

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 19 OCTOBER 2021

PLANNING APPLICATION – NORTH MAINS OF CONONSYTH, ARBROATH, DD11 3SA

GRID REF: 357390:747016

REPORT BY SERVICE LEAD – PLANNING AND SUSTAINABLE GROWTH

Abstract:

This report deals with planning application No [21/00024/FULL](#) for the installation of a 900kW biomass boiler system and associated works including the installation of a 12.7m flue at North Mains of Cononsyth, Cononsyth, Arbroath, DD11 3SA by Cononsyth Farms Ltd. The application is recommended for approval subject to conditions.

1. RECOMMENDATION

It is recommended that the planning 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. INTRODUCTION

3.1 Planning permission is sought for the installation of a 900kW biomass boiler system and associated works including the installation of a 12.7m flue at North Mains of Cononsyth, Cononsyth, Arbroath. A location plan is provided at Appendix 1.

3.2 North Mains of Cononsyth is an agricultural building complex located around 2.5km northeast of Redford and a similar distance to the southwest of Friockheim. The site is surrounded by agricultural buildings and land. The buildings at the northwest of the complex currently contain three existing biomass boilers and biomass production is currently taking place at the farm. Report 319/21 deals with a retrospective application that seeks to regularise that development.

3.3 The application involves installation of a boiler and erection of a flue on an existing building located within the complex of farm buildings. The flue associated with the new boiler would measure around 12.7m in height from ground level and 0.5m in diameter. It would protrude around 8.3m from the roof of the agricultural building and would be around 1.3m higher than the ridge of the highest neighbouring agricultural building to the east. The boiler would be located within an existing building and would be fully enclosed. It is indicated that the boiler is required to provide additional seasonal drying capability for agricultural products.

- 3.4 The proposal was amended to increase the height of the flue from 10.5m to 12.7m above ground level.

4. RELEVANT PLANNING HISTORY

4.1 During consideration of this application it became apparent that other development had taken place at North Mains of Cononsyth without the requisite planning permission. This was raised with the applicants and their agent and planning application [21/00550/FULL](#) has been submitted and is subject of report 319/19. That application seeks to regularise the use of farm buildings, land, and equipment for the purposes of biomass production, installation of three existing boilers and the formation of a district heating network serving farm buildings and the farmhouse within the North Mains of Cononsyth complex.

4.2 Planning application [21/00337/FULM](#) was submitted earlier this year for the erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping. The sheds proposed in that application would be located around 500m to the west of North Mains of Cononsyth. That application remains under consideration.

5. APPLICANT'S CASE

5.1 An Air Quality Impact Assessment was submitted which considers the air quality impacts associated with the operation of the boiler units and flue stacks and assesses impacts on nearby sensitive receptors. The assessment considers the impact of emissions from the proposed and existing boiler installations of nitrogen dioxide (NO₂) and particulate matter (in the PM₁₀ and PM_{2.5} fractions). The assessment indicates that in relation to human health impacts: -

- the predicted annual mean or relevant percentiles of short-term average concentrations at receptors were significantly less than each of the respective NO₂, PM_{2.5}, and PM₁₀ air quality objectives; and
- the site is not forecast to result in the exceedance of any air quality standards or guidelines at relevant receptors.

The assessment concludes that there are no significant impacts due to air pollution at any relevant exposure location.

5.2 Two technical documents including a Renewable Heat Incentive Emissions Certificate – Biomass Boiler and a Heizomat Boiler Brochure were also submitted in support of the planning application. The Renewable Heat Incentive Emissions Certificate indicates that the boiler would be fuelled by woodchip.

5.3 A supporting statement was submitted and it provides some information on the existing the biomass production operation and indicates that additional seasonal drying capacity is required as the business has a contract to farm an additional 500 acres of arable land which will increase the requirement for crop drying. The statement indicates amongst other things that:-

- deliveries of timber would take place on average 16 times per year.
- chipping is carried out by an external contractor approximately 6 times per year and the additional biomass boiler would require an additional 2/3 days of chipping.
- if the poultry shed plans comes forward, the boiler would also have additional thermal capacity to provide energy to the poultry sheds, but the boiler is required in any case.

