

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 FEBRUARY 2023

PLANNING APPLICATION – FIELD 530M WEST OF NORTH MAINS OF CONONSYTH
FARM CONONSYTH ARBROATH
GRID REF: 356912 : 746847

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [21/00337/FULM](#) submitted by Cononsyth Farms Limited 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 at a field 530m west of North Mains of Cononsyth Farm, Cononsyth, Arbroath. 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. INTRODUCTION

3.1 Full planning permission is sought 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 at a field 530m west of North Mains of Cononsyth Farm, Cononsyth, Arbroath. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to around 55ha. It comprises predominantly agricultural land with associated woodland and hedgerows. Surrounding land is predominantly in agricultural use but there are several residential properties located around the site's perimeter. The landform is gently sloping with a minimum elevation of around 110m AOD and a maximum elevation of around 135m AOD. The existing farm complex at North Mains of Cononsyth is located adjacent to the southeast corner of the application site with the U467 Pressock – Cononsyth public road bounding the site to the west. There are other individual, and groupings of houses close to the boundary of the site.

3.3 The proposed hen sheds would be located around 430m to the east of the U467 and would each house 32,000 hens (64,000 birds in total) and would be sited on a concrete apron. The sheds would be 110m long, 24m wide and 6.7m to roof ridge. A packing house 12m long, 24m wide and 7m to roof ridge is proposed to occupy the space between the sheds at their western end with 2 feed silos located to the north and 2 feed silos located to the south of the packing house. The area covered by the

hen sheds, packing house and concrete apron would amount to around 1.2ha. A 40ha external range is proposed around the hen sheds which is enclosed by post and wire fencing with landscape planting also incorporated into the range and around its perimeter. A private drainage system would be used to treat foul water. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage Systems (SUDS) with an attenuation basin located to the north of the proposed sheds. Access to the site is proposed to be taken from the U467 to the west, with a new track running east from the public road along the south of Summerhill Wood. The proposal also incorporates an informal pathway from Summerhill Wood around the external fenced range area to the existing track at Fairfield Mains.

- 3.4 The application has been varied to increase the size of the free-range area from 32ha to 40ha.
- 3.5 The application is supported by an Environmental Impact Assessment Report (EIA Report) and constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application and the EIA Report have been subject of statutory advertisement in the local press.

4. RELEVANT PLANNING HISTORY

- 4.1 An initial Proposal of Application Notice (Application Ref: [20/00638/PAN](#)) for the erection of two 32,000 capacity free-range hen sheds and associated infrastructure on an area of the application site was considered by committee at its meeting on 27 October 2020 (Report No. [251/20](#)). A further Proposal of Application Notice (Application Ref: [20/00811/PAN](#)) in respect of the erection of two 32,000 capacity free-range hen sheds and associated infrastructure including an external range at the site was considered by committee at its meeting on 15 December 2020 (Report No. [323/20](#) refers). Committee noted the key issues identified in the reports and requested that an application should contain information in relation to animal and human health and information related to management of site for matters such as avian flu.
- 4.2 A number of planning applications have been approved for developments at North Mains of Cononsyth Farm which include agricultural buildings, a wind turbine and biomass boiler systems but those have no direct bearing on the determination of the current application.

5. APPLICANT'S CASE

- 5.1 An EIA Report along with a Non-Technical Summary (NTS) has been submitted in support of the application. The EIA Report includes several technical appendices that include detailed mitigation measures. It comprises the following chapters: -
 - 1. Introduction;
 - 2. Description of the proposal;
 - 3. Site selection considerations;
 - 4. Development specifications;
 - 5. EIA process information;
 - 6. Landscape and visual impact assessment;
 - 7. Historic environment assessment;
 - 8. Ecology;
 - 9. Air Quality;
 - 10. Odour;
 - 11. Noise;
 - 12. Hydrology;
 - 13. Access and transport;
 - 14. Pollution prevention and environmental management; and
 - 15. Scoped out topics.

- 5.2 A Manure Management Statement was submitted as an EIA Report Addendum and is accompanied by a NTS.
- 5.3 The following supporting information has also been submitted: -
- Pre-application Consultation Report;
 - Planning Statement;
 - Design and Access Statement;
 - Response to SEPA consultation;
 - Response to letters of objections; and
 - A Statement of compliance with NPF4
- 5.4 The EIA Report, associated NTS and other supporting information listed above is available to view on the council's [Public Access](#) system and a copy of the NTS is provided at Appendix 2. The other supporting documents are also available on the [Public Access](#) system and are summarised at Appendix 3.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has considered impacts on the local road network including access, accidents, construction and operational vehicle movements. Having regard to mitigation measures including the formation of passing places on the U467; submission of a construction traffic management plan (CTMP), and the provision of suitable visibility splays, there should be no unacceptable impacts on the local road network as a result of this proposal. Appropriate vehicular access is to be constructed off the unclassified road as per the submitted plans, with bound material ensuring no damage to the existing carriageway edge. Whilst the operation of the hen sheds requires the movement of heavy goods vehicles along the U467 rural roadway, movements to and from the site will be scheduled to take place outside of the usual morning and afternoon peak hours. HGV vehicle movements during the operation of the development will be low. The proposed mitigating measures will provide a long term and lasting benefit to all road users. Planning conditions are recommended to secure the required mitigation. No objection is offered in relation to flooding and surface water drainage.
- 6.2 **Angus Council – Environmental Health** – has assessed information in relation to air quality and noise associated with the proposed development. In relation to air quality impacts environmental health is satisfied that impacts on the closest residential receptors would be negligible. In relation to noise the service is satisfied that emissions from the proposed development would not significantly impact on residential amenity. Planning conditions are suggested to deal with matters related to noise and odour. *Issues related to manure management have been addressed through the submission of additional information.*
- 6.3 **Scottish Environment Protection Area (SEPA)** – has offered no objection to the application and has advised that the proposal falls under the Pollution Prevention and Control (PPC) Regulations 2012 which requires a PPC permit from SEPA for rearing poultry intensively in an installation with more than 40,000 places. SEPA has advised that a PPC Permit has been granted for the development and that permit includes conditions relating to the management of manure, emissions to air, water and land, odour, noise, and the protection of soil and groundwater. It indicates that all emissions to air from the installation shall be free from offensive odour outside of the site boundary. In respect of manure management, SEPA has indicated that general binding rules set minimum distances for the spreading of organic fertiliser and the proposals in the manure management statement aligns with those rules.
- 6.4 **NatureScot** – has reviewed the supporting information submitted as part of the EIA Report in relation to natural heritage impacts and has advised that for all sites that

have been assessed, including those closest to the development site, the proposal's 'process contribution' is less than 1% of the critical level of pollutants for the protected habitats. The contribution of pollutants from the proposal is therefore unlikely to have any effect on any designated sites. On this basis the proposal is unlikely to affect any sites designated for their nature conservation interest.

