

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 14 SEPTEMBER 2021

LAND NORTH OF PIPERDAM DRIVE, PIPERDAM DRIVE, PIPERDAM, FOWLIS – RESPONSE TO WRITTEN PROCEDURE NOTICE

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider the responses by the applicant, Forest Energy Scotland Ltd, and the planning authority in respect of a Written Procedure Notice issued following the Committee's consideration of the application for review at a meeting held on 22 June 2021.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the applicant as contained within Report No 173/21 (previously circulated) and the response to the Written Procedure Notice (**Appendix 2**); and
- (ii) review the case submitted by the planning authority as contained within Report No 173/21 (previously circulated) and the response to the Written Procedure Notice (**Appendix 3**).

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. CURRENT POSITION

The Development Management Review Committee (DMRC), at its meeting on 26 May 2021, considered an application for a Review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of farm shop, restaurant, café building, dwellinghouse for staff accommodation, biomass heating plant and associated works, application No 20/00408/FULL, at Land North of Piperdam Drive, Piperdam Drive, Piperdam, Fowlis (Report No 173/21 refers), and agreed to undertake an unaccompanied site visit. The site visit was subsequently held on 16 June 2021. Following the site visit, the DMRC met on 22 June 2021 and determined that they required further written information and agreed that the applicant, Forest Energy Scotland Ltd, be requested to provide further representations or information in respect of the following:-

- (i) the proposal would affect trees that may have some habitat value and in this respect the applicant should submit an ecological survey that considers amongst other things the potential presence of protected species, including bats. Any survey should be undertaken by a suitably qualified and where appropriate licensed surveyor, having regard to relevant best practice guidance;
- (ii) a detailed drawing to be submitted which accurately plots all existing trees, identifies which trees have to be removed in order to provide the necessary road and improvements including site access, visibility sightlines, improvements to the A923 and the new footway from the proposed access to Piperdam Drive. The drawing

should also accurately plot where new, replacement planting will be located taking account of the necessary road improvements previously stated; and

- (iii) a copy of the information required should be submitted to the Director of Legal and Democratic Services by Friday 6 August 2021, with a copy to be provided to the Planning Authority and NatureScot.

A copy of the Written Procedure Notice together with the information requested from the applicant is attached at Appendices 1 & 2. A copy of the response received from the planning authority is attached at Appendix 3. Members are also advised that NatureScot have indicated that they have no comments to make.

The Committee is now invited to determine the appeal unless it requires further procedure.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

6. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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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List of Appendices:

Appendix 1 – Written Procedure Notice

Appendix 2 – Applicant Response to Written Procedure Notice

Appendix 3 – Planning Authority Response to Written Procedure Notice