5.4 All supporting information can be viewed on the council's [public access](#) website.

6. CONSULTATIONS

6.1 **Angus Council Environmental Health** – confirmed no objection in relation to the proposal subject to conditions which would restrict the type of biomass boiler model and fuel which could be utilised and burned within the system; which would restrict the diameter and height of the flue; and would restrict the noise levels which could be generated by the system.

6.2 **Angus Council Roads** – confirmed no objection.

6.3 **Scottish Water** – no response from this consultee.

6.4 **Community Council** – the application was included on the consultation list sent to all community councils. No community council has offered comment.

7. REPRESENTATIONS

7.1 Fourteen letters have been received objecting to the planning application. The letters are provided at Appendix 2 and can also be viewed in full on the council's [public access](#) website.

7.2 The following matters have been raised and are discussed at Planning Considerations: -

- proposal is contrary to the Angus Local Development Plan;
- adverse amenity impacts associated with noise, smell, air quality reduction, and visual impact, and adequacy/accuracy of supporting information and assessments;
- adverse health impacts associated with particulate emissions;
- adverse impacts associated with additional vehicular traffic;
- the proposal along with additional plans to develop two large poultry sheds would result in the overdevelopment and industrialisation of the rural area;
- the proposal would increase the risk of localised flooding;
- biomass is not a sustainable form of energy production.

7.3 Other matters raised are addressed below: -

- very limited public consultation has been undertaken – neighbour notification is undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The planning application did not require to be advertised in the local press in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. However, details of the application have been published on the council's Public Access system. There was no requirement for the applicant to undertake any form of public consultation prior to the submission or during the determination process of the planning application.
- the proposal may require a permit from Scottish Environment Protection Agency under the Pollution Prevention and Control (Scotland) Regulations 2012 (as amended) – this is a matter for the Scottish Environment Protection Agency and is not relevant to the determination of this application.
- the proposal would have a negative impact on the market value of property – the planning system does not exist to protect the interests of one person or business against the activities of another. The impact, whether positive or negative, which a proposal may have on the market value of property does not constitute a material planning consideration.
- the proposal should be considered in conjunction with the proposed chicken sheds and may give rise to cumulative impacts in association with that

development – this a separate and standalone application for planning permission for a biomass boiler and associated development. While the supporting information suggests that the biomass boiler would have the capacity to provide heat to the poultry development should it come forward, it is also clear from the information submitted that the apparatus is required in connection with an additional 500 acres of arable land which the operation has taken on, which will increase the requirement for grain and cereal crop drying capacity.

- Issues associated with the operation of the biomass production facility and the potential for its expansion – there is a separate application that seeks retrospective planning permission for the biomass production facility, district heating system and associated biomass boilers and issues regarding that application are addressed in report 319/21.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

- TAYplan (Approved 2017) (TAYplan); and
- Angus Local Development Plan (Adopted 2016) (ALDP).

8.3 The relevant policies are provided in Appendix 3 and have been considered in the preparation of this report.

8.4 The site is not located within a development boundary and is not allocated or otherwise identified for development within the ALDP. Policy DS1 states that 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.

8.5 Policy TC15 of the ALDP indicates that proposals for employment development outwith development boundaries will only be supported where the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and where the development represents rural diversification and is to be used for agriculture or uses which by their nature are appropriate to the rural character of the area. It requires the proposed use to be acceptable at the location, and consideration of impacts on the built and natural environment, amenity, access, and infrastructure. Policy PV9 relates to renewable and low carbon energy development and indicates that proposals will be supported in principle where they satisfy a number of identified criteria. In addition to those listed above, consideration is required in respect of landscape and visual impact (including cumulative impacts with other development); aviation, defence, seismological or telecommunications facilities; water environment; and site restoration. The council's Renewable and Low Carbon Energy Development Supplementary Guidance (2017) contains relevant planning considerations for biomass developments which are similar to those listed above.

8.6 The biomass boiler would be used for purposes directly related to the agricultural activity that takes place at the farm complex, specifically for the air drying of agricultural crops. There is a rationale for the biomass boiler to be located at the site and information has been provided to indicate why additional capacity is required. There is a clear locational justification for the biomass boiler.