6.5 **Historic Environment Scotland (HES)** – has offered no objection to the proposal and is satisfied that the proposals do not raise historic environment issues of national significance.

6.6 **Rural Payments and Inspections Division** – has offered no objection to the proposal provided that the range area be a minimum of 40ha in order for the unit to comply with the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. *The proposal has been amended to meet that size requirement.*

6.7 **Scottish Water** – has offered no objection to the proposal.

6.8 **Community Council** – no comment.

7. REPRESENTATIONS

7.1 199 letters of representation have been received with 1 offering general comment, 185 expressing objection and 13 offering support. Those letters are provided at Appendix 4 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections: -

- **The application is contrary to the development plan and government guidance;**
- **Alternative location should be considered closer to existing farm buildings or by using brownfield land;**
- **Need for the development;**
- **Loss of prime agricultural land;**
- **Unacceptable impacts on amenity from noise, dust, odour, air pollution and light pollution;**
- **Unacceptable impacts on the environment from pollution and carbon;**
- **Unacceptable amenity impacts from the spreading of chicken litter and manure management arrangements;**
- **Unacceptable cumulative impacts associated with existing developments at North Mains of Cononsyth Farm;**
- **Unacceptable landscape and visual impacts;**
- **Unacceptable impacts on trees, wildlife and habitat;**
- **Unacceptable impacts on the water environment;**
- **Unacceptable impacts on existing field boundaries;**
- **Road traffic safety impacts;**
- **Loss of access rights;**
- **Impact on private water supplies;**
- **Deficiencies/ inaccuracies in the supporting information;**
- **Lack of site security will lead to further development; and**
- **The development does not create significant additional employment opportunities.**

7.3 The following matters are raised in support: -

- **Promotes sustainable farming;**
- **There would be no adverse impacts arising from living in close proximity to such developments;**
- **The development would have limited visual impact;**

- **State of the art development;**
- **Free range rearing provides a high standard of animal husbandry;**
- **The birds are housed in good conditions;**
- **Meets a food demand;**
- **Reduces the requirement to import food;**
- **Reduces the need to import fertiliser for the land;**
- **Provides employment opportunities**
- **Creates jobs during the construction phase; and**
- **The supporting information is prepared by impartial experts.**

7.4 Material planning issues are addressed below but the following matters are addressed at this stage: -

- **Lack of neighbour notification on the application** – the neighbour notification and advertisement of the application has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, details of the application have been published on the council's Public Access system.
- **Inappropriate public consultation** – as a major development the applicant has undertaken public consultation prior to submission of the application. An accessible website hosted information for the development proposal and the applicant also hosted an online interactive consultation event. The consultation undertaken by the applicant was in accordance with the minimum requirements of the legislation in force at that time.
- **Works associated with the development have already been undertaken** – it is understood that a new or improved field access has been formed from the public road to the west of the application site. The road is unclassified and in some circumstances formation of a new access can constitute permitted development. However, planning legislation makes provision for the submission of retrospective planning applications. The suitability of the site access is considered as part of the current application.
- **Issues associated with avian flu** – the Animal and Plant Health Agency is responsible for animal, plant and bee health and also has responsibility for identifying and controlling endemic and exotic diseases. Advice has been issued to poultry keepers regarding biosecurity measures that should be implemented to prevent the spread of disease. Those include the restriction on non-essential personnel onsite, changing all clothing & footwear before entering the bird enclosures, as well as disinfecting site vehicles regularly. An avian flu outbreak would result in significant financial loss for the farmer, and it is therefore in the interests of every livestock keeper to adhere to the biosecurity measures. There is currently a requirement for any birds within a 3km protection zone of any outbreak to be housed indoors. For the H5N1 strain currently present in the UK, the UK Health Security Agency has said that avian influenza is primarily a disease of birds and the risk to the general public's health is very low.
- **Potential increase in vermin** – this is a rural area and general farming activities, including cereal crop production and storage may attract rodents. However, the applicant has indicated that vermin/ rodents are a biosecurity risk to poultry farms as they can spread disease throughout the flocks. As such, standard measures are typically employed to control vermin/ rodents and minimise associated risks.

7.5 Some comment has been provided in relation to matters of animal welfare and cruelty and associated moral and ethical issues related to intensive livestock. However, matters related to animal husbandry and welfare are controlled by other

legislation and case law has determined that moral considerations arising from developments are not material planning considerations.

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: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 5 and have been taken into account in preparing this report. Scottish Government's Planning Advice Note 39 sets out general advice on the siting and design of farm and forestry buildings, and the council's advice note 1 provides general advice on the siting and design of farm buildings. Those documents have also been considered in the preparation of this report.
- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The submitted EIA Report has been reviewed by relevant consultation bodies and it has been amended to reflect comment received. It has been subject of revision and addendum and appropriate consultation. The EIA Report as amended, along with the consultation responses received, is sufficient to allow informed understanding of the likely significant impacts of the proposed development on the environment.
- 8.6 The application site is not allocated or otherwise identified for development in the ALDP. 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. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP.
- 8.7 NPF4 seeks amongst other things to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities. The strategy of the ALDP seeks amongst other things to provide opportunities for appropriate diversification of the rural economy. Both documents also seek to safeguard the environment. NPF4 offers encouragement to rural economic activity, innovation and diversification whilst seeking to ensure that the distinctive character of the rural area, natural assets and cultural heritage are safeguarded and enhanced. Policy 29 *Rural Development* is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development on farms where use of good quality land is minimised; where proposals involve diversification of existing businesses; or the proposal is for production and processing facilities for local produce or local food production. ALDP policy 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. Both NPF4 and the ALDP only allow

development on prime quality agricultural land in limited circumstances, including development which is linked to a farm or other rural business and where the design and layout would minimise the land required for development.

