking to the existing network in Wellbank will be provided. Local amenities such as the primary school, shop and restaurant can all therefore be reached on foot or by bike. The footway links will also provide access to the existing bus services on the B978 Kellas Road through Wellbank. There is sufficient opportunity to encourage the use of these modes for local trips.

The impact of the traffic generated by the development on the junctions located on the B978 at Mattocks Road, Poplar Drive and Drumgeith Road has been assessed through capacity analysis of each junction. The analysis showed that there is sufficient spare capacity at the Mattocks Road and Poplar Drive junctions to accommodate the development traffic. The B978 approach to the Drumgeith Road junction in Dundee is currently operating beyond its practical capacity. The impact of the development on the junction is, however, considered minimal.

The Assessment indicates that the impact of the development traffic on the local road network is negligible within Wellbank itself and also at Poplar Drive to the north of Dundee. Additional queuing is predicted on the B978 approach to the Drumgeith Road junction as a result of the proposed development. However, the overall impact of the proposed development on the adjacent road network

is considered minimal. The development can be accommodated on the local transport network without any significant detriment to existing users or requirement for mitigation works at off-site junctions.

The Applicant Statement in Support of Application sets out the progress made with the development since the last planning permission in principle in April 2016. It indicates that a number of parties have shown an interest in the development which ultimately resulted in an American based company signing an unconditional agreement in August 2018. That process took around two years to conclude. The company which has signed the agreement require more time to assemble a design team in order to be able to deliver a quality world class resort to purify the planning conditions attached to the permission. The Statement is supported by a solicitor's letter which confirms that there is a formal legally binding and unconditional contract between the Forbes Family and the investor in respect of the sale and purchase of the land comprising The Angus.

## Appendix 4 – Development Plan Policies

### Angus Local Development Plan

#### Policy DS1 : Development Boundaries and Priorities

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

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

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### Policy DS2 : Accessible Development

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

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o 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
- o 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:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o 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:

- o 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.
- o 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.

- o 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.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o 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:

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o 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:

- o the site is not allocated or protected for another use; and
- o 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:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o 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;

- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o 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
- o 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:

- o 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.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

### **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:

- o local housing needs (set out in the current Housing Needs and Demand Assessment);
- o physical characteristics of the site;
- o development viability; and
- o 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 TC8 : Community Facilities and Services**

The Council will encourage the retention and improvement of public facilities and rural services.

Proposals resulting in the loss of existing public community facilities will only be supported where it can be demonstrated that:

- o The proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or
- o The loss of the facility would not have an adverse impact on the community; or
- o The existing use is surplus to requirements or no longer viable; and
- o No suitable alternative community uses can be found for the buildings and land in question.

The Council will seek to safeguard rural services that serve a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations. Proposals for alternative uses will only be acceptable where it can be demonstrated that:

- o the existing business is no longer viable and has been actively marketed for sale as a going concern at a reasonable price/rent for a reasonable period of time;
- o the building is incapable of being reused for its existing purpose or redeveloped for an appropriate local community or tourism use; or
- o equivalent alternative facilities exist elsewhere in the local community.

New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

#### **Policy TC16 : Tourism Development**

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- o it has been demonstrated that the proposals cannot be located within a development boundary; or
- o there is a justifiable locational requirement for the development; and
- o the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- o that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- o that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

#### **Policy TC19 : Retail and Town Centre Uses**

Proposals for retail and other town centre uses\* over 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres (including in out of town locations) will be required to submit relevant assessments (including retail/town centre impact and transport assessments) and demonstrate that the proposal:

- o has followed a sequential approach to site selection, giving priority to sites within the defined town centre before edge of centre, commercial centre or out of centre sites which are, or can be made accessible;
- o does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- o tackles deficiencies in existing provision, in qualitative or quantitative terms; and
- o is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for retail and other town centre uses<sup>8</sup> under 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres may be required to submit relevant assessments (including retail / town centre impact, transport and sequential assessments) where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus.

\*Town centre uses include commercial leisure, offices, community and cultural facilities.

#### **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:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o 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
- o 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
- o 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 PV4 : Sites Designated for Natural Heritage and Biodiversity Value**

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- o an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- o there are no alternative solutions; and
- o there are imperative reasons of overriding public interest, including those of social or economic nature; and
- o compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice\* on the types of appropriate information and safeguards to be provided in support of planning applications.

#### National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- o the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- o any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- o mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

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

\* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at [www.snh.gov.uk](http://www.snh.gov.uk)

#### **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:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o 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:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o 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:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o 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;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o 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 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:

- o siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light;
- o the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- o 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:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o 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:

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

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and

- o 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:

- o use of flood resistant materials and construction techniques;
- o 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;
- o 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
- o 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 PV14 : Water Quality**

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

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

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

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

#### **Policy PV15 : Drainage Infrastructure**

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

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

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

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

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

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

#### **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 PV19 : Minerals**

Angus Council will protect existing mineral resources within Angus which are of economic and/or conservation value from other forms of development.