8.7 The biomass boiler would be housed in an existing building contained within the farm complex and the proposed flue would be seen in the context of those

agricultural buildings. The visual impact associated with the flue would be minimal and it would not look out of character in a working farm complex. There are existing flues at the site and those are subject of a separate application for retrospective planning permission. However, the cumulative visual impact of the flues would not be significant in the context of the location and the nature of existing buildings within the farm complex.

- 8.8 The closest residential property to the site is the farmhouse at North Mains of Cononsyth which is located directly south of the complex of farm buildings. It is in the ownership and control of the applicants. The closest dwelling unrelated to the operation is located more than 200m from the building that would contain the proposed biomass boiler and associated flue. The submitted air quality assessment considered the impact of emissions associated with the boiler and flue proposed by this application, and the existing biomass boilers and flues on site. It indicates that the development would not result in the exceedance of any air quality standards and there would be no significant impacts due to air pollution at any relevant exposure location. The environmental health service has considered the content of that information and is satisfied impacts on air quality and amenity in general are not significant and could be appropriately controlled by planning conditions which restrict the type of biomass boiler model, limit the type of fuel to be burned, control the stack height of the boiler flue, and restrict noise levels which could be generated by operation.
- 8.9 There is no evidence to suggest that the installation and operation of the boiler and associated flue would give rise to any significant impact on built or natural heritage interests. That conclusion is not altered by the presence of the existing biomass equipment and operations at the site. Material would be delivered to fuel the boiler, but this is an operational farm where there are regular vehicle movements associated with delivery and dispatch of agricultural produce. The roads service has raised no concern regarding the suitability of the access and there is no evidence of significant impact on other infrastructure in the area. The presence of the existing biomass operation at the site and associated delivery and dispatch of material does not alter that conclusion.
- 8.10 The scale and nature of the development would not give rise to any significant issues in terms of the character of the landscape or pattern of development. It does not adversely impact the built or natural environment, amenity impacts would not be significant, suitable and safe access is available, and there would be no meaningful impact on other infrastructure in the area.
- 8.11 The installation of a biomass boiler and flue within a building that forms part of an established farm complex does not give rise to any significant issue in terms of policies that seek to safeguard prime quality agricultural land. In any event, council policy allows development on prime agricultural land where it constitutes renewable energy development. The development would not adversely affect the viability of the farm unit; on the contrary it is likely to support its viability.
- 8.12 The proposal does not give rise to any other significant issues in terms of development plan policy or relevant council guidance and it is of a scale and nature appropriate for the location. The proposal complies with the development plan.
- 8.13 In addition to the development plan it is relevant to have regard to other material considerations. In this case material considerations include relevant planning matters raised in letters of objection and Scottish Government policy and guidance.
- 8.14 The concerns regarding emissions and amenity impacts associated with the development are noted. However, the council's environmental health service has reviewed all information submitted in support and in objection to the application. While some discrepancy in supporting information has been identified, it is satisfied that

emissions associated with the proposal would not exceed relevant criteria and that impact on amenity can be controlled by planning conditions. That conclusion has regard to the presence of the existing biomass operations that currently take place at this location and issues related to cumulative impact. It is also recognised that biomass boilers have been used at this general location for several years and there is no record of complaint in relation to that use. The conditions proposed would not eliminate emissions associated with the development but should ensure that they would be within acceptable limits.