- 8.8 The proposed development is related to an existing agricultural business and proposes an agricultural use in a rural area where agriculture is the predominant land use. The supporting information indicates that there is a need for additional free-range poultry buildings to meet the forecast increased demand for free-range eggs, driven by the move away from caged facilities. The nature of the development is such that free range hens require agricultural land to roam and forage.
- 8.9 There is no brownfield land in the vicinity that could accommodate the development and brownfield land would not lend itself to the provision of an outdoor range. Published maps indicate that the majority of the site is classified as prime quality (class 3.1) agricultural land. The proposed buildings and associated hard standing areas would be permanent features covering an area of around 1.2ha of prime land. However, these features occupy only a small percentage of the overall development. The 40ha range area would not be permanently lost as prime agricultural land and there is no evidence that the relatively limited land-take involved would adversely affect the viability of the farm unit. Conversely, the proposal, which is directly related to agriculture, is likely to support the viability of the farm business. The EIA Report includes information relating to the factors which influenced site selection and the principle of developing agricultural land for an agricultural operation in a predominantly agricultural area does not conflict with the intentions of the above policies. Agricultural development in the rural area attracts some support from development plan policy.
- 8.10 The key consideration in relation to this development is whether it can operate without giving rise to unacceptable amenity or environmental impacts having regard to development plan policy and available environmental information. The main development plan issues in relation to this application are: -
1. Impact on amenity and compatibility of land use;
 2. Landscape and visual impact;
 3. Impact on natural heritage interests, including impacts on the water environment;
 4. Impact on built and cultural heritage interests; and
 5. Impact on infrastructure, including issues related to access and road safety.
- 8.11 Development plan policy requires consideration of the impact of proposals on amenity. It seeks to ensure that impacts on amenity are minimised and to prevent unacceptable amenity impacts that would adversely affect an area and those within it. Specifically, it is stated that development proposals likely to have significant adverse effects on air quality or raise unacceptable noise issues will not be supported. Policy indicates that planning conditions or obligations may be used to mitigate or compensate for amenity impacts in appropriate circumstances. The development plan also requires consideration of waste management during the construction and operation of development and seeks to promote development that is consistent with the waste hierarchy.
- 8.12 Intensive livestock installations have potential to impact on amenity by virtue of odour, air quality and noise, including from increased movement and activity. The closest houses have garden boundaries 289m (Fairfield Mains, to the east), 315m (Lovat Cottage, to the west) and 358m (South Mains of Gardyne, to the north) from the proposed buildings. Published guidance from the Scottish Government (Prevention of Environmental Pollution from Agricultural Activity, (PEPFAA) 2005) indicates that new livestock buildings should avoid sites within 400m of residential accommodation in order to minimise odour. The 400m separation distance is also referenced in planning regulations that relate to permitted development rights. However, in those instances the separation distance simply removes permitted development rights that would otherwise allow a building to be constructed without

submission of a planning application; it does not prevent submission and subsequent approval of such development if the proposal is considered acceptable.

- 8.13 The EIA Report provides an assessment of air quality impacts including impacts upon both human health and designated habitats by assessing the atmospheric pollutants of Ammonia (NH₃), Particulate Matter (in the PM₁₀ fraction), and odour concentrations from the proposed development. The assessment is based on a scenario where all hens are located in the sheds and the methodology includes cumulative impacts associated with the biomass operation at North Mains of Cononsyth. In relation to human health impacts, it concludes that the proposed development is not forecast to result in the exceedance of any air quality standards or guidelines at relevant sensitive receptors. In relation to impacts at designated nature conservation sites it indicates no exceedances for critical level for annual mean ammonia concentrations are predicted to occur and no exceedances of the critical loads for total nitrogen and acidity deposition at any of the identified habitat sites are predicted to occur.
- 8.14 The EIA Report and Addendum includes details relating to the management and use of manure and chicken litter produced by the development, which would be the main source of waste. The use of manure on land outside of the site is a potential source of odour and dust associated with the proposed development. The applicant has provided a Manure Management Statement, which indicates that the manure and chicken litter from the development would be used as fertiliser on agricultural land outside of the range area, either farmed by the applicant or by third parties. The statement has limitations in that it only deals with the precise manure management arrangements on the applicant's own land, and it lacks certainty as to where other manure and litter produced by the development would be stored and used once it leaves the site. The applicant proposes to require customers purchasing manure to agree to management plans for its storage and spreading, which are based on the good management practices set out in government guidance (PEPFAA). It is suggested that this would reduce the significance of odour and dust impacts on sensitive receptors.
- 8.15 SEPA and environmental health have reviewed the information in relation to odour and air quality impact and both required further review of the relevant assessments to be undertaken. Following update of the information neither party has objected. It is relevant to note that SEPA has granted a pollution prevention and control (PPC) permit for the poultry operation. Conditions of that permit require all emissions to air from the installation to be free from offensive odour outside of the site boundary, and control air quality including requirements for monitoring. Discussion with SEPA indicates that odour levels can be suitably controlled through appropriate site management. While odour may not be eliminated under all conditions, on the basis that levels are controlled at the boundary of the installation in accordance with the permit conditions, it is reasonable to conclude that the operation of the unit would not give rise to unacceptable impact on the amenity of occupants of neighbouring property. That conclusion is supported by available environmental information. Similarly, having regard to available environmental information, including the EIA Report, consultation responses, and the permit conditions, there is no reasonable basis to require the buildings to be sited more than 400m from neighbouring residential property. The significance of odour and dust impacts associated with the spreading of manure by third parties is likely to be reduced by the relatively infrequent nature of spreading (the applicant has indicated that it is applied once per year at Cononsyth), with impacts likely to be over a short duration (manure is typically ploughed into the soil within 24 hours of spreading). It is not uncommon for manure to be used as fertiliser on agricultural land and environmental health has indicated that there have been very few recent complaints associated with the spreading of manure in Angus. It is an activity which already takes place at Cononsyth. SEPA has advised that no complaints have been received in relation to existing manure storage or application of organic fertiliser to land at Cononsyth. In discussion, SEPA has also

indicated that compliance with general binding rules which seek to safeguard the water environment, are also likely to help minimise odour impacts. The impacts associated with the spreading of manure are likely to be infrequent and of short-duration, and they are impacts that could, and likely would occur in the rural environment irrespective of the outcome of this planning application. The planning authority cannot reasonably control impacts associated with the use of manure once it leaves the site and it would not be practicable to monitor compliance with the management plan in that respect. The use of the manure and chicken litter waste generated by the development as fertiliser is also consistent with the waste hierarchy; and the applicant has indicated that it would remove the requirement for them to import manure and chicken litter from elsewhere. Conditions are proposed to minimise potential impacts associated with odour.