Proposals for new or extended mineral workings must demonstrate that the development is required to maintain, at least a 10 year land bank for aggregates or the development is required for the local, regional and/or national market that cannot be satisfied by recycled or secondary aggregates at existing workings.

Proposals will only be supported where:

- o impacts on the natural and built environment, amenity, landscape, visual amenity, air quality, water quality, groundwater resources, prime quality agricultural land, geodiversity, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions , a Section 75 agreement or other legal agreement; and
- o appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use.

#### **Policy PV20 : Soils and Geodiversity**

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

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o 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.

### **TAYplan Strategic Development Plan**

#### **Policy 1 Location Priorities**

##### **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.

#### Footnotes

*\*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 3 A FIRST CHOICE FOR INVESTMENT**

**Local Development Plans should:**

- A.** identify and safeguard at least 5 years supply of employment land\* to support the growth of the economy and a diverse range of industrial requirements;
- B.** identify and safeguard sites/locations for distribution and warehousing or industries with significant cargo movements adjacent/close to rail-heads and ports where appropriate;
- C.** further assist in growing the year-round economy including the role of the tourism and sporting and recreational sectors;
- D.** continue to support the development of the Strategic Development Areas set out in Map 3;
- E.** include (or cover in Supplementary Planning Guidance) Design Frameworks for all Strategic Development Areas where unless completed or not required. These should reflect the overall policy requirements of this Plan and from which master plans will be developed, reflecting in particular the 6 qualities of successful places advocated by Scottish Planning Policy.

#### Footnotes

*\*Land for employment includes Classes 4 (business), 5 (General Industrial) and 6 (storage and*

*distribution) from the Use Classes (Scotland) Order (1997). The location of some of these is considered as part of the town centres first approach in Policy 5.*

#### **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 5 TOWN CENTRES FIRST**

##### **To protect and enhance the vitality, viability and vibrancy of city/town centres:**

**A. strategies, plans, programmes and development proposals should** focus land uses that generate significant footfall in city/town centres defined in the network of centres (below) ahead of other locations (including retail, commercial leisure, offices, community and cultural facilities, civic activity and, where appropriate public buildings such as libraries, education and health care facilities). Other land uses including residential, hospitality and catering, events and markets should be encouraged in town centres.

##### **B. Local Development Plans should:**

- i.** identify specific boundaries, where appropriate, for each city/town centre, local centre and commercial centre in the network (below); including those subsequently identified in Local Development Plans;
- ii.** specify the appropriate functions that can take place at individual commercial centres; and,
- iii.** identify any other town centres and commercial centres, as appropriate; this will be particularly likely in larger, multi-centre settlements such as Dundee, Perth and Arbroath.

**C. Local Development Plans and planning decisions should** recognise that hospitality, catering and leisure facilities play a prominent role in supporting the visitor function of settlements and in the daytime and evening economy of all centres. They should also support improvements to town centres that enable events, festivals or markets to take place and which improve the general maintenance, character and wellbeing of the centre.

**D. planning decisions for land uses that generate significant footfall should** be based on the sequential priority (below – taken from Scottish Planning Policy) and other local considerations as appropriate.

#### **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 7 ENERGY, WASTE AND RESOURCES**

**To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:**

- A. Local Development Plans should** identify areas that are suitable for different forms of energy, waste and resource management infrastructure\* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.
- B. Strategic Waste management infrastructure**, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).
- C. Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may** take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.

**D. Local Development Plans and development proposals should** ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:

- i.** The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;
- ii.** Waste management proposals are justified against the *Scottish Government's Zero Waste Plan (2010)* to support the delivery of the waste management hierarchy, and, *Safeguarding Scotland's Resources (2013)*;
- iii.** Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;
- iv.** Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;
- v.** Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;
- vi.** Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;
- vii.** Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;
- viii.** The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;

- ix. Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,
- x. Consistency with the National Planning Framework and its Action Programme.

*Footnote \*Energy, waste and resource management infrastructure: Infrastructure for heat and power generation, storage, transmission; for collection, separation, handling, transfer, processing, resource recovery and disposal of waste; and; for exploration, extraction, transfer, distribution and storage of solid, liquid or gas minerals. This includes recycling plants, biological/thermal/mechanical processing, energy from waste plants, wind turbines (including repowering), geo-thermal heat, biomass plants, combined heat and power plants, solar power, hydroelectric power plants, quarrying and mining equipment, unconventional gas and oil extraction equipment, electricity transmission lines, oil and gas pipelines (including carbon capture and storage), solid mineral sorting and transfer facilities.*

## **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.

### **GREEN NETWORKS**

**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.

### **Footnote**

\*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 TAYPLAN'S 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.