

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 27 OCTOBER 2020

**PROPOSAL OF APPLICATION NOTICE
LAND EAST OF SUMMERHILL HOUSE, GARDYNE, GUTHRIE, FORFAR
GRID REF: 356504 : 746896**

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report advises Committee that a Proposal of Application Notice (ref: 20/00638/PAN) has been submitted in respect of a major development comprising the erection of two 32,000 capacity free-range hen sheds and associated infrastructure at Land East of Summerhill House, Gardyne, Guthrie, Forfar for Cononsyth Farms Ltd. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

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

3.2 A PAN (ref. [20/00638/PAN](#)) has been received. It indicates that an application for planning permission is to be submitted for the erection of two 32,000 capacity free-range hen sheds and associated infrastructure incorporating drainage and an access track at Land East of Summerhill House, Gardyne, Guthrie, Forfar. The proposed development site measures 6.5ha (approx.) and comprises class 2 (prime) arable land. A plan showing the outline of the site on which the development is proposed has been submitted and is attached at Appendix 1. The submitted information indicates the dimensions of the hen sheds and shows that they would be 152m in length, 20m in width and would be 6.6m in height.

3.3 The proposal constitutes Environmental Impact Assessment (EIA) development as it would fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 by virtue of the number of places for hens proposed. In circumstances where in excess of 60,000 places for hens are proposed, an EIA is automatically required. The applicant has indicated that a Scoping Opinion request will be submitted in order to establish those matters that should be considered through the EIA process.

- 3.4 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with the local community and the applicant has indicated that a copy of the PAN was served on Frickheim & District Community Council. The PAN is also to be issued to all residential properties within 1km of the development site. Due to the COVID-19 emergency it is not currently possible to hold public meetings and the submitted PAN indicates all documents pertaining to the development will be published on a publicly accessible website and at least one live and interactive web-based consultation event lasting two hours will also be undertaken.
- 3.5 The applicant's agent has been advised that a planning application cannot be submitted prior to 4 December 2020 (the date 12 weeks from the submission of the valid PAN).
- 3.6 Members are advised that the Scottish Government has put in place legislation to temporarily suspend the requirement for a public event in relation to Pre-Application Consultation (PAC). It has also published guidance on how pre-application consultation should be undertaken without the need for public gatherings. The proposed consultation arrangements are considered to meet with the requirements of the temporary legislation. It is recommended that a copy of the PAN be served on Letham & District Community Council and that any questions and answers are published on the accessible website. The results of the community consultation will be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as required by Development Management Regulations.

4. DISCUSSION

- 4.1 Members are aware that planning legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, compatibility with the development plan will be a key issue in relation to any planning application that is submitted for the development of this land.
- 4.2 The application site is not located within a development boundary as defined by the [Angus Local Development Plan](#) (ALDP) and is not allocated or otherwise identified for development by that Plan.
- 4.3 Policy DS1 of the ALDP is generally supportive of development proposals outwith development boundaries where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.
- 4.4 In this case the proposed development would involve the loss of prime agricultural land (Policy PV20); it would introduce a use that could generate odour and noise in proximity to existing residential uses (Policy DS4) and it would have impacts on the landscape (Policy PV6). Any planning application for the proposed development on the site would be required to demonstrate that: -
- The loss of prime agricultural land is compatible with Policy PV20;
 - The environment and amenity of existing properties and neighbouring land uses are not unacceptably affected; and
 - The site is capable of accommodating the proposed development without having any adverse landscape and visual effects.
- 4.5 If the issues identified at paragraph 4.4 above are adequately addressed, other policies in TAYplan and the ALDP, including those that deal specifically with protection of amenity; natural and built environment; access and infrastructure would also be relevant. The key issues arising from those policies would include: -
- Acceptability of the proposed layout and design of buildings and proposed landscaping;
 - Impact on the built environment and heritage interests;
 - Impact of the development on natural environment, including habitats and ecology;
 - Impact on the water environment, including flood risk;
 - Impacts on infrastructure, including public road network;
 - Socio-economic impacts;
 - Any opinions expressed on the proposal by statutory and non-statutory consultation bodies;
 - Any third-party representations that raise material planning issues.

4.6 While other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage and that are likely to be determining factors for any subsequent planning application. However, Members are invited to identify any additional material planning considerations that it would wish to see addressed.

5. OTHER IMPLICATIONS

The human rights implications associated with the proposal will be considered in the determination of any subsequent application for planning permission.

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

DATE: 09 OCTOBER 2020

APPENDIX 1: LOCATION PLAN
APPENDIX 2: COMMITTEE PRESENTATION