- 8.16 The EIA Report considers impact of noise on the closest residential properties. The assessment considers operational noise from the development which includes noise from ventilation fans, noise from delivery and collection vehicles on the access road, and noise from delivery of feed. There would be additional activity on the road network during the construction period and additional activity in the vicinity of the site access has potential to impact amenity. However, having regard to the likely volume of traffic, the nature of activities, duration of works, and the relationship between the site, site access, and neighbouring property, the impact of construction works should not be unacceptable subject to appropriate control by condition. Overall, the EIA Report considers that operational noise levels from the development would be within acceptable limits and additional mitigation is proposed to further reduce noise from the plant equipment through the provision of silencers on ventilation fans. The environmental health service has reviewed the detailed noise impact assessment contained in the EIA Report and is satisfied that it has been carried out in accordance with relevant guidance. The environmental health service has indicated that the predicted noise levels at all nearby properties would be below appropriate limits. On that basis the service is satisfied that the proposed development could be undertaken in a manner that would not give rise to unacceptable impacts on the amenity of occupants of nearby property by virtue of noise emissions. Conditions are proposed that set noise limits at nearby properties, and that require the provision of a noise management plan and a scheme for the monitoring of noise from the development. The PPC Permit also includes conditions requiring emissions from the installation to be free from noise at levels likely to cause pollution and requiring a noise management plan and periodic review of that plan.
- 8.17 The EIA Report indicates that external lighting would be motion-activated and therefore only active when persons are on site. A condition is proposed that seeks to control external lighting to minimise impact on the amenity of the wider area.
- 8.18 The EIA Report indicates that the development could be undertaken in a manner that would avoid unacceptable impact on amenity. The poultry use is compatible with the predominant surrounding agricultural land use, and relevant consultees have suggested planning conditions that would minimise impacts on the amenity of the area and those who live in and visit it. Available evidence suggests that the proposed development could operate without giving rise to unacceptable amenity impacts subject to the proposed planning conditions and mitigation measures identified in the EIA Report. Similarly, there is no evidence to suggest that the development would give rise to any significant impact in terms of human health.
- 8.19 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered within the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations and special landscape areas. Development which has an adverse impact on landscape will only be permitted where the site selected is capable of accommodating the proposed development, the siting and design integrate with the landscape context and

minimise adverse impacts on local landscape, cumulative impacts are not unacceptable and mitigation measures and/or reinstatement are appropriate. Policy also requires proposals to deliver a high standard of design and to be consistent with the six qualities of successful places, and that includes consideration of existing natural landscape and existing landforms.

- 8.20 The application site is not located within an area designated as being of particular landscape value or sensitivity and the main issue is whether the development can be accommodated in the existing landscape and whether associated visual impacts are acceptable. The application site falls within a landscape type described as Dipslope Farmland. This landscape character type is characterised by gently sloping land, dominated by productive agriculture, with an open, medium-scale character with low woodland cover and a dispersed settlement pattern which includes scattered hamlets and farmsteads. The TLCA acknowledges that the erection of modern farm buildings coupled with the reduction of woodland cover, means modern farm buildings are often visible over a considerable distance. The TLCA landscape guidelines encourage the replanting of trees along field boundaries, between fields, and by creating new woodland belts, particularly where there is a need to screen new development.
- 8.21 Published advice and good practice on the siting and design of new farm buildings seeks to ensure that new farm buildings are sited and designed to minimise landscape and visual impacts and encourage new buildings to relate well to existing building groups, avoid hillcrest or skyline locations, make use of landform and build close to groups of trees. Planning Advice Note 39 requires consideration to be given to siting and visual impact as well as the operational requirements of the building.
- 8.22 The EIA Report includes a landscape and visual assessment of the proposal to evaluate the predicted landscape and visual impacts and identify mitigation measures which could be incorporated into the development in order to reduce such impacts. The report indicates that the footprint of the development will result in the permanent and irreversible loss of land, though given the scale in the context of the landscape character type (LCT), this loss is negligible in scale. The report notes that the agricultural nature of the development is in keeping with the rural setting and will not significantly impact the landscape as it will be read in conjunction with the pattern of wider development. The EIA Report advises that the proposal would have direct impacts on the Dipslope Farmland as the landform itself would be permanently altered by the erection of the proposed buildings. However, it is suggested that the impact would be localised in the context of the wider landscape and the overall effect would not be significant. In relation to visual impacts, the EIA Report indicates that these are assessed in relation to viewpoints which were identified as being representative of visual receptors in the area. Photomontages are provided from those locations. The EIA Report suggests that visual impacts would range from being of negligible significance to major significance depending on the distance the receptor is from the proposed development.
- 8.23 The buildings and concrete apron would cover an area of around 1.2ha and the height of the poultry sheds would be around 6.7m. By comparison, the existing building complex at North Mains of Cononsyth covers an area of around 1.7ha and the taller farm buildings within that complex measure around 11m in height. Although the proposed buildings would not be sited next to the existing building group, there are operational reasons for them being remote. The proposed development is located within a relatively large scale and open landscape although the location of the buildings on lower ground helps provide some landform screening and would make the buildings less dominant in views. Although the development would be a visible feature in the agricultural landscape, it would not be overly discordant. The proposal incorporates mitigation through the use of recessive colours for the buildings and landscaping adjacent to the buildings and around the range area. Planning conditions could be used to secure an appropriate scheme of landscaping and to ensure a

suitable recessive finish on the buildings. The siting and design of the proposed buildings is generally consistent with published guidance. The nature of the development is such that the magnitude and significance of impact would reduce with distance and therefore the apparent extent of landscape impact would be reasonably localised. The proposal would retain the appearance of scattered farmsteads that is characteristic of the dipslope farmland.

