

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 DECEMBER 2020

**PROPOSAL OF APPLICATION NOTICE
FIELD IMMEDIATELY WEST OF NORTH MAINS OF CONONSYTH FARM, CONONSYTH,
ARBROATH
GRID REF: 357269 : 746890**

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report advises Committee that a Proposal of Application Notice (ref: [20/00811/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 Field immediately West of North Mains of Cononsyth Farm, Cononsyth, Arbroath 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. [20/00811/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 Field immediately West of North Mains of Cononsyth Farm, Cononsyth, Arbroath. The proposed development site measures around 55ha and comprises class 3.1 (prime) and 3.2 (non-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 provides indicative dimensions of the hen sheds and shows that they would be 110m in length, 24m in width and would be 6.6m in height. An indicative plan has been submitted that identifies the proposed location of the buildings within the site.

3.3 The proposal constitutes Environmental Impact Assessment development. a scoping opinion has been issued that establishes the matters that should be considered through the environmental impact assessment process (ref: [20/00694/EIASCO](#)).

- 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 Letham & 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 12 February 2021 (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 publicity of the public event be placed in Friockhub community facility and any questions and answers are published on the accessible website. At this time Friockheim Community Council is not constituted but should it be reconstituted in the period leading up to the submission of a planning application they should be notified of the PAN. 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.
- 3.7 A previous Proposal of Application Notice (ref: [20/00638PAN](#)) for a similar development at this general location was reported to the Development Standards Committee on 27 October 2020 (Report No. [251/20](#) refers). At that time the proposed site was identified as land east of Summerhill House, Gardyne, Guthrie, Forfar. The development site has subsequently been increased in size from around 6.5ha to 55ha and now includes additional land that forms the outdoor space for the hens and the location of the proposed hen sheds have been relocated around 60m to the east hence the submission of a new PAN.

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 unacceptable 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 Committee should note that during its consideration of the previous PAN proposing similar development at this general location it indicated that the following matters should be considered: -

- Publicity of the public event to be placed in Friockhub community facility;
- Issues relating to waste and food storage;
- Full assessment of environmental impacts and appropriate mitigation (this will be addressed through the EIA);
- Opportunities to work with local schools as an education resource.

The applicant was advised of those matters in relation to the previous PAN and they will be reiterated in relation to this PAN.

4.7 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, Committee is 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.

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: PLANNING SERVICE PRESENTATION