- 8.15 There is significant concern regarding the planning application for the poultry sheds to the west of the site. However, that application remains undetermined. Any decision in relation to this application will be considered in the future determination of that application, but for the reasons set out above the landscape and visual impacts, and the impacts on prime agricultural land associated with this proposal are not considered unacceptable in isolation or in combination with the existing biomass development at the location. Conditions proposed below would restrict the feedstock that can be used for the biomass boiler.
- 8.16 The junction between the site access and the public road is long-established and is located where there is reasonably good visibility in both directions. The roads service has indicated that it has no objection to the application, and it is satisfied that the proposal does not give rise to significant road safety issues. That conclusion has regard to cumulative impact associated with existing operations at the farm. The junction is well used by agricultural vehicles throughout the year and there is no evidence that this activity, or any activity associated with the ongoing biomass production operation at the site has given rise to significant road safety issues.
- 8.17 The site is not located within an area which is identified on SEPA maps as being at risk from flooding. The nature of the development is not one that is particularly sensitive or vulnerable to flooding, and the scale and nature of the proposal is such that it is unlikely to result in any significant impacts upon the water environment or increase the risk of flooding.
- 8.18 Woody biomass is recognised as a sustainable means of generating heat and the applicants have provided evidence of a renewable heat incentive emissions certificate relating to the proposed boiler. The applicants have also indicated that all timber comes from FSC managed forests and is generally sourced from local suppliers. It is indicated that the use of woody biomass avoids the need to utilise less sustainable forms of heat production to dry crops, specifically diesel and kerosene. Scottish Government recognises woody biomass as a potential source of renewable heat.
- 8.19 Those making representation have indicated that there are errors and inconsistencies in the information submitted in support of this application. These matters have been taken into account in the assessment of the application and in the preparation of this report, but they do not materially affect the acceptability of the proposal having regard to its overall scale and nature, its location on a working farm and relationship to neighbouring property, and the advice of consultees.
- 8.20 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this application. However, the installation and use of woody biomass boiler to assist crop drying associated with an established agricultural business would contribute towards sustainable development. There are no adverse impacts which would significantly

and demonstrably outweigh the benefits of the proposal when assessed against the wider policies in the SPP.

- 8.21 In conclusion, the proposal provides for the installation and operation of a biomass boiler and associated flue within an existing farm complex to assist in the drying of crops associated with an established agricultural business. The site benefits from reasonable separation to neighbouring property and the scale and nature of the development is appropriate in association with an agricultural operation in a rural area. Consultees have raised no objection regarding the operation and available information indicates that it could operate, and operate in association with existing biomass activities at the site, without significant adverse impact on the character, amenity, or environment of the area, and without adverse impact in relation to road safety or infrastructure. In that respect the proposal is compatible with relevant policies of the development plan. The application has attracted objection and the matters raised have been considered by consultees and have been taken into account in the preparation of this report. Where appropriate conditions are proposed to deal with issues raised in the representations, but there are no matters that justify refusal of planning permission. The proposal is compatible with the relevant provisions of the development plan and there are no material considerations that justify the refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, 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 recommendation 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.

10. CONCLUSION

It is recommended that the application be approved for the following reason and subject to the following conditions:

Reason(s) for Approval:

The development provides for the installation and operation of a biomass boiler and associated flue to assist crop drying for an existing agricultural business. It complies with the relevant policies of the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material planning considerations that justify the refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The biomass boiler system hereby approved, shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that tested for in the Renewable Heat Incentive Emissions Certificate as detailed in the information supporting this application. The biomass boiler is restricted to the make and model specified

in the documentation supporting this application or such other type of replacement boiler as may be approved by the Planning Authority following submission of information to demonstrate that it would result in the same or reduced concentrations of NO₂, PM_{2.5} and PM₁₀ as set out in the COGEO Air Quality Impact Assessment for North Mains of Cononsyth Version 1.1 dated 01/06/2021.

Reason: In order to ensure that the biomass boiler is operated in a way which does not result in unacceptable air quality impacts on occupiers of surrounding residential properties.

2. All emissions into the atmosphere from the biomass boiler system shall be discharged vertically from a flue measuring 0.5m in diameter and 12.7m in height above ground level.

Reason: In order to ensure that the biomass boilers are operated in a way which does not result in unacceptable air quality impacts on occupiers of surrounding residential properties.

3. Noise from any plant or equipment associated with the development hereby approved shall not exceed Noise Rating Curve 30 between 0700 and 2300 and Noise Rating Curve 20 at all other times, as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

Reason: In order to safeguard residential amenity from excess noise caused by plant or equipment within the site.

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 a material extent in preparing the above report.

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Appendix 1: Location plan
Appendix 2: Letters of representation
Appendix 3: Relevant development plan policies