- 8.24 The most direct visual impacts arising from the proposed development would be on the closest residential properties. The closest residential properties to the proposed poultry sheds would be South Mains of Gardyne (358m to the north), Fairfield Mains (289m to the east), and Lovat Cottage (315m to the west). There are other properties at a similar or greater distance from the proposed poultry buildings. The properties to the north and east of the site would have views towards the proposed development, and the buildings would be apparent from their environs and approaches. Due to the existing landform, planting and the low-lying nature of the buildings they would be partially screened in views from these properties. Additional planting would be provided along the boundary of the range and while the planting would not fully obscure the buildings, it would provide some mitigation as it matures. Having regard to the orientation of the buildings, the mitigation proposed and the distance to the proposed buildings, the impact on the visual amenity of the occupants of the properties is not considered to be unacceptable.
- 8.25 Lovat Cottage and other properties to the west would have views of the poultry buildings from their environs. The EIA Report indicates that the visual impact on Lovat Cottage would be major/ moderate adverse. However, those properties generally have principal elevations with main windows facing away from the proposed buildings. Additional landscaping would be provided along the west boundary of the range in addition to the screening provided by Summerhill Wood. The planting would not obscure the buildings, but it would provide some mitigation as it matures, although in general the development would remain obvious. However, having regard to the orientation of the buildings and the mitigation proposed, the impact on the visual amenity of the occupants of the properties is not considered unacceptable. Overall, the proposed development would have some adverse impact on the visual amenity of the closest residential properties, but those impacts would be acceptable subject to the mitigation measures proposed in the EIA Report and the proposed planning conditions. The relationship between the houses and the proposal buildings would be comparable to that commonly found in rural Angus and in the general vicinity of the site.
- 8.26 There are other properties in the wider area that would have views of the development and where the development would be an obvious feature from their environs and approaches. The impact on the visual amenity of those properties would not be unacceptable and the significance of impact would reduce with distance. Planting is proposed on the perimeter of the site and that would provide some mitigation.
- 8.27 There are public roads in the vicinity of the site, including the B961 Dundee – Friockheim road and the U467 Pressock – Cononsyth road. There would be some visual impact on users of those roads as a consequence of the development and again this would be most evident in the short term until the landscape mitigation becomes established. However, available information suggests that at the distances involved, and having regard to intervening topography and vegetation, the development would not give rise to unacceptable visual impacts. The visual impact would be typical of that experienced by road users as they travel through the rural area and view agricultural buildings.
- 8.28 There are other developments within the wider area that contribute to cumulative landscape and visual impacts, not least existing agricultural buildings and wind turbines. However, the cumulative impact is not such that it substantially changes the

landscape character of the wider area, and it does not give rise to significant visual impact in association with the development proposed. The proposal does not give rise to other significant cumulative impacts in relation to other relevant matters.

- 8.29 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. In relation to acceptability of impact on sites of national interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal, and the proposed mitigation and restoration measures. Policy also seeks to safeguard the water environment and to ensure that developments are not adversely affected by flooding or increase flood risk in the surrounding area. NPF4 offers support to proposals which expand tree cover. It also requires proposals to contribute to the enhancement of biodiversity and requires regard to be given to the existing characteristics of the site, to provide nature-based solutions, include an assessment of potential negative effects and mitigation measures, and provide biodiversity enhancement measures.
- 8.30 The application site is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. The nature of the proposal is such that it has the potential to impact on designated nature conservation sites, the closest of which are Rescobie and Balgavies SSSI (4.2km northwest), Rossie Moor SSSI (9.5km northeast) and Dilty Moss SSSI (5.6km southwest). The EIA Report includes an assessment of ecological impacts. Surveys have been undertaken of habitats and species including bats, badger, birds and other notable species. The EIA Report concludes that the development would not have significant impacts on any species subject to appropriate mitigation. The Air Quality Assessment assesses impacts on designated habitats within 10km of the site. The assessment found there would be no significant impacts due to air pollution at any protected habitat site. The application site comprises predominantly cultivated agricultural land. The surveys have not identified any notable habitats or plant species, but they recommend mitigation measures and biodiversity enhancements including the planting of around 2.6ha of native trees adjacent to the proposed sheds, with additional peripheral tree planting and the use of a wildflower seed mix in parts of the grassed range.
- 8.31 NatureScot has reviewed the information submitted in support of the application and has advised that the proposal is unlikely to affect any sites designated for their nature conservation interest. SEPA has considered potential impacts on the water environment and is satisfied that impacts, including impacts on nitrate vulnerable zones would not be unacceptable. The PPC permit includes conditions to control emission of pollutants to groundwater or soil from the installation and require groundwater and soil monitoring.
- 8.32 The EIA Report includes flood risk and drainage assessments and assesses the potential impacts that may be caused by the development proposals. SEPA and the council's roads service have offered no objection in relation to potential flood risk to the development or to the wider area. The drainage arrangements proposed are broadly acceptable, but conditions are proposed to ensure the detail of those arrangements is appropriate and to ensure implementation.
- 8.33 On this basis and having regard to the physical characteristics of the site combined with the separation distance to the designated sites and the nature of the operations, the proposal is unlikely to give rise to significant adverse impacts on natural heritage interests. The landscape proposals provide opportunity for improved habitat and offer an opportunity for biodiversity enhancement of the site and that is addressed by proposed planning conditions. The proposal does not give rise to any unacceptable impacts on the natural environment, including the water environment of the area. Relevant consultation bodies have raised no concern that the development is likely to impact private water supplies in the area.

- 8.34 Development plan policy seeks to safeguard built and cultural heritage interests including scheduled monuments, listed buildings, historic or designed landscapes, conservation areas and sites of archaeological interest. In relation to acceptability of impact on sites of local historic interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal.
- 8.35 The application site is not designated for any built or cultural heritage reasons. Historic Environment Scotland (HES) has been consulted on the proposal and is content that the proposal would not have significant impacts on scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. There are a number of listed buildings and historic environment interests in the wider area but given the nature of those interests and the separation distances, the proposed development would not give rise to any significant impacts on the setting of those features. There are no known archaeological interests that would be affected by the proposed development and the council's archaeological advisor confirmed archaeological mitigation was not necessary. Overall, the proposal would not give rise to any unacceptable impacts on built or cultural heritage interests.
- 8.36 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on infrastructure, including the road network and recreational access.
- 8.37 The EIA Report includes an access and transport statement in which the impacts on the local road network are considered along with any increased traffic numbers and any proposed mitigation measures to be adopted into design. In relation to vehicle movements, the main impacts would be during the construction phase which would take between 16 – 24 weeks with traffic generation likely to be similar to agricultural construction projects that are commonly undertaken in the rural area. During the operational phase the hen sheds require regular feed deliveries (1 HGV lorry twice per week), egg collection (1 HGV lorry twice per week) and scheduled bird delivery and collection (around 16 HGV lorries every 60 weeks during hours of darkness). The sheds would be serviced daily by farm workers/ stockmen but this would consist of a car, 4x4, or small vans entering and leaving the site. There would also be additional vehicle movements associated with the removal of manure, which it is understood would involve one tractor and trailer every 4 days. Access to the site is to be from the U467 with an appropriately sized bellmouth junction and surfaced track to allow year-round access and minimise impacts and damage to the existing road infrastructure. The EIA Report proposes mitigation on the road network including the formation of passing places along the U467 between the site access and the B961 and the maintenance of visibility splays at the junction of the U467 with the B961.
- 8.38 The roads service has reviewed the transportation information submitted and information relating to road traffic accidents in the area, The roads service indicates that its accident database shows that between 2 April 2016 to 1 April 2021, there was one accident during that five-year period. This occurred in 2016. The lack of an accident cluster within the period under investigation would suggest that while the junction of the B961 and U467 is not ideally located, its historical positioning gives no immediate cause for concern in respect of the road layout.
- 8.39 The required visibility splays at the junction of the U467 with the B961 have been informed by a fully scoped and agreed automatic traffic count. The data confirms that the recorded 85th percentile speeds of 31.79mph northbound and 34.03mph southbound are well below the 60mph national speed limit which is imposed at the locus. The resultant visibility splays are required to be 2.4 x 90 metres in each direction. Available information suggests that the provision of visibility splays can be provided and maintained by the applicant. The roads service agrees with the proposed mitigation measures to be implemented along the U467, however recommends an additional passing place should be provided closer to its junction

with the B961 junction. It has also indicated that where the existing road verge is being removed to create a passing place a compensatory grass verge of at least 500mm width should be provided between the passing place and the adjacent field. The proposed works to form the passing places would have impacts on existing field boundaries, but a planning condition can be attached to secure reinstatement as they contribute to the character of the area. Conditions are also proposed to ensure appropriate implementation of road safety mitigation measures.

- 8.40 The development also has potential to impact on recreational access in the area, both in relation to the development of the land and in relation to increased vehicle movement on the road network. The development is proposed on land where access rights apply, and it would result in some restriction of public access in the area. However, this is a rural area and there are other areas in the vicinity that can be used for recreational access. Notwithstanding this, the proposal incorporates provision for an informal access path around the north of the range area from Summerhill Wood towards the existing track at Fairfield Mains. The proposal would generally retain opportunity for recreational access, albeit not with the range areas. The increase in vehicular traffic on the road network is not significant and is unlikely to have any significant impact on recreational use of the network.
- 8.41 In overall terms, and having regard to available information, the increase in vehicular movement associated with the development is not significant and is unlikely to adversely affect the safety of the local road network. The identified mitigation measures, including improvement to visibility splays at the B961/ U467 junction and the provision of passing places on the U467 is likely to provide some wider benefit.
- 8.42 NPF4 Policy 1 gives significant weight to the global climate and nature crises. Policy 2 requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and requires that proposals are designed to adapt to current and future risks from climate change. Policy 3 indicates that proposals will only be supported where it can be demonstrated the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. It requires regard to be given to the existing characteristics of the site, to provide nature-based solutions, include an assessment of potential negative effects and mitigation measures, and provide biodiversity enhancement measures.
- 8.43 In respect of those policies, the buildings would be insulated to reduce heat loss and prevent overheating. The development would generate power through the use of roof mounted solar panels. The waste/ manure produced by the activities would provide a valuable source of fertiliser, which would reduce the need for the applicant to import that material from elsewhere or purchase artificial fertiliser. The drainage system incorporates measures for the sustainable treatment of surface water, and planning conditions are proposed to ensure that it is designed having regard to future risks from climate change and includes biodiversity enhancement measures. The development would generate greenhouse gas emissions during its construction and operation, but that would be the case with any proposal of this nature. Balanced against that, the development would provide a source of eggs which would increase food security and may reduce carbon emissions associated with food miles. The ecology information submitted suggests that the site currently has limited biodiversity value as cultivated agricultural land, and the proposal includes measures which would enhance biodiversity including significant tree planting within the range area and around the periphery of the site, and through the creation of areas of wildflowers within the range area. Planning conditions are proposed to ensure that a biodiversity enhancement is secured and in circumstances where the proposal generally accords with detailed policies and does not give rise to unacceptable impacts, it is compatible with the general and overarching policies and with the general spatial principle of rural revitalisation.

- 8.44 As with any proposal, the proposal attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan. In relation to material considerations, it is relevant to have regard to the planning matters that have been raised in letters of representation. The substantive issues raised in those letters have been discussed above in relation to relevant policy.
- 8.45 Issues regarding compliance with development plan policy are discussed above. As indicated, the proposal is in general compliance with the relevant development plan policy. The assessment above includes consideration of matters related to use of greenfield and prime quality agricultural land.
- 8.46 As indicated above, the EIA Report as amended, along with the consultation responses received, is considered acceptable to allow informed understanding of the likely significant impacts and significance of those impacts on the environment.
- 8.47 Concerns are raised relating to the need for the development and the consideration which has been given to alternative sites. In this respect, case law has determined that lack of need is not a valid reason in itself for refusing permission, unless the lack of need is relevant because of the detrimental effects of the development. However, the submitted information indicates that there is a need for additional free range egg production because of a move away from caged egg production, and the proposal represents an opportunity to diversify the existing farming operation. The information submitted provides some explanation of the factors which influenced site selection. While there may be other areas available to the applicant which could accommodate the proposed development, overall environmental impacts are unlikely to be significantly different in those locations; and the information submitted suggests impacts associated with the proposed location can be adequately mitigated. A location closer to the existing farm complex might have some benefit in landscape terms, but it would move the proposed buildings closer to residential properties that are located to the north of that complex and would give rise to potentially different impacts on those properties. The location proposed strikes a reasonable balance between relevant considerations.
- 8.48 Concerns raised by those that live in the vicinity of the site regarding impact on amenity are understandable and the development would have some impact on the amenity of the area. However, the relevant planning consideration is whether impacts can be controlled such that they do not exceed recognised limits and do not give rise to unacceptable impacts. In reaching conclusions in relation to these matters it is relevant to have regard to the nature of the area and the type of activity that can reasonably be expected in a working agricultural landscape. In this case the EIA Report indicates that impacts can be managed such that they are not unacceptable. SEPA has confirmed that issues of odour, noise, and air quality (mainly dust and ammonia), as well as the management of manure, are considered under its remit as part of the permitting process under the Pollution Prevention and Control (Scotland) Regulations 2012. As indicated above, conditions of the PPC permit which has been granted for the site by SEPA requires all emissions to air from the installation to be free from offensive odour outside of the site boundary, and they control air quality including requirements for monitoring. The environmental health service has similarly assessed the information submitted in support of the application and reviewed the matters raised in objection. It has suggested conditions to deal with noise and odour, including requirements for ongoing monitoring. Matters relating to impacts arising from the third-party use of manure and chicken litter as fertiliser are considered in the manure management information, and impacts associated with the use of that material are unlikely to be significant due to the limited frequency of fertiliser application, and the short duration of the associated impact. As recognised above, manure can be and is likely to be spread in the rural area irrespective of the outcome of this application. SEPA and environmental health have confirmed that there have

been limited complaints in respect of spreading activities on agricultural land and has no objection to the manure management information. For the reasons set out in the detailed discussion above, it is concluded that impacts arising from the development would not be unacceptable subject to compliance with the proposed planning conditions and adherence to the mitigation measures identified in the EIA Report.

- 8.49 The proposal would give rise to visual impacts and introduce a new element into the landscape but for the reasons set out above those impacts are not considered to be unacceptable subject to the proposed mitigation. This is a working rural landscape where activity and manmade change is not uncommon. The proposed development site is reasonably discrete and mitigation measures should minimise the impacts on the character of the area. The proposal would provide a fairly typical agricultural building complex in a rural area where agricultural buildings are characteristic.
- 8.50 The EIA Report has considered the potential impact of the development on wildlife and habitats and no unacceptable impacts have been identified. NatureScot has been consulted on the application and has raised no concern. The site is not designated for any natural heritage reasons and there is no evidence to suggest that the development would give rise to significant or unacceptable impacts on wildlife or habitats. The proposal would result in the provision of additional tree planting.
- 8.51 Detailed flood risk and drainage assessments have been undertaken and neither SEPA nor the council's roads service has offered objection. SEPA is satisfied that the development is unlikely to give rise to significant issues in terms of the water environment and both are satisfied that issues associated with flood risk, including flood risk from surface water could be appropriately mitigated. There are existing surface water management issues in the area, but the planning system cannot require this development to address those issues. The relevant planning consideration is to ensure that the proposed development does not make the existing situation any worse and available information indicates that would be the case. There is no evidence to suggest that the development would result in adverse impacts on private water supplies in the surrounding area and SEPA has confirmed that the use of best available techniques in the form of management, housing and surface water collection and treatment would ensure that emissions are prevented.
- 8.52 This proposal is directly related to a rural business which is seeking to diversify its operations. The economic benefits associated with the proposal are not clearly detailed or quantified in the information submitted with the application. However, it is reasonable to conclude that the diversification would aid the viability of the existing business which makes a positive contribution to the local economy. In circumstances where the development is unlikely to give rise to unacceptable environmental, infrastructure and amenity impacts, it is reasonable to conclude that the proposal, including the construction activity, would give rise to some net economic benefit. Policy generally supports proposals that support the rural economy.
- 8.53 The letters in support of the proposal are noted and the relevant planning matters have been addressed in the assessment of the application.
- 8.54 In conclusion, any proposal for intensive livestock installations will give rise to environmental impacts and will have potential to impact on the amenity of the surrounding area. The key considerations are compatibility with development plan policy, the significance of environmental and amenity impacts, and other relevant material considerations.
- 8.55 The EIA Report and consultation responses indicate that, subject to appropriate mitigation and planning conditions, the proposed development should not give rise to unacceptable environmental or amenity impacts. The matters raised in representations, both in objection and support, have been considered in preparing this report and where appropriate matters are addressed by proposed planning

conditions. The proposed conditions would ensure that the operation of the development would not give rise to unacceptable impacts on the amenity of those that live in or visit the area.

- 8.56 The proposed development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

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 condition(s):

Reason(s) for Approval:

The development provides for diversification of an existing rural business in a manner that would contribute to food supply. Environmental, amenity and infrastructure impacts associated with the proposed development can be appropriately mitigated such that they are not unacceptable, subject to the stated planning conditions and the mitigation measures identified in the Environmental Impact Assessment Report. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the North Mains of Cononsyth Environmental Impact Assessment Report, Version 1 dated 22 April 2021 and its Manure Management Statement Addendum, and the Technical Appendices which shall be implemented upon the commencement of development and all mitigation measures shall be implemented at the appropriate and necessary stage of the development and during operation of the use. For the avoidance of doubt, there shall be no more than 64,000 chickens housed within the site at any time.

Reason: To ensure that the development is undertaken in accordance with the Environmental Impact Assessment Report in order to mitigate impact on amenity, road safety and the environment.

3. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

(a) A Construction Traffic Management Plan (CTMP). The CTMP shall include arrangements for the following: -

- (i) Agreement with the Roads Authority on the routing for abnormal loads;
- (ii) The type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the construction of the hen sheds and their associated infrastructure;
- (iii) Any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
- (iv) The restriction of delivery traffic to agreed routes;
- (v) The timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events;
- (vi) A code of conduct for HGV drivers to allow for queuing traffic to pass;
- (vii) Liaison with the roads authority regarding winter maintenance;
- (viii) Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- (ix) A dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
- (x) The location, design, erection and maintenance of warning/information signs for the duration of the works at the site access and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- (xi) Contingencies for unobstructed access for emergency services;
- (xii) Co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
- (xiii) Traffic management, in the vicinity of temporary construction compounds;
- (xiv) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xv) Procedures for dealing with non-compliance with the approved plan.

Thereafter the development shall be undertaken in accordance with the details in the approved CTMP.

(b) A scheme of improvements to the U467 Pressock to Cononsyth road (between its junction with the B961 Dundee to Friockheim road and the application site entrance). The scheme of improvement shall include: -

- (a) the widening of the public road and/or provision of inter-visible passing places at maximum centres of 150 metres which shall make provision for a compensatory grass verge of at least 500mm width where the existing road verge is being removed, and provision of localised road widening or a passing place on the U467 in the vicinity of its junction with the B961;

- (b) A detailed survey of the existing field boundaries impacted by the inter-visible passing places and a scheme for their reinstatement;
- (c) Adequate provisions for dealing with road surface water; and
- (d) Detailed plans and particulars of all matters relating to road layout design, specification and construction in accordance with the standards of Angus Council.

Thereafter the scheme of improvements shall be completed in accordance with the timescale set out in condition 4.

- (c) A noise management plan that shall also be subject of consultation with SEPA. The noise management plan shall include: -
 - A noise monitoring scheme and complaint investigation procedure; and
 - Provision for the regular review of the effectiveness of noise mitigation measures and updating of the management strategy to reflect best practice.

Thereafter the approved noise management strategy shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved and the noise monitoring results shall be made available to the Planning Authority upon request.

- (d) An odour management plan that shall also be subject of consultation with SEPA. The odour management plan shall include: -
 - An odour monitoring scheme and complaint investigation procedure; and
 - Provision for the regular review of the effectiveness of odour mitigation measures and updating of the management plan to reflect best practice.

Thereafter the approved odour management plan shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved and the odour monitoring results shall be made available to the Planning Authority upon request.

- (e) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include but not be limited to: -
 - Site working hours;
 - Location of construction compounds and/ or storage areas;
 - Mitigation measures for dust and machinery emissions arising from the construction phase and dust complaint investigation procedure;
 - Mitigation measures for noise and vibration impacts and a noise and vibration complaint investigation procedure;
 - A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
 - Adherence to good practise in protecting the environment and ecology; and
 - Procedures for monitoring compliance and dealing with any breach of the approved plan.

Thereafter, the approved CEMP shall be fully implemented upon commencement of the development and remain in place for the duration of

the construction of the development hereby approved.

- (f) Details of surface water disposal arrangements for the site. The submitted details shall be in accordance with the Rural Sustainable Drainage Systems: A Practical Design and Build Guide for Scotland's Farmers and Landowners and include: -
- (i) Precise details of the attenuation pond including section drawings;
 - (ii) Calculations to confirm that the attenuation pond has been sized to deal with the 1/30-year return period with an allowance of 40% for climate change and 1/200-year return period + 40% for climate change to demonstrate that no above ground flooding will occur during this event. Calculations must be signed off by a suitably qualified Chartered or Incorporated Engineer, or Hydrologist;
 - (iii) Measures to improve the biodiversity value of the attenuation pond;
 - (iv) Precise details of the surface water treatment for the proposed access track; and
 - (v) Maintenance arrangements for surface water disposal infrastructure to be formed.

Thereafter the drainage infrastructure shall be formed in accordance with the approved details before the site is brought into use and shall be maintained in accordance with the approved maintenance scheme throughout the operational life of the development.

- (g) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.
- (h) The precise details of external material finishes and colour of all buildings. For the avoidance of doubt the external colour should be of a recessive shade. Thereafter the buildings shall be finished in accordance with the approved details.
- (i) Details of all proposed boundary enclosures. Thereafter only the approved boundary enclosures shall be erected within the site.
- (j) Details of any external, artificial lighting and measures and controls to mitigate impact of light pollution on the amenity of the surrounding area and occupants of nearby property. Thereafter the lighting shall be provided and operated only in accordance with the approved details.
- (k) A revised scheme of landscaping, including measures to ensure that the development results in an enhancement to the biodiversity value of the site. The submitted scheme shall include: -
- (i) Existing landscaping features and vegetation to be retained;
 - (ii) The location of new trees, shrubs, hedges and areas to be sown in wildflowers;
 - (iii) A schedule of plants to include species, age/height of planting stock, and proposed numbers and density. This shall include provision for standard and heavy standard planting stock on the perimeter range, as well as provision for fast growing species in all planting areas;
 - (iv) Measures to protect all planting from grazing mammals; and,
 - (v) Details of measures for the management and maintenance of the landscaped areas for the duration of the development.

The proposed planting shall be completed within the first planting season following the initiation of development with the landscaping managed and maintained in accordance with the approved details for as long as the use continues on site. Any plants or trees that within a period of 10 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.

- (l) Details of the proposed access path to be provided; including details of its width and construction specification; enclosures to be incorporated adjacent to the path; signage to be provided; and details of proposed maintenance (including cutting of surface vegetation or adjacent trees or hedges). The path shall be formed and maintained in accordance with the approved details.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity and environmental protection.

4. That prior to the commencement of any other development in association with this planning permission: -
 - (i) visibility splays shall be provided at the junction of the U467 Pressock to Cononsyth road with the B961 Dundee to Friockheim road giving a minimum sight distance of 90 metres in each direction at a point 2.4 metres from the nearside channel line of the B961 Dundee to Friockheim road. Once formed nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level within the visibility splays.
 - (ii) visibility splays shall be provided at the junction of the site access with the U467 Pressock to Cononsyth road giving a minimum sight distance of 90 metres in each direction at a point 2.4 metres from the nearside channel line of the U467 Pressock to Cononsyth road. Once formed nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level within the visibility splays.
 - (iii) the site access track shall be finished in a bound bituminous surface for a minimum distance of 15 metres from its junction with the public road (U467 Pressock – Cononsyth (C53 - B961 - C51)).
 - (iv) the site access shall be formed so as to prevent the discharge of surface water onto the public road. This shall include the provision of a cut-off drain at the end of the access track if finished levels fall towards the public road.
 - (v) the scheme of improvements to the U467 Pressock to Cononsyth road (between its junction with the B961 Dundee to Friockheim road and the application site entrance) approved under condition 3 shall be completed.
 - (vi) the access path specified in condition 3 shall be provided in accordance with the approved details.

Reason: In order to provide and maintain adequate sightlines, to ensure safe and suitable access arrangements, and to maintain recreational access all in the interests of road safety.

5. The external range associated with the development hereby approved shall be a minimum of 40ha in area.

Reason: In order to comply with the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.

6. HGV movements to and from the site shall take place between 0700 and 1900 Monday to Saturday only, with no HGVs accessing the site on Sundays. HGV movement is permitted outwith the specified hours where it is required for the delivery and/ or collection of birds. A record of all bird delivery and collection dates and times shall be retained and shall be made available to the planning authority on request.

Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.

7. Noise arising from all aspects of this operation shall not exceed the noise limits shown in the table below when measured within the exterior amenity space of any noise sensitive receptor.

Day	Time	Average Period (t)	Noise Limit	Notes
Monday-Sunday inclusive	0700-1900	1 hour	38dBA Leq t	1, 2, 3
Monday-Sunday inclusive	1900-2300	1 hour	30dBA Leq t	1, 2, 3
Monday-Sunday inclusive	2300-0700	15 minutes	30dBA Leq t	1, 2, 3

Notes

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.
2. As measured and rated in accordance with BS4142:2014 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas as amended.
3. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using an appropriate methodology.

Reason: In the interests of the amenities of noise sensitive properties.

8. Noise from any fixed plant shall not exceed NR curve 30 between 0700 and 2200hrs or NR curve 20 at all other times when assessed within a habitable room of any noise sensitive premises with the window open 50mm for natural ventilation.

Reason: In the interests of the amenities of 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.

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DATE: 6 FEBRUARY 2023

APPENDIX 1: LOCATION PLAN

APPENDIX 2: EIA REPORT NON-TECHNICAL SUMMARY (INCLUDING MANURE
MANAGEMENT PLAN NON-TECHNICAL SUMMARY)

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES

APPENDIX 6: PLANNING SERVICE PRESENTATION